



**UDC Local Plan Issues and Options Consultation Document October 2015**

**Response by Henham, Elsenham, Ugley and Widdington Parish Councils**

<b>Project reference</b>	GP 011	<b>Date</b>	30.11.15
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**Gardner Planning Ltd**

**Down Ampney  
Bendlowes Road  
Great Bardfield  
Essex  
CM7 4RR**

**07887 662166  
geoff@gardnerplanning.com**

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## 1.0 INTRODUCTION

1.1 Gardner Planning Ltd (**GPL**) has been instructed by Henham, Elsenham, Ugley and Widdington Parish Councils (**the PCs**) assess the Local Plan Issues and Options Consultation Document (**IOCD**) and submit a **Report** in response to the consultation by Uttlesford District Council (**UDC**).

1.2 UDC published the Local Plan Issues and Options Consultation Document (**IOCD**) on 22 October 2015 seeking responses by 4 December 2015. The current development plan is the Adopted Local Plan 2005. UDC's first replacement Local Plan (**LP14**) was withdrawn in January 2015 following an adverse report by the Local Plan Inspector<sup>1</sup>. This is therefore the first stage in the preparation of a second version of a new Local Plan (**LP**). The next stages are<sup>2</sup>

- February – March 2016: Regulation 18 public consultation on preferred options including Gypsy and Traveller site allocations.
- May 2016 – June 2016: Regulation 19 Local Plan Pre-submission consultation
- August 2016: Local Plan Submission
- December 2016: Start of hearing sessions for the public examination
- March 2017: Adoption

1.3 The prime consideration for the Local Plan must be that it should be 'sound'<sup>3</sup>, something that LP14 was not, and where necessary this Report makes reference to the National Planning Policy Framework (the **Framework**). This Report seeks to respond to the consultation in the form of statements to 19 Questions, where relevant to our case. It is in the form of a Report because the 'answers' to the questions are necessarily more complex and detailed than the nature and format of the IOCD would suggest. Each relevant Question is given a separate section in this Report, with cross referencing where overlaps occur. **The objective of this Report, and the position of the PCs, is that an option for 'Area of Search 3: Elsenham area (new settlement option)' is wholly unsustainable; has already been rejected by the Local Plan Inspector, and should be removed from any future stage of the Local Plan starting with the Reg 18 consultation (preferred options) in early 2016.**

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<sup>1</sup> Inspector's Report to UDC 19.12.14

<sup>2</sup> LDS Feb 2015

<sup>3</sup> Framework para 182

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## 2.0 Question 1: Vision and Development Strategy (Consultation Document Section 2.1)

*What do you think the Council should include in its Local Plan vision and development strategy for the District in 2033?*

- 2.1 UDC seems to be recycling the original ‘vision’ from LP14, although that Plan was rejected by the Inspector and subsequently withdrawn, without any amendment. This is odd because some of the seeds of the rejection of the original LP were sown in its vision, and at least the opportunity should be taken to avert another rejection.
- 2.2 “Sustainable development” is the key requirement and is the “golden thread running through both plan-making and decision-taking”<sup>4</sup>. The LP14 vision mentions ‘sustainable’ once, and then in relation to ‘housing developments’. Sustainability is more holistic than just housing and ‘distributing [housing] across the District’ may not achieve sustainability. Housing, especially in larger developments, needs to be developed where people can live sustainably, not least by minimising travel of whatever kind. It needs to be located alongside employment, services, retailing and education. The location of major new development can achieve sustainability by being self-sufficient or by being located alongside a major settlement which can offer full facilities even in the medium term until self-sufficiency is achieved.
- 2.3 This Report therefore proposes that the new District Vision is as follows:

By 2033....

*1. The district’s high quality natural and historic environment **and countryside** will have been maintained and enhanced and the **settlements will continue to have their own identity.***

*2. The houses and facilities people need will be available and affordable locally, new sustainable housing developments will be **accommodated** within distributed the District. **New strategic mixed use sites will be either self-sufficient or located close to the major towns to be able to share their facilities until self sufficiency is achieved.***

*3. The vitality and viability of our towns will have been maintained and enhanced and they will be safe, clean and attractive places. Facilities will exist for companies to grow and establish in Uttlesford.*

*4. There will be convenient, comfortable, safe and affordable **public transport as real alternatives to the private car**, serving the settlements of Saffron Walden, Great Dunmow,*

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<sup>4</sup> Framework para 14



*Elsenham, Great Chesterford, Hatfield Heath, Newport, Stansted Mountfitchet, Takeley and Thaxted and the regional interchange centre of Stansted Airport.*

*5. The impact of Stansted Airport will have been minimised so that its presence is recognised as an asset to the District which attracts people to live, work and visit.*

