

North Essex Authorities Joint Strategic (Section 1) Plan

Examination Hearing Statement on
Matter 1
For Ptarmigan Land Ltd

indigo.

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December 2017

Indigo

indigo.

Aldermay House
10-15 Queen Street
London EC4N 1TX

T 020 3848 2500
E info@indigoplanning.com
W indigoplanning.com

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Appendices

Appendix 1

Recommended amendments to Table 1

1. Introduction

- 1.1. This Hearing Statement is submitted on behalf of Ptarmigan Land Ltd in response to the Inspector's Matters, Issues and Questions (Document Ref: IED003).
- 1.2. This Statement sets out Ptarmigan's response to Matter 1 with specific reference to the Inspector's questions. Further Statements have been submitted for Matters 3, 5, 6 and 7.

2. Response to Inspector's Questions on Matter 1

Question 11: Does Table 1 set out an effective means of monitoring the implementation of the Section 1 Plan's policies?

Delivery of Garden Communities

- 2.1. Paragraph 9.1 of the Local Plan states that, in view of the scale and long-term nature of the proposed Garden Communities, the authorities intend to have a significant role in how the communities are phased and delivered and to ensure that the infrastructure and other supporting measures to support the residents of the new communities are delivered in advance of or at the same time as new homes.
- 2.2. Paragraph 9.2 identifies that the North Essex authorities have created an overarching governance body to be known as North Essex Garden Communities Limited (NEGC Ltd) to coordinate the development and delivery of the new communities. It also states that further local delivery vehicles will be established in association with landowners for each proposed Garden Community with the capacity to lead the delivery of each community on a comprehensive basis and with proportionate local authority support to help secure the quality of place and delivery of infrastructure set out in the policies in the Plan.
- 2.3. Whilst the North Essex authorities' commitment to coordinating the delivery of the North Essex Garden Communities is acknowledged, given the importance of the timely delivery of new homes in these new communities to the overall spatial strategy, we consider that greater emphasis should be apportioned to the need to ensure that they are delivered in the timescales envisaged by the housing trajectory provided in Local Plan (Section 2).
- 2.4. In Braintree's Local Plan (Section 2) this can be found at Appendix 1. In this instance, the failure to deliver new homes at the West of Braintree Garden Community as early as 2023/24 and at the Colchester / Braintree Borders Garden Community by 2024/25, would have significant repercussions on the ability of Braintree District Council, and by consequence the North Essex authorities, to deliver the homes that are required to meet the housing targets set out in the Local Plan and to maintain a deliverable five year housing land supply throughout the plan period.
- 2.5. Should the new Garden Communities be delayed, or fail to deliver as many homes as envisaged in the housing trajectory, Braintree and the other North Essex authorities will struggle to maintain a deliverable supply of housing land and will be subject to more speculative planning applications (and appeals) that are likely to lead to new housing being provided in less preferable (and sustainable) locations.
- 2.6. Paragraph 9.3 states that the North Essex authorities will monitor the Section 1 policies (as set out in Table 1 on page 63) to ensure that they are effective and are delivering the intended outcomes, including their collective implications for the area. The Local Plan states that the monitoring of Part 1 objectives and outcomes in Table 1 will be assessed regularly by the authorities in their annual Authority Monitoring Reports (AMR), in addition to the monitoring of the individual Part 2 of each Local Plan.
- 2.7. Paragraph 9.3 notes that where an unacceptable delay in delivery of development and/or infrastructure occurs, the local authorities will use mechanisms and powers including establishing locally-led Development Corporations and the use of Compulsory Purchase Orders, to intervene.
- 2.8. Whilst this commitment gives the local authorities a means to intervene should delivery of the Garden Communities fail to come forward as quickly as envisaged, due to the

complexities of setting up and seeing through the processes involved in Development Corporations and Compulsory Purchase Orders (CPO), these mechanisms will not ensure that new homes and supporting infrastructure are delivered in a timely manner. CPOs for instance can take several years or more to complete, require a significant amount of resource and can have significant financial implications for the local authority involved.

