

NORTH ESSEX AUTHORITIES Joint Strategic (Section 1) Plan

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EXAMINATION HEARINGS

INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

Please see the Inspector's Guidance Note for further information, and please note:

Apart from the North Essex Authorities, there is no obligation on participants to prepare a hearing statement. You should only do so if you have something to add to your original representations which could not have been included in them.

If you do prepare a statement, please address only those questions relevant to your original representations. Do not repeat anything that is in your original representations: just provide a cross-reference to it.

Please remember there is a 3,000 word limit per matter for hearing statements (excluding appendices). This does not apply to the North Essex Authorities.

The inspector will determine the manner in which discussion takes place at the hearings.

Matter 1: Legal and procedural requirements; Key Issues, Vision and Strategic Objectives (Chapter 1); Monitoring (paragraph 9.3 & Table 1)

Main issue: Have the relevant legal requirements been met in the preparation of the Section 1 Plan?

Do any amendments need to be made to Chapter 1 of the Section 1 Plan in order to ensure its soundness?

Does Table 1 provide an effective monitoring framework for the Section 1 Plan?

Questions:

- 1) Is there clear evidence that, in the preparation of the Section 1 Plan, the North Essex Authorities have engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies on strategic matters and issues with cross-boundary impacts in accordance with section 33A of the *Planning and Compulsory Purchase Act 2004*, as amended [the 2004 Act]?
- 2) Have the North Essex Authorities complied with the requirements of section 19(5) of the 2004 Act with regard to Sustainability Appraisal?

- 3) Have the North Essex Authorities complied with the requirements of the *Conservation of Habitats and Species Regulations 2017* with regard to Habitats Regulations Assessment [HRA]?
- 4) Does the Section 1 Plan incorporate all the measures necessary to avoid adverse impacts on any European site, as recommended in the Land Use Consultants *HRA Report for North Essex Authorities Shared Strategic Part 1 for Local Plans*, May 2017?
- 5) Have the North Essex Authorities complied with the requirements of section 19(3) of the 2004 Act with regard to conducting consultation in accordance with their statement of community involvement?
- 6) Does the Section 1 Plan identify any policies in the adopted development plan which its policies are intended to supersede, in accordance with Regulation 8(5)?
- 7) Have the North Essex Authorities complied with all other relevant legislative requirements in the preparation and submission of the Section 1 Plan?
- 8) Do paragraphs 1.25 to 1.29 appropriately identify the key issues and strategic priorities for the Section 1 Plan?
- 9) Do the Vision for North Essex and the Strategic Objectives provide an appropriate framework for the policies of the Section 1 Plan?
- 10) Should they include reference to:
 - (a) the protection and enhancement of the natural environment?
 - (b) the protection of the distinctive character of North Essex, heritage assets and the character of existing settlements?
 - (c) creating healthier and active communities?
- 11) Does Table 1 set out an effective means of monitoring the implementation of the Section 1 Plan's policies?

**Matter 2: Presumption in favour of sustainable development (policy SP1);
Place-shaping principles (policy SP6)**

Main issue: Are policies SP1 and SP6 positively prepared, justified, effective and consistent with national policy?

Questions:

- 1) Is the wording of policy SP1 fully consistent with the wording of National Planning Policy Framework [NPPF] paragraph 14 and with the NPPF's section on Decision-taking?
- 2) Is it appropriate for the policy to require all development proposals to demonstrate that they contribute to the strategic and local vision and objectives?
- 3) Is it necessary for the Section 1 Plan to include policy SP1?

- 4) Is it reasonable for policy SP6 to require all development to meet the “highest” standards of urban and architectural design?
- 5) Is the reference to the use of design codes for strategic scale developments likely to lead to overly homogenous environments?
- 6) Is there an effective relationship between policy SP6 and the design policies in each local planning authority’s Section 2 Plan?
- 7) Are the principles set out in the bullet points to policy SP6 applicable to all development, irrespective of its nature and scale?
- 8) Should policy SP6 include reference to:
 - (a) the protection and enhancement of biodiversity?
 - (b) “places”, rather than “communities and their environs” (in bullet point 1)?
 - (c) provision for equestrians (in bullet point 9)?
 - (d) water supply and waste water infrastructure, and sustainable drainage systems (in bullet point 10)?
- 9) Should the reasoned justification to policy SP6 include reference to Sport England and Public Health England’s *Active Design Principles*?

Matter 3: Meeting housing needs (Policy SP3)

Main issues:

Does policy SP3 reflect an objective assessment of housing needs over the period 2013-2033?

Should the housing requirement figures be reduced or increased?

