Uttlesford District Council Local Plan Examination
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By email only

Dear Mr Miles

EXAMINATION OF THE UTTLESFORD LOCAL PLAN

Introduction

1. Stage 1 hearing sessions were held between 2nd and 18th July 2019. We heard a great deal of evidence, some of which has required further formal targeted consultation and hence why it has taken us some time to fully consider everything put to us and to formally respond. This letter describes our findings in relation to several key matters and the plan's soundness.

2. Unfortunately, despite the additional evidence that has been submitted during the examination and all that we have now read and heard in the examination, including the suggested main modifications to the plan (ED41) put forward by the Council, we have significant concerns in relation to the soundness of the plan. In particular, we are not persuaded that there is sufficient evidence to demonstrate that the Garden Communities, and thus the overall spatial strategy, have been justified. We therefore cannot conclude that these fundamental aspects of the plan are sound.

3. It is not the intention of this letter to cover every matter that was discussed at the hearing sessions. Our letter focuses on those aspects of the plan and its evidence base which we do not consider to be justified. It also advises on specific changes that would be needed to some of the plan's policies. More detailed matters, and aspects of the plan that would not require significant further work at this stage or have not been subject to hearings sessions, are not dealt with here.

4. Also, we have not taken account of examination documents received after ED76 (October 2019), in this letter since there has come a point where we have had to draw a line under new documents submitted by the Council, not only so we could finalise this letter and thus ensure the examination is dealt with in an expeditious manner, but also because these documents have not been consulted upon and were not requested by us.

5. To clarify, the plan is being examined under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework (the Framework) 2019. As such, the policies in the previous version of the Framework published in 2012 (and the associated version of the Planning Practice Guidance (the Guidance)) continue to apply. References in this letter to the Framework and the Guidance are therefore to those previous versions.

Proposed Garden Communities in General

Introduction

6. The Framework acknowledges that *'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 achieving sustainable development'* (paragraph 52).

7. The plan contains three Garden Communities which are known as, Easton Park, North Uttlesford and West of Braintree. They are relied upon for the delivery of much of the new housing in the remainder of the plan period, and well beyond. In total they are expected to deliver around 18,500 new market and affordable homes.

8. In general terms we are concerned about the lack of evidence before us to enable us to conclude these parts of the plan are sound. Whilst we realise it is the Council's intention to lay down much of the detail of the proposed Garden Communities in further Development Plan Documents (DPDs), following the adoption of the plan, it is this examination which must determine whether the Garden Community proposals are properly justified and realistically developable. This is of major importance in this case given the large scale and long-term nature of the Garden Community developments, combined with the fact that they would be the primary source of housing in the district for the next 30 to 40 years.

Spatial Strategy and Sustainability Appraisal

9. We are concerned that all the reasonable alternatives tested in the Sustainability Appraisal (2018) (SA), included all three Garden Communities with varying degrees of other development, except one (option 3) which included no Garden Communities. No testing was carried out with say two Garden Communities, along with other development at existing settlements. This potential shortcoming of the SA is acknowledged in paragraph 8.165, but there is no explanation as to why such a scenario was not tested. This is a serious omission and has, in part, led to

fundamental problems with the overall spatial strategy which we set out later in our letter.

10. Also, in the 'Appraisal findings for the spatial strategy options' section of the SA (pages 431-448), option 1 (preferred option that is the submitted plan strategy) and option 2a (less development at Garden Communities and more at towns/villages (with a train station)) score equally in all of the 15 SA objectives. However, this was undertaken before the Council's Heritage Impact Assessment (HIA) (Donald Insall Associates January 2019) was published, albeit Historic England had raised objections to the North Uttlesford Garden Community at that stage.

11. In addition, SA objective 9 (to promote and encourage the use of sustainable methods of travel) testing was undertaken on the understanding that Easton Park and West of Braintree would provide a new Rapid Transit System (RTS) which would be delivered in phases alongside housing, employment and other infrastructure. Later in our letter we question whether a RTS would be delivered in the early years of the Garden Community developments. This adds to our concerns about the robustness of the SA.

Garden City Principles

12. The plan at paragraph 3.78 and in Policy SP5, sets out the Garden City Principles developed by the Town and Country Planning Association and advises that the Garden Communities will be developed in accordance with them. We share the Council's view that it is reasonable that these principles should be key pillars in the development of the Garden Communities in Uttlesford. Principle 1 concerns land value capture for the benefit of the community. Strong vision, leadership and community engagement are identified in Principle 2. Principle 3 expects community ownership of land and long-term stewardship of assets. However, the mechanisms by which these guiding principles will be delivered and ensured are not readily evident in the plan.

13. During discussions at the hearings it was suggested by one of the site promoters (West of Braintree) that land value capture for the community would not be realised. Additionally, the site promoter at Easton Park questions the need for a Quality and Collaboration Partnership (QCP), as set out in the Council's Focused Change 4 to Policy SP5. This objection is sustained in ED66 (Statement of Common Ground between the Council and Landsec).

14. We understand that the Council has introduced the QCP as a mechanism to ensure that the public and private sectors can together deliver strategic growth over several plan periods, and still ensure that the fundamental Garden City Principles (such as community engagement, long term stewardship, and to ensure that a holistic approach can be assured) are adhered to. The site promoter at Easton Park considers the QCP to be unnecessary and to replicate the planning system. Additionally, they cannot agree with the Council what the QCP will do (if it is to be accepted as a concept).

15. Furthermore, whilst it is understood that the Delivery Board for North Uttlesford has already been established, ED66 also highlights disagreement between the Council and the site promoter at Easton Park in relation to the terms of the Delivery Board that will oversee the plan making, delivery and implementation of that Garden Community. All these matters cast some doubt as to whether these vital Garden Community Principles would be met in Uttlesford. Without assurances that the necessary mechanisms outside the plan would be put in place, we cannot be content in principle that the new proposed settlements would be true Garden Communities, or that the plan's stated vision for these new settlements would be met. This is a serious concern.

Policies Map

16. The broad locations for the three Garden Communities are shown on the Policies Map and each is intended to be the subject of a detailed DPD which would determine, among other things, the full extent of the land required and the nature and form of the new communities. Nevertheless, Policies SP5, SP6, SP7 and SP8 set out the principles for the development for the Garden Communities along with a number of site-specific requirements.

