

Examination Office
Longcroft Cottage
Bentley Road
Clacton-on-Sea
Essex CO16 9BX

Via email only

19th November 2018

Dear Mr Clews,

North Essex Local Plan Examination - Lightwood Strategic

We write on behalf of the North Essex Authorities in response to the Lightwood letter dated the 24 October 2018. The letter raises a number of concerns in relation to the Local Plan and the Strategic Environmental Assessment work that continues to be undertaken. This letter does not address the issues in the same order as Lightwood, although it does cover each of the points that are raised.

Strategic Environmental Assessment

1. The SEA was, and continues to be, prepared in accordance with the SEA Regulations.
2. Regulation 12(5) requires that

"When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation bodies"
(our underlining).

3. As Lightwood note this provision requires consultation at an early stage in the plan process.
4. Initially each of the NEA local planning authorities was working on an individual plan before the decision was made to combine the strategic sections of the Local Plan.
5. An SEA for that strategic section of the Local Plan was prepared taking account of the responses from the consultation bodies. No complaint has been raised, to date, about that approach.
6. Lightwood suggest that LUC's proposed amendments to the evaluation framework requires a return to this earlier stage of the SEA process. That is incorrect. The NEA do not believe that the exercise being undertaken by LUC materially changes the "*scope and level of detail of the information*" that will be included in the SEA although it will necessarily change the content of the SEA. There is therefore no statutory requirement to re-consult.
7. Lightwood appear to be treating the necessary consultation process on the "*scope and level of detail of the information*" required by Regulation 12(5) as preventing changes to the evaluation criteria within an SEA. That is wrong. In practice, LUC's proposed changes to the evaluation framework reflects normal and best practice. Evaluation criteria evolve. They have done so to reflect the discussions at the Examination, the evidence and your initial conclusions. It should be noted that the objectives that will be used to frame the LUC work remain the same as in the original SEA in order to maintain consistency.

8. In any event, as LUC note in paragraph 2.22 of the Draft Method Scoping Statement , even though it is not a statutory requirement LUC consider it good practice and appropriate to carry out further consultation on the scope and level of detail of the additional work to be carried out in order to aid the SA/SEA process. They have also suggested consultation with the participants in the examination.
9. Lightwood requested copies of previous SA/SEA documents within their letter. These are available on the Local Plan Examination website. No scoping report was prepared. As they note, a scoping report is not required.

LUC independence

10. Lightwood suggest that LUC's objectivity is compromised. They cite NEGC attendance at a meeting in July and marketing material prepared for MIPIM in October as evidence.
11. The July Committee minutes note specifically on page 4:

"It was clarified that NEGC's only role in the context of the SA would be to provide evidence to the council. LUC will communicate only with the council and not with NEGC directly in order to ensure objectivity."
12. The NEGC position was made clear at the meeting. It is difficult to see how that can be said to have compromised LUC.
13. The MIPIM marketing activity was carried out by NEGC not the NEA. NEGC are a separate legal entity. Their activities do not indicate any level of predetermination on the part of the local planning authorities, let alone LUC.

14. It should, however, be noted that the four Councils in North Essex remain committed to using garden community principles to secure future housing requirements in their area. At present that is the Local Plan strategy. It is inappropriate for Lightwood to suggest that the Councils or their corporate delivery vehicle, NEGC, cannot issue material that reflects that public Local Plan strategy.

Timing of Colchester Braintree borders garden community

15. Lightwood complain about the reference to a potential change in the proposed timing of the deliver of the Colchester Braintree Garden Community. Their complaint appears to confuse separate issues.

16. As the evidence base continues to be developed, the NEAs are perfectly entitled to propose changes to the Local Plan. If they propose changes that would change the significant likely environmental effects then the consequences will need to be reviewed as part of, and be informed by, an SEA.

17. It appears from discussions with Highways England that settling the final A12 alignment may take slightly longer than anticipated. Together with other evidence that has led the NEAs to conclude that the CBBGC may be delivered later in the Plan period than previously proposed.

18. If that is the case, then that change in the evidence base will be reflected in proposed changes to the Local Plan. Those changes and any likely significant environmental effects will need to be considered as part of the SEA process. This is a perfectly appropriate approach to adopt.

Yours faithfully

Emma Goodings – Braintree District Council

Karen Syrett – Colchester Borough Council

Gary Guiver – Tendring District Council

