

## North Essex Authorities

### Response to Lightwood Strategic Matter 1 Hearing Statement

23<sup>rd</sup> March 2018

#### **Introduction**

1. This statement addresses and explains the context of the work undertaken by the NEAs in preparing the Local Plan. In doing so it responds to comments made in the Lightwood Strategic statement of the 12 February 2018 regarding the steps taken to prepare the Local Plan. This statement starts with a section that summarises the steps the North Essex Authorities have undertaken to produce the section 1 (and section 2) Local Plans for the area, up to the submission of the Local Plan to the Planning Inspectorate in October 2017. These dates and procedure are set out in more detail in the Council's consultation statements (SDBDC/006, SDCBC/006 and SDTDC/006) and outlined in the Garden Communities Topic Paper (EB/028).
2. The NEAs will be submitting a separate Hearing Statement by the deadline of 13 April to respond to each of the specific Agenda questions.

#### **Chronology**

3. In all periods of consultation work was undertaken in line with provisions set out within each local authorities Statement of Community Involvement (SDBDC/007, SDCBC/007 and SDTDC/023) and work was carried out under the Duty to Co-operate as outlined in each authorities statement on this matter (SDBDC/005, SDCBC/005 and SDTDC/022).
4. Both Colchester Borough Council and Braintree District Council began work on a new Local Plan in 2014, to replace the currently adopted development plans within those Districts. Tendring also began work on a revised Local Plan at the same time, following on from work on a previous Local Plan which had not been submitted.
5. At this stage the Councils were working together but three separate processes were undertaken. Both Colchester and Braintree undertook a Call for Sites exercise in the later part of 2014. The Councils contacted agents, landowners and other relevant parties and widely publicised the Call. Forms were published on the website and available in

hard copy on request with respondees invited to respond to the relevant local authority. Braintree received a total of 335 sites and Colchester 141 sites.

6. The three local authorities each published a separate initial Local Plan for consultation in 2015, Colchester and Braintree in January and Tendring in September. Call for Sites forms were once again published during this time and responses invited. A total of 33 further sites were submitted to Braintree at that time. In addition to relying on the Call for Sites, each authority, based on its knowledge of the area, considered other potential sites for development.
7. The Monks Wood site was not identified as a potential development site in either of these consultation periods but over a year later in March 2016. All the NEA were informed about and consulted upon Monks Wood proposals as soon as it was identified by Lightwood.
8. In 2015 the three North Essex Authorities agreed to formally work together to produce a common section 1 Local Plan to deal with strategic cross boundary issues and had begun working formally together through officer working groups, joint evidence gathering and oversight by directors and members. All relevant sites were the subject of site visits and assessment by officers and the promoters of the largest sites had been invited in to speak to officers.
9. As part of this process the NEA concluded that housing need, for the plan period and beyond, would best be met by the promotion of three garden communities together with some other major proposals (rather than a dispersed housing strategy). They also concluded that the preferred locations were to the west of Braintree, between Braintree and Colchester and to the east of Colchester. It was agreed that there was a spatial logic to this general distribution of a series of new communities, interspersed between the existing towns, along the A120 corridor. Work on the Sustainability Appraisal to help inform the Braintree Local Plan was largely completed by March 2016.
10. Councils are required to consider all reasonable alternatives to the Local Plan, but Councils also have to take a pragmatic and reasonable approach to the assessment of these alternatives. In Braintree that approach was to consider further new site

submissions, raised outside the original Call for Sites period, during Local Plan consultation stages and to use any such submissions as part of the exercise to test whether the chosen strategy represented the most appropriate strategy.

11. It was not thought that it would be efficient for the local authority to restart the plan process to assess new sites afresh as they are submitted in the course of the Local Plan process. To do so would effectively mean that the Local Plan was in a constant state of review and would restrict the ability of the local authority to produce a timely and proportionate Local Plan and evidence base as required by national government policy. This was the advice that was given to Sworders on behalf of Lightwood when they first approached Braintree to promote Monks Wood. The detail of the timescale for the publication of the Preferred Options Local Plan which was published for consultation in July 2016. Lightwood then submitted the site to this process on the 19<sup>th</sup> August, the closing date of the consultation in Braintree District.
12. Following the receipt of these formal forms, the Council undertook the same officer site visit and assessment, meeting with the agent and consideration in the Sustainability Appraisal as it had undertaken with previously submitted major proposals sites. These assessments were based on the information submitted in the Call for Sites form and the supporting documentation in the form of an Expression of Interest. The NEAs through their agents also met with Lightwood to discuss the commercial and land elements of the proposal including sharing viability models with them to fill in and return to take account of their latest masterplan position. The NEAs have never received this information.
13. The Council maintains an interactive map of site submissions on the website as well as publicising objections to the Local Plan. The Monks Wood submission was therefore available to view in two different places on the website. Indeed its inclusion on the website generated significant press interest and a number of letters to the Council.
14. With the exception of the partner North Essex Authorities who were involved throughout the process, officers did not however specifically consult about the objection sites with neighbouring authorities or statutory consultees during this time. The Duty to Co-operate does not require local authorities to consult specifically on objection sites in

