

Essex County Council  
Built Environment  
County Hall  
Chelmsford  
Essex CM1 1QH

Nick Vass-Bowen  
Development and Infrastructure  
GO-East  
Shaftesbury Road  
Cambridge  
CB2 2DF

Your Ref: E1/L1500/15/03/01  
Our Ref: E&C/BEB/PD  
Date: 28 September 2007

Dear Mr Vass-Bowen

**DRAFT SPD - URBAN PLACE SUPPLEMENT  
REGULATION 17 CONSULTATION**

Thank you for your consultation reply of 17 November 2006 and the support you have expressed for the principles set out in draft Urban Place Supplement (UPS). The County Council and the local planning authorities intending to adopt the UPS are anxious to ensure that the correct procedures are followed and I thank you for your advice in this respect.

I set out below our joint responses to the representations in your letter and trust that these, together with the proposed alterations to the text of the UPS, meet your concerns on the consultation process as well as the contents of the proposed SPD.

**Application**

It is envisaged that the principles promoted by the UPS will be applied equally to sites allocated in Development Plans and to windfall sites. In the case of allocated sites any applicant will need to be mindful of any existing LDF, Local Plan or adopted design briefs relating to a particular site and the SPD is not seen as taking precedence over any of these relevant documents. It is accepted however that the relationship between the draft UPS and existing policies is not entirely clear in the draft and this point is being clarified in the both the introductory paragraphs and in the Context Appraisal Methodology.

The UPS attempts to set out generic criteria that can be used to influence development but is not intended to be seen as establishing the spatial strategy for any area. Spatial strategies and allocation policies will continue to be established through Development Plan procedures and the examination of alternatives and options through Sustainability Appraisals. I agree that there is room for some uncertainty on this point in the draft UPS and the text is being revised to provide more clarity.

The Context Appraisal requirements set out in the draft UPS are not intended to pre-empt the proper considerations of policy issues and it is recognised that the normal statutory consultation processes will be followed when any subsequent planning application is submitted. A rigid interpretation of Context Appraisal proposals could be seen to possibly limit future discussion but the effect hoped for is that such Appraisals, carried out properly, would actually assist rather than place limitations on the overall consultation process. The

UPS text relating to the production of Context Appraisals is being revised to show that the production of Context Appraisals is recommended good practice, which will have a positive outcome, rather than a rigid requirement (see later).

### **Relationship with Design and Access Statements**

It is envisaged that a Context Appraisal would be submitted in conjunction with the required Design and Access Statement of which it would be a part and it is agreed that it will be important to ensure that any duplication of work is avoided. An explanation of the relationship and linkages between the two processes is being included by adding explanatory text to the document. It is recognised that this is a glaring omission in the draft UPS (and one brought to our attention by a number of consultees) but unfortunately the timing of the draft text in relation to the concurrent Sustainability Appraisal and Strategic Environmental Assessment meant that it was not possible to add text to incorporate the necessary reference to Design and Access Statements when they were introduced by Circular DCLG 1/2006 in June 2006.

### **Reference to Plan Policies**

The points that you make in relation to the need to cross-reference those policies that the SPD supplements are noted and will be actioned appropriately. At the time of adoption each individual local planning authority will ensure that information is included making it clear which policies the SPD supplements.

### **Consistency with Plan Policies**

It is accepted that individual planning authorities in Essex intending to adopt the UPS as a Supplementary Planning Document will need to ensure that a statement is produced which clearly indicates which parts of the SPD do not apply within that local authority area. Although, initially, this will present a rather patchy picture of policies across the County this is an inevitable result of producing a county-wide document affecting local authorities whose present policies do not reflect, in all respects, the aspirations embodied in the UPS and the LDFs of which are at different stages of production. It is the wish of each authority intending to adopt the UPS, however, that the document is retained as a whole rather than each authority removing that content from the document which will not apply in their particular case..

The reason for this intended approach is that it is recognised that there are clearly elements of inter-dependence between the objectives of the UPS. It is important to regard the guidance as a complete work rather than seeing it as presenting a menu of possibilities from which developers will be able to pick and choose. Initially, as noted above, it will not be possible for all local authorities to require these elements in support of adopted policies but it is felt to be important, in our efforts to improve the quality of towns, that we do not dilute the ambitions and objectives of the UPS and its message of the need to deliver a consistently higher standard of sustainable and contextually sensitive design in Essex.

