



North Essex Authorities (NEAs) Section One Shared Strategic Plan

Matter 8: Sustainability Appraisal

Response to Further Hearing Statement

December 2019

North Essex Authorities' response to Further Hearings Statements related to Matter 8 (Sustainability Appraisal)

The North Essex Authorities (NEAs) and independent consultants LUC have reviewed the Further Hearings Statements submitted in respect of Matter 8. Most of the representations made have already been addressed in the NEA's original hearing statement. However, where statements have raised particular issues and arguments that require a further response, these are set out below.

Question 1

(a) Is there adequate justification for the threshold of approximately 2,000 dwellings (ASA Main Report para 2.52) which was applied when selecting the strategic sites to be appraised at Stage 1 of the ASA?

(b) If not, what threshold should have been applied, and why?

An objection¹ have been received suggesting that the 2,000 dwelling threshold overlooks the cumulative strategic significance of smaller urban sites that are physically close and/or actually linked. This is incorrect since the NEAs considered the potential for physically close sites to be combined into a coherent whole when identifying 'call for sites' submissions to be appraised as strategic sites.

Question 2

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

Objections have been received that the level of detailed evidence is much greater for the NEA's preferred Garden Community proposals than for alternative options and the assessment has not therefore been carried out on an equal basis. This is incorrect. While more detailed evidence exists for the preferred Garden Communities than for the reasonable alternatives, the SA only drew on evidence that was available at the same level of detail for all alternative strategic sites.

Stage 1 defined distances beyond which walking distances to key services and facilities would be judged unacceptable and lead to a negative appraisal score. Objectors contend that some of these distances are flawed (e.g. 2km for railway stations and 1,200m for primary schools) when dealing with large strategic because these sites might be larger than 2km in radius. The SA required at least 50% of a site to be within a defined walking catchment. This basis of assessment was designed to be representative of walking distances for the majority of new residents and is a reasonable approach.

¹ Matter 8 hearing statement by CPRE

An objector² states that the ASA describes Kelvedon as providing an hourly rail service to central London but it actually provides nine trains during the morning peak hour thereby providing future residents with a highly sustainable travel option. Although the ASA states (para. 3.1811) that Kelvedon "offers an hourly service to London throughout the day" it is also stated that "journeys to the centres of Witham and Colchester, and further to London, are well served by rail" and VE1 – Land at Kelvedon was not scored negatively on the basis of the frequency of the train service to London. Instead, effects in relation to SA objective 7 for longer commuting journeys were scored more negatively than would otherwise have been the case because the majority of the site is located beyond an 'acceptable' walking distance (defined as 1km by Table 2.2 of the ASA methodology) from Kelvedon railway station.

In relation to the benefits of access to rail services, the conclusions of the ASA (Chapter 6) highlight that alternative spatial strategies "associated with the Great Eastern mainline offer use of existing infrastructure and sustainable access to key commuting destinations" and "those alternatives that offer a combination of both access to existing rail and investment in RTS perform strongly in sustainable transport terms". As detailed in Appendix 7 to the ASA when appraising the effects in relation to long distance commuting for spatial strategy West 7 (East of Braintree, SUE2 + Kelvedon, VE1), the positive effects of the anticipated connection of site SUE2 to a RTS are recognised but the potential positive effects of site VE1 being served by Kelvedon station on the Great Eastern mainline are reduced by the fact that the station is not within 'acceptable' walking distance of the majority of the site.

An objector³ states that the ASA does not consider evidence on the recreational disturbance to European protected sites. As well as considering the potential for strategic sites to lead to direct loss of or damage to European sites, potential offsite impacts are considered by reference to SSSI impact risk zones. More detailed consideration of potential effects on European sites is a matter for the HRA.

Question 3

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

An objector⁴ states that the advantages of a smaller development at Marks Tey (e.g. ALTGC6) including better access to rail and less reliance on the re-alignment of the A12 have not been properly assessed. As detailed in Appendix 5 to the ASA, the appraisal recognises that the northern edge of ALTGC6 is close to Marks Tey station but the potential benefits this brings in terms of new residents making longer journeys by rail are reduced by the fact that only about 17% of the site is within 'desirable' or 'acceptable' walking distance of the station and capacity issues during peak hours.

² Matter 8 hearing statement by Parker Strategic

³ Matter 8 hearing statement by the Wivenhoe Society

⁴ Matter 8 hearing statement by Crest Nicholson

Question 4

Does the ASA give clear and justified reasons (including in Appendix 6) for selecting the strategic sites that are taken forward from the Stage 1 to the Stage 2 appraisal, and for rejecting the alternative strategic sites?

