North Essex Authorities
Joint Strategic (Section 1) Plan

Examination in Public

Hearing Statement

by

Andrew Martin – Planning Limited

on behalf of

Crest Nicholson Operations Ltd, R.F. West Ltd, Livelands and David G Sherwood

SECTION 1

Matter 6

December 2017     |     AM-P Ref: 17012
Matter 6: The proposed new garden communities – general matters (Policies SP7, SP8 SP9&Sp10; paragraphs 9.1-9.2)

Our comments in response to Matter 6 are confined to the Colchester Braintree Borders Garden Community.

Q1 How were the broad locations for the proposed garden communities selected, and what evidence documents were produced to inform their selection?

We support the findings of a concept feasibility study by AECOM [EB/ 008 (1 -4)] that looks at key drivers and influencing factors affecting growth across North Essex and results in the identification of a broad area of search for development on land west of Colchester/Marks Tey. This baseline work identified four options for growth at this location. We highlight that land south of the A12, known as East Marks Tey, features in all four potential growth options.

Q2 Have landscape, agricultural land, flood-risk and heritage assessments been carried out to inform the locations of the proposed garden communities?

The landowners at East Marks Tey were approached by the Council to make a financial contribution to at least some of these studies i.e. flood risk. The landowners have also contributed to work on heritage matters in relation to Marks Tey Hall, an important group of three listed buildings including the Grade II* barn and two other Grade II buildings in need of urgent repair and restoration. Although various environmental designations to the north of the A12 at Marks Tey have been identified by AECOM as needing to be taken into account when identifying land for a garden community, the historic/heritage assets at Marks Tey Hall have not been afforded the same recognition.

Q3 Is the Sustainability Appraisal of the garden community options [EB/014 Appendix 1] robust, particularly with regard to its threshold of 5,000 dwellings?

The appraisal of the 2,500 homes threshold attributable to each of the Garden Communities proposed across local authority borders does not appear to have been undertaken.

Given the fact that an examination of this plan will not be able to reach any conclusions on whether there is a five year housing land supply, there needs to be greater flexibility in terms of the amount of development that can be provided by the Garden Communities, to be established in the Section 1 Plan. The figure of 2,500 homes to be provided in the Colchester Braintree Borders Garden Community should not be a ceiling figure nor should this be attributed to each of the two authorities in the restrictive way set out in paragraph 8.15 of the Section 1 Plan, which cross refers to the Section 2 Plans.

Refer also to our responses to Matter 3 in relation to meeting housing needs.

Q4 Are the locations for the proposed garden communities and any associated green buffers adequately and accurately identified on the Policies Maps? Should they be more or less, clearly defined?

It is unfortunate that the Authorities decided to prepare the Section 1 Plan as in effect a Core Strategy that only indicates broad locations for the strategic development of Garden Communities by red blobs on the Key Diagram 10.1. Whilst this approach might meet the legal requirements, it is considered unhelpful as it creates uncertainty to those potentially affected, it blights substantial areas
of land that may be affected due to the uncertain potential scales of development and areas of land required and the lack of detail makes it difficult for the stakeholders, particularly the community, to engage positively and constructively in planning the areas involved. Furthermore, it is difficult to assess the prospects of successful delivery and timescales involved. Consequently it is considered that the Garden Communities should be more clearly defined. National Policy Guidance requires that all aspects of a local plan must be realistic and deliverable. The NPPF makes specific requirements in relation to planned housing land supply. Paragraph 47, bullet points 2 and 3, and footnotes 11 and 12 confirm this point. These require authorities in their local plans to identify and update annually a supply of specific, deliverable sites sufficient to provide 5 years worth of housing against their housing requirements, with an additional 5% (moved from later in the plan period), or 205 where there has been a record of persistent under delivery of housing. Thereafter plans should identify a supply of specific developable sites or broad locations for growth for years 6 -10 and wherever possible years 11 – 15.

The failure properly to identify land proposed for the new Garden Communities is contrary to the place-based approach promoted in the emerging Plan. This approach is said to align with the latest best practice put forward by the Local Plans Experts Group in their March 2016 Report to Government, Discussion Paper No5, which states:

“The policies and site allocations within the plan should, where possible, be place-structured, enabling a user to quickly identify what the plan proposes for their area of geographical interest, and should also include a succinct vision and strategy for the main places”.

