



North Essex Authorities

Mr Roger Clews
Inspector
Examination Office

Sent by email

30th November 2018

Dear Sir,

Re: NEAs' response to your 21st November letter

1. Thank you for your response to our letter of the 19th October. The responses to your questions (emboldened in your letter) can be found below. We hope that these provide sufficient clarification on the points sought. An early response to any issues regarding the Additional Sustainability Appraisal Method Scoping Statement would be particularly welcome as the NEAs wish to begin the consultation as soon as possible. Paragraph references below are those in your letter of 21st November.

2. Paragraph 8

The NEAs can confirm that the relevant paragraphs have been added into the ongoing evidence base work and are covered as part of the work being undertaken.

3. Paragraph 9

The NEAs can confirm that the Rapid Transit System (RTS) work is intended to cover the points raised in paragraphs 42 and 43 of your 8th June letter.

4. Paragraph 11

Please see the responses set out below.

Table 2.3

For consistency, the descriptions of the sites for the Stage 1 appraisal have been amended to ensure that it is clear that all sites will be appraised on an equivalent and objective basis.

Table 2.4

This is a typo; Objective 5 has not been screened out. This has been rectified in the Method Scoping Statement.

Paragraphs 2.45-2.46

The SA will draw from the available evidence to ensure that it objectively appraises all options.

Paragraph 2.47

The Stage 2 appraisal will assess spatial strategy options that go beyond the plan period both in their entirety and on the basis of what is expected to be delivered by the end of the plan period. An amendment has been made to paragraph 2.49 to clarify this point.

Paragraph 2.49

Organisations with interests and expertise in environmental, social and economic issues will be invited to the check and challenge workshop. An amendment has been added to paragraph 2.51 to clarify this point.

5. Paragraph 14

The NEAs can confirm that 'participants in hearing sessions' means all those who took part in the hearing sessions in both January and May. This list has been provided by the Programme Officer.

6. The NEAs can also confirm that the consultation will include the revised assessment criteria that are to be used in the further SA work which is included within the Method Scoping Statement.

7. Paragraph 17

The NEAs have taken legal advice on this matter and will seek further advice including a QC's opinion if it is required.

8. Paragraph 20

The NEAs will provide a monthly timetable update at the end of each month. The first of which is included within this letter.

9. Paragraph 23

Whilst not one of the highlighted sections of the letter, the NEAs confirm that they will provide detailed proposals for consultation on the evidence base, SA and any proposed changes to the Plan in due course for your comments.

Timetable Update

10. The NEAs have taken the opportunity to include within this letter the first of our monthly updates on the timetable for the work that is necessary to be undertaken to complete the Examination of the Section 1 Local Plans.

11. As you will be aware from our previous letter, the NEAs had initially proposed to consider and consult on the revised evidence base and Additional Sustainability Appraisal at the beginning of next year with submission of these documents to the Examination in early Spring, in the hope that further hearing sessions could take place in June.

12. We note that you have advised that the NEAs should take as much time as is needed to address the points raised in your 8th June letter and in light of this we

have been reconsidering the timetable to ensure that the evidence base that is being produced is the most comprehensive and thorough possible and there is sufficient time built into the programme to allow for constructive local engagement and the transparent approach that we have always sought.

13. We are therefore now proposing that the consideration of the revised evidence base and additional Sustainability Appraisal is moved to mid-Summer 2019 rather than earlier in the year as it was previously proposed. This would mean further examination sessions would hopefully take place in the Autumn.

14. The NEAs do not expect any further changes to the timetable, although of course we will continue to keep you updated on a monthly basis as requested.

15. The table annexed to the end of this letter provides an update on the individual elements of the work being undertaken. We would welcome any feedback you have on whether this is an appropriate format to provide our ongoing monthly updates.

16. We trust this letter is self-explanatory but please do not hesitate to get in touch via the Programme Officer if you have any further queries.

Yours Sincerely

Emma Goodings – Braintree District Council

Karen Syrett – Colchester Borough Council

Gary Guiver – Tendring District Council

ANNEX

Update on the NEAs' evidence base work

The following table sets out the issues raised in your 8th June letter alongside a restatement of the approach being taken by the NEAs to address those issues and an update on the progress made towards addressing them since the NEAs' 19th October letter.