[No substantive new points that have not already been addressed by the NEA or LUC responses in the submitted hearing statement.]

Question 5

In seeking to meet the residual housing need within the Plan period to 2033 (ASA Appendix 6, Principle 1), should the spatial strategy alternatives for the Stage 2 appraisal seek to provide land for:

- a) 7,500 dwellings; or
- b) 1,720 or 2,000 dwellings (the residual requirement identified in Appendix 6, Table 1); or
- c) another figure?

[No substantive new points that have not already been addressed by the NEA or LUC responses in the submitted hearing statement.]

Question 6

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

(b) If not, what alternative spatial allocation of residual housing need would be justified, and why?

[No substantive new points that have not already been addressed by the NEA or LUC responses in the submitted hearing statement.]

Question 7

(a) Is there adequate justification (including in Appendix 6) for the selection of spatial strategy options to be appraised at Stage 2 of the ASA?

(b) If not, what other spatial strategy option(s) should be assessed, and why?

[No substantive new points that have not already been addressed by the NEA or LUC responses in the submitted hearing statement.]

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?

[No substantive new points that have not already been addressed by the NEA or LUC responses in the submitted hearing statement.]

Question 9

Is the Stage 2 appraisal of spatial strategy options based on sound and adequate evidence?

[No substantive new points that have not already been addressed by the NEA or LUC responses in the submitted hearing statement.]

Question 10

Has the Stage 2 appraisal of spatial strategy options been carried out with appropriate objectivity and impartiality?

A number of objectors question the reliance placed on the delivery of the RTS to inform the judgements in the ASA and claim that this has resulted in an unjustified uplift to the ASA scores of relevant spatial strategy options in relation to SA objective 7 (Sustainable travel). The adequacy of the evidence base to support the RTS proposals is being examined under other Matters. For the purposes of the ASA, it is reasonable to rely on the strategy-specific infrastructure assumptions provided by the NEAs in their 'Identification of spatial strategy alternatives' paper (Appendix 6 to the ASA). The associated uncertainty of positive effects on sustainable travel is clearly acknowledged in the ASA Report, particularly where the NEAs have identified a reliance on external infrastructure funding.

Question 11

Does the Stage 2 appraisal adequately and appropriately evaluate the spatial strategy options at both the end of the Section 1 Plan period and as fully built-out?

Objectors state that the differences between the results for within the plan period and for when fully built out are very slight and insufficient account is taken of the uncertainty relating to the deliverability of key infrastructure such as the RTS. In terms of the SA scores awarded, it is true that many of these are the same for both time periods. This is not a flaw in the methodology but simply reflects that many types of social infrastructure (a notable exception being new primary healthcare facilities) would be provided in phases as development progresses rather than once development is fully built out. This results in small

differences in appraisal scores between the two time periods. As noted in relation to Question 10, uncertainty of positive effects on sustainable travel is clearly acknowledged in the ASA Report.

Objections are also made to the failure of the ASA to differentiate between the effects of different delivery rates *within* the plan period. In the context of a strategic plan that is seeking to deliver development over several decades, the differentiation between the end of the plan period and options as fully built out is considered to be sufficient to identify the significant effects and compare alternatives.

Question 12

Does the ASA give adequate and appropriate consideration to:

- (a) effects of overflying aircraft to and from Stansted airport?**
- (b) impacts on operations at Andrewsfield airfield?**
- (c) impacts on heritage assets?**
- (d) impacts on water quality?**
- (e) impacts on air quality?**

[No substantive new points that have not already been addressed by the NEA or LUC responses in the submitted hearing statement.]

Question 13

Does the ASA give clear and justified reasons (including in the Main Report Conclusion and in Appendix 8) for selecting the preferred spatial strategy option and for rejecting the alternatives?

Paragraph 8.13.1 of the NEAs' Further Hearing Statement refers to the three authorities' respective Committee reports which led to the decision not change the strategy set out in the submitted Section 1 Plan. These reports are included as appendices to this additional statement.

Question 14

Does the ASA provide all the information required by Schedule 2 of the *Environmental Assessment of Plans and Programmes Regulations 2004* (as amended), including identifying:

- (a) cumulative effects on the environment; and**
- (b) measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment?**

[No substantive new points that have not already been addressed by the NEA or LUC responses in the submitted hearing statement.]

APPENDICES

Several of Hearing Statements in respect of Mater 8 comment that the Additional Sustainability Appraisal did not reach a view on the most sustainable strategic approach. As explained in the NEA's Hearing Statement, that is not the role of the Additional Sustainability Appraisal.

The 3 individual NEAs considered the outcome of the Additional Sustainability Appraisal and findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex.

