

**North Essex Authorities**

Mr Roger Clews  
Inspector  
Examination Office

**Sent by email****19 October 2018**

Dear Mr Clews

**Re: Examination of the Strategic Section 1 Plan**

1. We write on behalf of the North Essex Authorities (**NEAs**). This letter sets out the NEAs views on the way in which they wish to take forward the Examination of the Strategic Section 1 Plan (the **Plan**).

**Agreed approach**

2. As you will appreciate, the NEAs have reviewed your letter in detail. They have analysed the additional evidence that you indicate will be required in order to demonstrate the Plan to be sound. Over the last three months, officers and consultants have scrutinised the existing evidence base in the light of your comments. They believe that the evidence to demonstrate that the Strategic Section 1 Local Plan is sound is either already available and/or can be prepared.
3. Accordingly, the NEAs will continue to work co-operatively with each other to bring forward a sound Strategic Section 1 Plan. They will ensure that the Plan, and the evidence base to support it, are progressed with strong evidence of constructive engagement and involvement with local communities throughout the plan, and acceptance derived locally.
4. The NEAs remain committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities area. The NEAs will provide the further evidence identified in your letter of 8 June. In particular, this will include evidence on:
  - (a) the availability of funding for the necessary strategic infrastructure;
  - (b) the financial viability of the proposed communities;
  - (c) the environmental effects of the proposed strategy, including transport issues; and
  - (d) employment provision within the communities (and elsewhere) to ensure housing growth is matched with economic growth.

The evidence will be expanded to incorporate, if appropriate, any new sites derived from the SA. A full list of the additional evidence that is being prepared is included in the proposed work programme (see below – the **Evidence Base**).

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- 4.1 The NEAs have agreed that:
- (a) the Sustainability Appraisal (**SA**) will be reviewed and will consider, in full, any "realistic alternatives" at a range of different sizes and locations;
  - (b) both the updated Evidence Base and the SA, and the Local Plan strategy, will be reviewed by the NEAs Local Plan Committees before any further public consultation.
5. The NEAs commitment to Garden Communities assumes and is dependent on funding for the necessary strategic infrastructure being confirmed. The NEAs accept that if the necessary strategic infrastructure for the garden communities is not committed within a reasonable period of time this will trigger a review of the Plan to manage the consequential shortfall in housing delivery in a way that does not overburden the infrastructure of existing communities/settlements. It is proposed that the Strategic Section 1 Local Plan will be revised to reflect this requirement. Any such triggered review would also require a review of Section 2 to ensure there remains a five year land supply.
6. The NEAs have noted your concerns regarding the simultaneous bringing forward of three garden communities of the scale proposed. The updated evidence base will show that any Colchester Braintree Borders Garden Community will be delivered later in the plan period than previously proposed. The timetable for any other communities that are found to be sustainable and viable will also be reviewed to ensure that they are realistic and deliverable.

### **The Evidence Base work programme**

7. A proposed work programme has been produced. This identifies the additional Evidence Base material that we believe is required, and the timetable for doing so. As you will see, it anticipates that the evidence will all be available by December 2018.
8. You suggested that you would assist by helping the NEAs to define the scope of any revised evidence base, subject to you satisfying yourself that you are not at risk of being perceived to be predetermining any matter, we would welcome your comments on our proposals and your recommendations for any additional evidence that you believe may be required. In the interim, the NEAs intend to progress this work on the basis of the enclosed proposed work programme.

### **Sustainability Appraisal**

9. The NEAs have commissioned Land Use Consultants (LUC) to carry out further SA work on the Strategic Section 1 Local Plan. LUC are independent of the NEAs and are one of the leading authorities on sustainability appraisal work. They have not previously been involved in any sustainability appraisal work of the Strategic Section 1 but did do some work for all three authorities on the HRA and Braintree DC on their SA for Section 2. We do not believe this causes any conflicts of interest.

10. In the light of your conclusions on the SA (paragraphs 119-129) and in response to a request from the NEAs, LUC have proposed a scope for the proposed SA work designed to address the concerns raised in relation to the earlier SA work. A copy of the scope of work is attached (Section 1 Additional SA Method Scoping Statement).
11. As indicated above, the NEAs have re-examined the Evidence Base for the three garden communities' proposals identified in the submitted version of the Plan and believe that it will provide a sound basis on which to score them, alternative sites and the spatial strategies, against appropriate SA objectives (paragraph 122). The NEAs will also be carrying out a further review to ensure that all the Section 1 material remains up-to-date and relevant.
12. As you will see from the Section 1 Additional SA Method Scoping Statement, the necessary "realistic alternatives", will be considered as part of the SA process including Monks Wood, CAUSE's Metro Town proposal, growth at and around the existing settlements in the form of urban extensions and proportionate growth (your paragraph 125). One of the first steps will be for LUC to engage with CAUSE, Lightwood and other relevant promoters to ensure that LUC have a clear understanding of the proposals that will be considered as alternatives within the SA process.
13. The SA will also consider one, two, or more garden communities including all the alternative Garden Communities that were proposed in the earlier stages linked to the call for sites and different combinations of the potential garden community options (your paragraph 125). The SA work will allow for any new sites identified through the engagement on the scope of the work to be assessed as part of the SA.
14. As required, the proposed Local Plan policies, and the realistic alternatives, will each be assessed objectively and with due regard to the Evidence Base. That will provide a sound basis for understanding the strategic environmental effects of the strategic options for Section 1. In light of that revised appraisal, and the updated Evidence Base, the NEAs will be able to decide whether they wish to pursue or amend the Plan strategy.
15. We would welcome your views on the scope and programme for the proposed SA. The duty on the NEAs to carry out a SA is a matter of procedural compliance rather than one of soundness (unlike the Evidence Base). Since you identified deficiencies in the SA work to date we consider that it is appropriate for you to comment on the scope of the SA work without that being seen to pre-determine your conclusions.
16. Accordingly the NEAs seek your confirmation of the scope and programme for the proposed SA.

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## Overall programme

17. The LUC programme assumes that the updated SA will be available in January 2019, having engaged with a variety of participants. The NEAs anticipate that the updated Evidence Base and the SA will be considered by the Councils in January/ February 2019 informing any changes to the Plan. If approved, they will be published for formal consultation, with that consultation closing in late March 2019. The NEAs will collate the consultation responses to the SA work to submit to you but also use them to consider any further necessary changes to the Plan. If changes are required these will be identified prior to the Examination. This will form part of the evidence of strong constructive engagement with local communities and meaningful public consultation.
18. The NEAs intend publishing suggested amendments to the Strategic Section 1 Local Plan alongside the updated Evidence Base and SA. The proposed changes to the Plan will reflect those identified and discussed at the Examination (where consistent with the further Evidence Base). The purpose of publishing these is to ensure that all participants are fully aware of suggested changes the NEAs have proposed previously. You will be already aware of these proposed changes.
19. Since the NEAs will be publishing proposed changes, it would be helpful to have your interim views on those that have already been identified. If there are additional modifications that you believe to be required then it would also help the public if they were available.
20. The NEAs anticipate that, as the Evidence base and SA are developed, there will be additional proposed changes. In particular we will look at timescales for the delivery and the staggering of start dates, but on the basis of the evidence review to date, the trajectory for the delivery of any proposal for Colchester Braintree Borders Garden Community will change and would be later in the Plan period.
21. The NEAs propose that the Local Plan Examination be suspended until the last of the NEAs have considered and approved the updated Evidence Base and the SA and confirmed their position on the Strategic Section 1 Local Plan strategy. This is likely to be February 2019. At that point the Examination process would restart with the publication of the material, and the proposed changes to the Local Plan for public consultation.
22. If the consequence of the evidence base work and the SA is to require alterations to the strategy and further public consultation or further evidence base work there may be a delay to the timetable. It will be necessary to continue to review progress of work against the work programme. The NEAs propose a monthly report to you that either confirms that work is continuing on programme or that there have been delays and any necessary adjustments to the timetable.

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23. Once the consultation period has ended the responses will be collated for you and the Examination hearing dates fixed. If the material is provided to you in March 2019 then we assume that the Examination could sit after the local elections, perhaps in June 2019.

### **Examination process**

24. As you will see from the work programme a significant body of additional evidence is being prepared. This will include detailed viability analysis. We understand that both NEGC Ltd and the promoters of the garden communities will also be submitting viability analysis. We assume that objectors will continue to review and critique the evidence. We appreciate that the Strategic Section 1 Local Plan will continue to be examined under the March 2012 NPPF and the latest updates to the NPPG on issues such as transport infrastructure and viability are not directly relevant. However, we also note that the recent revisions to the NPPG\*, clearly give an indication of the level of analysis, in both areas, which the Government now requires. We hope our assessment that the revised plan will operate under the 2012 NPPF matches your understanding and we would appreciate any clarity you can offer on this point.
25. In response to your comments, and the comments made by others, the level of viability analysis (in particular) will be lengthy and detailed. The NEAs would welcome a discussion about how best to programme and manage that element of the Examination so that the NEAs and promoters have a full opportunity to respond, both in writing and orally, to any issues raised. It may be appropriate to allow for objectors' statements to be followed by responses by the NEAs or, alternatively, an opportunity for written responses by both parties to Examination statements.

### **Adoption of Section 1**

26. In paragraphs 146-148 you commented on the NEAs' ability to adopt Section 1 independent of the three Section 2 Plans. The NEAs have obtained and now provide a copy of the Legal Opinion on this issue. As you will see, Leading Counsel has advised that Section 1 could be adopted independently.
27. The NEAs do not seek any further comment on this issue. A decision about whether or not to adopt Section 1 separately will be taken if, following further Examination, that element of the Plan is found to be sound. The NEAs will each be reviewing their Section 2s in light of the further Evidence Base and additional SA work, and reviewing the Section 2 evidence base to ensure that this remains up-to-date and relevant.

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## Summary

28. The NEAs seek your confirmation of:
- (a) their approach to the proposed programme for the preparation of the updated Evidence Base and the procedure for monitoring;
  - (b) the scope of, and programme for, the additional SA work; and
  - (c) the proposed period of suspension of the Examination to February 2019.
29. The NEAs would welcome any comments that you have on the NEAs proposed changes to the Strategic Part 1 Local Plan.
30. Once the programme for the preparation of the updated Evidence Base and SA work is agreed, the NEAs will each be updating their Local Development Schemes to reflect that revised programme.

Yours sincerely

Emma Goodings  
Braintree District Council

Karen Syrett  
Colchester Borough Council

Gary Guiver  
Tendring District Council

### Enclosures:

Section 1 Additional SA Method Scoping Statement – LUC  
Summary of NEAs ongoing Evidence Base work  
Counsel's opinion on the separate adoption of Section 1 and Section 2

*\*paragraph 55 of the NPPG states "Where plans are looking to plan for longer term growth through new settlements, or significant extensions to existing villages and towns, it is recognised that there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. In these circumstances strategic policy-making authorities will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged."*



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# **North Essex Local Plan Section 1 Additional Sustainability Appraisal**

## **Method Scoping Statement**

Prepared by LUC  
October 2018

**Tender title:** North Essex Local Plan Section 1 Additional Sustainability Appraisal

**Client:** North Essex Authorities

Version	Date	Version Details	Prepared by	Checked by	Approved by
1.0	27 July 2018	Draft for client review	Jeremy Owen Jon Pearson	Jon Pearson Jeremy Owen	Jeremy Owen
2.0	10 August 2018	Revised for client comments on draft	Jeremy Owen Jon Pearson	Jon Pearson Jeremy Owen	Jeremy Owen
3.0	23 August 2018	Revised for Braintree DC comments received after v2 and to reflect steering group tele-conference of 22 August	Jeremy Owen Jon Pearson	Jon Pearson Jeremy Owen	Jeremy Owen
4.0	10 September 2018	Response to client comments received 6/9/18 on v3	Jeremy Owen Jon Pearson	Jon Pearson Jeremy Owen	Jeremy Owen
5.0	13 September 2018	Response to client comments received 12/9/18 on v4	Jeremy Owen Jon Pearson	Jon Pearson Jeremy Owen	Jeremy Owen
6.0	28 September 2018	Incorporating NEA's revised table of strategic sites to be subject to SA	Jeremy Owen Jon Pearson	Jon Pearson Jeremy Owen	Jeremy Owen
7.0	8 October 2018	Added missing areas for some strategic sites; added explanation of approach to assessing different housing capacity options for a single site	Jeremy Owen Jon Pearson	Jon Pearson Jeremy Owen	Jeremy Owen





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# North Essex Local Plan Section 1 Additional Sustainability Appraisal

## Method Scoping Statement

Prepared by LUC  
October 2018

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# 1 Introduction

- 1.1 The North Essex Authorities – Braintree District Council (BDC), Colchester Borough Council (CBC), and Tendring District Council (TDC) – have commissioned LUC to carry out additional Sustainability Appraisal (SA) work in response to the Inspector’s concerns<sup>1</sup> regarding the SA work undertaken to date with respect to Section 1 of the shared Publication Draft Local Plan (hereafter, ‘the Plan’). This document sets out LUC’s proposed approach to the additional SA work.