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### 3.0 Question 2: Cross-boundary strategic planning (Consultation Document Section 2.2)

*Are there any specific cross-boundary planning issues that the District Council should consider in putting together its Local Plan? Please provide details.*

- 3.1 The Framework (paras 156 and 173) require that plan making must be exercised with a **duty to cooperate** with adjoining authorities, especially within the Housing Market Area. Opinion Research Services (**ORS**) was jointly commissioned by the local authorities of West Essex (Epping Forest, Harlow and Uttlesford) and East Hertfordshire to undertake a Strategic Housing Market Assessment (**SHMA**) to identify the functional Housing Market Area (**HMA**) and establish the Objectively Assessed Need (**OAN**) for housing. The Report<sup>5</sup> was published in September 2015 which settled the HMA and calculated the collective OAN of 46,100 dwellings over 22 years (2011 – 2033) and allocated portions to each constituent authority. Uttlesford's share was calculated at 12,500 in total or 568 p.a.. This number allows for any contributions to unmet needs in the other Districts or other Districts taking any unmet needs from Uttlesford.
- 3.2 Therefore, the response to Question 2 is that the duty to cooperate with adjoining authorities has been met through the publication of the joint SHMA. Planning for the future of Uttlesford should be based upon its finding that the District must deliver an extra 12,500 dwellings by 2033. The April 2014 Local Plan calculated<sup>6</sup> that commitments<sup>7</sup> at that time were 4,174 dwellings. The IOCD now estimates that commitments and a windfall allowance totals 5,750 dwellings<sup>8</sup>. This means that sustainable sites for some 6,750 additional dwellings must be allocated in the new Local Plan.

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<sup>5</sup> West Essex and East Hertfordshire Strategic Housing Market Assessment Report of Findings September 2015

<sup>6</sup> Pre Submission LP April 2014 table at para 11.11

<sup>7</sup> already built since April 2011; sites with planning permission and other deliverable sites; windfall allowance

<sup>8</sup> IOCD Table 2 p23

#### 4.0 Question 3: Settlement Hierarchy (Consultation Document Section 2.3)

*Do you agree with the Planning Inspector that the settlement hierarchy is “generally soundly set out” and represents a pragmatic way forward for the Local Plan?*

*The Council is particularly interested to know*

- *If there has been any significant changes in the services and facilities in any settlement which should lead to its reclassification?*
- *Is the proposed function for each type of settlement is appropriate?*
- *Are there other relevant factors which suggest that a greater or lesser amount of development should be directed to a settlement than would reflect its strict place in the settlement hierarchy?*

4.1 The ‘hierarchy table’ as it appeared in the April 2014 LP is as follows (emphasis added):

<b>Function</b>	<b>Settlement</b>
<b>Market Towns</b>	
<i>Major focus for development in the district – suitable for larger scale development</i>	Saffron Walden, Great Dunmow
<b>Key Villages</b>	
Major <i>focus for development in the rural area</i> – suitable for a scale of development that would reinforce role as provider of services to a wide rural area.	Elsenham, Great Chesterford, Hatfield Heath, Newport, Stansted Mountfitchet, Takeley, Thaxted.
<b>Type A Villages</b>	
Villages with primary school and with some local services, e.g. village hall/pub/shop – <i>suitable for a scale of development that reinforce its role as a local centre.</i>	Ashdon, Birchanger, Chrishall, Clavering, Debden, Hatfield Broad Oak, Henham, Leaden Roding, Little Hallingbury, Manuden, Farnham, Felsted, Flitch Green, Great Easton, Great Sampford, Quendon and Rickling, Radwinter, Stebbing, Wimbish.
<b>Type B Villages</b>	
Villages without primary schools but which may have some local services e.g. village hall/pub/shop – <i>suitable for a scale of development that would reinforce role as a providers of services mainly to its own community.</i>	High Easter, High Roding, Langley, Lindsell, Littlebury, Little Canfield, Little Easton, Little Dunmow, Ugley, Wendens Ambo, Wicken Bonhunt, Widdington, White Roding, other small villages and hamlets.

4.2 However, there was no apparent relationship between this hierarchy and its graduation in terms of capacity for new development. The largest development proposal in LP14 was for a 2,100 dwelling “linked settlement”, plus 548 dwellings on smaller sites, a total of 2,648 dwellings at

Elsenham - level 2 in the hierarchy - whereas the two major settlements/market towns (*“Major focus for development in the district – suitable for larger scale development”*) received lower allocations – Gt Dunmow (1,350) and Saffron Walden (976). This mismatch must be avoided in the new Local Plan.

