



Mrs Copsey  
Examination Office  
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Bentley Road  
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Essex CO16 9BX

24<sup>th</sup> October 2018

Dear Andrea,

Lightwood have read the letter from the NEA's to the Inspector, dated 19th October 2018 and the associated enclosures. We would like to draw the Inspectors attention to a couple of points.

Firstly, is the apparent conflict between paragraphs 6 and 20 and paragraph 9. The former state that *any Colchester Braintree Borders Garden Community will be delivered later in the plan period than previously proposed*, whereas the later still claims that the revised SA work will be independent.

On a reasonable reading of the meaning of the letter, and despite the use of the word *any*, it seems that the NEA's have already plotted revisions to the spatial strategy prior to the objective SA reassessment that is required. There is no other reason why it would be necessary, at this stage, to single out a particular aspect (timing) of a specific garden community option, or even a site option given the required breadth of the additional site selection process, now inclusive of strategic urban extensions.

Moreover, Lightwood attended MIPIM in London (17<sup>th</sup> October) where the North Essex fraternity (the Council's and other partners) presented marketing material based on the submitted Part 1 spatial strategy for North Essex. This was just two days before they sent a letter dated October 19<sup>th</sup> 2018 to the Inspector setting out the supposedly objective way forward to reconsider the evidence for the spatial strategy, and the sustainability appraisal of it. I attach a scan of the leaflet that was being handed out. This evidence reduces confidence in objectivity going forward and it would seem the NEA's are still peddling the same strategy, despite claims that fresh optioneering will take place.

I also attached minutes from a meeting between officers at Braintree District Council, staff at Land Use Consultants and three members of North Essex Garden Communities (NEGC) that took place on July 17th 2018. Lightwood question why NEGC were at that meeting. We ask the Inspector to consider 'who are NEGC are' and 'what business they have in attending the first sustainability appraisal following his June 8th letter'. NEGC was set up as a company to specifically to forward /deliver three specific spatial options. It has a vested interest in the outcome of the sustainability appraisal. It cannot advise, nor observe in an unbiased way due its *raison d'être*. In Lightwood's assessment LUC's independent is already damaged by this early contact.

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It appears that the revised SA approach (LUC Method Scoping Statement, October 2018, para 2.4-2.6) seeks to change the evaluative basis of the Part 1 Plan. At paragraph 2.22, the LUC paper sets out a need to consult statutory consultees on the proposed changes to this framework and volunteers to undertake consultation with others.

Lightwood raised the prospect of, and advised of, the consequences of, an alternate evaluative SA basis for the Plan in a letter to Braintree Council on 21.09.2018, which I attach. The NEA's want to return to a sustainability appraisal scoping stage within the examination phase of plan-making (or rather suspended phase), which seems most irregular.

This would result in modifications to the Plan based on a revised evaluative SA framework and the bypassing of the statutory stages of plan-making that follow SA scoping (Regulation 18 and 19). We suggest that if the NEA's want to change the evaluative framework for the SA, that this is not compatible with the process of plan-making /plan-remediation that they now wish to undertake. Procedurally, SA scoping occurs before Regulation 18. The proposed process of plan-remediation would also not be subject to the Duty to Co-operate given that a Plan has been submitted. Whilst legally compliant addendum SA analysis can take place post submission if the SA framework does not change, does the same hold true when the evaluative framework itself changes?

Upon considering the matters of SA Scoping, Lightwood has gone 'back to basics' to track the legal compliance of the SA Scoping process to date for the Part 1 Plan.

The Inspector is asked to note that within Lightwood's attached correspondence with Braintree of 21.09.2018, we asked:

- *when the scoping stage of consultation for the SA for the Part 1 Plan took place;*
- *whether a scoping report was published (not a legal requirement but is often produced), and if so where we might find it;*
- *If statutory consultees responded to the scoping stage and the content of those responses.*

We still await a response to these points.

Whilst the NEA's each undertook a sustainability appraisal scoping stage at a time before a shared Part 1 plan was on the table, i.e. they consulted on the scope of the SA for what were to have been individual Local Plans, it appears that no scoping stage was ever undertaken after the point at which it was decided to subsume parts of those individual Local Plans into a shared strategic Part 1 Plan. We have for instance found a scoping report for a Colchester Local Plan and one for a Braintree Local Plan, each with a different set of SA objectives/evaluative framework, but we have found nothing that would qualify as a scoping consultation, with a common set of overall SA objectives and evaluative framework, for garden communities for the Part 1 Plan.

We question whether the statutory consultees were ever consulted on the scope of the common SA / shared SA evaluative basis for the Part 1 Plan, as is required by the Environmental Assessment of Plans and Programmes Regulations 2004 (Regulation 12 (5)). For example, the legal compliance checklist for Braintree (BDC/004), on page 5, row 8 only refers to scoping consultation on a January-March 2014 SA Scoping Report. No other phase of scoping is referred to in BDC/004.