## The need for additional SA work

- 1.2 The Inspector’s concerns regarding the SA<sup>2</sup> are with respect to three main ‘shortcomings’:
- **Objectivity of the SA:** the Inspector has identified potential inconsistencies in the scoring of the alternative spatial strategies, and the use of evidence underpinning the SA scores, stating that *“the authors of the SA report have generally made optimistic assumptions about the benefits of the GCs [Garden Communities], and correspondingly negative assumptions about the alternatives, without evidence to support many of those assumptions. As a result these assessments lack the necessary degree of objectivity and are therefore unreliable”*.
  - **Clarity of the alternatives and reasons for selection:** the Inspector raised concerns regarding the difficulty of understanding the descriptions of the Garden Community options, the rationale for choosing particular alternatives, and the assumptions underpinning the rejection of the reasonable alternatives, including providing significant numbers of dwellings at or around existing settlements.
  - **Selection of the Garden Communities and combinations for assessment:** the Inspector identified some confusion with respect to the basis upon which Monks Wood was assessed as a Garden Community option, and questioned the conclusions of the SA with respect to different scales of growth at this location. Similarly, the Inspector challenged the rationale behind the combinations of alternatives and the reasons for selecting the preferred combination and rejecting others. The Inspector is of the view that equivalent assessments of the combinations were not comprehensive.
- 1.3 The Inspector also draws attention to issues regarding the minimum size threshold of the Garden Communities assessed in the SA, but concludes that the SA provided adequate reasons for a 5,000 dwelling threshold.
- 1.4 The Inspector concluded that:
- “It has not been demonstrated that the chosen spatial strategy is the most appropriate one when considered against the reasonable alternatives, as the tests of soundness require”*.
- 1.5 He suggests that the following two stages of SA work will be required to rectify the shortcomings:
- (1) Carry out an objective comparison of individual Garden Community site options at a range of different sizes. In particular, if Monks Wood is to be included as an option, to assess it on the basis of both 7,000 dwellings (as now favoured by Lightwood) and 5,000 dwellings (as per the AECOM report), and to take into account the effects of over-flying aircraft and the impacts on Andrewsfield airfield of the West of Braintree Garden Community option. This stage of work will enable adequate reasons for taking forward or rejecting each of the Garden Community options.

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<sup>1</sup> Set out in his letter to the North Essex Authorities dated 8 June 2018

<sup>2</sup> Place Services (June 2017) North Essex Authorities Strategic Section One for Local Plans: Draft Publication (Regulation 19) Sustainability Appraisal (SA)

(2) Assess alternative spatial strategies for the Plan area, using a clear rationale of the alternative spatial strategies and descriptions of them. As a minimum the spatial strategy alternatives should include proportionate growth at and around existing settlements, CAUSE's Metro Town proposal, and one, two or more Garden Communities, depending on the outcomes of the first stage assessment.

1.6 Prior to embarking on the additional SA work, the Inspector recommends that the North Essex Authorities re-examine the evidence base for any Garden Community proposals they wish to assess, especially with regard to viability, the provision of transport infrastructure and employment opportunities. This is to ensure that they have a sound basis on which to score them against the SA objectives. The Inspector recommends that there should be liaison with CAUSE to ensure that their Metro Town proposal is fully understood and assessed appropriately, and similar liaison with the promoters of the Garden Community site options where necessary.

1.7 The Inspector goes on to state that, for the spatial strategy alternatives:

- Explicit assumptions should be made about the amount of development each option would involve, both at Garden Communities and elsewhere, and the broad locations for that development.
- For the options involving Garden Communities, each of the individual site options that survive the first-stage assessment, and each feasible combination of those surviving site options, should be assessed.
- Options including one or two Garden Communities should also include appropriate corresponding levels of proportionate growth at existing settlements.

1.8 The Inspector concluded that, providing that the alternative spatial strategies are assessed objectively and with due regard to the evidence base, the second stage assessment should provide a sound basis for the selection of a preferred spatial strategy for the Plan (which may or may not include Garden Communities).

1.9 The Inspector makes it clear that it would be advisable if he were to agree the proposals for the SA before work is begun. We therefore recommend that the North Essex Authorities send a copy of this method statement to the Inspector.

## 2 Proposed approach

### Scope of the additional SA

- 2.1 As outlined in Chapter 1 above, the Inspector's concerns relate to the assessment of alternative Garden Communities and of alternative spatial strategies including non-Garden Communities options. The additional SA work will therefore be limited to addressing these concerns and as such will form an addendum to, and will need to be read in conjunction with, the SA (June 2017) of the Plan as a whole.
- 2.2 For the avoidance of doubt, the additional SA work will replace all or parts of the following sections of the SA (June 2017) of Plan as appropriate:
- Chapter 4, Section 4.5: Developing a Common Framework for Assessing Options: Garden Communities (pp 60-66).
  - Chapter 5, Section 5.5: Appraisal of Policy SP2 Spatial Strategy for North Essex including reasonable alternatives (pp 76-84).
  - Chapter 7, Section 7.3: Key Points from the Assessment of the Garden Community (GC) Options, Section 7.4: Key Points from the Cumulative Assessment of the Allocated Garden Communities, and Section 7.5: Recommendations, including those taken on board throughout the SA process (pp 156-163).
  - Appendix 1: Appraisal of the Garden Community options and alternative permutations (pp 169-244).
  - A non-technical summary of the above
- 2.3 It is possible that other parts of the SA (June 2017) report will need to be updated in light of the findings of the additional SA work, but this is not known at this stage.

### Proposed method

- 2.4 LUC's approach reflects the recommended approach put forward by the Inspector. .
- 2.5 An estimated timetable for the proposed programme of work is provided at the end of the methodology section. The SA work detailed in this statement is expected to be completed January 2019. This indicative timetable will need to be revisited once the methodology has been considered by the Inspector.

#### **Task 1: Inception meeting**

- 2.6 A meeting was held with the North Essex Authorities on 17<sup>th</sup> July 2018 to introduce the LUC team, and to ensure expectations on both sides are clearly understood from the outset and discuss further details of the additional SA work. This meeting provided an opportunity to:
- Discuss the background to the additional SA work to ensure that it is clearly understood.
  - Reflect upon the SA process undertaken to date, and any lessons learned.
  - Discuss the evidence sources that are available.
  - Discuss the nature of the spatial strategy options requiring appraisal, including work awaited from consultants on reasonable options for each of the proposed Garden Communities and whether urban extensions need to be considered as a separate option.
  - Agree any changes to our proposed method if necessary.
  - Discuss stakeholder and public consultation arrangements.

- Confirm the project programme and initial deadlines and discuss risks to the timetable, including what inputs to the SA and when are required from other pieces of evidence.
- Confirm project management, contractual and invoicing arrangements.

2.1 This method statement reflects the outcomes of that meeting and subsequent discussion with the North Essex Authorities.

**Output from Task 1:** Inception meeting note and project programme.

**Input required from NEA officers:** Attendance at inception meeting and provision of meeting room.

### Task 2: Draft method statement and assessment criteria

2.2 The SA work undertaken to date includes an SA Framework (Table 5 of the June 2017 SA Report) that sets out 15 SA objectives and associated criteria as follows:

**Table 2.1: SA Framework**

SA objective	SA Criteria
1. Create safe environments which improve quality of life, community cohesion	<ul style="list-style-type: none"> <li>• Does it seek to improve / supply community facilities for young people?</li> <li>• Does it seek to increase cultural activities or suitable development to stimulate them?</li> <li>• Does it seek to support cultural identity and social inclusion?</li> <li>• Will there be measures to increase the safety and security of new development and public realm?</li> </ul>
2. To ensure that everyone has the opportunity to live in a decent, safe home which meets their needs at a price they can afford	<ul style="list-style-type: none"> <li>• Will it increase the range and affordability of housing to support the growing population and for all social groups?</li> <li>• Does it respond to the needs of an ageing population?</li> <li>• Does it seek to provide appropriate rural affordable housing?</li> <li>• Will it deliver well designed and sustainable housing?</li> <li>• Will it contribute to meeting Gypsy and Traveller pitch requirements of the GTAA?</li> </ul>
3. Improve health/reduce health inequalities	<ul style="list-style-type: none"> <li>• Will it ensure access to health facilities?</li> <li>• Will it ensure access to sport and recreation facilities, open space and accessible green space?</li> <li>• Will it encourage access by walking or cycling?</li> </ul>
4. To ensure and improve the vitality & viability of centres	<ul style="list-style-type: none"> <li>• Does it seek to prevent loss of retail and other services in rural areas?</li> <li>• Does it promote and enhance the viability of existing centres by focusing development in such centres?</li> <li>• Does it seek to locate development in close proximity to town centres?</li> <li>• Does it seek to located development within easy public travelling distance to town centres?</li> <li>• Does it seek to improve public transport networks to town centres?</li> </ul>
5. To achieve a	<ul style="list-style-type: none"> <li>• Will it improve the delivery of a range of employment</li> </ul>

SA objective	SA Criteria
<p>prosperous and sustainable economy that creates new jobs, improves the vitality and viability of centres and captures the economic benefits of international gateways</p>	<p>opportunities to support the growing population?</p> <ul style="list-style-type: none"> <li>• Will it tackle employment associated deprivation?</li> <li>• Will it enhance the area's potential for tourism?</li> <li>• Will it promote development of the ports?</li> <li>• Will it encourage the rural economy and diversification of it?</li> <li>• Will it support business innovation, diversification, entrepreneurship and changing economies?</li> <li>• Does it seek to improve existing training and learning facilities and/or create more facilities?</li> <li>• Will the employment opportunities available be mixed to suit a varied employment skills base?</li> </ul>
<p>6. To value, conserve and enhance the natural environment, natural resources, biodiversity and geological diversity</p>	<ul style="list-style-type: none"> <li>• Will development have a potential impact on a national, international or European designated site (SPA, SAC, Ramsar, SSSI)?</li> <li>• Will it maintain and enhance sites otherwise designated for their nature conservation interest?</li> <li>• Will it conserve and enhance natural/semi natural habitats?</li> <li>• Will it conserve and enhance species diversity, and in particular avoid harm to indigenous BAP priority species?</li> </ul>
<p>7. To achieve more sustainable travel behaviour, reduce the need to travel and reduce congestion</p>	<ul style="list-style-type: none"> <li>• Will it increase and/or improve the availability and usability of sustainable transport modes?</li> <li>• Will it seek to encourage people to use alternative modes of transportation other than private vehicle?</li> <li>• Will it lead to the integration of transport modes?</li> <li>• Will it improve rural public transport?</li> <li>• Does it seek to increase the uptake or viability of walking and cycling as methods of transportation, through new infrastructure or integration?</li> </ul>
<p>8. To promote accessibility, ensure that development is located sustainably and makes efficient use of land, and ensure the necessary infrastructure to support new development</p>	<ul style="list-style-type: none"> <li>• Will it contribute positively to reduce social exclusion by ensuring access to jobs, shopping, services and leisure facilities for all?</li> <li>• Does it seek to concentrate development and facilities where access via sustainable travel is greatest?</li> <li>• Does it seek to minimise congestion at key destinations / areas that witness a large amount of vehicle movements at peak times?</li> <li>• Would the scale of development require significant supporting transport infrastructure in an area of identified need?</li> <li>• Will it ensure adequate school places (through expansion / new facilities) and early years provision to support growth?</li> <li>• Will it ensure the required improvements to utilities infrastructure?</li> <li>• Will it ensure the required improvements in capacity to GP</li> </ul>

