



## UTTLESFORD DISTRICT COUNCIL

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### **Uttlesford Council Response to Planning Inspectors Initial Questions February 2025**

#### **Q1. Does the submission Plan comprise documents ULP1 (Regulation 19 Local Plan Document), ULP2 (Regulation 19 Local Plan Appendices) and ULP3 (Regulation 19 Local Plan Site Development Templates)?**

##### **Council Response:**

Yes.

The Submission Local Plan comprises the plan document and its appendices 1 to 19. These are presented as three documents as listed in the above question:

ULP1: Regulation 19 Local Plan Document

ULP2: Regulation 19 Local Plan Appendices

ULP3: Regulation 19 Local Plan Site Development Templates

#### **Q2. Which document constitutes the submission Policies Map?**

##### **Council Response:**

ULP4 Local Plan Full Policies Map constitutes the submission Policies Map, which illustrates geographically the application of Local Plan's policies comprehensively across the whole Plan Area and at a high resolution in accordance with the Town and Country Planning (Local Planning) (England) Regulation 9 (2012).

This is supported by ULP4.1 which provides a series of 'zoomed in' maps showing policy designations by individual parishes to enable readers to view the policy areas in more detail. These are intended for illustrative purposes. It is clearly explained in ULP4.1 that the 'zoomed in' maps should be read in conjunction with the Local Plan and the Full Policies Map.

Other maps within ULP1, ULP2 and ULP3 are supplementary and provided for illustrative or figurative purposes only. These maps are intended to enhance understanding of the Plan but do not form part of the submission Policies Map.



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### **Q3. Which of the core policies in the Plan are necessary to address the strategic priorities of the district?**

#### **Council Response:**

The Council is satisfied that the majority of the policies currently identified as strategic, these are labelled as 'Core' policies within the Local Plan, are consistent with the December 2023 NPPF description as set out in Paragraph 20. This states:

*“Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for:*

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- c) community facilities (such as health, education and cultural infrastructure); and*
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation”.*

However, the Council do accept that a small number of the policies could be considered to fall within a non-strategic category and, for that reason, the Council would support the re-classification of the following policies if that were considered appropriate:

- CP21: Rural Diversification
- CP57: Sub-Division of Dwellings and Houses in Multiple Occupation
- CP67a: Management of Public Open Space, and
- CP69: New Cemeteries and Burial Space



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**Q4. In the event that we find them to be necessary, does the Council wish us to recommend modifications to make the Plan legally compliant and sound?**

**Council Response:**

Yes.

The Council would like to request that the Inspectors do recommend main modifications should they consider that is necessary to make the Plan legally compliant or sound.

**Q5. Do transitional arrangements set out in paragraph 234 of the revised Framework apply to the Plan?**

**Council Response:**

Yes.

The Uttlesford Local Plan was submitted to the Secretary of State on 18 December 2024 and thus before the 12 March 2025 deadline which is consistent with criteria 'b' of NPPF Paragraph 234 (12 December 2024 Version). This states that:

*“For the purposes of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply:*

*b. the plan has been submitted for examination under Regulation 22 on or before 12 March 2025.”*

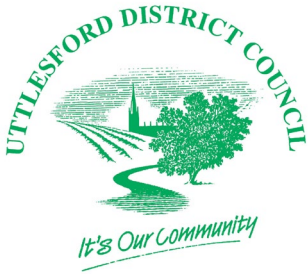
Whilst unnecessary, because criteria 'b' applies; criteria 'a' of Paragraph 234, would also apply, as the Uttlesford Local Plan provides for c. 92% of the local housing need as recently published as part of the December 2024 NPPF update and has already completed the Regulation 19 stage. Criteria 'a' of Paragraph 234 states:

*“a. the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need”.*

**Q6. If that is the case, what does the Council consider to be the relevant previous version of the Framework for the purposes of the examination?**

**Council Response:**

December 2023 version.



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### Question 7:

Duty to Cooperate We note from the Duty to Cooperate Topic Paper (OTH1) and its addendum (OTH2) that a number of statements of common ground are still awaiting completion or clarification. These include statements of common ground with Network Rail, Essex County Council, the Environment Agency, Manchester Airport Group/Stansted Airport Limited, National Highways and the National Trust. Please update us on progress on these statements.