The closest one gets to a scoping consultation exercise is set out in Strategic Part 1 - Sustainability Appraisal: Preferred Options (June 2016). Para 2.1 states that:

*Sustainability Objectives are also drawn from an amalgamation of the SA Scoping Report of each authority's Local Plan in order to align the separate SAs of both the Common Strategic Part 1 for Local Plans and individual Local Plans (representing Part 2 in each authority).*

This alignment was announced in parallel with the consultation on the Preferred Options plan which had been already been proposed. The proposed alignment should instead have been proposed and consulted on within a SA Scoping Stage. Moreover, the evaluative framework for specifically assessing the garden community options is only introduced in the Preferred Options SA Report. It is not evident that statutory consultees were consulted prior to a Regulation 18 plan being forged, as required by the regulations.

Putting aside the suggestion from the NEA's that the SA framework has to shift to objectively assess strategic options afresh, i.e. to assesses both new settlement options and strategic urban extensions, we are of the view that the adoption of the Part 1 Plan would be exposed to a S113 challenge on legal compliance in the absence of a SA scoping stage for the Part 1 Plan as a whole.

We assess that the NEA's are attempting to 'short-circuit' the necessary plan-making process of scoping an evaluative SA framework, devising options, testing alternatives, and consulting on a Plan via a Reg 18 and Reg 19 process.

In our assessment, the Inspector was correct to have steered the NEAs towards Option 1. The process now currently proposed by the NEAs makes Option 1 seem like the only process of remediation that would be legally compliant. This is not about whether the Part 1 Plan can be adopted in advance of Part 2 Plan (as discussed in the opinion of C. Lockhart Mummery QC), but whether the Part 1 would be legally compliant if the SA framework changes in a period of suspended examination.

The LUC document advises that the SA framework must be changed to objectively assess all the options; meaning the scope of the SA will change. This requires a plan-making process outside the (suspended) examination phase, not within it. Regulation 18 and 19 exist to ensure a proper process of plan-making.

The pre-existing SA scoping deficiencies, now identified, would of course put the whole Part 1 Plan at risk, not just the garden community aspects (or rather the missing '7,500' unit component of supply).

Whilst consultation on the revised SA method is sought, those responses will be for the NEA's in the first instance, not the Inspector. If valid points are ignored, it could result in much wasted examination time in 2018/2019.

It is not clear in the most recent correspondence when the NEA's are asking for the examination to be suspended. We assume it is from the 19<sup>th</sup> of October.

We encourage the Inspector not to suspend the examination until after comments on the revised SA approach have been reviewed, to enable a guiding hand if needed.

This letter represents only an initial set of observations, and Lightwood is seeking the advice of leading Counsel on these matters.

Yours sincerely

Richard Walker

Strategic Planning Director

Enclosures

1. Minutes from SA Review inception meeting (LUC\_FOI-2744-North Essex-SA-Inception-note)
2. Scan of North Essex MIPIM Brochure
3. Letter from Lightwood to Braintree DC 21\_09\_2018

# Minutes North Essex Section 1 Local Plan SA



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Purpose Inception meeting

Project number 10404

Date 17 July 2018

Name	Organisation	Att.	Dist.
Gary Sung (GS)	Braintree	•	•
Emma Goodings (EG)	Braintree	•	•
Richard Bayley (RB)	North Essex Garden Communities Ltd	•	•
Carole Nickelson (CN)	North Essex Garden Communities Ltd	•	•
Chris Outtersides (CO)	North Essex Garden Communities Ltd	•	•
Jeremy Owen (JO)	LUC	•	•
Jon Pearson (JP)	LUC	•	•
Sarah Smith (SS)	LUC	•	•

Minute	Action
<p><b>1 Introductions</b></p> <ul style="list-style-type: none"> <li>All present introduced themselves and their role in the project.</li> </ul>	
<p><b>2 Background</b></p> <ul style="list-style-type: none"> <li>The Examination hearings for the North Essex Joint Strategic (Section 1) Plan started in January 2018. At this point the HRA was largely accepted, notwithstanding adjustments required in order to be compliant with the People over Wind judgement.</li> <li>Additional hearings took place in May as representations from Lightwood had previously been mis-filed, therefore they didn't have opportunity to speak at the January hearings.</li> <li>EG will send Monkswood representation to LUC, which suggested the North Essex Authorities (NEAs) had missed some reasonable alternatives.</li> <li>Campaign groups picked up the points raised by Lightwood, top add to their arguments.</li> <li>Campaign Against Urban Sprawl in Essex (CAUSE) are a key group campaigning against the Local Plan (Section 1). They have gathered support of multiple other campaign groups. CAUSE see the SA as a hook</li> </ul>	EG

