

Braintree Local Plan Section 2

Examination Hearing Statement

Main Matter 2 (The Spatial Strategy)

**Prepared by Strutt & Parker on behalf of Pigeon Investment Management Ltd
(Respondent ID: 874569)**

June 2021

1. Introduction

- 1.1 Pigeon Investment Management Ltd ('Pigeon') made representations on the Publication Draft Local Plan Section 2 in July 2017, on behalf of Pigeon Land Ltd.
- 1.2 These representations were duly made, and recorded as comment ID 686 and 687, for respondent ID 874569.
- 1.3 Pigeon's principal interest in respect of the Local Plan Section 2 (LPS2) relates to land at Coggeshall, and their key concern in respect of the LPS2 is the lack of growth it directs to this identified Key Service Village.
- 1.4 This Hearing Statement addresses Main Matter 2 (the Spatial Strategy) of the LPS2 Examination.
- 1.5 Some four years has elapsed since the LPS2 was prepared, and there have been a number of material changes in circumstances since then that are pertinent to the LPS2. Such changes have exacerbated concerns raised back in 2017, including in relation to the proposed spatial strategy and whether the LPS2 represents the most appropriate strategy for meeting Braintree's development needs.
- 1.6 The LPS2 is being examined in relation to the NPPF 2012, as per the NPPF 2019 transitional arrangements. As such, references to NPPF within this Hearing Statement are to the NPPF 2012, unless otherwise stated.

2. Main Matter 2

Question: Is the Spatial Strategy for Braintree justified by appropriate available evidence, having regard to national guidance, and local context, including Section 1 of the BLP?

In light of removal of the 2 garden communities from Section 1 of the BLP is Braintree's spatial strategy supported by robust and up to date evidence and otherwise soundly based?

2.1 We consider it is important to recognise that:

a) The LPS2 is required to be the *most* appropriate strategy when considered against reasonable alternatives. This is an express requirement of a sound Local Plan, as per NPPF paragraph 182.

b) The Local Plan Section 1 (LPS1) and LPS2 were prepared and submitted as a single Local Plan, and changes to one section have the potential to have significant implications for the other.

Coggeshall

2.2 Coggeshall is an established village community, with range of services and facilities which warranted its designation as a Key Service Village in the LPS2.

2.3 It is important the LPS2 directs sufficient growth to villages, to ensure village communities are sustained and that their facilities and services remain viable and thus continue to perform an important role for the existing community. The NPPF makes clear that one of the core planning principles that should underpin both plan-making and decision-making is the need to support village communities:

*“Planning should.... take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and **supporting thriving rural communities within it**”.* (NPPF paragraph 14, emphasis added).

2.4 The NPPF also requires planning policies to support economic growth in rural areas, including through ensuring retention and development of local services and facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship (paragraph 28).

2.5 In addition, the NPPF states at paragraph 55 that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural

communities. This is particularly applicable to Coggeshall, given that the LPS2 recognises that it is a Key Service Village.

- 2.6 Further to the requirements of the NPPF, the Planning Practice Guidance (PPG)¹ explains how Local Planning Authorities should support sustainable rural communities:

“It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements”.

And

*“A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. **Rural housing is essential** to ensure viable use of these local facilities”.* (Emphasis added).

- 2.7 Even before the deletion of the two Garden Communities, we had concerns that the LPS2 failed to direct sufficient growth to Coggeshall, and its approach was contrary to the NPPF in this regard.
- 2.8 As per the housing trajectory in the submitted LPS2, the submitted LPS2 was expected to deliver just 110 dwellings for Coggeshall within the plan period, but with a further 2,500 dwellings immediately to the east, 1,250 of which were to meet Braintree’s housing needs.
- 2.9 The trajectory in the Council’s Local Plan Examination Topic Paper 2 (TP2) suggests that the LPS2 will now result in delivery of 400 dwellings in Coggeshall, 300 of which projected from a single site (Land North of Colchester Road). 400 dwellings represents just 2.5% of the total number of dwellings TP2 projects the LPS2 will deliver over the plan period.
- 2.10 We do not consider that the LPS2 proposed the most appropriate strategy for Coggeshall, let alone the most appropriate strategy. The removal of the two Garden Communities, and in particular Colchester / Braintree Borders, has compounded such concerns – not only will Coggeshall experience limited growth, but there is no longer any major strategic growth in proximity which may have compensated for this.
- 2.11 In addition, the removal of the two Garden Communities gives rise to wider concerns in respect of the soundness of LPS2’s spatial strategy.

