

North Essex Authorities Joint Strategic (Section 1) Plan

Examination Hearing Statement on
Matter 6
For Ptarmigan Land Ltd

indigo.

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Strategic (Section 1) Plan**
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December 2017

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**North Essex Authorities Joint
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Appendix 1

i-Transport review of Garden Communities

Appendix 2

Review of Hyas Report (April 2017)

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 6 with specific reference to the Inspector's questions. Further Statements have been submitted for Matters 1, 3, 5 and 7.

2. Response to Inspector's Questions on Matter 6

Question 5: Have the infrastructure requirements of the proposed garden communities been adequately identified and costed?

- 2.1. We do not consider that the infrastructure requirements of the proposed Garden Communities have been adequately identified and costed.
- 2.2. On behalf of Ptarmigan Land, i-Transport has prepared a review of the proposals for the new Garden Communities with a focus on the infrastructure requirements and their associated costs. This is provided at **Appendix 1** of this Statement.
- 2.3. The report concludes that:
 1. There are large infrastructure costs, as would be expected, associated with the delivery of the Garden Communities;
 2. The cost estimates provided are initial estimates and are subject to change;
 3. Not all transport costs are included in the Hyas Report and the published Braintree Infrastructure Delivery Plan (IDP) Report – Final Report – Updated (October 2017) is silent on the transport costs; and
 4. Some of the key infrastructure is yet to be costed and is not yet subject to funding.
- 2.4. It is vital that the IDP includes transport and infrastructure costs as this is critical in demonstrating whether the proposals are deliverable. We also request that the costs included for transport infrastructure, which are outlined in the Hyas Report, are fully explained and that the Council's calculations are provided so they can be appropriately tested.
- 2.5. The Delivery, Implementation and Monitoring chapter of Section 1 of the Local Plan should be strengthened to ensure that the Plan is able to respond effectively to any delay in delivery at the new Garden Community sites caused by delays to funding and delivery of the infrastructure.

- 2.6. Without such changes, the Plan will lack resilience and should not be found sound.

Question 6: Is there evidence that the infrastructure required will come forward within the necessary timescales?

- 2.7. As outlined in response to Question 5 of Matter 5 (see our Statement on Matter 5) and set out in i-Transport's report at **Appendix 1** of this Statement, we consider that the lack of clarity and certainty on when the infrastructure will be delivered along with a lack of information on costs and associated funding is a major flaw in the Plan which undermines its soundness.
- 2.8. We do not consider that there is sufficient evidence in the Plan and its evidence base to demonstrate that the infrastructure required will come forward within the necessary timescales.
- 2.9. Part 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.

- 2.10. 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, and a clear and cohesive approach to funding the infrastructure schemes, there is no mechanism to bring forward the necessary infrastructure with certainty despite its strategic importance to the successful delivery of the spatial strategy.
- 2.11. To remedy this, we consider that Policy SP5 should include a mechanism whereby the Plan will be reviewed and the spatial strategy revisited should insufficient progress be made on securing the infrastructure works required and the timely delivery of the new Garden Communities. This should be linked to the Councils securing the necessary funding and relevant approvals for the infrastructure works within three years of the Plan being adopted. Our recommended amendment to the wording of Policy SP5 is set out in our Statement on Matter 5.

Question 7: Should policies SP7, SP8, SP9 and SP10 make more specific requirements as regards the provision and timing of the infrastructure needed for the proposed garden communities?

- 2.12. We consider that more specific requirements related to the provision and timing of the infrastructure needed for the proposed Garden Communities needs to be built in to policies SP7, SP8, SP9 and SP10.
- 2.13. Policy SP7 currently states that the infrastructure necessary to address the impacts of the developments is provided '*...ahead or in tandem with the development it supports...*'. Given the scale of the infrastructure envisaged and the potential impacts arising from the significant level of growth proposed, 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.
- 2.14. This requirement should be made clear in the wording of each of the policies. Given the uncertainties over timing and funding, it will be extremely difficult to provide dates within the policies when the infrastructure should be put in place. However, as noted in our response to Question 6, a mechanism should be incorporated into the Local Plan whereby a review of the Plan will be required should the Councils fail to secure the necessary funding and relevant approvals for the new infrastructure within three years of the Plan being adopted.
- 2.15. However, the policies can and should include a provision that no development shall take place / or be occupied until the necessary infrastructure that is required to support it has been provided and is available for use.

Question 8: Has the economic viability of each of the proposed garden communities been adequately demonstrated in the Hyas North Essex Local Plans (Section 1) Viability Assessment (April 2017) [the Hyas report, EB/013]?

- 2.16. We have reviewed the Hyas report (April 2017) and set out our concerns at **Appendix 2** of this Statement.
- 2.17. Our concerns relate to the assumptions made, particularly in terms of the estimated housing trajectory. As a result, we believe the total number of homes that the three Garden Communities can deliver within the Plan period has been significantly over-estimated.
- 2.18. Our concerns are summarised below:
1. We consider that the Hyas Report contains a number of sections that are not only inconsistent but overly optimistic which in turn makes the findings of the document, particularly on projected housing delivery, fundamentally flawed.
 2. We consider the Plan's expectation that 7,500 homes will be delivered from the three Garden Communities within the Plan period is unrealistic and overly optimistic. We

consider that housing delivery rates on the three Garden Communities will only achieve a maximum of 250dpa, 100dpa less than the 350dpa figures included in the Hyas Report and the first completions will be delayed until at least a year after the infrastructure works are complete. This in turn will result in a shortfall of 1,637 homes in the Plan.