Formal Reports were presented to Local Plan Committees for all three Authorities with recommendations to Full Councils at Tendring and Braintree District Councils.

The Reports contained substantially the same content, with slight alterations based on local requirements, and approved a series of proposed amendments to the Local Plan for submission to the Inspector for consideration as minor and major modifications.

All of the Reports used the same Sustainability Appraisal Appendix.

The Reports and the minutes of the meetings are attached, in the following order:

- Tendring District Council – Planning Policy and Local Plan Committee 16.07.19
- Braintree District Council – Local Plan Sub-Committee 18.07.19
- Colchester Borough Council – Local Plan Committee 22.07.19
- Braintree District Council – Full Council 01.08.19
- Tendring District Council – Full Council 06.08.19

MATTER 8

NEA DECISION MAKING – SUSTAINABILITY APPRAISAL & ADDITIONAL EVIDENCE

The 3 individual NEAs considered the outcome of the Additional Sustainability Appraisal and findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex.

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PLANNING POLICY AND LOCAL PLAN COMMITTEE

16 JULY 2019

REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION)

A.1 – SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS

(Report prepared by Gary Guiver and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

- a) To recommend to Full Council approval of the Additional Sustainability Appraisal and to report to the Planning Policy and Local Plan Committee the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex.
- b) To seek the Committee's recommendation to Full Council that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications.
- c) To seek the Committee's recommendation to Full Council that six weeks public consultation is undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they are submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude their examination.

EXECUTIVE SUMMARY

Background

Section 1 of the submitted Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.

Before a Local Plan can be formally adopted by a Council, it must be examined by a government-appointed Inspector whose job it is to check that 1) the plan has been prepared in line with various legal requirements and 2) that the policies and proposals in the plan comply with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF). Examination hearings for the Section 1 Plan took place between January and May 2018; and in June 2018 the

Inspector wrote to the North Essex Authorities setting out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the plan and praised the NEAs' innovation and ambition, the Inspector found some of the evidence and justification in support of Garden Communities to be lacking and was therefore unable to pass the Section 1 Plan as sound. The Inspector's specific concerns were reported to Members in October 2018.

In his letter, the Inspector offered the NEAs advice and options for how best to proceed. Having considered his advice, the NEAs in October 2018 confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns. On the 10th December 2008, the Inspector confirmed that he was satisfied that the proposals for further work on the evidence base satisfactorily responded to the points he had raised as identified issues and paused the examination until the NEAs' further work on the evidence base and an Additional Sustainability Appraisal was completed. Monthly updates have been submitted to the Inspector on the programme timetable as requested.

The additional evidence has now been completed and the findings are detailed within the main body of this report with a summary of the findings set out below.

Additional Sustainability Appraisal

Some of the Inspector's biggest concerns were about the previous Sustainability Appraisal (SA) which is both a legal requirement of the plan making process and a key piece of evidence in determining the most appropriate 'spatial' strategy for growth. The Inspector found that some of its assumptions were either not properly justified or were biased in favour of the NEA's preferred spatial strategy for three Garden Communities and therefore did not represent an objective or reliable assessment. He advised that further work would be needed to rectify these problems and advised different consultants ought to be selected for that work.

The Additional SA has been undertaken by consultants LUC who have followed a revised methodology that has been shared with the Inspector himself and has been the subject of consultation and engagement with statutory bodies and key participants in the Local Plan examination – taking particular care to ensure it addresses the Inspector's previous concerns. The Additional SA first tests a range of alternative development site proposals against a series of tried and tested 'sustainability criteria' applying assumptions guided, where possible, by information provided by site promoters themselves. The second stage of the SA then tests different combinations of those site proposals against the sustainability criteria which represent a reasonable range of alternative spatial strategies for the authorities to consider in determining the most appropriate approach for the Local Plan.

The findings of the Additional SA indicate that many of the site proposals and alternative spatial strategy options are closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies stand out as performing notably stronger than the current strategy in the submitted Section 1 Local Plan. There is consequently nothing arising

from this new evidence that would suggest that the current spatial strategy is not justified or needs to change to make way for an alternative approach. Officers therefore recommend that the NEAs continue to promote the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.