Does policy SP3 set out effective requirements for the maintenance of a five-year housing land supply? Should it allow for accommodating possible future need arising elsewhere?

Questions:

- 1) Does the Peter Brett Associates *Objectively Assessed Housing Need Study*, Nov 2016 update [the PBA Study, EB/018] appropriately define the housing market area? If it does not, what are the consequences for the policy SP3 housing requirement figures?
- 2) Are the proposed overall housing requirement in policy SP3 of 43,720 dwellings (2,186dpa), and the constituent requirement figures of 14,320 (716dpa) for Braintree, 18,400 (920dpa) for Colchester and 11,000 (550dpa) for Tendring, based on a sound analysis of the available and relevant evidence, and do they reflect the full, objectively-assessed need for housing over the period 2013-2033?

In particular:

- (a) Is the PBA Study justified in using a baseline household growth figure of 445dpa for Tendring, rather than using the 625dpa figure from the 2014-based DCLG household projections?

- (b) Is the PBA Study justified in not making any adjustments to the household formation rates used in the 2012- and 2014-based DCLG household projections?
 - (c) Is the PBA Study justified in not making any adjustments to its household growth estimates to take account of out-migration from London?
 - (d) Is the PBA Study justified in applying a market signals uplift of 15% for Braintree and Tendring, and in making no market signals adjustment for Colchester?
 - (e) Are the PBA Study's findings on job-led housing need justified, having regard to the economic models on which they are based and the assumptions embedded in those models?
 - (f) Is the PBA Study justified in concluding that there is no reason to adjust the objectively-assessed housing need figures in order to meet affordable housing need?
- 3) Should the Section 1 Plan make provision for higher or lower housing requirement figures, and if so, what is the justification for the alternative figures?

In particular:

- (a) Should the requirement figures reflect those proposed by CAUSE (2,005dpa overall, comprising 624dpa for Braintree, 831dpa for Colchester and 550dpa for Tendring)?
 - (b) Should the requirement figures reflect those proposed by the Home Builders' Federation (2,540dpa overall, comprising 762dpa for Braintree, 1,002dpa for Colchester and 776dpa for Tendring)?
 - (c) Should the requirement figures be reviewed to reflect the criticisms made by Barton Willmore in their *Technical Review of [each] Council's Housing Need Evidence Base* (July 2017), commissioned by Gladman Developments Ltd?
- 4) Are the affordable housing need figures set out in the HDH Planning and Development *Strategic Housing Market Assessment Update*, December 2015 [EB/019], (212dpa for Braintree, 267dpa for Colchester and 151dpa for Tendring) based on a sound analysis of the available and relevant evidence?

In particular:

- (a) Is the estimate of 5,462 newly-forming households annually, at Stage 2 of the analysis, consistent with the findings of the PBA Study?
 - (b) Having regard to the definition of affordable housing in the NPPF Glossary, is there justification for excluding single adults under 35 from those considered to be in need of affordable housing (at the "Refining the model in a local context" stage of the analysis), if they can afford shared accommodation in the private rented sector or can afford the LHA shared room rate?
- 5) Should policy SP3 make it clear that the five-year supply of housing land must include an appropriate buffer in accordance with NPPF paragraph 47?
- 6) How will any undersupply of housing against the relevant requirement since 2013 be accounted for in the Section 1 Plan?
- 7) Should policy SP3 include mechanisms for:

- (a) review of the housing delivery strategy in the event of a failure to maintain the required level of housing supply?
- (b) review of the housing requirement figures in order to provide for possible future unmet need from other local authority areas?

Matter 4: Providing for employment (policy SP4)

Main issue: Is there adequate justification for the employment land requirements contained in policy SP4?

Should policy SP4 also set retail floorspace requirements?

Questions:

- 1) Does the evidence base provide adequate justification for the employment land requirements for each local authority area set out in policy SP4?
- 2) Are the employment land requirements consistent with the housing requirement figures and the methodology by which the latter were arrived at?
- 3) Does the evidence base take sufficient account of employment generators in the area such as Stansted Airport and the University of Essex?
- 4) Is it appropriate for the employment land requirements to be expressed as a range?
- 5) Does the proposed level of employment land provision ensure adequate flexibility to accommodate unanticipated needs and rapid economic change?
- 6) Should policy SP4 specifically require the North Essex Authorities to allocate suitable sites to meet their employment land requirements?
- 7) Should policy SP4 be more specific about the types of employment that the North Essex Authorities seek to attract to North Essex?
- 8) Should policy SP4 also set out strategic requirements for retail floorspace? If so, how should these be arrived at?
- 9) Should policy SP4 be more clearly focussed, with explanatory material relocated to the reasoned justification?