17. We are concerned that the boundaries of the Garden Community site allocations are not shown on the Policies Map. This is not a matter to be left to DPDs. We cannot find the plan sound based on vague blurred annotations of broad locations, especially for something as significant as three large new communities. Indeed, The Town and Country Planning (Local Planning) (England) Regulations 2012, require that the adopted plan contains a Policies Map that illustrates geographically the application of the policies in the adopted development plan. The site boundary lines would need clearly defining on the Policies Map and need to include land to be safeguarded for transport and any other infrastructure.

Delivery of Market and Affordable Housing

18. The housing requirement for Uttlesford for the whole of the plan period (2011 to 2033) is 14,000 net additional homes. The quantum of new homes expected to be delivered in the remainder of the plan period (up to 2033) in the Garden Communities was proposed by the Council to be reduced from 4820 to 4190 during the stage 1 hearing sessions through a revised housing trajectory (ED51). This is against an overall requirement in those 10 years (2023/24 to 2032/33) for 7190 dwellings. In addition, changes to the anticipated start dates have occurred with delivery in Easton Park and North Uttlesford being pushed on by one year from 2022/23 to 2023/24 and some of the yearly delivery rates have also been amended. Our comments in this letter are based on this revised housing trajectory.

19. The Garden Community site allocations are for a very significant number of homes, over a considerable period, and all three would be developed more or less simultaneously. This would bring about a substantial amount of development and consequential change over a long timescale. Development of this scale and timing on three large sites in one essentially rural district is highly aspirational and ambitious. As such, it is vital that the Garden Communities are justified and deliverable. The Framework indicates that '*Local Plans should be aspirational but realistic'* (paragraph

154) and one of the key tests of soundness is that the plan should be effective, that it is, '*deliverable over its period and based on effective joint working on cross boundary strategic priorities'* (paragraph 182).

20. The latest housing trajectory relies on commencement dates in relation to Garden Communities in North Uttlesford and Easton Park, which we consider to be extremely optimistic considering the current timetable for the adoption of the plan and the overly ambitious timescales for the production and adoption of the DPDs (and the submission and approval of planning applications for the Garden Communities).

21. The Council has provided an update on the timelines for the production of the DPDs for Easton Park and North Uttlesford in Appendix 1 to ED30. This indicates that work on the preparation of the DPDs commenced in June 2019 and we acknowledge that the Council has appointed three members of staff to work on them. However, the update shows that despite consultations being timetabled with the Community Forums for July 2019, appointments to the Local Delivery Boards and the setting up of the Community Forums were yet to be completed at this point.

22. No indication as to how long this might take is given. Whilst ED71 provides a further progress report and indicates that members of the Community Forums have been identified, meetings have not yet been held. Thus, there is already some evidence of slippage in the timetable and the missing of key milestones. Bearing in mind the other subsequent stages set out in the timetable (including the Council's own three stage approval process), it is difficult to see how public consultation on the DPDs would realistically commence early in January 2020 as anticipated.

23. The proposed trajectory is even more optimistic if the promoters of the Garden Communities do not intend to submit planning applications until the DPDs have been adopted (as indicated by the promoter for Easton Park). The Council's timetable assumes promoters would twin track outline planning applications alongside the DPD preparation and examination process.

24. Although we note the North Uttlesford site promoter's willingness to prepare an outline planning application alongside the DPD, we share the Easton Park site promoter's reservations about how such an arrangement would work in practice. This is particularly so given the considerable amount of detail (including, as things stand, the defined site boundaries) that is to be left to the DPDs and the high level of uncertainty, potential wasted expense and associated risks that would be involved without the comfort of advancing a planning application which is in line with an adopted DPD.

25. The promoters of Easton Park have confirmed that they envisage first completions in around September 2025, approximately 2 years after the Council's estimate of 2023/24. All these factors point to the timetable not being realistic. Indeed, there seems to be a lack of recognition on the Council's part as to how complex and challenging it would be to deliver the

three Garden Communities and a lack of appreciation as to the delays that are very likely to occur.

26. The promoters of Easton Park argue for the details of the Garden Communities to be dealt with by Supplementary Planning Documents (SPDs) rather than DPDs, to speed up the process. However, since SPDs cannot set policies and are not subject to independent examination, proceeding down the route of SPDs would require the plan to contain far more detail than it does at present. Additionally, SPDs carry less weight in future decision making as they are not part of the development plan. With something so fundamental as large new Garden Communities it is our firm view that the key details need to be committed to DPDs which would be examined and adopted.

27. Overall, we strongly believe that the Garden Communities will not deliver the quantum of housing in the plan period that the Council's housing trajectory shows. Consequently, the housing requirement for the plan period would not be met.

28. Turning to consider the 5-year HLS situation, the revised housing trajectory (ED51) shows that the Council would have a 5.10 year HLS on adoption of the plan, based on a stepped trajectory and including a windfall allowance and two of the Garden Communities delivering houses in 2023/24. This has since been updated in ED73, a document entitled *Housing Trajectory and 5 year land supply statement 1 April 2019* (published October 2019). In this document, Table 6 shows a 5 year HLS calculation, taking account of the emerging plan and factors in the 'oversupply' of housing against the plan target since 2011/12 (the plan start date). This would provide a HLS of 5.65 years.

29. This calculation relies on the use of a reduced annual requirement of 568 dpa for most of the years, as it is based on the stepped trajectory set out in Policy SP3. It is also based on what we consider to be unrealistic commencement/housing delivery dates for two of the Garden Communities (North Uttlesford and Easton Park, as set out above). So, whilst the Council can, in theory, demonstrate a 5.65 year HLS, we are concerned that if the housing delivery at North Uttlesford and Easton Park slips by just one year, as seems very likely, this would result in 100 less dwellings in this 5 year period. This would result in a very fragile 5 year HLS position.

30. An additional factor is that around 14,000 homes allocated in the plan would be delivered after the plan period. As such, the plan is establishing the growth strategy for meeting the Council's long-term needs. Clearly it is not a problem to look beyond the plan period, but the number of homes that would be effectively allocated beyond the plan period would be similar to the identified OAN figure for the current plan period.

31. However, the scale of the need for housing for the next plan period is currently unknown and uncertain. We are concerned that the Council's chosen strategy would mean that other sites in the district would not be developed or permitted for a significant period of time in the future. This would be likely to adversely affect the vitality and viability of services in

existing towns and villages and result in a lack of housing choice in the market. It would also be difficult to accommodate changes in demand for certain types of development/services required over the very long period being committed to within the current strategy.