- 4.3 It is curious that Hatfield Heath is a ‘key village’ which is ‘suitable for a scale of development that would reinforce role as provider of services to a wide rural area’ but that it is protected from any future development. It may be in the Green Belt but the Framework (paras 83 - 85) explicitly require that LPAs when reviewing their Plans should look again at Green Belt boundaries to see whether development can be accommodated.
- 4.4 Thus the response to Question 3 is that whilst the hierarchy is recognised for its capacity to absorb growth, it must mean what it says when new large sites are allocated – these must be at Saffron Walden and Gt Dunmow. There is a further category raised in paragraph 3.1 and question 10 of the IOCD which is ‘new settlements’ and the virtues of “free standing new settlements” are extolled<sup>9</sup>. Whilst this is addressed below in response to Question 10, the area of search 3 would not produce a ‘new settlement’ but is a repeat of a proposal for a ‘linked settlement’ or ‘urban extension’ which in no ways fits with Elsenham’s position in the hierarchy (much less Henham’s as a ‘Type A village’).

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<sup>9</sup> IOCD para 3.1



## 5.0 Question 4: Infrastructure planning (Consultation Document Section 2.4)

*Please provide details of any particular infrastructure issues which you feel the Council needs to consider, if possible providing evidence.*

- 5.1 It is noted that “*Large scale housing developments will need to include appropriate infrastructure such as schools, community facilities and improvements to the roads.*”
- 5.2 Any development in Area of Search (AoS) 3 has no ready access to secondary schooling, and that is unlikely to be remedied
- 5.3 The road system is wholly inadequate to serve major development as found by the Local Plan Inspector<sup>10</sup> either Hall Road (para 2.14) or through Stansted Mountfitchet (para 2.10) and the Inspector noted that improvements were unlikely to be achievable in either case.

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<sup>10</sup> Inspector’s findings 19.12.14



## 6.0 Question 5: Employment (Consultation Document Section 2.5)

*What should be the main influences on the employment strategy? Are there any locations which you feel would be particularly suitable for employment?*

- 6.1 Homes need to be close to employment and *vice versa*. The main east-west axis in the District is centred on the A120 connecting to and from the M11 going south to London and north to Cambridge. Braintree (and Colchester) lies to the eastern end of this axis, Gt Dunmow in the middle and Bishops Stortford to the west. Stansted Airport is also at the western end of this axis. These towns and the airport are major centres of employment and should be given the opportunity for growth.
- 6.2 Saffron Walden is the other major town in the District already with substantial employment, good road access to the M11 (and Cambridge) and rail access close by. It is also an obvious location to attract new employment.

## 7.0 Question 6: Housing Tenure Mix and Affordability (Consultation Document Section 2.6)

*What are the main issues relating to housing tenure mix, and affordability which the Council should consider?*

- 7.1 The SHMA<sup>11</sup> provides guidance on the housing tenure mix and need for affordable homes. No doubt it will be an important part of the evidence base for the new Local Plan.
- 7.2 Government Policy towards provision of sites for Gypsies and Travellers is changing. The Planning Policy for Traveller Sites (DCLG August 2015) has changed the definition of 'Gypsies and Travellers' to exclude those who are static residents who have ceased travelling, treating this category no differently to any other type of resident with no special provision required.
- 7.3 The emerging Housing and Planning Bill 2015, which passed its second reading in the House of Commons recently, says that local authorities in England would no longer have to assess Gypsies' and Travellers' housing needs in a separate category to other residents within their areas. At the moment, councils are required carry out Gypsy and Traveller accommodation needs assessments to forecast the number of new pitches needed, under clauses in the Housing Act 2004. But the Bill says these clauses should be removed from the Act. The Bill's explanatory note says that councils must "consider the needs of all people residing in or resorting to their district, without any references to Gypsies and Travellers".
- 7.4 The effect of these changes will be to decrease the provision to be made specifically for Gypsies and Travellers.

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<sup>11</sup> West Essex and East Hertfordshire Strategic Housing Market Assessment  
Report of Findings September 2015



## **8.0 Question 7: Leisure, Recreation, and Open Space (Consultation Document Section 2.7)**

*What do you think are the main issues the Council should consider in relation to Leisure, Recreation, and Open Space?*

- 8.1 The IOCD states that there are 3 sports centres in the District. These are at Great Dunmow (Leisure Centre); Saffron Walden (Lord Butler Leisure Centre) and Stansted Mountfitchet (Mountfitchet Romeera Leisure Centre). There are 'lesser' facilities in or near to other settlements.
- 8.2 The location of these 3 centres follows the east-west axis/Saffron Walden pattern described in the Question 5 (employment) section above. Existing major leisure facilities should be another factor in deciding the location for future development.