- 2.9. If the new Garden Communities in Braintree, for example, fail to make sufficient progress and do not deliver any new homes by 2023/24 and 2024/25, when will the North Essex authorities intervene? If they do not intervene and establish a Development Corporation or progress a CPO until 2023/24 for instance, then it could be a further three or four years before any new homes are delivered.
- 2.10. For the West of Braintree Garden Community this could result in a shortfall of up to 1,000 homes from being delivered in the Plan period and the Colchester / Braintree Borders Garden Communities a shortfall of up to 300 homes. This assumes that the current trajectory proposed for these sites in the Local Plan is realistic which we do not consider to be the case (see our Statement on Matter 6). Any intervention later than 2023/24 or delays in setting up the Development Corporation or in progressing the CPO would result in a greater shortfall in the homes that can be delivered in the plan period.
- 2.11. Braintree District Council's latest Local Development Scheme 2017-2019 was published in January 2017. It identifies that the DPDs for the new Garden Communities, which have recently been published for consultation and are at Issues and Options stage, are expected to be adopted by Summer 2019. Given that the key policy documents for each of Garden Communities in Braintree are unlikely to be adopted before Summer 2019, it would be unreasonable of the Council to intervene in the delivery of the allocations prior to 2023/24 without giving the landowners / developers sufficient time to progress development.
- 2.12. In light of the above, we consider that the Local Plan (Section 1) and the monitoring of the implementation of the policies contained within the document lacks resilience and will not be effective in remedying any delays and shortfall in housing delivery resulting from delays to the delivery of the new Garden Communities. The complexity and ambitious nature of the proposals for the new Garden Communities, particularly in respect to the Colchester / Braintree Borders scheme has been recognised in Lord Kerlake's Peer Review (dated January 2017) which states that:
- “The timetable for the Local Plan is ambitious given the scale and complexity of the garden communities. The councils should take action to ensure local plans can have the best chance of being *found 'sound' in an appropriate timescale*. The complexity of the evidence base required to underpin a local plan is substantial, and there are detailed interdependencies between the delivery of different infrastructure and homes on sites. There is also the assessment of reasonable alternatives, sustainability assessment and viability issues, to list a few of the necessary elements. As a result, the current local plan timetable is ambitious.”
- 2.13. To rectify this, an additional column should be added to Table 1 on page 63 entitled 'Actions' which sets out the remedial measures, actions and timings for any action that will be undertaken should the monitoring of the implementation of the policies identify delays to the delivery of the new housing and infrastructure proposed in the Local Plan.
- 2.14. In respect to ensuring the delivery of the new Garden Communities and the housing requirement, the following actions should be incorporated into Table 1.
- The North Essex Local Authorities will intervene and establish Development Corporations and/or use Compulsory Purchase powers to bring forward new Garden Communities in 2023/24 if no new homes are delivered by 31 March 2024;

- The North Essex Local Authorities will undertake a review of the Local Plan (or part of) to identify additional housing sites should either of the following occur:
 - A shortfall in five year housing land supply is reported in any of the local authority monitoring reports; and / or
 - The strategic allocations identified in the Local Plan (including the new Garden Communities) fail to come forward as envisaged in the housing trajectory and a shortfall in five year housing land supply is projected as a result.
- Alternatively, the North Essex authorities will identify a supply of reserve housing sites that can come forward if either:
 - A shortfall in the five year housing land supply is identified; and / or
 - The new Garden Communities and other strategic allocations are delayed.
- A review of the Local Plan will be required to revisit the spatial strategy and the delivery of housing should the Councils fail to secure the necessary funding and relevant approvals for the infrastructure required to support the three Garden Communities within three years of the Plan being adopted.
- In any event, the Local Plan should include a commitment to review / update the Plan within five years to reflect the planned introduction of regulations for this as set out in the government's Housing White Paper (February 2017)

2.15. These are also included in our proposed amendments to Table 1 provided at **Appendix 1** of this statement.

2.16. We consider that these additions are necessary to ensure that the Local Plan and its policies are resilient and timely corrective steps can be taken to ensure that the housing requirement proposed in the Local Plan can be delivered for the duration of the plan period.

Monitoring of other key policy requirements

2.17. Table 1 as currently drafted is heavily focused and weighted towards the delivery of the new Garden Communities. Whilst we acknowledge that the new communities form a significant part of the North Essex authorities overall spatial strategy, there are other important strategic priorities in the Plan area that need to be acknowledged in Table 1.

2.18. Paragraph 1.17 of Section 1 of the Local Plan sets out the principal road network noting that the A131, amongst other routes, '*...also form important parts of the strategic road network.*'

2.19. Paragraph 6.11 of Section 1 of the Local Plan identifies that route based strategies are being prepared by the County Council for the strategic road corridors. The A131 – Chelmsford to Braintree and A131 Braintree to Sudbury sections of the route are explicitly identified in this list and '*...are currently being prepared for delivery post 2018/19...*'. It is clear that both the Local Planning Authority and County Council consider the A131 an important, strategic part of the County's road network.

2.20. The Local Plan identifies that both the A12 and A120 are constrained, particularly in the traditional weekday peak hours. Further, the Anglia Route Study prepared by Network Rail shows that while capacity along the Great Eastern Mainline (GEML) varies, the:

'...capacity to accommodate growth is limited and is particularly constrained in peak times from Chelmsford to London.'

2.21. Paragraph 6.5 of the Local Plan acknowledges that the funding for some of these improvement schemes is not guaranteed and that the authorities will work with the providers

to try and ensure that investment will be made at the appropriate time.