Additional evidence base

- HIF Bids: A progress update on two bids to the government's 'Housing Infrastructure Fund' (HIF) by Essex County Council to secure funding a) for the realignment of the A12 between Marks Tey and Kelvedon and b) for the construction of a link road between the A133 and A120 and a rapid transit system to the east of Colchester. This will demonstrate to the Inspector that positive progress is being made in securing the road infrastructure that will be key to the delivery of the proposed Garden Communities. The bids are currently being evaluated by Homes England. ECC has written to Government Ministers setting out the importance of announcements on the outcome of the HIF bids as quickly as possible.
- A12 Dualling: Indicative timescales for constructing of a new dual carriageway between Braintree and the A12 south of Kelvedon following Essex County Council's favoured route announcement in June 2018. This will provide greater clarity to the Inspector over the timing of works and their implications for highway capacity and the delivery of Garden Communities.
- Rapid Transit: Technical feasibility study from transport consultants Jacobs showing how and when a 'Rapid Transit System' (RTS) can be delivered to connect the new Garden Communities to key services, facilities and employment opportunities in and around Colchester, Braintree and Stanstead; and how much it is likely to cost. This will address the specific shortcomings in the previous evidence identified by the Inspector in his letter.
- Modal Shift: Technical paper from consultants ITP explaining how, through RTS proposals and other measures, the NEAs can achieve a 'modal shift' target for 30% of all journeys to, from and within the Garden Communities to be made by rapid transit. Again, this will address the Inspector's previous concern about the likelihood of achieving that target.
- Marks Tey Station: Update from discussions with Network Rail that suggest relocating Marks Tey Station to the centre of the proposed Garden Community for the Colchester/Braintree Borders Garden Community is unlikely to be practical option. Although the Garden Community was never reliant on the station being relocated, there is now clarity in moving forward that the development will need to be planned to integrate with the station's existing location.
- Housing Delivery: Research by the NEAs on the rates of housing development that can be achieved on large scale developments following different models and approaches to satisfy the Inspector that the scales of development proposed for the Garden Communities are realistically deliverable.

- Viability: Viability Assessment Update from consultants Hyas which re-tests the economic viability of three Garden Community proposals in light of updated cost and value assumptions, and addresses the specific concerns raised by the Inspector in relation to assumptions made in the previous assessment – including the cost of RTS. The updated assessment confirms that all three Garden Communities can be considered to be economically viable under a range of situations and scenarios which are considered to be rational and reasonable. West of Braintree Garden Community is viable under all modelled scenarios. The viability of the Colchester Braintree Borders Garden Community and (to a lesser degree) the Tendring Colchester Borders Garden Community are more dependent on securing Government investment for upfront infrastructure and/or inflation in future property values.
- Employment Land: Paper prepared by the Centre of Economics and Business Research (Cebr) advising on the calculation of how much ‘employment land’ ought to be incorporated into the Garden Community proposals to meet the needs likely to arise from growth in business and industrial activities and to contribute towards overall employment growth. This addresses the Inspector’s specific concern about the lack of any indication as to how much employment land would be provided at each of the three Garden Communities. Cebr’s paper provides figures which form the basis of proposed modifications to the Section 1 Plan.
- Phasing and Delivery: Infrastructure Planning, Phasing and Delivery report prepared by consultants AECOM which explores and sets out reasonable assumptions for how each of the three Garden Communities could be delivered in a phased manner. The assumptions in this report are particularly useful in informing wider assumptions about infrastructure delivery and economic viability.
- Infrastructure Costs: A detailed cost estimate produced by Gleeds has set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.
- Habitats Regulation Assessment (HRA): An assessment undertaken by consultants LUC of the likely effects of development in the Local Plan on wildlife sites of European importance. HRA is a legal requirement and the report has been updated to take into account an important legal ruling from the Court of Justice for the European Union and the progress that Essex Authorities have made in developing the Essex Recreation disturbance Avoidance Mitigation Strategy (RAMS).
- Delivery Mechanisms: A paper from legal firm Dentons which explains how it is intended that a public and private sector partnership in the form of a Local Delivery Vehicle will be used to deliver the Garden Communities and how this fits with current government thinking. This evidence also included a paper on State Aid considerations.

All of the above evidence supports Officers' view that the current proposals in the Section 1 Local Plan are sound and, when presented to the Planning Inspector, will address all of his previous concerns.

Proposed amendments

As well as producing the above evidence in response to the Planning Inspector's concerns about Garden Communities, the North Essex Authorities have also compiled a table of proposed amendments to the Section 1 Plan. These amendments are aimed at addressing certain issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring the plan meets the tests of soundness. Many of the proposed amendments arose from suggestions and discussions at the examination hearings in 2018 and the Inspector's interim findings whereas others arise from the findings of the additional evidence base.

Importantly, Officers are not recommending any substantial changes to the strategy for growth as set out in the Section 1 Local Plan. The additional evidence prepared in response to the Inspector's original concerns demonstrates that the establishment of three Garden Communities in the broad locations already identified in the plan is justified and represents an appropriate, sustainable and deliverable strategy.