### Q. Has there been any progress on the outstanding statements of common ground?

#### Council Response:

Yes.

There has been further progress on a number of the outstanding Statements of Common Ground (SOCG) which are summarised below:

#### Network Rail:

##### Uttlesford and Network Rail Duty to Co-operate Process Update February 2025.

The Council have been working with Network Rail throughout the preparation of the Local Plan.

##### Engagement with Network Rail – Pre Regulation 19

The Council has engaged with Network Rail through regular meetings on the Duty to Co-operate process for the new Local Plan since summer 2023.

In June 2024, the Council shared drafts of the emerging Regulation 19 Policies and the draft Transport Section of the Plan with Network Rail. A revised SOCG was also shared at this time.

##### Post Regulation 19 Engagement

Network Rail did not submit a response at Regulation 19.

The Council have contacted Network Rail in October 2024, December 2024 and January 2025 asking for progress on the SOCG. No response has been received from Network Rail, although this is thought to relate primarily to resourcing. The Council will continue to pursue a SOCG with Network Rail but in any event are not aware of any substantive issues.

#### Essex County Council:

The two councils are preparing an SOCG. The current SOCG is included at **Appendix 1**.



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The Councils identified six issues from the ECC Regulation 19 response that were considered worthy of further attention. As can be seen from the SOCG, three of these have now been resolved. The Councils are confident that agreement can be reached on the remaining three issues, but the discussions remain ongoing.

The remaining ECC Regulation 19 responses are predominately considered to be more minor and straightforward in nature. The SOCG includes an annotated list of all of these comments, indicating if they were included in the 'Proposed Modifications' included in the Plan Submission, and if not, why not. The Council is content that these can be considered appropriately in due course, particularly when an Additional Modifications Schedule is prepared later in the process.

### **Environment Agency:**

An updated SOCG was prepared following the Regulation 19 consultation and sent to the Environment Agency for agreement on 28 November 2024. The EA were unable to provide a response before the Local Plan was submitted for examination. A request for further information was received from the EA on 19 December, and in response the Council sent a revised SOCG and appendices to the EA on 8 January 2025. The EA responded on 5 February with marked-up versions of the appendices which indicate that some further work is required before the SOCG can be agreed, although it is noted that this included some comments not previously shared with the Council.

The key outstanding issues relate to three matters. Firstly, flood risk on the housing site allocations at Great Dunmow, where the EA has recommended that either further assessment is carried out to demonstrate that any development will remain in Flood Zone 1 for its lifetime or that the site development template is modified to include a clearer statement that development must be located outside Flood Zones 2 and 3 including climate change allowance. The Council is content to adopt the latter approach, but has always been clear that development will not be included in Flood Zones 2 or 3. The area to be developed is thought to consist of c. 18 % of the development site, whereas the Flood Zones (2 and 3) are thought to account for c. 28 % of the site. These areas do not overlap.

Secondly, the EA has objected to the use of Flood Zone 2 as a proxy for the 1 in 100-year fluvial flooding event (plus climate change allowance) despite this being agreed between the EA and the Council's consultants at a meeting in April 2024. The EA has advised that further clarification is still being sought from the EA's flood risk team on this matter and it is not currently possible to agree a resolution.

Finally, the EA continues to seek a higher standard of water efficiency for non-residential development, suggesting that Core Policy 34 should require development to meet the BREEAM "excellent" standard in the water efficiency category. As the evidence in the Council's Water Cycle Study does not support this, instead recommending targeting the "very good" standard, and the EA has not provided any further evidence to support its recommendation, the Council proposes to identify this as an area of disagreement in the SOCG. The Council should however be clear that it does not object to setting higher water



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efficiency standards, but it is not currently aware of any evidence to justify such an approach.

In addition to these matters, the EA has requested a series of modifications to the Local Plan, in some cases seeking further modification to suggested text provided as part of the Regulation 19 representation. The Council does not consider that these requests are related to matters of soundness but is content to consider them through the examination process. The EA has also provided a guidance document on the Water Framework Directive status of water bodies in Uttlesford and has requested that this be referenced in the Local Plan. This does not appear to be a formal piece of guidance and has not been previously shared with the Council, so there has been no opportunity to consider its contents prior to preparing and submitting the Local Plan. However, the Council has no in principle objection to providing a further reference.

