

NORTH ESSEX AUTHORITIES
Shared Strategic (Section 1) Plan

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FURTHER HEARING SESSIONS, JANUARY 2020

INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

Please see the Inspector's Guidance Note for the further hearing sessions [IED020] for further information, and please note:

Apart from the North Essex Authorities [NEAs], there is no obligation on participants to prepare hearing statements. You should only do so if you have something to add to what you said in your original comments on the NEAs' technical consultation.

*If you do prepare a statement, please address **only** those questions relevant to your original comments. **Do not repeat anything that is in your original comments: just provide a reference to it.***

Please remember there is a 3,000-word limit per matter for hearing statements (excluding appendices, which should be kept to a minimum). This limit does not apply to the NEAs. Deadlines for statements are set out in the Inspector's Guidance Note.

The Inspector will determine the manner in which discussion takes place at the hearings.

| Tuesday 14 January 2020 | Morning session | 9.30 am – 12.30pm |
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| <p>Matter 1</p> <p>Habitats Regulations Assessment</p> <p><u>Issues</u></p> <p><i>Is the Habitats Regulations Assessment [HRA] Report dated July 2019 [EB/083] compliant with the requirements of the Conservation of Habitats and Species Regulations 2017 and any other relevant legislation and caselaw?</i></p> <p><i>Will the Section 1 Plan, with the NEAs' relevant suggested amendments, ensure that all the necessary mitigation measures will be implemented</i></p> | | |

effectively?

Questions

(In responding to the questions, would the NEAs and Natural England please address the specific criticisms of the HRA Report and the Plan contained in the comments made by Dr Gibson on behalf of Wivenhoe Town Council.)

Questions for the North Essex Authorities and Natural England

1. Should the HRA have taken account of the implications for European sites¹ of development beyond 2033 proposed in the Section 1 Plan?
2. Does the HRA properly identify the sensitive areas of the Colne Estuary in terms of nesting, roosting and feeding for qualifying bird species?
3. How would funding of the mitigation measures proposed in the *Essex Coast Recreational disturbance & Mitigation Strategy HRA Strategy Document* [the RAMS document] (July 2019) [EXD/050] be affected if only two or one of the proposed garden communities were to be found sound?

Questions for all participants, including the NEAs and Natural England

4. Does the HRA take adequate account of the implications for European sites of the Section 1 Plan in respect of:
 - (a) water use and waste water?
 - (b) powered paragliding?
 - (c) loss of feeding grounds at Tendring Colchester Borders GC for lapwings and golden plovers?
5. Would implementation of the mitigation measures proposed in the RAMS document [EXD/050] ensure that the Section 1 Plan (either alone or in combination with other plans or projects) would not adversely affect the integrity of any European site?
6. Would the policies of the Section 1 Plan (including if necessary the relevant amendments suggested by the NEAs) provide sufficient certainty that the necessary mitigation measures will be implemented in order to ensure that the Section 1 Plan (either alone or in combination with other plans or projects) would not adversely affect the integrity of any European site?

¹ The term "European sites" is defined in regulation 8 of the *Conservation of Habitats and Species Regulations 2017*. In the RAMS document, European sites are referred to as "Habitats Sites".