Notable amendments include:

- New policies (SP1A and SP1B) to clarify how the Local Plan, taken as a whole, will operate in practice in the determination of planning applications; and to reflect the new Essex-wide approach to recreational disturbance avoidance and mitigation in relation to internationally important wildlife sites.
- Additional wording in Policy SP3: 'Meeting Housing Needs' to explain how the housing figures in the policy will be used for assessing authority's five-year housing supply requirements.
- Corrections to the employment land figures in Policy SP4 for the individual NEAs following the discussions at the examination hearings and the Inspector's subsequent advice.
- Additional wording for the infrastructure and connectivity policy (SP5) to provide greater clarity over what would happen if, for whatever reason, it becomes clear that the infrastructure required for the Garden Communities will not be funded or delivered; as well as identifying the key infrastructure projects that would need to be secured in advance of the start of the Garden Communities.
- The inclusion of specific employment land figures in the Garden Community policies SP7, SP8, SP9 and SP10 as well as additional wording in relation to waste water, the protection European designated sites and the historic environment and specific infrastructure priorities relevant to specific Garden Communities.

It will be the Inspector's choice whether or not to accept the proposed amendments to the Local Plan through the resumed examination process, in determining whether it satisfies the necessary statutory requirements and is sound. Section 20(7C) of the 2004 Act provides that the Inspector must, if asked to do so by the local planning authority, recommend formal modifications to the local plan that would satisfy the requirements mentioned in subsection 20(5)(a) and is sound, therefore such modifications could be suggested by the Inspector following conclusion of the examination.

Next steps

If Full Council approves and the other NEAs agree, the Additional Sustainability Appraisal, all of the additional new evidence base documents listed above and the table of proposed amendments are published for six weeks public consultation between 19th August and 30th September 2019 before they are submitted, along with any representations received, to the Planning Inspector to enable him to resume the examination. It is expected that the further examination hearings will take place in late 2019 or early 2020.

RECOMMENDATION

That the Planning Policy and Local Plan Committee recommends to Council that:

- a) the additional evidence base summarised within Appendices 2 to 11 to this report and available in full as background papers are accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;**
- b) it approves the findings of the Additional Sustainability Appraisal work (summarised in Appendix 1) which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy;**
- c) it agrees that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;**
- d) it approves the schedule of proposed amendments to the submitted Local Plan (attached as appendix 12);**
- e) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;**
- f) following the period of consultation, the above documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and**

g) the Council requests the Local Plan Inspector to recommend any further modifications to the Publication Draft Local Plan as necessary to make it sound.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The preparation of a new Local Plan is a high priority for all three of the North Essex Authorities. It is also the goal of government for local planning authorities to deliver sustainable development and coordinated provision of housing, jobs and infrastructure whilst best protecting and enhancing the natural and built environment. The North Essex Authorities and Essex County Council are working together to deliver a coordinated approach which promotes the creation of new 'garden communities' crossing district borders.

RESOURCES AND RISK

The examination of Section 1 of the Local Plan has been funded jointly by the North Essex Authorities through their respective LDF/Local Plan budgets.

If any significant modifications to Section 1 of the Local Plan are required, they will need to be the subject of public consultation in their own right before the plan can proceed to adoption. The consultation may result in further objections; however, unless they raise fundamental issues which require re-examination, they are unlikely to result in further changes. If they do, there is a risk of further delay to the examination process for Section 2 of the Local Plan. There is also a risk of legal challenge following the adoption of the Local Plan if any party believes that the Inspector or the Councils have made any legal or procedural errors. This risk has however been minimised with the Inspector taking particular care to thoroughly examine legal and procedural matters, twice, as part of the examination process.

If Members decide to proceed with substantially different approach to existing strategy would necessitate the formal withdrawal of the Section 1 Plan and all three Section 2 Plans from the examination process – requiring the authorities to begin the plan-making process again, either jointly, in partnership or individually. Whilst some of the technical evidence prepared to date could be used to inform the preparation of a new plan(s), the majority of evidence base documents would need to be revised and the plan itself would have to follow a different format to reflect the requirements of the new NPPF that was published in 2018. To meet with legal and procedural requirements, the three-stage plan-making process would need to start from scratch with the first stage being consultation on issues and options.

Section 1 of the Local Plan is individually submitted by the North Essex Authorities but applies equally to all three Councils, therefore for the Examination to be resumed and proceed, each authority must agree to continue with the existing strategy and submitted plan. Should either Braintree District or Colchester Borough Councils postpone or make an alternative decision

Members at Tendring will need to consider their position. The outcome of the Local Plan Committees for Braintree and Colchester will be reported to Full Council.