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Minute	Action
<p>for legal challenge and suggested that the SA would not be capable of rectifying (although the Inspector’s report does not corroborate this).</p> <ul style="list-style-type: none"> <li>• The scale of changes that the Inspector recommended was unexpected, as the NEAs thought the hearings had been quite positive. However, the Inspector’s letter clearly sets out next steps for SA.</li> <li>• The Inspector’s report suggested three options for how to progress. Members are making the decision about which option to choose, but officers will recommend Option 2 (i.e. carry out further evidence base and SA work and bringing forward revised strategic proposals before commencement of Section 2 Examinations.</li> <li>• There is some concern that CAUSE have misinterpreted the Inspector’s letter and think they will have involvement in appointment of consultants, therefore LUC’s appointment is currently confidential, until the NEAs have had a chance to clarify this.</li> <li>• The NEAs have considered the possibility of external concerns that LUC are not ‘independent’ as it has done previous work for the NEAs (e.g. the HRA work for the Local Plan (Section 1). However, the NEAs are confident that LUC is independent as their HRA work has been considered as part of the Examination and accepted as objective.</li> </ul>	
<p><b>3 SA process to date and nature of SA work to be undertaken</b></p> <ul style="list-style-type: none"> <li>• NEAs noted that the previous SA was very long and felt it could have been more concise.</li> <li>• JO stated LUC would start from scratch assessing reasonable alternatives.</li> <li>• NEAs and LUC need to be clear what is realistically going to be provided on the site, which won’t necessarily be the same as what developers propose.</li> <li>• It was agreed that the upcoming SA work should focus on the points raised in the Inspector’s report. For example, the Inspector wasn’t concerned about policy appraisals, therefore that part of the SA doesn’t need revisiting.</li> <li>• The SA output at this stage will present an assessment of reasonable alternatives and will not be a full replacement SA. As such, the SA will consist of the previous work with various sections superseded by the work being undertaken by LUC.</li> </ul>	

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<ul style="list-style-type: none"> <li>• GS identified pages of SA likely to need replacing:                             <ul style="list-style-type: none"> <li>a. p78-80 (SP2)</li> <li>b. p81-92 (Alternatives)</li> <li>c. Appendices – p171-184 (Appendix 1)</li> <li>d. p185-199 (Alternatives)</li> </ul> </li> <li>• It is not thought that the SA of Garden Community policies needs reviewing, unless the site appraisal SA work necessitates change to these.</li> </ul>	
<p><b>4 Evidence sources and timescales for their delivery</b></p> <ul style="list-style-type: none"> <li>• It was agreed that the SA should consider different scales of development at various sites, provided that these are considered reasonable alternatives.</li> <li>• The NEAs are to send to LUC site boundaries (red lines) in GIS for all options.</li> <li>• The size options for reasonable alternative sites were originally taken from AECOM work that was prepared early in the plan-making process. The NEAs will be asking AECOM to review this to ensure that the housing numbers proposed are reasonable.</li> <li>• EG clarified that there were five garden community options identified. The references to 11 and 13 garden communities in paragraph 94 of the Inspector’s report include sub-options (i.e. different size options) of the five originally identified.</li> <li>• NEGC is producing various evidence to support the NEAs in their consideration of reasonable alternatives. RB asked that LUC send through a list of the evidence they need and when they need it to enable NEGC to prioritise preparation of evidence.</li> <li>• The evidence that NEGC will prepare includes work on:                             <ul style="list-style-type: none"> <li>a. Viability.</li> <li>b. Transport.</li> <li>c. Deliverability (likely to be from economic perspective).</li> </ul> </li> <li>• LUC do not anticipate using this evidence directly as part of the SA process, as the SA will rely on the evidence provided that the alternatives are viable (i.e. deliverable) in order for them to be reasonable. LUC envisages that this work would feed into the identification of reasonable</li> </ul>	<p>NEAs</p> <p>LUC</p> <p>NEAs</p>

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<p>alternatives by the NEAs, which would then be sent to LUC for assessment.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• For context, JP outlined the proposed approach to the SA, i.e. a 2 stage approach:                             <ul style="list-style-type: none"> <li>a. Stage 1 – ‘policy-off’ - GIS driven.</li> <li>b. Stage 2 – ‘policy-on’ - theoretical proposal.</li> </ul> </li> <li>• Preparation of evidence regarding infrastructure that can realistically be provided on each site could be carried out whilst LUC undertake Stage 1.</li> <li>• The assumptions for Stage 2 regarding the infrastructure to be provided needs to be consistent for all options and should therefore be based on evidence available on a consistent basis for all options. NEAs and LUC to agree assumptions.</li> </ul>	<p>NEAs/LUC</p>
<p><b>5 CAUSE and the metro-town proposal</b></p> <ul style="list-style-type: none"> <li>• CAUSE is one of the main objectors to the plan.</li> <li>• CAUSE has proposed an alternative spatial strategy. The Inspector has asked that the Council ensure they have fully understood this proposal.</li> <li>• The NEAs keen for LUC to have meeting with CAUSE believe to ensure and demonstrate we understand proposals. If a meeting takes place a note of the meeting will need to be agreed to make it clear that their proposal has been correctly understood. JO said that we should be careful about giving any particular group special access outside of the formal consultation processes, in order to ensure consistency and objectivity, so this may require further consideration with the NEAs before commencing and a suitable approach agreed with the Inspector.</li> <li>• The Metro-town proposal was put forward as an idea/concept of increasing development along an under-used railway line, but specific sites and housing numbers etc. were not put forward. The NEAs asked AECOM to draw this up into proposal to asses. Note that AECOM did not consult with CAUSE in drawing this up.</li> </ul>	<p>NEAs/LUC</p>
<p><b>6 Nature of the options requiring appraisal</b></p>	

