



# Matter 8: Sustainability Appraisal

North Essex Joint Strategic (Section 1) Plan

for Williams Group

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Project : 14-007  
Participant : Williams Group  
Client : Williams Group

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## 1. Introduction

- 1.1 This hearing statement is submitted on behalf of the Williams Group in relation to Matter 8: Sustainability Appraisal. The hearing session for this matter is scheduled to take place on Thursday 23<sup>rd</sup> January 2020.
- 1.2 The Inspector will be aware from our latest representations (dated 30<sup>th</sup> September 2019) that our client's site to the south east of Braintree, known as "Gateway Park", has been considered in the Additional Sustainability Appraisal (ASA). The site is referred to as "SUE3" but also covers part of "SUE2". SUE3 was removed by the NEAs from inclusion in any of the alternative spatial strategies during Stage 1. The only justification provided is because SUE2 was considered by the NEAs as more logical than SUE3. However, as we set out in our response to the Inspector's questions, it is unclear why SUE3 was removed at Stage 1 and not considered at Stage 2. This comprises a serious flaw in the consideration of our representations.

## 2. Matter 8

### Questions for all participants, including the NEAs

#### **1a) – 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?**

- 2.1 No. The threshold of approximately 2,000 dwellings has been applied on the basis that sites with a capacity of less than 2,000 dwellings are “non-strategic” in scale. Paragraph 2.52 of the ASA attempts to justify this by stating that sites which are non-strategic in scale are to be allocated in the Section 2 Local Plans. However, Braintree’s Section 2 Local Plan refers to allocating “strategic” growth locations, thereby potentially undermining the prospects of bringing forward large sites in other locations.
- 2.2 Large sites should be considered as allocations within the Section 1 Local Plan or at the very least explicit confirmation in the Section 1 plan that the Section 2 Local Plan can legitimately consider sites which comprise sustainable urban extensions such as our client’s site at Gateway Park.

#### **b) – If not, what threshold should have been applied, and why?**

- 2.3 All sites proposed to be allocated in either the Section 1 or the Section 2 Local Plans should have been considered in the ASA. This is so that reasonable alternative sites and strategies could be properly considered against the proposed approach.

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

- 2.4 Yes. As explained in Section 3 of the ASA, our client’s site at Gateway Park (SUE3) performed significantly better than the proposed garden communities in both the Stage 1a (access to current services) and Stage 1b (access to potential new services and facilities) assessment and scored the same as the proposed garden communities in the Stage 1c (SA objectives).

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

- 2.5 Yes. However, it is unclear following the results of the Stage 1 assessment as to why our client’s site at Gateway Park (SUE3) was not then taken forward to the Stage 2 assessment.

#### **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?**

- 2.6 No. Paragraph 2.69 on page 67 of the main ASA report (ref: SD/001/b) explains that SUE3 (land south east of Braintree) was removed by the NEAs during Stage 1 following the application of the seven principles set out in paragraph 2.68. Paragraph 2.70 explains that the justification for its removal is set out within Appendix 6 of the ASA. The only reason for discounting SUE3 is set out on page 8 of Appendix 6 as follows:

*“Site overlaps with site SUE2 to the north therefore development on SUE2 could result in some development on SUE3. SUE 2 is considered to be the most logical of the two sites east of Braintree to form a strategic urban extension to the town and has been carried forward into the assessment of spatial options both under a proportionate (hierarchy-based) growth option) or as a strategic urban extension option in its own right (see West 7 below) given its proximity to the Tier 1 settlement of Braintree. Site SUE3 is therefore discounted at this stage.”*

- 2.7 The ASA is unclear why SUE3 was discounted. There are no clear land use reasons why SUE3 was not considered alongside SUE2 or as an alternative to it through the Stage 2 process. The approach taken by the NEAs is not justified.

#### **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?**

- 2.8 C) Another figure. The NEAs' calculations assume that 31,000 dwellings will be delivered across North Essex on existing sites with planning permission and on sites allocated in Section 2 Local Plans. There is an assumption that all the Section 2 allocations will be found sound and that they will all deliver within the plan period. That conclusion is grossly over-optimistic and should not be the foundation of the Local Plan. As above, the ASA should be required to re-assess all the proposed allocations (in both Section 1 and Section 2 plans) and to do so properly so that the reasonable alternatives could be considered.

**6a - 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?**

- 2.9 No. Whilst the ratio may reflect housing need and commuting patterns, the “residual” housing need assumes that the proposed allocations in the Section 2 Local Plans will be found sound. As it is unknown whether that will be the case, a different ratio may need to be applied to the residual need once the proposed Section 2 Local Plan allocations have been considered.