The Council's view is that agreement can be reached on the three key issues noted above relatively quickly via minor amendments to the issues table and the SOCG itself, subject to the receipt of further clarification on the use of proxy indicators for fluvial flood events. However, the Council understands that there are resourcing pressures at the EA which are exacerbated by seasonal storm and flood response duties, and so it has not been possible for the SOCG to be signed by 14 February. The Council remains committed to seeking to agree the updated SOCG in a timely manner.

### **Manchester Airport Group:**

#### Uttlesford and Manchester Airport Group/Stansted Airport Ltd. Duty to Co-operate Process Update February 2025.

The Council have been working with Manchester Airport Group/Stansted Airport Ltd (STAL) throughout the preparation of the Local Plan.

#### Pre-Regulation 19 Engagement

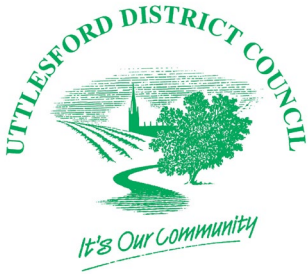
The Council has engaged with STAL through regular meetings on the Duty to Co-operate process for the new Local Plan since summer 2023.

In June 2024 the Council shared drafts of the emerging Regulation 19 Policies and the draft Airport Section of the Plan with STAL. A revised Draft SOCG was also shared at this time.

#### Post-Regulation 19 Engagement

STAL submitted a detailed representation at Regulation 19 which was supplemented by several issues that were added to the Draft SOCG. At Regulation 19, STAL have also made a number of suggested modifications of supporting text and policies.

The Council met with STAL in early December to discuss the SOCG and next steps. A revised draft of the SOCG was sent to STAL, following this meeting, in December 2024.



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The Council has attempted to arrange meetings with STAL throughout January 2025 to discuss the Statement of Common Ground. Unfortunately, it has not been possible for STAL to meet with the Council following Regulation 19 to discuss the statement. It is understood that STAL are currently busy working on their 'Sustainable Development Plan' that was published in December 2024.

The Council understand that whilst there are some areas of difference remaining, it is also thought there are a number of areas of agreement.

However, for the above reasons, there is currently no SOCG in place between the Council and STAL, but the Council are committed to continue to pursue one. It is understood that STAL are willing, in principle to progress a SOCG, but have limited time or resource available at the current time.

### **National Highways:**

#### Uttlesford and National Highways Duty to Co-operate Process

The Council have been working with National Highways throughout the preparation of the Local Plan. The strategic matters of interest to National Highways are how Local Plan proposals impact on the Strategic Road Network (SRN). The SRN in Uttlesford comprises the M11, the A120 and the A11 with major SRN junctions at M11 J8 and A11 – Stump Cross.

#### Pre-Regulation 19 Engagement

UDC have been engaging with National Highways on the approach to the transport assessment since the summer of 2021. A number of meetings have been held to discuss the transport modelling approach with National Highways and their consultants, AECOM, over this period. National Highways have been issued with numerous draft Technical Notes on the suggested methodology at regular intervals since 2021 with the final Modelling Methodology Technical Report (**TRA10**) being issued to National Highways in August 2022. In many cases the issuing of these technical notes has been supported with technical meetings (including the transport consultants).

Since August 2022 further reports have been shared, in draft, with National Highways, including Data Collection Reports, Model Forecasting Reports and Validation Reports as follows:

- TN320 - Trip Generation Technical Note - May 2022 (**TRA11**)
- TN342 - Saffron Walden Model - Transport Data Package Report - September 2022 (**TRA13**)
- TN351 - A120 Model - Transport Data Package Report - November 2022 (**TRA14**)
- TN341 - Saffron Walden Model - Transport Model Package Report (LMVR) - January 2023 (**TRA12**)
- TN352 - A120 Model - Transport Model Package Report (LMVR) - May 2023 (**TRA15**)



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- TN401 - Strategic Impacts Model Outputs - September 2023 (**TRA17**)
- TN353 - A120 Model - Transport Forecast Package Report - October 2023 (**TRA16**)
- TN 409 - A120 Corridor Model Outputs - June 2024 (**TRA6**)
- TN 408 - Saffron Walden Model Outputs - June 2024 (**TRA7**)

In June 2024 the Council shared drafts of the emerging Regulation 19 Policies and the draft Transport Section of the Plan with National Highways. The Council also shared three further draft technical notes: TN409 - Review of Reg.19 Model Outputs Technical Note (**TRA6**), TN410 - West Essex Model Comparison Technical Note (with Appendices)(**TRA18**) and TN411 – Stump Cross Technical Note (**TRA8**). An updated draft Statement of Common Ground was also shared at this time.

