1. This Hearing Statement has been prepared by Vincent and Gorbing on behalf of Persimmon Homes Essex (“Persimmon Homes”).

2. Persimmon Homes are one of the UK’s leading builders of new homes with a track record of delivery in Essex and the wider eastern region. They are particularly active in north Essex and therefore a developer with significant experience of both market and planning issues in the area, as well as being a ‘user’ of the development plan.

3. Overall, Persimmon Homes are keen to ensure that the Joint Strategic (Section 1) Plan progresses to adoption but in a manner which fully and clearly addresses the manifest housing need in the three north Essex authorities. Persimmon’s participation in the examination has a particular focus on the Colchester Local Plan and in this context the identification and delivery of the Tendring/Colchester Borders Garden Community.

4. Whilst it is appreciated that the Inspector is not considering ‘omission sites’ as such, Persimmon’s particular concern is whether the definition of individual allocations and the wider Tendring/Colchester Borders Garden Community on the eastern side of Colchester is sound given the evidence base of the plan.

5. By way of demonstration of this point, the Preferred Options Draft Local Plan, which was presented to the Local Plan Committee on the 5th July 2016 included Policy NC3 which allocated land at Persimmon’s site at St Johns Road (which comprises land adjoining the north eastern boundary of Colchester) for 700 dwellings. The evidence base at the time clearly supported the fact that the site is a sustainable location and could be supported as a housing allocation. Between the publication of the draft Preferred Options Local Plan and the Local Plan Committee, a further document was published – Schedule of Changes and Revised Plans. This report removed the site at St John’s Road from Policy NC3 and the proposals map covering North Colchester.
The basis for this was, we understand, that decisions on an allocation at St Johns Road could not be made at that time because consideration was still being given to the area of search and precise boundary of the new Garden Community within the broader East Colchester area and the allocation fell within that area of search; the Council therefore considered its allocation for housing as prejudicial to the future determination of the development area of the Garden Community.

6. The Submission Draft Local Plan now defines a broad area of search at some distance from the St Johns Road site with the details now being deferred to the Garden Communities DPD. Yet the soundness of the St Johns Road site was never reconsidered, either as a housing allocation in its own right or its potential contribution to the Garden Community area itself. We remain of the view that the site is a sustainable opportunity for new housing whether as an independent allocation or as part of the wider Garden Community.

7. Aside from this introductory comment, this statement addresses, where appropriate, the questions raised by the Inspector under Matter 6. We have not sought to answer every question posed by the Inspector but only those relating to the representations made by Persimmon on this matter in accordance with the guidance in IED004.

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

8. The Council’s Garden Cities Topic Paper (EB/028) sets out the chronology of the consideration of the Garden Communities within the three authorities. Persimmon have no objection to the spatial strategy represented by the Garden Communities or the objectives of the Local Authorities to bring forward strategic development locations in principle. However, the topic paper does not explain or evidence how the area of search now included on the Proposals Map for the Tendring/Colchester Borders Garden Community has been arrived at.

9. Part of the evidence base supporting the Local Plan is the report ‘North Essex Garden Communities, Concept Feasibility Study, AECOM, June 2016’. Volume 3 (EB008/4/4). This comprises the ‘Garden Communities Concept – options and evaluation’. In relation to East Colchester / West of Tendring, three options were presented; Option 1 (Southern land focus), Option 2 (A133 to Colchester-Ipswich Rail Line) and Option 3 (North to South Wrap) albeit decisions on the final boundaries was to be deferred to the DPD.
10. Yet when the Submission Plan was published, the Key Diagram indicated a Southern Land Focus for the garden community only (Option 1). Furthermore, the draft Local Plan Policies Map notation of the ‘Garden Community Broad Area of Search’ (Green stripes) also confirms a Southern Land Focus for the garden community (Option 1).