| Tuesday 14 January 2020 | Early afternoon session | 1.30pm – 3.15pm |
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| <p>Matter 2</p> <p>Employment provision for the proposed garden communities</p> <p><u>Issue</u></p> <p><i>Are the employment land requirements for the three proposed GCs, set out in the NEAs' suggested amendments to policies SP7, SP8, SP9 & SP10, supported by robust evidence, and are they consistent with the requirements of policy SP4?</i></p> <p><u>Questions for the North Essex Authorities</u></p> <ol style="list-style-type: none"> 1. What criteria were used to select the comparator locations identified on p55 of Cebr's <i>Economic Vision and Strategy for the North Essex Sub-Region</i> [EXD/052]? 2. (a) Were the employment figures for each GC shown in Table 4 of <i>Employment Provision for the North Essex Garden Communities</i> (August 2019) [EB/081] calculated in the following way: <p><u>Reference case:</u> The employment figure was assumed to be the same as the number of dwellings at each GC;</p> <p><u>Investment-led scenario:</u></p> <ol style="list-style-type: none"> (i) The population of each GC was calculated by multiplying the number of dwellings by the ONS household size figure (as per para 2.6 of EB/081); (ii) The population figure resulting from (i) was multiplied by 43.5/100 (para 2.4 of EB/081) to produce the employment figure? <p>(b) If not, what calculation method(s) were used?</p> 3. (a) Are the employment figures for the West of Braintree GC shown in Table 4 of EB/081 based on a cross-boundary GC, including an area within Uttlesford District? <p>(b) What would the figures be if they were based on the West of Braintree GC as proposed in the Section 1 Plan, with a maximum of 10,000 dwellings?</p> 4. How do the employment figures for the GCs shown in Table 4 of EB/081 relate to the annual jobs forecasts for the three NEAs set out in policy SP4, having regard to any differences in the methods by which they were arrived at? | | |

5. Are the employment land requirements of policies SP7, SP8, SP9 & SP10 part of, or additional to, the employment land requirements of policy SP4?

Questions for all participants, including the NEAs

6. Is there clear justification for selecting the comparator locations identified on p55 of EXD/052, rather than other comparator locations?
7. Is it reasonable to assume that, in the inward investment-led scenario, North Essex increases its employment-to-population ratio to that of the comparator regions by 2036 (para 2.4 of EB/081, p116 of EXD/052)?
8. Is the percentage mix of employment sectors shown in Table 2 of EB/081 justified, having regard to the sectoral GVA shares identified in EXD/052, pp125-127?

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| Tuesday 14 January 2020 | Late afternoon session | 3.45pm – 5.30pm |
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Matter 3

Housing need

Issue

Since the Inspector's supplementary post-hearings letter to the NEAs, has there been a meaningful change in the situation regarding housing need in North Essex?

Questions for all participants, including the NEAs

1. Is there evidence to demonstrate that there been a meaningful change since June 2018 in the situation regarding housing need in North Essex, particularly in respect of:
 - a) published population and household projections?
 - b) the impact of UPC on population and household projections, especially in Tendring District?
 - c) market signals and affordability?
2. If so, what are the implications for the assessment of housing need and for the housing requirements in the Section 1 Plan?

| Wednesday 15 January 2020 | Morning session | 9.30am – 1.00pm |
|---|-----------------|-----------------|
| <p>Matter 4</p> <p>Build Out Rates</p> <p><u>Issues:</u></p> <p><i>Does the NEAs’ document Build out rates in the Garden Communities (July 2019) [EB/082] provide clear evidence to support build-out rates of 300 dwellings per annum [dpa] at each of the proposed garden communities?</i></p> <p><i>Is there any new evidence, not available at the time of the original hearing sessions, that would justify a revision of the finding in my letter to the NEAs of 8 June 2018 [IED011] that: "... it [is] reasonable to assume that the planning approval process would allow housing delivery at any GC(s) to start within four or five years from the adoption date of the plan (or plan revision) which establishes the GC(s) in principle"?</i></p> <p><u>Questions for the North Essex Authorities and NEGC Ltd</u></p> <ol style="list-style-type: none"> 1. Would the NEAs and NEGC Ltd please respond to the critique of the Topic Paper <i>Build out rates in the Garden Communities</i> (July 2019) [EB/082] in: <ol style="list-style-type: none"> a) the <i>Review of NEA Build Out Rates Topic Paper</i> report (27 Sept 2019) prepared by Lichfields (Appendix A to Gladman’s consultation response)? b) representations from other participants? 2. Representations from a number of participants argue that lead-in times for the start of housing development at the proposed GCs would be longer than four or five years from the adoption date of the plan establishing their acceptability in principle. <ol style="list-style-type: none"> a) What are the NEAs’ and NEGC Ltd’s responses to those arguments? b) What is the NEAs’ and NEGC Ltd’s expected timescale for each key stage (including masterplan & DPD adoption, outline planning permission and reserved matters approvals) from the adoption of the Section 1 Plan to the start of development at each GC? <p><u>Questions for all participants, including the NEAs and NEGC Ltd</u></p> <ol style="list-style-type: none"> 1. Would participants like to comment on: | | |