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

- 2.10 As above, the spatial allocation of residual housing need would need to be justified after all of the proposed allocations (in both the Section 1 and Section 2 plans) have been fully considered.

**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?**

- 2.11 No. It is unclear why our client's site at Gateway Park (SUE3) does not form part of the spatial strategy options to be appraised at Stage 2.

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

- 2.12 Our client's site at Gateway Park should have been considered as part of a spatial strategy option – alongside of SUE2. This option should be considered as a more extensive urban extension scenario.

**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?**

- 2.13 No. The proportionate growth should reflect the settlement hierarchy set out in the Section 2 Local Plans. This confirms that Braintree is the largest urban area in the district of Braintree.

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

- 2.14 The spatial strategy options have been assessed against the SA objectives. However, because the outcome of the appraisal is similar for each site, it is unclear why spatial strategy options have been rejected and the garden communities have been selected.

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

- 2.15 No. Whilst it is unclear why our client's site at Gateway Park (SUE3) has not been properly considered at Stage 2, other spatial strategy options to the east of Braintree have also been rejected without adequate evidence. The conclusion of the ASA is inconclusive and does not provide adequate justification as to why other options have not been considered further.

**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?**

- 2.16 No. It appears that the only reason why the garden communities have been chosen is so that similar decisions about where additional growth should go in the future does not need to be made through a subsequent plan review.

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

**(a) effects of overflying aircraft to and from Stansted airport?**

- 2.17 No. This point does not appear to have been adequately considered through the ASA which focuses on opportunities to link to Stansted rather than protect new development from the effects of overflying aircraft.

**(b) impacts on operations at Andrewsfield airfield?**

- 2.18 No. The ASA identifies potential aircraft noise pollution issues for future residents from the operations of the airfield on NEAGC1 which have not yet been fully investigated/assessed. However, Appendix 8 in providing detailed reasons for the decision to allocate 'West 3' as the development option for the Local Plan (which includes NEAGC1) makes no reference to the potential noise issues which have not yet been tested through the required noise contour mapping as acknowledged on the main report.



### **(c) impacts on heritage assets?**

2.19 Yes. The assessment appears to be give due regard to heritage matters.

### **(d) impacts on water quality?**

2.20 Yes. The assessment appears to be give due regard to water quality.

### **(e) impacts on air quality?**

2.21 No. Site NEAGC2 and NEAGC3 which both form a of the part of the preferred sites as set out in the submitted Plan are identified as having potential to impact upon existing AQMA's. Inadequate information is provided to demonstrate that significant adverse effects will not arise.

## **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?**

2.22 No. The proportionate (hierarchy-based) growth (i.e. West 2) and the east of Braintree (SUE2) and Kelvedon (VE1) (i.e. West 7) appear to have been discounted based on the following concerns which we comment on below:

- Braintree is already earmarked for 22% growth in the Plan period, through commitments and Section 2 Local Plan allocations. The ASA should consider all of the proposed allocations to be able to conclude whether for example one large sustainable urban extension at Braintree presents the best approach compared to the garden communities and those sites proposed for allocation in the Section 2 Local Plan.
- The significant quantum of housing would be undeliverable due to constraints on build-out rates and market demand. That could equally apply to the garden communities.
- Development immediately to the east of Braintree would “breach the natural and defensible boundary currently formed by the A120 east of the town. However, the A120 extension would “unlock” this area for development and create integration with the town. The plan acknowledges the need to fundamentally reconsider boundaries in light of current development needs and therefore the A120 should not be considered a fundamental constraint.
- Development would be dependent on a new junction at Galleys Corner on the A120, which the NEAs see as being a further barrier to integration of new development. We disagree. Development on this side of Braintree would complement the existing uses in this part of Braintree and connect future uses to the railway station.

**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**

2.23 No. Whilst Section 5 of the ASA seeks to consider potential cumulative effects in the strategic site assessments and the spatial strategy assessments, as well as in the commentary on the spatial strategy alternatives, it is not demonstrated that this has been undertaken in a comprehensive and robust manner. The assessment does identify potential cumulative environmental effects but acknowledges itself that *“without detailed sub-regional studies it is not possible to determine whether these will be significant at the sub-regional scale”*. As such, the ASA cannot be considered to meet the requirements of Schedule 2 of the EAPP Regs 2004 in that it does not fully consider likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects.

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

2.24 No. The ASA considers potential for mitigation to be incorporated within development proposals in order to minimise any significant adverse effects. However, in most instances the assessment stops short of identifying what form that mitigation might take. Accordingly, the ASA is not considered to fully meet the requirements of Schedule 2(7) of the Regs.