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Minute	Action
<ul style="list-style-type: none"> <li>The options will constitute various garden community options and alternatives to these.</li> </ul> <p><u>Alternatives to garden communities</u></p> <ul style="list-style-type: none"> <li>Urban extensions are being considered through Section 2 plans and would not be allocated through Section 1. This raises issues when assessing alternative spatial strategies as these must include garden communities and other locations that would make up the remainder of the housing number.</li> <li>JO clarified that it would be preferable to have identified specific sites that could act as alternatives to stand-alone garden communities or that make up the remainder of the housing need. This will enable consistency in approach to the SA of the various alternatives.</li> <li>EG clarified these would exclude sites included in Section 2 plans (not reasonable for Section 1 Local Plan).</li> <li>In order to determine which sites would be reasonable alternatives to make up the remainder of the housing need, some assumptions would need to be defined e.g. exclude sites within the AONB and focus on large, strategic sites.</li> <li>The sites to be assessed are likely to be large sites only. LUC agreed that potential urban extensions could be combined for each option e.g. North, South, East and West options around major settlements.</li> <li>The NEA's could consider setting a minimum size limit to help identify which options would be reasonable alternatives to garden communities, i.e. above that allocated in Section 2 plans.</li> <li>As with garden communities, the reasonable alternatives need to be viable/deliverable, hence the importance of ensuring robust assumptions about what may be delivered.</li> <li>LUC clarified that if the NEAs are in doubt whether an option is reasonable, it should be included in the SA on a precautionary basis.</li> </ul> <p><u>Garden communities</u></p> <ul style="list-style-type: none"> <li>The version of the Local Plan (Section 1) submitted for Examination only planned to deliver 2,500 homes through each of the garden communities during the plan period. However, the garden communities are expected to deliver a total of 43,000 homes in longer term.</li> <li>LUC will consider whether the SA should be limited to assessing the growth that would come forward in the plan period, or whether the long-term outcomes of allocating garden communities should be assessed. If</li> </ul>	<p>NEAs</p> <p>NEAs</p> <p>LUC</p>

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<p>the longer term outcomes are assessed, it is likely that alternative long-term options (i.e. alternatives for allocating 43,000 homes) should also be assessed. It is preferable to clarify a suitable approach with the Inspector.</p> <ul style="list-style-type: none"> <li>Examples from elsewhere could help in making this decision, such as reviewing the Inspector’s letter from the East Hertfordshire Local Plan, which considered delivery of around 10,000 homes through a garden community over a period longer than that of the plan period.</li> </ul>	
<p><b>7 Methodology</b></p> <ul style="list-style-type: none"> <li>LUC will draw up an SA methodology statement for review by the Inspector. As described above, this will consist of a two-stage approach: <ul style="list-style-type: none"> <li>Stage 1 – ‘policy-off’ - GIS driven.</li> <li>Stage 2 – ‘policy-on’ - theoretical proposal.</li> </ul> </li> <li>For Stage 1, LUC just needs red lines for each option to be provided by the NEAs. Stage 1 assessments will follow a GIS-based approach and therefore will be fully objective.</li> <li>LUC will require assumptions for development options, including the infrastructure to be delivered at certain scales of development. LUC to advise NEAs what sort of assumptions are needed.</li> <li>LUC agreed to include a statement in their SA Report to explain that all options assessed are considered to be viable or development, otherwise they would not have been considered reasonable. The NEAs will produce evidence to support this.</li> </ul> <p><u>Airfields</u></p> <ul style="list-style-type: none"> <li>With regards to Andrewsfield Airfield, the NEAs are working on the assumption this will remain operational.</li> <li>NEAs don’t think there would be any noise effects from Stansted Airport on the West of Braintree Garden Community, as aircraft will be over 6,000 feet when passing the location. EG to enquire and confirm evidence. JP pointed out that noise envelopes should be available online.</li> <li>The current SA assesses concepts of e.g. GC, urban extension etc. Stage 1 of SA will only assess individual options by location. These will then form building blocks of the spatial strategies to be assessed.</li> </ul>	<p>LUC</p> <p>NEAs</p> <p>LUC LUC NEAs</p> <p>EG</p>
<p><b>8 Consultation arrangements</b></p> <ul style="list-style-type: none"> <li>EG mentioned that the NEAs consider that public consultation will need to be built in the programme to ensure that proper engagement takes place</li> </ul>	

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<p>England's preferred approach. The NEAs will consider what information is available and whether further work needs to be commissioned to fill in gaps.</p> <ul style="list-style-type: none"> <li>LUC clarified landscape sensitivity studies for all potential development locations would be preferable rather than just landscape character assessments. The NEAs will consider what information is available to inform this work.</li> </ul>	<p>NEAs</p> <p>NEAs</p>
<p><b>9 Project management arrangements and next steps</b></p> <ul style="list-style-type: none"> <li>JP will be main contact at LUC.</li> <li>LUC will have a single point of contact for all 3 NEAs. EG to confirm main who this contact will be.</li> <li>LUC to send through GIS data request. NEAs to send relevant layers once this is received.</li> <li>LUC and NEAs to arrange meeting to discuss reasonable alternatives.</li> <li>LUC to present list of topics/info needed for assessment of alternatives.</li> <li>The NEAs clarified that they are happy to work to LUC's T&amp;Cs.</li> <li>JO noted that project costs are fluid as they are based on various assumptions. As such, he proposed that LUC invoice monthly, based on spend, against an initial cap as per LUC's submission, and revised as necessary. EG confirmed this would be acceptable.</li> </ul>	<p>EG</p> <p>LUC &amp; NEAs</p> <p>NEAs &amp; LUC</p> <p>LUC</p>