32. Furthermore, if the three Garden Communities allocated in the plan are granted planning permission and then work is commenced on site, it would be very difficult to deviate from this strategy. To do so, and to leave the intended Garden Communities effectively uncompleted, could potentially result in relatively small pockets of residential development in the open countryside that would not have the sustainability credentials of Garden Communities and would not ordinarily be supported. The Framework recognises that it is crucial that Local Plans should *'allocate new sites to promote development and flexible use of land, bringing forward new land where necessary…'* (paragraph 157). The current strategy which relies on the Garden Communities to deliver 4190 dwellings in the period 2023/24 – 2032/33 (the end of the Plan period), against a target in this period of 7190 dwellings carries with it significant risks and a lack of flexibility.

33. Finally, the Framework (paragraph 47) requires local planning authorities to *'use their evidence base to ensure that their Local Plan meets the full objectively assessed need for market and affordable housing in the housing market area…'* It also requires that through a Strategic Housing Market Assessment, local planning authorities should understand housing needs in their area and identify the housing that the local population is likely to need over the plan period which (amongst other things) addresses the need for all types of housing including affordable housing (paragraph 159).

34. The Council accepts that there is already an affordability issue in the district. The supporting text to Policy H6 states that there are, and will continue to be, many households in Uttlesford lacking their own housing or living in housing that is inadequate or unsuitable, who are unlikely to be able to meet their housing needs in the housing market without some assistance. The proposed stepped trajectory which arises from the strategy's reliance on the Garden Communities, would result in a worsening affordability problem as it would delay the provision of housing to meet the identified need in the district for a number of years. This is also a significant concern.

Employment Use

35. Whilst noting the main modifications suggested by the Council to provide indicative figures for employment floorspace in the Garden Communities (MM/03/15, 16, and 17), we are concerned that at this stage there is no information about where in the Garden Communities employment uses would be provided and more importantly when they would be delivered. The ethos of Garden Communities is that they are sustainable.

36. Garden Community Principle 4 envisages a wide range of local jobs within easy commuting distance from homes. Ideally, as many residents as possible would live and work within the Garden Communities and thus reduce the need to travel long distances to work, especially by private car.

Policy SP5 envisages that each Garden Community would demonstrate high levels of self-containment.

37. This is more likely to be successful if the employment uses, or at least some of them, are provided during early phases of development. Otherwise there is a risk that the Garden Communities would become little more than commuter settlements. This would require further work to be undertaken, in conjunction with the site promotors, to at the very least identify zones within the Garden Communities where the various employment uses will be located, at what stage they will be completed and how they will be delivered.

Transport and Infrastructure

38. This section of the letter deals with transport and infrastructure matters where they are interlinked or generic. Other separate matters are dealt with in the specific sections dealing with the individual Garden Communities later in our letter.

39. It is a core planning principle of the Framework to *'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable'* (paragraph 17).

40. The Guidance, at paragraph: 001 Reference ID: 54-001-20141010 advises that *'it is important for local planning authorities to undertake an assessment of the transport implications in developing or reviewing their Local Plan so that a robust transport evidence base may be developed to support the preparation and/or review of that plan. A robust transport evidence base can facilitate approval of the Local Plan and reduce costs and delays to the delivery of new development, thus reducing the burden on the public purse and private sector. The transport evidence base should identify the opportunities for encouraging a shift to more sustainable transport usage, where reasonable to do so; and highlight the infrastructure requirements for inclusion in infrastructure spending plans linked to the Community Infrastructure Levy, section 106 provisions and other funding sources'.*

41. The Uttlesford Local Plan Infrastructure Delivery Plan July 2019 (IDP) (ED27 and ED27A) downgrades several highway infrastructure items from 'critical' to 'necessary' (compared to an earlier version), such that they are no longer required to be in place before development at the Garden Communities can commence. In particular, a RTS is proposed for West of Braintree and Easton Park (also referred to as Bus Rapid Transport (BRT)).

42. The plan seeks to bring about a step change increase in sustainable travel modes at both Easton Park and West of Braintree, to achieve significant use of public transport, with trips by active modes and public transport making up to 60% of all trips (paragraphs 3.90 and 3.107 of the plan). Policies SP6 (Easton Park) and SP8 (West of Braintree) both require from the early delivery phase a high quality, frequent and fast rapid transport measure to be provided. Also, there was general agreement amongst all the parties, including the Council, at the hearings that the RTS would need to be in

place from the early delivery phase of the Garden Communities to fulfil their anticipated role and to meet these ambitious targets and the modal shift relied upon.

43. In this context it is difficult to understand why the RTS is classified as 'necessary' rather than 'critical' in the IDP given that it is fundamental to the delivery of two of the largest sites allocated in the plan. This downgrading is also evident in the Council's response to the targeted representations (ED72). With reference to ED13 (Bus Rapid Transport for Uttlesford Supplementary Technical Study), the Council confirms that in the early phases the Garden Communities would be served by a conventional bus service, with a RTS only coming online when there is population to support it, (2029–2033).

44. The Council also advises that it is not necessary to delay the housing delivery to allow for the delivery of the RTS. Whilst appreciating the difficulties in providing a full RTS service from the outset and recognising the role of incremental improvements, in our view, the lack of a RTS until towards the end of the plan period would mean the modal shifts anticipated would not be realised. Moreover, the use of less sustainable modes of travel could have become engrained in the habits of residents living in the homes built within the early phases of the Garden Communities. According to the latest trajectory in ED51 this would be well in excess of 1000 homes.

45. There is valid, widespread concern, shared by us, that the infrastructure serving the Garden Communities would fail to meet the true BRT standards until after 2033. Table 3-2 of ED13, shows that after 2033 it is predicted that there would be a service every 5 minutes, between 6am and 10pm. This would be around 8-10 years after the delivery of the first homes. From 2024 until 2033, services would gradually increase from every 15 minutes to every 10 minutes. But this would depend upon commercial viability.

46. This being so, there is a danger that the Garden Communities would be served by little more than a conventional, regularly running bus service for a good number of years. This would use the existing road network, which is at times congested and there are concerns that such a bus service would be no quicker, and potentially slower, than travelling by car. It is also unclear to what degree the buses would run on existing roads as opposed to segregated bus lanes or busways and how the latter would be phased in.

47. Buses running on existing unsegregated carriageways, even based on a 10 or 15 minute service, is unlikely to encourage the residents to use their cars less for local journeys, despite this being better than the services that operate in Uttlesford at present. We consider this would be directly at odds with Garden Community Principle 7 which requires integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.

