

# **North Essex Authorities Joint Strategic (Section 1) Plan**

Examination Hearing Statement on  
Matter 5

For Ptarmigan Land Ltd

indigo.

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**Indigo**

**indigo.**

Aldermay House  
10-15 Queen Street  
London EC4N 1TX

**T** 020 3848 2500  
**E** [info@indigoplanning.com](mailto:info@indigoplanning.com)  
**W** [indigoplanning.com](http://indigoplanning.com)

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**Appendix 1**  
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# 1. Introduction

- 1.1. This Hearing Statement is submitted on behalf of Ptarmigan Land Ltd in response to the Inspector's Matters, Issues and Questions (Document Ref: IED003).
- 1.2. This Statement sets out Ptarmigan's response to Matter 5 with specific reference to the Inspector's questions. Further Statements have been submitted for Matters 1, 3, 6 and 7.

## 2. Response to Inspector's Questions on Matter 5

### **Question 4: What constraints are there on the delivery of the strategic priorities (and any other necessary infrastructure), and how can they be overcome?**

- 2.1. Policy SP5 refers to the improved road infrastructure and strategic highway connections to reduce congestion that are required to support the proposed development in North Essex over the plan period and beyond. This includes proposals along the A12, A120 and A133. We also consider that this should include reference to the works required along the A131 (see our response to Question 5 below).
- 2.2. The policy specifically refers to improved junctions on the A12 and other main roads to reduce congestion and address safety and dualling the A120 between the A12 and Braintree.
- 2.3. However, the main constraint to the delivery of these strategic priorities appears to be the uncertainty over the ability of the proposed improvements to accommodate the growth identified, the lack of funding to deliver the necessary proposals, and any mechanism to ensure that they are delivered with certainty in a timely manner to support the development proposed.
- 2.4. With regards to the A12 trunk road, the Local Plan recognises (Section 1 Paragraph 6.6) that the A12 around Colchester and Marks Tey carries up to 90,000 vehicles per day (vpd) which is high for an A class trunk road. It recognises that the capacity of the A12 is constrained by the operation of the junctions and sub-standard slip roads resulting in periods of congestion.
- 2.5. The A12 widening project (J19-J25 Marks Tey) is planned to be delivered early in the Plan period. The A12 is set to have major improvements as part of the Governments' Roads Investment Strategy (RIS) (2015-2020) comprising a technology package for the length of the route; phased improvement to D3 standard; and improvements to the M25/A12 junction.
- 2.6. There are currently four options for the dualling improvements with a number of on-line and off-line combinations. The cost estimates range from £100-250m and funding for the scheme will be provided from the Highways England (HE) RIS budget. A preferred route announcement is anticipated later this year with public consultation in Spring 2018 and a Development Consent Order (DCO) is considered for Autumn 2018. Start of works is anticipated in 2020/21.
- 2.7. Whilst the HE's commitment to improve the A12 is generally welcomed by the authorities, it should be noted that in paragraph 4.3.2 of the Jacob's 'Update on the A120 and A12 Studies', Colchester Borough Council (CBC) is reported as being concerned that the DCO proposal for the A12 improvements will not take into account proposals in the Council's emerging Local Plan. Clearly this could affect both the timing and cost of the A12 infrastructure delivery as well as its ability to accommodate growth in Colchester and the North Essex area.
- 2.8. The A120 is a trunk road and a key east-west corridor. Sections of the route are stressed in the peak hours as are key junctions. HE/ECC are working together to deliver dual-two standard solutions from east of Braintree to the A12. A preferred route announcement was anticipated in Autumn 2017 and at a recent cabinet meeting it was decided to push forward with four routes. The scheme costs are some £475-825m. ECC will recommend the preferred route to Government for possible inclusion in the next RIS (2020-2025) but, at present, there is no committed funding or certainty of this being the case.
- 2.9. At the same time, HE is investigating short term junction improvements at two locations on

the A120 although the Jacob's 'Preferred Option Assessment' Report notes at paragraph 13 that '...by 2031 even with the slips, both Galleys Corner and Monks Farm would still be operating at capacity.'