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## GARDEN COMMUNITIES

### 1 NORTH UTTLESFORD GARDEN COMMUNITY

- North Uttlesford Garden Community is located at J9 of the M11 and to the north of Saffron Walden
- 1,925 homes delivered in the plan period to 2033 and 5,000 longer term
- Including commercial and industrial space

### 2 EASTON PARK GARDEN COMMUNITY

- Located near Great Dunmow
- 1,925 homes delivered in the plan period and 10,000 longer term, including commercial and industrial space
- Benefiting from proximity to Stansted Airport and the M11

### 3 WEST OF BRAINTREE GARDEN COMMUNITY

- West of Braintree, on the border of Braintree and Uttlesford. Could deliver up to 10,000 homes and commercial industrial space
- Benefiting from proximity to Stansted Airport and the M11

### 4 COLCHESTER BRAINTREE BORDERS GARDEN COMMUNITY

- West of Colchester on the border of Colchester and Braintree is the largest proposed development
- Located off the A120 / A12 the proposed site could deliver up to 24,000 homes and commercial / industrial space

### 5 TENDRING COLCHESTER BORDERS GARDEN COMMUNITY

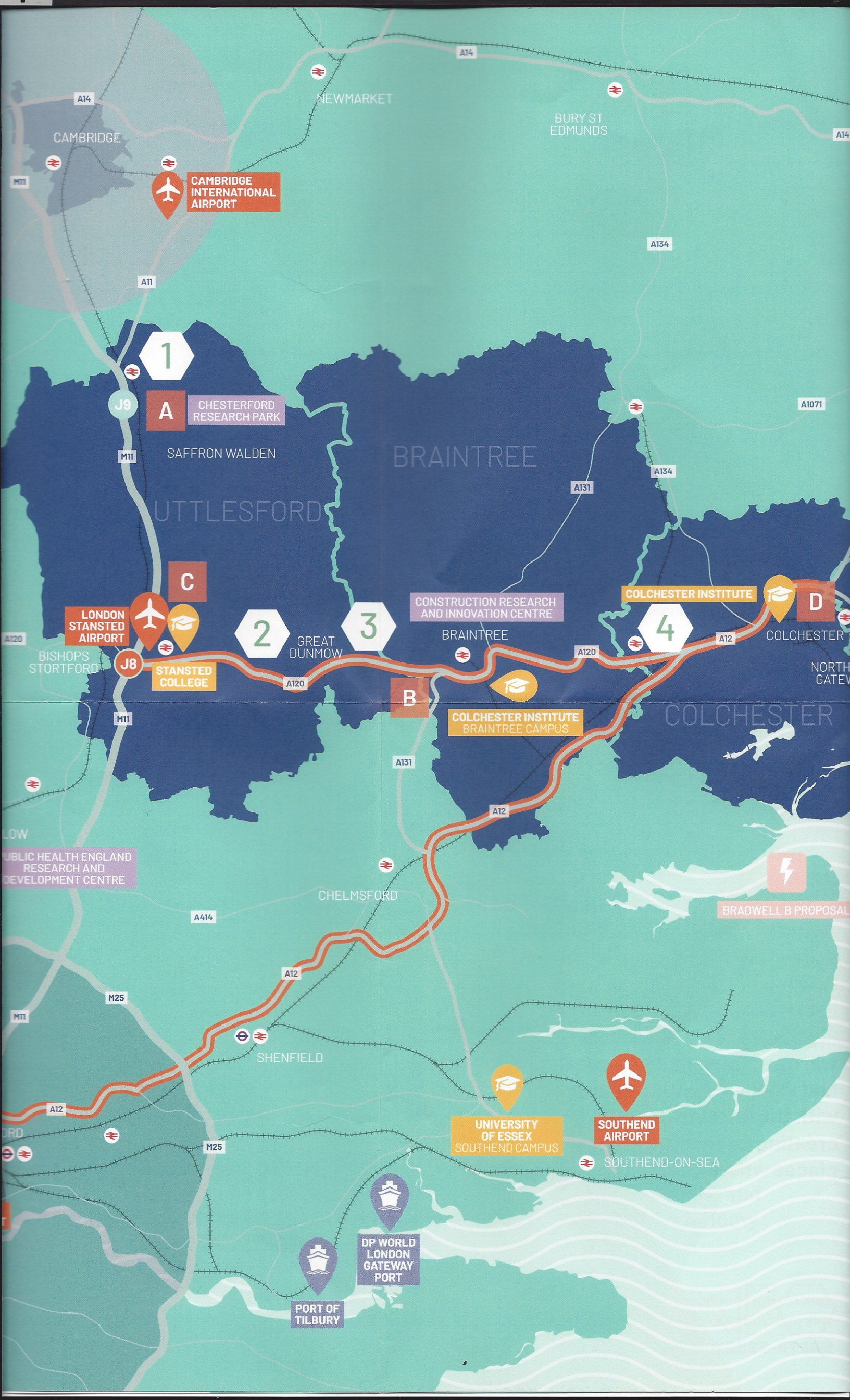
- East of Colchester, on the border of Colchester and Tendring, could deliver up to 9,000 homes and commercial / industrial space
- The nearby University of Essex is one of the fastest growing universities in the country