48. It would also run contrary to proposed Main Modification MM/3/19 to Policy SP5 which seeks to introduce new text indicating that the new communities will be planned around a step change in integrated and sustainable

transport systems that puts rapid transit networks, among other things, at the heart of growth in the area.

49. It is unclear at this stage which routes would be used for the RTS and how much of the routes would be shared with existing road users or on segregated/dedicated bus ways/lanes. As such, these have not been mapped or costed. This being so, the need for additional land to be identified/safeguarded in the plan to ensure the route of the RTS cannot be ruled out.

50. Accordingly, the scale and nature of the necessary road improvements and details of any vehicle restrictions that may be needed on the RTS route (and other routes) have not been set out. Additionally, little consideration has been given to whether there are likely to be any land assembly issues and/or costs or if Compulsory Purchase Order (CPO) powers would be required to deliver the route (and how long these processes would take).

51. Furthermore, consideration would need to be given to the impact on heritage assets, biodiversity, character and appearance and landscape of any sections of the route that would not utilise existing roads. It is also evident from the Council's response in ED72 that much work is yet to be done to establish how the route would be achieved to Stansted Airport.

52. Reference is made to the possibility of a 'new direct connection' between the airport and the road network to avoid the use of the airport entrance roundabout by the RTS. All these matters are likely to have a bearing on the costs and timing of the RTS, and so its viability and deliverability, and are yet to be properly considered.

53. Policy S6 relating to Easton Park, anticipates bus/rapid transport measures to Great Dunmow and beyond. In considering sustainable transport, ED52 (Statement of Common Ground between Landsec and Essex County Council) states that the Council and the Highway Authority have developed a BRT proposal for the Local Plan which connects Stansted Airport to Braintree via Easton Park, Great Dunmow and West of Braintree.

54. However, the Council's responses in ED72 confirm that the RTS could be provided in discreet segments and that any links via the RTS to West of Braintree (from Easton Park) would only be provided beyond the plan period. These positions do not seem to be aligned. Whilst appreciating that Easton Park and West of Braintree have different and separate employment destinations, in simple terms the absence of the RTS to West of Braintree and the town of Braintree beyond would mean that for trips eastwards to meet needs other than employment, the future residents of Easton Park would be without the sustainable transport options offered by the RTS.

55. We are also conscious that ED13 and ED36 are predicated on what is now an out of date housing trajectory and are concerned that the delivery of fewer homes than previously anticipated in the early years of the plan at Easton Park and West of Braintree has the potential to affect the delivery of the RTS.

56. The Council accepts that more work is required in relation to the RTS. Paragraph 177 of the Framework indicates that it is '*important to ensure that there is a reasonable prospect that planning infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district wide development costs at the time Local Plans are drawn up'*. In this instance, considerable additional information would be required to establish that the RTS is a practical and viable solution and that it would be delivered at the time it is needed. Section 5.2 of (ED13) identifies the need for a strategic outline business case be developed alongside improved forecasts from a transport model.

57. In ED72 the Council responds to many of the concerns raised in the targeted consultation by acknowledging that further work is needed but indicates that such details would be available at the strategic planning stage. However, this plan is the strategic planning stage. It includes strategic policies, and these include two Garden Community site allocations that are predicted to begin delivering housing in 2023/24 in the case of Easton Park, and 2025/26 in the case of West of Braintree. We cannot agree that the evidence before us as set out principally in ED13 Bus Rapid Transport for Uttlesford - Supplementary Technical Study June 2019 and ED36 Further Information on Bus rapid Transport Modelling, provides a level of detail sufficient to show that the proposed RTS is practical in principle.

58. Easton Park and West of Braintree are reliant on the RTS to ensure they are sustainable communities, and it is critical that the evidence to support it is provided at this stage. It is not sufficient to say that these really important matters would be resolved at a later date. This work would need to be done now so that the development plan provides the necessary certainty of delivery, particularly given the housing trajectory before us and the significant reliance on Easton Park and West of Braintree to deliver homes (in the case of Easton Park within the next 5 years).

59. Finally, regarding infrastructure, the Framework sets out that it is '*crucial, Local Plans should plan positively for development and infrastructure in the area…'* (paragraph 157) and we continue to be concerned that significant gaps remain in the IDP for the cost of the provision of gas, water, waste, wifi/broadband and significant amounts of the social infrastructure items such as allotments, play space, amenity green space, to name a few. There are also considerable variations in estimated costs for 'big ticket' items, including transport infrastructure. For example, the A11/A1301/Stumps Cross Roundabout improvements are estimated to be between £5 million and £10 million and the improvements at B1256/A120 Dunmow Hoblongs junction are estimated at between £2 and £10 million.

60. There is also a lack of clarity about what the various planned sustainable transport upgrades would cost and until this is known and built into a robust viability assessment the viability of these Garden Communities is an unknown. Overall, the lack of evidence in relation to transport and infrastructure reinforces our concern that the Garden Community policies are not justified and effective.

Viability

61. The Framework advises that '*pursuing sustainable development requires careful attention to viability and costs in plan making…'* and states that '*plans should be deliverable'* (paragraph 173). The Viability Assessment 2018 (VA) carried out by Troy and Three Dragons was undertaken prior to the most up to date IDP and the revised housing trajectory. Moreover, as previously set out, there are a number of 'big ticket' items in the IDP, some of which would require funding up-front before any returns on the development would be seen. In addition, the IDP has many infrastructure items that have no known costs, as set out above.

62. The VA makes broad brush assumptions about the infrastructure costs for the three Garden Communities, based on typologies. It clearly shows in graph form the significant difference a change in infrastructure costs of £10,000 per dwelling (£50,000 as opposed to £40,000), can make to viability and so it is critical that this figure is as accurate as possible. Therefore, it is important that the viability assessment should use the most up to date infrastructure cost estimates rather than case studies and be based on maximum costs where there is a range. This is particularly important given the VA does not contain any specific contingency allowance.

63. Also, Appendix B to *Viability Testing Local Plans – Advice for planning practitioners (June 2012)*[1], advises in relation to costs of promoting schemes and associated fees that on large scale schemes care needs to be taken not to underestimate these. It suggests that fees relating to design, planning and other professional fees can range from 8-10% for straightforward sites to 20% for the most complex. The Council's VA allows for a higher percentage (12%) on the smallest of sites (10 units or less), but only 6% for the Garden Community sites. We consider this figure to be far too low, particularly as these sites are likely to be more complex than straightforward.