### Post-Regulation 19 Engagement

National Highways submitted a detailed representation at Regulation 19 which was supplemented by several issues that were added to the Draft Statement of Common Ground.

The Council commissioned its transport consultants, Tetra Tech, to undertake a review of the issues raised by National Highways at Reg.19. These issues were discussed at a meeting between UDC and National Highways on 4<sup>th</sup> February 2025. AECOM, acting as National Highways transport consultants and Tetra Tech, UDC transport consultants discussed the issues and it was agreed that Tetra Tech would provide further technical information in a response note.

The Response Note (produced by Tetra Tech) was issued to National Highways on 7<sup>th</sup> February 2025 and this note is appended to the current SOCG between the Council and National Highways. A revised draft of the Statement of Common Ground was also issued to National Highways. This was also supplemented with further explanation on housing trajectory and wider strategic context.

The current SOCG is appended to this response (**Appendix 2**). There are essentially three categories of comments in the current SOCG:

- i) some matters have been resolved
- ii) some matters where National Highways accept that further detailed modelling would be more appropriate to inform a future Local Plan, rather than the currently emerging plan (see below), and
- iii) some matters that remain outstanding and the Council is committed to continue to work through these.

In relation to the matters that National Highways accept that further modelling would be most appropriately addressed as part of the next Local Plan, rather than the currently emerging one, this relates to the following:





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- the Council has been clear that the currently emerging plan is, in part, a consolidation/catch up Local Plan, following a period of twenty years in Uttlesford without a new Local Plan. This approach ensures a plan led system can be re-introduced to the district and presents a wide range of benefits. However, it has also been acknowledged that work on the next plan, should commence quickly, c. 2026 for adoption, c. 2030, and would provide a more appropriate mechanism to address longer-term and larger-scale strategic growth
- recent changes to Government policy, including the proposed introduction of new Unitary Councils and nationwide coverage for Spatial Development Strategies, actually strengthens the Uttlesford approach to plan preparation. It is now more likely that any future Local Plan, to be part of a new Unitary Council, would need to plan for a greater quantum of housing and the potential for the inclusion of larger standalone settlements is also increased
- the recent proposed increase in passenger numbers at Stansted Airport in the longer term (from 43 to 51 million passengers per year) will also lead to increased development pressure and potential for traffic impacts
- taken together, we can anticipate that any future Local Plan would need to consider a greater quantum of growth and the need for more significant infrastructure interventions, and
- the delivery trajectory for some of the currently emerging Local Plan sites, particularly the larger sites such as that proposed at Takeley, would not commence delivery until 2030/31, thus any further/ additional work will be completed before the site comes forward.

For the above reasons, it is considered that where there is a need for any more detailed traffic modelling, this should be focused on the next Local Plan rather the currently emerging one, and in many instances National Highways agree with this view. This will represent a more effective and cost-effective use of Government resource and avoid abortive work.

The Council is satisfied that the approach to transport assessment supporting the currently emerging Local Plan is appropriate and proportionate, especially considering the overall quantum of additional growth supported by the current plan is modest and the factors outlined above.

The Council has endeavoured to fully engage with National Highways and considers that it has collaborated effectively to resolve any technical issues raised by National Highways.

### **National Trust:**

A SOCG is now complete between the Council and National Trust and this is included at **Appendix 3** to this response for information.

### **Question 8:**



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Natural England has queried the effect of air quality on Hatfield Forest. We note that further information is awaited in the form of an Environmental Impact Assessment as part of a planning submission on the strategic employment site on Land North of Taylors Farm, Takeley. Although not explicitly stated, we assume the outstanding memorandum of understanding referred to in Appendix 2 of the Duty to Cooperate Topic Paper Addendum Report (OTH2.2) is also with the developer of this site. Please update us with progress on the application and any subsequent discussions with Natural England.

