



**Uttlesford District Council**  
**Strategic Land Availability Assessment**  
**Consultation April 2016**

**Report A: Comments by Elsenham, Henham, Ugley and Widdington Parish Councils.**

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## 1.0 INTRODUCTION

- 1.1 Gardner Planning Ltd (**GPL**) is instructed by Elsenham, Henham, Ugley and Widdington Parish Councils (**the PCs**) to produce this **Report** in response to a consultation by Uttlesford District Council (**UDC**) on the draft Strategic Land Availability Assessment (**SLAA**) with a deadline for comments on 8 April 2016. UDC issued a ‘call for sites’ in April - June 2015 for an assessment of potential sites to eventually be considered as proposals in the Local Plan. North East Elsenham site affects all the PCs. A separate Report is submitted on behalf of Henham PC about sites in its Parish.
- 1.2 UDC has already consulted on ‘Issues and Options’ for the Local Plan. There is to be no further consultation before that on a ‘Pre-Submission’ Local Plan (Regulation 19) in November 2016. Unusually, there will be no consultation on a Draft Plan so that the response to consultation on all potential sites is critical.
- 1.3 UDC has asked to ‘comment on matters of fact’. The SLAA is largely influenced by matters of opinion (e.g. whether the site is ‘sustainable’ or ‘suitable’) so that being asked to comment on matters of fact only is unsatisfactory. Furthermore, given the lack of any other consultation before the formal stage (despite what the National Planning Policy **Framework** says about “*empowering local people to shape their surroundings*”<sup>1</sup>), the response to sites in the SLAA is almost a last opportunity for the local community to express a view on the emerging Plan. Moreover, UDC states that “*any factual errors will be amended and any comments noted on the site assessment form*” implying that this not just a ‘fact-checking’ exercise.
- 1.4 UDC states that “*the Draft Site Assessments are an assessment of the deliverability of sites*”. This is arrived at by looking at three factors: suitable, achievable and available of which ‘suitable’ is an overall judgement. This Report, therefore also expresses views on the NE Elsenham in those terms, culminating on whether the site is considered ‘suitable’.

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<sup>1</sup> Framework para 17

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- 1.5 In the 2014 Local Plan Elsenham was a 'Key Village'; Henham was a third tier settlement ('rural settlements type A'); Ugley and Widdington were fourth tier ('rural settlement type B'). These categories are likely to be the same in the new Local Plan. Neither settlement is the sort of settlement which could absorb 5,000 + dwellings at North East Elsenham (sites 05/06/07Els15).
- 1.6 In both cases the settlements have only modest services and facilities (including no secondary school) and poor road connectivity. These were points raised by the Local Plan Inspector in December 2014 who recommended that the 2014 Plan be withdrawn.
- 1.7 The site covered by this Report are:

05/06/07Els15	Land north east of Elsenham
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## 2.0 NORTH EAST ELSENHAM

- 2.1 Three overlapping sites have been submitted and assessed in the SLAA:
- 05Els15 - land north of Elsenham, 800 homes
  - 06Els15 - ditto, 1,500 village extensions
  - 07Els15 - ditto, 'new settlement' 5,400 to 12,060 homes
- 2.2 This site or sites affects all the PCs so that this Report is a joint response by EPC and HPC.
- 2.3 The SLAA makes the same conclusion to all three sites:

*This site is being promoted as a village extension incorporating services and facilities. The site is available and development is achievable subject to assessment of the technical evidence. The suitability of the site will depend on the outcome of the appeal and/or the Council's approach to strategic sites. The latter will be based on the overall strategy for distribution and the considerations will include, but not be limited to, the scale of development needed to deliver the infrastructure required and transport, landscape, heritage and flooding impacts. The promoters have submitted a range of technical*

*reports which indicate that this site is achievable and deliverable. This view and reports will be subject to further assessment and scrutiny as the sieving process continues.*

*A smaller development of 800 houses is the subject of an appeal. The suitability of this site will depend on the decision on the appeal and the Council's approach to strategic sites.*

*The promoters have submitted evidence to demonstrate that the site is achievable. This will need to be assessed by the appropriate technical experts.*

2.4 The assessment finds that the three sites are 'available' but questions their suitability and achievability. The sites are 'available' by virtue of a submission being made. This Report concludes that they are neither achievable or suitable.