- a) The Homes and Communities Agency's paper *Notes on Build out rates from Strategic Sites* (July 2013) submitted with the comments on EB/082 from GL Hearn on behalf of Andrewsfield New Settlement Consortium and Countryside Properties?
 - b) The Lichfields blogpost *Driving housing delivery from large sites: What factors affect the build out rates of large scale housing sites?* (29 October 2018) [EXD/057]?
 - c) The University of Glasgow report *Factors Affecting Housing Build-out Rates* (February 2008) appended to CAUSE's consultation response on EB/082?
- 2.
- a) How many outlets would be needed at each of the proposed GCs in order to deliver (i) 250dpa (ii) 300dpa (iii) 500dpa?
 - b) Is there evidence to show that the required numbers of outlets could successfully operate at each GC?

| Wednesday 15 January 2020 | Afternoon session | 2.00pm – 5.30pm |
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| <p>Matter 5</p> <p>Delivery mechanisms and State aid</p> <p><i>Delivery mechanisms</i></p> <p><u>Issues</u></p> <p><i>Does the Section 1 Plan provide an appropriate level of detail on the delivery mechanisms needed to ensure that its policy aspirations for the proposed garden communities are achieved?</i></p> <p><u>Questions for the North Essex Authorities and NEGC Ltd</u></p> <ol style="list-style-type: none"> 1. A number of participants argue that delivery of the proposed garden communities could be more effective if it were led by private-sector developers than by a public-sector body. Please respond to these arguments. 2. Is there justification for the proposed requirement in policy SP7 criterion (ii) for new models of delivery to be deployed where appropriate? 3. What is the evidence which supports the statements about the value of land acquired under compulsory purchase powers in: <ol style="list-style-type: none"> (a) paragraphs 12-15 of the NEAs' Position Statement on Delivery Mechanisms [EB/084]? (b) paragraphs 17, 18 & 43 of the Viability Evidence by Avison Young submitted with the comments of NEGC Ltd on the June 2019 Hyas Viability Assessment Update [EB/086]? 4. Would the NEAs and NEGC Ltd please respond to each of the points on the use of compulsory purchase powers made in CAUSE's <i>Land Acquisition Strategy</i> paper, submitted with CAUSE's comments on EB/084? <p><u>Questions for all participants, including the NEAs and NEGC Ltd</u></p> <ol style="list-style-type: none"> 5. (a) If the Section 1 Plan is neutral as regards who will be responsible for leading delivery of the proposed garden communities, how will the NEAs be able to ensure through their development management powers that any garden community proposal that comes forward meets all their policy aspirations for the garden communities? | | |

(b) In this regard, do any further amendments need to be made to policy SP7 paragraph 3 (beginning "The Councils will need to be confident ...") and/or to policy SP7 criterion (ii)?

(c) Should the Section 1 Plan instead specify that delivery of the proposed garden communities should be led by a public-sector local delivery vehicle, a Locally Led New Town Development Corporation, or a private-sector developer?

6. (a) Would the existence of a viable alternative master developer with control over land allocated for a garden community restrict the ability of the Secretary of State to confirm a CPO on that land (see paragraphs 8.10-8.11 of the consultation response to EB/084 from Carter Jonas on behalf of L&Q, Cirrus Land Ltd and Gateway 120)?