### **Q. Has there been any further statement of common ground with Natural England or a memorandum of understanding with the developer of Land North of Taylors Farm?**

#### **Council Response:**

In relation to a Statement of Common Ground (SOCG) with Natural England, the National Trust, the developer of Land North of Taylors Farm, Takeley Street and the Council, this is currently being explored. It is expected that the document would set out the high-level methodology for assessing the potential air quality impacts of the site allocation on the Hatfield Forest SSSI alongside a timetable for future cross-party engagement linked to key milestones in the EIA and planning application processes. The Council is awaiting further information from the developer in order to prepare a draft document and has been in contact with all parties to seek agreement in principle to a joint SoCG or MoU. It is hoped this could be completed by late February or early March.

The outstanding MoU referred to in Appendix 2 of the Duty to Cooperate Topic Paper Addendum Report (OTH2.2) was intended to apply to the Land North of Taylors Farm employment allocation. This is now complete and included as an attachment to this response (**Appendix 4**).

Regarding an update with the progress on the Land North of Takeley Farm employment application:

- Pigeon (Takeley) Ltd had a virtual meeting with Natural England and the National Trust on 11 December 2024 with air quality being one of the matters that was discussed. Written advice was received by Pigeon from Natural England following this meeting.
- A request for an Environmental Impact Assessment Scoping Opinion was submitted to UDC on 17 January 2025. This has been registered under reference UTT/25/0125/SO. The submission confirms that air quality would be 'scoped in' and sets out the proposed scope and methodology of the relevant chapter to be included in the Environmental Statement.
- Natural England provided a response to the request for a Scoping Opinion on 23 January 2025. High level comments with regard to air quality were included.
- Pigeon (Takeley) Ltd agreed Natural England's quotation for their continued advice regarding air quality on Friday 7<sup>th</sup> February 2025 via Natural England's Discretionary

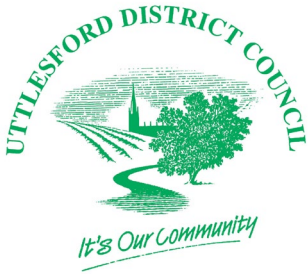


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Advice Service (DAS). This includes work towards agreeing a four-party MoU with UDC and the National Trust.

- As air quality is intrinsically linked to transport matters, the following update is also provided in relation to transport matters:
  - A Pre-Application Highways Scoping note was submitted by Pigeon (Takeley) Ltd to both Essex County Council and National Highways on 17 December 2024.
  - Following this a virtual meeting was held with Essex County Council on 22 January 2025.
  - A virtual meeting took place with National Highways (with ECC attendance) on 11 February 2025.
- Pigeon (Takeley) Ltd has a Planning Performance Agreement in place with Uttlesford District Council with regard to the preparation and submission of an outline application for planning permission. This programmed an application submission in March 2025. Pigeon (Takeley) Ltd has confirmed that this will no longer be achievable. However, subject to the discussions with Essex County Council and National Highways mentioned above, it is currently anticipated that an application submission will be made in April 2025. Detailed air quality modelling and assessment will accompany the planning application when submitted, including as part of the Environmental Statement.



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**Q9. Is the submission Plan (ULP1, ULP2 and ULP3) the same as that used in the Regulation 19 consultation?**

**Council Response:**

Yes.

**Q10. Has the schedule of proposed modifications (ULP7) been subject to any consultation?**

**Council Response:**

No.

The Council understand that it will be for the Inspectors to recommend any main modifications through the examination process should they consider this is necessary for any legal compliance or soundness issues. It is understood that any such main modifications would be subject to consultation later in the examination process.

The Council prepared some proposed modifications to accompany the plan submission in an effort to assist the Inspectors deliberations, but these had not been subject to any consultation. Furthermore, the Council considered that the majority of the proposed modifications fell into an additional modifications category, which fall into the remit of the Council, but it did also include a smaller number of potential main modifications. It is understood that any additional modifications would be published alongside any main modifications later in the process, albeit that these will not be subject to consultation.



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**Q11. Has the Council adopted a Statement of Community Involvement? If so, was the Regulation 19 consultation carried out in a manner consistent with it? Have any concerns been expressed about the process of commenting on the Plan (as distinct from the Plan itself)?**

**Council Response:**

First, as to adoption - yes.