64. The build out rate and sales of dwellings would naturally be slower in the early stages of the development, as reflected in the housing trajectory, which has been amended by the Council since the VA was prepared. Combined with slow early delivery rates, there would be in the early years, disproportionately high infrastructure costs. Therefore, we are concerned that the cost of interest from borrowing and particularly peak debt has not been factored in at an appropriate level.

65. Table 5.4 of the VA shows viability results for 10,000 units across a range of scenarios. We are concerned that in the scenario with £50,000 of infrastructure cost per dwelling, where only 95% of the market value is achieved on the sale of the houses, there is very marginal viability. This scenario is a real possibility given the amount of infrastructure that would need to be funded, including the RTS and the fact that the spatial strategy would see three Garden Communities delivering dwellings during a similar timeframe and so competing for house sales.

[1] Document referred to at the hearings, published by The Local Housing Delivery Group

66. The VA at paragraph 5.20 advises that *'this scheme delivers housing over a long trajectory (38 years) and is very sensitive to changes of phasing. Small amendments to the timing of infrastructure items or delivery of residential units as well as to the housing density or mix can make a significant difference to the results. A developer would be able to maximise these factors to the advantage of economic viability and we do not consider that these marginal results would render a study undeliverable'.*

67. We have reservations that some of these 'amendments' may not be in the gift of the developer and housing density and mix, for example, may be controlled by a Local Plan Policy. Also, this scenario could lead to an erosion of some of the key principles of Garden Communities set out in Policy S5, such as the provision of mixed tenure homes and housing types that are genuinely affordable for everyone; beautifully and imaginatively designed homes with gardens; development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains and using zero-carbon and energy-positive technology to ensure climate resilience; and integrated and accessible transport systems, within walking cycling and public transport designed to be the most attractive forms of local transport.

68. Given these findings in relation to the long development timescales and the need to ensure that these large scale sites would deliver homes not only in the early years of the plan but for many years to come, in a policy compliant manner, we consider that a revised VA based on the residual valuation appraisal method would need to be supplemented with a discounted cashflow assessment (a valuation method used to estimate the value of an investment based on its future cash flows), in order to provide a more complete and robust analysis.

69. To summarise, the scale of funding necessary and whether the Garden Communities could support such costs is uncertain. For these reasons it has not been adequately demonstrated that the Garden Communities proposed in the plan are financially viable and therefore developable.

Proposed Garden Communities in Detail

North Uttlesford

70. North Uttlesford is in the north west of the District, adjoining the boundary with South Cambridgeshire and is identified in Policy SP7 for 5000 new homes. It is recognised in the plan as being an area of high landscape and visual sensitivity, given its steeply sloping landform and elevated position with open fields and limited vegetation. It is also accepted that the development of the site has the potential to harm the significance of heritage assets on the site, and in the wider area.

71. The Framework at paragraph 126, is clear that Local Plans should set out a positive strategy that recognises that heritage assets are an irreplaceable resource and conserves them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account the desirability of sustaining and enhancing the significance of

heritage assets.

72. The HIA finds that North Uttlesford is situated within a sensitive landscape with significant highly sensitive areas and contains extensive heritage assets, comprising built heritage as well as, known and unknown archaeology. It identifies as highly sensitive the immediate setting of the Roman Temple Scheduled Monument which is within the site allocation and the visual and historic relationship to the Roman Fort Scheduled Monument at nearby Great Chesterford.

73. Paragraph 132 of the Framework recognises that Scheduled Monuments are of the highest significance and substantial harm or loss of them should be wholly exceptional. The HIA also highlights that there is evidence of significant buried archaeology on the site and in the wider area which contains evidence of human occupation from the Palaeolithic period onwards. There are other heritage assets nearby including listed buildings and several Conservation Areas.

74. The site promoter's illustrative masterplan indicates that around 42% of the site area would be developed, with 54% remaining for green infrastructure, agricultural land or outdoor recreation. We also note that the Council anticipates around a 50:50 split between developable land and open space.

75. Nevertheless, Historic England maintain an in-principle objection to the development at North Uttlesford due to the potential impact on the highly sensitive historic environment and consider that an alternative location should be sought for the development.

76. The Roman Temple complex consists of below ground archaeological remains and is a Scheduled Monument. It is set away from the Roman Town, but is significantly associated with it, both by function and by physical links in the form of Roman roads. The HIA finds that views between the Roman Town and the Roman Temple and the Great Chesterton Conservation Area make a major positive contribution to its significance.

77. This area is identified as being of high sensitivity in the HIA. Despite the retention of open areas within the site, given its scale, the proposed Garden Community would introduce major change to the setting of the Roman Temple that would be likely to affect its relationship with the Roman Town and the wider landscape. Paragraph 132 of the Framework indicates that '*significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

78. Historic England advises that the geographical and topographical location of Great Chesterford on the north west boundary of Essex in the Cam valley, at the entrance to the Fens in a gap in the chalk hills is one of its important defining attributes in terms of its archaeological significance. The HIA is clear that the area surrounding and within the site is rich in archaeology.

79. The HIA considers that the extent of the archaeology already identified at the site and nearby points to the possibility of a wider distribution of remains across the site. It also refers to previous excavations of remains

on and around the site as well as chance finds. The Brief Archaeological Impact Assessment of the Proposed Uttlesford Garden Communities July 2018 Place Services (Document 1000.1 HEN) indicates that extensive archaeological deposits of multi-period date are likely to survive here.

80. The Historic Environment Record identifies a number of pre-historic sites in the form of Bronze and Iron Age burial sites. It also refers to the possibility of Roman structures and burials bordering the route between the Roman temple and the Roman town (which runs through the site) and evidence of an Anglo-Saxon burial ground and the presence of both pre-historic and Roman settlement.

81. This being so, based on current knowledge, it seems highly likely that there are remains of significance within the site. Accordingly, the proposed development has the potential to cause harm through the loss of important and extensive heritage information and of the opportunity for increased understanding of the history and development of the area, even assuming around 50% would be undeveloped.

82. The HIA further recognises that the significant buried archaeology on the site may further add to the understanding and significance of the area and the inter-relationships between the other heritage assets on the site and nearby. As such, the evidence base on this matter is currently inadequate. Further archaeological investigations would need to be undertaken to establish the likely scale and significance of archaeological remains on the site.

83. Presently, the proposed Garden Community at North Uttlesford is not justified by the historic heritage evidence available and we share Historic England's views that there is a possibility that it is not a suitable location for the development proposed due to its impact on the significance of heritage assets. Also, as set out earlier in our letter, the SA was carried out in advance of the HIA, which in this case is a concern given the findings of the HIA.