- 2.10. The spatial strategy allocates some of the new development to locations with rail access. Paragraph 6.13 of Section 1 of the Local Plan states that 'The Anglia Route Study prepared by Network Rail (March 2016) shows that while capacity varies along the line, capacity to accommodate growth is limited and is particularly constrained in peak times from Chelmsford to London'. It recognises that improvements are required to accommodate growth.
- 2.11. The Jacob's 'Preferred Option' report notes that studies are underway to improve the Braintree rail loop. It does however, state at paragraph 207 that due to the single-track working '...the Braintree branch line is not the most popular or feasible method of travel within the District due to the infrequency of the trains.' Further, the car is perceived as a cheaper way compared to rail for people to travel to employment centres (paragraph 211).
- 2.12. The Jacob's report recognises that the garden communities are unlikely to have rail links. It suggests however, that the west of Colchester settlement may have the potential to relocate the Marks Tey rail station to provide a rail connection (paragraph 203).
- 2.13. It is clear from the evidence base that key road links and junctions in the highway network are stressed in the peak hours with junctions operating at capacity and certain links beyond their design capacity. In addition, the capacity on the GEML is constrained in the peak hours and the branch line to Braintree relatively unattractive to commuters due to the infrequency of the trains.
- 2.14. In light of the above, it is vital that the proposed infrastructure and improvements are provided up front or at the very least in tandem with the new development proposed.
- 2.15. Aside from the technical procedures to be completed, the costs of the necessary infrastructure are substantial. The A120 improvement for example has cost estimates varying from £475-825m. The scheme is not in RIS2 and the funding is not committed. Paragraph 6.5 of Part 1 of the Local Plan recognises that funding is not guaranteed.
- 2.16. In the absence of the required funding, it cannot be concluded that the delivery of the housing numbers will commence in the timescale envisaged. This is because the spatial strategy is totally dependent on the necessary infrastructure being in place.
- 2.17. Paragraph 173 of the NPPF requires that, to ensure Local Plans are deliverable, local authorities give careful attention to viability and costs in plan making and decision taking. The deliverability of a plan is key.
- 2.18. In addition to infrastructure costs, it is also necessary to estimate financial contributions to broader infrastructure measures. In respect of the Garden Communities, these sums are large, and the authorities need to estimate not only the cost of the infrastructure item itself but also the likely scale of financial contribution that will be agreed having regard to the three tests of paragraph 32 of the NPPF and the planning obligation tests in paragraphs 203-206 of the NPPF. The uncertainty in delivering robust cost and contribution estimates is significant.
- 2.19. Greater clarification and commitment is required by the North Essex authorities on whether the proposed infrastructure schemes are fit for purpose, when they will be delivered and how they will be funded to ensure that they are delivered in advance of or, at the latest, in tandem with the proposed development.
- 2.20. If this cannot be provided with sufficient certainty to satisfy the Inspector that the new Garden Communities and other strategic allocations could be provided in the timescales envisaged, other housing sites should be identified in the interim to ensure that the housing

needs of the North Essex area are met and each local planning authority can maintain a deliverable five year housing land supply throughout the Plan period. This is discussed further in our hearing statements on Matters 1 and 3.

**Question 5: Will policy SP5 ensure that the timing of infrastructure provision is aligned appropriately with the timing of proposed new development?**

