

**NORTH ESSEX AUTHORITIES**

**Strategic (Section 1) Plan**

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To:

Emma Goodings, Head of Planning Policy & Economic Development, Braintree District Council

Karen Syrett, Place Strategy Manager, Colchester Borough Council

Gary Guiver, Planning Manager, Tendring District Council

10 December 2018

Dear Ms Goodings, Ms Syrett and Mr Guiver

**EXAMINATION OF THE STRATEGIC SECTION 1 PLAN**

**NEAS' PROPOSALS FOR TAKING THE EXAMINATION FORWARD**

1. Thank you for your letter of 30 November 2018 [NEA006], in which you respond to the points in my letter of 21 November 2018 [IED014] concerning the proposals in your earlier letter of 19 October 2018 [NEA005].

**Further work on the evidence base and Sustainability Appraisal [SA]**

2. The amendments the NEAs have made to the evidence base work programme, as set out in the Annex to your 30 November letter, deal appropriately with my points concerning the identified issues [IED014 para 8] and the scope of the proposed further work on the Rapid Transit System proposals [IED014 para 9].

3. Similarly, the amendments that have been made to the *Additional Sustainability Appraisal [SA] Method Scoping Statement* deal appropriately with my points on that document [IED014 para 11 and annexed table]. Thank you also for confirming that the proposed consultation on the *Method Scoping Statement* will include consultation on the proposed revised assessment criteria, and will involve all those who took part in the examination hearings held in January and May this year [IED014 para 14]; and for confirming that the NEAs will seek my comments on their detailed proposals for consultation on the evidence base, SA and any proposed changes to the Plan [IED014 para 23].
4. As stated in my previous letter, it is not possible for me to say at this stage whether the outcomes of the further work the NEAs propose will adequately address the shortcomings I identified in my letter of 8 June 2018 [IED011]. That will be for the examination to consider when the further work is complete.

### **Legality of the SA scoping process for the Section 1 Plan as a whole**

5. I note the NEAs' position regarding their legal advice on whether the SA scoping process, including consultation, that has been carried out for the Section 1 Plan as a whole is legally-compliant [IED014 para 17]. I explained in that paragraph of my previous letter the matters which I consider that any legal opinion would need to address.
6. The legality of the SA scoping for the Section 1 Plan as a whole, and consultation thereon, is a separate (and wider) issue from the more narrow point of the legality of making changes to the assessment criteria for further SA work. In my view it would be sensible to resolve this wider issue soon, if that is possible, rather than leaving it to be considered at the hearing sessions later next year. I would therefore be grateful if you would forward promptly to me, via the Programme Officer, any legal opinion you may obtain, or receive from another party, on this issue.

### **Progress updates and timetable for further work**

7. Thank you for the first monthly update on progress on the further work on the evidence base and SA, provided as an annex to your letter [IED014 para 20]. I am happy with the format of the update and I have no queries on it this month. One of the main purposes of these monthly updates is to identify any actual or potential delays in the work programme. If any such delays should occur, it will be important that they are highlighted so that the examination timetable can be adjusted if necessary.

8. As I made clear in my last letter, the NEAs are in the best position to determine what resources are needed to carry out the further work on the evidence base and SA, and how long it is likely to take. I note that you now propose that consideration of the revised evidence base and additional SA takes place in mid-summer 2019, with hearing sessions hopefully taking place in the autumn. I will be available to carry out hearings then.

### **Pausing the examination**

9. Now that all the NEAs' proposals for further work on the evidence base and SA have been clarified, it is appropriate for me to announce a pause<sup>1</sup> in the examination while that further work takes place. During the pause I will not generally be accepting representations or correspondence on the Plan apart from the NEAs' monthly progress updates, and any legal opinion(s) on the issue referred to in paragraphs 5 and 6 above. However, on limited occasions I may seek further information directly from the NEAs, or other parties, if that becomes necessary.
10. I expect the examination to remain paused until the NEAs' further work on the evidence base and SA is complete, but I will keep this position under review.

Yours sincerely

*Roger Clews*

Inspector

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<sup>1</sup> "Pause" is an equivalent term to "suspension". The latter term was used in my previous letter.