84. The Council's Landscape and Visual Assessment (Chris Blandford Associates June 2017) finds that the landscape sensitivity to a new settlement here would be high, given the open hill slopes and topography of the site. The landscape means that the upper ground on the site is highly visible from a considerable distance. Historic England are also concerned about development on the higher ground in terms of its impact on heritage assets.

85. Having visited the site and viewed the indicative masterplan we are also sceptical as to how development on the high ground including the sensitive upper valleys and ridges could in practice be avoided if the quantum of development proposed, as well as the other necessary facilities that would make it a sustainable community, were to be provided. This issue also has the potential to affect the capacity of the site for development and consequently viability. In light of these matters, it is our view that North Uttlesford is not currently justified due to the harm that would be caused to the landscape and to the significance of heritage assets.

86. Turning to highway matters, the supporting text to Policy SP7 states that developer funded highway improvements could accommodate up to 3,300 new homes at North Uttlesford. The Council indicates that these highway improvements would be in the A505 corridor to provide additional capacity. The Council recognises that additional transport improvements would be required in the A505 corridor to accommodate the further housing provision at North Uttlesford.

87. The revised text set out in ED70 (and to be introduced as a main modification) indicates that '*the proposed developer funded highway improvements could accommodate up to 3,300 new homes at North Uttlesford' and that 'development beyond that would depend on strategic capacity improvements on the A505 corridor'*. It adds, '*it is proposed that beyond the end of the plan period, a cap of 3,300 new homes is placed on any the allocation at North Uttlesford Garden Community to ensure that development over this figure does not take place until strategic improvements have been implemented'*.

88. However, the Council's response to representations made as part of the targeted consultation exercise that took place after the hearings, in Document ED72 (pages 21 and 29) suggests that transport modelling has identified that the interim junction improvements would accommodate a development of up to only 2,700 dwellings. There appears to be some ambiguity here that would require clarification.

89. The A505 Corridor Study is being prepared and led by Cambridgeshire County Council. Whilst the Council have indicated that the study is due to be commenced shortly (Matter 8 Hearing Statement) no clear timelines or funding for this piece of work have been provided. As things stand it is not clear to us what improvements would be required to deliver more than 2,700 or 3,300 homes at North Uttlesford, what they would cost, and when they might happen. ED70 suggests that a funded strategic scheme (strategic capacity improvements) is anticipated towards the end of the plan period, by year 14 (2031/32). However, it also seeks to put in place a contingency to deal with any delay in that strategic scheme coming forward.

90. This does not inspire confidence and leads to a good deal of uncertainty. The Council advises in response to the targeted representations, that it has identified specific schemes to address transport impacts in Cambridgeshire if no strategic scheme were available. However, the details of such schemes do not appear to be before us. The possible lack of a strategic scheme to address capacity on the A505 and the potential inability of the site at North Uttlesford to grow beyond 2,700 or 3,300 homes would be likely to have a significant effect on the overall masterplan for this Garden Community and what could be provided there. It would also have further implications for, amongst other things, viability.

91. Additionally, we are conscious that not only is the production of the A505 Corridor Study largely outside of the Council's control, but also that cross boundary highway and other transport matters and improvements affecting

North Uttlesford are reliant on Cambridgeshire County Council, South Cambridgeshire District Council, Greater Cambridge Partnership or Cambridgeshire and Peterborough Combined Authority. However, notwithstanding the Position Statement from Cambridgeshire County Council, these partners are not signatories to any SoCG provided to this examination. As such, we cannot be assured that they agree and are committed to the necessary infrastructure for North Uttlesford Garden Community.

92. Aside from these points, we have serious doubts whether in the absence of a RTS and considering the train station capacity issues at Whittlesford Parkway Station we heard about at the hearings, the transport measures proposed at North Uttlesford are truly sustainable and in line with Garden Community principles.

93. We are also concerned about the apparent lack of bus provision/links to Saffron Walden and other locations listed in Policy SP7 alongside the focus on bus links to employment opportunities and train stations. This is not included in the IDP update (only a footpath and bicycle route are identified). In this context we question whether the IDP would deliver the aims of Policy SP7 to provide a package of measures to provide transport choice at North Uttlesford, including the delivery of high quality, frequent, and fast public transport services to Saffron Walden (and other destinations).

94. Finally, we are aware that the planning application for the proposed development at the Wellcome Genome Campus site, has recently been granted permission for a significant scheme. That could have ramifications for this plan and in particular the North Uttlesford Garden Community site allocation. Therefore, further work would need to be undertaken to understand the cumulative impacts of that development alongside North Uttlesford on transport in the immediate and wider road network and on rail station capacity.

Easton Park

95. Easton Park is a greenfield site between Great Dunmow and Stansted Airport. Policy SP6 anticipates a new Garden Community of 10,000 homes. The Council accepts that the site contains a number of constraints such as landscape and heritage features, including ancient woodland, scheduled monuments, Easton Lodge Registered Park and Garden, a number of listed buildings and that it is adjacent to the Little Easton Conservation Area.

96. The HIA finds the site to be in an area of moderate to high sensitivity and concludes that Easton Park has the potential to harm the significance of heritage assets. It identifies a number of areas within the site as having a high sensitivity. Notably, these include the northern section of the site around the Registered Park and Garden and Little Easton Conservation Area where there are views into and out of the site.

97. Historic England considers that the HIA, through its sensitivity testing, effectively identifies a reduced developable area at Easton Park and accordingly objects to any development within the site, north of Park Road.

Despite this, the Council anticipates that there is scope for some appropriately sensitive development on this part of the site (Matter 8 Hearing Statement).

98. We also note that this part of the site is shown to accommodate buildings on the site promoter's masterplan. Again, having visited the site and considered the evidence before us, we share Historic England's view that the sensitivity of the historic environment has not been adequately considered by the Council and we conclude that unless evidence is produced to show that it could be acceptably developed, development should not take place within this part of the site. Consideration would need to be given to what implications this has for the capacity of the site and its viability.

99. In addition, the HIA fails to consider the historic asset of Stone Hall (a Grade II* listed building) to the south of the site which was not accessible at the time of the survey. Historic England notes that Stone Hall responds to a wider rural setting which contributes to its setting. This is a serious omission that undermines the reliability of the HIA and would need to be re-considered.

100. Regarding transport and infrastructure matters, we understand that a committed interim improvement scheme at junction 8 of the M11 is being progressed by Essex County Council. The modelling analysis that has been undertaken suggests there is sufficient capacity to accommodate traffic growth up to a point between 2025 and 2030. However, it seems highly likely that further infrastructure improvements would be required at Junction 8 at some stage in the future.