3. This shortfall will be even greater if there are any delays in the delivery of key infrastructure which we believe there will be. This is common for major infrastructure and little or no allowance seems to have been factored in.
4. Effective monitoring and future proofing the Plan with corrective measures such as the identification of additional sites will be required to ensure that the North Essex authorities deliver the new homes required to meet housing needs and maintain a deliverable five year supply of housing throughout the Plan period.
5. It is widely accepted in the industry that a higher spend on infrastructure will increase sale values by 20%. However, it is completely unrealistic to suggest it could increase the sale rates by 50% as the Hyas Report suggests. In the unlikely event that this price lift uplift was achieved, then this would without doubt result in lower housing delivery rates of the three developments (on the basis higher prices would result in house-buyers looking at other locations for more competitive prices).
6. The Hyas Report applies, in Section 4, a contingency sum of 10% for the infrastructure works. No justification is given for this figure. Having regard to the major schemes and substantial infrastructure necessary to support the Garden Communities and the preliminary stage of the evaluations, this assumption is considered wholly inadequate. The viability of the development should be 'stress tested' with a variety of contingency sums.
7. We also question whether any assumptions have been made for a delay in the delivery of the major off-site infrastructure. For instance, what if it takes far longer to secure approval from the relevant stakeholders (such as Highways England and Network Rail) and, fundamentally, whether the funding is available and in place in the necessary timescale to deliver the required infrastructure schemes.

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

- 2.19. We do not consider that there is sufficient evidence to demonstrate that each of the proposed Garden Communities are capable of delivering 2,500 dwellings each within the Plan period.
- 2.20. As noted in our response to Questions 5 and 8 above, and in our responses to Matter 5, we have serious concerns over:
 1. The timing and delivery of the strategic infrastructure required to support the communities which will need to come forward in advance of (or in tandem with) the first delivery of new homes in each location; and
 2. The estimated delivery rates on each of the three Garden Communities which we consider to be overly optimistic and which significantly over estimates the quantum of new homes that can be delivered within the Plan period.
- 2.21. Notwithstanding any potential delay to the provision of the infrastructure required, we consider that a more realistic maximum delivery rate, coupled with the likely delay between the provision of infrastructure and the delivery of the first homes, could result in a shortfall of 1,637 homes over the Plan period from the three new Garden Communities alone.
- 2.22. In addition to the above, we provide specific comments on the delivery of each Garden

Community with reference to the findings of the Hyas Report (April 2017).

West of Braintree Garden Community

- 2.23. A development of this size will require significant investment in infrastructure projects and as detailed in Table 5.2.1 of the Hyas Report, the total infrastructure is projected to be circa. £52,000 per house (compared to a more typical level of £20,000 - £30,000 per unit as reported earlier in the Hyas report). This clearly shows the extremely heavy infrastructure requirements of this development which reinforces our view that the Councils' housing trajectory is extremely optimistic.
- 2.24. There is also the question of the impact that this huge infrastructure bill will have on the delivery of affordable housing for the development. Despite the Hyas report suggesting that the West Braintree development will be able to deliver policy compliant levels of affordable housing (as per table 5.3.1), the costs for the transport infrastructure of the development still need to be properly estimated (with unsubstantiated figures being used in the report). This therefore suggests it is somewhat premature for the Hyas report to confirm this development is viable in respect of all the various affordable housing scenarios. This could cause further delays to the delivery of the scheme and delivery of the required level of affordable housing.

Colchester Braintree Border Garden Community

- 2.25. The Hyas Report refers to this development as having a £50,000 per house infrastructure bill. Compared to many developments this is a high figure for infrastructure delivery. However, we do not believe it is enough to support this scheme. A contribution of £50m has been allowed for a new train station however we believe there is significant uncertainty how the remaining cost of the train station (likely to be another £50m-£70m) will be funded. The same applies to the A120 upgrade works. Unless this key infrastructure does come forward in the timescales assumed, this will have major ramifications on housing delivery (and affordable housing provision) for this site.

Tending Colchester Borders Garden Community

- 2.26. Similar to the other Garden Communities, this development has a very high infrastructure bill (£50,000 per house). This makes the scheme completely unviable for most of the affordable housing scenarios in Table 7.3.1 of the Hyas Report (and relies on an uplift in future values which is an unsound assumption to make when assessing viability). This does raise serious questions why this location was allocated for so much development when smaller sites would have been able to deliver higher affordable housing levels.
- 2.27. In light of the above, we do not consider that there is sufficient evidence to demonstrate that each Garden Community will deliver the expected 2,500 each within the Plan period.

Question 12: Have appropriate arrangements been made to apportion dwelling numbers at each proposed garden community between the respective housing requirements of the relevant local planning authorities?

