

**North Essex Authorities Section 1 Local Plan
Resumed Hearings
Statement to Matter 8: Sustainability
Appraisal
On behalf of Parker Strategic Land**

December 2019

Turley

Contents

| | | |
|----|--|---|
| 1. | Introduction | 1 |
| 2. | Response to Matter 8: Sustainability Appraisal | 2 |

David Murray-Cox
david.murray-cox@turley.co.uk

Client
Parker Strategic Land

Our reference
MATS3000

2 Dec 2019

1. Introduction

- 1.1 This Statement has been prepared behalf of Parker Strategic Land in relation to the shared Section 1 Local Plans for Braintree District Council ('BDC'), Colchester Borough Council ('CBC') and Tendring District Council ('TDC'), which are collectively referred to as the North Essex Authorities ('NEAs').
- 1.2 This Statement responds to the Inspector's Issues and Questions (Document IED019) for Matter 8 (Sustainability Appraisal) of the resumed Examination hearing sessions. This Statement should be read alongside the earlier representations and other Statements submitted on behalf of Parker Strategic Land.

2. Response to Matter 8: Sustainability Appraisal

Sustainability Appraisal

1(a). Is there an 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 appointed at Stage 1 of the ASA?

2.1 No.

2.2 The justification is based on the largest sites proposed for allocation in the Braintree, Colchester and Tendering Section 2 Local Plan of 1,000, 1,000 and 1,700 respectively.

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

2.3 PSL believe that no threshold should have been set for sites to be excluded from Section 1 of the Local Plan as there is no guarantee that any of the large sites within Section 2 of the Plan will be found sound. PSL believe that sites should have been selected on the basis of its fit with the principles of the spatial strategy i.e. supporting sustainable patterns of movement.

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

2.4 No

2.5 On the 23rd of January 2019, PSL attended a meeting with the North Essex Authorities (NEAs) to express concerns that the proposed methodology for Stage 1 of the Additional Sustainability Appraisal (ASA) was unsound because the definitive distance criteria were inappropriate and would not allow for any differentiation between strategic sites and result in 'a sea of red' for all reasonable alternatives.

2.6 The criteria are unsound because some of the maximum distances deemed unacceptable (such as greater than 2km and 1,200m for train stations and primary schools respectively) are flawed when dealing with large strategic sites that might be greater than 2km in length. PSL consider it entirely appropriate to assume a walk or cycle to a train station or school at a distance greater than 2km.

2.7 The Stage 1b assessment is based upon a set of criteria presented in paragraph 2.34 of the ASA. These apply set assumptions provided by the NEA's with respect to the services and facilities provided within the strategic sites. These assumptions are not based upon any commitments or discussions with land promoters.

2.8 Stage 1c is unsound and based on inaccurate evidence and with evidence of bias toward the NEA Garden Communities (GCs). For example Kings Dene was assessed on the basis of four different housing delivery scenarios, 2000, 2500, 5000 and 17,000 dwellings. Whilst we note the reasons for assessing capacities as sites progress there is no evidence to confirm that Kings Dene (and we suspect many other strategic sites) can accommodate 17,000 dwellings.

2.9 Furthermore Paragraph 3.1810 of Appendix 5 states that Kelvedon provides an hourly rail service to central London which is incorrect as it actually provides nine trains during

the morning peak hour thereby providing future residents with a highly sustainable travel option.

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

- 2.10 No as can be demonstrated through the assessment of Kings Dene.
- 2.11 Paragraph 2.9 of the ASA states that Stage 1c of the SA process replaces the standard assumptions with respect to the provision of infrastructure and onsite services with actual information taken from the Site Information Forms (SIFs) completed by promoters. PSL duly completed a SIF and provided this to the NEA's as requested.
- 2.12 Page 314 of Appendix 5 of the ASA presents the results of the assessment of Kings Dene (SA Ref VE1). The lack of objectivity and impartiality is demonstrated through the assessment of Kings Dene with respect to SA objective 7 (Sustainable Travel Behaviour) and SA Objective 8 (Accessibility and Sustainable Location).
- 2.13 Paragraphs 3.1810 - 3.1829 provide commentary against these SA objectives referring to the infrastructure and services that will be delivered at Kings Dene within and beyond the plan period based upon the evidence provided by PSL.
- 2.14 Despite this evidence confirming that key features such as a primary school, bus services, local centre facilities and open space will be provided, Kings Dene receives an uncertain score with respect to these SA objectives. The ASA states that justification for this uncertain score is as a result of uncertainty with the provision of on-site infrastructure and key facilities until a planning application is submitted and approved. It is clear however that such facilities are in fact guaranteed in a development of this nature and based upon evidence requested by the NEA's.
- 2.15 Furthermore Paragraph 3.1821 states that Kelvedon train station is an 'unacceptable' walking distance from Kings Dene despite the conclusion within the Table summary of SA effects (Page 314) stating it is within the Preferred Maximum Distance of 2k. This is a fact clearly stated in the Vision Document submitted with the PSL representation which is within easy cycling and walking distance for the future residents of Kings Dene. In practice Kelvedon Station is closer to the south part of the West Tey development than the Marks Tey Station. Kings Dene offers a better location to a train station than West Tey and certainly the West of Braintree GC.
- 2.16 An objective and impartial assessment would have noted that Kings Dene has the infrastructure in place (train station) and will provide the necessary infrastructure through development to result in certain significant positive sustainability benefits.
- 2.17 By contrast the ASA assessment of the NEAGC1 (West of Braintree, paragraph 3.1196) notes that the site is more than 2km away from a train station and therefore for longer journeys the commuting is likely to be undertaken by private car. Despite the obvious absence of a train station and reliance on private car it receives the same score as Kings Dene.