Issue identified in 8 th June letter (with paragraph number(s))	Summary of the NEAs' approach to addressing the identified issue	Update on progress
A120 improvements (para 37)	Further evidence on the funding mechanism for A120 improvements will be sought from the Department for Transport (DfT) to provide more certainty over their deliverability. Additionally the NEAs will submit details of Essex County Council's (ECC's) favoured route option which was announced in June 2018.	ECC and DfT have been in constructive dialogue about the future funding arrangements of the A120 ahead of (but without prejudice to) any future announcement on successful RIS2 projects. The NEAs anticipate that this dialogue will result in a written statement from DfT.
A12 improvements (para 37)	<p>Feasibility work on alternative rerouting of the A12 is taking place as part of the Housing Infrastructure Fund (HIF) process. ECC is leading the HIF bid related to A12 improvements on behalf of the NEAs. Following on from the initial shortlisting for funding, ECC anticipates submission of the full feasibility work and business case justification to MHCLG in March 2019.</p> <p>In addition to the HIF process the NEAs are working closely with Highways England in planning route options for the A12 which take account of the proposed Colchester Braintree Borders Garden Community.</p>	ECC is continuing its work on the HIF bid which makes the case for grant funding to deliver A12 improvements that are conducive to the delivery of new housing at the proposed Colchester Braintree Borders Garden Community. The NEAs are working closely with ECC and the HIF bid team to ensure that route options are devised based on the needs of the Garden Community as well as the transport needs of the wider highways network. The HIF bid is still on track to meet its deadline for submission in March 2019.

		<p>As mentioned in previous correspondence, Highways England were planning on carrying out a non-statutory consultation on A12 route options during Autumn 2018. This consultation has now been postponed however the NEAs have received reassurances from Highways England that they are committed to carrying out non-statutory consultation on the route options for the A12.</p> <p>Whilst not directly relevant to the issues raised in your 8th June letter, the NEAs are also working with ECC in preparing a HIF bid to fund the proposed link road between the A120 and A133 at Tendring Colchester Borders Garden Community. An important part of this bid also relates to the funding of the proposed Rapid Transit System (RTS). This HIF bid is also on track for submission in March 2019.</p>
<p>Rapid transit system (RTS) (paras 38-43)</p>	<p>The NEAs will commission further feasibility work on the proposed North Essex RTS. This work will address the specific points raised in your 8th June letter at paragraphs 42 and 43, namely:</p> <ul style="list-style-type: none"> • determining which modal option is to be used and its capital cost implications; • establishing the feasibility and capital cost of its route(s) on the ground, including its alignment outside the Garden Communities themselves; • refining passenger and revenue forecasts; and 	<p>The further feasibility work on the proposed North Essex RTS continues with transport consultants exploring route opportunities and constraints along the North Essex growth corridor. Work is also underway on the patronage and commercial viability of a North Essex RTS and the NEAs are in constructive dialogue with a national bus operator to assist in this area.</p>

	<ul style="list-style-type: none"> establishing a timescale for its delivery in stages. <p>Additionally the work will identify the range of costs involved in delivering and providing the RTS, as well as the sources of funding and financing to meet these costs. The NEAs will ensure that potential operators are involved in the development of the RTS proposal.</p>	<p>Complementary work is also being carried out to explore how walking and cycling can be encouraged within the Garden Communities through the application of best practice from developments which have successfully achieved high rates of walking and cycling movements. The purpose of this work is provide further reassurance on the achievability of the NEAs' modal share targets.</p>
<p>Marks Tey railway station relocation (para 47)</p>	<p>The NEAs will engage with Network Rail and Greater Anglia to understand in more detail the implications of relocating Marks Tey railway station to a more central location in the Colchester Braintree Borders Garden Community. The outcome of this engagement will inform the NEAs' strategy in relation to public transport provision within and around the Garden Community, particularly in relation to the meeting of the modal share targets to which the NEAs are committed.</p>	<p>The NEAs have received an initial view from Network Rail on the implications of relocating Marks Tey railway station and also what improvements would be required at the existing station if it was designed to accommodate future growth. The NEAs have factored this initial information into their sustainable transport strategy (including the further work on the North Essex RTS) which will be refined once further information is received from Network Rail and Greater Anglia.</p>
<p>Assumed build-out rates (para 53)</p>	<p>NEGC Ltd and the NEAs will commission consultants to look at the assumed delivery rates of housing in the Garden Communities. This work will involve analysis of the demand side of delivery including market absorption rates, as well as the supply side including modern methods of construction.</p>	<p>The NEAs have received draft findings from work looking at build-out rates in the Garden Communities and are currently in the process of preparing a topic paper which will set out the findings from this study as well as findings from studies carried out</p>