2.5 The 2014 Local Plan included, as its main proposal, "Elsenham Policy 1 - Land north east of Elsenham" for 2,100 homes which roughly coincides with 06Els15. The Local Plan Inspector was highly critical of the proposal, an extract from his report is as follows (emphasis added):

*2.3 Adding a further 2,100 homes to a village of perhaps about 1,500 existing and committed homes (on the basis of the above figures) would bring Elsenham to a total of about 3,600 homes. **Potential future extension of the allocation to 3,500 homes after 2031 would increase the overall size of the village to as much as 5,000 homes. Expansion on either of these scales would bring major change in Elsenham's place in the hierarchy of Uttlesford's settlements. Before embarking upon any part of the Elsenham policy 1 proposals it is therefore crucial to ensure that this is an appropriate location for such expansion.***

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

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

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

2.6 In summary, the LP Inspector found that this location for major development is unsustainable and unacceptable:

- lack of suitable road access and connectivity
- the divisive effect of the railway

2.7 These are fundamental structural deficiencies which cannot be realistically rectified. The division of the settlement is not addressed in the submissions or the assessment. There are many other objections to these sites - including landscape impact, loss of BMV agricultural land, impact on local communities.

2.8 The unacceptable road access is not addressed in the submissions for sites 05 and 06, nor dealt with in the assessment. Site 07 makes a 'proposal'<sup>2</sup> to construct a new road between 'point A' at the entrance to the site in Henham Road, across third party land with an access to Hall Road 'point B' then a new road from 'point B' across a wide area of countryside north west of Stansted Airport to 'point C' at Bury Lodge Lane. Three

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<sup>2</sup> Submission document 'Joint Statement Relating to Hall Road/Bury Lodge Lane Link Road

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main points arise about this substantial undertaking (or perhaps a desperate attempt to 'bypass' the Inspector's conclusions):

- the route crosses multiple land ownerships without any clear agreement from all land owners to cooperate
- the road from B to A is some 4km in length without any costing, impact on viability or even rudimentary design or alignment
- there is no recognition that a substantial length of Bury Lodge Lane (a minor road) is involved - with a sub-standard carriageway width of some 5m and a torturous route with difficult junctions to the south-west of the airport.

2.9 **The SLAA conclusions that there is insufficient evidence of achievability and suitability therefore seems a weak response. It is clear that, taking account of the findings that caused the 2014 Plan to fail, that all three site proposal are 'unsuitable', indeed fatally flawed.**

2.10 The SLAA is quite wrong to make the following assessment:

*Is there a viable route from the site to the principle or strategic road network (B roads, A roads and M11)?*

*A viable route exists to the B1051. The call for sites information states that there would be provision of alternative vehicular access between Old Mead Road and Henham Road.*

2.11 **There may be a route to the B1051 through the site, which then heads north west on a long, narrow route to Thaxted; or south-west through Stansted Mountfitchet (which was heavily criticised by the LP Inspector) but there is no suitable link to the 'strategic road network' or the M11. This is a factual inaccuracy which should be corrected.**

2.12 Site 05 is currently awaiting a decision on an appeal heard at the Inquiry in Autumn 2014. If that is dismissed, then it effectively means that 'NE Elsenham' (any of the 3 sites) has reached the end of serious consideration. The SLAA effectively recognises this:

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*The suitability of the site will depend on the outcome of the appeal and/or the Council's approach to strategic sites.*

- 2.13 However, the appeal proposal is for 800 homes and even if allowed there would be no justification for expanding the site as envisaged in the submissions. The LP Inspector was considering a much larger proposal and found the flaws referred to above, he was not considering the appeal proposal.
- 2.14 **In conclusion, none of the three sites (05/06/07Els15) are either 'achievable' or 'suitable'. Also the the factual inaccuracy of the SLAA finding on suitability of the access should be corrected.**

#### **Locally-Led Garden Villages, Towns and Cities (DCLG 16 March 2016)**

- 2.15 DCLG has published this prospectus and this has relevance to the consideration of the NE Elsenham sites. The Government's intention for such developments (1,500 - 10,000 homes<sup>3</sup>) is clear.
- it must be a discrete settlement not an extension of an existing town or village<sup>4</sup>
  - it should be sited on 'brownfield' land<sup>5</sup>
  - infrastructure needs are clearly assessed and met as part of any proposal<sup>6</sup>
- 2.16 The submission by David Lock Associates (June 2015) on behalf of Fairfield suggests that the NE Elsenham proposals would be a 'garden' type settlement. The extensive Appendix L<sup>7</sup> sets out over 10 pages why NE Elsenham is well suited to a being considered a 'garden' settlement, albeit below the threshold of previous DCLG guidance 'Locally Led Garden Cities (April 2014)'. The proposed size of NE Elsenham from up to 4,000 homes now sits within the 'Garden Villages' category of the new 2016 Guidance.
- 2.17 Appendix L states that