2.18 It is clear that the results of the Stage 1c have failed to objectively assess the actual infrastructure and services available for Kings Dene and therefore record a significant positive sustainability benefit. PSL note a similar underscoring for other SA objectives.

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

2.19 No, PSL disagree with the reasons for the selection of the three NEAGC options for Stage 2 as provided in the ASA Appendix 6. For all three GC's the justification for selection to Stage 2 is:

- *This is one of the three current Garden Community proposals in the submitted Section 1 Local Plan – against which alternative proposals are to be tested.*

2.20 As part of a fresh objective assessment of the reasonable alternatives for the delivery of housing within the NEAs (requested by the Inspector in IED/012) the justification above is unsound on the basis that it was included in the previous and flawed Submission SA. The justification provided must reflect the sustainability benefits of each of the sites.

2.21 PSL agree that the reasons for the selection of Kings Dene for the Stage 2 assessment within Appendix 6 of the ASA is sound but could be further improved by acknowledging the benefit of the train station near to Kings Dene.

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

a) 7,500 dwellings

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

c) Another figure

2.22 Although LUC (ASA Appendix 6 page 3) acknowledge the need to provide some flexibility with respect to delivery they refer to the 'gap' between the OAN minus completions being partly filled by Section 2 allocations. LUC say there is no intention to 'deallocate' those sites and they assume they will be found sound. At this stage there is no certainty that those Section 2 allocations will be found sound and remain within the Section 2 plan. Should any be found unsound and removed then the residential requirement could be increased.

2.23 There can be no certainty that the Section 2 Plan for each authority will be found sound or if it is, that it will be adopted.

2.24 This Section 1 Plan is being examined ahead of each Authority's own Section 2 Plan. It is essential that the evidence base considers a scenario which does not assume any Section 2 allocations are made in the respective Authorities.

2.25 Assuming this principle were applied then the residual figure for each authority could be (at least) equivalent to the figure in the fourth column of Table 1 (ASA Appendix 6)

(i.e. 11,000 in Braintree, 12,000 in Colchester and 8,000 in Tendring), although there would be a case to update this to reflect completions between 2018 – 2019.

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

- 2.26 PSL strongly support the conclusion that a greater percentage of housing need falls West of Colchester however travel patterns justify a greater percentage of housing allocated in this area to support commuting patterns.
- 2.27 Representations submitted by PSL in September 2019 contained a Transport Technical Note prepared by RPS which stated the following:
- 2.27.1 The travel patterns presented in the SA check and challenge workshop fail to recognise the commuting from Braintree to London which is circa 23% of total trip movements.
 - 2.27.2 There is a much lower movement of people between Braintree, Colchester and Uttelsford
 - 2.27.3 Table 1.5 confirms that 76.2% of the movement from Braintree is to Chelmsford, areas to the south or London. Only circa 5% of these movements from Braintree are to Uttelsford with the remaining to Colchester.
 - 2.27.4 Table 1.3 confirms that the number one destination for commuting within the Colchester/ Braintree Borders is Colchester with 11.7% of the movement from Colchester to London.
 - 2.27.5 The evidence shows a substantial commuting pattern between Braintree, south of Braintree, London and Colchester/ Braintree borders to Colchester and London.
- 2.28 This evidence casts significant doubt on the SA assumption underpinning the spatial options that the vast majority of commuting within the NEA is on an east/ west pattern thereby justifying the location of the three GCs. It strongly supports the location of new housing West and South of Braintree/ Colchester with access to sustainable modes of transportation.
- 2.29 Given the above evidence PSL believe that such a simple distribution of a 2:1 ratio West of Colchester fails to recognise the greater level of commuting from West of Colchester south and to London.

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

- 2.30 PSL believe that a much higher ratio of housing allocations West of Colchester should occur with the transport evidence from the RPS technical note suggesting a 3 or 4:1 ratio would be justified.

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?

2.31 No, Page 4 of Appendix 6 provides the detail of Principle 3 and describes the need to place housing in accordance with commuting patterns. This gives rise to the creation of two zones within the NEA described as West and East of Colchester. PSL have evidence to demonstrate that the data used by the SA to demonstrate travel patterns fails to recognise the substantial commuting south of Braintree and from Colchester/ Braintree borders to Colchester and London.

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

2.32 On the basis of the evidence above and Principle 3 PSL believe that this fully justifies another spatial strategy option that specifically reflects commuting patterns and seeks to allocate housing in the most sustainable locations close to train stations and commuting destinations. Key to this option however would be sites that have existing infrastructure in place (such as a train station at King Dene) that is not reliant on funding or relocation.