**9.0 Question 8: Natural Environment and Historic Environment (Consultation Document Section 2.8)**

*What do you think are the main issues the Council should consider in relation to the natural environment and the historic environment?*

- 9.1 The 'technical studies'<sup>12</sup> have failed to map environmental constraints<sup>13</sup> in the Area of Search 3 (NE Elsenham). Map 1C only extends to the settlement of Elsenham in its north-east corner, whereas AoS 3 extends out to Henham<sup>14</sup>. Is this deliberate or a mistake? Without that information it is impossible to comment on the impact of environmental constraints in AoS 3.
- 9.2 Clearly the 'main issues' are to weigh the protection of *natural environment and the historic* features against the need for growth and the general sustainability of new sites and areas.

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<sup>12</sup> IOCD section 2.8

<sup>13</sup> Evidence Mapping 29.9.15 Map 1C

<sup>14</sup> IOCD p3

## 10.0 Question 10: New Settlements (Consultation Document Section 3.1)

*What do you think about the principle of one or more new settlements in providing for the future development needs of the District?*

- 10.1 The LP must allocate sufficient new sites for some 6,750 new dwellings, in addition to the commitments of some 5,750<sup>15</sup>, to meet the OAN target of delivering 12,500 new homes 2011 – 2033. No estimates are given in the IOCD of the capacity of the possible urban extensions to Saffron Walden, Gt Dunmow and Bishops Stortford<sup>16</sup>, so the following table attempts a very rough calculation of the urban extension areas and likely housing capacity assuming 20 dwellings per ha. gross (typical urban densities are 35 dwellings per ha. net):

**Table GPL1**

	site	ha	capacity	25%	50%
<b>Saffron Walden</b>	10a	50	1000		
	10b	96	1920		
	10c	9	180		
	10d	68	1360		
	10e	45	900		
	10f	59	1180		
	10g	58	1160		
		<b>385</b>	<b>7700</b>	<b>1925</b>	<b>3850</b>
<b>Bishops Stortford</b>					
	11a	12	240		
	11b	74	1480		
		<b>86</b>	<b>1720</b>	<b>430</b>	<b>860</b>
<b>Gt Dunmow</b>	12a	73	1460		
	12b	49	980		
	12c	50	1000		
	12d	66	1320		
	12f	98	1320		
			<b>336</b>	<b>6720</b>	<b>1680</b>
		<b>807</b>	<b>16140</b>	<b>4035</b>	<b>8070</b>

<sup>15</sup> IOCD Table 2 p23

<sup>16</sup> AoS map IOCD pp 12, 16, 18, 20

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10.2 Whilst it is acknowledged that this is a very rough estimate of what the capacity of each AoS urban extension may be, it demonstrates that if only half of the areas of search were to be developed for housing then the 6,750 homes requirement would be exceeded.

10.3 Urban extensions offer the following advantages over new settlements, they are likely to be:

- more sustainable with access to existing services, employment, schooling, retailing etc., and can access those facilities as the urban extension grows, eventually providing additional facilities
- more deliverable in the short/medium term incrementally utilising existing infrastructure and transport links with additional infrastructure/transport added as development proceeds
- more attractive to several developers, perhaps one to each urban extension, also aiding delivery
- better connected to existing communities so that new affordable housing has closer links to families and friends

10.4 The Framework (para 52) is as follows

*The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so, they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development.*

10.5 Thus urban extensions and new settlements are both advocated as options for 'larger scale development' and both can display the principles of 'Garden Cities'.

10.6 A 'sequential test' for additional housing must surely be as follows:

- examine spare capacity within existing urban areas
- consider the capacity of sustainable urban extensions to the Market Towns and Key Villages
- only if there is a substantial shortfall would new settlements be a realistic option

10.7 A new settlement is very unlikely to be considered as sustainable unless it can support a new secondary school. The typical pupil capacity of a secondary is 1,200. ECC Education Dept

calculate an average 0.2 secondary pupils per dwelling<sup>17</sup>, so that 6,000 dwellings will support a secondary school. Thus because of the scale of additional housing required within the plan period, it is very unlikely that more than one new settlement is required.

- 10.8 New settlements can take many years before they deliver meaningful numbers of new housing because of the scale of the project and the need for advance infrastructure. Current commitments for some 5,750 dwellings would only last for 10 years if the target delivery of 568 p.a. is to be achieved, so a new settlement would have to start delivering that number quickly if the 'five year housing supply'<sup>18</sup> is to be maintained. For UDC to rely on a new settlement as a solution to making adequate housing provision there would need to be robust evidence to demonstrate that it would be viable in those terms, as well as viable in commercial terms such that it could provide the infrastructure and a high level of affordable housing. It is therefore not an easy option.

