

20th July 2018

Dear Mr. Clews,

Questions of clarification on the options set out in the post-examination letter

We thank you for your post-examination letters dated 8th and 27th June 2018 which, taken together, set out your advice to the North Essex Authorities [NEAs] as to the further steps necessary for the Section 1 Local Plan to be made sound and legally-compliant. Whilst we are naturally disappointed that you have found that the plan cannot proceed to adoption as quickly as we had originally hoped, we are none the less pleased with the way you have conducted the examination to date and the way in which you have clearly set out your concerns about the Garden Communities and the steps needed to address those concerns.

We would like to take up your offer in paragraph 158 of the first letter to seek your further advice.

We are clear about the implications of Options 2 and 3 so this letter just addresses Option 1.

“Option 1 would be for the NEAs to agree to remove the GC proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time, for example within two or three years. This would involve drawing up main modifications to remove the current GC proposals and address the other soundness issues identified above. The NEAs would also need to amend their Local Development Schemes [LDS] to include the proposed partial revision to Section 1.

These steps should enable the Section 2 examinations to proceed, and subject to the findings of those examinations and to consultation on the main modifications to Section 1 and (potentially) to Section 2, each Local Plan should then be able to proceed to adoption. In preparing for the Section 2 examinations the NEAs would, of course, need to consider any implications of the removal of the current GC proposals – and any implications of my forthcoming findings on policy SP3 – for housing land supply in each NEA in the years before the partial revision comes forward.

Following the Section 2 examinations, under Option 1 the NEAs would then carry out further work on the evidence base and Sustainability Appraisal, as outlined in my comments above on the GC proposals. That further work would provide the basis for revised strategic proposals to be brought forward for examination as a partial revision to the Section 1 Plan, within the timescale identified in the revised LDS. The revised strategic proposals could in principle include one or more GC(s), if justified by the further evidence and SA work.”

Option 1 appears to be designed to enable the NEAs to proceed quickly to the adoption of a slimmed-down Section 1 and to progress to the Section 2 examinations so long as the NEAs commit to a partial review within two or three years – at which point Garden Communities could be re-introduced if justified by the further evidence and SA work.

In order to modify Section 1 to remove the Garden Communities we would need to carry out an updated Sustainability Appraisal and, given the scale of the change, advertise both. The Sustainability Appraisal would have to consider the Garden Community options as a realistic alternative to what would then be a decision not to have a spatial dimension to housing delivery. At the moment we have not identified any additional evidence required to support the Option 1 changes to Section 1. If there are objections from the promoters then we are assuming that there would need to be a further hearing into those objections before you can report and reach a conclusion on whether the modified Section 1 is sound.

We note that in preparing for the Section 2 examination the NEAs would need to consider any implications of the removal of the current GC proposals for housing land supply in each NEA in the years before the partial

revision comes forward. If there is a partial review as you suggest then it is possible that that partial revision will not support the GC proposals and this is an implication that will have to be considered. As a new plan it would need to address the updated housing numbers in accordance with the NPPF. As you indicate the partial review would be submitted after the Section 2 plans have been adopted. If garden communities are still proposed in a partial review then some of the work that we were proposing be incorporated in the Garden Community DPDs could be included in the plan to reduce the time before delivery but given that there would be a 5 year+ delay before the adoption of Garden Community policies it is unlikely that any of the garden communities would be able to make a material contribution to housing supply in the period up to 2033.

As it stands, the NEAs collectively rely on the Garden Communities to deliver a proportion of the new homes required to meet the (now confirmed as sound) objectively assessed housing needs to the end of the plan period in 2033. Removing the GC proposals from the Section 1 Local Plan would result in a significant shortfall in the supply of housing sites in the Section 2s to meet needs up to 2033, particularly from year 6 onwards. An implication for the NEAs of removing GCs from Section 1 would therefore be a requirement to consider whether the present allocations and patterns of development in Section 2 would be appropriate if the GCs did not come forward as part of a future revision of Section 1.

Even if GCs are included in the Section 1 revision since they would not be able to make a material contribution to housing delivery in the period to 2033 other options for delivering housing would have to be explored within the Section 2 plans. We think that we would therefore also have to assess additional sites and potentially modify and re-consult on the Section 2s before progressing to the examinations. An updated Sustainability Appraisal would be required

With these issues in mind, we would be grateful if you could clarify what is envisaged through Option 1. Our questions are as follows:

- 1) Do you agree that the removal of the GC proposals from Section 1 will require an updated SA before Section 1 could be adopted?
- 2) If the SA has to be updated then it will have to address the GC proposals as a realistic alternative. In order to do so do you agree that it will need to address the limitations that you have found in relation to the existing SA?
- 3) If Section 1 is modified as proposed will you require further examination days to deal with the objections from the promoters of those sites if they make material objections to the deletion of the relevant policies?
- 4) Do you agree that the "implications" that have to be considered include the possibility that the GC proposals will not be promoted in a revised future Section 1?
- 5) Do you agree that the Section 2 plans will need to be reviewed to consider whether they still represent the "most appropriate strategy"?
- 6) In the submitted Local Plans, the garden communities begin delivering housing numbers from 2023/24. Do you agree that the Section 2 plans will need to be revised to include replacement housing sites given that under Option 1 the GC proposals (even if pursued through a later review) will no longer be able to make a material contribution to housing supply in the plan period?
- 7) Do you agree that section 2 cannot proceed until the issues of soundness relating to Section 1 are addressed?

Please do not hesitate to contact us via the Programme Officer if you have any queries or concerns about the content of this letter.

Yours sincerely

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