



North Essex Authorities Shared Strategic (Section 1) Plan

Further Hearing Sessions January 2020

Hearing Statement

by

Andrew Martin – Planning Limited

on behalf of

Crest Nicholson Operations Ltd, R.F. West Ltd,
Livelihoods and David G Sherwood

Matter 8 – Sustainability Appraisal



NORTH ESSEX AUTHORITIES
Shared Strategic (Section 1) Plan
FURTHER HEARING SESSIONS, JANUARY 2020
Crest Nicholson Operations Ltd, R.F. West Ltd, Livelands and David G Sherwood



INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

MATTER 8

Sustainability Appraisal

Question 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?

1. Paragraph 2.52 of the Additional SA (SD/001/b) confirms that the only 'strategic' development options to be considered are those of approximately 2,000 dwellings or more – on the basis that smaller sites are deemed non-strategic in scale and are considered in Section 2 of the Local Plan. The decision to set such a high threshold and the reasoning behind it are unjustified, for two reasons.
2. First, when testing alternatives, there is no strict requirement for corresponding levels of growth to be accommodated at a single settlement or location. The three new GCs are now expected to deliver 1,350 (Colchester Braintree Borders), 2,060 (West of Braintree) and 2,500 (Tendring Colchester Borders) dwellings during the Plan period. By setting a threshold of 2,000 dwellings for testing alternative options, the Additional SA implies that the only choice is to select a GC-type location or direct a corresponding level of growth to a single settlement. This is not the case. In reality the NEAs could choose to direct a corresponding level of growth to two or more existing settlements, for example by identifying several different urban extensions in the NEA area. The current 2,000-dwelling threshold does not comply fully with paragraph 126 of the Inspector's Post Hearing Advice (June 2018) (IED011) to test "... *appropriate corresponding levels of proportionate growth at existing settlements...*" (i.e. settlements – plural).
3. Second, as the Colchester Braintree Borders GC is now expected to deliver just 1,350 dwellings during the Plan period, it is illogical to set a much higher 2,000-dwelling threshold for assessing alternatives. The original reason for setting the threshold at this level was that sub 2,000-dwelling schemes were deemed non-strategic and a matter for Section 2 of the Plan. But now that the strategic Colchester Braintree Borders GC is earmarked to deliver 1,350 dwellings during the Plan period, the threshold must be lowered to ensure that the NEAs preferred GC sites are being assessed on a like-for-like basis with other alternative options. Otherwise the Additional SA could be missing and failing to assess other reasonable alternatives to accommodate circa 1,350 dwellings.
4. The Representors (Crest Nicholson, RF West Ltd, Livelands and David G Sherwood) submit that a lower threshold should be used in the Additional SA, to enable "*proportionate growth at and around existing settlements*" to be tested thoroughly in accordance with the Inspector's advice. This lower threshold could be set at approximately 1,000 dwellings, but certainly should not be higher than the 1,350 dwellings planned at the Colchester Braintree Borders GC during the Plan period.



Questions 2 – 4

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

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

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?

5. The Representors (Crest Nicholson, RF West Ltd, Livelihoods and David G Sherwood) made further representations to the NEAs Additional SA Consultation in September 2019. These representations (Comment ID: SA136) are available on Braintree District Council's (BDC's) online consultation portal and it is understood that the Inspector does not require such comments to be repeated in full here.
6. However, in summary, the Representors raised the following concerns:
- Although the overall area of NEAGC2 (Colchester Braintree Borders Garden Community (Marks Tey)) is shown in Figure 2.18 of the Additional SA (SD/001/b) as being taken forward for further assessment, smaller sites such as ALTGC4 (Land at Marks Tey Option One) and ALTGC6 (Land at Marks Tey Option Three) are not, despite forming potential standalone strategic sites in their own right or early phases of the overall NEAGC2 site. Table 2 in Appendix 6 of the Additional SA proposes that ALTGC4 and ALTGC6 be tested as a smaller capacity version of NEAGC2 (alongside Monks Wood and West of Braintree – see 'West 4'), but the corresponding text on page 19 of Appendix 6 indicates that 'West 4' only includes the land being independently promoted by L&Q, Cirrus Land and Gateway 120 (i.e. ALTGC4), not the Representors sites at ALTGC6.
 - The general commentary in the Additional SA (at paragraphs 4.6-4.13) relating to the pros and cons of different urban forms, including new settlements and urban extensions, apply to the land being promoted by the Representors. This includes ALTGC6 in its entirety or in sustainable increments. The sites being promoted by the Representors do not appear to have been considered fully, or have been assessed inaccurately.
 - The Representors sites at ALTGC6 are the closest of all the other alternative strategic sites to Marks Tey Station and any multi-modal transport hub that may be created in the vicinity of the existing A12 / A120 / Station. This opportunity has not been taken into account fully in the Additional SA or in the subsequent judgment of the NEAs.
 - It is particularly important to assess ALTGC6 alone or in combination with other alternative sites, not just as part of the large NEAGC2 preferred option, because funding for the potential revised alignment of the A12 in the Marks Tey area has not been secured yet. Without this funding, the NEAs consider that the development in the Marks Tey area could be capped at around 6,000 dwellings.



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- The Hyas Viability Assessment Update (VAU) (EB/068 1/2) demonstrates at paragraphs 5.22-5.24 and Figures 5.1 to 5.3 that NEAGC2 is the least viable of the three GC proposals due to the significant upfront infrastructure investment required. A smaller scale scheme on ALTGC6, or a 6,000-dwelling scheme referred to above, would be viable and would have a number of deliverability and sustainability advantages. These latter urban extension alternatives should be assessed because they are likely to perform better than the NEAs preferred option.
7. The above shortcomings in the Additional SA make it unclear whether the Section 1 Plan is 'justified' (i.e. the most appropriate strategy when considered against the reasonable alternatives), in accordance with paragraph 182 of the NPPF (2012).

Questions 5-14

No comments.