

(1050 words-excluding quotes)

**Question 1** - Is there adequate justification for the threshold of approximately 2000 dwellings (ASA Main Report para 2.52) which was applied when selecting strategic sites to be appraised at Stage 1 of the ASA?

-To respond to LUC comments para 8.1.3

- *The submitted Section 1 Local Plan is clearly presented as a strategic plan and one of its main purposes is to “highlight the key strategic growth locations across the area...” (para 1.13, fourth bullet). It is therefore reasonable to set a threshold to define what is meant by a ‘strategic’ growth location and for this threshold to be above the dwelling capacity of sites provided for by the non-strategic Section 2 Local Plans (approximately 1,700 dwellings); a threshold of 2,000 dwellings was selected on that basis.*

A strategic growth location must be assessed against sustainable economic social and environmental criteria rather than simply being based on the arbitrary threshold of the number of houses it could accommodate being a crude measure which doesn't even consider the reality of development economics. I would respectfully suggest therefore that it does not therefore reasonably add to differentiating between sites. An urban extension connected to existing infrastructure and built out incrementally would compare very differently on cost/benefit/sustainability analysis to an isolated rural site with no connectivity/employment/existing infrastructure and requiring a huge state subsidy for example.

**Question 2** - Is the Stage 1 appraisal of alternative strategic sites based on sound and adequate evidence?

- *Objections state that the evidence regarding primary care provision is unclear. In response to the consultation on the method scoping statement, the North Essex and Mid Essex Clinical Commissioning Groups (CCGs) provided the NEAs with a formula for calculating the need for primary health care. From this, it was assumed that a Primary Care Spoke could be delivered within a development of at least 4,500 dwellings, that a Primary Care Hub could be delivered within a development of at least 8,500 dwellings, and that a Community Hub could be provided within a development of 21,000 dwellings. This is set out in the twelfth bullet of para 2.34 of the ASA Report. According to the CCG formula, sites under 4,500 capacity will not have sufficient critical mass to support primary care facilities.*

Section 106 agreements raise typically £300 per house as a contribution towards increased floorspace of GP surgeries. This is but a tiny contribution towards a GP Surgery and taking into account build out rates it might take 10-15 years before a new GP Surgery is established. Therefore it would be incorrect to use this as a justification for the need to build sites greater than 4,500 capacity and even more so with the failure by the NEAs to not have a CIL in place. (As per representation)

*Page 14 Table 2.7 sets out that sites which are over 4,500 units in scale are, in accordance with information from the North and Mid Essex CCG, able to provide greater opportunities for enhanced access to healthcare.*

Unfortunately again as made very clear at the LUC 'Check and Challenge' Workshop the NEAs have no CIL enacted and as such no funding is allocated for off-site requirements such as healthcare expansion at the hospitals serving the increased population within the proposed GCs. Therefore to quote sites that are over 4,500 offer a specific healthcare benefit is incorrect as they will inevitably reduce access to healthcare if the capacity is not increased to match the population. There is no current mechanism to undertake this. (Confirmed via email communication with Kerry Harding, Mid South Essex NHS Estates)

**Question 3** - Has the Stage 1 appraisal of alternative strategic sites been carried out with appropriate objectivity and impartiality?

8.3.6 A number of objectors claim that the ASA has not been approached with an 'open mind' or as a retro-fitting exercise. For the reasons set out above, this is not the case. In terms of deciding the most appropriate combination of strategic sites and spatial strategy to take forward, this is the decision of the NEAs, informed by the ASA and other evidence available. The purpose of SA is to inform decisions, not to make them.

However right from the start as per representations made it is clear from the initial Funding Applications for GCs that the NEAs had already identified their proposed locations and were already focusing on legal arrangements with the landowners prior to any SA process being available:-

**From: North Essex Garden Communities Business Case for Additional Capacity Funding 2016/2017**

*Para 2.4*

- *To assist this process, the local authorities are continuing to work with Garden City Developments CIC (GCD), a not for profit community interest company, to promote and*

*establish partnerships with these third party landowners and option holders. These discussions are continuing to explore landowners' appetites to enter legally binding agreements with the respective councils. To date, GCD has made positive progress with all landowners/agents and it is anticipated that a form of legal agreement will be in place before the Councils issue their Preferred Options Local Plans in June/July 2016. These agreements will seek to give the Local Authorities, through their Local Delivery Vehicles (LDV's), effective control of the delivery of the Garden Communities by acting as "Master Developer" for the scheme(s) as through the Local Planning process.*

*Para 2.6*

- Since the capacity funding was awarded in December 2015, the Councils have procured a consultant team to assist them; AECOM has been instructed primarily to help inform the councils' selection of Preferred Options and specifically the locations for any Garden Communities, and Denton's LLP has been instructed to advise on the LDV delivery structure, the detailed landowner negotiations and issues relating to planning policy formulation.*

It is clear that the locations were chosen and Place Services were commissioned by the NEAs to undertake the SA rather than the SA being used to inform the selection of sites from the outset. Legal discussions were taking place with landowners prior to a wider options appraisal or consideration of alternative sites so how can the SA process inform on decisions that were already pre-determined?