An 'up-front' statement will be included that will make clear that in the case of any conflict arising between a current policy in the Development Plan and the SPD, that the policy in the Development Plan prevails.

### **Scope of Planning**

The UPS attempts to move away from a narrow approach to planning and to integrate planning with other delivery mechanisms. It has been this new approach that has perhaps caused the document to err on the side of prescription and to make 'requirements' that it

would not be possible to enforce. This is recognised, and each of the identified elements/requirements, that are outside the scope of planning (or other regulatory mechanisms) to require, will be 'strongly encouraged' rather than required.

I believe this less regulatory approach will overcome the problems of the guidance appearing to go beyond the scope of planning.

### **Prescription and flexibility**

As noted above, UPS is being altered throughout to ensure that it does not place requirements on proponents of schemes in a prescriptive way. The final version of UPS will therefore fully meet your request that the standards and objectives in the document are not expressed in a way that suggests that they will be applied in a rigid, prescriptive manner but rather that the elements constitute a possible design solution that can be used as a basis for negotiating the design of a scheme and that appropriate innovative alternative solutions are encouraged.

I do, though, have to take issue with your view that the standards outlined in the UPS would be likely to inhibit responsive and innovative design in the county. I do not believe this to be the case; with one or two rare examples there have not been many signs of responsive and innovative designs attempting to break out in the urban areas of our county! I believe the contents of the UPS could provide the basis for a consistently higher standard of sustainable development in our towns than has hitherto been the case. The general approach of the UPS and the strategies it promotes will remain as aspirations of the participating local authorities and due course, as individual LDFs are revised, opportunities will be taken to promote appropriate core policies that will enable further elements of the UPS to be formally adopted in each local authority area.

### **'Signing-off' of Context Appraisal**

It is accepted that there is no formal mechanism for enforcing the requirement expressed in the UPS that Context Appraisals be 'signed-off' prior to an application being submitted. Therefore the sections that outline the requirement for a Context Appraisal, principally '*3:How to use this document*' and '*4:Urban context*', have been re-written to include the points you have made and, in particular, it has been made clear that the production of a Context Appraisal would not be a pre-requisite of a planning application.

There remains a belief that producing a Context Appraisal will assist in the development process, will help design to be sensitive to context and will help to engage all stakeholders. They will be strongly encouraged through the SPD, and the County Council, through the Essex Design Initiative, will be promoting a training programme that will help to address some of the possible resource issues that you raise in relation to Context Appraisals.

### **Evidence**

The choice of the 0.1 hectare threshold for Context Appraisals and sites for Small Infill does not have an evidence base, in the accepted sense, upon which to draw. The draft UPS was compiled on the basis of workshops and discussions between architects, planners and urban designers in local authorities and private practice: the 0.1 hectare threshold met with general approval within this group as being the lower level at which the methods of accommodating car parking, the variety of form and the mixture of uses that the UPS advocates could reasonably be accommodated.

It should be noted, however, that as the Context Appraisal to which this threshold relates

remains advisory and cannot be statutorily required (as noted above) it is not felt that the need to justify this threshold could be a major stumbling block in any development scenario. In other words, it is considered that the softening of the approach on the Context Appraisal requirement reduces the need for a rigorous evidence base.

I trust that the above points have adequately addressed the issues that you have raised. We expect to have the amended text available for your comment early in the New Year.

Yours sincerely

Urban Designer

Cc     David Cowan, Colchester Borough Council  
Geoff Boyton, Brentwood Borough Council  
Diane Cooper, Harlow District Council  
Melanie Jones, Uttlesford District Council  
Sam Hollingworth, Rochford District Council  
Paul Sutton, Epping Forest District Council  
Derek Walker, Tendring District Council  
Tessa Lambert, Braintree District Council  
Ian Burchill, Castlepoint Borough Council

**Please reply to Peter Dawson**

Telephone: 01245 437668

Internet: [www.essexcc.gov.uk](http://www.essexcc.gov.uk)

Email: peter.dawson@essexcc.gov.uk