

**North Essex Authorities**

Mr Roger Clews  
Planning Inspector  
Examination Office

**Sent by email**

4<sup>th</sup> January 2019

Dear Sir,

**Re: NEAs' December update on Local Plan progress**

1. Thank you for your letter of 10<sup>th</sup> December; we take note of your decision to pause the Examination until the NEAs' further work on the evidence base and Sustainability Appraisal is complete.
2. Further to your request for monthly updates we enclose the NEAs' December update on Local Plan progress for your information.
3. In addition to the updates provided, the NEAs have commenced a programme of engagement with landowners of potential sites in order to keep them updated.
4. Whilst we appreciate the nature of these monthly updates is to ensure you are kept informed of the NEAs' Local Plan progress, we would nevertheless appreciate any comments you may have on the content of the update. If you do have any comments then please get in touch via the Programme Officer and we will be pleased to respond to any queries.

Yours sincerely,

Emma Goodings – Braintree District Council

Karen Syrett – Colchester Borough Council

Gary Guiver – Tendring District Council

## NEAs' December Update

Issue identified in 8 <sup>th</sup> June letter (with paragraph number(s))	Summary of the NEAs' approach to addressing the identified issue	Update on progress
A120 improvements (para 37)	<p>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.</p>	<p>The constructive dialogue between ECC and DfT has resulted in ECC receiving a letter from DfT which provides 'in principle' support for ECC's favoured A120 route option (without prejudice to future decisions on successful RIS2 schemes). <b>This letter is annexed to this monthly update for your information.</b></p> <p>Additionally, technical work on ECC's approach to determining its favoured A120 route option has been signed off by Highways England through a Stage Gate Assessment Review (SGAR2) of the options evaluated. This review is part of Highways England's Product Control Framework (PCF) approach to major projects.</p>
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>	<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> <p>The NEAs have met with Highways England</p>

		<p>who have reiterated their commitment to consult on additional A12 route options as part of their planning for the road's improvement.</p> <p>As previously mentioned, 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 8<sup>th</sup> June letter at paragraphs 42 and 43, namely:</p> <ul style="list-style-type: none"> <li>• determining which modal option is to be used and its capital cost implications;</li> <li>• establishing the feasibility and capital cost of its route(s) on the ground, including its alignment outside the Garden Communities themselves;</li> <li>• refining passenger and revenue forecasts; and</li> <li>• establishing a timescale for its delivery in stages.</li> </ul> <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>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 public transport operator to assist in this area. The NEAs have now received a working draft of the North Essex RTS report.</p> <p>Complementary work continues to be 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 to provide further reassurance on the achievability of the NEAs' modal share targets. The NEAs have received draft interim reports related to this area.</p>

Marks Tey railway station relocation (para 47)	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.	The NEAs are working with Network Rail and Greater Anglia on the implications of relocating Marks Tey railway station as well as what improvements would be required at the existing station if it were to be designed to accommodate future growth. The NEAs are factoring this 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.
Assumed build-out rates (para 53)	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.	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 elsewhere, including the recently published Letwin Review <sup>1</sup> .
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 <sup>th</sup> June letter including the approach to contingency, land purchase costs, affordable housing as well as updating the	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.

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

	wider analysis of scheme costs and values.	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.	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 reviewed and updated as necessary as the viability evidence evolves.
Employment forecasting and provision (paras 61, 140-142)	The NEAs will undertake further analysis to consider employment land and floorspace to ensure consistency across the evidence base.	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.
Infrastructure planning, phasing and delivery (paras 132-133, 144)	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.	The infrastructure planning, phasing and delivery work continues 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.  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.
Sustainability Appraisal (SA) (paras 119-129)	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 8 <sup>th</sup> June letter.	The new SA consultants continue to engage with promoters of alternative strategic development options And this information is being taken into account as the consultants carry out their Stage 1 site level assessments.

