

**North Essex Authorities
Shared Strategic (Section 1) Plan**

Further Examination Hearings, January 2020

Further Hearing Statement on behalf of Mike Lambert FRSA MRTPI

Matter 4: Build Out Rates, Wednesday 15th January 2020

1. Both the NEA (para 4.2.1 of their Hearing Statement) and NEGC (response under Q2a) continue to assert unrealistic timetables for getting from an Adopted Local Plan to commencement on site despite the clear evidence to the contrary. In particular, they offer no basis on which to show the timetable they propose of three to four years can be achieved regardless of the mechanism for delivery, when the evidence for much smaller and less complex sites suggests at least double this period. Nor have they yet offered any mechanism or timetable for determining how the delivery vehicle issue will be resolved.
2. Reference is made by both parties to the potential use of an LDO. Advice published by PAS in March 2019¹ suggests that currently LDOs cannot be cross boundary resulting in the need for a minimum of 6 separate LDOs to cover the three GCs. It is unlikely the LDOs would obviate the need for a s106 or equivalent undertakings to ensure the land was adequately controlled. Whether or not consent was pursued through LDO or Outline Planning Application a Design Code will almost certainly be required, either as part of the LDO or following the outline consent and before any Reserved Matters. In my experience all these factors will require extensive time and resource from promoters, NEAs and/or NEGC.
3. Both NEGC and NEA suggest these routes to a planning consent can be carried out concurrently with the DPD. Given the NEA continue to believe that a 'delivery blind' policy is justified, the level of detail that the NEA will need to include in the DPD and the current level of uncertainty across delivery mechanisms and infrastructure provision, there is likely to be very limited scope for concurrent preparation, and it will not significantly reduce the timescales. Indeed I would expect the uncertainty to add considerable delay to the whole process.
4. Both NEA and NEGC fail to distinguish separate timetables for each of the three GCs, nor do they consider the extent to which all three will be, to a greater or lesser extent, interdependent. There is an attendant risk that progress will be dependent upon the slowest.
5. For example, the scale and complexity of CBBGC together with its reliance on major infrastructure for the A120/A12 and GEML suggests it will take longer than either of the other two. Interestingly despite the statement on timescale from NEGC their own financial consultants Avison Young acknowledge in their Viability Evidence that no completions will take place at CBBGC for ten years (see Table at para.16 on p3 of AY Viability Evidence submitted as part of NEGC Consultation Response in September)
6. Furthermore, both NEA and NEGC ignore the timetable set down for the A12 published recently by Highways England (see my Hearing Statement on Matter 4) which suggests a minimum of ten years before the A120 and A12 are likely to be in place.

7. Conclusion:

The failure to address the reality of how long it will take to move the three GCs forward to a point where there is an 'implementable planning consent' (ie. all pre-commencement or pre-occupation conditions and obligations have been met), is masking the fact that the debate on build out rates is largely irrelevant if there is no prospect of significant delivery in the Plan period. If left as currently drafted there is a clear risk that, in the event of a lack of housing delivery during the Plan period, a case could be made the policies in the Plan are out of date, allowing more piecemeal development that would undermine the GC principles. This is an unnecessary risk and the GCs should be deleted from the policies of the Part One Plan and left as policy objectives for the next Plan period in lower case. The GCs could then be included as part of a Review or Replacement Plan before the end of the current Plan Period, when, and if, there is certainty as to delivery and infrastructure provision.

8. The same principle should apply if, as some are now arguing, there is now no need for housing completions at the GCs to meet OAN in the Plan period to 2033. In such circumstances there is no longer any reason to take the risks associated with allocating the GCs prematurely, and decisions should be delayed pending a Review or Replacement Plan.

Mike Lambert FRSA MRTPI

10th December 2019

1. <https://www.local.gov.uk/sites/default/files/documents/LDO%20Guidance%20Document%20March%202019.pdf>