¹ Paragraph: 001 Reference ID: 50-001-20140306

Removal of Garden Communities

- 2.12 The removal of the two Garden Communities from LPS1 impacts on the proposed spatial strategies of all three North Essex authorities, but such an impact is most acutely felt by Braintree District. The two Garden Communities removed - Colchester / Braintree Borders and West of Braintree Garden Community – were both intended to make significant contributions to Braintree District’s housing needs. Conversely, the one Garden Community which remains from the submitted LPS1 provides no housing for Braintree District, being located in Colchester Borough / Tendring District.
- 2.13 The two removed Garden Communities were intended to deliver a total of up to 34,000 homes, 3,650 of which were designated as contributing towards Braintree District’s housing delivery over the plan period. Their removal manifestly alters the spatial strategy: how, when and where development needs will be met.
- 2.14 The below figure is Figure 5.1 of the LPS2: the Key Diagram. The Key Diagram would of course be vastly different once the two Garden Communities are deleted, particularly on the eastern side of the District, where a Garden Community had been intended to provide the vast majority of strategic growth. Almost all remaining strategic growth is concentrated on Braintree and Witham only.

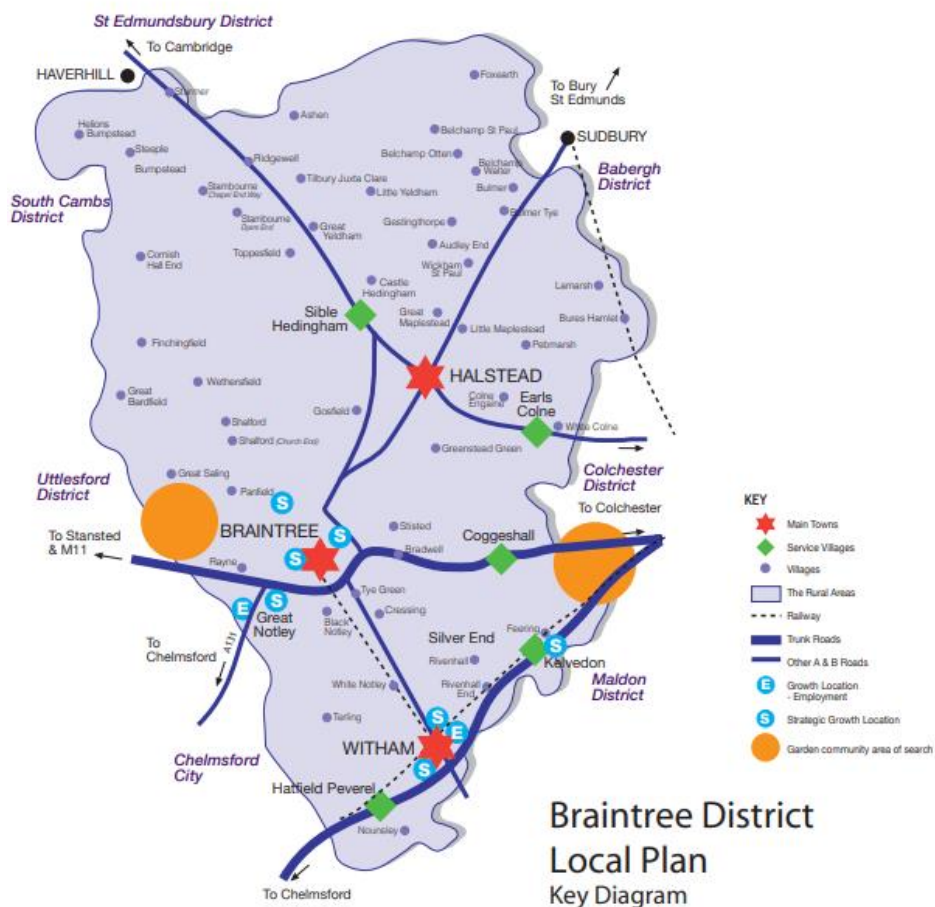


Figure 1 – LPS2 Key Diagram

- 2.15 We note the Council's Topic Paper 2 on housing, and that its suggestion that the LPS2 will still meet housing needs over the plan period. We have concerns as to whether housing needs will be met, as set out in our Main Matter 5 Hearing Statement. In