

LIGHTWOOD STRATEGIC: MATTER 8 HEARING STATEMENT

NORTH ESSEX AUTHORITIES

Shared Strategic (Section 1) Plan

FURTHER HEARING SESSIONS

Matter 7 (Sustainability Appraisal). Thursday 23rd January 2020

Issues

Does the Additional Sustainability Appraisal [ASA] adequately address the shortcomings in the submitted SA that were identified in my post-hearing letter to the NEAs of 8 June 2018 [IED011]?

Does the ASA justify the selection of the preferred spatial strategy option for the Section 1 Plan?

- 1) No – as set out between pages 19-48 of our representations on the technical consultation there are still shortcomings that affect the full¹ objectivity of the work, which means that the ASA in association with the original SA, still does not form a reliable basis for planning judgements to be made. The ASA does not justify the preferred spatial strategy option for the Section 1 Plan? If the ASA was found to be adequate it this would represent a dangerous outcome for the planning system and for plan-making elsewhere.
- 2) At present Lightwood, would feel duty bound to submit a legal challenge of the Section 1 Plan was adopted in the basis of the current document. However, neither do we think that it is credible for the NEAs to be afforded a further opportunity to address the residual shortcomings. We refer the Inspector to paragraph 12 of the detailed post hearings letter on the West of England Joint Spatial Plan (September 2019). Lightwood believe this statement /approach resonates with the circumstances of the North Essex shared Part 1 Local Plan.

“We first set out our concerns about the spatial strategy and the SDL selection process in June 2018, a few weeks into the examination. In the spirit of pragmatism and recognising the desirability of getting a sound plan in place, we gave you the opportunity to prepare a considerable amount of further evidence in an attempt to address these concerns. Unfortunately, this has not been successful and for the reasons detailed above our concerns remain and, indeed, have deepened. In the light of this we consider that any further work to simply re-justify the selection of SDLs included in the plan or any change in the way the existing strategy is merely articulated in the JSP, could not now be considered to be anything other than retrospective justification of the plan. Consequently, it would be very unlikely to persuade us that the SDLs, and thus the spatial strategy overall, were selected on a robust, consistent and objective basis”.

¹ IED011 Para 129

- 3) Lightwood Strategic note the Inspectors guidance in IED20 (paragraphs 12-13), that further written material will only be helpful if additional points are raised that were not covered in the representations on the NEAs technical consultation. Given the volume of material that the examination is having to process we understand the Inspectors desire for brevity and to avoid repetition.
- 4) We welcome the Inspectors advice to the NEAS that they should respond to the specific criticisms of each participant that our representations are singled out comment.
- 5) In reading the specific agenda questions we recognise that these pick up our key points, and that sometimes the question is set generally so as to capture a range of detailed observations, from us and others
- 6) We do not think it is particularly helpful for us to rehash or technical consultation response into an executive summary for the purpose of addressing each of the 14 questions. That would simply result in the NEA's second set of statement generating even more material. We therefore, at this stage, on our technical consultation response and await the NEA's response to it. We will make use of the right of reply phase by December 16th.
- 7) For the record we do however set out our basic position to each of the questions that have been set.

1 (a) Is there adequate justification for the threshold of approximately 2,000 dwellings (ASA Main Report para 2.52) which was applied when selecting the strategic sites to be appraised at Stage 1 of the ASA?

(b) If not, what threshold should have been applied, and why?

- 8) No, Strategic Sites in Braintree's Part 2 Plan are defined as being at least 450 units in size. The NEAs (at least Braintree DC) would have selected a lower threshold if they were determined to be completely objective. The non-presentation of 'Land North and South of Flich Way' (APP/Z1510/W/18/3197293) is inexcusable and speaks volumes of the cynical approach that has been taken.
- 9) Even if the Inspector were to rule that the higher threshold of 2,000 aided objectivity and impartiality, it would still be the case that 'further growth at existing places' (up to 1,999 units and on land not appraised for 2,000+ units) needs to be thoroughly assessed. It has not been as expressed in our comments on cycling, public transport and the proximity of multiple employment opportunities (rather than the nearest single employment site, whatever the level of employment available).

2) Is the Stage 1 appraisal of alternative strategic sites based on sound and adequate evidence?

- 10) No, for various key reasons as set out in our technical consultation response.

3) Has the Stage 1 appraisal of alternative strategic sites been carried out with appropriate objectivity and impartiality?

11) No, for various key reasons as set out in our technical consultation response.

