



Additional Statement: Matter 1 (Legal and procedural requirements; Key Issues, Vision and Strategic Objectives

North Essex Joint Strategic (Section 1) Plan

for Williams Group

14-007/17-334

Project : 14-007
Site address : Braintree
Client : Williams Group

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1. Introduction

1.1 This additional hearing statement is submitted on behalf of the Williams Group (ID: 828578), in relation to Matter 1: Legal and procedural requirements; Key Issues, Vision and Strategic Objectives. Specifically, this statement addresses the Inspector's questions:

- Question 2 (Have the North East Essex Authorities complied with the requirements of section 19(5) of the 2004 Act with regard to Sustainability Appraisal (SA), Should the individual SA assessment of the Monks Wood proposal, and the assessment of alternatives for the spatial strategy, have been carried out on the basis that Monks Wood could be delivered at various different scales of development?)
- Question 7 (Have the North Essex Authorities complied with all other relevant legislative requirements in the preparation and submission of the Section 1 Plan, Part a) Is it agreed that, as a consequence of the NEAs' failure to register Lightwood Strategic's duly-made representations at Regulation 19 consultation stage, the following Regulations¹ were breached in respect of those representations, and consequently that section 20(3) of the Planning and Compulsory Purchase Act 2004 was also breached?)
- Question 9 (Do the Vision for North Essex and the Strategic Objectives provide an appropriate framework for the policies of the Section 1 Plan?) , Part (a) Is it lawful for a Local Plan and its policies to require or encourage:
 - i. new approaches to delivery and partnership working, and
 - ii. the sharing between the public and private sectors of risk and reward from development?

1.2 The Inspector has already received our representations on Matter 1 on behalf of the Williams Group submitted on 28 July 2017. Whilst a further Matter Statement was not prepared for the hearing sessions in January 2018, this additional statement should be read alongside those representations. Emery Planning is instructed to attend the additional hearing session in relation to Matter 1 on behalf of the Williams Group. This is scheduled to take place on 9 May 2018.

¹ Of the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended.

2. Sustainability appraisal

- 2.1 The SA is inadequate as it did not properly assess credible options for the spatial strategy, rather it assessed the preferred strategy that was being promoted by the North Essex Authorities. The proposal for Monks Wood cannot be retrospectively assessed as part of the final version of the SA, without a consequential re-assessment of the merits of the promoted spatial strategy against other alternative strategies.
- 2.2 If the Inspector does find that there are shortcomings in the way that the SA was undertaken, with respect to either the comparison of strategic options or the specific treatment of the Monks Wood site we conclude that this would mean that the SA fails to comply with the relevant legal requirements.

3. Legislative Requirements for Section 1 Plan

- 3.1 We consider that the failure to register Lightwood Strategic's representations at the Regulation 19 consultation stage does cause a breach of the identified Regulations as they are published. As a consequence, these same failures must result in a breach of Section 20(3) of the P&CP Act 2004.
- 3.2 Lightwood Strategic's representations cover a wide range of the Inspector's original questions, not just to Matter 1 and the inability of other parties to review the issues raised except under a much reduced timescale and within a different context must prejudice the fair conduct of the examination. This will have compromised the opportunity for participants to understand the arguments raised, to question them, to determine support for them or even to respond against them, in front of the Inspector.

4. Development delivery

- 4.1 The Inspector is seeking view on whether it is lawful for the Local Plan to require or even to encourage new approaches to delivery and partnership working.
- 4.2 We do not comment on the lawfulness of including such requirements; however it is our view that it is appropriate for the Local Plan to refer to the need for proposals for delivery arrangements to be identified. We do not agree that it is necessary for those delivery approaches or partnership working to be 'new' and indeed we suggest that there is merit in

learning from the experience of successful, established delivery mechanisms. In any event, if it is lawful for details on the proposed delivery arrangements to be set out in a Development Plan Document (DPD), we consider that this would be better located in a subsequent, garden settlement specific DPD and not as part of the strategic policies for the wider sub-region.