

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

Hearing Statement 1 by Mike Lambert BA(Hons) MRTPI FRSA [Representation ID:6748]

Re: Why the Plan is not Justified - Matters 1, 4, 5, 6, 7 & 8

1.0 Introduction

1.1 In response to the Inspector's list of matters and questions I am submitting two statements, one dealing with why the Joint Strategic (Section1) Plan ('the Plan') is not 'Justified' as defined by the NPPF, and one dealing with why the Plan is not 'Effective', as defined by the NPPF. For the reasons set out in the Statement the Inspector is recommended to find the Plan as currently drafted Unsound, particularly in regard to the proposal to identify land west of Colchester for 15,000-24,000 new homes over a 40-50 year period. The Inspector should require the Councils to propose significant amendments to the Plan before allowing it to proceed.

1.2 For the avoidance of doubt this statement seeks to address the Main Issues identified under Matters 1, 4, 5, 6, 7 and 8 In response to specific questions I would comment as follows:

Matter 1 Question 9

Response: No for the reasons set out below

Matter 4 Question 7

Response: Yes, there is no strategy to identify how jobs will be created to serve the NGCs beyond the simple function of allocating land (see below)

Matter 4 Question 9

Response: Yes for the reasons set out below

Matter 5 Question 5

Response: Not as currently drafted for reasons set out below

Matter 6 Question 1

Response: The evidence to justify scale and location of the three NGCs is lacking and the process has not started from a thorough assessment of the implications of a New Town of 24,000 homes or the consideration of the best location if that figure is justified, as set out below

Matter 6 Question 3

Response: No the SA is not robust for reasons set out below and the threshold of 5000 is wholly arbitrary and the figure has not been tested against the different circumstances of the three NGCs

Matter 6 Question 5

Response: No, not in terms of the road improvements and RPT. No adequate assessment of rail improvements, not just new station but capacity improvements to serve London

Matter 7 Question 1

Response: No because its focus is beyond 2033 and it fails to address delivering the requirements of the plan period to 2033, as set out below

Matter 7 Question 2

Response: The NGCs should not form part of the Policy for this Local Plan and should be the subject of a separate DPD justifying the principle only if, and when, the evidence is there that they are deliverable and viable and that the supporting infrastructure can be funded.

Matter 8 Question 25

Response: The Aecom Report creates theoretical capacity by drawing a wide enough area of search but this does not justify the scale of the CBBNGC and nor does the SA. The SA does not provide any criteria other than the 5000 arbitrary threshold to assess what the right scale for a New Town this close to Colchester should be.

2.0 New Garden Communities (NGCs) as a panacea?

2.1 The Plan covers the period to 2033 for which the Councils would be reliant upon approximately 7500 new homes being delivered at the three NGCs to meet their anticipated OAN. The three locations, identified for accommodating an unprecedented level of housing development over the next two generations, all emerged from a Call for Sites exercise to which landowners individually or as consortia put forward proposals for development of varying size to meet housing needs, but none at the scale now proposed.

2.2 The decision to rebrand these three sites as Garden Communities has emerged only in response to current Government Policy rather than any consultation that explored whether the principle was the right one or whether these three sites were the best places on any analysis of the sub-regional or regional alternatives. For the Colchester Braintree Borders NGC (CBBNGC), potentially the largest self-contained new settlement since the post war New Towns programme culminated in the designation of Milton Keynes, there is no justification to date for why the CBBNGC needs to be up to 24,000 homes, and if there is, why a site immediately west of the historic town of Colchester is the right location. If the scale can be justified on a sub-regional basis then the location should have been the subject of a much wider debate through the Duty to Co-operate and wider public consultation to establish the best location. For example, why is the West of Braintree NGC, with its proximity to Stansted Airport and good transport links not a more suitable location for a New Town of the scale now proposed for CBBNGC?

2.3 The decision to proceed with the NGCs appears to have been made on the premise that all necessary infrastructure can be delivered first and that by concentrating development in the three NGCs all other settlements in the three Districts will be somehow protected from further development. However, the evidence suggests this cannot be justified.