It is submitted that the broad areas of search for the new communities should ideally be shown more precisely on a Proposals Map, with land capable for delivery early in the plan period being identified as a specific allocation for a first phase of growth. For the above reasons, and particularly because there is no further detail than the Key Diagram, it is clear that the locations for the proposed Garden Communities and any associated green buffers cannot possibly be adequately and accurately identified on the Policies Maps. Yes, there should be more details and definition. For the same reasons as above it is not clear what assessments have been carried out to inform the precise areas of search.

Q5 Have the infrastructure requirements of the proposed garden communities been adequately identified and costed?....

In the terms of the PPG on what a Local Plan should contain (Paragraph:002 Reference ID: 12-002-20140306) the Section 1 Plan is not sufficiently clear about what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered. We contend that this can only be done by setting out broad locations and specific allocation of land for different purposes. There is a need for a policies map to illustrate geographically the application of policies in the Plan.

To accord with this guidance it is submitted that the identification of land at Marks Tey to be promoted as a new Garden Community should be shown on a Proposals Map as an area of search. An allocation should also be made to highlight a first phase of growth, which could then be subject to detailed assessment on delivery and viability including costings. Given the size and lengthy timescales for delivery of the wider Garden Community this makes it ever more important to identify as a specific allocation, an initial phase to meet housing and local community needs in the shorter term, and become a gateway into the larger, long term Garden Community.
Q6  Is there evidence that the infrastructure required will come forward within the necessary timescales?

The answer to this question is dealt with in the responses to Matter 5.

At this time we submit that there is uncertainty over the delivery and timing of key infrastructure, particularly major strategic roads. This uncertainty should be clearly stated in the Plan and the opportunity should be taken to allocate a first phase of growth (e.g. on land at East Marks Tey) that can be delivered in the short term without the need for major infrastructure.

We refer to the Sustainability Appraisal, June 2016 prepared to accompany the Colchester Local Plan – Preferred options. In the context of the Colchester Braintree Borders Garden Community this states:

“It is believed that development could be commenced within the next 6-10 years, and make use of existing infrastructure to allow development to commence. Despite this, the extent of development will be heavily constrained (no more than 500-900 homes) without significant investment in the strategic road network (A120/A12). The deliverability of this site is therefore directly linked to investment decisions and the development programme of Highways England.”

Technical assessments undertaken by the promoters have demonstrated that there is sufficient capacity in the existing infrastructure to accommodate up to 1,100 dwellings.

Q7  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?

Yes, the policies essentially set out a list of high level objectives and requirements which may be appropriate in a Core Strategy, but do not provide sufficient detail or clarity about funding, timing and delivery of the various elements. Policy SP7 states that a DPD will be developed for each of the garden communities to set out more detail on the matters listed. It is fundamental that this emerging DPD, with the Issues and Options now subject to consultation, provides clear evidence and guidance on the specific requirements for the provision, timing and mechanisms to secure the essential infrastructure necessary to deliver the new garden communities.

Q8  Has the economic viability of each of the proposed garden communities been adequately demonstrated in the Hyas report [EB/013]?

Similarly, the Hyas report provides a high level assessment of economic viability for each community. At this stage it can only be regarded as providing a broad brush assessment. Until final decisions on the A12 and A120 schemes, together with the rail improvements are known fully and are accurately costed, then it is not possible to masterplan the final spatial form of the Braintree Colchester Borders Community, together with all the other necessary transport, community and green infrastructure necessary for delivery.

Q9  Is there evidence to demonstrate that 30% affordable housing can be viably provided at each of the proposed garden communities? Is it appropriate for this figure to be set as a ‘minimum’ requirement?

The argument set out in response to Q8 also applies to Q9 in relation to affordable housing. An overall detailed assessment of each garden community is required looking into overall essential needs and viability. This may require a balancing exercise requiring compromises, but this can only
be determined once detailed masterplan options have been fully tested following more certainty on
the delivery of the key strategic infrastructure.

The figure of 30% set out in Policy SP7 is then qualified in SP9 as being a ‘Minimum’ figure. This
would imply that an even higher figure might be applicable and is too ‘open ended’ for future
developers/promoters.

Q10 Is there evidence to demonstrate that each of the proposed garden communities can support the
range of facilities that are required by policies SP7, SP8, SP9 and SP10?

Given the overall scale of the proposed garden community, there is a need to break down the wider
scheme of up to 24,000 homes into smaller neighbourhood parcels, which would each need to be
“planned to be a complete community in its own right, incorporating all of the day-to-day services
that its residents and businesses will require”. This idea is confirmed in the Concept Framework
prepared for the Colchester Braintree Borders Garden Community [EB 0026].