The Council's Statement of Community Involvement (SCI) is available on the Council website:

[https://www.uttlesford.gov.uk/media/10749/PDF-SCI-approved/pdf/Statement\\_of\\_Community\\_Involvement\\_2021\\_final.pdf?m=637510681263130000](https://www.uttlesford.gov.uk/media/10749/PDF-SCI-approved/pdf/Statement_of_Community_Involvement_2021_final.pdf?m=637510681263130000)

Secondly, the Council is satisfied that the Local Plan consultation was carried out in accordance with the SCI.

Thirdly, there were two responses received to the Regulation 19 consultation relating to the consultation method, which were summarised in the Council's Consultation Statement. The statement also provided an officer response to the comments received. The relevant extract to the statement is repeated below at **Appendix 5**.

**Q12. Would the Plan have any significant adverse effect on sites of ecological importance as defined in the Conservation of Habitats and Special Regulations 2017, which cannot be adequately mitigated? Has any concern been raised by Natural England in relation to the Habitats Regulations Assessment (ENV1)?**

**Council Response:**

No.

The Habitats Regulations Assessment of the Local Plan does not identify any adverse effects on the integrity of Special Areas of Conservation, Special Protection Areas, or Ramsar sites, following implementation of mitigation.

Natural England, in its response to the Regulation 19 consultation and as set out in the 5 December 2024 Statement of Common Ground, agrees with the findings of the HRA that the Local Plan will have no adverse effects on the Essex Coast Habitat Sites regarding water quality and recreational pressure, subject to the Essex Coast RAMS mitigation tariff being secured as part of planning consent for all net new residential development within the 22km Zone of Influence following plan adoption.

The relevant mitigation takes the form of Core Policy 38 (Sites Designated for Biodiversity or Geology) which includes the requirement for all net new residential development to provide



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funding for the Essex Coast RAMS delivery and this will apply to all such development including windfall.

**Q13. Has due regard been given to the aims set out in Section 149 of the Equality Act 2010 to advance equality of opportunity for those with protected characteristics? What evidence is there to show this duty has been met?**

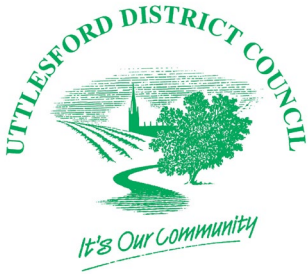
**Council Response:**

Yes.

The SA Report that accompanies the Local Plan (**SA1**) integrates EqIA. Specifically, within the SA Report:

- Section 3.4 (“Integrating equalities and health”) – introduces the approach taken.
- Paras 6.2.28 – 6.2.41 – appraise the reasonable alternatives (‘growth scenarios’) under the heading “Communities, equality, inclusion and health” as part of which consideration is given to EqIA.
- Section 9.6 – appraises the plan as a whole under the heading “Communities, equality, inclusion and health” as part of which consideration is given to EqIA.

The same approach was also followed within the Interim SA Report published at the Regulation 18 stage, and any relevant consultation responses received in response to this Interim SA Report, were used to inform the SA Report at Regulation 19 stage.



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**Q14. Has a sequential, risk-based approach been taken to the location of development in the Plan in relation to flood risk? If so, what evidence is there to show that such an approach has been used in the allocation of sites in the Plan?**

### **Council Response:**

Yes.

The Council have considered a sequential based approach to identifying sites and there are no sites proposed in the Local Plan that contain any development in areas at risk of flooding,

The Local Plan is supported by comprehensive flood risk evidence (Strategic Flood Risk Assessment; **WAT 4** and **WAT5** and their appendices – and see note<sup>1</sup>), Housing Site Selection Topic Paper (**HOU3**), and Sustainability Appraisal (**SA1**), which demonstrate that a wide range of site options have been considered including the assessment of reasonable alternatives. However, as the evidence setting out the Council's approach is spread across a number of separate documents, the Council will also prepare a concise paper to summarise how flood risk has been taken into account in the selection of strategic sites.

### Fluvial Flooding:

Three of the Local Plan proposed allocations do contain areas of fluvial flood risk, but these account for 0.01% in one case (Land off the Broadway Great Dunmow) and 6% in one case (North-East of Pennington Lane – Stansted Mountfitchet). The other site is the Land Between the River Chelmer and the B1008 at Great Dunmow, which is discussed below. However, these areas do not fall within any part of the allocation that would be developed and would contribute to areas of open space and/ or environmental enhancement. The Council do not consider excluding sites on a sequential basis would be appropriate for these sites where any risk accounts for such a small area and which would remain undeveloped. The remaining Local Plan sites contain 0% of land located within the floodplain.