LEGAL

The planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the new 2018 version) place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. The statutory ‘development plan’ for Tendring, as it stands is the 2007 Adopted Local Plan. However, the policies and proposals in the Adopted Local Plan are increasingly out of date. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore essential to progress the emerging Local Plan through the stages of the plan making process and ensure it meets the requirements of national planning policy so it can become the new statutory development plan and be relied upon by the Council acting as the Local Planning Authority.

Section 33A of the Planning and Compulsory Purchase Act 2004, as amended (“2004 Act”) places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation, this is known as the ‘Duty to Cooperate’ on strategic matters of cross-boundary significance, which includes housing supply. Before a Planning Inspector can begin the process of examining a Local Plan, they need to be satisfied that the local authority has demonstrated it has done everything it can to ensure effective cooperation with neighbouring authorities and other partner organisations and has sought to resolve, as far as is possible, any cross-boundary planning issues.

The Town and Country Planning (Local Planning)(England) Regulations 2012 make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a local plan and the independent examination.

Section 19 of the 2004 Act requires a local planning authority to carry out a Sustainability Appraisal of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation and in addition prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with

the objective of contributing to the achievement of sustainable development”. The Sustainability Appraisals for Sections 1 and 2 incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Assessment Regulations’), which implement the requirements of the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment. The purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues.

There are two Sustainability Appraisals for the Publication Draft Local Plan. One for Section 1 and one for Section 2. Section 1 is common with Colchester and Braintree Councils and has been examined as part of the Section 1 hearings. An Additional Sustainability Appraisal for Section 1 has been undertaken in light of the Inspector’s concerns to ensure it considers a full range of realistic alternatives to Garden Communities, at a range of different sizes. The detail of the Additional Sustainability Appraisal is set out within the body of this Report.

The NPPF requires a local planning authority to submit a plan for examination which it considers to be “sound” meaning that it is: positively prepared, justified and effective. The job of the Planning Inspector is to test that the Local Plan meets legal and procedural requirements and the above tests of soundness. The Inspector has confirmed that legal and procedural requirements have been met, however further evidence is required to comply with the tests of soundness and this evidence is already in the process of being prepared. Any modifications proposed by the Inspector at the end of the examination process will ensure the plan meets all of these requirements but these have to be published for consultation in their own right before the Council can proceed to the adoption of Section 1 and the examination of Section 2.

Section 20(7C) of the 2004 Act provides that the Inspector must, if asked to do so by the local planning authority, recommend modifications to the local plan that would satisfy the requirements mentioned in subsection 20(5)(a) and is sound.

OTHER IMPLICATIONS

Area or Ward affected: All wards (although the land proposed for a Garden Community crossing the Tendring/Colchester Border falls mainly within the new Alresford and Elmstead ward and the Ardleigh and Little Bromley ward).

Consultation/Public Engagement: The Leader of the Council and Chairman of the Local Plan Committee has informed and updated all elected members at various stages since the letters were received from the Inspector. Communication has been through correspondence to members, all member briefings with officers and a statement at Full Council.

As outlined in the May 2019 update to the Planning Inspector, the NEAs will undertake consultation on the revised evidence base, additional sustainability appraisal, and proposed

modifications to Section 1 from Mid-August to the end of September, subject of course to decisions made at the respective committees.

The purpose of the consultation will be to gather views on the additional evidence base documents that have been commissioned to address the issues raised in the Inspector's interim findings on Section 1 in June last year. By doing so the NEAs hope that any issues with the evidence base will be raised at the earliest opportunity to help inform the Examination.

The questions posed to consultees will be intentionally general in nature as the proper place for specific questions on the revised evidence base will be through any additional matters, issues and questions the Inspector may publish prior to reconvened hearing sessions. However, it will be important for the consultation and the responses to the consultation to avoid revisiting matters which the Inspector has not raised as of concern to the Examination of Section 1.

The consultation will be jointly hosted on the NEAs' web-based portal and measures will be put in place to avoid duplicate responses being made to individual authorities. Due to the technical nature of the consultation the NEAs do not intend to carry out any drop-in sessions, however the consultation will be carried out in accordance with regulations 19 and 35 to ensure that all interested parties have an equivalent opportunity to make representations.