Matter 5: Infrastructure and connectivity (policy SP5)

Please note:

- (1) the Inspector intends to invite key infrastructure providers and planners to this session, including Highways England, Essex County Council (highways and education), Network Rail, relevant train operating companies, and NHS England;
- (2) this session will deal with general issues concerning infrastructure provision. Specific infrastructure requirements for the proposed garden communities will not be discussed here: they will be covered under Matter 6.

*Main issue: Does policy SP5 accurately identify the strategic infrastructure needs of North Essex over the Section 1 Plan period?
Does it contain effective mechanisms to secure the provision of strategic infrastructure as and when it is needed?*

Questions:

- 1) Does the list in policy SP5 of strategic priorities for infrastructure provision or improvements accurately reflect strategic infrastructure needs in North Essex over the Section 1 Plan period?
- 2) Has each item on the list of strategic priorities been costed, and how will it be funded?
- 3) Do the relevant infrastructure providers consider that each item on the list of strategic priorities (and any other necessary infrastructure) is deliverable during the Section 1 Plan period?
- 4) What constraints are there on the delivery of the strategic priorities (and any other necessary infrastructure), and how can they be overcome?
- 5) Will policy SP5 ensure that the timing of infrastructure provision is aligned appropriately with the timing of proposed new development?
- 6) Are there effective mechanisms in place between the North Essex Authorities and the infrastructure providers, to co-ordinate the planning and provision of infrastructure?
- 7) Should policy SP5 make specific reference to developer contributions and Community Infrastructure Levy as means of funding infrastructure?
- 8) Should facilities for leisure and sport, and for equestrians, be included in the list of strategic priorities?

Matter 6: The proposed new garden communities – general matters (policies SP7, SP8, SP9 & SP10; paragraphs 9.1-9.2)

Main issue: Are the policies for the development and delivery of three new garden communities in North Essex justified, effective and consistent with national policy?

Questions:

The three proposed garden communities

- 1) How were the broad locations for the proposed garden communities selected, and what evidence documents were produced to inform their selection?
- 2) Have landscape, agricultural land, flood-risk and heritage assessments been carried out to inform the locations of the proposed garden communities?
- 3) Is the Sustainability Appraisal of the garden community options [SD/001 Appendix 1] robust, particularly with regard to its threshold of 5,000 dwellings?

- 4) Are the locations for the proposed garden communities and any associated green buffers adequately and accurately identified on the Policies Maps? Should they be more, or less, clearly defined?
- 5) Have the infrastructure requirements of the proposed garden communities been adequately identified and costed? including the requirements for:
 - (a) road improvements;
 - (b) rapid public transit, bus and park-and-ride services;
 - (c) water supply and waste water treatment;
 - (d) primary healthcare;
 - (e) schools and early years' provision;
 - (f) leisure and sports facilities.
- 6) Is there evidence that the infrastructure required will come forward within the necessary timescales?
- 7) Should policies SP7, SP8, SP9 and SP10 make more specific requirements as regards the provision and timing of the infrastructure needed for the proposed garden communities?
- 8) Has the economic viability of each of the proposed garden communities been adequately demonstrated in the Hyas *North Essex Local Plans (Section 1) Viability Assessment (April 2017)* [the Hyas report, EB/013]?

In particular, in the Hyas report:

- (a) are appropriate assumptions made about the level and timing of infrastructure costs?
 - (b) is the contingency allowance appropriate?
 - (c) are appropriate assumptions made about the rate of output?
 - (d) are appropriate assumptions made about the timing of land purchases?
 - (e) is it appropriate to allow for a Garden City premium?
 - (f) is the viability threshold set at an appropriate level?
 - (g) should an allowance have been made for inflation?
 - (h) is an appropriate allowance made for finance costs?
 - (i) is the residual value methodology (GCLS model) appropriate? Should a discounted cash-flow methodology have been used instead?
- 9) Is there evidence to demonstrate that 30% affordable housing can be viably provided at each of the proposed garden communities? Is it appropriate for this figure to be set as a "minimum" requirement?
 - 10) Is there evidence to demonstrate that each of the proposed garden communities can support the range of facilities that are required by policies SP7, 8, 9 & 10?
 - 11) Is there evidence to show that each proposed garden community is capable of delivering 2,500 dwellings within the Section 1 Plan period?
 - 12) Have appropriate arrangements been made to apportion dwelling numbers at each proposed garden community between the respective housing requirements of the relevant local planning authorities?
 - 13) How much employment land is to be allocated at each proposed garden community, and how many jobs is each expected to provide, both within and

beyond the Section 1 Plan period? Should this information be included in the policies?