- 2.28. We do not consider that the apportionment of dwelling numbers at the Colchester / Braintree Borders Garden Community is appropriate.
- 2.29. The Local Plan currently considers that the proposed 2,500 homes will be split between the two authorities in the Plan period as follows:
- Colchester: 1,350 homes; and
 - Braintree: 1,150 homes.
- 2.30. Whilst the proposed development will be subject to a Strategic Growth Development Plan Document which is currently being prepared, the development will be phased to allow

significant improvements to infrastructure to be provided alongside the delivery of new housing.

- 2.31. It would be logical and indeed desirable, that the early phases of development be located adjacent to the existing settlement of Marks Tey and close to Marks Tey railway station (or the relocated station) to ensure that the new housing will benefit from the existing infrastructure and public transport provision and can be fully integrated with the existing settlement.
- 2.32. On this basis, the early phases of development will be focused within Colchester Borough Council's boundary and later phases will extend outwards in an east to west direction from Marks Tey. Given that most the site is located within Colchester Borough, with only a small proportion of the site located in Braintree District on the site's western boundary, it is unrealistic to assume that housing will be delivered within Braintree's administrative boundary as early as 2024/25.
- 2.33. Further, given that the overall site is expected to deliver 15,000-24,000 homes with higher densities expected closer to the existing settlement and transport hub, we do not consider it realistic to assume that 1,150 homes out of the 2,500 homes expected to be delivered on the site will be delivered in Braintree District during the current plan period, regardless of whether a timely start is made on site.
- 2.34. As such, we do not consider that the proposed apportionment of dwellings between Colchester and Braintree from this site is appropriate and should be reconsidered.

Question 19: Will current and future land ownership arrangements facilitate the delivery of the proposed garden communities?

- 2.35. The current and future land ownership arrangements of each of the Garden Communities could lead to delays in delivering new homes.
- 2.36. In terms of West of Braintree, the Andrewsfield New Settlement Consortium has been set up comprising four major landowners with holdings in Braintree District and adjoining land within Uttlesford District on a 910ha site. This consortium is being led by the Bucknell Family. However, the Council acknowledges that the ownership structure is unclear.
- 2.37. Given that there are at least four major landowners involved in the promotion of the site who will need to work together to deliver the Strategic Growth Development Plan Document, infrastructure and new homes, this could be a lengthy process and could result in significant delays to the delivery of the development on the site.
- 2.38. For the Colchester / Braintree Borders site, the landownership arrangement is more complex.
- 2.39. The land around Marks Tey is principally being put forward by two separate promoters who are each seeking to deliver substantial development areas.
- 2.40. RF West Land Ltd is promoting the site for themselves along with two adjoining owners - one (Livelihoods) and the other a Mr Sherwood (Easthorpe Estate) on land to the east of the A12. Gateway 120 Consortium is promoting land located north and south of the A120. The Gateway 120 consortium is composed of four separate ownerships with an agreement in place between all landowners on the promotion and development of the land.
- 2.41. There are therefore at least seven parties involved in the promotion of the site who, along with Braintree and Colchester District Councils, will need to work together to deliver the Strategic Growth Development Plan Document, infrastructure and new homes on the site which is more than likely to be a long process and could result in significant delays to the delivery of new homes on the site.

Appendix 1



**BRAINTREE LOCAL PLAN STRATEGIC GROWTH LOCATIONS
REVIEW (CROSS BOUNDARY GARDEN COMMUNITIES)**

Client: Ptarmigan Land Ltd



i-Transport



**BRAINTREE LOCAL PLAN STRATEGIC GROWTH LOCATIONS
REVIEW (CROSS BOUNDARY GARDEN COMMUNITIES)**

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SECTION 1 INTRODUCTION

1.1.1 This report considers the deliverability of the Cross Boundary Garden Communities as identified in the North Essex Authorities Joint Strategic Plan (Sections 1) and Section 2 of the Braintree District Council (BDC) Local Plan – Publication Draft for Consultation (June 2017).

1.1.2 The report has been prepared by i-Transport LLP on behalf of Ptarmigan Land Ltd (Ptarmigan). This report should be read in conjunction with i-Transport Report ITL13304-008 R which considers the non-Garden Village sites. It should also be read in conjunction with Indigo's responses to Matters 1, 3, 5, 6, and 7 and Ptarmigan Land's Report on the Hvas Report.

1.1.3 In addition, this report should be read with reference to the following documents that form part of the evidence base for the Draft Local Plan:

- North Essex Local Plans (Section 1) Viability Assessment (April 2017) – prepared by Hvas;
- Braintree Local Plan Preferred Option Assessment (Highways/Transport Planning) (March 2017) – prepared by Ringway Jacobs;
- Braintree Local Plan – Preferred Option Assessment Update on A120 and A12 Studies (May 2017); and
- Braintree Infrastructure Delivery Plan (IDP) Report Final Report – Updated (October 2017) – prepared by TROY Planning and Design.

1.1.4 Strategic Policies SP7, SP8, SP9, SP10 deal with the delivery of the three new garden communities and with the individual sites themselves. SP7 is an over-arching Policy and the others comprise:

- SP8 Tendering/Colchester Borders Garden Community;
- SP9 Colchester/Braintree Borders Garden Community; and
- SP10 West of Braintree Garden Community.