(b) If so, what are the implications for delivery of the garden communities in accordance with the NEAs' policy aspirations?

State aid

Issues

Does the NEAs' Position Statement on State Aid [EB/085] provide reassurance that there would be no breach of state aid rules with regard to:

- a) Infrastructure investment and associated borrowing?*
- b) Government investment?*
- c) Land acquisition?*

Taking state aid rules into account, is it realistic to expect that a rate of 6% would apply to borrowing for investment in the proposed garden communities?

Questions for the North Essex Authorities and NEGC Ltd

- 7. Would the NEAs and NEGC Ltd please respond to the critique of EB/085 in Mr O'Connell's paper *North Essex Garden Communities State Aid Considerations* (also submitted by CAUSE)?
- 8. What is the NEAs' and NEGC Ltd's response to Mr O'Connell's view that a real interest rate of 8%-12% would necessarily apply to debt incurred by the garden community development vehicles in the first 10 to 20 years of the garden community projects (pp8-10 of his paper)?

| Thursday 16 January 2020 | Morning & afternoon sessions | 9.30am – 1.00pm & 2.00pm – 5.30pm |
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| <p>Matter 6</p> <p>Transport and other infrastructure</p> <p><u>Issues</u></p> <p><i>Is there sufficient certainty over the provision of necessary infrastructure to demonstrate that the garden community proposals in the Section 1 Plan are deliverable?</i></p> <p><i>Has sufficient evidence been provided to demonstrate the viability and feasibility of the proposed Rapid Transit System [RTS]?</i></p> <p><i>Does the Section 1 Plan make sufficiently clear requirements about the provision, timing and phasing of necessary infrastructure, and are those requirements justified?</i></p> <p>Road funding and programming</p> <p><u>Questions for the NEAs and Highways England</u></p> <ol style="list-style-type: none"> 1. Has funding been secured for the A120 improvement scheme between Braintree and the A12 through the Department for Transport's RIS2 programme? <ol style="list-style-type: none"> (a) If so: <ol style="list-style-type: none"> (i) has a route for the scheme been approved? (ii) what is the programme for the scheme and when will it be completed? (b) If not, what are the consequences for the feasibility of the West of Braintree and Colchester Braintree Borders GCs? 2. Does the A120 improvement scheme above include the grade-separated A120 junction which is identified as requiring external funding in the <i>Additional Sustainability Appraisal</i> Appendix 4, p45 (<i>Confirmation of Site Proposals – NEAGC1</i>)? 3. (a) Does the funding that was committed under the DfT's RIS1 programme for the A12 Chelmsford to A120 widening scheme remain committed for the scheme? <ol style="list-style-type: none"> (b) If so, would the full costs of each of the route options shown in the Highways England consultation (Jan-Mar 2017) be covered by that committed funding? | | |

- (c) Is the proposed alignment of the A12 between Feering and Marks Tey in route options 2 and 4 of the Highways England consultation (Jan-Mar 2017) [EXD/066] the same as the alignment shown in Figure 15 of the AECOM *Infrastructure Planning, Phasing and Delivery* [IPPD] document [EB/088]?
4. (a) Is there still a possibility that funding will be secured through the Housing Investment Fund [HIF] for a more southerly realignment of the A12 in the Marks Tey area?
- (b) If so,
- (i) what is the proposed alignment for which HIF funding is sought?
- (ii) when will a decision on the HIF bid be made, and what would be the likely timescale for completion of the realignment scheme?
5. Funding has been secured through the HIF for a A120-A133 link road to the east of Colchester.
- (a) Would the full costs of each of the route options shown in the Essex County Council consultation (Nov-Dec 2019) [EXD/066] be covered by the HIF funding?
- (b) (i) Are any other highway improvements needed to cater for the traffic generated by the Tendring Colchester Borders GC?
- (ii) If so, how would they be funded?