- 14) Do the policies for the proposed garden communities make adequate provision for the protection and/or enhancement of the natural environment and biodiversity? Is there consistency between policy SP7 and policies SP8, 9 & 10 in these respects?
- 15) Do the policies for the proposed garden communities provide adequate protection for heritage assets?
- 16) Should policies SP7, 8, 9 & 10 include:
 - (a) a requirement for the optional national water use standard of 110 litres per person per day?
 - (b) a requirement to minimise the impact of external lighting?
 - (c) reference to specific standards for green infrastructure?
 - (d) provision for bridleways?
 - (e) specific reference to places of worship as part of their requirement for community facilities?
- 17) Is the proposal to prepare subsequent Development Plan Documents [DPDs], setting out the design, development and phasing principles for each garden community, justified?
- 18) In guiding the development of the proposed garden communities, is there an appropriate division between the roles of the Section 1 Plan and the DPDs; or should the Section 1 Plan set out more detailed requirements than it does currently?
- 19) Will current and future land ownership arrangements facilitate the delivery of the proposed garden communities?
- 20) Are the proposed governance and delivery mechanisms for the garden communities, potentially involving Local Delivery Vehicles, appropriate?

Matter 7: The spatial strategy for North Essex (policy SP2)

Main issues: Does the spatial strategy set out in policy SP2 represent the most appropriate strategy, when considered against the reasonable alternatives? Does policy SP2 adequately and appropriately define the role of each tier in the settlement hierarchy?

Questions:

- 1) Taking account of the Sustainability Appraisal and other relevant evidence, is the spatial strategy in policy SP2 justified as the most appropriate development strategy for North Essex, when considered against the reasonable alternatives?
- 2) Why does the spatial strategy include provision, at the proposed garden communities, for substantial development beyond the Section 1 Plan period?
- 3) Does policy SP2 adequately and appropriately define the role of each tier in the settlement hierarchy?

- 4) Is the detail in paragraphs 3.3 to 3.5 relevant to Section 1 of the Plan? If it is, should it be included in policy SP2?
- 5) Should paragraph 2 of the policy refer to the need to avoid the coalescence of settlements?
- 6) Does the reference to “Garden City principles” in the last paragraph of the policy identify the principles that are intended with sufficient clarity? What is the relationship between these principles and the North Essex Garden Communities Charter (June 2016)?

Matter 8: The proposed new garden communities – specific matters (policies SP8, SP9 & SP10)

The Tendring / Colchester Borders proposed garden community (policy SP8)

- 21) What evidence is there to demonstrate that the Tendring / Colchester Borders proposed garden community is capable of delivering a total of 7,000 to 9,000 dwellings?
- 22) Should policy SP8 refer to the need for a dual-carriageway link between the A120 and A133?
- 23) Is it appropriate for policy SP8 to require provision of a country park along the Salary Brook valley incorporating Churn Wood?
- 24) Should Salary Brook also be designated as a Local Nature Reserve?

The Colchester / Braintree Borders proposed garden community (policy SP9)

- 25) What evidence is there to demonstrate that the Colchester / Braintree Borders proposed garden community is capable of delivering a total of 15,000 to 24,000 dwellings?
- 26) Why were those figures increased from the earlier figures of 15,000 to 20,000 dwellings which appeared in the Preferred Options plans (June 2016)?
- 27) Will policy SP9 ensure that there are appropriate landscape buffers between the proposed garden community and nearby settlements?
- 28) Should policy SP9 give clearer guidance about the intended relationship between Marks Tey and Little Tey and the proposed garden community?
- 29) Should paragraph B3 of the policy include reference to starter homes, for consistency with policies SP8 and SP10?

The West of Braintree proposed garden community (policy SP10)

- 30) What evidence is there to demonstrate that the West of Braintree proposed garden community is capable of delivering a total of 7,000 to 10,000 dwellings?

- 31) Why were those figures reduced from the earlier figures of 10,000 to 13,000 dwellings which appeared in the Preferred Options plan (June 2016)?
- 32) Should the West of Braintree proposed garden community be extended to include adjacent land in the Uttlesford District Council area?
- 33) If so, what arrangements have been made for joint working between Braintree and Uttlesford District Councils to deliver the proposed garden community?
- 34) What are the implications of any requirement for prior mineral extraction on the timescale for development at the West of Braintree proposed garden community?
- 35) What are the implications of the West of Braintree proposed garden community for the future of Saling airfield (Andrewsfield)?
- 36) How have any impacts from flight paths to and from Stansted airport on the West of Braintree proposed garden community been considered?
- 37) Should policy SP10 refer to the need for an all-directions junction between the A120 and B1256/B1417?