

# North Essex Authorities Joint Strategic (Section 1) Plan

Further Hearing Sessions – Examination  
Hearing Statement on Matter 8 For  
Ptarmigan Land Ltd

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Strategic (Section 1) Plan**  
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# 1. Introduction

- 1.1. This Hearing Statement (“Statement”) is submitted on behalf of Ptarmigan Land Ltd in response to the Inspector’s Matters, Issues and Questions relating to the Further Hearing Sessions (Document Ref: IED019).
- 1.2. This Statement should be read and considered together with Ptarmigan’s previous representations to the Regulation 19 consultation in August 2016; the Hearing Statements of December 2017; and the consultation responses regarding the Additional Evidence (September 2019).
- 1.3. This Statement sets out Ptarmigan’s response to Matter 8 with specific reference to the Inspector’s Questions.

## 2. Response to Inspector's Questions on Matter 8

**Question 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?**

- 2.1. The National Planning Policy Framework (NPPF) (2012), at Paragraph 35, explains that, for Local Plans to be “sound” they must be “positively prepared.” This means that they provide
- “...a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development”.*
- 2.2. Further, paragraph 35 also requires Local Plans to be “justified” (ie based on sound evidence) and “effective” (ie able to deliver over the plan period).
- 2.3. The evidence in this case, Appendix 6 of the Additional Sustainability Appraisal (July 2019) (“ASA”) notes that, although the residual requirement for housing in the plan period to 2033 is 2,000 homes, it is “*common planning practice to ‘over-allocate’ land for development*” so as to minimise the risk housing need to be met were any sites to fail to come forward (page 3, para 2).
- 2.4. Appendix 6 recognises that the current Section 1 Local Plan strategy includes proposals for three Garden Communities that together, are expected to deliver 7,500 homes. Thus, the Appendix concludes that these would not only meet the residual requirement, they would also “*incorporate a healthy level of over allocation*”. Accordingly, Appendix 6 concludes that, in testing alternative options to the current strategy, those options must also aim to deliver an equivalent of 7,500 homes.
- 2.5. Ptarmigan agrees with this approach. Given the NPPF requires that Local Plans meet an area’s objectively assessed needs “*as a minimum*” and the Section 1 Local Plan is predicated on the delivery of 7,500 new homes, it follows that the alternatives for the Stage 2 appraisal should also seek to deliver 7,500 homes.
- 2.6. Accordingly, Ptarmigan considers that the alternatives should seek to deliver a) 7,500 homes for the Plan to be considered “sound” on the basis of being “positively prepared”. The 7,500 homes would also ensure that the plan is “justified” (according with the position detailed in the ASA), and “effective”, being able to at least deliver, and if possible, exceed, the requirement for housing over the plan period.
- 2.7. If, however, the deliverability of 7,500 homes is unachievable (ie through insurmountable impacts or infrastructure requirements in relation to the deliverability of certain sites), then a pragmatic approach could be to plan for **at least** 2,000 new homes, therefore matching the residual requirement outlined above.

**Question 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?**

- 2.8. The starting point for justification of a specific selection of “Spatial Strategy Alternatives” is that, because the options assessed at Stage 1 all score similarly that there are “*theoretically a significant and unwieldy number of permutations in which different sites could be combined to form an overall spatial strategy*”. It, therefore, seeks to rationalise the options assessed through a series of sensible principles, though the application of some of these principles is flawed, specifically:
- The selected strategies being overly concentrated on the A12 and A120 transport corridors which ignores the importance of the A131 or how development outside of this corridor can complement and support development within it;
  - The concept of strategies being “*coherent and logical*” concludes that it would be illogical for development to follow the A120 corridor in one location and take an entirely different path in another location. This does not necessarily mean that a strategy is incoherent, such an approach could provide more diverse and wider benefits across the NEA region that benefit a broader range of the population; and
  - Principle 5 states that alternative strategies should be reasonable and “*likely to be delivered*”, given the significant question marks over the viability and deliverability of the current strategy it is surprising that any alternative proposal could be discounted for this reason.
- 2.9. There is an evidential gap between the setting of these spatial “principles” and the proposed spatial strategy options in Table 4 of Appendix 6. The combination of sites to form spatial options is solely on the options being either cantered around the A120 or not with no explanation as to why/how different approach could not, coherently, come together.
- 2.10. Notwithstanding the point about coherency/logic, the scenarios that have been tested are heavily weighted in favour of the identified Garden Communities that have currently been allocated. This results in the West of Braintree GC (NEAGC1), for example, appearing within four growth scenarios whilst Land at Halstead (SUE1) in just one.
- 2.11. Accordingly, in relation to (b), further spatial scenarios that would explore growth in the A120 corridor and at Halstead should have been tested. For example, growth at Halstead that would facilitate significant benefits for the A131 corridor, could easily combine with, for example, the East of Braintree GC (SUE2)/Braintree and Colchester GC (NEAGC2) options to provide benefits to both the A120 and A131 corridors.
- 2.12. The narrow assessment of some options, such as Halstead SUE1, based on a single scenario that is linked to “proportionate growth” results in these options being unfairly linked to a single specific growth option. In this instance, the findings of the Stage 2 assessment, negatively score the proportionate growth options (Options West 1 and West 2) so their association with other growth options (ie as with SUE1 in scenario 8) negatively impact the assessment of these scenarios when compared with other growth locations which are not tied to the proportionate growth option.
- 2.13. In conclusion we do not believe that the justification for the spatial options that have been assessed is rationale or sufficient. The decisions made at this stage of the assessment has had a direct and negative impact on the neutrality of the assessment of growth options. This is particularly the case for the growth locations which are not in the A120 corridor. It cannot be concluded that the SA provides sufficient proportionate evidence to properly assess reasonable alternatives to the plan, it, therefore, fails to satisfactorily justify the approach of the Plan.

