



North Essex Authorities
Joint Strategic (Section 1) Plan

Examination in Public

Hearing Statement

by

Andrew Martin – Planning Limited

on behalf of

Bellway Homes Limited

SECTION 1

Matters 3 and 6

December 2017



INTRODUCTION

1. This Hearing Statement has been prepared by Andrew Martin – Planning Limited (AM-P) on behalf of Bellway Homes Limited (Bellway) in relation to how the Joint Strategic (Section 1) Plan might affect the Company’s interests in the following two sites:
 - Bellway has an option on 20.1 hectares of land at North East (NE) Witham as shown by the red line on the Site Boundary Plan at Appendix 1, which is referred to as “NE Witham Phase 3”; and
 - Bellway also has an option on 17 hectares of land to the north of Bakers Lane, South Braintree that forms part of the Strategic Growth Location – Land East of Great Notley, South of Braintree, which is the subject of draft Policy LPP18 in Section 2 of the Plan. This is shown on the Site Location Plan at Appendix 2.
2. The first of these sites, NE Witham Phase 3, has been promoted through the Braintree Local Plan process for a seamless urban extension to the approved development to the south, known as NE Witham Phases 1 & 2.
3. Phases 1 & 2 were allocated in the adopted Braintree Core Strategy in September 2011 and were granted planning permission (BDC Ref. 15/00799/OUT) in July 2016 for up to: 370 dwellings including affordable homes; 279 sq m of retail floorspace; public open space including a woodland trail, hill fort with play equipment and allotments; sustainable drainage systems; landscaping; and, associated development. New homes are already being delivered on Phase 1 and the approved retail floorspace, to comprise a new convenience store and pharmacy, is scheduled to open in 2019.
4. Phase 3 includes a main 17.8 ha parcel of land between Rickstones Road and Phases 1 & 2, and a smaller 2.3 ha parcel of land bounded by Forest Road, Rickstones Road, Rectory Lane and a builder’s yard. The main parcel of land abuts the Rivenhall Oaks Golf Centre, which provides a strong defensible boundary and could guard against any future encroachment of development into the countryside. Phase 3 has the capacity to accommodate 350 dwellings including affordable homes, land for a new health / GP centre, public open space including sports fields and a linear park, as well as enhanced foot and cycle connections.
5. To date Phase 3 has not been identified in the Braintree Local Plan (Ref. SDBDC/001) and therefore comprises an “omission site”. However, a planning application (BDC Ref. 17/01730/OUT) was made in October 2017 on the smaller 2.3 ha parcel of land (which forms part of Phase 3) for up to 65 dwellings. This was submitted in accordance with the National Planning Policy Framework’s (NPPF’s) presumption in favour of sustainable development (paragraph 14) and housing policies being rendered out-of-date where the local authority cannot demonstrate a full five-year housing land supply (paragraphs 47 and 49). This latest planning application is currently awaiting determination by BDC.
6. The representations submitted in July 2017 in relation to the Strategic Growth Location at land East of Great Notley, on behalf of Bellway and the landowners, whilst not objecting to the principle of the new garden communities did object to Policy SP7 and SP10 in relation to the proposed West of Braintree Garden Community. This was on the basis that this standalone proposal is not considered



to be as sustainable as the District's main towns of Braintree and Witham, as well as the doubts about delivery timescales. The latter issue is expanded further in this Hearing Statement in relation to both sites. However, Bellway do not wish to add any further comments in this Hearing Statement to those previously submitted in relation to the West of Braintree Garden Community.

7. This Hearing Statement supplements formal representations made to the Braintree Local Plan in July 2017 and considers the Inspector's Matters, Issues and Questions for the Section 1 (i.e. the "Joint Strategic" element) of that Plan.



MATTER 3 – MEETING HOUSING NEEDS (POLICY SP3)

(Q.5) Should policy SP3 make it clear that the five-year supply of housing land must include an appropriate buffer in accordance with NPPF paragraph 47?

(Q.6) How will any undersupply of housing against the relevant requirement since 2013 be accounted for in the Section 1 Plan?

(Q.7a) Should policy SP3 include mechanisms for: review of the housing delivery strategy in the event of a failure to maintain the required level of housing supply?