any case, we note that a key reason as to why the Council considers that housing needs can still be met in full is the contribution to the supply from major development sites since submission of the LPS2 in 2017. Such sites would have to have been additional to those proposed to be allocated in LPS2, as those were already included in LPS2's trajectory. As such, these are not necessarily sites that conform to LPS2's proposed spatial strategy. Indeed, we note that for much of the last four years, the Council has been unable to demonstrate a five-year housing land supply, and developments have come forwards as a result of the application of paragraph 11 d) of the NPPF 2019 – the 'tilted balance'. This has included development allowed on appeal. If the LPS2 will now result in housing needs being met in full, this would appear to be more by accident than design. It does not mean that the manner in which housing needs are being met (the location, size, type, tenure, etc.) is appropriate, let alone the most appropriate.
- 2.16 One of the areas in which the removal of the Garden Communities has greatest impact is Coggeshall.
- 2.17 The Colchester Braintree Borders Garden Community was intended to deliver 2,500 during the plan period, a significant proportion of which would have been located in Coggeshall Ward, and all would have had a strong functional relationship with the village, with the Garden Community as per Map 10.3 B of the LPS1 (shown below) located immediately to the east of Coggeshall.

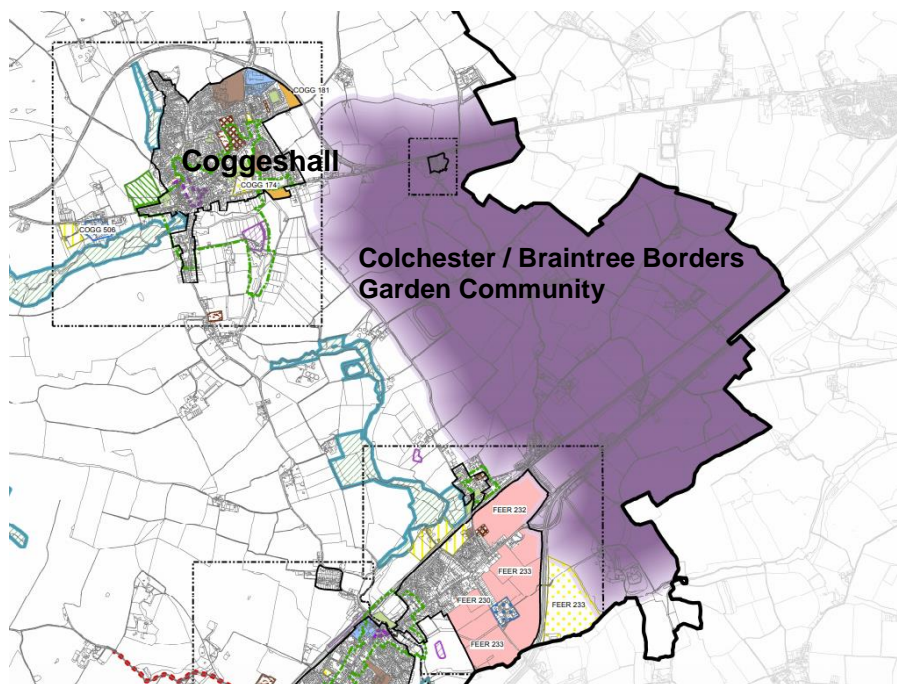


Figure 2 – Map 10.3 B from submitted version of LPS1, with Coggeshall and Colchester / Braintree Borders Garden Community labels added