SA objective	SA Criteria
	<p>services?</p> <ul style="list-style-type: none"> <li>• Will it provide a suitable amount of sports, recreational, leisure and open space facilities?</li> </ul>
<p>9. To conserve and enhance historic and cultural heritage and assets and townscape character?</p>	<ul style="list-style-type: none"> <li>• Will it protect and enhance designations, features and areas of historical, archaeological and cultural value in both urban and rural areas?</li> <li>• Will it have a negative impact on the significance of a designated historic environment asset or its setting?</li> <li>• Does it seek to enhance the range and quality of the public realm and open spaces?</li> <li>• Will it reduce the amount of derelict, degraded and underused land?</li> <li>• Does it encourage the use of high quality design principles to respect local character?</li> <li>• Will / can any perceived adverse impacts be reduced through adequate mitigation?</li> </ul>
<p>10. To make efficient use of energy and reduce contributions to climatic change through mitigation and adaptation.</p>	<ul style="list-style-type: none"> <li>• Will it reduce emissions of greenhouse gases by reducing energy consumption?</li> <li>• Will it lead to an increased generation of energy from renewable sources?</li> <li>• Will it encourage greater energy efficiency?</li> <li>• Will it improve the efficient use of natural resources, minimising waste and promoting recycling?</li> </ul>
<p>11. To improve water quality and address water scarcity and sewerage capacity</p>	<ul style="list-style-type: none"> <li>• Will it lead to no deterioration on the quality of water bodies?</li> <li>• Will water resources and sewerage capacity be able to accommodate growth?</li> </ul>
<p>12. To reduce the risk of fluvial, coastal and surface water flooding</p>	<ul style="list-style-type: none"> <li>• Does it promote the inclusion of Sustainable Drainage Systems (SuDS) in new developments and will their integration be viable?</li> <li>• Does it seek to avoid development in areas at risk of flooding (fluvial, coastal, surface water)?</li> <li>• Does it seek to avoid increasing flood risk (fluvial, surface water, groundwater) in areas away from initial development?</li> </ul>
<p>13. To improve air quality</p>	<ul style="list-style-type: none"> <li>• Will it improve, or not detrimentally affect air quality along the A12 or A120?</li> <li>• Does it direct growth away from AQMAs?</li> <li>• Does it seek to improve or avoid increasing traffic flows generally?</li> </ul>
<p>14. To conserve and enhance the quality of landscapes</p>	<ul style="list-style-type: none"> <li>• Will landscapes sensitive to development be protected?</li> <li>• Will it lead to rural expansion or development outside development boundaries/limits that increases coalescence with neighbouring settlements?</li> <li>• Is the scale / density of development in keeping with important</li> </ul>



SA objective	SA Criteria
	and valued features of the local landscape?
15. To safeguard and enhance the quality of soil and mineral deposits?	<ul style="list-style-type: none"> <li>• Will it avoid the loss of high quality agricultural land?</li> <li>• Will it avoid the sterilisation of mineral deposits / is the site within a Minerals Safeguarding Area (MSA)?</li> <li>• Will it support or lead to the remediation of contaminated land, avoiding environmental pollution or exposure of occupiers or neighbouring land uses to unacceptable health risk?</li> </ul>

- 2.3 In addition to the 15 SA objectives, the June 2017 SA Report sets out a different set of assessment criteria for assessing Garden Community options (Table 7 of the June 2017 SA Report). The explanation for the development of this framework is as follows:
- "The [following] framework sets out the amalgamation of each authority's Local Plan SA Site Assessment Framework with the additional incorporation of TCPA Garden Community Principles for the assessment of options regarding Garden Communities. It has been developed in conjunction with the Local Plan SA Objectives from each authority. The framework shows each amalgamated objective in turn alongside corresponding relevant TCPA Garden Community Principles and any other considerations required. This framework has been developed in order to capture each principle of a successful Garden Community, with evidence of local considerations in the area of the three authorities."*
- 2.4 Whilst the rationale for the Garden Community framework is understood, it is not clear to us how this relates to the SA objectives set out in the SA framework for the rest of the Local Plan Section 1, nor how the criteria have been applied. Similarly, it is not clear to us how it can be used to compare the sustainability of the Garden Community options with other development options such as urban extensions or dispersed development. In some respects, it appears to us to have blurred the distinction between carrying out an SA (to identify significant effects in order to inform site selection, spatial strategy, and mitigation measures) with the application of Garden Community principles (which would normally be addressed in assessment of viability and the wording of policies in a Local Plan to deliver the development proposed).
- 2.5 Due to these shortcomings, we do not intend to use the Garden Community framework in the additional SA work. Instead, we propose that the assessment of alternative locations for strategic development is guided by a new set of assessment criteria that are clearly linked to the SA Framework. An initial draft of these criteria is set out in **Appendix 1**. As recommended by the Inspector, we have included criteria relating to overflying aircraft to and from Stansted airport. In discussion with the North Essex Authorities we understand that policy protection will be provided to existing uses of Andrewsfield airfield and therefore no criteria are included to assess the potential for strategic development to lead to loss of these uses. Instead, where the authorities anticipate that a development option could threaten existing uses, the description of the likely components of the relevant development options (see Stage 1(b) below) will clearly state the protection of existing uses that would be required if the site were allocated and this protection will be reflected in the assessment results.
- 2.6 As described more fully in the following methodological tasks, the additional SA work will use the new criteria as a basis for considering the sustainability of alternative locations for strategic development on their own merits (i.e. 'policy off'), before taking into account how clearly stated additional information or policy approaches justify amending scores to reflect how development might be delivered at each location (i.e. 'policy on'). This will allow an objective, consistent and transparent assessment of the sustainability of the alternative locations.

**Output from Task 2:** Updated method statement including a clear set of SA objectives, draft criteria and assumptions and how they will be applied to the options appraisals.

**Input required from NEA officers:** Comments on the draft method statement.

### Task 3: Gather evidence and data and finalise assessment criteria

- 2.7 Agreement of the assessment criteria with officers will be an iterative process. Once officers have agreed the principle of this approach we will request that the three local authorities provide all relevant GIS data that are required to apply these criteria. Should it become apparent that suitable data in a consistent format covering the whole North Essex area are not readily available then it is likely to be necessary to, either:
- request that the three authorities gather new evidence; or
  - modify the proposed assessment approach to recognise the uncertainties associated with gaps in evidence.
- 2.8 For the purposes of our proposed project timetable, we have assumed that it will only be necessary to collate existing evidence rather than waiting for new studies to be completed to finalise assessment criteria.

**Output from Task 3:** Collated set of GIS data for assessment of development locations; amended assessment criteria, reflecting data availability across the three authority areas.

**Input required from NEA officers:** Provision of GIS data; inputs to discussion on evidence gaps and how these can be filled.

### Task 4: Identify alternative locations for strategic development to be subject to Stage 1 assessment

#### *Garden Community alternatives*

- 2.9 The Inspector makes specific reference to Garden Community locations, and different scales of development at the Garden Community locations where relevant. He further states that there should be liaison with promoters of the Garden Community site options where necessary to ensure that their proposals are fully understood and assessed appropriately. The North Essex Authorities believe that the Garden Community locational and size alternatives listed in **Table 2.3** Error! Reference source not found. are reasonable and propose that these are subject to SA. These alternatives are also illustrated in **Figure 2.1 -Figure 2.3**. The North Essex Authorities will engage with the site promoters as necessary to confirm that these alternatives accurately reflect their proposals.

#### *Urban extension alternatives*

- 2.10 The Inspector does not refer to the need to carry out the equivalent Stage 1 SA work for non-Garden Community options, referring instead to testing "*proportionate growth at and around existing settlements*" and "*CAUSE's Metro Town proposal*" as spatial strategy alternatives during Stage 2 of the further SA work. However, in order to inform the subsequent spatial strategy options appraisal, and for consistency purposes to enable comparisons to the same level of detail, in our view it is sensible to carry out SA of these non-Garden Community options so that an equivalent level of detail is available to inform combinations of alternative locations for strategic development for all the spatial strategy options to be tested.
- 2.11 In considering non-Garden Community options with the North Essex Authorities, we are mindful of the role that Sections 2 of the Local Plans play in deciding where non-strategic development should be located at the local authority level. Our focus for the further SA work will therefore be on development locations that are strategic in scale (i.e. appropriate for inclusion in the Section 1 Local Plans) and that are additional to the sites already proposed to be allocated by Sections 2 of the Local Plans.
- 2.12 Taking into account the scale of the Garden Community options considered by the SA of the Section 1 Plan (smallest has capacity for 6,600 dwellings, albeit that a proportion of these would be provided beyond the Plan period) and the scale of the non-strategic development sites to be allocated by Sections 2 of the Local Plans (largest remaining capacity of sites allocated by Braintree Section 2 Plan is 1,000 dwellings; in Colchester Section 2 Plan it is 1,106 dwellings; and in Tendring Section 2 Plan it is 1,700 dwellings), we suggest that the North Essex Authorities define each optional strategic location for non-Garden Community development so that it has capacity for approximately 2,000 dwellings. In this regard, it is consistent with evidence provided

by the Campaign Against Urban Sprawl in Essex (CAUSE), which contends that viability decreases at sizes greater than about 2,000 dwellings<sup>3</sup>.

- 2.13 Since we will be assessing alternative locations that have capacity for approximately 2,000 dwellings (for the reasons above) and the Inspector has indicated that the growth assessed around existing settlements should be proportionate to their size, it is judged that only urban extensions to settlements at the top level of the settlement hierarchy are likely to meet these criteria. As such, we suggest that any urban extension alternatives be restricted to the settlements listed in **Table 2.2**, drawing on information from their respective Strategic Housing Land Availability Assessments (SHLAAs).

**Table 2.2: Settlements around which urban extension locations will be tested at first stage of further SA**

Braintree District	Colchester Borough	Tendring District
Braintree	Colchester Town	Clacton-on-Sea
Bocking		Harwich and Dovercourt
Great Notley		
Witham		
Halstead		

- 2.14 The North Essex Authorities believe that the urban extension and other alternatives listed in **Table 2.3** are reasonable and propose that these are subject to SA.

*CAUSE Metro Town alternative*

- 2.15 The Inspector has suggested that there should be liaison with CAUSE to ensure that their Metro Town proposal is fully understood and assessed appropriately. The North Essex Authorities will arrange a technical meeting between planning policy officers, LUC and a representative of CAUSE to ensure that the Metro Town proposal is fully understood. The meeting will be used to raise any significant officer concerns regarding the viability and deliverability of initial proposals with a view to agreeing a refined proposal that represents a reasonable alternative for the purposes of SA. A note of the meeting will be prepared and agreed with CAUSE.
- 2.16 Below, we set out for consideration by CAUSE one possible approach to identifying land that could contribute to the three core elements of the CAUSE Metro Town proposal described in their Visions for Growth document. This would need to be discussed and refined in the discussion with CAUSE to ensure that it accurately reflects their proposed alternative approach and to confirm that it is considered by the North Essex Authorities to be viable and deliverable.

**Box 1: The CAUSE Metro Town proposal<sup>4</sup>**

*"1. The underused resource of the Colchester-Clacton electrified railway provides the opportunity to create a sustainable and integrated chain of settlements linking jobs, housing and infrastructure, and could deliver 6-8,000 dwellings within a 10-minute walking catchment of high quality public transport within the 15-year plan period.*

*Each 'pearl' on the necklace would support low order services such as primary schools, doctor's surgeries and shops. High order services would be access in the urban centres.*

*2. Essex University and its Knowledge Gateway could provide the focus for an eastward urban extension to Colchester providing up to 10,000 dwellings. This would support a high quality 10-minute express bus service linking to the town centre and a new railway station serving the university.*

<sup>3</sup> Small is Beautiful, Sunnucks W for CAUSE, 2018, available from <http://Bit.ly/planner0718-garden>

<sup>4</sup> Visions for Growth: Colchester Metro Town, CAUSE, 2016, available from <https://bit.ly/2uwX9Ve>

*3. There could be some proportional growth of other settlements in Colchester Borough/Tendring District. For example, a modest development within a 10-minute walking catchment of Marks Tey Station, that would be sufficiently small-scale not to overload the trunk roads and main line train services.”*

- 2.17 To test land that could contribute to Element 1 of the CAUSE Metro Town strategy, together with the North Essex Authorities we could identify potential development land within a 10 minute walking catchment of stations on the Colchester-Clacton railway line, including on the branch line to Walton-on-the Naze. Our understanding is that the relevant Colchester to Clacton stations are Colchester mainline station, Colchester Town, Hythe, Wivenhoe, Alresford, Great Bentley, Weeley, Thorpe-le-Soken, Clacton-on-Sea and the relevant branch line stations are Kirby Cross, Frinton-on-Sea, and Walton-on-the Naze. We could include all land within 800 metres<sup>5</sup> of each of these stations that does not already have planning permission and is either brownfield land identified on the relevant authority’s brownfield land register or is greenfield land adjacent to the existing settlement boundary.
- 2.18 To test land that could contribute to element 2 of the CAUSE Metro Town strategy, together with the North Essex Authorities we would identify a parcel of potential development land with an estimated capacity for 10,000 dwellings centred on the University of Essex Colchester campus. This would comprise land that is greenfield or on the relevant authority’s brownfield land register and is not allocated in a Section 2 Local Plan.
- 2.19 Land contributing to element 3 of the CAUSE Metro Town proposal is not unique to this proposal and information on the sustainability of land parcels around Colchester and top tier settlements in Tendring will be available from the Stage 1 assessment of urban extensions described above.
- 2.20 This will complete the suite of reasonable alternative strategic sites to be tested at Stage 1 of the further SA.

**Output from Task 4:** Maps of locations to be assessed in Stage 1.

**Input required from NEA officers:** digitised boundaries and estimated dwelling capacities and employment land areas of Garden Community and urban extension options; assistance in defining CAUSE Metro Town components, including via a technical meeting.