this way, particularly given its location would not have any specific direct affect on any neighbouring authorities. It was however a site that was in the public domain, and in due course was considered as part of the Sustainability Appraisal process. Other interested authorities (and other bodies) would have been aware of the proposal.

15. Contrary to paragraphs 1.19 in the Lightwood hearing statement, it was always the NEA's intention to produce a detailed assessment of all alternative strategic options. North Colchester had been included in the first round of this work and an assessment of Monks Wood and the Metro Town needed to be considered later, as they were submitted outside of the Call for Sites periods. The NEAs discussed this in November 2016 and then commissioned work from AECOM in December 2016. As set out in the **appendix** to this document, a total of 6 emails were sent to Lightwood between August 2016 and March 2017 requesting any and all further work undertaken on their behalf on their proposal at Monks Wood in order for this work by AECOM to use the most up to date and comprehensive information available. Further information was received on the 31<sup>st</sup> March 2017 from Lightwood but work by AECOM was being completed at that stage. Work on the Sustainability Appraisal was also well underway at this point and was complete by the 8<sup>th</sup> May when the NEAs received the masterplanning work by John Simpson architects.

16. In paragraph 1.16 of their statement, Lightwood consider that the Local Plan sub-committee meeting of the 31<sup>st</sup> October 2016 showed a premature dismissal of the Monks Wood option. This is clearly not the case. The meeting was one in a series of meetings up to and including the 16<sup>th</sup> May 2017 meeting, where responses received to individual policies and sites in the 'Preferred Options' consultation were considered and changes were recommended by officers to members as a result of those comments for inclusion within the Submission Local Plan. Recommendation U relates to the consideration of revised Vision wording for the section 2 Local Plan, however there is a clear caveat in paragraph 3.9 above the recommendation which is set out in full below;

*"Officers also consider that given the vision set out in the shared strategic plan which includes reference to new garden communities, that the detail within the District*

*specific vision should be removed. Any subsequent changes to the spatial strategy will be reflected in the Vision”.*

17. This is clear that whilst the Vision as proposed reflected that spatial strategy contained within the Preferred Options Local Plan, that subsequent changes to the spatial strategy would require subsequent changes to the Vision.
18. The NEAs note that the meeting of the Local Plan sub-committee of the 16<sup>th</sup> May 2017 considered in some detail the alternative options for strategic development, including Monks Wood and the Metro Plan. This included consideration of the evidence submitted by the promoter and the evidence commissioned by the authorities on these sites. Lightwood Strategic along with the other promoters of garden communities took the opportunity to speak at that meeting during a specially extended public question time.
19. The Submission Local Plan was then considered and approved at a meeting of Braintree’s full Council on the 5<sup>th</sup> June 2017 and at meetings in Colchester and Tendring, before it was the subject of consultation and subsequent submission.
20. In short:
  - a. The Monks Wood proposal was not identified or raised in the early stages of Local Plan preparation;
  - b. Based on the available evidence the NEA decided that the most appropriate strategy for meeting housing and economic development needs in the wider area.
  - c. The NEA tested their strategy by considering whether objection sites (and other objections raised by bodies such as CAUSE) meant that the proposed approach was not the most appropriate strategy.
  - d. The NEA co-operated fully and effectively with neighbouring authorities and prescribed bodies in relation to the emerging Local Plan. The Duty to Co-operate does not require planning authorities to discuss with the relevant bodies all objection sites. In any event the relevant parties would have been aware of the Monks Wood proposals, from both informal discussions, and

the formal publication of the Lightwood objection and the sustainability analysis.

- e. The NEA reviewed the Monks Wood proposals in detail as part of a Sustainability Appraisal. The NEA concluded that the emergence of the proposal did not undermine their view that the proposed strategy still represented the most appropriate strategy.
- f. The NEA view was assisted by a Sustainability Appraisal process that identified the main environmental consequences of the proposed strategy and the main alternatives.

21. Following on from the Local Plan examination, if the Garden Communities are approved in principle then the North Essex Authorities have committed to produce a further Development Plan Document on each of the Garden Communities which will deal with more detailed issues in relation to each of the garden communities and will consequently be able to include this more detailed information and policies within further iterations of work on sustainability and viability.