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

- 2.14. Ptarmigan retains its concerns that the appraisal of strategy options within the ASA is not objective.
- 2.15. The ASA considers 11 different spatial strategies to the West of Colchester and six to the East. The ASA incorporates the Garden Communities in more spatial growth examples than other sites. There is no explanation, as before, as to why they have been included in more scenarios. This continues to tilt the ASA assessment process in favour of the Garden Communities and therefore, as previously stated, the appraisal is not objective or “sound” on this basis.
- 2.16. As previously submitted, the SUE at Halstead (SUE1) is only assessed within a “proportionate growth” (PG) option, a stance which, given the sub-optimal performance of the PG approach, handicaps this against other scenarios. As above, this means that the evidence is not sufficient to understand that the Plan is justified as the most appropriate strategy when considered against the reasonable alternatives.
- 2.17. Thus, this evidence not objective or “sound” in accordance with paragraph 182 of the NPPF.

**Question 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?**

- 2.18. The ASA, at paragraph 4.1, identifies an inherent weakness in the assessment of the alternative spatial strategies – ie that some scenarios may be built out sooner than others. It considers this akin to comparing “apples and pears”.
- 2.19. Ptarmigan highlighted this problem in previous representations – ie that different growth scenarios are considered on the same basis, when some sites (owing to various constraints including infrastructure requirements, physical constraints, funding and ownership) may take much longer to come forward, requiring much greater levels of public funding/investment, than others.
- 2.20. In particular, the CBBGC Garden Community is acknowledged to not deliver homes until the late 2020s. SU1, by contrast, could come forward immediately within the Section 1 plan period.
- 2.21. The SA does not calibrate the alternative spatial strategy options based on these likely build-out rates and therefore raises significant doubts as to the accuracy of the findings and thus the robustness of the SA as the evidence base on this basis.
- 2.22. As set out in our representations, the scoring system as shown at Tables 4.1 and 4.2 are obscure, lack clarity and appear to produce inconsistent conclusions against many of the SA objectives. In many instances we simply disagree with the conclusions which invariably favour the current strategic approach against the alternative options without sufficient justification.
- 2.23. It is appropriate to test the two scenarios (end of plan period and as fully built out), but for the purpose of this plan-period (which is the test for soundness of this plan) greater priority should be given to the end of the plan-period scenario (4.1) to ensure that it is both positively prepared and effective in line with Paragraph 182 of the NPPF. This would reduce the positive score of some of the larger Garden Community proposals which are reliant on significant and long-term mitigation to support their developments.

**Question 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?**

- 2.24. As previously submitted it is considered that the SA does not achieve proper assessments on: (c) heritage; (d) water quality and; (e) air quality. There is a clear lack of nuance/differentiation on these considerations against each growth option.
- 2.25. All the options score the same on each of these assessments which ignores both the benefits and opportunities of some sites and the constraints of others. The ASA does not, therefore, properly assess the likely significant effects of these specific factors to an appropriate level of detail for each alternative option, in conflict with Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

**Question 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?**

- 2.26. The ASA, reaching a balance between the considerations of paragraphs 5.3 and 5.9 considers that all of the strategies perform similarly, thus the preferred option is, the ASA considers, acceptable.
- 2.27. The ASA should consider whether lower levels of development, such as seeking a lower number of units (in line with Question 5), may assist in minimising impacts for the NEA character. As detailed in Question 5, Ptarmigan contends that sites within or adjacent to existing settlements would perform, at least in the short-term, better from a sustainability perspective than the Garden Communities.
- 2.28. As set out above, the assessment of West 8 is negatively impacted by the association and conclusions of the proportionate growth options.

**Question 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?**

- 2.29. In terms of (a), while the cumulative impacts of the alternative Strategic Sites are tested under Stage 1, there is little reference to cumulative impacts. There is a comment on “*significant adverse impacts*” at para 3.94 that should be expanded.
- 2.30. The Stage 1 approach concluded that the effects of the alternative Strategic Sites on existing communities (paras 3.93 and 3.94 refer) would result in a change of character and result in an “*uncertain significant adverse impact*”. However, this section does not consider the benefits that may accrue from the addition of housing and services into an existing community. For example, at Halstead the SUE1 site could deliver a new bypass road that would significantly enhance the environment, safety and traffic through the town centre, it could also, in theory, provide new social infrastructure such as schools and a health centre



to serve the existing community as well as the new development.

- 2.31. Conversely some of these benefits which development and housing can provide are noted as positives in relation to the effects that the new communities may have (paras 3.95 and 3.96). This ignores the potential impact these new communities may have on the existing settlements through, for example, diverting facilities away from existing towns such as Halstead in favour of the new garden settlements.
- 2.32. The Environmental Assessment of Plans and Programmes Regulations 2004 requires the alternative spatial options to be assessed in a consistent manner. The above demonstrates how the ASA fails to achieve this and thus how the alternative spatial strategies have not been assessed objectively. The ASA is not, therefore, a sound basis for the selection of the preferred strategy for the Plan.