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<sup>17</sup> Education Contribution Guidelines Supplement 2010 para 5.1 p14

<sup>18</sup> Framework para 47 point 2

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## 11.0 Question 11: New Settlement Areas of Search (Consultation Document Section 3.1)

*What issues and evidence should the Council consider when assessing the potential for one or more new settlements at Areas of Search 1-9? Please reference any specific Areas of Search in your response.*

11.1 This Report is focussed on:

***Area of Search 3: Elsenham area (new settlement options)***

*This area of search mainly includes land to the north and east of Elsenham, as far as Henham with its Conservation Area. The majority of the land lies to the east of the West Anglia Main Line. A planning application in this area has been called in by the Secretary of State for determination and a decision is awaited. Also within this area lies a separate Area of Search for Elsenham Key Village.*

### Local Plan 2014 and Inspector's findings

11.2 This area of search can be more specifically defined as 'Elsenham Policy 1 – Land north east of Elsenham' in the failed Local Plan 2014 which was withdrawn after the LP Inspector's highly critical report which focussed on two main areas: housing numbers and this allocation. The Inspector said of the Elsenham Policy 1 site (emphasis added)<sup>19</sup>:

*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.***

11.3 The Inspector began his conclusions on the site with serious criticism of how the site had been identified in the plan, how other options had been effectively ignored, the inadequacies of the Sustainability Assessment and the lack of transparency surrounding UDC's declaration that the site was a key part of the 'most appropriate strategy'. Some of these matters may now be being addressed by the process for the preparation for the new Plan, but the site specific objections raised by the Inspector remain. The Inspector noted the various phases which had emerged:

- the 'first phase' of 800 dwellings which was the subject of a S78 appeal in 2014 – no decision yet made – which will be returned to below
- the second phase of 2,100 dwellings
- the third phase bringing the total to 3,500 dwellings

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<sup>19</sup> Summarised conclusions of the Inspector after the hearing session on 3 December 2014

- 11.4 The Inspector noted some confusion about how the new development had been described. He concluded it was a major village expansion rather than a 'new settlement'. AoS 3 is now described as a 'new settlement option' so the confusion remains.
- 11.5 The Inspector identified the following main objections to the location of the area for major development which apply to whatever it is described as and whatever the scale of the development: "*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.*"<sup>20</sup> The Inspector's findings were reached after extensive examination of the evidence presented by various parties at the Examination held in November and December 2014. The findings are a comprehensive and succinct indictment against the suitability of the AoS 3 so quoted below because they are highly relevant to a second proposal to consider AoS 3 for major development less than a year after it was so comprehensively dismissed. These are in no order of priority.

#### **Inadequacy of the local highway network**

- 11.6 The Inspector concluded as follows (emphasis added):

*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.**<sup>21</sup>*

*It is widely recognized that **a range of physical features including the local topography, the presence of bends with restricted visibility and width, and onstreet 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***<sup>22</sup>

*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***

<sup>20</sup> Inspector's full report 19.12.14 para 2.

<sup>21</sup> para 2.10

<sup>22</sup> ibid para 2.11

**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.**<sup>23</sup>

**Large-scale improvement of Hall Road would be unlikely to assist the aims behind the CPZ**<sup>24</sup>

**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.**<sup>25</sup>

**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.**<sup>26</sup>

**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.**<sup>27</sup>

**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**

<sup>23</sup> ibid para 2.14

<sup>24</sup> ibid para 2.15

<sup>25</sup> ibid para 2.17

<sup>26</sup> ibid para 2.18

<sup>27</sup> ibid para 2.19

*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.*<sup>28</sup>

***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.***<sup>29</sup>

#### **Lack of alternatives to the private car for travelling in and out.**

11.7 The Inspector concluded as follows (emphasis added):

*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.***<sup>30</sup>

*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.***<sup>31</sup>

*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.***<sup>32</sup>

*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.***<sup>33</sup>

#### **The village and new development segregated by the railway line.**

11.8 Elsenham and its services are located to the south west of the railway line, the new development to the north east. The Inspector found as follows (emphasis added):

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<sup>28</sup> ibid para 2.26

<sup>29</sup> ibid para 2.27

<sup>30</sup> ibid para 2.4

<sup>31</sup> Inspector’s initial conclusions

<sup>32</sup> Inspector’s full report 19.12.14 para

<sup>33</sup> ibid para 2.10

*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.<sup>34</sup>*

*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.<sup>35</sup>*

## **Lack of facilities available on site or in Elsenham**

11.9 The Inspector concluded as follows (emphasis added):

*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**.<sup>36</sup>*

<sup>34</sup> ibid para 2.6

<sup>35</sup> ibid para 2.7

<sup>36</sup> ibid para 2.9

### Summary of Inspectors findings

11.10 In short the Local Plan Inspector found that what is now AoS 3 – North East Elsenham area – is wholly unsuitable for major development for the following reasons:

- the local road system is totally unsuitable for access either through Stansted Mountfitchet or via Hall Road, and there is very little prospect of improvement
- the impacts on the strategic road network have not been properly assessed, including the cost of any improvements and the effect on delivery and viability
- walking and cycling, except within the development, is most unlikely
- the superficial attraction of the railway station is illusory, only a minor number of journeys would utilise it
- the development would be cut off from the village by the railway and the inadequacy of the level crossing
- existing and new services and facilities would be limited

### Sustainability Appraisal September 2015

11.11 ECC Place Services have assessed Areas of Search (**AoSs**) for new settlement options and urban extensions, its 'Environmental Report – Non Technical Summary September 2016' includes an assessment of AoS 3 Elsenham Area (new settlement options) at p30.

11.12 This commences as follows:

*This area of search mainly includes land the north and east of Elsenham, as far as Henham with its Conservation Area. The majority of the land lies to the east of the West Anglia Main Line. A planning application in this area has been called in by the Secretary of State for determination and a decision is anticipated during July 2015. The implications of this decision for the principles of development in the area will be carefully considered. Also within this area lies a separate Area of Search for Elsenham Key Village.*

11.13 No decision is yet available (as at 30.11.15) but it is strange that whilst this decision 'will be carefully considered', the Local Plan Inspector's findings seem to be ignored. This Response reserves the right to comment further when the S78 appeal decision is available.

11.14 The disadvantages ("potential issues to overcome") are listed as follows:

- *Elsenham Woods SSSI is located outside but in close proximity to the broad area.*
- *The landscape has a moderate to high sensitivity to change / development.*
- *The majority of the area is classified as Grade 2 Agricultural Land.*
- *A Scheduled Monument within the area to the north west of the existing settlement of Henham.*
- *There are small areas of Flood Risk Zone 3 within the area.*
- *There are generally poor roads in the area and access to the M11 does not currently exist.*

11.15 These are all serious objections but apart from the last (no suitable access) also ignore the LP Inspectors even more serious objections summarised above. The advantages (likely benefits) are given as follows, with this Report's comment added:

- *There are no LoWSs [Local Wildlife Site] or other wildlife designations in the area.*

Comment: hardly a significant advantage, and likely to apply to many areas

- *Alleviates cultural heritage impacts associated with development of existing settlements.*

Comment: this vague 'advantage' could apply to any new development away from existing settlements

- *Maximises the potential for renewable energy sources to be integrated into development.*

Comment: this could apply to any new development whether a 'new settlement' or an urban extension.

- *The potential scale of development maximises the possibility of housing to be well supported by a range of services, infrastructure and employment opportunities to minimise the need to travel.*

Comment: this is not what the Local Plan Inspector concluded.

- *The area would have access to Elsenham Station for rail services.*

Comment: the only site specific 'advantage' so far in this list, yet the LP Inspector found that the number of potential journeys by train "will only affect a small minority of journeys".

- *There are some existing services and facilities within the existing village of Elsenham.*

Comment: the LP Inspector found that even if the new development provided additional facilities *“these could still meet only a limited range and quality of requirements.”*

- *Development of this potential scale would require an increase in GP capacity and healthcare facilities.*

Comment: indeed, but where is the evidence that such facilities could or would be provided?

- *The broad location is relatively well related to the existing settlement of Elsenham. The location is also in close proximity to Stansted Mountfitchet. It is possible that the needs of these existing settlements would be met by a new settlement in relatively close proximity.*

Comment: this is completely at odds with the findings of the LP Inspector who found that the development area was not at all well related to Elsenham (divided by the railway) and would cause traffic chaos in Stansted Mountfitchet.

- *It is likely that thresholds would warrant a new primary school and potentially in time a new secondary school to be provided. Current secondary school provision is distanced from the development.*

Comment: the housing numbers would be below the threshold to support a secondary school, so schooling would remain some distance from the site.

- *Relatively well related to employment opportunities at Stansted airport and its surrounds.*

Comment: the range of employment opportunities at Stansted is limited and many are low paid jobs traditionally filled by North London out-commuters and unlikely to be taken by new home owners in Uttlesford.

### **Conclusion on the SA findings**

- 11.16 Only one of the disadvantages is shared by the LP Inspector (poor highways access) and most of the ‘advantages’ are flatly contradicted by the LP Inspector’s findings and conclusion – there has to be an explanation for this because the discrepancy is fundamental to the credibility of the SA - have the assessors actually read his report?