3.0 Infrastructure Deficit

3.1 The reality is that the broad location of the CBBNGC is focussed on the point at which the A12, the A120 and the Great Eastern Mainline all converge, which at a simplistic level makes it appear attractive as a 'sustainable' location. However, there is already an acknowledged major infrastructure deficit leading to a lack of capacity and congestion, which must be addressed regardless of any further growth. This is well summarised in paras. 6.26-6.29 of the Infrastructure Delivery Plan (CBC0006). Whilst this has been acknowledged by Highways England for the A12 and some progress has been made, there is as yet still no certainty on route or funding for the A120 despite efforts to advance a scheme by ECC, and no likelihood of an outcome in advance of a decision on the current Plan.

3.2 Policy SP5 makes general reference to the key areas for major transport infrastructure to support the NGCs but there is no clear link between the provision of infrastructure and the location, scale and phasing of development at the NGCs, nor is there any explicit policy commitment to 'Infrastructure First' that would prevent significant development occurring. SP5 needs amendment to clarify what infrastructure is required to meet the minimum number of 2500 homes prior to 2033

at each NGC and also on what needs to be in place before any further development could take place at the NGCs over and above that needed for the current Plan period.

3.3 The IDP (CBC0006) makes no attempt to address the potential infrastructure requirements beyond 2033 (para.1.6), despite the Plan including policies committing to development of up to 32,000 new homes beyond the Plan period. The list of bullet points at pp.70 and 71 for West Colchester do not amount to an adequate strategy for developing the first phase of a New Town of some 70,000 people. The IDP goes on to state at para.13.4:

‘Transport is not included in either Table 13.1 or 13.2. This is because, as explained in Section 6, the packages of measures required to address the needs arising from growth have yet to be finalised.’

3.4 References to the scope for Rapid Transit Systems to link the CBBGC with the existing town centre are highly optimistic given existing constraints both in terms of creating capacity to achieve such a link and limited space in the historic town centre for any significant new employment or retail development. Employment led development in both town centre and the Colchester Business Park has been slow to materialise and demand is significantly less than locations closer to London, such as Chelmsford. Simply providing housing and good transport links does not in itself create a market for employment led development. For an example one only has to look at Ebbsfleet and Land Securities’ ambitious plans for a major employment hub at Ebbsfleet. Despite the International Station with its 15 minute service to St Pancras and links to Europe via rail and road to the port of Dover and Eurotunnel, the short term future of Ebbsfleet is now firmly focussed on housing with out-commuting to centres of employment for the foreseeable future. Efforts to secure a commercial heart are now reliant on a much more proactive regeneration strategy to encourage inward investment rather than simply allocating land for which it is assumed there will be market demand.

3.5 The other key infrastructure element will be Education and here the IDP is more precise. Table 13.2 refers to the need for a new 8FE secondary school by 2027 and 2x 2FE Primary Schools, the first of which would be needed in the period 2022-27. The timing of these needs to relate to the timing and deliverability of the initial phase of 2500 in the Plan period. The reality is that that none of these homes will be delivered until the second half of the Plan period, which would make the early delivery of the Education facilities as set out in the IDP difficult in terms of identifying and delivering a suitable location (See my Hearing Statement 2).

4.0 Protecting Existing Settlements

4.1 Although not explicitly stated in policy, part of the justification that has been used to support the NGCs is that this will give certainty to existing communities, presumably along the lines proposed by Lord Taylor¹ in his original proposals for new garden villages and now captured in emerging Government Policy, wherein there would be a trade-off that in exchange for the release of land for larger self contained new settlements, the land around existing settlements would be protected from further encroachment.

4.2 The reality of the NPPF and the way that Policy SP2 is drafted means that the Plan has to support the principle of Sustainable Development as defined by NPPF, and in the way policies are framed could not protect other settlements in the settlement hierarchy from additional sustainable development, especially if a start on delivery from the three NGCs is delayed or it comes forward more slowly during the Plan period. Similarly, emerging Government Policy requiring a proportion of all allocations to be on smaller sites to widen the number of sites available especially to SME builders and speed up delivery, is likely to mean that in areas of high demand there will be pressure to

release smaller sites that can come forward more quickly. This political ambition for the Plan to prevent development elsewhere is unlikely to be deliverable and cannot be used to justify the policy for the NGCs

4.3 The Plan also relies on the use of the New Garden Communities brand to justify these very large allocations as the means of securing a better quality of development (SP6). However, there is no evidence that a scheme of 10,000, 15,000 or 24,000 will secure any better place than a series of linked and connected urban extensions or satellites of a smaller scale in the range 2500-5000, which can help reinforce existing centres and communities with improved viability. There are a number of examples where this has been, and is being, achieved. For example, in the East of England at NE Chelmsford, Cambridge Southern Fringe and more locally at Gt Notley Garden Village.