Questions for all participants, including the NEAs

6. What are the consequences of the answers to 3 (a), (b) & (c) for the feasibility of the West of Braintree and Colchester Braintree Borders GCs?
7. What are the consequences of the answers to 4 (a) & (b) for the feasibility of the Colchester Braintree Borders GC?
8. What are the consequences of the answers to 5 (a) & (b) for the feasibility of the Tendring Colchester Borders GC?

Other infrastructure and phasing

Question for the NEAs

9. Item 5.1 in section 3 of the Gleeds *Infrastructure Order of Costs Estimate* [EB/087] is described as *132kv connection to Primary Substation from Colchester Grid Substation* and is estimated at £9.2M. Does that estimate include the cost of the primary substation itself, or just the connection to it?

Questions for all participants, including the NEAs

10. Do the Integrated Water Management Strategy [EB/015] and the AECOM IPPD document [EB/088] provide sufficient certainty that

adequate provision can be made for water supply and waste water treatment for the proposed GCs?

11. Is the approach to the phasing of infrastructure provision at the GCs, set out in the AECOM IPPD document, justified and appropriate?
12. Would an alternative approach to phasing be preferable, such as that set out in the *Infrastructure Delivery Plan* by Create, submitted with the response to EB/088 from Carter Jonas on behalf of L&Q, Cirrus Land & G120?
13.
 - (a) Are the Section 1 Plan's policies sufficiently clear about what infrastructure needs to be provided, and by when?
 - (b) Should the Plan's policies require funding for key infrastructure to be committed before planning permission is granted for any of the GCs?
 - (c) Should the Plan's policies link the phased provision of infrastructure to defined trigger points in the phasing of development at the GCs?

Rapid Transit System for North Essex

Questions for all participants, including the NEAs

[In responding to these questions, would the NEAs please address the criticisms of the document Rapid Transit System for North Essex: from Vision to Plan [EB/079] contained in participants' consultation responses, including the technical note by Walker Engineering appended to Mr O'Connell's response, and the Technical Note by RPS which forms Appendix 3 to the response from Turley on behalf of Parker Strategic Land.]

14. Are the capital costs for the proposed RTS set out in section 5.1 of the Vision to Plan document [EB/079] realistic?
15. Have sources for all the necessary capital funding for the RTS been identified?
16. Do sections 5.2, 5.3 and 5.4 of the Vision to Plan document provide reliable estimates of revenue, operating costs and commercial viability for the RTS?
17. Funding has been secured through the Housing Investment Fund [HIF] for a bus-based RTS serving the Tendring Colchester Borders GC.
 - (a) Which elements of the RTS scheme proposed in the Vision to Plan document would be covered by the HIF funding?

- (b) Would any additional funding be required to complete Route 1 of the RTS scheme as proposed in the Vision to Plan document?
- (c) If so, how would that additional funding be secured?
- 18. How would connecting public transport services within the proposed garden communities be funded?
- 19. Is the proposed phasing of the introduction of the RTS system
 - (a) realistic?
 - (b) consistent with the proposed timing of development at the garden communities?
- 20. Does the Vision to Plan document provide sufficient reassurance at this strategic stage of planning that it would be feasible in physical terms to construct the proposed RTS system?
- 21. What are the implications for the GCs of the proposal not to build Route 4, linking the Colchester and West of Braintree sub-systems, until after 2033?
- 22. The Vision to Plan document proposes a bus rapid transit system initially, potentially to be replaced beyond the Section 1 Plan period by trackless trams. Are these proposals justified and consistent with the Plan's aspirations for high-quality rapid transit networks and connections?