### Overall Conclusion on AOS 3 – Elsenham

11.17 **This site is so discredited that it is a surprise to even see it continuing as an option. The Inspector’s conclusions are robust in finding fundamental flaws with this location being in any way suitable for major development. This is in stark contrast to the vague observations of the SA which fails to recognise major flaws and sees advantages that could apply almost anywhere. It would compound the error of the withdrawn Local Plan, in making the site a major location for growth, and inevitably lead to the same conclusion: any Plan with Elsenham ‘new settlement’ in it would be doomed to be found unsound – again.**

11.18 It is not the intention of this Report to make detailed comment on other AoSs for ‘new settlements’, except to observe

- Great Chesterford areas 1 and 2:
  - well served by a road system which gives good access to the surrounding area a ready access to the strategic highway network
  - accessible to Cambridge and Saffron Walden with their many attractions (jobs, culture, retailing, healthcare)
- Great Dunmow areas 7, 8, 9:
  - well located within the A120 corridor, an axis within the District
  - area 7 – especially favourable in terms of location with access to Bishop’s Stortford and Braintree, with Gt Dunmow’s facilities (schools, employment, retailing, healthcare) close by until on-site facilities build up, brownfield site (old airfield).

11.19 The urban extensions around Saffron Walden and Great Dunmow would provide significant capacity for new housing – see Table GPL 1 above: if only a half of the potential capacity were to be developed it would provide well over the half of 6,750 new dwellings required.



## 12.0 Question 15: Villages (Consultation Document Section 3.5)

*What issues and evidence should the Council consider when assessing the potential for development in the villages? Please reference any specific Areas of Search in your response.*

- 12.1 There is limited capacity to accommodate any more than a small extra quantum of growth in the villages, with only a small difference between 'key villages' (including Elsenham) and 'type A' villages (including Henham). LP14 made substantial allocations at Elsenham (some 550 dwellings) and Henham (some 40 dwellings) that, even though it was withdrawn, have been converted into planning permissions. These are significant figures given the relative size of the settlements and the constraints, such that it will take some time to absorb them so that no further allocations are needed or justified.



### 13.0 Question 16: Development at 580 dwellings per year (Consultation Document Section 4.1)

*What do you think the implications of development would be under scenarios A to D would be, if working to the principle of delivering 580 dwellings per year?*

- 13.1 Firstly, this is the wrong number. An extensive and detailed review has now been published<sup>37</sup> which calculated the District's contribution to the HMA should be 568 dwellings p.a.<sup>38</sup>. Thus Table 2 and the scenarios which are then set out are wrong. With a OAN of 12,500 dwellings in the plan period, and 5,750 commitments, some 6,750 additional allocations are required not the 8,750 show in the table.
- 13.2 This is still a substantial number but could be accommodated by either growth at Saffron Walden and Gt Dunmow (less than half the urban extension options), or a single new settlement. See the response to Question 18 below.

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<sup>37</sup> West Essex and East Hertfordshire Strategic Housing Market Assessment Report of Findings (ORS) September 2015

<sup>38</sup> see para 3.1 of this Report



#### **14.0 Question 17: Development at 750 dwellings per year (Consultation Document Section 4.2)**

*What do you think the implications of development would be under scenarios E to G, working to the principle of delivering around 750 dwellings per year?*

- 14.1 This level of housing is way above the carefully justified and calculated ORS Report covering the whole HMA<sup>39</sup> - 750 is 32% higher than the agreed figure of 568 p.a. (itself 32% higher than the last adopted development plan figure (430 p.a.)<sup>40</sup> 750 p.a. is so unacceptable and unsupported that it needs no further comment.

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<sup>39</sup> West Essex and East Hertfordshire Strategic Housing Market Assessment Report of Findings September 2015

<sup>40</sup> EoEP figure (taken from UDC calculations of 5YHLS 2014)

## 15.0 Question 18: Other Scenarios (Consultation Document Section 4.3)

*Are there any other potential scenarios not shown which should be assessed by the Council?*

- 15.1 A 'new settlement' of only 3,000 dwellings is also the wrong number. If it is to have any chance of being self-contained, it would need to be twice that number (6,000 dwellings) even to have its own secondary school. There is no need to seriously consider Bishop's Stortford (and there is no indication that East Herts DC would agree to have 'its' town extended, even if in Uttlesford District); or to seriously consider the villages (most of whom have already had significant growth thrust upon them).
- 15.2 Therefore, none of the 'scenarios' are realistic, there are really only two:
- a single new settlement of up to 7,000 homes
  - urban extensions to Saffron Walden (3,850) and Gt Dunmow (3,360) – some 50% of the option sites identified<sup>41</sup>
- 15.3 This Report finds either scenario is realistic and deliverable. However, of all the 'new settlement options' (and on the basis for all the reasons given above, based upon the LP Inspector's findings, that AoS 3 Elsenham is a non-starter), the Land Securities proposals for Easton Park (AoS 7) stand out as sustainable, suitable and (critically) deliverable.