- 2.22. The over-arching commitment to infrastructure and connectivity in the Plan is set out in Policy SP5 - Infrastructure and Connectivity. The sixth bullet point deals with improved road infrastructure and strategic highway connections, referencing the roads in the principal road network but, as currently drafted, excludes the A131.
- 2.23. This omission is surprising as the A131's role in the strategic network is explicitly acknowledged both in paragraph 1.17 and in paragraph 6.11 which explicitly identifies ECC's route-based strategies which '*...are currently being prepared for delivery post 2018/19...*'. However, we have addressed this point in our Statement on Matter 5.
- 2.24. Further, reference to Policy LPP48 - New Road Infrastructure in Section 2 of the Plan identifies that the A131 Halstead Bypass will be safeguarded from development. The supporting text identifies that only Halstead remains as a town that the A131 has to pass through and that the bypass '*...remains a priority for the County Council...*'. However, no timetable for the delivery of the bypass has been identified and without a commitment in the wording of the Local Plan, there is no mechanism to bring the bypass forward despite its strategic importance.
- 2.25. Table 1 should therefore include greater reference to the need to bring forward the new road infrastructure needed to support new and existing development across the North Essex area and not solely focus on the infrastructure required to support the new Garden Communities. Given the size and extent of the new communities, the pressure resulting from significant development in these locations will be felt across the entire area and therefore other key infrastructure schemes will need support in the plan.
- 2.26. On this basis, we set out our recommended additions to Table 1 below.
- Delivery of identified infrastructure schemes across North Essex as outlined in Policy SP5 including transport, education, community, healthcare, green/blue infrastructure and environmental protection within the timescales identified in the plan;
 - Work with Essex County Council and other stakeholders to prepare a strategy and timetable for bringing forward the required improvements and key infrastructure to the new road schemes identified in Policy SP5.
- 2.27. These are also included in our proposed amendments to Table 1 provided at **Appendix 1** of this statement.
- 2.28. Again, we consider that these additions are necessary to ensure that the Local Plan delivers the infrastructure required to support not only the new Garden Communities, but also the new development and existing communities across the North Essex area.

Appendix 1

Appendix 1

Recommended amendments to Table 1 (additions in red)

| Part One Policies | Part One Objectives | Targets | Key Indicators in Authority Monitoring Reports | Actions |
|--|--|--|---|---|
| SP1 Presumption in favour of Sustainable Development SP2 Spatial Strategy for North Essex SP3 Meeting Housing Needs SP4 Providing for Employment SP5 Infrastructure and Connectivity SP6 Place Shaping Principles SP7 Garden Communities SP8 Tendring Colchester Borders Garden Community SP9 Colchester Braintree Borders Garden Community SP10 West Braintree Garden Community | Providing sufficient new homes Fostering economic development Providing new and improved infrastructure Addressing education and healthcare needs Ensuring high quality outcomes | Deliver Garden Communities as the most sustainable options for large scale, long term growth Deliver new employment land in line with spatial strategy and evidence base targets Deliver new housing in line with spatial strategy and Objectively Assessed Need Targets Increase modal share of non-motorised transport. Delivery of identified infrastructure schemes across North Essex as outlined in Policy SP5 including transport, education, community, healthcare, green/blue infrastructure and environmental protection within the timescales identified in the plan Ensure that the infrastructure and other supporting measures to support the residents of the | Local authority agreement and delivery of governance, community involvement, stewardship arrangements and funding arrangements for Garden Communities Amount of floorspace development for employment and leisure by type. Market and affordable housing completions per annum (net) Monitor modal splits and self-containment via Census and measure traffic levels on key routes Identify and monitor progress of strategic infrastructure projects Monitor availability of DPDs and other planning guidance relative to the submission & determination of planning applications for the development it relates to | The North Essex Local Authorities will intervene and establish Development Corporations and/or use Compulsory Purchase powers to bring forward new Garden Communities in 2023/24 if no new homes are delivered by 31 March 2024. The North Essex Local Authorities will undertake a review of the Local Plan (or part of) to identify additional housing sites should either of the following occur: <ul style="list-style-type: none"> • A shortfall in five year housing land supply is reported in any of the local authority monitoring reports; and / or • The strategic allocations identified in the Local Plan (including the new Garden Communities) fail to come forward as envisaged in the housing trajectory and a shortfall in five year housing land supply is projected as a result. |

Appendix 1

Recommended amendments to Table 1 (additions in red)

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| | | <p>new communities are delivered in advance of or at the same time as new homes.</p> <p>Approved DPDS, masterplans & other planning & design guidance in place for each community prior to the commencement of development it relates to</p> | | <p>Alternatively, the North Essex authorities will identify a supply of reserve housing sites that can come forward in the event that either:</p> <ul style="list-style-type: none">• A shortfall in the five year housing land supply is identified; and / or• The new Garden Communities and other strategic allocations are delayed. <p>A review of the Local Plan will be required to revisit the spatial strategy and the delivery of housing should the Councils fail to secure the necessary funding and relevant approvals for the infrastructure required to support the three Garden Communities within three years of the Plan being adopted.</p> <p>In any event, the Local Plan should include a commitment to review / update the Plan within five years to reflect the planned introduction of regulations for this as set out in the government's Housing</p> |
|--|--|--|--|--|

Appendix 1

Recommended amendments to Table 1 (additions in red)

| | | | | |
|--|--|--|--|--|
| | | | | <p>White Paper (February 2017)</p> <p>Work with Essex County Council and other stakeholders to prepare a strategy and timetable for bringing forward the required improvements and key infrastructure including the new road schemes identified in Policy SP5.</p> |
|--|--|--|--|--|