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<sup>3</sup> Locally-Led Garden Villages, Towns and Cities paras 8, 13

<sup>4</sup> ditto para 14

<sup>5</sup> ditto para 20

<sup>6</sup> ditto para 29

<sup>7</sup> D Lock submission June 2015 Appendix L p47

- *The strategic location of Elsenham is suited as the location suitable for a Garden City.*<sup>8</sup>
- *The expression of Garden City Principles will be further amplified as outline proposals are more fully developed.*<sup>9</sup>
- *Proposals for land north east of Elsenham are conceived of and promoted as private sector led proposals that do not require recourse to public subsidy.*<sup>10</sup>

However, it seems that public subsidy will be required:

- *Strong linkages will be made to the motorway network at J8 providing national and sub-regional highways access.*<sup>11</sup>
- *One area where public investment will be essential is in the required improvements to J8 which are anticipated to be needed from 2025 onwards. This will form a key strand of any future planning strategy for the District, and must be led and driven forward by the appropriate public sector bodies.*<sup>12</sup>
- *It is not anticipated that a New Town Development Corporation Model is necessary in order to deliver the scenarios set out. However, TFP retains an open mind and would be willing to discuss any appropriate mechanisms.*<sup>13</sup>

2.18 The DCLG 2016 publication now makes it clear that NE Elsenham is entirely unsuited to be a 'garden village'. Moreover, it suggests that NE Elsenham is unlikely to receive the benefits available to qualifying developments, e.g.:

*6. We are proposing to strengthen national planning policy to provide a more supportive approach for new settlements. We are committing to legislate to update the New Towns Act 1981 to ensure we have a statutory vehicle well-equipped to support the delivery of new garden cities, towns and villages for the 21st century*

*7. This prospectus extends our existing offer to support local areas who want to create garden communities on a smaller scale. It offers tailored support to local areas which want to deliver a new garden village, town or city.*

*31. To support local authorities in realising their vision for new garden settlements, we can provide a tailored package of support that could include a limited amount of funding. That funding could for example be used to ensure the local authority has the right skilled staff in place or pay for key studies and assessments. This funding is available in 2016-17 and 2017-18, with further funding subject to review.*

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<sup>8</sup> ditto para 3.30

<sup>9</sup> D Lock submission June 2015 Appendix L para para 3.4

<sup>10</sup> ditto para 3.5

<sup>11</sup> ditto para 3.30

<sup>12</sup> ditto para 3.6

<sup>13</sup> ditto para 3.8

*32. In addition, direct support can also be provided by the Homes and Communities Agency (HCA), including through their Advisory Team for Large Applications (ATLAS). The assistance provided would be bespoke to each local authority, but might typically have a focus on providing expertise around planning for delivery.*

*33. The garden villages we commit to supporting will be a priority for delivery. We can play a key role across government in helping local authorities overcome barriers to delivery, and broker solutions to unblock any issues that arise.*

*34. There are a number of funding streams which, subject to eligibility, could be open for successful expressions of interest to secure priority access. These include:*

*35. Starter Homes Fund: there is an opportunity to access funding for more starter homes from our £2.3 billion funding for starter homes if the additional starter homes are built out by 2020.*

*36. Affordable Housing: new proposals will also have an opportunity to access funding to deliver shared ownership, rent to buy and supported housing by 2020/21.*

*37. Help to Buy: Equity Loan will be available until March 2021, offering an equity loan of up to 20% of the purchase price, and enabling people to buy a new-build home with a deposit as low as 5%. This would provide the opportunity for people unable to save for a large deposit, but able to make regular mortgage payments, to realise their dreams of owning their own home.*

*38. We will also work with places we are supporting to help them navigate and seek funding from other sources of government funding, for example, the Home Building Fund, the free schools programme, and other roads and rail capital programmes.*

**2.19 Clearly, UDC will wish to take advantages of all these benefits in determining which ‘new settlement’ to choose to be part of the new Local Plan. It is clear that some of the proposals that have been submitted are likely to fit the criteria in the DCLG prospectus. What is equally clear is that NE Elsenham will not.**