		<p>The NEAs have now started the Additional SA's Method and Scoping consultation<sup>2</sup>, and statutory consultee bodies and participants to the Examination hearing sessions have been notified.. Any subsequent amendments to the SA methodology will be reflected in the Stage 1 (site level) and Stage 2 (spatial strategy) assessments.</p>
<p>Habitats Regulations Assessment (HRA) (para 27)</p>	<p>The Section 1 HRA will be updated to take account of the recent European Court of Justice decision<sup>3</sup>.</p>	<p>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.</p> <p>The NEAs have prepared a draft Recreation Avoidance and Mitigation Strategy (RAMS) and are currently considering how this ought to be incorporated into the HRA.</p>
<p>Delivery mechanisms (paras 85, 87-92)</p>	<p>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.</p>	<p>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.</p>

<sup>2</sup> [http://braintree-consult.limehouse.co.uk/portal/newlocalplan/s1samethod/ne\\_s1\\_sa\\_method](http://braintree-consult.limehouse.co.uk/portal/newlocalplan/s1samethod/ne_s1_sa_method)

<sup>3</sup> *People Over Wind and Peter Sweetman v Coillte* (C-323/17) and subsequent related cases.

**ANNEX: Letter from Department for Transport to Essex County Council regarding  
A120 improvement works**



## Department for Transport

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Your ref: gj/ht/dnes191118

Dear Andrew

Thank you for your letter of 19<sup>th</sup> November discussing progress on Essex County Council's work developing improvements for the A120. Having been involved in this work for several years, it is gratifying to see the project reach its most recent stage. I congratulate your team on the progress you have made so far.

In light of recent discussions relating to the North Essex Garden Communities, it may be helpful for me to take this opportunity to recap where this project currently stands in relation to the next Road Investment Strategy (RIS2).

The Communities would represent very significant levels housing growth over the medium to long term, in an area of housing need, which of course is a clearly stated aspiration by Government. The ambitious and innovative approach taken by Essex County Council, together with its partner Districts, represent an excellent example of cross-authority collaboration which is very welcome.

No investment decisions have yet been taken in relation to RIS2, and in formal terms no commitments can be made until the publication of the final RIS in 2019. These facts notwithstanding, the work carried out by Essex County Council means that in procedural terms the A120 scheme is more developed than most other proposals under consideration for RIS2, and is under active consideration for inclusion in RIS2.

The work carried out to date by the Council has been of a high standard, and more specifically has been judged by Highways England to be compliant with its Project Control Framework process. This means that we are now around a third of the way through the journey from the start of consideration to the point at which construction could begin. Both I and my counterpart in Highways England have been impressed by the quality of work so far.

I also note the strength of stakeholder support for dualling this section of the A120 throughout the surrounding area. There is a widespread political consensus at a local level in favour of prioritising this project ahead of other potential projects in the Essex area, including the two projects that the first road investment strategy proposed to investigate for potential inclusion in RIS2. I also note that the business case presented so far appears



competitive, and that the links with emerging housing plans create strong policy reasons for taking the proposal seriously.

We are not at a stage at which it is possible to talk about decisions or commitments in relation to RIS2; ahead of this point the most that I am able to say is that a proposal is competitive and will be seriously considered in the next RIS. Given the evidence presented so far, and the strong local consensus, I am certainly able to say this of the A120 (as I am for several competing proposals).

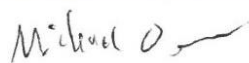
I am also conscious that the work carried out by your team suggests linking the A120 in to the A12 at a different point to the current road, in the section being rebuilt in the A12 Junctions 19-25 scheme. Detailed scheme design is primarily a matter for Highways England to decide; yet based on the work carried out to date I would support Highways England if they wished to design passive provision for a connection to the A120 into the A12 scheme, in line with your favoured option.

Any funding decisions in RIS2 (and future periods) are subject to available resources. As inclusion in RIS2 is in no way guaranteed, I appreciate the continued effort to examine other potential sources of funding. This broad-based approach maximises the chances of the scheme coming forward in the near future.

I understand that you are already in contact with my colleagues in Highways England about how to proceed with the development of the project. I am providing them with a copy of this letter for information. I am also providing a copy to the Garden Settlements team in MHCLG.

Yours

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**Michael Dnes**