Q11 Is there evidence to show that each proposed garden community is capable of delivering 2,500
dwellings within the Section 1 Plan period?

No. The figure of 2,500 for each garden community appears to have been determined on an arbitrary
basis in order to make up the shortfall of current commitments and the proposed allocations in the
respective Section 2 Plans, with the housing needs for each Authority set out in Policy SP3. Although the lead-in times for planning and delivery of large scale strategic proposals is considerably
longer than that for smaller sites, every opportunity should be taken to start work on the new
communities as soon as possible. This will provide more certainty to the existing communities that
will be affected and through good planning the impact on local residents can be minimised. In the
case of Marks Tey, an early phase to the south of London Road would generate a range of benefits.

Q12 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?

The figures and their apportionment are said to “reflect consensus between the authorities on an
equitable and sustainable division of growth to meet identified need” (Source: Report to Local Plan
Committee, Colchester Borough Council on the Publication Draft Plan – 12 June 2017). It is
necessary for the three Authorities to respond fully to this question.

Q13 How much employment land is to be allocated at each proposed garden community, and how many
jobs is each expected to provide, both within and beyond the Section 1 Plan period? Should this
information be included in the policies?

It is difficult to see how Policy SP4 provides any clear and effective guidance as to the provision for
jobs in each new community. This should be clarified in the emerging DPDs and through detailed
master planning. It is suggested that the objective of delivering one job per household would be
more effective by planning for job creation in each self-contained neighbourhood through a variety of
work opportunities. The proposals at present are too long term to determine these precise figures.

Q14 Do the policies for the proposed garden communities make adequate provision for the protection
and/or enhancement of the natural environment and biodiversity? Is there consistency between policy
SP7 and policies SP8, SP9 and SP 10 in these respects?

and
Q15 Do the policies for the proposed garden communities provide adequate protection for heritage assets?

The Final SA confirms that at the Preferred Options stage of the emerging Local Plan it was recommended that for Policy SP7, heritage assets exist across the Garden Community and masterplans should seek ways to achieve quality and active management of these assets. Despite this, the Concept Framework for the Colchester Braintree Borders Garden Community [EB 0026] and an SA/SEA fail adequately to consider environmental issues including existing wildlife conservation areas – the Local Wildlife Site at Little Tey and Marks Tey SSSI brickpit, existing river channels including Domsey Brook and the implications of flooding. An initial layout plan for the new community fails to take account of the historic group of listed buildings at Marks Tey Hall by proposing new development on this part of the site.

Q16 Should policies SP7, SP8, SP9 and SP10 include:

a. a requirement for the optional national water use standard
b. a requirement to minimise the impact of external lighting

We submit that these policies are too detailed and should be deferred to subsequent DPDs, design codes etc. The policies should refer to current guidelines/standards given the lengthy time period to deliver the new community which goes well beyond the plan period.

Q17 Is the proposal to prepare subsequent DPDs setting out the design, development and phasing principles for each garden community justified?

Yes, given the scale of development, multiple land ownership and potential delivery by several housebuilders/developers. Please refer to our responses to Matter 1 & 2.

Q18 In guiding the development of the proposed garden communities, is there an appropriate division between the roles of the Section 1 Plan and the DPDs; or should the Section 1 Plan set out more detailed requirements than it does currently?

Yes. The Section 1 Plan should ideally allocate a first phase of development that would create a gateway into the wider community proposed for the Braintree Colchester Borders proposal. This would give certainty that the Garden Community can commence in the early years of the plan and be sufficiently flexible in terms of timing, scale and delivery of housing in the early Plan period, in the event that housing sites in Section 2 for Colchester Borough do not come forward or fall short of the target for growth.

Q19 Will current and future land ownership arrangements facilitate the delivery of the proposed garden communities?

There is no reason to doubt that appropriate private/public sector partnerships including private landowners and developers cannot facilitate delivery. Refer to responses to Q20.

Q20 Are the proposed governance and delivery mechanisms for the garden communities, potentially involving Local Delivery Vehicles, appropriate?