		elsewhere, including the recently published Letwin Review ¹ .
Allocation of new builds between Local Planning Authorities (LPAs) (para 54)	The NEAs will agree how housing supply will be allocated amongst relevant LPAs in the event of a shortfall in planned delivery.	The NEAs are currently devising an equitable method of apportioning any potential shortfall in housing delivery at the Garden Communities between the relevant LPAs. This agreement will result in modification to Section 1 of the NEAs' Local Plans.
Viability evidence (paras 55, 64, 66-68, 72-73, 78-80, 83- 86)	NEGC Ltd and the NEA have undertaken significant financial viability work since the Examination hearing sessions took place. Updated evidence will address the concerns raised in your 8 th June letter including the approach to contingency, land purchase costs, affordable housing as well as updating the wider analysis of scheme costs and values.	The NEAs are in the process of preparing viability evidence which takes account of the wider evidence base (and any cost and value implications) to ensure consistency of approach. NEGC Ltd are carrying out viability work on the implications of developing the Garden Communities under the evolving locally-led New Town Development Corporation model.
State aid (para 70)	The NEAs will receive further advice on the potential concerns raised over state aid implications to the assumed interest rates within the financial viability evidence.	As previously mentioned the NEAs have received advice to ensure their approach to delivery is in compliance with restrictions on state aid. The NEAs will ensure that this advice is adhered to as the viability evidence evolves.

¹ *Independent Review of Build Out - Final Report*, Rt Hon Sir Oliver Letwin MP (October 2018)

<p>Employment forecasting and provision (paras 61, 140-142)</p>	<p>The NEAs will undertake further analysis to consider employment land and floorspace to ensure consistency across the evidence base.</p>	<p>The NEAs have agreed an approach to defining indicative floorspace figures for employment uses for inclusion in the site specific policies in Section 1. To ensure the figures provided are robust, the NEAs have commissioned economic consultants to assist with this work.</p>
<p>Infrastructure planning, phasing and delivery (paras 132-133, 144)</p>	<p>The NEAs will commission consultants to look into infrastructure planning, phasing and delivery at each of the Garden Communities. This work will provide further information on infrastructure requirements, cost benchmarking, site capacity analysis and scheme phasing.</p>	<p>The infrastructure planning, phasing and delivery work is ongoing and due to the nature of this work's drawing together of other areas of the evidence base, it will evolve in parallel with them.</p> <p>In respect of the Colchester Braintree Borders Garden Community, this piece of evidence will ensure that all A12 route options are properly planned for and taken account of in the final document.</p>
<p>Sustainability Appraisal (SA) (paras 119-129)</p>	<p>The NEAs will commission new consultants to carry out an additional SA of Section 1. The revised SA methodology will closely follow the recommendations contained in your 8th June letter.</p>	<p>The new SA consultants are engaging with the promoters of the 'Metro Town' development to understand what has been proposed. This information will be taken into account by the consultants as they carry out their Stage 1 site level assessments.</p> <p>The next stage of the SA will be to carry out the additional scoping consultation to ensure statutory consultee bodies and the participants to the Examination hearing sessions are given adequate opportunity to</p>

		comment on the SA methodology. Any subsequent amendments to the SA methodology will be reflected in the Stage 1 (site level) and Stage 2 (spatial strategy) assessments.
Habitats Regulations Assessment (HRA) (para 27)	The Section 1 HRA will be updated to take account of the recent European Court of Justice decision ² .	The NEAs have reviewed the legality of the HRA and are in the process of instructing the consultants to carry out the necessary amendments and additional work identified by recent environmental caselaw.
Delivery mechanisms (paras 85, 87-92)	The NEAs will provide an update to the Examination on the developments which have taken place in relation to the potential delivery mechanisms for the Garden Communities, including locally-led New Town Development Corporations.	The NEAs are in the process of preparing a topic paper which provides further information on the composition and function of potential delivery bodies to deliver the Garden Communities. In particular the topic paper draws together recent advances in the evolution of the locally-led New Town Development Corporations.

² *People Over Wind and Peter Sweetman v Coillte* (C-323/17)