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<sup>5</sup> 'Guidelines for Providing for Journeys on Foot (Institution of Highways and Transport, 2000) state that an average walking speed of 1.4 m/s can be assumed, which equates to 840 m in 10 minutes; since walking routes will not be in straight line, an 800 m straight line distance provides an acceptable proxy; no allowance will be made for barrier features such as rivers or major roads since it will be assumed that strategic scale development at a location would support provision of new infrastructure such as footbridges to overcome such barriers

Figure 2.1: Braintree District garden community alternatives to be assessed

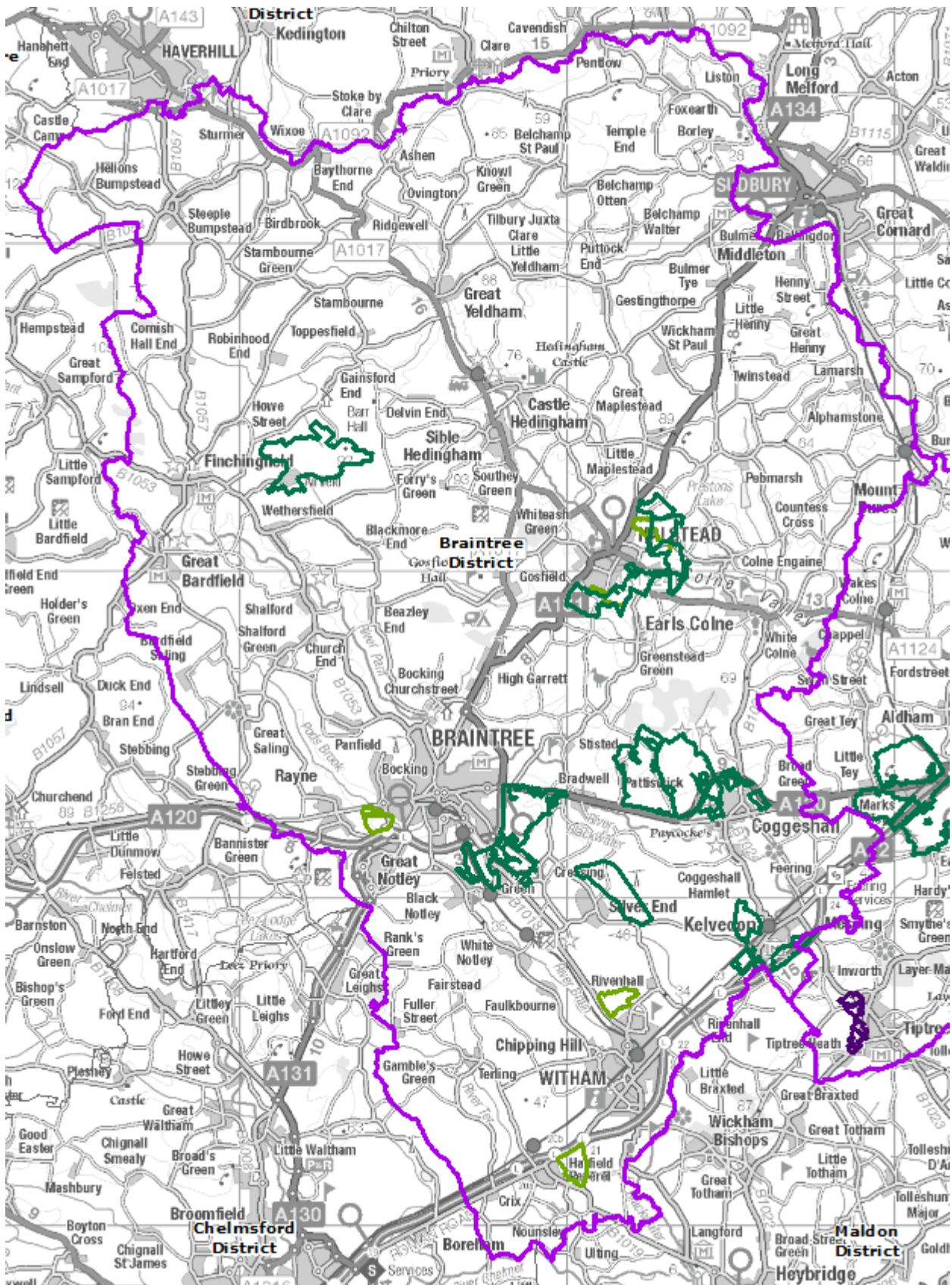


Figure 2.2: Colchester Borough garden community alternatives to be assessed

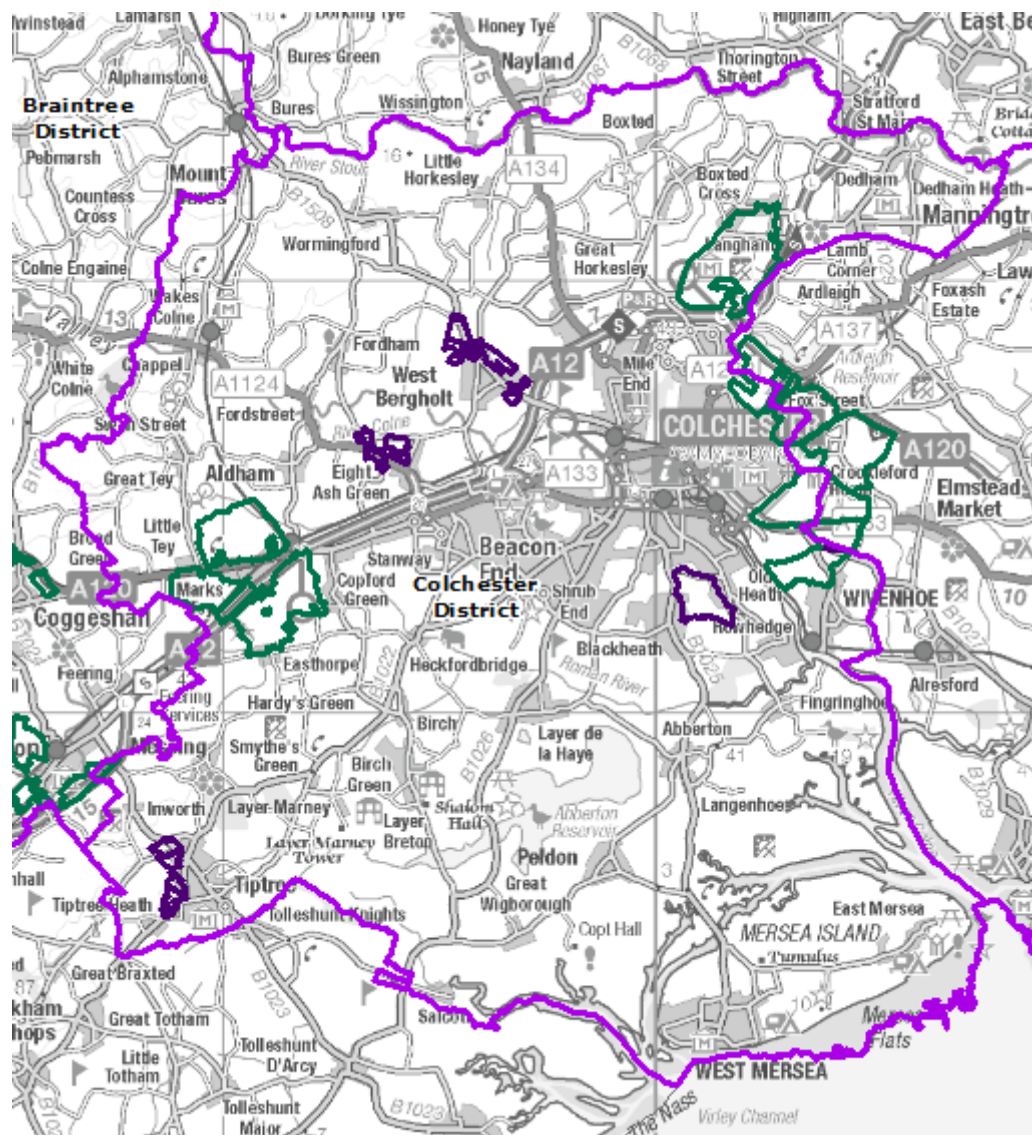
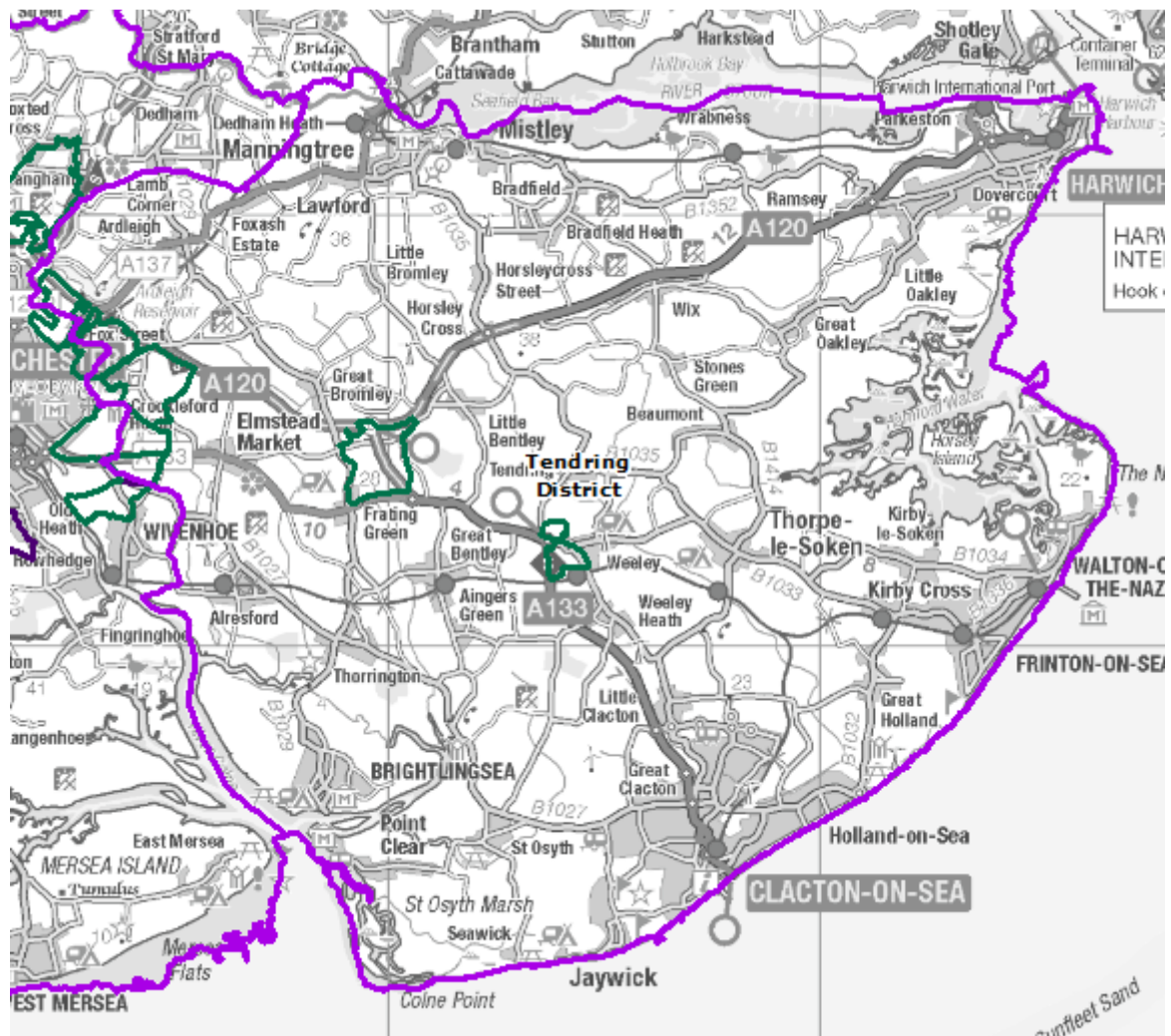


Figure 2.3: Tendring District garden community alternatives to be assessed



**Table 2.3 Strategic sites to be tested at first stage of further SA**

Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
<b>Current Garden Community Proposals (Section 1 Local Plan)</b>							
NEAGC 1	West of Braintree	Bra/Utt	<p>As already proposed in the Local Plan to deliver between 7,000 and 10,000 homes.</p> <p>Based on the concept framework.</p> <p>Site is &gt;5km from a railway station and town centre</p>	496ha	<p>NEAGC 1a 7,000</p> <p>NEAGC 1b 10,000</p>		Section 1 Local Plan (Policy SP10)
NEAGC 2	Colchester Braintree Borders Garden Community (Marks Tey)	Col/Bra	<p>As already proposed in the Local Plan to deliver between 15,000 and 24,000 homes.</p> <p>Based on the concept framework.</p> <p>Marks Tey railway station is &lt;5km from the site. The site is &gt;5km from Colchester and Braintree town centres.</p>	1524ha	<p>NEAGC 2a 15,000</p> <p>NEAGC 2b 24,000</p>		Section 1 Local Plan (Policy SP9)
NEAGC 3	Tendring Colchester Borders Garden Community	Col/Ten	<p>As already proposed in the Local Plan to deliver between 7,000 and 9,000 homes.</p> <p>Based on the concept framework.</p> <p>Wivenhoe and Hythe railway stations are &lt;5km from the site. The site is &lt;5km from Colchester town centre.</p>	428ha	<p>NEAGC 3a 7,000</p> <p>NEAGC 3b 9,000</p>		Section 1 Local Plan (Policy SP8)



Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
<b>Alternative Garden Community Proposals</b>							
ALTGC 1	Land West of Braintree	Bra/Utt	The part of the West Braintree garden community within Braintree district.  Site is >5km from a railway station and town centre.	1004 ha	ALTGC 1a 2,000		RAY7
ALTGC 2	Land east of Silver End	Bra	The site is located to the north-east of Silver End.  Site is >5km from a railway station and town centre.	165 ha	ALTGC 2a 2,500 ALTGC 2b 1,800	Assumes route improvements to the A120 expected by 2026.  Proposal reliant on construction of the new A120 between Braintree and Kelvedon South (option E or D <sup>6</sup> ). Development would infill the gap between the A120 alignment and existing Silver End village but proposes a new grade separated junction for Silver End which is not confirmed.	SILV 704
ALTGC 3	North West Coggeshall (Monks Wood)	Bra	The Inspector requested in his post hearing letter that this site is appraised for 5,000 dwellings and commented that the promoters of the site state that the maximum capacity of the site is 7,000 dwellings.  The site promoters submitted a Site Promotion document to the	534 ha	ALTGC 3a 2,000 ALTGC 3b 5,500 ALTGC 3c 8,000	Assumes route improvements to the A120 expected by 2026.  Site is >5km from a railway station and town centre.	COGG 641  Site Promotion document, August 2018.