11. There is nothing in the evidence base that justifies the narrowing of the 3 options at this stage. The Sustainability Appraisal of Part 1 of the Plan (SD/001) also makes no clear recommendation on the comparative sustainability of the Tendring/Colchester Borders Garden Community options, stating that “The most significantly positive impacts are associated with the Tendring/Colchester Borders Garden Community options....” and:

“Those sub-options of the Colchester / Braintree Garden Community that do not seek maximum land-take will also offer largely positive outcomes, although there are additionally many uncertain impacts (i.e. ones that could either be positive or negative) at this stage and in the absence of confirmed master plans and solutions contained within a Garden Community specific DPD.” (SD/001, page 27)

12. Persimmon are therefore of the view that the decision-making that led to the Submission Plan showing only the Southern Land Focus (Option 1) is unsound as it is not justified. It is considered that identifying only the one location in the Local Plan (Option 1) is prejudicial to the consideration of wider options that have been identified for the Garden Community in the evidence base to the Local Plan. We consider that there is insufficient evidence to determine which option should be taken forward to the DPD at this stage and the Local Plan should maintain a broader area of search.

13. Since the submission of the Local Plan, the document entitled “A Plan for Tendring Colchester Borders Garden Community – Issues and Options Report (EB/034) has been published. This takes forward the detailed masterplanning of the Garden Community but it too fails to justify why the area being now promoted (Option 1) is better than the alternatives identified earlier in the process. It merely states that;

“The area of land that could accommodate a new Garden Community at Colchester Braintree Borders has been refined from options presented in the “Options and Evaluation” work undertaken by AECOM in July 2016 and influenced by stakeholder consultation with local community representatives in November 2016 and April 2017, as well as an understanding of the issues...”
14. The document then lists a number of issues such as, *inter alia*, clear and defensible boundaries, separation with and distance from existing communities, areas of green buffer, and planning policy considerations. However, there is no comparative analysis of the development concept in EB/034 and the other options contained in the earlier AECOM report.

15. The change from the options appraisal in 2016 to the specific focus for the Tendring/Colchester Borders Garden Community in the Submission Local Plan is not therefore explained or justified by the Council in its evidence base.

16. As explained above, the process by which the Council has selected the broad location for the Tendring/Colchester Borders Garden Community and subsequently narrowed its notation within the Local Plan is not sound, lacks transparency and has prejudiced the consideration of the St Johns Road site, which remains a sustainable and deliverable housing site.

9) 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?

17. Policy SP7 (v) has an absolute target of 30% affordable housing. However, Policies SP8 Part B, SP9 and SP10 indicates that the developments as ‘including a minimum of 30% affordable housing’. Persimmon Homes object to Policies SP8 Part B, SP9 and SP10 reference to the affordable housing target being a ‘minimum’. The Local Plan must set out clearly the target it is seeking to achieve and, in line with Para 173 of the NPPF, assess the implications for development viability having regard to the scale of obligations and policy burdens of the development plan as a whole.

18. We consider that, subject to viability assessments, the Plan should be expressed on the basis of seeking to achieve 30%, not a minimum. A minimum requirement does not provide certainty and could place a policy burden that would threaten viability. Market and purchasing decisions must take account of policy requirements this lack of clarity would give rise to significant uncertainty that would not assist delivery.

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

19. The Plan assumes 2,500 units at each of the Garden Communities in the Plan period. For the reasons we set out in our statement under Matter 3 – Meeting Housing Needs
– we have real concerns that the focus on these strategic developments, and the infrastructure they will require (and hence the lead in time to commence development) introduces a significant risk to meeting housing needs in the plan period. The evidence base (CBC/0025) suggests delivery at the Tendring/Colchester Borders Garden Community will commence in 2023/24 with 100 units, in the period 2024 - 2027 the site will deliver at 200 units per annum and thereafter at 300 units per annum. We believe this to be highly challenging given the long planning lead time and the infrastructure requirements of the proposals.

20. We remain of the view that further housing allocations should be made that do not rely on the infrastructure associated with the Garden Communities, allowing the reliance on the Garden Communities within the plan period to be reduced to a more realistic level, and thereby introducing much greater flexibility into the Plan.

17) Is the proposal to prepare subsequent Development Plan Documents [DPDs], setting out the design, development and phasing principles for each garden community, justified?

18) 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?

21. We do not object to the approach of deferring the detail of the Garden Communities to a subsequent DPD. Indeed, for the reasons we set out above we consider that the Tendring/Colchester Borders DPD should be the document by which the options for the development concept are the subject of proper consultation, rather than as now proposed, the Local Plan defining which option out of the three earlier spatial options set out in the evidence base (EB008/4/4) is taken forward. In essence, the Local Plan is prejudicing any further consultation on the issue of the most suitable development area that should rightly be considered through the Issues and Options stage of the DPD.