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<sup>41</sup> West Essex and East Hertfordshire Strategic Housing Market Assessment Report of Findings September 2015

## 16.0 CONCLUSIONS

16.1 The IOCD represents an improvement on the previous process of preparation of the Local Plan of 2014, which was found unsound and eventually withdrawn.

16.2 There are some gaps in the evidence or understanding:

- the mapped environmental constraints of AoS 3 do not cover the area
- the OAN figure is incorrect
- the size of a new settlement at 3,000 dwellings (too small even for a secondary school)
- a need to update the planning provision for Gypsies and Travellers in line with new and emerging Government Policy

16.3 It is disappointing that only a recycled 'vision' from a failed LP is included in the IOCD:

- it should not be assumed that growth 'will be distributed across the District' – the so called 'dispersal strategy' (it was not even followed in the 2014 LP where the largest growth was an expansion of a 'Key Village')
- the meaning of sustainability is not well displayed especially when coupled to a 'dispersal strategy'

A suggested vision is given in para 2.3 of this Report.

16.4 UDC has an unhappy history of strategic planning such as:

- unsustainable locations such as Takeley and Flich Green (housing estates in the countryside)
- locations that were poor on delivery such as Woodlands Park (very much the cause of the lack of 5-year housing supply)
- inexplicable major growth locations such as north east Elsenham

16.5 The comprehensive Strategic Housing Market Assessment (SHMA)/Objectively Assessed Need (OAN) Report firmly puts the future share of housing growth in the District at 568 dwellings p.a., not the '580' or '750' of the Question 16 Scenarios.

- 16.6 There is little confidence that future infrastructure planning will be an intrinsic part of growth planning, there needs to be a firmer relationship between publically funded programmes e.g. schools and highways **before** new growth locations are identified.
- 16.7 New employment is best located along the east-west axis between Bishops Stortford and Braintree, well connected to the M11 (Cambridge/London) and A12 (Colchester/Chelmsford). This strongly influences the location of growth.
- 16.8 No attempt has been made to quantify the capacity of urban extensions or ‘new settlement’ options. This Report seeks to do that (Table GPL1), and although only very approximate, gives some feel of the capacity of urban extensions so demonstrating that even if half of that capacity were to be allocated in the LP, it would provide a sufficient number of dwellings to satisfy OAN without the need for a new settlement. A hierarchy of choice should be set out:
- urban capacity/brownfield
  - urban extensions
  - new settlement
- 16.9 This Report finds that the unmet OAN (6,750 dwellings) could either be met with urban extensions to the two main towns (Saffron Walden and Great Dunmow), or by a single new settlement - of which the front runner is Easton Park (AoS 7): well located along the east-west axis with good road access, utilises brownfield land (the airfield), can utilise Gt Dunmow’s facilities at an early stage until beginning to be self-sufficient.
- 16.10 There are some basic flaws which demonstrate not all lessons have been learnt. The main one is including the area north east of **Elsenham (‘AoS 3’)** even as an option for a location for major development (whether it is regarded as a ‘new settlement’ or not). This is fundamentally a non-starter. It is unsustainable and it ignores the findings of the Local Plan Inspector who, after examining the similar proposal in the 2014 Plan, found that the inclusion of this location was so flawed that he found the plan unsound:
- the local road system is totally unsuitable for access either through Stansted Mountfitchet or via Hall Road

- the impacts on the strategic road network have not been properly assessed, including the cost of any improvements and the effect on delivery and viability
- walking and cycling, except within the development, is most unlikely
- the superficial attraction of the railway station is illusory, only a minor number of journeys would utilise it
- the development would be cut off from the village by the railway and the inadequacy of the level crossing
- existing and new services and facilities would be limited

16.11 The 'Sustainability Assessment September 2015' cautiously refers to the outstanding S78 appeal and the need to 'consider its decision', but fails to mention the LP Inspector's findings and, in any event, ignores them. Only one of his findings is mirrored in the disadvantages, and the claimed advantages either run counter to his findings or are generic to any new settlement location.

16.12 **The AoS 3 Elsenham 'area of search' should not reach the later stages of plan preparation (starting with the Reg 18 preferred option in Spring 2016) if the same fate of LP14 is to be avoided: robust criticism by the Inspector leading to findings of an unsound plan and eventual withdrawal.**