## BUSINESS DEVELOPMENT

- A CHESTERFORD RESEARCH PARK**  
74 acres of development space in established biotechnology and pharmaceutical R&D park
- B HORIZON 120**  
Horizon 120 is a new strategic 65 acre employment park close to Braintree, accommodating up to 700,000 sq ft
- C NORTHSIDE AREA OF STANSTED AIRPORT**  
Local plan allocation for industrial and office buildings over 135 acres
- D COLCHESTER NORTHERN GATEWAY**  
A 35 acre mixed employment and residential development
- E BROOK PARK**  
A 40 acre site including retail park, leisure and housing complex in Clacton

## KEY

- |  |                         |  |                            |
|--|-------------------------|--|----------------------------|
|  | North Essex             |  | Infrastructure Investments |
|  | Garden Communities      |  | Ports                      |
|  | Business Development    |  | Airports                   |
|  | Research & Development  |  | Education                  |
|  | Energy & Power Stations |  | Train Stations             |



**CAMBRIDGE INTERNATIONAL AIRPORT**

**1**

**A** CHESTERFORD RESEARCH PARK

**C**

**LONDON STANSTED AIRPORT**

**J8** **STANSTED COLLEGE**

**2**

**3**

**B** CONSTRUCTION RESEARCH AND INNOVATION CENTRE

**COLCHESTER INSTITUTE BRAINTREE CAMPUS**

**COLCHESTER INSTITUTE**

**D**

**COLCHESTER**

**COLCHESTER**

**PUBLIC HEALTH ENGLAND RESEARCH AND DEVELOPMENT CENTRE**

**CHELMSFORD**

**BRADWELL B PROPOSAL**

**SHENFIELD**

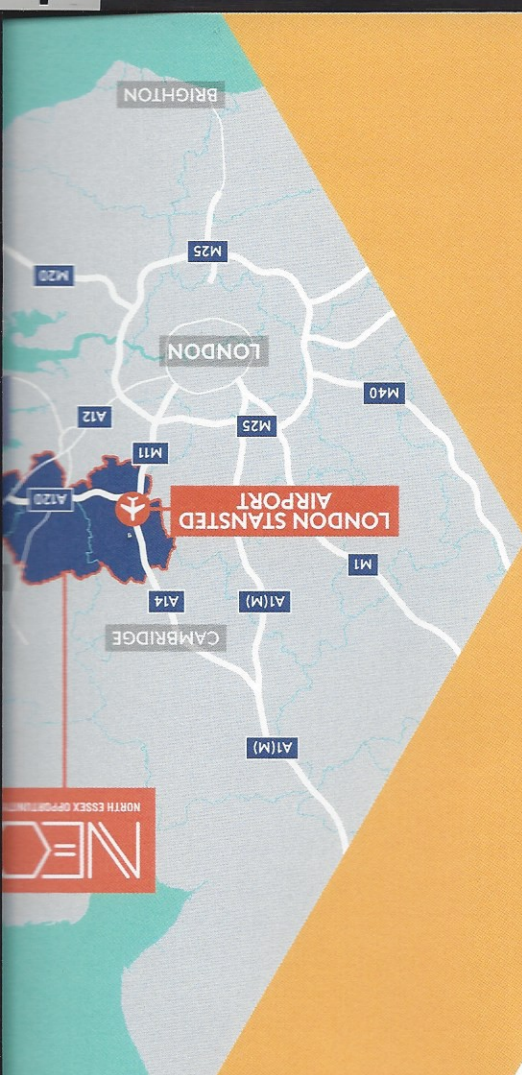
**UNIVERSITY OF ESSEX SOUTHEND CAMPUS**

**SOUTHEND AIRPORT**

**SOUTHEND-ON-SEA**

**DP WORLD LONDON GATEWAY PORT**

**PORT OF TILBURY**



Welcome to NEO, the North Essex Opportunity.

With 58,000 new homes, 58,000 new jobs, five distinct and highly desirable new garden communities and more than £3.65 billion of planned investment, we are set to become an economic powerhouse.

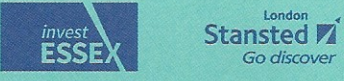
Our location between the key UK commercial engines of Cambridge and London and between the Stansted international airport and the ports of Harwich and Felixstowe, make us exceptionally well connected, whatever your business.

In North Essex data and technology drive an innovative and growing multi-sector economy. The University of Essex and our great local schools mean that a highly skilled, creative and growing workforce is ready to power your business.

# RIGHT HERE RIGHT NOW

Seize the opportunity; join us and become part of this innovative and burgeoning multi-sector economy

ED?  
and industry working  
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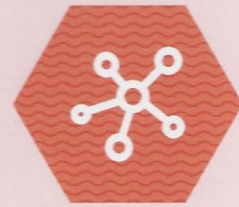


out how to become part of  
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# WHY NORTH ESSEX?

North Essex is a vibrant hub for innovation and creativity. With a growing multi-sector economy which includes port and logistics, energy, construction innovation, advanced engineering, and technology and data, and a highly skilled professional workforce, it provides an excellent opportunity to locate and grow your business.