<sup>6</sup> Options set out in Braintree Local Plan - Preferred Option Assessment Update on A120& A12 Studies, Ringway Jacobs & Essex County Council, May 2017

Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
			<p>NEAs in August 2018, promoting the site for 5,500 dwellings. The site options for Monks Wood therefore represent: the minimum of 2,000, 5,500 as promoted by the site promoter and 8,000 which is the figure from the site capacity calculation to ensure consistency with all site options.</p> <p>It is considered that 7,000 and 8,000 are too similar to compare and so the higher dwellings figure for this site option is 8,000 rather than 7,000. This is consistent with the dwellings figures for the alternative sites. Lightwood Strategic will be advised of the three planned housing numbers and regard will be had to any response received.</p>				
ALTGC 4	Land at Marks Tey Option One	Col/Bra	The site is located directly to the north of Marks Tey. The site is known to have the constraint of the brick works and therefore could not be developed in full. The land is available for development now and predominantly promoted by the Gateway 120 consortium.	211 ha	ALTGC 4a 2,000 ALTGC 4b 4,500	Assumes route improvements to the A120 expected by 2026.  Marks Tey railway station is <5km from the site. The site is >5km from Colchester and Braintree town centres.	Sites: Northeast of WST05, WST17, WST06
ALTGC 5	Land at Marks Tey Option Two	Col/Bra	The site lies directly to the Southwest of Marks Tey Village. The land is available for	139 ha	ALTGC 5a 2,000 ALTGC 5b 3,000	Assume route improvements to the A120 expected by 2026.	Sites: Southeast part

Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
			<p>development now and promoted by the Gateway 120 consortium.</p> <p>Marks Tey railway station is &lt;5km from the site. The site is &gt;5km from Colchester and Braintree town centres.</p>				of WST05,
ALTGC 6	Land at Marks Tey Option Three	Col/Bra	The site is in single ownership and forms part WST08.	246 ha	ALTGC 6a 2,000 ALTGC 6b 3,500	<p>Assumes route improvements to the A120 expected by 2026.</p> <p>Marks Tey railway station is &lt;5km from the site. The site is &gt;5km from Colchester and Braintree town centres.</p>	Sites: WST08
ALTGC 7	Land at East of Colchester Option One	Col/Ten	<p>The site is located to the north-east of Colchester, adjacent to Bullock Wood SSSI.</p> <p>The southern edge of the site is just under 5km from Colchester railway station. The site is &lt;5km from Colchester town centre.</p>	124 ha	ALTGC 7a 2,000		Sites: EST01, EST04, EST08
ALTGC 8	Land at East of Colchester Option Two	Col/Ten	<p>The site is located to the north of the Parsons Heath area of Colchester.</p> <p>The southern edge of the site is just under 5km from Colchester railway station. The site is &lt;5km from Colchester town centre</p>	151 ha	ALTGC 8a 2,000 ALTGC 8b 2,500		Sites: EST01, EST05, EST07

Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
ALTGC 9	Land at East of Colchester Option Three	Ten	<p>The site is located in Tendring district and includes a gap between the urban edge of Colchester.</p> <p>The edge of the site is &lt; 5km from Hythe and Wivenhoe railway stations, but &gt;5km from Colchester railway station. The site is &lt;5km from Colchester town centre.</p>	213 ha	ALTGC 9a 2,000 ALTGC 9b 4,000		Sites: EST06
ALTGC 10	Land at East of Colchester Option Four	Col/Ten	<p>The site is located east of the Greenstead area of Colchester and includes an area of land south of the A133.</p> <p>The eastern edge of the site is &lt; 5km from Colchester, Hythe and Wivenhoe railway stations. The site is &lt;5km from Colchester town centre.</p>	289 ha	ALTGC 10a 2,000 ALTGC 10b 5,000		Sites: EST02, EST06, EST09
ALTGC 11	Langham Garden Village	Col	<p>The site was appraised as part of previous SA work but rejected by the Local Plan Committee. The Langham garden village will be appraised again at two different scales.</p> <p>Langham is over 5km from Colchester town centre and Colchester railway station.</p>	347 ha	ALTGC11a 2,000 ALTGC11b 5,000	Assume site likely to be able to connect to and benefit from public transport in urban Colchester.	Sites: RNE08, RNE22, RNE60, RNE11
<b>Alternative Sustainable Urban Extensions (&gt; 2000 dwellings)</b>							
SUE 1	Land at Halstead	Bra	Site in multiple ownership (3)	348ha	SUE 1a 2,000	Proposal for 8,500 dwellings is	HATR 297,

Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
			<p>although Ptarmigan land is by far the largest. Portion of site is in flood zone 2/3 and not assumed to be developable.</p> <p>The site is &lt;5km from Halstead town centre but &gt;5km from a railway station.</p>		SUE 1b 8,500	assumed to include a new bypass for Halstead town centre linking the A131 with A1124 Colchester Road. (Note that a northern bypass for Halstead Town Centre would need to include neighbouring landowners to link A131 Sudbury Road with A1124 Colchester Road). Assume no bypass for the 2,000 dwellings option.	HATR 306, GGHR 430, GGHR 284, GGHR 639
SUE 2	Land East of Braintree (including Temple Border)	Bra	Sustainable urban extension could potentially have to account for the route of the new A120.	197 ha	SUE 2a 2,000 SUE2b 4,500	Assumes route improvements to the A120 expected by 2026.	Sites: CRESS 212, STIS 396, STIS 397, STIS 600
SUE 3	Land south east of Braintree	Bra	Sustainable urban extension with access to the strategic highway at Galley's Corner.	166 ha	SUE 3a 2,000 SUE 3b 5,000	Transit hub at either Freeport or Black Notley rail station. Assume new pedestrian and cycle links across A120 and railway are required. Assume route improvements to the A120 expected by 2026.	Sites: CRESS 209 and others
<b>Alternative Garden Villages and other options (&gt; 2000 dwellings)</b>							
VE 1	Land at Kelvedon	Bra	A somewhat disjointed expansion of Kelvedon in north, west and	146 ha	VE 1a 2,000	The A12 Kelvedon south junction would have to be upgraded to an all	KELV331, KELV338,

Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
			<p>south directions onto land in 4 or 5 different land ownerships. Site is close to Mainline rail station and the A12 Kelvedon south junction.</p> <p>The site is &lt;5km from Kelvedon railway station and &gt;5km from a town centre. Existing local centre at Kelvedon village would provide some services.</p>		VE1b 3,000	directions junction.	KELV333, KELV 605, KELV 615
VE 2	Land at Coggeshall	Bra	Residential expansion of Coggeshall to the north, west and east to make Coggeshall Garden Village. Site is an agglomeration of multiple smaller site with 7 or 8 different parcels and land ownerships.	91 ha	VE 2a 2,000	Assumes route improvements to the A120 expected by 2026. Assume no new A120 bypass is necessary to facilitate this development.	COGG171, COGG177, COGG178,  COGG179, COGG175, COGG180, COGG182,
VE 3	Metro Town	Ten	This is an alternative proposal put forward by campaigners CAUSE which proposes growth around railway stations along the Colchester to Clacton/Walton line and their corresponding villages. The relevant villages are Alresford, Great Bentley, Weeley and Thorpe le Soken. It has been suggested that CAUSE are consulted in order to ascertain a better understanding of how the proposal is envisaged to work. It should be noted that planning permissions are already in place to deliver 249 homes at	TBC	VE 3a 2000  Possible further option following meeting with CAUSE		

Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
			<p>Alresford, 274 at Great Bentley and 187 at Thorpe. At Weeley, 14 homes have permission but a further 304 are already proposed in the Section 2 Local Plan with part of that land (east of the village) subject of a current planning application for 280 homes. Therefore, these four villages are together already expecting to deliver 1,028 homes in the plan period to 2033. Whilst CAUSE will advise on the detail of the metro-town proposal, to deliver a further 2,000 homes would require an additional 500 at each village with a minimum land-take of around 20 hectares in each village or around each station.</p> <p>All sites that form part of the Metro Town will be &lt;5km from railway stations. All sites will be &gt;5km from a town centre, however all will be &lt;5km from the relevant village's local centres.</p>				
VE4	Weeley Garden Village	Ten	At Issues and Options and Preferred Options stages, the Council put forward proposals for major expansion at Weeley given its strategic location in the centre of the district, on the A133 and on the railway line. The proposal at that time was for around 1,400	72 ha	VE 4a 2,000	Unlikely to provide a frequent bus service as Weeley is not currently served by a frequent bus service.	

Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
			<p>homes and associated facilities and job opportunities. The proposal was highly unpopular and was deleted from the Local Plan at publication stage on confirmation that it wouldn't be required to meet objectively assessed housing needs in this plan period. In the Section 2 Local Plan, Weeley is already expected to accommodate 318 dwellings from existing planning permissions and allocated sites. There are however greenfield sites that either are or have been promoted for inclusion in the Local Plan which, together, could deliver upwards of 2,000 homes. These include land off Crow Lane (19 hectares), land north of Colchester Road near Hawk Farm (25 hectares and subject of refused planning application from Taylor Wimpey for 380 homes, employment land and community facilities) and land between Tendring Park Services and Weeley Bridge caravan park (53 ha). Together, these additional 97 hectares could deliver 2,000 homes plus employment land and facilities.</p> <p>Site is &lt;5km from Weeley railway station and &gt;5km from a town centre.</p>				



Map Ref	Option Name	District	Description	Area	Site ref and housing numbers	Site-specific infrastructure assumptions (general infrastructure assumptions appear below the table)	Source
VE 5	Tendring Central Garden Village	Ten	<p>A proposal for strategic growth at Frating, comprising land between Frating, Hare Green and Balls Green was considered by the Council at Issues and Options stage but was not carried forward over sustainability concerns. The proposal has been promoted for inclusion in the Local Plan in recognition of the location's strategic position at the junction of the A120 and the A133 and the cluster of businesses around Manheim Auctions and the Book Service.</p> <p>The concept involved residential and community facilities on approximately 77 hectares of land (west of the A120/A133 slip road), with employment use on approximately 40 hectares (east of the slip road). The site could potentially deliver 2,000 homes.</p> <p>Option VE5b assumes the whole of the site is developed for housing.</p> <p>Site is &gt;5km from a railway station and &gt;5km from a town centre.</p>	221 ha	VE 5a 2,000 VE5b 4,500	Unlikely to provide a frequent bus service as the site area is not currently served by a frequent bus service.	