1.1.5 This report focusses on Policy SP7 and the two garden communities at Colchester/Braintree Borders (SP9) and West of Braintree (SP10).

1.1.6 The remainder of the report is structured as follows:

- Section 2 provides a review of the existing transport situation and references the proposed transport improvements;
- Section 3 references the transport requirements of Strategic Policies 7, 9 and 10;
- Section 4 discusses the deliverability of the garden community sites under the headings of sustainability; timescales; infrastructure costs; and monitoring; and
- Section 5 provides conclusions.

1.1.7 This report concludes that:

- i) There are large infrastructure costs, as would be expected, associated with the delivery of the garden communities;
- ii) The cost estimates provided are initial estimates and subject to change and uncertainty;
- iii) Not all transport costs are included in the Hvas Report and the published Braintree Infrastructure Delivery Plan (IDP) Report – Final Report – Updated (October 2017) is silent on the transport costs;
- iv) There are acknowledged long ‘lead in’ times associated with the required major pieces of infrastructure;
- v) Some of the key infrastructure is yet to be costed and is not yet subject to funding; and
- vi) The Plan acknowledges that, within the Plan period to 2033, the garden communities are not particularly sustainable classing them as Key Service Villages in the settlement hierarchy.

- 1.1.8 The Delivery, Implementation and Monitoring chapter of Section 1 of the Local Plan should be strengthened as suggested in the Indigo response to Matter 1 to ensure that the Plan is able to respond effectively to any delay in delivery by the garden community sites. Without such changes, the Plan will lack resilience and cannot be considered sound.

SECTION 2 EXISTING TRANSPORT SITUATION AND PROPOSED IMPROVEMENTS

- 2.1.1 As part of the evidence base for the Local Plan, Essex County Council (EEC) and BDC commissioned Essex Highways Transport Planning team to assess the likely transport impacts of the Local Plan preferred options. Their work went on to identify possible mitigation measures and is summarised in the Ringway Jacob's/ECC report titled 'Braintree Local Plan Preferred Options Assessment' (March 2017). A further report titled 'Braintree Local Plan Preferred Option Assessment Update and A120 and A12 Studies' was produced in May 2017.
- 2.1.2 The Executive Summary of the report identified that the forecast levels of growth to 2033 '**...are likely to put the existing road network under considerable pressure with many of the key junctions failing to provide enough capacity ...**'. Indeed, paragraph 217 of the report concludes that of the 21 junctions assessed in the study, only one of the junctions is able to accommodate the forecast flows without any mitigation. Further, eleven of the junctions were currently considered to be at capacity.
- 2.1.3 Paragraph 178 of the report recognised that '**...there will be increased pressure on many of the existing strategic roads (A131, A120 and A12).**' The report concluded that '**It is clear that using conventional and accepted analysis of forecast trips, it will not be possible to accommodate the forecast vehicle trips on the network, despite even with significant junction improvements. In addition to infrastructure improvements, there will have to be significant interventions to reduce the demand for private car travel and improve public transport, cycling and walking provision and uptake.**'
- 2.1.4 With regards to the A12 trunk road, the Local Plan states (Section 1 Paragraph 6.6) that the A12 around Colchester and Marks Tey carries up to 90,000 vehicles per day (vpd) which it recognises is high for an A class trunk road. It recognises particularly that the capacity of the A12 is constrained by the operation of the junctions and sub-standard slip roads resulting in periods of congestion.
- 2.1.5 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 Government's 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.

- 2.1.6 There are currently four options for the dualling improvements with a number of on-line and off-line combinations. The cost estimates range from £100-250m¹ and funding for the scheme will be provided from the Highways England RIS budget. A preferred route announcement is anticipated later this year with public consultation in Spring 2018 and a Development Consent Order is considered for Autumn 2018. Start of works is anticipated in 2020/21.
- 2.1.7 Whilst the HE's commitment to improve the A12 is generally welcomed by the authorities, it is interesting to note 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, a matter which is considered further in Section 4 of this report.
- 2.1.8 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 Braintree east 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 £475-825m². 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.
- 2.1.9 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.**'

¹ <http://roads.highways.gov.uk/projects/a12-chelmsford-to-a120-widening-scheme/>

² As set out in Figure 10 of the ECC document A120 Braintree to A12 – Consultation on Route Options

- 2.1.10 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.
- 2.1.11 The Jacob’s ‘Preferred Option’ report notes that studies are underway to improve the Braintree 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 seen as a cheaper way compared to rail for people to travel to employment centres (paragraph 211).
- 2.1.12 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 in order to provide a rail connection ...’** (paragraph 203).
- 2.1.13 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.

SECTION 3 CROSS BOUNDARY GARDEN COMMUNITIES

- 3.1.1 The strategic policies for the Cross Boundary Garden Communities are set out in policies SP7, SP8, SP9 and SP10. This report focusses on policies SP7, SP9 and SP10.
- 3.1.2 Two out of three of the garden communities will be cross boundary settlements and will require close working between the 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 need to be **'...considerable early investment...'** in infrastructure and indeed explicitly recognises the need to provide infrastructure **'...ahead or in tandem...'** with the developments enshrined in Policy SP7.
- 3.1.3 It is asserted that each of the 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. As stated above, 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...'** Having regard to the operation of the existing transport networks and the scale of the necessary infrastructure envisaged, this is an onerous requirement, which is considered further in Section 4 of this report.
- 3.1.4 Policy SP9 concerns the Colchester/Braintree Garden Community. The policy notes that the development will need to address the severance associated with both the A12 and A120 which, presumably, can only be considered once there are definite routes for these schemes.

