

Joint Strategic (Section 1) Plan**Inspector:** Mr Roger Clews**Programme Officer:** Andrea Copsey**Tel:** 07842 643988**Email:** copseyandrea@gmail.com**Address:** Examination Office, Longcroft Cottage, Bentley Road, Clacton-on-Sea, Essex CO16 9BX

EXAMINATION HEARINGS**ADDITIONAL HEARING SESSION FOR MATTER 1****INSPECTOR'S AGENDA**

The Agenda is based on Questions 1, 2, 7 & 9 in the Inspector's Matters, Issues and Questions document [Document IED/003] for the original Matter 1 hearing session held on 16 January 2018. To set the context, those original questions are reproduced below. However, discussion at the additional hearing, and any hearing statements, should be limited to dealing with the specific (lettered) questions which follow each original question below.

Matter 1: Legal and procedural requirements; Key Issues, Vision and Strategic Objectives (Chapter 1)

Main issues: *Have the relevant legal requirements been met in the preparation of the Section 1 Plan?*

Do any amendments need to be made to Chapter 1 of the Section 1 Plan in order to ensure its soundness and legal compliance?

Questions:

- 1) *Is there clear evidence that, in the preparation of the Section 1 Plan, the North Essex Authorities [NEAs] have engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies on strategic matters and issues with cross-boundary impacts in accordance with section 33A of the Planning and Compulsory Purchase Act 2004, as amended [the 2004 Act]?*
 - (a) Did the NEAs meet the Duty to Co-operate in respect of their handling of the proposals by Lightwood Strategic for the inclusion in the Section 1 Plan of a new settlement ["Monks Wood"] on the Pattiswick Estate to the east of Braintree, particularly in respect of:
 - (i) co-operation between the NEAs themselves, and
 - (ii) co-operation with neighbouring authorities and prescribed bodies?

- 2) *Have the North Essex Authorities complied with the requirements of section 19(5) of the 2004 Act with regard to Sustainability Appraisal [SA]?*
- (a) Should the individual SA assessment of the Monks Wood proposal, and the assessment of alternatives for the spatial strategy, have been carried on the basis that Monks Wood could be delivered at various different scales of development?
 - (b) If so, what other scale(s) of development at Monks Wood should have been assessed?
 - (c) Should the SA assessment of combinations of three proposed garden communities also have assessed a combination or combinations that included Monks Wood together with various scales of development at Colchester/Braintree Borders and Tendring/Colchester Borders?
 - (d) If so, what specific combination(s) should have been assessed?
 - (e) If the Inspector finds that there are shortcomings in the SA in respect of (a) and/or (c) above:
 - (i) would this mean that the SA fails to comply with relevant legal requirements?
 - (ii) which specific requirements are those?
 - (iii) what steps would be required to make the SA legally compliant?
- 7) *Have the North Essex Authorities complied with all other relevant legislative requirements in the preparation and submission of the Section 1 Plan?*
- (a) Is it agreed that, as a consequence of the NEAs' failure to register Lightwood Strategic's duly-made representations at Regulation 19 consultation stage, the following Regulations¹ were breached in respect of those representations, and consequently that section 20(3) of the *Planning and Compulsory Purchase Act 2004* was also breached?:
 - i) Regulation 22(1)(c) – requirement to prepare a statement of representations and submit it to the Secretary of State: the failure in this respect is that the submitted statement did not accurately set out the number of representations made or summarise all the main issues raised in those representations
 - ii) Regulation 22(1)(d) – requirement to submit all representations to the Secretary of State
 - iii) Regulation 22(3)(a)(iii) – requirement to make all representations publicly available
 - iv) Regulation 22(3)(b) – requirement to notify the general consultation bodies and specific consultation bodies that representations are available for inspection: notification was given as required, therefore any failure in this respect is that not all the representations were available for inspection

¹ Of the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended.

- v) Regulation 22(3)(c) – requirement to notify those who so request of the submission of the Local Plan to the Secretary of State
 - vi) Regulation 24 – requirement to give all those making representations six weeks’ notice of the opening of the hearing sessions
- (b) Taking into account all the steps that have been taken to enable Lightwood Strategic to participate in the examination process, since the Inspector was alerted on 18 January 2018 to the NEAs’ failure to register their duly-made representations, in what way(s) might Lightwood Strategic’s interests, the interests of any other party or parties, and/or the interests of natural justice be prejudiced by those breaches?
- (c) Are there any other relevant legislative requirements, not identified elsewhere on this agenda, with which the NEAs have failed to comply in the preparation and submission of the Section 1 Plan? If so, what are the consequences of that failure, and how can it be remedied?
- 9) *Do the Vision for North Essex and the Strategic Objectives provide an appropriate framework for the policies of the Section 1 Plan?*
- (a) Is it lawful for a Local Plan and its policies to require or encourage
- (i) new approaches to delivery and partnership working, and
 - (ii) the sharing between the public and private sectors of risk and reward* from development?

* Participants are asked to note that the NEAs now propose to remove the reference to “risk and reward” from the Vision for North Essex (and from policy SP7)