### *Assumptions to apply to each site option<sup>7</sup>*

- **Early years:** 9 children per 100 dwellings (0.09 per dwelling) Standard setting = 56 places. So, a site for 2,000 dwellings would require 3.2 early years settings. The SA will assume that all strategic sites will make sufficient provision for the additional need they generate.
- **Primary schools:** 30 pupils per 100 dwellings (0.3 per dwelling). 700 new houses will generate demand for a single form entry primary school. So, a site for 2,000 dwellings would require 2.8 single form schools. However, the Guide states that the minimum size for any new mainstream provision will be two forms of entry (420 places). The SA will assume that all strategic sites will make sufficient provision for the additional need they generate.
- **Secondary schools:** 20 pupils per 100 dwellings (0.2 per dwelling). Six forms of entry is the minimum secondary school size that would normally be considered financially viable. This equates to 4,500 houses using ECC's formula<sup>8</sup>. The SA will assume that all strategic sites will make sufficient provision for the additional need they generate.
- **Youth provision:** the minimum size of development requiring a bespoke youth centre or dedicated youth space is around 1,200 dwellings and so the SA will assume that all strategic sites will make sufficient provision for the additional need they generate.
- **Open space:** at least 10% of the gross site area will be provided as open space and up to 50% of garden communities will be green infrastructure in accordance with TCPA garden city principles. For all of the site options this will include at least one strategic area of open space. The SA will assume that all strategic sites will make sufficient provision for the additional need they generate.
- **Rapid transit:** as the development of one site on its own is highly unlikely to deliver a rapid transit corridor the assumption at stage 1 of the SA is that none of the sites will deliver rapid transit. The NEAs will advise if rapid transit could form part of any of the spatial strategy alternatives as part of stage 2 of the SA.
- **Railway stations:** no new railway stations are assumed as part of any of the options.
- **Bus services:** With the exception of Weeley and Tendring Central Garden Village all site options are assumed to deliver a frequent bus service as there is potential to connect to existing bus services within the urban areas. However there is potential to improve connectivity as a result of new bus services to be delivered as part of the development.
- **Cycling:** 5 km is considered to be a reasonable cycling distance.
- **Strategic roads:** funding is committed (RIS1) to widen the A12 to three lanes from Chelmsford to junction 25 (Marks Tey). Route improvements to the A120 expected by 2026 subject to funding.
- **Employment space:** at this stage of the appraisal it has not been possible to identify the amount of employment space or predicted jobs for each site option. The NEAs have commissioned consultants to provide an indicative employment floorspace figure for the preferred garden communities and this is due to be completed in October 2018. The first stage of the SA will assume uncertain effects in relation to provision of new employment space unless such provision is explicitly identified in **Table 2.3**. The second stage of the SA, the appraisal of spatial strategy alternatives, will consider the distribution of employment for each spatial strategy option, based on the indicative employment floorspace figure.

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<sup>7</sup> Taken from the ECC Developer's Guide to Infrastructure Contributions – Revised Edition 2016 and The Essex County Council Local and Neighbourhood Planner's Guide to School Organisation

<sup>8</sup> The previous SA justified setting a minimum site size of 5,000 dwellings based on the threshold for the required provision of a new secondary school from a mixed use development

- **Primary health care:** the North Essex Clinical Commissioning Group (CCG) has not provided the NEAs with a formula for calculating the need for primary health care. It is understood that the CCG are reviewing future models of care and as such the CCG comment on planning applications where they consider there to be likely impacts. The SA will assume that no strategic sites provide new primary health care facilities.

### Task 5: Agree approach to further SA with the Inspector

- 2.21 At this stage of the SA, the Method Statement (incorporating a summary of the development locations to be tested) will be sent to the Inspector to address his recommendation that *"it would be advisable if I were to agree the proposals before the SA work is begun"*. Since it is not known how much time will be required for this engagement, no dates have been attached to subsequent tasks in the project programme below.

**Output from Task 5:** Method statement (including options to be assessed) agreed by the Inspector.

**Input required from NEA officers:** Organise engagement with the Inspector.

### Task 6: Focussed consultation and engagement on SA method and scope

- 2.22 The scope of the SA of Section 1 of the Local Plans has already been subject to consultation, but we believe that it is appropriate to consult again with the statutory consultation bodies (Natural England, Historic England, Environment Agency) on the *"scope and level of detail of the information to be included in the [SA] report"* in accordance with Regulation 12(5) of the SEA Regulations but to limit this consultation to the scope of the further SA work, as set out in the method statement and the locations to be tested. Although not a statutory requirement, we suggest that participants in the Examination hearings for the Section 1 Local Plan are also invited to comment on the scope and level of detail of the further SA work to support their participation in the SA process and flag potential concerns at an early stage.
- 2.23 After this, representations will be reviewed and responded to as appropriate. A table of the comments received and responses to them will be prepared and appended to report for the further SA work at subsequent stages. This work will be carried out on an iterative basis and in parallel with finalisation of the assessment criteria and with the Stage 1 assessment. Should the consultation reveal the need to make any significant amendments to the approach, the project timetable and resources will need to be revised to accommodate a degree of reassessment.

**Output from Task 6:** Engagement response table on the scope and level of detail of the further SA.

**Input required from NEA officers:** Organise the engagement exercise.

### Task 7: Stage 1 assessment of alternative locations for strategic development

- 2.24 Once the SA objectives, criteria and assumptions, and the alternative locations to be subject to SA have been agreed, we will carry out the first stage of further SA work, which is to appraise individual alternative development locations.
- 2.25 The Stage 1 appraisal of alternative locations for development will be carried out in two steps:
- Stage 1(a) will comprise an appraisal of the principle of housing-led development at each potential development location on its own merits, i.e. an appraisal of the geographical location in relation to existing key services, facilities, employment locations, transport links, and environmental assets and constraints without considering what the development itself might deliver.
  - Stage 1(b) will then take into account how the potential effects identified by Stage 1(a) could be modified by any significant new services, facilities, employment locations, transport links, and environmental mitigation measures likely to be provided as part of development coming forward at that location.

#### *Stage 1(a): Appraising strategic locations on their own merits*

- 2.26 In Stage 1(a), we will appraise the identified options against the objectives in the SA Framework. We will use a GIS-based approach to the appraisal of site options, using the criteria in the site appraisal framework (see Appendix 1). We will apply the criteria to all site options using GIS analysis, which will result in a score being applied to each site option for each assessment criterion. The scores indicating how each site performs against each of the criteria will be summed to give an aggregate contribution to each relevant SA objective (see 'Linkage to the SA framework' section in Appendix 1).

- 2.27 As set out in **Table 2.3**, strategic sites will be tested at different reasonable alternative housing capacities. A single site boundary will be tested for each site, large enough to accommodate the largest capacity option for that site. Since options for smaller housing numbers are likely to be accommodated on a smaller footprint within the strategic site, this is likely to give more flexibility to avoid negative effects (for example by avoiding development on a sensitive environmental asset) and improve positive ones (for example, by locating housing development in an urban extension on the side of the site closest to nearby services, facilities and transport links). This effect will be noted in the SA narrative, where relevant, but will not affect the SA scores since the site layouts are not known at this time.
- 2.28 The selection of particular strategic development locations is judged unlikely to affect the performance of the Plan in relation to achieving a small number of sustainability objectives, as set out in **Table 2.4**, and these have therefore been scoped out from the site-based SA work in Stage 1(a). Consideration will be given to potential effects on all SA objectives when considering the services and facilities likely to be provided at each location at Stage 1(b) and when carrying out qualitative assessment of the spatial strategy alternatives at Stage 2.

**Table 2.4: SA objectives scoped out from Stage 1(a) assessment**

SA objective	Reason for scoping out from Stage 1(a) of SA
1. Create safe environments which improve quality of life, community cohesion	The effects of new development on safety and security will depend on design factors such surveillance of public spaces and use of appropriate lighting rather than the location of development sites. Any differences in the ability of different spatial strategies to support provision of community facilities will be considered at Stage 1(b) and Stage 2 of the SA.
2. To ensure that everyone has the opportunity to live in a decent, safe home which meets their needs at a price they can afford	All strategic sites will contribute to meeting housing need but the effects of the Local Plan Section 1 in relation to this SA objective will not depend on the locations of individual sites but rather on the policies determining the total amounts, types and tenures of houses to be provided. Quality of housing will be determined by policies on design and sustainability.

- 2.29 Once the assessment has been applied we will prepare colour-coded tables of the scores assigned for each location option against each site assessment criterion and SA objective. These will be used to highlight any anomalies and thereby 'sense check' the findings. We will also prepare a series of colour-coded maps showing how all of the locations perform against each SA objective. We will prepare a short narrative to accompany the maps and score tables, highlighting significant effects and the comparative performance of the options against the SA objectives.
- 2.30 We will hold a progress tele-conference with North Essex Authorities at the end of Stage 1(a) to discuss the findings and how to respond to them in Stage 1(b) of the SA process.
- Stage 1(b): Appraising locations taking into account mitigation*
- 2.31 Having appraised the inherent sustainability merits or otherwise of each development location, we will then consider any mitigation that could influence the likely significant negative effects identified and use this information to refine the scores identified in Stage 1(a). For example, Garden Community options are likely to score less well in relation to proximity to employment and facilities provided by existing settlements but such facilities may be provided as part of the development proposals, depending upon their scale.
- 2.32 Care will need to be taken to ensure that a consistent approach is adopted as many of the mitigation measures (e.g. inclusion of community facilities or open space) may be achievable at most if not all of the locations. We will request that the North Essex Authorities provide assumptions to inform this stage of the SA about the likely components of each development option. These assumptions may take into account developer proposals for individual sites and views of the North Essex Authorities about what could be achieved on the sites, backed by evidence on financial viability and technical feasibility. The assumptions should make clear those

features likely to be common to all development locations and those that would be unique to particular ones. They should also make explicit, where relevant to the strategic development location, that existing uses of Andrewsfield airfield will be protected.

- 2.33 Large developments can take many years to fully build out and in some cases it may be that a significant proportion would remain to be built at the end of the Plan period. To ensure a consistent approach to the assessment of the effects of development expected to take place beyond the end of the Plan period, all locations will be assessed in their entirety (taking account of all development, including that to be delivered beyond the end of the plan period) during Stage 1(b). The approach to the Stage 2 assessment of alternative spatial strategies is described below.
- 2.34 As a minimum, the North Essex Authorities will confirm whether development at each development location is expected to individually provide the following facilities/infrastructure at a scale/capacity capable of meeting the needs of all new residents:
- Primary healthcare centre.
  - Primary school.
  - Secondary school.
  - Frequent (at least every 15 mins during peak hours) bus services to nearest town centre and railway station.
  - Segregated cycle path to nearest town centre and railway station.
  - Higher order public transport facilities such as guided busway or new railway station served by frequent peak hours' service.
  - Employment space.
  - Open space.
- 2.35 Development at some of the individual development locations assessed at this stage, for example a 2,000 dwelling urban extension, is unlikely to be able to support provision of more significant new infrastructure such as higher order transport facilities. While this may result in the individual location achieving a less positive sustainability score at Stage 1 of the SA, the North Essex Authorities will also be asked to provide assumptions about any additional infrastructure provision that could be supported by each of the spatial strategy options considered in Stage 2 of the SA. The potential for combinations of locations to support additional infrastructure should therefore be borne in mind by the Authorities when deciding which of the development locations to incorporate into spatial strategy options for assessment at Stage 2.
- 2.36 Having modified the SA of alternative locations in light of the services and facilities assumed to be provided at each, we will again prepare a narrative summary of findings to accompany the summary table of scores, showing how scores changed taking into account mitigation, plus maps showing how each of the locations performs against each of the SA objectives.
- 2.37 After we have appraised the reasonable alternative locational options we will compile the findings of Stages 1(a) and 1(b) into a report for Council officers and hold another progress tele-conference to discuss our findings.

**Output from Task 7:** Appraisal scores of development locations in two parts: Stage (1a) locations on their own merits prior to mitigation, and Stage 1(b) locations taking into account potential mitigation, plus summary of findings.

**Input required from NEA officers:** Facilities and infrastructure assumed to be provided at each development location, linked to evidence; comments on the SA scores.

### **Task 8: Identify alternative spatial strategies to be subject to Stage 2 assessment**

- 2.38 Drawing on the findings of the Stage 1 SA of alternative development locations and other evidence, the North Essex Authorities will decide which of the development locations to include in the spatial strategy alternatives, and which to discount, providing clear justification of the reasons why for inclusion in the SA report.

- 2.39 As the Inspector recommends, the alternative spatial strategies will be developed with a clear rationale and will be given clear descriptions, including how much development will be delivered in each location under each option.
- 2.40 The Inspector makes it clear that the spatial strategy alternatives should include:
- Proportionate growth at and around existing settlements.
  - CAUSE's Metro Town proposal.
  - One, two or more Garden Communities (depending upon the outcome of the first stage assessment), and that such options should also include appropriate corresponding levels of proportionate growth at existing settlements.
- 2.41 At this stage, the North Essex Authorities will draw on viability and other evidence to describe any facilities and infrastructure, additional to that already described for individual development locations, that is expected to be provided by combining the individual locations into coherent spatial strategies, for example a new guided busway or railway station serving multiple locations.
- 2.42 For the purposes of the project timetable we have assumed that the NEAs will already have a good idea of possible alternative spatial strategies and will only require a short time to fine tune these in light of the results of the Stage 1 assessment.

**2.43 Output from Task 8:** Narrative and mapped descriptions of alternative spatial strategies; reasons for taking forward some development locations and rejecting others.