101. Highways England are currently in the process of investigating strategic interventions to Junction 8 (and to the M11 between Junction 8 and 13) to help determine spending within the Department for Transport's next Road Investment Strategy. Given the potential for this to delay development at Easton Park more clarity would be needed as to when the outcome of these investigations will be known and as to the likelihood of the funding being available.

102. As set out in the transport and infrastructure section of this letter, more information would be required to support the RTS. In relation to Easton Park ED13 suggests the RTS should be given exclusive use of sections of the B1256 Great Dunmow bypass. We share the concerns raised by a number of representors as to how this would work in practice and whether it would have the effect of forcing traffic to use the High Street and thus reversing the benefits of the bypass.

103. ED65 proposes a main modification to determine, among other things, the issue of what further land may be required to deliver the RTS at Easton Park. This indicates a large area of land to the north west of the Garden Community for transport linkages. It is based on a plan provided by the Easton Park promoter in ED66 to show an area within which third party land may be required to provide linkages. The amount of land identified for this purpose is considerable and adds to our concerns outlined above under

the Transport and Infrastructure heading in relation to the land requirements/assembly issues and costs associated with the RTS and its consequent viability.

104. Also, the presence of an underground high-pressure gas pipeline crossing the site has recently come to light. Document ED75 proposes a main modification to Policy SP6 to reflect this situation. However, it has not been established what implications arise from the pipeline and its associated easements/restrictions (as described in ED75) in terms of the masterplan for Easton Park including any effect that it may have on the capacity of the site to accommodate development. This work would need to be undertaken.

West of Braintree

105. West of Braintree straddles the boundary with neighbouring Braintree District Council and would form part of a wider proposed Garden Community which is being advanced through the North Essex Authorities (NEA) local plan. That plan is also currently being examined. Policy SP8 of the Uttlesford plan indicates that the overall new Garden Community at West of Braintree would create a new community of 10,500 – 13,500 homes, up to 3,500 of which would be in Uttlesford.

106. During the hearings, the Council sought to reduce the number of dwellings that this allocation would deliver during the plan period by 330, from 970 to 640. It is accepted by the Council that the Uttlesford part of the wider Garden Community is wholly dependent on the Braintree element of it going ahead because the size of the Uttlesford part of the Garden Community would not be sufficient to deliver a Garden Community. The Council's addendum of focussed changes recognises the elevated risk around the delivery of the Uttlesford part of West of Braintree as a result of the initial findings of the NEA Local Plan Inspector in his letter of June 2018.

107. In this context, whilst our role is to examine the soundness and legal compliance of the Uttlesford plan and the proposed allocations within that area only, given that it is not a standalone proposal, it is vital that the Uttlesford plan's assessment of West of Braintree's sustainability and viability should be undertaken on the basis of the whole Garden Community (i.e. also including that part of it within Braintree District).

108. The examination of the NEA plan is ongoing. Whilst documents (ED47-47K) were submitted to this examination during the hearing sessions, they were prepared for the NEA examination, and are for that examining Inspector to consider in the first instance. The NEA Inspector has yet to conclude whether the West of Braintree allocation in that plan is sound. As the Council has recognised in its suggested main modifications, his findings will have ramifications for the housing strategy and numbers in this plan.

Objectively Assessed Need for Housing Land

109. Examination document ED32 is a response to our request at the hearings that the Council consider a Main Modification to SP3 to make it clear that 504 dwellings of the housing requirement relates to bed spaces in

communal establishments. The proposed main modification to Policy SP3 does this, however, there is another issue. The calculation of the housing requirement of 14,000 dwellings will have double-counted the 504 people who live in communal establishments. They will have been included already within the census data which provided the starting point for the OAN figure, but it seems they were also identified and added on again between the Regulation 18 and Regulation 19 consultations.

110. If the housing requirement figure is lower, this would affect the other housing calculations, such as the 5-year housing land supply (HLS) and require other consequential main modifications too.

Hatfield Forest Site of Special Scientific Interest (SSSI)

111. There are objections from Natural England to the plan arising from a lack of mitigation measures to address recreational impacts of development in the district and, in particular, of the proposed Garden Community at Easton Park, upon Hatfield Forest SSSI. We share their concerns but are aware that the Council is working with The National Trust, Natural England and neighbouring Council's which fall within the zone of influence of this SSSI, on a mitigation strategy. This matter would also need satisfactorily resolving.

Overall Conclusions

112. We are very conscious of the considerable work that has been undertaken over several years by the Council and the promoters of the Garden Communities in developing them as proposals. We are also aware of the in-principle support afforded to them as a concept by the Government and the funding that has been provided. However, for the reasons given, the Garden Communities are insufficiently justified and have not been shown to have a reasonable prospect of being delivered as submitted. Moreover, the unsolicited documents referred to in paragraph 4 above do not deal with these matters.

113. Consequently, as things stand the strategy set out in the plan is unsound.

In summary, our main concerns are:

- The lack of clear mechanisms to ensure the Garden Community Principles will be met;
- The need to define precise boundaries and to show these on the policies map;
- The proposed housing delivery trajectory is overly optimistic;
- There is unlikely to be a 5 year HLS on adoption;
- The stepped trajectory unreasonably delays addressing the housing affordability problem;
- The Garden Community approach predetermines the strategy long beyond the plan period and so is unduly inflexible;
- As part of the assessment of reasonable alternatives the SA does not consider a smaller number of garden communities, in combination with more housing in existing sustainable settlements, nor does it have regard to the evidence in the HIA;

- The lack of certainty about the delivery of employment uses undermines the potential for the Garden Communities to be sustainable places;
- The costs, viability and deliverability of the RTS are uncertain and any benefits would be realised too late to help ensure the Garden Communities at Easton Park and West of Braintree would be sustainable places;
- Realistic infrastructure costs have not been established meaning it is uncertain whether the Garden Communities will be viable and developable;
- The North Uttlesford Garden Community is flawed in terms of landscape and heritage impacts and the potential for the A505 improvements and public transport infrastructure are uncertain, undermining the potential for this Garden Community to be a sustainable place;
- The Easton Park Garden Community is flawed in terms of heritage impacts, the potential for highway improvements to M11 junction 8 and the M11 between junctions 8 and 13 are uncertain pending further investigations by Highways England and the unknown implications of the gas pipeline crossing the site on its capacity for built development;
- The West of Braintree Garden Community is flawed since the sustainability appraisal and viability assessment only considers the part of the site within Uttlesford despite it being dependent of the delivery of the larger proposed site allocation in Braintree District.

