

Mr Roger Clews
Examining Inspector

Our ref: AE/2006/000204/CS-
06/EW1-L01

Your ref:

Date: 04 December 2017

Dear Sir

Examination of the North Essex Authorities Joint Strategic (Section 1) Plan

This statement contains our responses to a number of the questions posed under the Inspector's Matters, Issues and Questions.

Matter 1: Legal and procedural requirements; Key Issues, Vision and Strategic Objectives (Chapter 1); Monitoring (paragraph 9.3 & Table 1)

Questions

1): *Is there clear evidence that, in the preparation of the Section 1 Plan, the North Essex Authorities have engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies on strategic matters and issues with cross-boundary impacts in accordance with section 33A of the Planning and Compulsory Purchase Act 2004, as amended [the 2004 Act]?*

We are reasonably satisfied that there has been constructive and active engagement with the Environment Agency over the period of work carried out by the North Essex Authorities' Joint Strategic Plan from issues and options to preferred options. Certain work on the integrated water Management strategy has been more consultancy led – not unsurprising given the technical nature of the work - rather than featuring active involvement from planning officers with the North Essex Authorities.

2): *Have the North Essex Authorities complied with the requirements of section 19(5) of the 2004 Act with regard to Sustainability Appraisal?*

We are satisfied that the North Essex Authorities have complied with the requirements of section 19(5) of the 2004 Act.

3): *Have the North Essex Authorities complied with the requirements of the Conservation of Habitats and Species Regulations 2017 with regard to Habitats Regulations Assessment [HRA]?*

This is for Natural England to determine.

4): *Does the Section 1 Plan incorporate all the measures necessary to avoid adverse impacts on any European site, as recommended in the Land Use Consultants 'HRA Report for North Essex Authorities Shared Strategic Part 1 for Local Plans, May 2017'?*

Although we were consulted on this HRA Report and were in agreement with the contents, we consider this is a matter for Natural England to determine.

10): *Should they include reference to:
(a) the protection and enhancement of the natural environment?*

Whilst we would accept there is scope to improve both the Vision and Strategic Objective in terms of making bolder references, this is largely a matter for Natural England and we would support their position.

Matter 2: Presumption in favour of sustainable development (policy SP1); Place-shaping principles (policy SP6)

*Question 8 Should policy SP6 include reference to:
(a) the protection and enhancement of biodiversity?*

We consider that it would be useful to include a line in policy SP6 to say that all new development should protect and enhance biodiversity. Policy SP7 does talk about net gains in biodiversity and enhancing biodiversity but nothing about protecting so a line on this under SP6 would seem appropriate.

(d) water supply and waste water infrastructure, and sustainable drainage systems (in bullet point 10)?

As policy SP6 appears to be an overarching policy we agree that a suitable reference would be useful and in doing so, it should provide policy direction to the individual garden community policies under SP8, SP9 and SP10.

Matter 6: The proposed new garden communities – general matters (policies SP7, SP8, SP9 & SP10; paragraphs 9.1-9.2)

Questions:

2): *Have landscape, agricultural land, flood-risk and heritage assessments been carried out to inform the locations of the proposed garden communities?*

The three garden communities are largely located in Flood Zone 1, the area of low flood probability. Consideration of flood risk in Flood Zone 1 is a matter for Essex County Council as the lead local flood authority. There are some areas adjacent to rivers within or on the fringes of the designated garden communities that lie in Flood Zones 2 and 3, the areas of medium and high flood probabilities. We have not seen any site specific flood risk assessments for the areas concerned. However, we consider that issues on fluvial flood risk can be dealt with through the application of the sequential approach at the master planning stage, along with the preparation of site specific flood risk assessments.

7): *Should policies SP7, SP8, SP9 and SP10 make more specific requirements as regards the provision and timing of the infrastructure needed for the proposed*

garden communities?

We agree in principle with this proposition. We would expect the North Essex Garden Communities Integrated Water Management Strategy to outline at the very least some form of timetable for any necessary water supply and waste water treatment upgrades or new facilities. See our comments under the respective headings dealing with 'Policies SP8, SP9 and SP10 in our letter dated 28 July 2017.

14): *Do the policies for the proposed garden communities make adequate provision for the protection and/or enhancement of the natural environment and biodiversity? Is there consistency between policy SP7 and policies SP8, 9 & 10 in these respects?*

We consider that item 20 should refer to both protection AND enhancement. The presumption for all new development should be to enhance biodiversity to achieve a net gain as specified in policy SP7. The same applies for item 21 in policy SP9 and item 20 in policy SP10.

16): *Should policies SP7, 8, 9 & 10 include:
(a) a requirement for the optional national water use standard of 110 litres per person per day?*

We agree with this requirement and would refer the Inspector to the comments made under the heading 'Policy SP 7 Development & Delivery of New Garden Communities in North Essex' our letter dated 28 July 2017.

Matter 8: The proposed new garden communities – specific matters (policies SP8, SP9 & SP10)

Questions

23): *Is it appropriate for policy SP8 to require provision of a country park along the Salary Brook valley incorporating Churn Wood?*

There is a LNR along the Salary Brook but this does not incorporate Churn Wood CWS or Salary Brook CWS at present. Creating larger more connected green spaces is an appropriate strategy provided that this is not at the expense of existing ecological features (Churn Wood is an ancient woodland) – there needs to be an appropriate balance between access and the requirements of biodiversity.

24): *Should Salary Brook also be designated as a Local Nature Reserve?*

Salary Brook is already a LNR.

Yours faithfully



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