**Input required from NEA officers:** Development of alternative spatial strategies; justification of reasons for taking forward some development locations and rejecting others; additional facilities and infrastructure associated with each spatial strategy alternative.

### **Task 9: Stage 2 assessment of alternative spatial strategies and 'check and challenge' workshop**

- 2.44 The second stage of the SA work will be to appraise the alternative spatial strategies drawing on the findings of the assessments of the constituent alternative development locations.
- 2.45 We will continue to use the SA Framework for the appraisal of the alternative spatial strategy options. Particular focuses for this stage of work will be:
- How the development locations under each option relate to one another and to the existing pattern of development, including the potential effects of such development on, for example, existing town centres and travel patterns.
  - The mitigation/benefits provided by new facilities and infrastructure enabled by combining individual development locations into a coherent spatial strategy.
- 2.46 We will use whatever evidence is available to come to conclusions but the Stage 2 assessment is likely to require greater exercise of professional judgement than the Stage 1 assessment.
- 2.47 We will consider whether options should be appraised in their entirety (as at Stage 1b), on the basis of what is expected in the plan period, or both with differences identified as medium and long term impacts.
- 2.48 We will come to views on how each of the spatial strategy alternatives performs against each of the SA objectives, and to provide an overall conclusion on their relative performance.
- 2.49 We will test our findings via a 'check and challenge' workshop with officers from the three North Essex Authorities plus invited stakeholders with an interest in delivery to make sure that the findings appear reasonable.
- 2.50 The findings of the SA of alternative spatial strategies, incorporating any amendments arising from the workshop will be provided to officers to help inform selection of the preferred spatial strategy

**Output from Task 9:** SA of reasonable alternative spatial strategies.

**Input required from NEA officers:** Development of alternative spatial strategies; attendance at 'check and challenge' workshop; selection of preferred spatial strategy; description of reasons for selecting the preferred spatial strategy and discounting the alternatives.

### Task 10: Reporting

- 2.51 Following the workshop, we will prepare our report documenting the further SA work carried out in relation to the Local Plan Section 1 Spatial Strategy alternatives, making clear how we have met the recommendations of the Inspector.
- 2.52 The report would include clear descriptions (prepared by the North Essex Authorities) of the reasons for selecting the alternatives dealt with and of the reasons for choosing the preferred spatial strategy in light of the alternatives.
- 2.53 The report would not be a full SA Report for the Local Plan Section 1 but an addendum to that report, intended to replace those parts of the original report that assess the chosen spatial strategy in light of the alternatives.

**Output from Task 10:** SA addendum report for consultation.

**Input required from NEA officers:** Comments on draft report (we request one set of combined comments).

### Task 11: Consultation followed by finalisation of SA

- 2.54 At this point we recommend that the North Essex Authorities carry out a final formal round of consultation on the Section 1 Local Plan and SA, as amended by the further SA work prior to resuming the Examination hearings. This would ensure that the requirement of SEA Regulation 13(3) to give the statutory consultees and the public "*an effective opportunity*" to express their opinion on the draft plan and SA report prior to adoption is met, particularly if the additional SA work gives rise to a refined or alternative spatial strategy.
- 2.55 Following consultation we would analyse and respond to consultation responses and finalise the additional SA work.

**Output from Task 11:** Final SA addendum for submission to Examination.

**Input required from NEA officers:** Consideration of consultation comments in liaison with LUC, plus sign-off of final SA addendum.

### Indicative timetable for further SA work

- 2.56 We have provided an indicative timetable in **Figure 2.4**. The programme seeks to ensure that the work is undertaken effectively, with suitable analysis and engagement with stakeholders while delivering the outputs of the SA as soon as possible.



**Figure 2.4 Indicative programme**

Task											
1	Inception meeting										
2	Draft method statement and assessment criteria										
3	Gather evidence and data and finalise assessment criteria										
4	Identify alternative locations for strategic development										
5	Agree approach to further SA with the Inspector										
6	Focused consultation and engagement on SA method and scope										
7	Stage 1 assessment of alternative locations for strategic development										
8	Identify alternative spatial strategies to be subject to Stage 2 assessment										
9	Stage 2 assessment of alternative spatial strategies and workshop										
10	Reporting										
11	Consultation followed by finalisation of SA										

2.57 We recommend that the timetable is subject to on-going review to ensure it is kept-up-date to ensure completion by the dates specified by the NEAs.

LUC  
October 2018

## Appendix 1

Criteria for assessment of strategic development locations and their linkage to the SA framework

## Assessment criteria

Each alternative location for strategic development will be assessed against the suite of criteria below relating to access to existing services, facilities, transport and centres of employment and its proximity to these features rated as desirable, acceptable, preferred maximum, or unacceptable.

Each location will also be assessed against the suite of environmental criteria below and rated as having a low, medium or high likelihood of environmental harm.

The scores achieved by alternative development locations against the individual assessment criteria indicate whether development for housing use in the proposed location would be consistent with achievement of the related sustainability objectives (see Linkage to the SA framework section).

The size/development capacity of individual development locations is not taken into account in scoring them against the criteria since it is assumed that all spatial strategy alternatives put forward will seek to deliver the same amount of housing in total during the Plan period.

Access to services and facilities is assessed on the assumption that residents will travel on foot rather than by vehicle, reflecting national policy objectives to manage patterns of growth to make the fullest possible use of public transport, walking and cycling, to increase activity levels and to reduce vehicle emissions. Various pieces of research provide a variety of recommended guidance distances for walking. Those used in the SA are based on 'desired', 'acceptable' and preferred maximum' walking distances described in the publication 'Guidelines for Providing for Journeys on Foot (Institution of Highways and Transport, 2000). This suggests, for example, an acceptable walking distance of 800 m to most destinations, 1,000 m to work or school, and 400 m to town centres. Professional judgement has been used to vary this standard distance in relation to certain services and facilities, for example, the standard distance of 800 m has been used for railway stations but a shorter distance of 400 m has been used for bus stops, reflecting the fact that individuals are likely to be prepared to walk greater distances to larger scale facilities; similarly secondary schools have been assigned a longer walking distance than primary schools reflecting the fact that older children should be capable of walking a longer distance and secondary schools are generally larger institutions with larger catchment areas than primary schools.

Scores assigned to individual locations on the basis of intersection with areas of environmental constraint such as flood zones or areas of ecological value are independent of the proportion of the site intersecting with the constrained area; as such the assessment scores are designed to highlight potential adverse effects and flag these for closer examination by the authorities before inclusion in a preferred spatial strategy.

The appraisal results will also indicate the proportion of each location subject to the constraint, helping to highlight those where it is more likely to be possible to avoid the potential effect identified by the SA by an appropriate development layout/masterplan. Once a preferred spatial strategy is selected, discussion of the significance of the effects of the strategy will be informed by analysis of the total area of sites falling within areas of environmental constraint.

Access to services, facilities, transport and centres of employment	Acceptability of walking distance			
	Desirable	Acceptable	Preferred maximum	Unacceptable
Site assessment criterion				
Proximity to services, facilities and employment: GP surgeries/ health centres	<= 400 m	401-800 m	801-1200 m	>1200 m
Proximity to services, facilities and employment: primary or middle schools	<= 400 m	401-800 m	801-1200 m	>1200 m
Proximity to services, facilities and employment: secondary schools	<= 500 m	501-1000 m	1001-2000 m	>2000 m
Proximity to services, facilities and employment: further and higher education facilities	<= 500 m	501-1000 m	1001-2000 m	>2000 m

Access to services, facilities, transport and centres of employment	Acceptability of walking distance			
	Desirable	Acceptable	Preferred maximum	Unacceptable
Site assessment criterion				
Proximity to services, facilities and employment: local centres	<= 200 m	201-400 m	401-800 m	>800 m
Proximity to services, facilities and employment: town centres	<= 400 m	401-800 m	801-1200 m	>1200 m
Proximity to services, facilities and employment: railway stations	<= 500 m	501-1000 m	1001-2000 m	>2000 m
Proximity to services, facilities and employment: bus stops	<= 200 m	201-400 m	401-800 m	>800 m
Proximity to services, facilities and employment: cycle paths	<= 200 m	201-400 m	401-800 m	>800 m
Proximity to services, facilities and employment: open spaces and sports centres	<= 400 m	401-800 m	801-1200 m	>1200 m
Proximity to services, facilities and employment: public rights of way (PRoW)	<= 200 m	201-400 m	401-800 m	>800 m
Proximity to services, facilities and employment: centres of employment	<= 500 m	501-1000 m	1001-2000 m	>2000 m

Environmental criteria	Site assessment criterion	Likelihood of harm		
		Low	Medium	High
Proximity to heritage assets: allocations within existing settlements		All other sites	101-250 m	<=100 m
Proximity to heritage assets: allocations outside of existing settlements		All other sites	501-1000 m	<500 m
Proximity to wildlife or geological sites: internationally or nationally designated wildlife sites - allocations within existing settlements		All other sites	Intersects with 'residential' or 'all planning applications' IRZ	Intersects with designated site
Proximity to wildlife or geological sites: internationally or nationally designated site - allocations outside existing settlements		All other sites	Intersects with 'rural residential' or 'all planning applications' IRZ	Intersects with designated site
Proximity to wildlife or geological sites: locally designated wildlife sites and ancient woodland		All other sites	<=400 m from designated site boundary	Intersects with designated site
Proximity to wildlife or geological sites: Priority Habitat Inventory (PHI) or local Biodiversity Action Plan (BAP) habitat		All other sites	Intersects with habitat	N/A
Proximity to wildlife or geological sites: locally designated geological site		All other sites	Intersects with LGS	N/A
Proximity to designated landscapes: allocations within existing settlements		All other sites	Intersects with designated landscape	N/A

<b>Environmental criteria</b>		<b>Likelihood of harm</b>		
<b>Site assessment criterion</b>		<b>Low</b>	<b>Medium</b>	<b>High</b>
Proximity to designated landscapes: allocations outside of existing settlements		All other sites	<=5 km to designated landscape	Intersects with designated landscape
Intersection with Source Protection Zones (SPZs)		All other sites	Intersects with SPZ2 or 3	Intersects with SPZ1
Intersection with flood risk areas		All other sites	Intersects with Flood Zone 2	Intersects with Flood Zone 3a or 3b
Likely contribution to road traffic within areas suffering from traffic-related air pollution		All other sites	N/A	Site is within or likely to generate commuter traffic through an AQMA
Proximity to sources of air pollution		All other sites	N/A	Site is within AQMA
Exposure to noise pollution from roads and railways		All other sites	Lnight 50.0-54.9 dB, or Laeq,16 55.0-59.9 dB	Lnight >=55.0 dB, or Laeq,16 >= 60.0 dB
Exposure to noise pollution from major airports (including London Stansted)		All other sites	Lnight 50.0-54.9 dB, or Laeq,16 55.0-56.9 dB	Lnight >=55.0 dB, or Laeq,16 >=57.0 dB
Proximity to waste sites		All other sites	N/A	<=500 m to anaerobic digestion (AD) facility or <=250 m to waste management facility
Intersection with airport Public Safety Zones (PSZ)		All other sites	N/A	Intersects with airport PSZ
Intersection with mineral resources		All other sites	N/A	Intersects with Mineral Safeguarding Area
Intersection with agricultural land		All other sites	Intersects with Grade 3	Intersects with Grade 1 or 2

## Linkage to the SA framework

There is not a one to one relationship between the site assessment criteria and the sustainability objectives of the SA framework. Instead, one site assessment criterion may be relevant to the Plan's effects in relation to achievement of a number of sustainability objectives, as indicated in the following table.

