

**Examination of the North Essex Authorities  
Shared Strategic (Section 1) Local Plan**

**Andrewsfield New Settlement Consortium & Countryside Properties**

**Matter 5: Delivery Mechanisms and State Aid**

**Question 5:**

- (a) If the Section 1 Plan is neutral as regards who will be responsible for leading delivery of the proposed garden communities, how will the NEAs be able to ensure through their development management powers that any garden community proposal that comes forward meets all their policy aspirations for the garden communities ?**
- (b) In this regard, do any further amendments need to be made to policy SP7 paragraph 3 (beginning “The Councils will need to be confident...”) and/ or to policy SP7 creterion (ii) ?**
- (c) Should the Section 1 Plan instead specify that delivery of the proposed garden communities should be led by a public-sector local delivery vehicle, a Locally Led New Town Development Corporation, or a private-sector developer ?**

**Answer 5**

- (a) The section 1 Plan policy SP7 requires planning obligations, as appropriate, to be in place before any consent is granted to ensure that the requirements set out in the policy criteria are met. The Local Planning Authority (LPA) will have control. Policy SP7 also states that a Development Plan Document (DPD) will be developed to set out how the Garden Communities will deliver the principles as well as further detail of their design, development and phasing. Apart from necessary independent examination, the LPA will lead on, and determine, the content of the DPD (and future masterplans/design codes etc). The determination of an application must of course by law be determined by the LPA in accordance with the development plan unless material (planning) considerations indicate otherwise. The LPA will also be able to include planning conditions with any consent to ensure garden community principles are met.

ANSC and Countryside Properties are able to secure the delivery of a high quality new settlement at the West of Braintree in accordance with Garden Community principles and following the North Essex Authorities published Garden Communities Charter.

There is no reason why a legal obligation cannot be entered into to ensure this, including for example long-term stewardship.

- (b) We do not believe that further changes to SP7 are necessary.
- (c) Whilst ANSC and Countryside Properties are content for the Plan to be neutral as to delivery mechanism (e.g. private-sector developer, public-sector local delivery vehicle or a Locally Led New Town Development Corporation) there is no reason why a private sector developer could and would not be an appropriate deliverer.

Countryside Properties are very well placed to deliver the WBGC meeting garden community principles. Countryside has an excellent and strong track record in delivery locally of new communities meeting garden community principles including: Great Notley, Braintree, Beaulieu at North Chelmsford, and Great Kneighton, Cambridge. In each case, Countryside worked collaboratively and in close partnership with the relevant authorities to ensure delivery of high-quality new communities adhering to Local Authority development management policies.

Countryside Properties are exceptionally well placed to take on the role of Master Developer and to deliver the WBGC. Countryside Properties has significant experience, expertise, financial strength, resources and capacity to ensure timely delivery of the WBGC development. There are no reasons why Countryside Properties should not take forward the role of Master Developer for the majority of the WBGC development within Braintree, alongside Galliard Homes delivering the majority of the WBGC development within Uttlesford.

It is important, of course, that a decision on the deliverer is made in a timely fashion.

**Question 6:**

- (a) Would the existence of a viable alternative master developer with control over land allocated for a garden community restrict the ability of the Secretary of State to confirm a CPO on that land (see paragraphs 8.10-8.11 of the consultation response to EB/084 from Carter Jonas on behalf of L&Q, Cirrus Land Ltd and Gateway 120) ?**
- (b) If so, what are the implications for delivery of the garden communities in accordance with the NEAs' policy aspirations ?**

**Answer 6**

- (a) The existence of a viable alternate Master Developer with control over land allocated for a Garden Community would restrict the ability of the Secretary of State to confirm a CPO on the relevant land. In short, a CPO should not be pursued, and will not be confirmed, unless there is a compelling case in the public interest for land to be acquired compulsorily. If there is a viable, suitable alternative, necessarily there would be no need for compulsory acquisition to achieve the policy objectives.

Factors that the Secretary of State would take into account in deciding whether to confirm a CPO include: whether the new town development corporation has demonstrated that the order land is needed to support the overall development of the new town; and the appropriateness of alternative proposals put forward by the owners of the land or other persons. In addition, the Secretary of State also needs to consider whether or not alternative proposals for use of the land are likely to be implemented taking account of the planning position and track record of the promoter in delivery of large-scale housing development. In the case of the WBGC, the existence of Countryside Properties as a viable Master Developer, as well as Galliard Homes to deliver the majority of the WBGC within Uttlesford, restricts the ability of the Secretary of State to confirm a CPO on the land subject to the WBGC area of search identified in the emerging Local Plan.

- (b) In the case of the WBGC, the implications of the above would not result in any implications for delivery of the garden communities in accordance with the NEAs' policy aspirations. Countryside Properties are ideally placed to take on the role of Master Developer, and to deliver the WBGC in accordance with the NEAs' policy aspirations and delivering on the principles of Garden Communities as advocated by the Town & Country Planning Association.

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