Revised evidence base

The NEAs will publish the additional documents as previously set out to the Inspector on the portal and invite comments on their content. The NEAs envisage posing a question such as *'Do you have any comments to make on the additional evidence base documents that have been prepared by the NEAs' in response to the Inspector's interim findings?'*

Additional Sustainability Appraisal

The NEAs will publish the final SA report on the portal and invite comments on its content. Similar to the proposed question on the revised evidence base, the NEAs envisage asking consultees a question such as *'Do you have any comments to make on the Additional Sustainability Appraisal which has been prepared in response to the Inspector's interim findings?'*

Proposed modifications

The NEAs will publish a full set of proposed modifications to Section 1 which have been suggested in response to discussions at the previous Examination hearing sessions; in response to the Inspector's interim findings; and also in response to the findings of the revised evidence base. Although the Inspector has already provided feedback on some of these proposed modifications the NEAs consider it appropriate to invite feedback on all of proposed changes at this stage. The NEAs envisage posing a question such as *'Do you have any comments to make on the proposed modifications to the NEAs' shared Section 1 Local Plans?'*

Given the more complicated nature of this aspect of the consultation, the NEAs will ensure that the responses are clearly related to specific modifications and that revised wording is requested where consultees consider the proposed modifications to be unsound. Where proposed modifications

materially affect the plan's policies, they can only be made if the Inspector considers they are necessary to make the plan sound and/or legally compliant.

Following the consultation the NEAs will process all representations received and submit them (alongside the documents subject to the consultation) to the Programme Officer in a similar fashion to which followed the Regulation 19 Submission consultation in October 2017.

PART 3 – SUPPORTING INFORMATION

Background

Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.

The three Garden Communities proposed in the Section 1 Plan are:

- Tendring/Colchester Borders Garden Community (Policy SP8) – 7,000-9,000 homes on land between Elmstead Market and Colchester.
- Colchester/Braintree Borders Garden Community (Policy SP9) – 15,000 to 24,000 homes on land around Marks Tey.
- West of Braintree Garden Community (Policy SP10) – 7,000 to 10,000 homes on land north of the A120 west of Rayne.

These are long-term comprehensively-planned development proposals designed to follow 'Garden Community Principles' including pro-active collaboration between the public and private sectors, community empowerment and engagement, high quality design and management of the built and public realm, integration of infrastructure and development and long-term governance and stewardship arrangements. The developments are expected to take place partly within the timescale of the Local Plan (to 2033) but mostly beyond that period. The Section 1 Plan currently envisages that each of the three Garden Communities will deliver 2,500 new homes in the plan period up to 2033; i.e. 7,500 homes across North Essex. The majority of new housing development expected in the period between now and 2033 will still however come from sites that are already under construction or have already obtained planning permission and sites that are allocated for housing development in each of the authorities' Section 2 Local Plans.

The final part of the process for the preparation of a Local Plan, before it can be formally adopted,

is the examination. The purpose of the examination is for a government-appointed Planning Inspector to ensure the Council has followed relevant legal and procedural requirements and to test the plan for its 'soundness' which includes ensuring that it is consistency with national planning policy. Key legal tests include ensuring the Council has complied with the legal duty to cooperate, the requirements for sustainability appraisal and requirements for community consultation. The 'tests of soundness' which are set out in the National Planning Policy Framework (NPPF) are:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr. Roger Clews, to undertake the examination for Section 1 of the plan.

Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in respect of the Inspector's first letter. The content of these letters were all reported to Members in 2018.

Overall, the Inspector was satisfied that the authorities had complied with the legal duty to cooperate and other legal and procedural matters and was also satisfied that the overarching employment and housing targets in the plan had been justified on the basis sound evidence. He also praised the authorities for their innovation and ambition in promoting three new Garden Communities in North Essex and stated that if carried out successfully it has the potential to provide for housing and employment needs not just in the current Plan period but well beyond it.

However, the Inspector found the evidence provided to support the Garden Communities was lacking in a number of respects. The main areas of concern related to:

- Transport infrastructure – in particular the lack of certainty over its practical delivery, timing,

costs and funding;

- Housing delivery – in particular the assumptions about how many new homes could realistically be built at the Garden Communities in the period up to 2033;
- Employment provision – the lack of any indication as to how much employment land would be provided as part of the new Garden Communities;
- Viability – in particular some of the assumption made in respect of transport infrastructure costs, land purchase and interest costs and contingency allowances.
- Delivery mechanisms - questions over the NEAs approach to delivering Garden Communities through the formation of a locally-led 'development corporation' and whether the development could be delivered through other alternative methods.
- Sustainability appraisal – in particular the objectivity of the appraisal and concerns that it was biased in favour of the NEA's preferred strategy.

In summary, the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the authorities had selected the option of Garden Communities over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Local Plan as being sound. Instead, the Inspector provided the authorities with three options for how to progress a Local Plan towards adoption.