**£3.65 BILLION INVESTMENT IN INFRASTRUCTURE**



**UNIVERSITY IN THE TOP 20 U IN THE UK FOR EXCELL**

## HIGHLY SKILLED LOCAL WORKFORCE

Daring, innovative thinkers and specialist data scientists help shape and inform business growth and influence policy; the University of Essex ranks in the top 20 universities in the UK for research excellence.

The University of Essex is an international leader in data innovation and AI and ensures a long-term talent pipeline for the area. It is set to launch a new innovation centre in early 2019 which will further enrich the area's economic impact and business landscape.

The area also attracts a flourishing creative community who are contributing to the growth and innovation of the region.

## A DESIRABLE PLACE TO LIVE - TODAY AND TOMORROW

North Essex is the cultural and green heart of Essex with many Areas of Outstanding Natural Beauty providing a historic recreational destination and thriving visitor economy, from countryside to coast. Home to Britain's oldest recorded town in Colchester, North Essex is rich in heritage but with a focus on the future, with a strong performing and visual arts culture and world class food and drink. 95% of schools in the area are rated as Outstanding or Good by Ofsted.

## IDEAL CONDITIONS FOR BUSINESS GROWTH

North Essex offers a robust environment and ideal location for large scale business growth.

Ideally positioned adjacent to the London to Cambridge corridor with direct access to the major international trade hubs of Stansted, Felixstowe and Harwich and major roads and railways on its doorstep. International connectivity is guaranteed via Emirates' route to Dubai out of Stansted which is set to benefit from a £600 million enhancement programme.

A hotspot for growth and innovation, spaces such as Colchester's state-of-the-art Northern Gateway development, a new 65 acre business park 'Horizon 120' in Braintree and

Chesterford Research world class research connectivity and in to a regional transport for start-ups and v brands alike to gro

## MORE THAN £3.65 PLANNED INFRASTRUCTURE INVESTMENT

The creation of new North Essex will be planned infrastructure alongside a £1.4 billion the East Anglia rail £250 million on planned improvements from England. Together proposed investment energy at Sizewell Bradwell B, this is propel North Essex an economic power

# THE OPPORTUNITY

Our already thriving region is set to be transformed by the North Essex Garden Communities which are unmatched in terms of scale and ambition in the UK - delivering 58,000 new homes and 58,000 new jobs in places people will want to live, work and play. Five distinct and highly desirable new garden communities will be established whilst existing towns and villages will also be transformed with the infrastructure to support them, creating connected and more sustainable places where people can build their lives.

Talk to us about how to become part of this innovative and expanding multi-sector

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**58,000 NEW HOMES**



**A WORLD CLASS AND 95% OF RATED AS OUT OR GOOD BY**



**58,000 NEW JOBS**



**451 ACRES OF HIGH-QUALITY E LAND AVAILA**



**POPULATION SET TO RISE BY 190,000 BY 2050**



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Ms Goodings  
Head of Planning Policy and Economic Development  
Braintree District Council  
Causeway House  
Braintree  
Essex  
CM7 9HB

21<sup>st</sup> September 2018

Dear Emma,

I write in respect of the examination of the North Essex Local Plan (Part 1) and CLG's August 2018 Garden Communities Prospectus.

Firstly, thank you for meeting with Lightwood on 15<sup>th</sup> August. It was encouraging to have an audience with yourself, Jon Haydon and Councillor Butland to set out the credentials of Monks Wood. However, further engagement is needed, and indeed offered, between Lightwood and all those with a role in remediating the Plan to ensure that the evaluation of Monks Wood is based on a full understanding of the concept.

### **Sustainability Appraisal of the Part 1 Plan**

I understand from papers originating from a recent Colchester BC meeting, that Land Use Consultants (LUC) will be replacing Essex County Council in respect of the Sustainability Appraisal (SA).

As alluded to in your recent meeting with Phil Chichester and James Sorrentino, Lightwood intend to undertake its own SA of Monks Wood and spatial strategy options.

We are aware that the Inspector has offered to advise the NEA's on revised SA proposals, and at the very least wishes to agree revisions to the approach (para 120 of his June 8<sup>th</sup> letter). I imagine that the NEA's are progressing towards this 'sign-off' and it would be useful to know the timetable for this, and the NEA's overall programme for the work required by the Inspector for the remediation of the Plan.

In advance of Inspector sign-off on a revised SA approach, is it safe for Lightwood to at least assume that the 15 'Key Sustainability Issues and Problems and resulting Sustainability Objectives of the Plan', and the 10 objectives of the 'Framework for Assessing Garden Community Options' (as set out

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in Tables 1 and 2 of the June 2017 SA Report) will not be changing in respect of their titles/ definitions?

In our assessment, subject to the content of the revised SA proposals and, in particular, the deviation from the previous employed method, a SA scoping phase of consultation might be required with statutory consultees. Whether one can move from SA scoping stage to what would in effect be the 'modifications stage', bypassing Regulation 18 and 19 is a delicate matter. Put simply, any revised SA proposals that deviate from those previously deployed would change the evaluative basis for the Plan, to in effect shift the goal-posts, for which there is no provision in the Regulations within the examination phase of plan-making. Any change to the SA evaluative framework for the Plan would likely require a specific course of action in respect of the remediation of the Plan.