8. Bellway intends to submit a separate hearing statement to the Section 2 Examination into the Braintree Local Plan and will identify deficiencies in BDC's five-year housing land supply. However, as five-year housing land supply is crucial in order to establish whether housing policies are up-to-date or not, this issue also warrants some attention during the Section 1 Examination of the Joint Strategic Plan.
9. The Housing Trajectory in Appendix 1 of the Braintree Local Plan (Ref. SDBDC/001) identifies that there is sufficient supply for 4,115 dwellings in the first five years of the plan period (i.e. 2017 to 2022). However, the total five-year housing requirement for this period is 5,095 dwellings – made up of an objectively assessed need of 716 dwellings per annum, an undersupply from 2013 to 2017 of 1,272 dwellings and an additional 5% buffer of 243 dwellings. This is equivalent to just 4.04 years housing land supply.
10. If this year (i.e. 2017/18) is treated as the recording year and the next five year period is deemed to be 2018 to 2023, the supply would be 4,667 dwellings and would be set against a five-year housing requirement of 5,292 dwellings – as set out in our previous July 2017 representations. This is equivalent to 4.41 years housing land supply.
11. In either event, the housing provision set out in the first five years of the Braintree Local Plan, including the Section 1 Joint Strategic Plan, is not consistent with national policy (particularly paragraph 47 of the NPPF) and appears to fail the corresponding soundness test in paragraph 182 of the NPPF. Furthermore, if adopted in its current form, this housing provision would render all of the housing policies in the Plan out-of-date, as soon as they come into force.
12. Clearly there is a need to identify additional housing land to top-up this supply.
13. With this in mind and in response to the Inspector's questions 5, 6 and 7a above, Bellway considers that Policy SP3:
 - Should state explicitly that the five-year supply of housing land must include an appropriate buffer in accordance with NPPF paragraph 47;
 - Recognise that any undersupply of housing against the relevant requirement since 2013 should be accounted for in the first five years of the plan period, in accordance with Planning Practice Guidance (PPG) paragraph 3-035; and
 - Should include mechanisms for review of the housing delivery strategy in the event of a failure to maintain the required level of housing supply. This should be through the drafting



of an appropriate policy that would require the Local Authorities to start an early review of Section 1 of the Joint Plan should delivery of the proposed trajectories in the Section 2 Plans be found to be underperforming and resulting in the five-year housing land supply requirement not being met or unlikely to be met.

14. These additions to Policy SP3 in the Joint Strategic Plan, along with other amendments to Section 2 of the Braintree Local Plan (to be considered in due course), will ensure that the overall development plan is consistent with national policy and therefore “sound” in accordance with NPPF paragraph 182.



MATTER 6 – THE PROPOSED NEW GARDEN COMMUNITIES (POLICIES SP7-SP10)

(Q.11) Is there evidence to show that each proposed garden community is capable of delivering 2,500 dwellings within the Section 1 Plan period?

15. Although Bellway does not object to the principle of the new garden communities or the overall vision for their delivery, specific concerns are raised in respect of the likely lead in times for their delivery and the impact this could have on housing delivery during the early to middle years of the Plan period. As things stand, Bellway doubts that there is sufficient evidence to demonstrate that each of the new garden communities will deliver 2,500 new dwellings by 2033.
16. It is important to note that very large strategic growth locations are time consuming to bring forward and often struggle to deliver many new dwellings in the early to middle years of a plan period.
17. A recent local example of this can be found at Beaulieu in North East Chelmsford. Beaulieu was adopted as a major growth location in Chelmsford's Core Strategy in February 2008 and allocated in the North Chelmsford Area Action Plan in July 2011. However, due to the time taken to prepare the necessary DPDs, follow the procedural requirements and secure the specific site allocations before planning permission could be granted, together with the complex infrastructure requirements, extensive urban design discussions and lengthy section 106 negotiations resulted in outline planning permission only being granted in March 2014. The first phase of residential completions were delivered in late Summer 2015, over seven and a half years after the Core Strategy formally adopted Beaulieu as a growth location and approximately ten years after the start of the plan making-process. These timescales are by no means unusual or unduly protracted, they simply represent the time often required to bring forward a major strategic site through the planning process. It is also noteworthy that Beaulieu totals 3,600 dwellings, significantly less than the much larger new garden communities envisaged in the North Essex Authorities' Joint Strategic Plan.
18. Even if a Special Delivery Vehicle (SDV) is used to try to expedite delivery, the SDV will itself require a certain set up time and with no local template to follow, some delays and complications are inevitable with this process. Compulsory Purchase Order (CPO) powers could be used to procure land, but the CPO process is lengthy, costly and time consuming too.
19. Furthermore, as the Joint Strategic Plan does not allocate specific sites for the new garden communities, instead only referring to broad locations for growth and showing these in indicative form on plans, it follows that site-specific Development Plan Documents (DPDs) will need to be prepared before any planning permission can be granted free from the risk of call-in by the Secretary of State (SoS). This could lead to the following timescales for delivery:
 - adoption of the Joint Strategic Plan in Autumn 2018;
 - preparation, examination and adoption of subsequent site-specific DPDs from now until Winter 2020 ^A;
 - preparation, submission and determination of major outline planning applications between Winter 2020 and Winter 2022 ^B;

^A Based on a three-year period for DPD production from inception to adoption.