**Reference to A131 in Policy SP5**

- 2.21. Paragraph 1.17 of Section 1 of the Local Plan sets out the principal road network noting that the A131, amongst other routes, ‘...also form important parts of the strategic road network.’ Paragraph 6.11 of Section 1 of the Local Plan identifies that route based strategies are being prepared by the County Council for the strategic road corridors. The A131 – Chelmsford to Braintree and A131 Braintree to Sudbury sections of the route are explicitly identified in this list and ‘...are currently being prepared for delivery post 2018/19...’. It is clear therefore that both the Local Planning Authority and County Council consider the A131 an important and strategic part of the County’s road network.
- 2.22. The over-arching commitment to infrastructure and connectivity in the Plan is set out in Policy SP5 - Infrastructure and Connectivity. The sixth bullet point deals with improved road infrastructure and strategic highway connections, referencing the roads in the principal road network but excludes the A131 route strategy.
- 2.23. This omission is surprising as the A131’s role in the strategic network is explicitly acknowledged both in paragraph 1.17 and in paragraph 6.11 which explicitly identifies Essex County Council’s route-based strategies which ‘...are currently being prepared for delivery post 2018/19...’.
- 2.24. Further, reference to Policy LPP48 - New Road Infrastructure in Section 2 of the Plan identifies that the A131 Halstead Bypass will be safeguarded from development. The supporting text identifies that only Halstead remains as a town that the A131 has to pass through and that the bypass ‘...remains a priority for the County Council...’.
- 2.25. Given that the works to the A131 including the Halstead Bypass is a priority of the County Council and forms part of the strategic road network and is ‘strategic’ in nature, it is an omission that the A131 is not explicitly identified by name in the list of road schemes in the sixth bullet point of Policy SP5 as currently drafted.
- 2.26. We strongly recommend that specific reference to the A131, including the Halstead Bypass, is introduced into the sixth bullet point of Policy SP5. This alteration will improve the resilience of the Plan and ensure that the Strategic Policy accords with both the supporting text and Policy LPP48 of Section 2 of the Local Plan.
- 2.27. Our proposed amendments to the policy are provided in **Appendix 1** of this Statement.

**Timing of infrastructure**

- 2.28. Two out of three of the garden communities will be cross boundary and will require close working between the local authorities to secure their successful and timely delivery. Paragraph 8.11 of Part 1 of the Local Plan identifies that it is important that ‘the infrastructure needed to support them is delivered at the right time.’ The North Essex Local Plans (Section 1) Viability Assessment report prepared by Hyas states in Section 4 that there will be ‘...considerable early investment...’ in infrastructure and indeed the need to provide infrastructure ‘...ahead or in tandem...’ with the developments is enshrined in Policy SP7.
- 2.29. The Local Plan envisages that each of the new Garden Communities will provide 2,500 dwellings in the Plan period to 2033. The Tendering/Colchester Borders site will go on to provide a total of 7,000-9,000 homes beyond the plan period. The Colchester/Braintree Borders site will provide a total of 15,000-24,000 homes beyond the Plan period and the



West of Braintree Site is proposed to provide an overall total of 7,000-10,000 homes beyond the Plan period.

- 2.30. Point (iv) of Policy SP7 requires that the infrastructure necessary to ameliorate the impacts of the developments is provided ‘...*ahead or in tandem with the development it supports...*’ which is essential having regard to the operation of the existing transport networks and the scale of the infrastructure envisaged.
- 2.31. Despite this requirement there is no reference in Policy SP5 to the precise timing of when the key infrastructure will need to be delivered for the new Garden Communities and the other key infrastructure schemes referred to in the policy. Without a commitment to timing in the wording of Policy SP5, there is no mechanism to bring forward the necessary infrastructure with certainty despite its strategic importance to the successful delivery of the spatial strategy.
- 2.32. Policy SP5 should therefore include greater reference to the need to bring forward the new road infrastructure needed to support new and existing development across the North Essex area. On this basis, we recommend that a new bullet point is introduced under the heading of ‘Transport’ in Policy SP5 as follows:
- Provide the infrastructure necessary to support and mitigate the impacts of the new Garden Communities in a timely manner ahead of or in tandem with the development that it supports in line with the requirements of policies SP7, SP8, SP9 and SP10. The Councils will need to demonstrate that the necessary funding and relevant approvals are in place for the required infrastructure within three years of the Plan being adopted.
- 2.33. This amendment is included in our amendments to Policy SP5 provided at **Appendix 1**.

**Question 6: Are there effective mechanisms in place between the North Essex Authorities and the infrastructure providers, to co-ordinate the planning and provision of infrastructure?**