Could you also advise me of:

- when the scoping stage of consultation for the SA for the Part 1 Plan took place;
- whether a scoping report was published (not a legal requirement but is often produced), and if so where we might find it.
- If statutory consultees responded to the scoping stage and the content of those responses.

Finally, in respect of paragraph of 126 of the Inspector's Report, Lightwood consider that liaison with LUC to ensure that the Monks Wood location /concept is properly understood is necessary (given the inaccuracies alluded to in the previous SA Report). Please advise of the likely timeframe for such engagement once the Inspector has signed off the overall approach.

### **Viability and Deliverability**

Again, against the background of paragraph 126 it would seem prudent for the NEA's, through their advisors to engage with Lightwood in respect of whether there is a reasonable prospect of garden community options being viably developed. We acknowledge that during the preparation of the Plan that we were invited to meet with Hvas and Arcadis to discuss these matters, but we assess that re-engagement is a necessary part of building the evidence base for the remediation of the Plan. Lightwood has instructed a viability consultant (Alder King) to prepare evidence to demonstrate the credentials of Monks Wood, and will be shared with the Council in the next two weeks. This matter is of course reflected in one of the 10 SA objectives for assessing garden community options, and therefore is intertwined with the overall sustainability of development options.

### **Design**

As previously expressed, at Monks Wood there is one landowner which means that masterplanning and phasing can be focused on optimum urban design outcomes, unencumbered by the need to accommodate a multitude of landowner and commercial interests. John Simpson architects continue to advise Lightwood on design matters, and we would be more than happy to re-run the event that took place at Braxted House with the Local Plan Steering Group to ensure that decision makers are aware of our approach. We take encouragement from the recent Colchester BC meeting where Council expressed desire to be better informed of the sustainability appraisal and viability assessment process, and we suggest that this should be a shared objective across the NEA's, also extending to the relationship between land contract and masterplanning.



## **Transport**

Pegasus Group are instructed by Lightwood to engage with Essex County Council on transport related matters to ensure a mutual understanding of the issues, options and potential transport strategies. We seek assurances that Pegasus will be permitted to engage in dialogue with Essex County Council in respect of these matters and that the NEA's request that they treat Monks Wood even-handedly in respect of developing the evidence base.

## **Garden Communities & Capacity Funding**

To March 2018 the NEA's had benefitted from £2.023 million of HCA capacity funding, following a successful garden city prospectus bid.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-03-14/132742/>

We understand that the NEA's may have submitted a 2018/19 bid for further capacity funding, following receipt of the Inspectors letter on June 8<sup>th</sup>. Is the amount sought and the proposed use in a publicly available document? We seek assurance that the use of further capacity funding will be deployed in a neutral and objective way in light of the guidance in the Inspectors letter.

In August 2018 CLG invited a further tranche of garden community proposals.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/734145/Garden\\_Communities\\_Prospectus.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/734145/Garden_Communities_Prospectus.pdf)

CLG's new garden community prospectus coincides with the Inspector's requirement for objectivity and neutrality in the assessment of garden community options and spatial strategy optioneering. This is evident from his conclusions on the sustainability appraisal in paragraphs 119-129 of his June 8<sup>th</sup> letter. Clearly much of the funding secured by the NEA's to date has gone towards furthering the locations presented in the submitted plan, yet serious issues have been identified by the Inspector, not only with the sustainability appraisal but with other evidential matters.

Given the current state of affairs in respect of the Part 1 Plan, coupled with Braintree Council's enthusiasm for garden communities, there is good reason for the Council to be receptive to a Monks Wood garden community expression of interest. This would put the location on an even stance with those in the submitted plan. At present the evidence base for the Plan is biased in its depth and coverage towards the locations in the submitted plan. However, in light of the Inspector's advice it is necessary for current and future funding from CLG to be deployed to further an objective understanding of all the options. To that end it is necessary for CLG /HCA to be made aware of Monks Wood as a reasonable alternative for the North Essex Garden Communities Project. This would begin to ensure that Monks Wood is treated equally.

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Please could you take soundings from Jon Haydon and Cllr Butland in respect of how you would like to proceed? Lightwood are ready to resource the bid, and would of course prepare it collaboratively if invited to do so. The deadline is November 9<sup>th</sup>.

In conclusion, we understand the NEA's have still to formally communicate the procedural way forward to remediate the Plan with the Inspector, and that the examination has not yet been formally suspended to undertake the additional work required. We await the NEA's correspondence with the Inspector with interest and the engagement strategy thereafter. It is clear that the Inspector has thus far suggested a way forward that the NEA's are disinclined to follow. Some of the legal advice received by the NEA's in respect of the Inspectors on the way forward does of course emanate from the same company that perhaps mis-advised the NEA's in the lead up to and during the examination of the current Plan, hence the current state of affairs. It is though encouraging to see that LUC have been appointed to replace Essex CC on SA matters, but concerning that HYAS may still be being relied upon in respect of viability, given the basic issues that the Inspector observed (e.g. interest on borrowing to fund land purchase by the master developer). A number of more established viability consultancies that Lightwood use spotted this error, and it seems that, again the NEA's were misadvised.

We remain committed to working with you to ensure that Monks Wood is objectively assessed.

Yours sincerely

Philip Chichester

Group Director