2.33 This would create a spatial strategy that includes Kings Dene (which is recognised in Table 3, Appendix 6 as a highly sustainable location not dependent on transport investment) and another site capable of providing sustainable transport options. Furthermore there is ample justification to include Kings Dene within other spatial strategies given its location and ability to deliver.

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 NEA's Section 2 plans.

2.34 No Comment.

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

2.35 No.

2.36 As discussed in our September Representations, the Stage 2 assessment continues to make a number of key infrastructure assumptions with respect to the West 3 (the preferred option) which are

- A failure to demonstrate that the RTS is deliverable thereby undermining a key principle of the preferred spatial strategy and reasonable alternatives.
- A failure to demonstrate that the GCs are financially viable and deliverable; and
- A failure to recognise that relocation/ improvement of the Marks Tey station will not occur thereby removing a key sustainable transport node.

2.37 The need to address key infrastructure and viability evidence was requested by the Inspector in order to remedy key deficiencies with the SA. Without this evidence the GCs do not meet the PPG requirements of reasonable alternatives.

10. Has the stage 2 appraisal of spatial strategy options been carried out with appropriate objectivity and impartiality.

2.38 No.

2.39 Section 4 of the ASA presents the summary of the findings of the Stage 2 spatial strategy options. Paragraphs 4.15 – 4.19 summarise the results of the West of Colchester spatial strategies. PSL have identified a number of instances where the assessment and scoring has not been undertaken with objectivity and impartiality which include:

- Table 4.1 of the ASA provides a significant positive (uncertain) score for West 3 and all but three (West 1, 7 and 8) of the other spatial strategies for SA Objective 7 (Travel). The uncertain rating for some of the options (particularly West 3 and those involving GCs) appears to be as a result of delivery of key infrastructure such as the RTS. Indeed paragraph 4.37 of the SA states that '*if successfully implemented the RTS offers a very real opportunity to achieve modal shift from the car*'. No evidence has been provided to demonstrate that the RTS will be delivered and therefore there is no evidence to justify the significant positive effects assigned to West 3 and others involving GCs.
- With respect to West 7 (which contains Kings Dene) as stated above in paragraph 2.15 the site is close to a Train Station and can be delivered with minimal investment in infrastructure thereby justifying definite positive benefits. Evidence has also been provided from the site promoters to confirm this point.
- A similar position with respect to the scoring of SA Objective 8 (Infrastructure) whereby all options have received a minor positive (uncertain) benefit which is only justified for those options (such as the NEA GC's) that rely on an infrastructure (such as the RTS or a train station) that remains unproven.

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

2.40 No comment.

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 Andrews Airfield

c) Impacts on heritage assets

d) Impacts on water quality

e) Impact on air quality

2.41 No.

2.42 Paragraph 2.35 of the ASA states that issues of overflying aircraft to and from Stansted Airport will be reflected in the Stage 2 Assessment yet a review of Appendix 6 does not indicate that these issues have been considered with respect to the deliverability of any of the spatial strategy alternatives.

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?

2.43 No.

2.44 PSL believe the reason for rejecting West 7 (which includes Kings Dene) as a spatial strategy alternative is unsound for the following reasons:

- The majority of the rejection for West 7 deals only with the East of Braintree allocation with a minor reference to Kings Dene and therefore there is a failure to provide a clear reason for the rejection of Kings Dene.
- The only reason for the rejection of Kings Dene appears to be based upon the connectivity with Kelvedon and East of Braintree SUE. PSL consider this to be an unsound reason for the rejection of Kings Dene. The sustainability performance of Kings Dene is presented within the Sustainability Appraisal accompanying the September representations and which provides an accurate SA scoring using the available evidence. This report demonstrates that Kings Dene is indeed a highly sustainable option for strategic scale residential development.
- As demonstrated by the Vision document submitted to the Council, Kings Dene is highly accessible both from an internal and external perspective with strong sustainable transport links within the masterplan and to key public transport nodes such as Kelvedon train station.

2.45 The reasons for the rejection of West 7 (and Kings Dene) are particularly confusing when the reasons for the selection of West 3 (the preferred strategy) are reviewed. These are:

- *.....The Colchester/ Braintree Borders Garden Community also provides the potential for long-term growth on a site with close proximity to the mainline railway station at Marks Tey and regular train links to London, Colchester and beyond with walking, cycling or bus rapid transport to the train station.....providing opportunities for to integrate road links with other transport modes including the proposed RTS.*

2.46 With reference to the above, PSL believe that the deliverability and viability of the RTS and GC's as a whole remain unproven and therefore do not support the reasons for selection of this spatial strategy.

2.47 Furthermore, the RPS Technical note confirms that the majority of the commuting within the NEA's is not within the East/ West corridor but a substantial movement south of Braintree and Colchester.

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

a) Cumulative effects on the environment;

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

2.48 PSL believe there are fundamental flaws in the evidence base and the selection, rejection and assessment of the three GC's proposed for allocation.

Turley Office
The Pinnacle
20 Tudor Road
Reading
RG1 1NH

T 0118 902 2830

Turley