- 2.34. From the evidence, available and the information provided in the Local Plan there does not seem to be a clear concise mechanism for how infrastructure is to be delivered.
- 2.35. Point iv) of Policy SP7 states:
- “Sequencing of development and infrastructure provision (both on-site and off-site) to ensure that the latter is provided ahead of or in tandem with the development it supports to address the impacts of the new garden communities, meet the needs of residents and establish sustainable travel patterns”*
- 2.36. In terms of the A12/A120 schemes, these are all at feasibility stage with no concrete timescales – the text between the Local Plan and supporting documents does not always cross refer.
- 2.37. With regards to Policy LPP 48 (New Road Infrastructure), the Local Plan Section 2 Part 9 for Braintree only states “working with the Highways Authority and landowners to bring forward schemes” and that “BDC/ECC will monitor this”. How this will be monitored is not very clear.
- 2.38. Further, the North Essex Garden Communities Peer Review (January 2017) states at page 8 that:
- “Major investment is required to deliver the new communities in full, including substantial improvements to parts of the A120 and A12. The Councils need to be clear on the phasing of the delivery of each piece of infrastructure that will unlock aspects of sites for housing in each of three major new settlements. The project team should map these dependencies in*

order to develop a detailed understanding of what they need to deliver this development and in what order. This includes being very clear about who is responsible for funding or delivery of each element, in particular of *infrastructure*”

- 2.39. This is a strong indication that the mechanism for delivery is unclear.
- 2.40. For the Plan to be found sound, there needs to be greater clarity and certainty over how the County Council, local authorities and infrastructure providers will fund and co-ordinate the planning and provision of infrastructure.

# Appendix 1

# Appendix 1

## Recommended amendments to Policy SP5

Our recommended amendments to Policy SP5 are provided in red below.

### Policy SP 5

#### Infrastructure & Connectivity

Development must be supported by provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

The following are strategic priorities for infrastructure provision or improvements within the strategic area:

#### Transport

- **Provide the infrastructure necessary to support and mitigate the impacts of the new Garden Communities ahead of or in tandem with the development that it supports in line with the requirements of policies SP7, SP8, SP9 and SP10. The Councils will need to demonstrate that the necessary funding and relevant approvals are in place for the required infrastructure within three years of the Plan being adopted.**
- New and improved infrastructure required to support economic growth, strategic and site-specific priorities outlined in the second part of each Local Plan;
- Substantially improved connectivity by promoting more sustainable travel patterns, introducing urban transport packages to increase transport choice, providing better public transport infrastructure and services, and enhanced inter urban transport corridors;
- Increased rail capacity, reliability and punctuality; and reduced overall journey times by rail;
- Support changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles;
- Prioritise public transport, particularly in the urban areas, including new and innovative ways of providing public transport including;
  - high quality rapid public transit networks and connections, in and around urban areas with links to the new Garden Communities;
  - maximising the use of the local rail network to serve existing communities and locations for large-scale growth;
  - a bus network that is high quality, reliable, simple to use, integrated with other modes and offers flexibility to serve areas of new demand; and
  - promoting wider use of community transport schemes.
- Improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120, **A131** and A133 to improve access to markets and suppliers for business, widen employment opportunities and support growth;
- Improved junctions on the A12 and other main roads to reduce congestion and address safety;
- A dualled A120 between the A12 and Braintree;

# Appendix 1

## Recommended amendments to Policy SP5

- **A new bypass for Halstead on the A131 to address current congestion in the town and to alleviate further congestion arising from the opening of the new Sudbury Bypass;**
- A comprehensive network of segregated walking and cycling routes linking key centres of activity contributing to an attractive, safe, legible and prioritised walking/cycling environment;
- Develop innovative strategies for the management of private car use and parking including support for electric car charging points.

### Education

- Provide sufficient school places in the form of expanded or new primary and secondary schools together with early years and childcare facilities, with larger developments setting aside land and/or contributing to the cost of delivering land for new schools where required; and
- Facilitate and support provision of practical vocational training, apprenticeships, and further and higher education

### Health

- Ensure that essential healthcare infrastructure is provided as part of new developments of appropriate scale in the form of expanded or new healthcare facilities including primary and acute care; pharmacies; dental surgeries; opticians, supporting community services including hospices, treatment and counselling centres; and
- Require new development to maximise its positive contribution in creating healthy communities and minimise its negative health impacts, both in avoidance and mitigation, as far as is practicable.

### Broadband

Roll-out of superfast broadband across North Essex to secure the earliest availability for universal broadband coverage and fastest connection speeds for all existing and new developments (residential and non-residential), where all new properties allow for the provision for superfast broadband in order to allow connection to that network as and when it is made available.