- preparation, submission and determination of reserved matters and clearance of conditions throughout 2023;
 - a start on site in 2024 ^C; and
 - the first completions being delivered in the recording year 2025/26.
20. Appendix 1 in the Braintree Local Plan (Ref. SDBDC/001) relies on the West of Braintree new garden community delivering its first completions in 2023/24 and the West of Colchester new garden community in 2024/25. A delay of two years and one year respectively, in accordance with the estimated timescales above, could result in a total 650 dwellings not being delivered by 2033 in Braintree District alone (i.e. 500 fewer dwellings at West of Braintree and 150 fewer dwellings at West of Colchester). This could also cause a shortfall in housing delivery in the middle years of the plan period, potentially putting BDC's rolling five-year housing land supply at risk by 2019/20 ^D.
21. Clearly these are not reasons to remove any of the new garden communities from the Joint Strategic Plan, but the possible lead in times do highlight the importance of building extra flexibility into Section 2 of the Braintree Local Plan and of identifying additional urban extensions and other sites to supplement housing supply in the early to middle years of the plan period. Doing so will better future proof the development plan and enable it to handle changing circumstances. In turn this should make the Plan effective and therefore "sound" in accordance with NPPF paragraph 182.
22. The need for additional urban extensions and other sites to supplement housing supply, and the merits of identify NE Witham Phase 3 as one such site, will be considered in more detail by Bellway during the Section 2 Examination of the Braintree Local Plan.

^B Based on a two-year period to work up planning application packages (including EIA), submit these, overcome all statutory consultation objections, make any necessary revisions to the proposals, re-consult, report the applications to committee and finalise any section 106 legal agreement.

^C For the West of Braintree new garden community, these timescales also assume that it will be possible to extract minerals and restore land at the Broadfield Farm mineral site (which makes up a significant part of the West of Braintree broad location near the B1256 and the A120), before 2024. This may or may not be achievable.

^D By 2019/20 the rolling five-year period will cover 2019 to 2024 and any delay in delivery at the West of Braintree new garden community, beyond the 2023/24 first completions date envisaged in the Plan, could impact adversely on BDC's rolling five-year housing land supply.



SUMMARY

23. Bellway is promoting a seamless urban extension known as NE Witham Phase 3, which thus far has not been identified in the Braintree Local Plan and therefore comprises an “omission site”. Bellway is also promoting development on land to the north of Bakers Lane, South Braintree, that forms part of the Strategic Growth Location – Land East of Great Notley, South of Braintree, which is the subject of draft Policy LPP18 in Section 2 of the Plan.
24. However, the policies in both Section 1 and Section 2 of the Braintree Local Plan are likely to lead to a shortfall in housing land supply in the first five years of the Plan period. If the Plan is adopted in its current form, NPPF paragraphs 47 and 49 would render all of the housing policies in the Plan out-of-date, as soon as they come into force. With this in mind, Bellway considers that Policy SP3 in Section 1: (i) should state explicitly that the five-year supply of housing land must include an appropriate buffer in accordance with NPPF paragraph 47; (ii) recognise that any undersupply of housing against the relevant requirement since 2013 should be accounted for in the first five years of the plan period, in accordance with Planning Practice Guidance (PPG) paragraph 3-035; and; (iii) should include mechanisms for review of the housing delivery strategy in the event of a failure to maintain the required level of housing supply. These additions to Policy SP3, along with other amendments to Section 2 of the Braintree Local Plan (to be considered in due course), will ensure that the overall development plan is consistent with national policy.
25. It is also questionable whether each of the new garden communities (as set out in Policies SP7-SP10 in Section 1) will be able to deliver 2,500 new dwellings by 2033. Bellway’s estimated timescales suggest that a total 650 fewer dwellings may be delivered at the two new garden communities in Braintree District, by 2033, than currently envisaged in Appendix 1 of the Braintree Local Plan. This could cause a shortfall in housing delivery in the middle years of the plan period and potentially put BDC’s rolling five-year housing land supply at risk by 2019/20. Clearly this is not a reason to remove any of the new garden communities from Section 1, but it highlights the importance of building extra flexibility into Section 2 of the Braintree Local Plan and of identifying additional urban extensions and other sites to supplement housing supply in the early to middle years of the plan period. Doing so will better future proof the development plan, enable it to handle changing circumstances and ensure that it is effective.
26. Although these issues are likely to be examined in more detail during the Section 2 Examination of the Braintree Local Plan, parts of Section 2 are inextricably linked to Section 1 and ought to be given some consideration now.



Appendix 1 – Site Boundary Plan (NE Witham Phase 3)





Appendix 2 – Site Location Plan (Land to the North of Bakers Lane, South Braintree)