Paragraph 8.11 acknowledges that delivery of the new communities will require the local authorities to work very closely with landowners within the proposed garden community locations to develop and put in place a robust delivery mechanism that will ensure a fair and equitable distribution of the costs
and land requirements needed to secure the ambitions for the communities and create a long term legacy appropriate to the scale of this ambition. Although the Council’s have developed LDVs that could be used for delivery now and that the Neighbourhood Planning Act 2017 provided an amendment to the New Towns Act 1981 that allows local authorities to oversee development of a new town, very little progress has been made on developing a LDV that can to deliver the garden communities. The text at paragraph 8.11 of the Section 1 Plan confirms that the format for a delivery model remains very much in the early stages of discussion. Although promoters/landowners involved have expressed interest in principle to negotiate with the Council, a lack of detail on the delivery mechanism and the unrealistic values indicated to date have not been of sufficient attraction to secure the land or allow matters to progress. Also the necessary Regulations under the amendment to the New Towns Act to bring the development corporation into effect have yet to be made.

In January 2017 the Councils’ proposals were subject to a ‘Peer Review’ by Lord Kerslake. This highlighted concerns with specific reference to LDVs. Delays to delivery and increasing debt levels were attributed in part to the consequence of a delivery model, where the Councils take on the lead delivery role. As such the Peer Review was very clear in recommending that the Councils explore alternative models and funding options and consider a collaborative venture with a strategic partner who supports the principles that the Councils want to promote. The Review advises that a partnership with a developer or strategic finance partner would reduce the Councils’ exposure and increase the capacity and resource available to the project.

We confirm support for the pro-active and collaborative working between public and private sectors including the timely delivery of infrastructure and the provision of a funding mechanism for future stewardship, management, maintenance and renewal of community infrastructure and assets. However we consider that the Councils’ objectives can be achieved through traditional means of public/private partnership working and does not require the complications of setting up a separate, ad-hoc LDV. We can offer examples of the successful delivery of large scale new neighbourhoods and new settlements based on private/public sector collaboration.

For example, our original representations for SP7 provides an example of successful public private delivery model at North East Chelmsford between Chelmsford City Council, land owners and developers. 4,350 homes are currently being built together with a full range of mixed uses, with proposals in the emerging Local Plan for a further 5,500 homes and associates uses. Crest have a proven track record in delivering large scale strategic sites including garden communities and has funding mechanisms in place to start the delivery of the Braintree Colchester Borders scheme. Therefore, there is no reason to doubt that through private/public partnership the proposals can be successfully delivered.

There is undoubtedly government support for new Garden communities however it is very far from legislating to make these a reality – all the more reason for a first phase of growth to be brought forward as a component of the wider community to follow over the next 30 years plus. The best way to ensure confidence in the Garden Community coming forward is via a public/private partnership.
Introduction to Crest as Promoter of the Land in Question

(Hearing Statements 1-8, submitted on behalf of Crest Nicholson Operations Ltd, R.F. West Ltd, Livellands and David G Sherwood)

Crest Nicholson is a FTSE-250 company which has acquired a top level reputation for developing high quality housing within well-conceived masterplans for over 50 years across the south of England. We create places where people genuinely want to live, work and play, underpinned by a “value-adding” strategy which responds well to the aspirations of local communities. Importantly, this approach delivers a positive legacy for local planning authorities. For example, Swindon Borough Council’s experience of Crest’s placemaking and delivery at the new community, Tadpole Garden Village, is such that they are prepared to positively advocate our approach.

Crest are in the vanguard of delivering Garden Villages and sustainable new communities. We have been recognised for our exemplar approach, having won numerous awards over recent years including:

- Best Community Initiative for Community Interest Company at Tadpole Garden Village (Housebuilder Awards)
- Sustainable Housebuilder of the Year (Housebuilder Awards)
- Large Housebuilder of the Year (Housebuilder Awards)
- First or Second in Next Generation Benchmark for the last four years (only independent sustainability benchmark of the 25 largest homebuilders in the UK)
- Winner, Outstanding Landscaping for Housing (The Sunday Times British Homes Awards)

We are pleased to align ourselves with the principles set out by the TCPA for Garden Communities and we work closely with other organisations such as Local Enterprise Partnerships and the HCA in order to enhance delivery rates in line with national government objectives.

Our teams are highly experienced in delivering the required infrastructure that sits alongside new housing. At East Marks Tey, Crest are proposing to deliver another high quality development which encapsulates 21st Century Garden Village Principles, and delivers appropriate infrastructure in a timely and efficient way to benefit the local area. This includes a primary school, local centre, re-instatement of Marks Tey hall and its associated listed buildings, new employment provision, and green infrastructure to include open space, allotments and sports pitches.

We look forward to engaging proactively with Colchester Borough Council to deliver on our shared objectives.