

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

### Further Examination Hearings, January 2020

#### Response to EXD/076 – Counsel’s Note on Meaning of ‘Deliverable’

1. The Note makes the distinction between *interpretation*’ and *application*’ of policy in respect to the meaning of ‘deliverable’. However, it fails to note that in the ‘application’ of the meaning the context and particular circumstances must inform the judgement in determining whether a Policy or Proposal can be delivered ‘at some point’ in the Plan period.
2. In the case of the Garden Communities, their scale, complexity and the interrelationship between the three in terms of social, physical and transport infrastructure puts them in a different category to most LP housing allocations. This makes the threshold for determining now whether they might be ‘capable of delivery’ or ‘able to be delivered’ at some point in the Plan period that much higher, and the potential impact of non-delivery, or partial delivery, a far higher risk to be weighed in the balance.
3. The evidence before the Examination demonstrates that at this time the three GCs as a whole cannot be delivered in the Plan period unless or until a number of other factors, some beyond the control of the NEAs, become certain or are in place.
4. For these reasons doubt over deliverability remains a valid reason for finding the Plan unsound as currently drafted. Without prejudice to the overall conclusion the Plan is fundamentally unsound, there is only really one remedy to deal with the issue of deliverability in the context of the current Section 1 Plan. This would be to clarify in policy SP7 that the Garden Communities are not ‘allocated’ in the Section 1 Plan in the normal sense that a site is identified on the Proposals Map with the assumption that the ‘principle’ of development is acceptable, but they simply remain policy objectives in supporting text that will only be ‘allocated’ and the principle of development acceptable, and thus ‘capable’ or ‘able to be delivered’, once the three GC DPDs are formally adopted. This would also require a review mechanism to ensure that if any of the DPDs remained unadopted after, say, five years, there would be a commitment to an urgent Review of the LP, to address any potential shortfall in delivery.
5. The absence of any clear boundary to the GCs on the Submitted Proposals Map reinforces the point that the GCs cannot be considered deliverable at the point the Local Plan would be adopted and the three GCs cannot have the status of ‘allocated’ unless or until there is a DPD that identifies the extent of the three sites. By deferring the decision to formally allocate the GCs until a DPD is adopted, and with a review mechanism built in, the difficulty in addressing deliverability at the point the Section 1 Plan is adopted would, in part, be dealt with. The status of the GCs in the Section 1 Plan should reflect this point accordingly to minimise the risk that an undefined ‘allocation’ in the Section 1 Plan could still be used to undermine the GC principles through piecemeal development.

**Mike Lambert MRTPI(Rtd) FRSA**

**1<sup>st</sup> February 2020**