- 3.1.5 Point 7 of the Policy requires a package of measures to encourage modal shift; the development of a public rapid transit system connecting the development to Colchester; measures to improve accessibility to Marks Tey Station; and effective measures to mitigate the impact of the development on both the local and strategic road networks. In addition, other specific transport related infrastructure requirements will be identified through a subsequent Strategic Growth Development Plan Document.
- 3.1.6 Point 8 identifies that primary access to the site will be via the strategic road network. Point 9 requires improvements to the local road network to mitigate development impacts including bus rapid transit/priority measures between the site, Colchester and Braintree town centres, employment areas and railway stations.
- 3.1.7 Point 11 requires the railway station to be made more accessible including the relocation of the railway station and presumably the main line, to a more central location. Clearly, this latter option would be extremely expensive.
- 3.1.8 It should be noted that the majority of the Colchester/Braintree Garden Community site falls within the Borough of Colchester, including Marks Tey railway station and the area surrounding it. In accordance with the principal sustainability driver of the NPPF, initial development is likely to come forward in close proximity to the railway station at Marks Tey to facilitate greater public transport accessibility and lower car dependency, therefore reducing the housing numbers that could be delivered in Braintree in the early stages of development.
- 3.1.9 The policy for the West of Braintree Garden Community is set out in Policy SP10. As with the other sites, Point 7 requires a package of measures to encourage smarter transport choices. This site will be required to improve accessibility to local railway stations and implement measures to mitigate impacts on the local and strategic road networks, including bus/rapid transit priority measures between the site, Braintree town centre, rail station, employment areas and Stanstead Airport.
- 3.1.10 Primary vehicle access to the site will be provided via the A120 and B1256. Other specific transport requirements will be identified through the Strategic Growth Development Plan Documents.

3.1.11 The delivery of the necessary infrastructure is considered in the North Essex Local Plans (Section 1) Viability Assessment produced by Hvas and in the Braintree Infrastructure Delivery Plan Report Final Report – updated (October 2017). The deliverability of the garden community sites is considered in the next section of this report.

SECTION 4 DISCUSSION OF THE DELIVERABILITY OF THE COLCHESTER/BRAINTREE BORDERS AND WEST OF BRAINTREE GARDEN COMMUNITIES

4.1 Introduction

4.1.1 This section of the report considers the deliverability of the Colchester/Braintree Borders and West of Braintree Garden Communities against the headings of sustainability, timescales, costs and monitoring.

4.2 Sustainability

4.2.1 It is clear that the Local Plan seeks to deliver sustainable development and to reduce car usage. The previous sections of this report have identified that the highway network is stressed in the peak hours, there is limited capacity to accommodate growth on sections of the GEML and that the Braintree Loop rail service is not attractive to commuters due to single line working and infrequent services.

4.2.2 To overcome these challenges the Local Plan in connection with the garden communities proposes new forms of **'...high quality rapid transit networks...'** to connect the sites to existing urban centres and key destinations and interchanges. As the Local Plan eloquently says, the challenge will be to provide transport options **'...in which people move around in a different way...'**

4.2.3 The fundamental importance of this step change in sustainable travel is recognised in Paragraph 6.25 of Part 1 of the Local Plan which acknowledges that **'...this infrastructure will need to be funded and provided early in the development phase...'**

4.2.4 The difficulty for delivery comes however, as the strategic policies restrict development in the plan period to 2,500 homes on each site. From practical experience it is difficult to comprehend how these scales of development will be able to fund and deliver transport measures that will deliver such a **'step change.'**

4.2.5 This weakness is explicitly recognised in paragraph 175 of the Jacob's Preferred Option Report which states that '**...in the existing situation their potential would be very low. With regard to the Garden Settlements, careful consideration will need to be given as to how sustainable transport development can be encouraged in the early stages of their development...**' Indeed, the Jacob's Report concludes that significant 'soft modes' interventions will be required to reduce car usage.

4.2.6 In recognition of the above challenges, it is instructive to recognise that both the West of Braintree and Colchester/Braintree Borders garden communities were classed as '**Key Service Villages**' in the settlement hierarchy.

4.3 Timescales

4.3.1 The IDP is meant to detail the phasing and costing of the infrastructure necessary to deliver the Local Plan. This infrastructure needs to be delivered in an appropriate and timely manner. Point (iv) of SP7 is more onerous however in that it requires that the necessary infrastructure to be provided '**...ahead of or in tandem with the development it supports...**' It follows therefore that development cannot proceed until the necessary infrastructure is in place.

4.3.2 It is clear from the Plan that the garden communities are totally dependent on the timely delivery of expensive public transport, rail and road infrastructure. With both the rail and road schemes there are due processes to be followed which have very long timescales and are inherently uncertain. For example, rail investment requires the support of Network Rail and, even when this has been achieved, it is necessary to include the new station in the next franchise agreement to ensure that train operating companies actually stop at the new station. The lead in time can easily be 10-15 years to deliver a new station, let alone build a new one and move the mainline.