4) Does the ASA give clear and justified reasons (including in Appendix 6) for selecting the strategic sites that are taken forward from the Stage 1 to the Stage 2 appraisal, and for rejecting the alternative strategic sites?

12) No, for various key reasons as set out in our technical consultation response Coggeshall and Silver End should not have been discounted, given that the Stage 1 Assessment CBBGC allowed CBBGC to proceed to Stage 2.

5) In seeking to meet the residual housing need within the Plan period to 2033 (ASA Appendix 6, Principle 1), should the spatial strategy alternatives for the Stage 2 appraisal seek to provide land for:

a) 7,500 dwellings; or

b) 1,720 or 2,000 dwellings (the residual requirement identified in Appendix 6, Table 1); or

c) another figure?

13) Residual housing need is a specific term that derives from the housing requirement (s), which in the case of the NEAs are requirement (s) that met the full OAN for each LPA. There is no assessment of alternatives for meeting the figure of 1,720 or 2,000. The outcome of Matter 3 may suggest that another overall (and LPA specific) residual housing need figure exists. The ASA should have appraised strategies to meet the need, as well as strategies that include additional supply. The effects (positive and negative) of additional supply could then be weighed i.e. an unencumbered oversupply of housing generates negative sustainability effects that do not meet the core need (as this need is already being met).

14) The way in which the overall residual need relates to each LPA is also relevant. We set out our position in full in our technical consultation response

6 (a) Is the allocation of residual housing need between West of Colchester and East of Colchester on a 2:1 ratio (ASA Appendix 6, Principle 3) justified by relative housing need and commuting patterns?

6 (b) If not, what alternative spatial allocation of residual housing need would be justified, and why

15) No, the residual 'need' figure for each LPA should have been the fundamental building block of the ASA. Following Matter 3 The residual need figure and its geography, and how the SA deals with this may need to be revisited.

7) (a) Is there adequate justification (including in Appendix 6) for the selection of spatial strategy options to be appraised at Stage 2 of the ASA?

(b) If not, what other spatial strategy option(s) should be assessed, and why

16) The discounting of Silver Hill and Coggeshall (within the A120/A12 corridors)at Stage 1 was not justified was not justified and therefore the suite of options tested/appraised is incomplete.

8) Is there justification for basing the proportionate (hierarchy-based) growth spatial strategy options (West 2 and East 2) on different settlement hierarchies from those identified in the NEAs' Section 2 Plans?

17) No, this really is a fundamental issue as explained in our technical consultation response. Effectivity the NEAs are seeking to justify the composite spatial strategy based on two different SA methodologies. It is clear from the original Essex CC SA that the Garden Communities were considered because it was 'falsely' concluded that growth against the settlement hierarchy of each LPA had been exhausted, and that further growth against those hierarchies was claimed 'falsely' not to be sustainable. The SA methodoly needs to be consistently applied in respect of the settlement hierarchy.

9) Is the Stage 2 appraisal of spatial strategy options based on sound and adequate evidence?

18) No, for the various key reasons as set out in our technical consultation response.

10) Has the Stage 2 appraisal of spatial strategy options been carried out with appropriate objectivity and impartiality?

19) No, for the various key reasons as set out in our technical consultation response.

11) Does the Stage 2 appraisal adequately and appropriately evaluate the spatial strategy options at both the end of the Section 1 Plan period and as fully built-out?

20) No, the garden community options are extolled for their 'potential' long-term performance as opposed to plan period performance. To 2033, they perform less well than other options.

12) Does the ASA give adequate and appropriate consideration to:

- (a) effects of overflying aircraft to and from Stansted airport?**
- (b) impacts on operations at Andrewsfield airfield?**
- (c) impacts on heritage assets?**
- (d) impacts on water quality?**
- (e) impacts on air quality?**

21) We have no further comments to those previously stated in the technical consualiton response

13) Does the ASA give clear and justified reasons (including in the Main Report Conclusion and in Appendix 8) for selecting the preferred spatial strategy option and for rejecting the alternatives?

22) No, the reasoning not justified as it follows a series of methodological issues that affect the objectivity and impartially of the ASA to this point. The shortcomings identified in June 2018 have not been overcome, but have rather been repeated within a different process.

14) Does the ASA provide all the information required by Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), including identifying:

(a) cumulative effects on the environment; and

(b) measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment?

23) We have no comments beyond those set out in the ASA within our technical consultation response