In addition, further work would be needed on:

- Mitigation measures for Hatfield Forest Site SSSI;
- The housing requirement and trajectory in relation to people in communal establishments.

114. In order to arrive at a sound strategy, we consider that as a primary consideration, the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year HLS, until the Garden Communities begin to deliver housing. This would have the benefit of providing flexibility and choice in the market and the earlier provision of more affordable housing. It would also create a buffer, so the target of 14,000 homes is not only just being met by a narrow margin and would allow for a less steeply stepped housing trajectory.

115. Hand in hand with this approach, our view is that the Council should delete one of the Garden Communities from the plan. Our suggestion would be that this should be North Uttlesford, which for the reasons set out above, seems to have the most barriers to its development and perform the least well against the Garden Community Principles. As well as realising the benefits associated with the provision of a wider range of sites described above, to do so would realistically acknowledge and address the enormity of the scale of the highly ambitious task of delivering three Garden Communities in the district at once. It would also reduce the post plan period development by around 3000 dwellings, thus providing the potential

for a variety of small and medium sized sites to be allocated in the next local plan period, if appropriate.

116. We must stress however that in suggesting this course of action we are not endorsing the other Garden Communities in the plan. Our identified concerns in relation to the significant issues to overcome at Easton Park and West of Braintree remain and an enormous amount of further work would be required, as outlined above, to justify these ambitious allocations.

Next Steps

117. In our approach to the examination we have given great weight to the guidance to Inspectors on the examination of local plans in Greg Clark's letter to the Chief Executive of the Planning Inspectorate of 21 July 2015 (as recently restated in James Brokenshire's letter of 18 June 2019). At the same time, the recently updated Procedure Guide for Local Plan Examinations makes clear (third bullet point of paragraph 8) that one of the three possible outcomes for an examination is that there are soundness problems with a plan which it is not possible to address by main modifications and that, in advance of a formal recommendation of non-adoption, Councils would be asked to consider withdrawing the plan.

118. We must examine the plan against the soundness tests set out in the Framework and determine whether it is justified and effective. The points covered above are fundamental matters which relate to the soundness of the plan.

119. To address our concerns, the Council would have to prepare a very considerable amount of new evidence. Since the plan was submitted in January 2019 much new evidence and information to support it has already been produced and continues to be submitted. Although we accept that some of this has been at our request, that is not so in all cases.

120. During the course of the examination, so far the Council has sought to amend and justify significant strategic elements of the plan including: revised start dates for the Garden Communities; different housing numbers within the plan period; a revised trajectory; altered methodology for calculation of 5 year supply; detailed changes to Garden Communities policy wording arising from late Statements of Common Ground with key partners and statutory consultees; late emergence of transport RTS/BRT details; Hatfield SSSI draft Mitigation Strategy; a sports strategy; an updated IDP; and the need for additional targeted consultation after the hearings sessions which has lengthened timescales and added another layer of complexity to the process.

121. Documents, including an updated IDP (October 2019), continue to be submitted without the opportunity for participants to comment. To some degree, these are evidence base documents which should have informed the plan making process. As things stand, there are some 81 items in the Examination Documents library that have been submitted following the submission of the plan (and this number continues to grow). We fully appreciate the long timescales involved in the local plan process and understand that things move on.

122. Nevertheless, we share the views of a number of the participants in the examination that it is difficult to keep track of and understand the large volume of additional material that has been submitted and continues to emerge. This is especially problematic for local residents. There is also a risk that this additional material, and any further evidence that is produced, seeks to justify the strategy set out in the plan rather than informing the plan making process which is how it should be used.

123. Proceeding with this examination is likely to become protracted. It would be procedurally challenging to manage in practical terms and extremely difficult for participants to engage with. There is also no guarantee that this plan would be found sound at the end of that long and complex process.

124. We estimate it would take between 1 and 2 years, possibly longer, to complete the necessary work and that would include work which is normally undertaken as part of the plan preparation process, and to consult upon it. Also, any lengthy pause in the examination is likely to lead to the need to revisit the objectively assessed need for housing (OAN). The OAN for Uttlesford is based on the Strategic Housing Market (SHMA) update 2017 which in turn is based on the 2014-based household projections. If new national household projections were to be published, it would be necessary for this examination to consider whether the change was meaningful, in line with the advice in the Guidance. Other parts of the evidence base could also become out of date during this time. All this additional work and any changes the LPA considers necessary to the plan would need to be consulted upon and further hearings held.

125. Moreover, we consider that the work likely to be necessary goes well beyond what could be reasonably addressed by main modifications to the plan. The Council has already suggested a considerable number of main modifications and additional modifications to the plan (around 120 MMs and a similar number of AMs at 14 October 2019). These include amongst other things changes to the housing numbers in the Garden Communities, the altered housing trajectory, a suggested additional policy, a new Garden Community Inset Plan and the inclusion of employment figures for the Garden Communities. With the further work that is necessary the number of main modifications would be very likely to become much greater still.

126. As you will be aware, the examination process is not intended to allow the Council to carry out major changes to the plan or to complete the preparation of its evidence base. Based on our concerns about the soundness of the plan set out above we anticipate that the changes necessary would amount its almost complete re-drafting. The Guidance advises that where the changes recommended by Inspectors would be so extensive as to require the virtual rewriting of the plan, it is likely to be suggested that the local planning authority withdraw the plan.

127. We believe that the key decisions to be made on the future of the Garden Communities and the spatial strategy need to be taken by the Council, in consultation with local residents. The most effective and transparent way

to do this would be through the preparation of a new plan, based on a robust SA, rather than emerging as our recommendations in main modifications.

128. We realise that the Council's preference might be to continue with the examination if at all possible and, although we will not reach a final decision on the way forward until we have had the opportunity to consider the Councils' response to this letter, we are of the view that withdrawal of the plan from examination is likely to be the most appropriate option.

129. We appreciate that this will be not be the news the Council were hoping for and that you may need some time to reflect on the contents of this letter and to determine the preferred course of action. We are not setting a deadline for a response from the Council, but an early indication of when the Council is likely to be able to provide a response would be appreciated.

130. We are not seeking a response to this letter from any other parties and will not receive any comments on it. Nevertheless, we are happy to provide any necessary clarification to the Council via the Programme Officer.

Louise Crosby and Elaine Worthington

Examining Inspectors