4.3.3 In the shorter term, the delivery problem is compounded as the existing road and rail corridors are stressed and sections are at capacity in the peak hours. Concentrating development at a limited number of locations concentrates demand for travel at these locations.

- 4.3.4 The Local Plan and evidence base accepts that in the Plan period the garden communities are not particularly sustainable. The scale of the issue before the authorities can be illustrated by a consideration of vehicle trips. The external vehicular trip rate for a development of up to 2,500 homes could be in the region of 0.47 vehicle trips/dwelling (*reference: Table 3.1 Ringway Jacobs report*). Each community could therefore, in the early days, generate some 1,175 vehicle movements in each of the morning and evening peak hours which need to be accommodated on the local and strategic road networks. There is unlikely to be sufficient capacity to accommodate these increases without major infrastructure investment which is why Point (iv) of SP7 requires the infrastructure to be provided **'...ahead of or in tandem with...'** the development it supports.
- 4.3.5 The Hyas Report in 1.1 states that **'In the light of the anticipated long lead in times, the sites are not anticipated to deliver development in the first 5 years of the Local Plan period.'** 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. It is not certain therefore that the delivery of the housing numbers will commence in five years' time as the strategy is dependent totally on the necessary infrastructure being in place.
- 4.3.6 Lord Bob Kerslake was asked, by the Leaders and Chief Executives of the District and County Councils, to undertake the North Essex Garden Communities Peer Review (January 2017). The report considered that Tendering/Colchester would be the most straightforward; West Braintree was **'...relatively achievable...'** and that West Colchester/Marks Tey was a **'...large and complex project...'** which **'...is absolutely dependent on upgrading the A120...'**. He considered that it may take the Councils longer to deliver this site than the other two.
- 4.3.7 His report also recognised that the garden communities are dependent on **'...major infrastructure commitments'** including **'...substantial improvements to parts of the A120 and A12'**. Against the background, he recommended that the councils need to be clear on the phasing of delivery and need to map these dependencies to develop a detailed understanding of who is responsible for the funding of each element.

4.3.8 For the Plan to be found sound, it is essential that there is a robust mechanism to monitor delivery and be able to deliver development within a short and medium timescale if there is under delivery by the garden communities.

4.4 Costs

4.4.1 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.

4.4.2 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 authority needs to estimate not only the cost of the infrastructure item 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.

4.4.3 The Hyas Report (April 2017) considered the viability of the Local Plan Strategy. In the introduction to the report there are various caveats that state the work is **'...a strategic study...'** which is **'...proportionate and pragmatic in its approach'**.

4.4.4 Section 4.2 of the Hyas Report recognises that **'Any viability assessment depends heavily on the quality of assumptions made'**. It also recognises that appropriate contributions need to be made to local and strategic transport improvements required by each site having regard to the tests of reasonableness set out in the NPPF.

4.4.5 The cost assessments are summarised in Section 5 of the Hyas Report and more details are provided, at a broad level, in the Appendices. The sources of the infrastructure cost estimates are not explicitly set out and, instead, the sources are covered by a general sentence which states **'...such items will be unique to the context of the site and have been drawn from a broad range of sources and assumptions.'** There is insufficient rigour in this statement having regard to the fact that the infrastructure sums range from £435-1,182m for the West of Braintree and Colchester/Braintree Borders sites.

- 4.4.6 A full explanation of how the figures identified in the Hyas Report have been calculated should be provided in advance of the hearing sessions to provide sufficient detail for the costs to be fully scrutinised at the examination.
- 4.4.7 Further detail on the site specific infrastructure is provided in Appendix 1 for West of Braintree and Appendix 2 for Colchester/Braintree. What is immediately apparent from the tables is that there are limited financial contributions to the strategic highway network. Considering that the developments are dependent on an, as yet, unfunded strategic road improvement, this omission is surprising to say the least. Having regard to the fact that the A120 scheme costs are between £475-825m the contribution sum could be substantial. It is also interesting to note that the spreadsheet for Colchester/Braintree Borders does include a sum for a contribution to the A120 improvements, but that a corresponding sum is excluded from the West of Braintree assessment.
- 4.4.8 Whilst the Colchester/Braintree Borders spreadsheet includes a contribution sum of £36.0m to the A120 improvement scheme, it has been calculated on a simplistic £1,500/unit. No justification for such a sum is given. Clearly, the actual sum will need to have regard to both the A120 scheme costs, the impacts of the development on the A120 and its junctions, and the tests in the NPPF. The sum assumed in the costings comprises 4.4-7.5% of the A120 scheme costs but again there is no sound basis given for these figures. Any variation in either the A120 out turn scheme costs or the percentage contribution will affect the viability of the development.
- 4.4.9 The Hyas Report applies, in Section 4, a contingency sum of 10% for the infrastructure works. No justification is given for this figure. Having regard to the major schemes and substantial infrastructure necessary to support the garden communities and the preliminary stage of the evaluations, this assumption is considered wholly inadequate. The viability of the developments should be 'stress tested' with a variety of contingency sums.

