



North Essex Authorities Shared Strategic (Section 1) Plan Further Hearings

Matter Statement & Sustainability Appraisal
on behalf of Pigeon Land Ltd and Systemafter Ltd

December 2019

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1 INTRODUCTION

- 1.1 These representations have been prepared by Pigeon Investment Management Ltd ('Pigeon') on behalf of Pigeon Land Limited and Systemafter Ltd in response to the North Essex Authorities Shared Strategic (Section 1) Plan and the Further (Draft) Evidence Base Documents published in July 2019.
- 1.2 Pigeon has made representations to the Section 1 Plan at all stages of its preparation and remain unconvinced that the strategy as set out in the North Essex Authorities (NEAs) amendments to the Section 1 Plan represent the most appropriate strategy when considered against the reasonable alternatives, as the tests of soundness under the 2012 NPPF require.
- 1.3 We consider that the NEAs have not undertaken an objective assessment of the alternative growth strategies and in particular have not adequately considered the ability for fewer than three Garden Communities, combined with proportionate growth at existing settlements, to meet its housing and employment requirements during the Local Plan period.
- 1.4 Pigeon has requested the right to participate in the relevant Matter 8 Hearing Session to further articulate the issues raised in this Hearing Statement and our response to the Further (Draft) Evidence Base Documents together with the NEAs proposed amendments to the Section 1 Plan.

2 MATTER 8: SUSTAINABILITY APPRAISAL

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?

Questions 1 - 14

- 2.1 Paragraph 2.52 of the ASA provides that only ‘Strategic’ development will be considered by the Section 1 Plan, which it states are developments with capacity for “2,000 dwellings or more”. The only justification for this threshold that we have been able to identify within the Evidence Base Documents is that the largest site for allocation in the Section 2 documents of the Local Plan is 1,700 dwellings. We do not consider this to be adequate justification or indeed present a reasonable alternative as required by the tests of soundness. It is of note that Principle 6 of the ASA assumes that sites will deliver a minimum of 2,000 homes within the remainder of the Plan period up to 2033 (for the purposes of considering alternative strategic sites), yet the proposed amendments to Policy SP9 indicate that Colchester Braintree Borders GC will now deliver 1,350 homes during the Plan period. Whilst it is potentially an issue in itself that the ASA has been undertaken on the basis of the need to deliver 7,500 homes during the Plan period (but the Plan will now only deliver 5,910 dwellings during the Plan period), this further calls into question why 2,000 dwellings has been selected.
- 2.2 In respect of the Stage 1 appraisal of alternative strategic sites, it is not considered that this has been based on ‘sound and adequate’ evidence. There appears to be a lack of clear identification of effects within the ASA and these do not appear to be based upon the updated evidence base (which in the main were published alongside the ASA), suggesting that the Stage 1 appraisal has not been carried out with the appropriate level of objectivity or impartiality, instead suggesting it has been carried out in order to support a pre-determined outcome. This is of course compounded by the fact that the ASA has had to be prepared after the spatial strategy as opposed to the ASA informing the plan making process from the outset, as is the norm.

- 2.3 As per our consultation response to the ASA, we do not consider that the ASA has provided clear and justified reasons for selecting the strategic sites that were taken forward from Stage 1 to Stage 2. For example, the decision to reject VE2 because one of the areas within the possible village extension had already been granted planning permission does not appear to be justified or logical.
- 2.4 As stated above, we remain unconvinced that the appraisal of spatial strategy options has been carried out with appropriate objectivity and impartiality. This applies equally to the Stage 2 appraisal where, for example proportionate growth is viewed as having negative impacts on existing communities with no explanation for this or indeed any consideration of the positive effects that development can have within existing communities through the provision of community infrastructure, which can often help to address existing infrastructure deficiencies. Conversely the ASA does not take into account that the Garden Communities will take longer to deliver new homes than non-strategic sites when assessing SA2.
- 2.5 In respect of the proportionate (hierarchy-based) growth spatial strategy options (West 2 and East 2), we do not consider that these represent an adequate assessment of the potential for proportionate growth (either in isolation or alongside one or more garden communities) as an alternative to the three garden communities.
- 2.6 It is not clear why the NEAs have chosen the percentage splits that are identified within tables 5.2 and 5.13 of ASA Appendix 6. A hierarchy based strategy that, for example, would see less than 50% of the growth requirement going to the larger Tier 1 settlements and more than 20% going to the Tier 2 settlements could provide a suitable alternative strategy for proportionate growth. It is considered that without fully considering the ability of Tier 2 settlements to accommodate proportionate growth, the ASA does not represent an objective and impartial assessment of spatial strategy options.
- 2.7 The above point applies equally to the consideration of proportionate growth alongside a single Garden Community. For example, West 9 (West of Braintree GC and proportionate growth) includes 2,500 dwellings at land east of Braintree in addition to West of Braintree GC. It is unclear why West of Braintree with proportionate growth dispersed amongst the Tier 2 settlements (without 2,500 being allocated to east of Braintree) would not represent a

reasonable alternative. Again, this calls into question whether the ASA has been undertaken with appropriate objectivity and impartiality.

- 2.8 In respect of the selection of the proposed spatial strategy, and justification for rejecting the alternatives, we remain of the view that the ASA has failed to demonstrate that the chosen spatial strategy is the most appropriate when considered against reasonable alternatives, as required by the tests of soundness. The ASA fails to come to a clear conclusion that any one strategy is the most sustainable option therefore the chosen strategy cannot be considered to meet the test of soundness.