Mode Share Strategy

- 23. Are the refined mode share targets set out at Figures 7-1, 7-2 & 7-3 of the Mode Share Strategy document [EB/080] justified by the evidence contained and referenced in that document?
- 24. Should these (or other) mode share targets be included as requirements of the Section 1 Plan's policies?

| Tuesday 21 January 2020 | Morning & afternoon sessions | 9.30am – 1.00pm & 2.00pm – 5.30pm |
|--|------------------------------|-----------------------------------|
| <p>Viability technical seminar</p> <p><i>As well as the June 2019 Hyas Viability Assessment Update [VAU] [EB/086], viability appraisals and model-based analyses of one or more of the GCs have been submitted to the examination by six other respondents:</i></p> <ul style="list-style-type: none"> • GL Hearn on behalf of Andrewsfield New Settlement Consortium and Countryside Properties; • CAUSE; • Gerald Eve on behalf of Galliard Homes; • Savills on behalf of L&Q, Cirrus Land and G120; and • Avison Young on behalf of NEGC Ltd; • Mr M O'Connell. <p><i>To assist participants at the further hearing session on viability to understand and compare the viability appraisals, would each of these respondents please prepare a short paper for the viability technical seminar containing:</i></p> <ol style="list-style-type: none"> 1. A brief explanation of the methodology(ies) used in their appraisal(s), including in any model or software package employed (eg Argus Developer). 2. A list of all the input values* to their appraisal(s) which differ significantly from the corresponding input values to the relevant appraisal(s) in the Hyas June 2019 Viability Assessment Update [VAU] [EB/086]. <p><i>* "Input values" in this context means all the land use assumptions, development and infrastructure costs, development value and profit rate assumptions, contingency allowances, assumed finance rate(s), assumed inflation rate(s) and discount rate(s) (where applicable) and any other relevant assumptions.</i></p> <p><i>The input values to the Hyas June 2019 VAU appear in the Technical Appendices volume [EB/086 2/2], sections 1, 2 & 3 and the first three pages (headed Worksheets 1, 2 & 3) of sections 4, 5 & 6.</i></p> 3. An account of the approach they have taken to land value. For residual valuation appraisals, what benchmark land value (in £/acre) is assumed and what is the evidence base for it? For appraisals in which land value is an input, what is the input land value (in £/acre) and what is the evidence which supports that land value? <p><i>In dealing with points 1 & 3, it will be acceptable to provide references to the relevant paragraphs of documents already submitted, provided that those paragraphs give a full account of the information required.</i></p> | | |

Hyas are not required to deal with the above points, as their June 2019 VAU already covers them. However, would Hyas please prepare a paper giving a full account of their approach to calculating the Internal Rate of Return [IRR] for each GC, and addressing the criticism of their approach to IRR in section F (pp16-18) of Mr M O'Connell's paper North Essex Garden Communities Viability – West of Braintree, submitted with his response to EB/086.

Please email papers for the viability technical seminar to the Programme Officer to arrive by 5pm on Monday 16 December 2019 to be published on the examination website on Tuesday 17 December.

| Wednesday 22 January 2020 | Morning & afternoon sessions | 9.30am – 1.00pm & 2.00pm – 5.30pm |
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| <p>Matter 7</p> <p>Viability</p> <p><i>Please note that</i> references below to the June 2019 Hyas Viability Assessment Update [VAU] [EB/086] include the Supplementary Information to the VAU (November 2019) [EB/058].</p> <p><u>Issues</u></p> <p><i>Is there robust evidence to demonstrate that the proposed GCs are financially viable?</i></p> <p><u>Question for the North Essex Authorities</u></p> <ol style="list-style-type: none"> (a) Is the viability of the proposed West of Braintree GC dependent on it being delivered as a cross-boundary development of 12,500 dwellings jointly with the area within Uttlesford District? (b) If so, how can delivery of the Uttlesford part of the GC be secured through the Section 1 Plan? <p><u>Questions for all participants, including the NEAs</u></p> <ol style="list-style-type: none"> Is adequate provision made for the costs of infrastructure at the GCs in the 2019 Hyas VAU? Apart from housing delivery rates and infrastructure costs (to be discussed under Matters 5 & 6), a number of other changes have been made to the inputs to the 2019 Hyas VAU compared with the 2017 Hyas VA [EB/013], including: <ol style="list-style-type: none"> land-use and development breakdown | | |

- b) infrastructure costs
- c) build costs
- d) specific inclusion of flats in the development mix
- e) plot external costs
- f) sales values
- g) plot developer profit rate
- h) contingencies
- i) proportions of affordable rented and intermediate housing
- j) use of inflation rates

Are those changes justified?