4.4.10 Finally, it is normal to bring all the necessary infrastructure elements together in an IDP which sets out the costs of the various measures required for the Plan. Outwardly, this is what the Braintree IDP Final Report (October 2017) purports to do. However, reference to paragraph 13.4 of the report states that **‘Transport is not included in either Table 13.1 or 13.2. This is because, as explained in Section 6, the package of measures required to address the needs arising from growth have yet to be finalised. It is therefore considered prudent to leave this out of the assessment in the following tables.’** It is difficult to understand why these significant costs are left out at this late stage.

4.4.11 These costs should be fully outlined in the IDP in order for the Local Plan to be found sound in respect to transport infrastructure provision.

4.5 **Monitoring**

4.5.1 Sections 4.1 to 4.4 of this report have demonstrated that there is significant uncertainty over both the cost and timing of the infrastructure required to deliver the garden communities. This is recognised in the Plan, in the Hyas Report and in the IDP which, although being the final report, does not yet include the transport costs. Lord Bob Kerslake’s Peer Review also highlighted the very same concerns.

4.5.2 Section 9 of Part 1 of the Plan sets out the monitoring process. This matter is considered further in the submissions prepared by Indigo. However, what is clear is that with the significant uncertainties over timing, costings and delivery, the monitoring process and remedial action process must be sufficiently robust to put in place actions that enable the housing numbers to be delivered in accordance with the Plan.

SECTION 5 CONCLUSIONS

5.1.1 This report concludes that:

- i) There are large infrastructure costs, as would be expected, associated with the delivery of the garden communities;
- ii) The cost estimates provided are initial estimates and subject to change and uncertainty;
- iii) Not all transport costs are included in the Hvas Report and the published Braintree Infrastructure Delivery Plan (IDP) Report – Final Report – Updated (October 2017) is silent on the transport costs;
- iv) There are acknowledged long ‘lead in’ times associated with the required major pieces of infrastructure;
- v) Some of the key infrastructure is yet to be costed and is not yet subject to funding;
- vi) The Plan acknowledges that, within the Plan period to 2033, the garden communities are not particularly sustainable classing them as Key Service Villages in the settlement hierarchy; and
- vii) The Delivery, Implementation and Monitoring chapter of Section 1 of the Local Plan should be strengthened as suggested by Indigo in the Statement on Matter 1 to ensure that the Plan is able to respond effectively to any delay in delivery by the garden community sites. Without such changes, the Plan will lack resilience and should not be found sound.



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Appendix 2

Appendix 2

Review of Hyas Report (April 2017)

1. We have reviewed the Hyas report (April 2017) and set out our concerns below. These relate to the assumptions made, particularly in terms of the estimated housing trajectory. As a result, we believe the total number of homes that the three Garden Communities can deliver within the Plan period has been significantly over-estimated.

Assumptions on rate of output / trajectory

2. We do not agree with a number of assumptions used in term of estimating the likely housing trajectory of the three Garden Communities. For instance, on page 21, paragraph 3, it suggests that the developers for these sites may typically bring forward around 40-50 units per annum and whilst we do not disagree with this assumption, we think it is unrealistic to expect these developments to achieve up to 350dpa. This assumes up to seven housebuilders will be on site at any one time which would be an unprecedented figure for this part of the country. Even locations like Chelmsford which has higher housing values and better rail connections (and is a fundamentally stronger housing market) would struggle to achieve this level of housing delivery (the 5,500 dwelling development at North East Chelmsford is currently estimated at 300 units per annum).
3. When referring to Policy SP7 of the draft Local Plan (page 13), it is envisaged that each new Garden Community is to deliver 2,500 homes within the Plan period. The figures in Table 4.2.4 of the document, as set out below, identify how this is expected to be achieved.

Table 4.2.4 of Hyas Report (April 2017)

	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total
West Braintree	0	75	150	300	300	300	300	300	300	300	300	2,625
Colchester / Braintree Borders	0	0	88	175	350	350	350	350	350	350	350	2,713
Tendring / Colchester Borders	63	125	250	250	250	250	250	250	250	250	250	2,438
											Total	7,775

4. However, it is worth noting that the Hyas report assumes housing delivery on the three developments to commence within 5-7 years and for the rate of delivery to increase to its maximum after only two years (with a 0.25% and 0.5% delivery rate prior to this). Notwithstanding our concerns over whether a start on site will be achievable within the 5-7 year timeframe (due to concerns over infrastructure and funding – refer to our Statements on Matter 5), we believe the expected trajectory on all three sites is very optimistic. This will be wholly dependent on key infrastructure being in place and an exceptionally strong housing market to support so many housebuilders operating on site at any given time.
5. It's also worth noting that on page 21 and using the data provided in Table 4.2.4, it suggests that the first homes will be completed within a year of the infrastructure start date. Taking into account the scale of the infrastructure required, the fact that this will need to be in place prior to or at the very least in tandem with the delivery of the first homes, and to enable up to seven housebuilders to operate at the same time, this is extremely optimistic.
6. We consider that it will take at least two years following the infrastructure commencing before

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any homes are completed. Given the projected annual trajectory of the three developments is 900 houses per year (as per Hyas Table 4.2.4) this “lost” year would equate to a significant shortfall in the projected trajectory. This of course assumes that the infrastructure works will commence within 5-7 years which again we have significant concerns that they will not due to lack of funding.