5.0 Sustainability Appraisal

5.1 The Sustainability Appraisal fails to properly assess the strategy for the three NGCs and their locations either against alternatives such as that put forward by CAUSE, or the impact of a New Town of 24,000 on the overall sustainability of the sub region and more particularly the historic town of Colchester, which has been struggling to maintain its status as a retail and employment centre against competition from Ipswich and Chelmsford in particular, and out of town development at Tollgate. There are a number of subjective judgements in the SA about the potential for certain issues to be improved as a result of the NGCs but no serious attempt to quantify potential impact on the sustainability of Colchester as a place or how the impact of a 50ha town centre might affect movement and patterns of expenditure. Nor is there any assessment of how the viability of a new town centre of this scale might be impacted by the continued growth of the Tollgate Shopping and Leisure at Stanway, located at a mid-point between the existing town centre and the proposed NGC, and acknowledged in the SA as a potential risk. It is interesting to note that Tollgate was originally allocated as a high tech business park, which has been largely subsumed by more viable retail and A3 uses over the last 20 years.

5.2 The Sustainability Appraisal fails to justify the quantum of development proposed at CBBNGC or to apply any criteria or measurement to assist in deciding what the right number of homes should be. It should certainly not simply be a crude capacity test within a given area. In the absence of any explanation as to how the figure of either 15,000 or 24,000, or any number in between is to be established, there is a suspicion it has been arrived at by calculating the level of land value capture required to provide major infrastructure improvements to support large scale development. This is not a sound basis to justify the Plan's strategy for NGCs. CAUSE have also demonstrated that these figures are, in any case, a significant underestimate.

6.0 Conclusions

6.1 The Council has failed to justify the proposed spatial strategy of promoting three new garden communities concurrently is the most appropriate means of meeting the requirements of the current Plan period. Even if the NGCs provide the potential for meeting needs in a future Plan period for the longer term, the inclusion of policies committing the Council to the scale of development proposed now, in the absence of certainty that they can be delivered, is at best premature. The Plan conflates two separate ambitions, to meet housing and employment needs to 2033 and to secure early approval to the longer term provision of the NGCs.

6.2 In reality the Plan should focus on how the 7500 could be delivered within the Plan period on each of the three NGCs, or alternatively which has the potential to deliver more in the Plan period and ensure that policies are in place to secure this. The longer-term plan should be dealt with in a

future DPD that can only be brought forward when there is greater certainty about the ability of the Council or others to deliver the level of infrastructure required, whilst achieving genuine viability.

6.0 Proposed Amendments to the Plan

6.1 My proposed amendments to individual policies are set out in my representations on the Publication Local Plan. In the absence of adequate evidence to satisfy the NPPF test that the Plan is justified, it is proposed all reference to the commitment to CBBNGC at a scale of 15,000 -24,000 should be deleted from the Plan's policies and redrafted as an aspiration in supporting text to be the subject of a further DPD when there is greater certainty of its impact, deliverability and viability and further justification of its impact and how that can be mitigated to ensure a Sustainable Development in accordance with NPPF.

6.2 To address the needs of the current Plan period and the need for up to 2500 from CBBNGC the Policies of the Plan should be amended to identify a clear area of search for what could be achieved in terms of quantum, location and infrastructure requirements, either as a first phase of a larger settlement or a self-contained development if the longer term ambition for NGCs proves undeliverable. There should be a clear set of policy criteria outlining what infrastructure would be need to support it and a policy requirement that the scheme is designed in such a way that it would not prejudice further growth if some future DPD was ultimately adopted.

Mike Lambert MRTPI FRSA

4th December 2017

Notes:

1. <https://policyexchange.org.uk/wp-content/uploads/2016/09/garden-villages.pdf>