Site assessment criterion	SA objective											
	SA3. Improve health	SA4. Ensure and improve viability of centres	SA6. Conserve and enhance wildlife and geological sites	SA7. Achieve more sustainable travel behaviour	SA8. Accessibility, sustainable location, infrastructure provision	SA9. Conserve and enhance the historic environment and townscape	SA10. Use energy efficiently and reduce greenhouse gas emissions	SA11. Improve water quality, water scarcity & sewerage capacity	SA12. Reduce flood risk	SA13. Improve air quality	SA14. Conserve and enhance landscape quality	SA15. Safeguard & enhance soil quality and mineral deposits
Proximity to services and facilities: GP surgeries/ health centres	Yes	No	No	Yes	Yes	No	Yes	No	No	No	No	No
Proximity to services and facilities: primary or middle schools	No	No	No	Yes	Yes	No	Yes	No	No	No	No	No
Proximity to services and facilities: secondary schools	No	No	No	Yes	Yes	No	Yes	No	No	No	No	No
Proximity to services and facilities: local centres	No	Yes	No	Yes	Yes	No	Yes	No	No	No	No	No
Proximity to services and facilities: town centres	No	Yes	No	Yes	Yes	No	Yes	No	No	No	No	No
Proximity to services and facilities: railway stations	No	No	No	Yes	Yes	No	Yes	No	No	No	No	No
Proximity to services and facilities:	No	No	No	Yes	Yes	No	Yes	No	No	No	No	No



	SA objective											
Site assessment criterion	SA3. Improve health	SA4. Ensure and improve viability of centres	SA6. Conserve and enhance wildlife and geological sites	SA7. Achieve more sustainable travel behaviour	SA8. Accessibility, sustainable location, infrastructure provision	SA9. Conserve and enhance the historic environment and townscape	SA10. Use energy efficiently and reduce greenhouse gas emissions	SA11. Improve water quality, water scarcity & sewerage capacity	SA12. Reduce flood risk	SA13. Improve air quality	SA14. Conserve and enhance landscape quality	SA15. Safeguard & enhance soil quality and mineral deposits
settlements												
Proximity of residential development to wildlife or geological sites: internationally or nationally designated site - allocations outside existing settlements	No	No	Yes	No	No	No	No	No	No	No	No	No
Proximity to wildlife or geological sites: locally designated wildlife sites and ancient woodland	No	No	Yes	No	No	No	No	No	No	No	No	No
Proximity to wildlife or geological sites: Priority Habitat Inventory (PHI) or local Biodiversity Action Plan (BAP) habitat	No	No	Yes	No	No	No	No	No	No	No	No	No
Proximity to wildlife or geological sites: locally designated geological site	No	No	Yes	No	No	No	No	No	No	No	No	No
Proximity to designated landscapes	No	No	No	No	No	No	No	No	No	No	Yes	No





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### Summary of NEA's ongoing evidence base work

The NEA have been working closely with a number of different statutory bodies, infrastructure providers and consultants to address identified issues in the evidence base. The NEA anticipate that all of these issues will be addressed by December 2018/ January 2019.

<b>Issue identified in 8 June letter (with paragraph number(s))</b>	<b>Summary of NEA's approach to addressing the identified issue</b>
A120 improvements (para 37)	Further evidence on the funding mechanism for A120 improvements is currently being sought from the Department for Transport and will be submitted to the Examination. Additionally the NEA will submit details of Essex County Council's favoured route option which was announced in June 2018.
A12 improvements (para 37)	<p>Feasibility work on alternative rerouting of the A12 is currently taking place as part of the Housing Infrastructure Fund (HIF) process. Essex County Council (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 NEA have been working closely with Highways England in planning route options for the A12 which take account of the proposed Colchester Braintree Borders Garden Community. Non-statutory consultation to be carried out by Highways England (in conjunction with the NEA) is expected to take place in late 2018 on these route options.</p>
Rapid transit system (RTS) (paras 38-43)	The NEA have commissioned further feasibility work on the proposed North Essex RTS. This work focuses on the role of the RTS in delivering the modal share targets the NEA have committed to at the Garden Communities, from the initial phases of development during the plan period, to potential further evolution of the RTS beyond 2033.
Marks Tey railway station relocation (para 47)	The NEA are engaging 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 NEA's 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 NEA are committed.

Assumed build-out rates (para 53)	NEGC Ltd and the NEA have commissioned consultants to look at the assumed delivery rates of housing in the Garden Communities. This work involves analysis of the demand side of delivery including market absorption rates, as well as the supply side including modern methods of construction.
Allocation of new builds between LPAs (para 54)	The NEA are in the process of agreeing how housing supply will be allocated amongst relevant LPAs in the event of a shortfall in planned delivery. This agreement will be submitted to the Examination.
Viability evidence (paras 55, 64, 66-68, 78-80, 85, 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 the 8 June letter including the approach to contingency, land purchase costs, and affordable housing, as well as updating the wider analysis of scheme costs and values.
State aid (para 70)	The NEA have received further advice on the potential concerns raised over state aid implications to the assumed interest rates within the financial viability evidence.
Employment forecasting and provision (paras 61, 140-142)	The NEA have undertaken further analysis to consider land/floorspace and consistency across the evidence base.
Infrastructure planning, phasing and delivery (paras 133, 144)	The NEA have commissioned consultants to look into infrastructure planning, phasing and delivery at each of the Garden Communities. This work provides updates on infrastructure requirements, cost benchmarking, site capacity analysis and scheme phasing.
Sustainability Appraisal (SA) (paras 119-129)	The NEA have commissioned new consultants to carry out a Sustainability Appraisal of Section 1. The revised SA will closely follow the recommendations contained in the 8 June letter however the NEA will also inform the Inspector of the proposed methodology (as has been previously requested).
Habitats Regulations Assessment (HRA) (para 27)	The Section 1 Habitats Regulations Assessment is being updated to take account of the recent decision of the Court of Justice of the European Union (CJEU).
Delivery mechanisms (paras 85, 87-92)	The NEA will be providing 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.

## **OPINION**

### **Introduction**

1. I am asked to advise as to whether the North Essex Authorities (the NEAs) can, as a matter of law, adopt their Section 1 Local Plans separately to, and in advance of, their Section 2 Local Plans. The relevant background is as follows.

### **Background**

2. I am instructed on behalf of Braintree District Council, Colchester Borough Council, Tendring District Council and Essex County Council. The first three authorities are referred to as the NEAs. The NEAs have been working together to plan for strategic cross-boundary issues across the North Essex area. On 9 October 2017 the three NEAs individually submitted draft Local Plans to the Planning Inspectorate for examination. Each of the draft Local Plans contains two sections:
  - (a) Section 1 which includes policies on strategic cross-boundary issues including infrastructure, housing numbers and proposals for three new Garden Communities. The drafting of Section 1 is common to all three Local Plans; and
  - (b) Section 2 which includes individual site allocations and development management policies which are specific to the relevant authority.
3. Section 1 has been subject to a joint examination by a single Inspector. Examinations for each of the three Section 2 Local Plans will take place separately, most likely in 2019. In a letter dated 8 June 2018 the Inspector considered that further work was

required in respect of the evidence base supporting Section 1 and policy changes were needed before the Plans could be found sound. The NEAs are considering the next steps in the light of that letter.

4. Examinations for each of the three Section 2 Local Plans will take place separately. It is anticipated that new Inspectors will examine some or all of the Section 2 Local Plans. Given that Section 1 sets out the strategic policy framework, including in particular housing numbers and employment figures, the examination of the Section 2 Local plans is not expected to progress until the Section 1 Local Plans have been found sound, or can be made sound with modifications.
5. A core element of Section 1 is the proposal for three proposed Garden Communities providing between 29,000 and 43,000 homes in total, with 7,500 homes to be delivered within the Plan period (to 2033). If adopted, Section 1 would establish the in-principle acceptability of the proposed Garden Communities.
6. The Local Development Scheme of Braintree District Council (May 2018) refers to Parts 1 and 2 of its Local Plan. The timetable clearly shows separate steps for the preparation of each, with separate adoption. The LDS of Colchester Borough Council (November 2017) refers to Parts 1 and 2, with separate examination of each, but a single Inspector's report, and adoption of both in September 2018. The LDS of Tendring District Council (October 2017) refers to 2 Parts, with separate examinations and Inspector's reports. The timetable for adoption seems to suggest adoption of Section 1 in June 2018, with adoption of Sections 1 and 2 in September 2018.
7. Given the inevitable gap in time between the decision on Section 1 and any decision on Section 2, each of the NEAs would, if legally possible, like to adopt Section 1 as

soon as a decision on soundness has been issued. Advance adoption of Section 1 would have distinct planning advantages in terms of filling the existing policy vacuum, reflecting the revised NPPF requirements to ensure that, as a minimum, authorities have a plan detailing the strategic priorities for their area in place and enabling the NEA's to progress the development and delivery of the garden communities (if these remain part of Section 1).

### **Analysis**

8. By way of overview, it is my clear opinion that the preparation of the Section 1 Local Plans thus far, and their adoption as envisaged, complies with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The analysis should seek to identify any provision in this statutory framework which either (1) expressly prevents separate adoption or (2) would operate such that separate adoption would be contrary to the overall scheme of the statutory framework. For shorthand, I will label any provision which might operate adversely to the intended adoption as a "contrary provision".
  
9. Section 15 of the Act deals with the Local Development Scheme. Sub-section (2) provides that the Scheme must specify the local development documents which are to be development plan documents, the subject matter and geographical area to which each development plan document is to relate, which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities, any matter or area in respect of which the authority have agreed to the constitution of a joint committee under section 29, "the timetable for the preparation and revision of the development plan documents" and such other matters as are prescribed. It will be seen that the timetable for adoption is not a matter which must be specified in the

LDS. Section 19(1) provides that development plan documents must be prepared in accordance with the Local Development Scheme. I refer to this further below.

10. Section 17(3) provides:

“The local planning authority’s local development documents must (taken as a whole) set out the authority’s policies (however expressed) relating to the development and use of land in their area”.

This is an important provision for present purposes. It is clear that it contains no contrary provision.

11. Section 17(7) provides (so far as relevant):

“Regulations under this section may prescribe –  
(za) which descriptions of documents are, or if prepared are, to be prepared as local development documents;  
(a) which descriptions of local development documents are development plan documents...”.

The regulation(s) referred to is regulation 5 of the Regulations. The definitions provision of the regulation defines “local plan” as meaning “...any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents”.

12. With the definition of “local plan” in mind, the relevant provisions of regulation 5 are as follows:

“(1) for the purposes of section 17(7)(za) of the Act the documents which are to be prepared as local development documents are –



- (a) any document prepared by a local planning authority individually or in co-operation with one or more other local planning authorities, which contains statements regarding one or more of the following –
  - (i) the development and use of land which the local planning authority wish to encourage during any specified period;
  - (ii) the allocation of sites for a particular type of development or use
  - .....
  - (iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission.
  - .....
- (2) For the purposes of section 17(7)(za) of the Act the documents which, if prepared, are to be prepared as local development documents are –
  - (a) any document which –
    - (i) relates only to part of the area of the local planning authority;
    - (ii) identifies that area as an area of significant change or special conservation; and
    - (iii) contains the local planning authority’s policies in relation to the area; and
  - (b) any other document which includes a site allocation policy”.

Again, this is an important provision for present purposes. A local plan can, for example, relate only to part of the area of the local planning authority. There is no contrary provision in this important part of the statutory framework.

13. Section 19 of the Act deals with “preparation” of local development documents. I set out relevant provisions below:

“(1A) Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.

- (1B) Each local planning authority must identify the strategic priorities for the development and use of land in the authority's area.
- (1C) Policies to address those priorities must be set out in the local planning authority's development plan documents (taken as a whole)".

This is another important provision for present purposes. It contains no contrary provision.

- 14. I emphasised that section 19 deals with the preparation of local development documents. In Samuel Smith Old Brewery (Tadcaster) v. Selby District Council [2015] EWCA Civ. 1107, the Court of Appeal emphasised the "sequential stages" of sections 19 and 20 (and subsequent provisions). "Preparation comes to an end before examination begins. The former is an activity undertaken by the local planning authority, the latter an activity undertaken by the Inspector...": paragraph 28. I consider section 23 (adoption) below, but the LDS is a document relevant to preparation, and not to any later stage. The LDS is not a document that constrains the exercise of adoption. This is consistent with the provisions of section 15(2) referred to above.
- 15. Section 20 deals with the submission by the local planning authority of the Local Plan to the Secretary of State, and the subsequent examination. There is no contrary provision in section 20.
- 16. Section 23(2) provides:
  - "If the person appointed to carry out the independent examination of a development plan document recommends that it is adopted, the authority may adopt the document".

There is no contrary provision here.

17. For completeness, there is no contrary provision in the remainder of the Regulations.

**Conclusion**

18. As noted above, it is in my opinion clear that the NEAs may lawfully adopt (subject to the recommendation of the examination) their Section 1 Local Plans.

**Consequential matters**

19. In the light of the principal conclusion above, it follows that there is no need arising from the statutory framework for the taking of any special precautionary steps. However, that is not to deny that good practice measures could be taken which could include:

- (a) the publication of a revised Local Development Scheme for each authority making it clear that Sections 1 and 2 will be separately adopted;
- (b) advertising a proposed change to Section 1, alongside the revised evidence/updated Sustainability Appraisal that will be needed in any event, that makes it clear that separate adoption is proposed;
- (c) securing a resolution from each authority that they intend to adopt the Sections separately, and
- (d) making sure that the issue is on the agenda at any re-opened examination.

20. With reference to (a) above, this is a sensible step, despite my above comments relating to the LDS and adoption. Since the LDS of each authority does contain a timetable for adoption, it is obviously wise to provide updated clarification. Such revision would be in performance of the duty in section 15(8)(a).

Landmark Chambers  
180 Fleet Street  
London EC4A 2HG  
8<sup>th</sup> August 2018

**C. LOCKHART-MUMMERY QC**

**IN THE MATTER OF:**

**THE NORTH ESSEX AUTHORITIES DRAFT SECTION 1  
LOCAL PLAN**

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**OPINION**

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**Dentons**

**Our Ref: CLM-**