7. Rather than the projected figure of 7,775 completions, this delay would result in only 6,875 homes being delivered. This is illustrated in the table below. This is more than 10% below the Councils’ aspiration of delivering 7,500 houses within the plan period.

	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total
West Braintree	0	0	75	150	300	300	300	300	300	300	300	2,325
Colchester / Braintree Borders	0	0	0	88	175	350	350	350	350	350	350	2,363
Tendring / Colchester Borders	0	63	125	250	250	250	250	250	250	250	250	2,188
											Total	6,875

8. As noted above, we do not consider that these developments will deliver up to 350 houses per year. We believe the maximum housing trajectory they will likely achieve is more likely to be 250 houses per annum which is more akin to comparable schemes across the region and puts the trajectory on an even footing with schemes in the South East which is arguably a much stronger housing market. This appears to have been accepted by the North Essex authorities and the latest housing trajectory appears to have been capped at 250dpa. The table below demonstrates that, with a delivery rate of 250dpa, the total delivery would fall to 5,863 homes which is a shortfall of 1,637 units below the required 7,500 units during the Plan period.
9. Our revised trajectory, taking account of a reduced delivery rate of 250dpa and the expected delay from infrastructure works to first completions is set out in the table below.

	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total
West Braintree	0	0	63	150	250	250	250	250	250	250	250	1,963
Colchester / Braintree Borders	0	0	0	63	150	250	250	250	250	250	250	1,713
Tendring / Colchester Borders	0	63	125	250	250	250	250	250	250	250	250	2,188
											Total	5,863

10. Page 22 of the report suggests that with the addition of public funding, better promotion, demand and alternative residential tenures, the build out rate for these developments could be even higher than the proposed 250-350 per annum rates. When the projected housing delivery rate is already unrealistically high, we consider that this assumption is misleading. This is because the Hyas report has not considered the matter of “market saturation”, where accelerated housing

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delivery will have a negative impact on house-prices which makes developments less viable and may in turn result in a slower release of land from landowners (on the basis expected land values cannot be achieved). The suggestion that the North Essex authorities' housing trajectories could potentially be increased even further should be discounted.

Garden Community premium

11. Paragraph 2 on page 24 suggests that the base model of infrastructure should use a £30,000 per unit rate whilst on page 17, paragraph 4, it goes on to state a figure of £20,000 per unit should be used. Bearing in mind the North Essex authorities are seeking to deliver 7,500 houses in the Plan period, this difference in assumption equates to a discrepancy of £75m in costs and the Hyas Report is not clear on whether this should be accounted for or not.
12. It is widely accepted in the industry that a higher spend on infrastructure will increase sale values by 20%. However, it is completely unrealistic to suggest it could increase the sale rates by 50% as the Hyas Report suggests. In the unlikely event that this price lift uplift was achieved, then this would without doubt result in lower housing delivery rates of the three developments (on the basis higher prices would result in house-buyers looking at other locations for more competitive prices).
13. Whilst we agree that there is likely to be a 'Garden Community Premium', it cannot be so high that it makes the three developments uncompetitive with other residential developments in the local area.

Contingency Allowance

14. The Hyas Report applies, in Section 4, a contingency sum of 10% for the infrastructure works. No justification is given for this figure. Having regard to the major schemes and substantial infrastructure necessary to support the Garden Communities and the preliminary stage of the evaluations, this assumption is considered wholly inadequate. The viability of the development should be 'stress tested' with a variety of contingency sums.
15. We also question whether any assumptions have been made for a delay in the delivery of the major off-site infrastructure. For instance, what if it takes far longer to secure approval from the relevant stakeholders (such as Highways England and Network Rail) and, fundamentally, whether the funding is available and in place in the necessary timescale to deliver the required infrastructure schemes.
16. In addition, it is unclear whether any consideration been given for possible delays resulting from the negotiation of third party land, such as ransom strips and covenants. This would be further delayed should the Council's need to use CPO powers and the compensation process that would arise as a result.
17. All of these factors could have a huge effect on the estimated housing trajectory in the Plan.

Conclusions on the Hyas Report

18. We consider that the Hyas Report contains a number of sections that are not only inconsistent but overly optimistic which in turn makes the findings of the document, particularly on projected housing delivery, fundamentally flawed.
19. We consider the Plan's requirement for 7,500 homes from the three Garden Communities within the Plan period is unrealistic and overly optimistic. We consider that housing delivery rates on the three Garden Communities will only achieve a maximum of 250dpa, 100dpa less than the 350dpa figures included in the Hyas Report. This in turn will result in a shortfall of 1,637 homes in the Plan.

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20. This shortfall will be even greater if there are any delays in the delivery of key infrastructure which we believe there will be. This is common for major infrastructure and little or no allowance seems to have been factored in.
21. Effective monitoring and future proofing the Plan with corrective measures such as the identification of additional sites will be required to ensure that the North Essex authorities deliver the new homes required to meet housing needs and maintain a deliverable five year supply of housing throughout the Plan period.