For the Land Between the River Chelmer and B1008 site at Great Dunmow, the area of flood plain included within the site boundary is higher at c. 28 %, but this is a site where the area to be developed only accounts for c. 18% of the total site area, and the wider area which includes the floodplain is included specifically to facilitate environmental enhancement. The site boundary could potentially be re-drawn to exclude the area of flood plain, but that would preclude the opportunity to deliver environmental enhancement.

### Surface Water Flooding:

The areas of potential surface water flooding risk are c. 1% for all residential sites with the exception of the proposed Saffron Walden allocation at 2% and the same Stansted

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<sup>1</sup> Please note there was also an Addendum to the SFRA published at the Regulation 18 Consultation in October 2023, which has been subject to consultation, has been published on the Council website since the Regulation 18 stage, but was omitted from the Regulation 19 webpage. This is also appended to this response (**Appendix 6**).



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Mounfitchet site referred to above at 4%. The Land Between the River Chelmer and the B1008 Site is 6.9%, but as noted in the SFRA, there is a strong correlation between the surface water flow paths and the areas within Flood Zones 2 and 3, with the risk primarily confined to the floodplain at the eastern edge of the allocation. Therefore, by locating development on this site away from the areas at risk of fluvial flooding, the surface water flood risk is also avoided. As discussed above, this site contains a very small area of potential development, and is included in the Local Plan, in part, to deliver wider environmental benefits.

**Table 1** provides a comparison of the areas of the proposed residential allocations that fall either within the floodplain, or are at risk of surface water flooding. This illustrates the information available to inform the Regulation 18 and Regulation 19 stages of plan preparation.

On this basis, the Council is satisfied that the evidence presented in the SFRA justifies the inclusion of these sites on the grounds that the level of flood risk is very low, the areas in question are very small, there will be no development within the relevant areas, and that they can be appropriately managed. This is reinforced in the site development templates which require development proposals to be in conformity with the recommendations of the SFRA.

**Table 1: Proportion of proposed allocations that fall within the floodplain or are at risk of surface water flooding at both the Regulation 18 and Regulation 19 stages of plan preparation.**

Site	SFRA Level 1 Addendum Regulation 18 Stage (October 2023) <sup>2</sup>		Level 2 SFRA Regulation 19 Stage (August 2024) <sup>3</sup>	
	Flood Plain (%)	Surface Water (%)	Flood Plain (%)	Surface Water (%)
Land South of Radwinter Road and North and South of Thaxted Road – Saffron Walden	0	2	0	4.6
Walpole Meadows North, East of Pennington Lane and East of Pennington Lane – Stansted Mountfitchet	6	4	6.9	4.6
North-East Takeley	0	1	0	1.1
North-East Great Dunmow	0.01	1	*	*

<sup>2</sup> Uttlesford District Council, *Addendum to Level 1 SFRA*. Regulation 18 Local Plan Evidence Base. [https://www.uttlesford.gov.uk/media/12641/SFRA-Addendum-October-2023/pdf/SFRA\\_Addendum\\_October\\_2023.pdf?m=1701351233927](https://www.uttlesford.gov.uk/media/12641/SFRA-Addendum-October-2023/pdf/SFRA_Addendum_October_2023.pdf?m=1701351233927)

<sup>3</sup> Uttlesford District Council, *Level 2 SFRA*. Regulation 18 Local Plan Evidence Base. [https://www.uttlesford.gov.uk/media/13280/Level-2-Strategic-Flood-Risk-Assessment-June-2024/pdf/Level\\_2\\_Strategic\\_Flood\\_Risk\\_Assessment\\_June\\_2024.pdf?m=1722946721700](https://www.uttlesford.gov.uk/media/13280/Level-2-Strategic-Flood-Risk-Assessment-June-2024/pdf/Level_2_Strategic_Flood_Risk_Assessment_June_2024.pdf?m=1722946721700)





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Land Between the River Chelmer and the B1008 – Great Dunmow	Site introduced at Regulation 19 Stage	28	6.9
Land East of Station Road – Elsenham	Site introduced at Regulation 19 Stage	0	0

\*The Level 2 SFRA considered the Great Dunmow site as one (overall figures are 11% and 3.7%), but the flood risk areas only relate to the smaller of the two sites. Thus, the figures in the above table are adjusted to reflect this.