4. Are sufficient contingency allowances built into the 2019 Hyas VAU?
5. Is 6%, as employed in the 2019 Hyas VAU, an appropriate rate for the cost of capital?
6. Accepting the assumption that land will be purchased two years before it is required for development, does the 2019 Hyas VAU correctly calculate interest on land purchase?
7. Is the assumption that land will be purchased two years before it is required for development a sound one to make?
8. In the 2019 Hyas VAU Grant scenarios:
 - (a) Is the value of the HIF funding accurately reflected in the adjustments made to the infrastructure costs, compared with the Reference scenarios?
 - (b) Is it safe to assume that the HIF funding will not have to be repaid to the government?
 - (c) What are the implications for the 2019 Hyas VAU of the reference to "recovery and recycling" of the HIF funding in the *Business Case - HIF/FF/000365/BC/01 - Tendring Colchester Borders Garden Community* [EXD/054], pp152-155?
9. Is CAUSE's critique of the 2019 Hyas VAU Inflation scenarios valid? (Section 10.0, pages 22-25 of CAUSE's *Consultation Response on EB086 Viability Assessment*.)
10. (a) Should the 2019 Hyas VAU have applied a benchmark land value to each of the GCs?
 (b) If so, what should the benchmark land value(s) be?
11. (a) Does any of the other viability appraisals submitted to the examination provide a more reliable assessment of the GCs' viability than the 2019 Hyas VAU?
 (b) If so, what are the key differences in the method(s) and inputs employed in that other appraisal which make it more reliable?

| Thursday 23 January 2020 | Morning & afternoon sessions | 9.30am – 1.00pm & 2.00pm – 5.30pm |
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| <p>Matter 8</p> <p>Sustainability Appraisal</p> <p><u>Issues</u></p> <p><i>Does the Additional Sustainability Appraisal [ASA] adequately address the shortcomings in the submitted SA that were identified in my post-hearing letter to the NEAs of 8 June 2018 [IED011]?</i></p> <p><i>Does the ASA justify the selection of the preferred spatial strategy option for the Section 1 Plan?</i></p> <p><u>Questions for all participants, including the NEAs</u></p> <p><i>[In responding to these questions, would the NEAs please address the specific criticisms of the Additional Sustainability Appraisal [ASA] [SD/001/b] contained in the participants' consultation responses, including those from JAM Consult Ltd on behalf of CAUSE, and from Lightwood Strategic on behalf of Monks Wood.]</i></p> <ol style="list-style-type: none"> 1) (a) Is there adequate justification for the threshold of approximately 2,000 dwellings (ASA Main Report para 2.52) which was applied when selecting the strategic sites to be appraised at Stage 1 of the ASA? (b) If not, what threshold should have been applied, and why? 2) Is the Stage 1 appraisal of alternative strategic sites based on sound and adequate evidence? 3) Has the Stage 1 appraisal of alternative strategic sites been carried out with appropriate objectivity and impartiality? 4) Does the ASA give clear and justified reasons (including in Appendix 6) for selecting the strategic sites that are taken forward from the Stage 1 to the Stage 2 appraisal, and for rejecting the alternative strategic sites? 5) In seeking to meet the residual housing need within the Plan period to 2033 (ASA Appendix 6, Principle 1), should the spatial strategy alternatives for the Stage 2 appraisal seek to provide land for: <ol style="list-style-type: none"> a) 7,500 dwellings; or b) 1,720 or 2,000 dwellings (the residual requirement identified in Appendix 6, Table 1); or c) another figure? | | |

- 6) (a) Is the allocation of residual housing need between West of Colchester and East of Colchester on a 2:1 ratio (ASA Appendix 6, Principle 3) justified by relative housing need and commuting patterns?