- 2.18 It is simply not feasible to suggest that such large scale development proposed in immediate proximity to Coggeshall would have had no impact on the strategy for the village and its surrounds. Nor that the decision to direct so few homes to Coggeshall (notwithstanding its position as Key Service Village in the settlement hierarchy – a second tier settlement, below only Braintree, Witham and Halstead in the District's hierarchy) was not in any way influenced by such large scale growth c.400m to the east of the village.
- 2.19 As noted earlier, the trajectory in TP2 suggests that 400 dwellings will now be delivered in Coggeshall over the plan period. However, this is still significantly fewer homes than would have been provided in Coggeshall and its immediate vicinity within the plan period if the Colchester / Braintree Borders Garden Community had progressed as the LPS2 originally envisaged; and a fraction of the number that the submitted Plan proposed for this area in the longer term.
- 2.20 Options for growth in Coggeshall include those that were rejected in the context of a Garden Community being proposed in the vicinity which would have delivered 2,500 dwellings within the plan period; 15,000 – 24,000 homes in total. Further to the deletion of the two Garden Communities, and in particular the Colchester Braintree Borders Garden Community, there is a need to reconsider the potential growth options for Coggeshall that were previously rejected. We suggest one of the key questions which has yet to be answered by the Local Plan evidence base is: in light of the deletion of proposals for 2,500 dwellings within the plan period / 15,000 – 24,000 homes in total adjacent to Coggeshall, what is an appropriate level of growth for Coggeshall itself? (or rather, given the soundness tests as per paragraph 182 of the NPPF: what is the *most* appropriate level of growth for Coggeshall?).

Sustainability Appraisal

- 2.21 The NPPF is clear on the importance of sustainability appraisal (SA) in plan-making, stating (paragraph 165) that an SA which meets the requirements of strategic environmental assessment should be an integral part of the plan preparation process. Furthermore, SEA Regulations² require that SAs set out the reason for the selection of the preferred approach in light of reasonable alternatives, and for alternatives to be assessed to the same level of detail as the proposed approach.
- 2.22 In light of the deletion of the two Garden Communities from LPS1, we do not consider the SA of the LPS2 (LPS2SA) (BDC025/1/2) provides a robust assessment of the selected spatial strategy in light of reasonable alternatives. Indeed, it is clear that the spatial strategy appraised in the LPS2SA is no longer that which the LPS2 will deliver. At paragraph 5.1 of the LPS2SA it expressly notes the role of Garden Communities in the spatial strategy of the proposed submission of the Plan in relation to Braintree:

² Environmental Assessment of Plans and Programmes Regulations 2004

*“[LPS1] then goes on to state that taking both this settlement hierarchy and the Council’s analysis of opportunities and constraints into account, the broad spatial strategy should concentrate development on Braintree, **planned new garden communities**, Witham and the A12/Great Eastern Mainline (GEML) corridor, and Halstead.”* (Emphasis added).

- 2.23 In addition, the two new Garden Communities were a key part of the vision of the submitted Plan. The LPS2SA, recognised this, as confirmed at paragraph 4.2, and assessed the vision on this basis within Table 4.1.
- 2.24 Furthermore, at paragraph 1.11, the LPSA2SA makes clear it considered options for the LPS2SA in the context of the proposed Garden Communities. Separately, at paragraph 11.6 of the LPS2SA, it is confirmed that development of the Garden Communities has been considered in appraising the cumulative impacts of options in the District.
- 2.25 Of course, it would have been remiss of the LPS2SA to have failed to consider such significant proposed growth, as it was at the time, and its resultant impact on the rest of the proposed strategy. However, the key point is that these circumstances have fundamentally changed. Conclusions reached by the LPS2SA were in the context of the Garden Communities, and are not necessarily valid now.
- 2.26 The LPS2SA’s reason for rejecting the option of strategic scale growth at North West Coggeshall (COGG641), exemplifies the issue with the LPS2 in light of the deletion of the two Garden Communities:
- “Proposed garden community of 5,000+. Alternative site [to Colchester Braintree Borders Garden Community] considered as in section 1 sustainability appraisal.”* (Appendix 9 of LPS2 SA. Page unnumbered, but page 1,621 of PDF on online version)
- 2.27 I.e. the sole reason for rejecting this option is related to the Colchester Braintree Borders Garden Community – a reason that is evidently no longer applicable. This does not mean COGG641 is automatically suitable for development now. However, it does illustrate how the evidence base underpinning the proposed limited scale of growth for Coggeshall in the LPS2 is no longer fit for purpose; and, consequently, the need to reappraise all potential options for Coggeshall.
- 2.28 In light of the demise of the two Garden Communities, it is necessary for the LPS2SA to reconsider not only what would be the most appropriate quantum of development to be directed to Coggeshall, but also the most appropriate strategy for doing so, e.g. which site / sites would be most appropriate to deliver growth.