As the Local Plan does not propose any development in flood risk areas, the exclusion of sites purely on the basis of their relative flood risk is considered unnecessary.

The Council considered the findings of the SFRA through the site selection process which, as set out in the Housing Site Selection Topic Paper involved a detailed comparative assessment of constraints and opportunities for all sites which had passed through the initial site sifting stage. Further discussion on flood risk is provided in the Sustainability Appraisal which provides evidence of the site allocations' contributions to wider sustainability benefits and the relative merits of each allocation against other reasonable alternatives.



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**Appendix 1: SOCG between UDC and ECC – see separate document published alongside this response**

**Appendix 2: SOCG between UDC and National Highways – see separate document published alongside this response**

**Appendix 3: SOCG between UDC and National Trust – see separate document published alongside this response**

**Appendix 4: MOU between UDC and Site Promoter for Taylors Farm Site – see separate document published alongside this response**

**Appendix 5: See below**

**Appendix 6: SFRA Level 1 Addendum published at Regulation 18 Stage – see separate document published alongside this response**



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### Appendix 5: Extract of Consultation Statement for Regulation 19 relating to the nature of the consultation

Consultee ID	Full Name	Organisation / Individual	Comment Category	Comment Summary	Officer Response
ANON-QNH5-RDWV-Y	Gary Spilman	Individual / member of the public	Complexity of Consultation	The nature of the Local Plan consultation, including the matter of whether the Local Plan is 'Sound' and legally compliant, is complex and difficult for commenters to make meaningful representations. This is exacerbated by the length and technical complexity of the Local Plan and its evidence base. The Short Guide, whilst useful, omits detail on the implications of the Local Plan.	Noted. The Council appreciate that the breadth and complexity of matters being addressed within the Local Plan and its evidence is significant, however, by asking respondents to comment on issues of 'Soundness' and legal compliance, the feedback received will directly relate to the tests against which the Local Plan will be examined following its submission to the Planning Inspectorate. These questions are standard practice at the Regulation 19 stage of the process, but there is nothing to stop a respondent making any other comments if they wish to.
ANON-QNH5-RD75-X	Graham Jolliffe	Individual / member of the public	Extent of Consultation	Some comments state that the Council's community consultation throughout the plan-making process has been lacking. Specifically, that the Local Plan was progressed despite resident and some Councillor objection. It is noted that the full suite of Regulation	In preparing its Local Plan, the Council have undertaken a variety of forms of public consultation. This began in November 2020 with a consultation on the 'Issues and Options' for the Local Plan to consider. This was then followed in September 2023 with a consultation on the first full draft of the Local Plan (Regulation 18). Feedback from this consultation was then incorporated into the Local Plan, leading to the 'Regulation 19' draft of the Local Plan which is the subject of this consultation. It is worth noting that many Local Authorities will



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			<p>18 comments was poorly publicised and inaccessible. The Local Plan Panel meetings lacked any meaningful discussions and there was little debate. Major changes occurred as part of the Regulation 19 Local Plan publication, however, these should have first been consulted on. One commenter queries why they were not directly contacted regarding the Local Plan proposals despite being impacted by them.</p>	<p>choose not to publish any policies or site allocations in their Regulation 18 Local Plan consultation, limiting this document to discussing only 'Issues and Options'. Uttlesford however were keen to ensure residents and interested parties could comment on a comprehensive Local Plan draft as soon as possible. The Local Plan Panel meetings in between Reg 18 and 19 stages provided an opportunity for ongoing public feedback and for Councillor's to discuss updates to the Local Plan, however, as is to be expected, much of what was discussed was work in progress and there were limitations on exactly how detailed any debates could be. During these consultation periods the Council have utilised a variety of mediums to engage with local residents, including news releases &amp; local newspaper coverage, e-newsletters, social media, drop-in exhibitions, distributing Local Plan material to Parish Councils, and (at Reg 18 stage) a leaflet drop to all Uttlesford residences. In doing so, the Council has exceeded its statutory obligations with regards to the extent of public engagement provided.</p>
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