

<b>Thursday 30 January 2020</b>	<b>Morning &amp; afternoon sessions</b>	<b>9.30am – 1.00pm &amp; 2.00pm – 5.30pm</b>
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## **Matter 9**

### **Suggested amendments to the Section 1 Plan [EB/091A]**

#### **AGENDA**

*Please note that the Inspector is not inviting and will not accept written responses to this agenda.<sup>1</sup>*

#### Context

My role as the examiner of the North Essex Section 1 Local Plan is to determine whether or not the Plan, as submitted for examination in October 2017, satisfies all the relevant legal requirements, and is sound<sup>2</sup>. As was explained in my guidance note for the original hearing sessions in January 2018 [IED/006], there are essentially three possible outcomes to the examination<sup>3</sup>:

- 1) My report concludes that the Section 1 Plan, as submitted, is sound and legally-compliant and may be adopted by the North Essex Authorities [NEAs]; OR
- 2) My report concludes that the Section 1 Plan, as submitted, is unsound and/or legally non-compliant and may not be adopted; OR
- 3) My report concludes that the Section 1 Plan, as submitted, is unsound and/or legally non-compliant, but that it can be made sound and legally-compliant if main modifications are made to it. Any such main modifications would be the subject of full public consultation before I make my recommendations. The NEAs would need to make the main modifications I recommend before they could adopt the plan.

The principal purpose of the Matter 9 hearing session is to discuss what main modifications to the submitted Plan might be necessary to make it sound and legally-compliant. In the event that outcome (3) above applies, this discussion will assist me in drawing up my report and recommendations. However, the discussion of potential modifications at the hearing session does not imply that I have reached a view as to which outcome will apply.

Similarly, any discussion at the hearing session of potential modifications to policies SP7, SP8, SP9 & SP10 (which would govern the development of the three proposed garden communities) does not imply that I have determined that the

<sup>1</sup> With the exception of the additional suggested amendments that I have asked the NEAs to submit, during the hearing sessions on other Matters.

<sup>2</sup> See section 20(5) of the *Planning and Compulsory Purchase Act 2004* (as amended). Section 20(5)(a)&(c) list the relevant legal requirements. Paragraph 182 of the *National Planning Policy Framework* [March 2012] provides four criteria against which to determine whether or not a plan is sound.

<sup>3</sup> See sections 20 & 23 of the *Planning and Compulsory Purchase Act 2004*, as amended.

submitted Plan's spatial strategy, which includes the three garden communities, is sound in principle.

Status of the NEAs' suggested amendments to the submitted Plan [EB/091A]

EB/091A (Updated December 2019) is the latest version of a list of suggested amendments to the submitted Plan that has been drawn up by the NEAs. These suggested amendments derive from a range of sources including: comments made by respondents during the statutory consultation on the Plan prior to its submission, comments by myself, discussions between the NEAs and other stakeholders as recorded in Statements of Common Ground, and comments made by respondents on the previous version of EB/091A during the technical consultation last year.

It is important to keep in mind that the suggested amendments in EB/091A are not part of the submitted Plan<sup>4</sup>. It is the submitted Plan that I am examining. Any amendment that materially affects the submitted Plan's policies can only become part of the adopted Plan if I recommend it as a main modification<sup>5</sup>. I will only make such a recommendation if I consider that the main modification is needed to make the submitted Plan sound.

Structure for the discussion at the hearing session

Discussion at the hearing session will focus on the text of the Plan's **policies**. I will only need to hear discussion on the text of the reasoned justification (also referred to as "the supporting text") if it has a direct bearing on the way that the policy is implemented.

I propose to discuss the policies generally in the following order, albeit that some cross-referencing between them is likely to be needed. References below are to the text of the submitted Plan:

- A. SP7, first two paragraphs**
- B. SP8 & SP9, first paragraph; SP10, first two paragraphs**
- C. SP5, first paragraph**
- D. SP7, third paragraph**
- E. SP8, SP9 & SP10, second paragraph**
- F. SP7, remainder**
- G. SP5, remainder**
- H. SP8, SP9 & SP10, remainder**
- I. SP1 (with SP1A & SP1B which appear as suggested amendments)**
- J. SP2**
- K. SP3**
- L. SP4**
- M. SP6**

For each policy, or section of policy, I will first ask the NEAs to explain briefly why they consider that any amendment(s) they have suggested in EB/091A are necessary to make the submitted Plan sound. During the further hearing sessions on other Matters, I have asked the NEAs to give further consideration to

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<sup>4</sup> By "the submitted Plan" I mean Section 1 of the Publication Draft of the Braintree, Colchester and Tendring Local Plans (June 2017). Section 1 is identical in each plan.

<sup>5</sup> See Section 23 of the *Planning and Compulsory Purchase Act 2004*, as amended.

the wording of some policies. I will, therefore, also ask them to introduce any additional suggested amendments arising from that further consideration.

I will then invite contributions from other participants, beginning with those participants who have proposed alternative wording to the policy or section of policy under discussion. When making your contributions, please bear in mind that any alternative wording you wish me to recommend must be justified as necessary to make the submitted Plan sound.

I may make my own suggestions about potential main modifications, and invite comments on them as appropriate.

As usual, the NEAs will have the right of reply at each stage of the discussion.

#### Level of detail expected

It is not necessary for participants to propose exact wording for the changes they wish to see<sup>6</sup>. The principal purpose of the discussions, as noted above, is for me to hear participants' views on what main modifications might be necessary to make the submitted Plan sound, in order to inform my recommendations. I therefore need to understand as clearly as possible the purpose of any main modifications that participants are suggesting. But it would be far too time-consuming to attempt to agree precise wording during the hearing session.

#### After the hearing session

After the further hearing sessions have concluded and I have considered all the written and oral contributions to the examination, I will write to the NEAs setting out my views on the next steps in the examination process. If I reach the view that main modifications to the submitted Plan are necessary to make it sound and legally-compliant, I will outline them in my letter and seek to agree the exact proposed wording for them with the NEAs. In that situation, the proposed main modifications would then be the subject of full public consultation for at least six weeks. I would take all the responses to the consultation into account when drawing up my report and recommendations.

Roger Clews  
Inspector  
20 January 2020

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<sup>6</sup> But I do expect the NEAs to propose exact wording for any additional suggested amendments I have asked them to prepare, during the further hearing sessions on other Matters.