2.29 It is of course not simply the LPS2SA that would have been impacted by the proposed Garden Communities. Any consultation response made on the LPS2, any community involvement, would have been in the context of these two large, strategic allocations.

Summary

2.30 In summary:

- LPS2's distribution of growth was predicated on delivery of the two now deleted Garden Communities. Changes to the LPS1 have impacted on LPS2's spatial strategy, such that it would now result in a fundamentally different distribution of growth than envisaged when it was submitted. This is exemplified by Coggeshall, through which the LPS2 only directed a limited amount of growth to, but which was located in close proximity to proposals for 15,000 – 24,000 new homes. The appropriateness of limited growth to the village itself was questionable even when one viewed it in the context of such strategic growth proposed c.400m from the village envelope, which arguably could have been seen to compensate for low numbers of new homes proposed for Coggeshall itself. It is even more questionable now. We consider the approach in the LPS2 is contrary to the NPPF, and its call for planning to support village communities, particularly communities such as Coggeshall, which provides a range of services and facilities for its residents, as well as those of the surrounding area.
- As with the LPS2 itself, the evidence base to support the Plan, crucially including the LPS2SA, is also predicated on the delivery of the two Garden Communities. Selected and rejected options were appraised on the basis of the two now deleted Garden Communities coming forward, and the LPS2SA considered cumulative impacts arising from both now deleted Garden Communities. The distribution of growth the LPS2 will now produce is fundamentally different to that in the submitted Plan, but this change has not been appraised. The evidence base, including SA, cannot be considered robust until it has been updated to reflect the current status of the Garden Communities, and options reconsidered in light of this fundamentally different context.
- Even if the LPS2 were still capable of meeting housing needs in full, this does not mean that the strategy for doing so is the most appropriate, or even appropriate.
- We consider that the spatial strategy need to be reconsidered in light of the deletion of the two Garden Communities, particularly in relation to existing settlements that were in proximity to these, such as Coggeshall.

Are the development boundaries in BLP Section 2 supported by robust and up to date evidence, otherwise soundly based and appropriately drawn?

- 2.31 For the reasons set out above, we do not consider LPS2 provides a sound spatial strategy supported by robust evidence, insofar as it concerns Coggeshall. Consequently, we do not consider that the settlement boundaries predicated on the spatial strategy can be considered sound.
- 2.32 We consider it is also pertinent to note that in recent years the District's housing land supply has often fallen below the requisite five-year supply, resulting in development having to take place beyond settlement boundaries established within the Development Plan in order for needs to be met. In light of our concerns in relation to the ability of the LPS2 to meet housing needs in full and to maintain a five-year housing land supply throughout the plan period, (as set out in our Main Matter 5 Hearing Statement), we consider that there is a significant risk that once again development beyond proposed settlement boundaries will be required in the future in order to ensure sufficient homes are provided. This risks an ad-hoc approach to delivery of housing, and in our view the most appropriate strategy would be to ensure settlement boundaries were drawn with sufficient flexibility to enable additional growth to that which the LPS2 allows.
- 2.33 The settlement boundary as currently drawn around Coggeshall stifles the amount of growth that can be delivered within the village over the plan period, risking undermining the vitality of the village and undermining sustainable development within the District.

2,711 words