The ASA by LUC is heavily informed by the NEAs and is therefore subject to further subjective bias. LUC at the public engagement meeting also made it clear their difficulty in being commissioned after the original SA rather from the outset. Furthermore in Para 8.13.2 (Question 13) LUC concede this is 'ultimately a political decision by the elected Councillors of the three respective authorities, taking a variety of factors into account.'

I note the following from Guidance Issued by the Planning Inspectorate:-

*Evidence Requirements*

*1.7. LPAs need to be clear about what conclusions they have come to from the range of evidence available and how they have made choices, based on the evidence. The plan must not contain assertions of fact that are not supported by the evidence. Similarly the evidence should not be collected retrospectively in an attempt to justify the plan.*

We should therefore be able to understand clearly in a rational way how the SA and ASA process has informed the best locations for strategic growth and yet despite this

extremely protracted complicated process there are no firm conclusions on which to base decisions. How can this be sound in planning terms? In effect the NEAs then simply revert to their original decision made before the SA process commenced.

In addition how can this be related to the *primary stated aim of meeting 'Garden City Principles' with Integrated Transport, Employment access and Environmental considerations* when location clearly underpins all of these issues? A computer modelled geographic distance based analysis is far too simplistic to overcome key flaws in the procedural analysis from the start.

**Question 8** - *Is there justification for basing the proportionate (hierarchy-based) growth spatial strategy options (West 2 and East 2) on different settlement hierarchies from those identified in the NEAs' Section 2 Plans?*

In testing proportionate growth around existing settlements the NEAs have used a figure of 18% growth from 2019 levels resulting in a need of 40,000 homes. However from email communication to check these facts with the ONS I received the following answer:-

*Population growth as shown in the 2016-based subnational population projections from 2018 to 2033 (15 years) is projected to be 7.6% for England and 11.8% for the North Essex area (6.9% for Braintree, 14.7% for Colchester and 13.2% for Tendring). This represents a projected population increase of **58,100**.*

*The equivalent figures from the 2014-based subnational population projections (which feed in to the 2014-based household projections used in the standard formula for calculating Objectively Assessed Housing Need), are 9.7% for England and 11.9% for the North Essex area (10.5% for Braintree, 13.4% for Colchester and 11.4% for Tendring). This represents a projected population increase of **57,800** in the 2014-based population projections.*

For a stated requirement of 40,000 homes this would mean each dwelling would have only approximately 1.5 inhabitants which is clearly not matched with the projected local population. The proportional growth analysis is therefore presented in a flawed manner and cannot therefore be used as a justification for the need for Garden Communities.

**Question 12** Does the ASA give adequate and appropriate consideration to:

(a) Effects of overflying aircraft to and from Stansted airport?

I note LUC response to dismiss this impact from their noise contour analysis. I anticipate the discrepancy may be due to 'averaged' noise levels which are clearly different to peak intensity levels. However as per representation this was clarified by an aviation expert from MAG Airports Group in the last UDC Hearing that overflying aircraft *would exceed the noise levels on a regular and increasing basis* and so I regard the LUC statement as incorrect and needing further checking beyond noise contour analysis from a geographic modelling program.

(b) Impacts on operations at Andrewsfield airfield?

As a CAA licensed training airfield Andrewsfield ought to be considered within a safeguarding planning consideration regarding any neighbouring development for safety reasons. However to date NEAs have shown no interest in analysing the impact of the contribution of Andrewsfield in terms of its activity, heritage, community value or contribution to General Aviation. There is also no conveyed understanding over it's key strategic role or as a future base for electric aircraft, engineering and pilot training. LUC further concede that UDC's Local Plan may also impact but this will only happen if the WoBGC is given planning permission. Therefore the comments made here offer no material reassurance to the long term safeguarding of Andrewsfield.

Dr Michael Frost

December 16th 2019