(b) If not, what alternative spatial allocation of residual housing need would be justified, and why?
- 7) (a) Is there adequate justification (including in Appendix 6) for the selection of spatial strategy options to be appraised at Stage 2 of the ASA?

(b) If not, what other spatial strategy option(s) should be assessed, and why?
- 8) Is there justification for basing the proportionate (hierarchy-based) growth spatial strategy options (West 2 and East 2) on different settlement hierarchies from those identified in the NEAs' Section 2 Plans?
- 9) Is the Stage 2 appraisal of spatial strategy options based on sound and adequate evidence?
- 10) Has the Stage 2 appraisal of spatial strategy options been carried out with appropriate objectivity and impartiality?
- 11) Does the Stage 2 appraisal adequately and appropriately evaluate the spatial strategy options at both the end of the Section 1 Plan period and as fully built-out?
- 12) Does the ASA give adequate and appropriate consideration to:
 - (a) effects of overflying aircraft to and from Stansted airport?
 - (b) impacts on operations at Andrewsfield airfield?
 - (c) impacts on heritage assets?
 - (d) impacts on water quality?
 - (e) impacts on air quality?
- 13) Does the ASA give clear and justified reasons (including in the Main Report Conclusion and in Appendix 8) for selecting the preferred spatial strategy option and for rejecting the alternatives?
- 14) Does the ASA provide all the information required by Schedule 2 of the *Environmental Assessment of Plans and Programmes Regulations 2004* (as amended), including identifying:
 - (a) cumulative effects on the environment; and
 - (b) measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment?

| Thursday 30 January 2020 | Morning & afternoon sessions | 9.30am – 1.00pm & 2.00pm – 5.30pm |
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| <p>Matter 9</p> <p>Suggested amendments to the Section 1 Plan [EB/091]</p> <p><i>Apart from the North Essex Authorities, I am not inviting statements from participants for this further hearing session, as I have sufficient information from the comments made by participants in response to the NEAs' technical consultation.</i></p> <p>Please would the NEAs prepare a statement responding to the comments made in response to consultation on their suggested amendments to the Section 1 Plan. The NEAs' statement should be submitted to the Programme Officer by 5pm on Monday 16 December 2019, for publication on the website on Tuesday 17 December.</p> <p>Would the NEAs also please advise in their statement if they consider that the proposed changes to their suggested amendments, proposed by the agencies listed below, are justified:</p> <ul style="list-style-type: none"> • Anglian Water (policies SP6, SP7, SP8, SP98, SP10, paras 6.1, 6.24) • Essex Wildlife Trust (policies SP6, SP7, SP8, S10) • Environment Agency (policies SP5, SP6, SP7, SP8, SP98, SP10, paras 1.26, 2.4, 6.24) • Natural England (policy SP1B) <p><i>Discussion at the hearing session will focus on whether or not the NEAs' suggested amendments, and/or any other changes to the Plan, are necessary in order to ensure that the Plan is sound and legally-compliant. It will take into account any relevant discussions of the Plan's policies that take place at the earlier hearing sessions.</i></p> | | |

Written statement from the North Essex Authorities on community engagement with the Section 1 Plan

Concerns were raised in the consultation responses about the NEAs' approach to community engagement in the process of preparing and consulting on the Plan (see also paragraph 30 of my Guidance Note). I do not propose to discuss community engagement during the hearing sessions, as the issues are sufficiently clear from the responses I have read. However, I would like to give the NEAs an opportunity to respond to the concerns raised.

Please would the NEAs prepare a statement responding to the concerns about community engagement raised in the consultation Responses, to be submitted to the Programme Officer **by 5pm on Monday 16 December 2019.**