Option 1 would have involved removing Garden Communities from the Local Plan and proceeding with the examination of Section 2, so long as the Local Plan was reviewed again within 2-3 years (at which point the evidence in support of Garden Communities might have been stronger). Option 2 effectively meant undertaking more work to fill the gaps in the evidence and delaying the examination of Section 2 until the Inspector had been satisfied that the Garden Communities were deliverable and that Section 1 of the Plan was sound. Option 3 would have meant withdrawing the Local Plan and starting again.

On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:

- the availability of funding for the necessary strategic infrastructure;
- the financial viability of the proposed communities;
- the environmental effects, including transport issues;
- employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and
- continuing engagement with the local communities.

The Councils also committed to reviewing the 'Sustainability Appraisal' underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of reasonable alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary.

Additional Sustainability Appraisal (SA)

The role of Sustainability Appraisal (SA)

The strategy for growth or 'spatial strategy' in the Section 1 Local Plan includes the establishment of three Garden Communities along the A120 corridor to deliver long-term growth within the current plan period to 2033 and beyond. One of the tests of soundness is to ensure that the plan and its spatial strategy is 'justified'. To be justified, the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. The Sustainability Appraisal (SA) is a legal requirement and key piece of evidence designed to test different policies, proposals and alternative strategies and to inform the decisions a planning authority takes when choosing its strategy for growth.

The purpose of the SA is to ensure that potential environmental effects are given full consideration alongside social and economic issues. SA is also a legal requirement and should be undertaken at each of the key stages of the plan making process. Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out an SA of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so "with the objective of contributing to the achievement of sustainable development". SAs also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations'), which implement the requirements of the European Directive 2001/42/EC (the 'Strategic Environmental Assessment Directive') on the assessment of the effects of certain plans and programmes on the environment.

The Inspector's concerns about the previous SA and suggestions for further work

In his June 2018 letter (paragraphs 93-129) the Inspector raised a number of concerns about the previous SA prepared and submitted alongside the Section 1 Local Plan. He firstly questioned the objectivity of the assessment; concluding that its authors had made optimistic assumptions about the benefits of Garden Communities and correspondingly negative assumptions about the alternatives, without evidence to support many of those assumptions - thus he felt that the assessment lacked objectivity and was unreliable. He secondly questioned the rationale behind the choice of alternative strategies that were tested as part of the assessment and identified a lack of clarity in the description of the alternatives and why they were tested at certain scales - making it difficult for the public to understand the alternatives and to give an effective opinion. Thirdly, the Inspector questioned the combinations of sites that were tested, in particular the reasons for excluding of the alternative 'Monks Wood' development proposal from Lightwood Strategic as an option for testing in combination with other Garden Communities. Because of the shortfalls identified in the previous SA, the Inspector concluded that the choice of three Garden Communities as part of the preferred spatial strategy had not been properly justified and it had not been demonstrated that the chosen strategy was the most appropriate when considered against the reasonable alternatives.

In advising the NEAs on how to proceed, the Inspector provided some suggestions in his letter as to how the shortcomings in the SA might be rectified. He first suggested (paragraph 122) that

before embarking on any Additional SA work the NEAs 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, in order to ensure that they have a sound basis on which to score them against the SA objectives. As explained elsewhere in this report, additional evidence in respect of each of these subjects has now been prepared.

The Inspector also advised (paragraph 123) that Additional SA work must be an objective comparison of individual Garden Community site options at a range of different sizes, insuring (in particular) that the Monks Wood proposal is assessed as an alternative at an appropriate scale. Adequate reasons (paragraph 124) would have to be given for taking forward or rejecting certain options from the first stage of the assessment. In the second stage of the assessment, the Inspector (paragraph 125) would expect an assessment of alternative spatial strategies for the Plan area including, as a minimum, the following:

- 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 of the assessment).

The Inspector also advised (paragraph 128) that different consultants be used to undertake the Additional SA work than the authors of the previous SA to help ensure that the further work is free from any earlier influences and is therefore fully objective.

Methodology for the Additional Sustainability Appraisal (SA)

Independent consultants LUC have been appointed to undertake the Additional SA advised by the Inspector. The methodology that LUC has applied takes on board the Inspector's advice and was the subject of consultation in its own right with statutory consultees, other partner organisations and participants in the Local Plan Examination (including campaign groups and site promoters). The methodology has also been shared with the Inspector himself to allow him the opportunity to indicate any suggestions or concerns with the Additional Sustainability Appraisal [SA] Method Scoping Statement. In his letter in December 2018, the Inspector confirmed he was satisfied with the approach being adopted. There has also been engagement between LUC and various stakeholders in the form of meetings, a 'check and challenge workshop' and requests for information from alternative site promoters which have all helped to ensure that the assessment is as robust, and transparent, as possible.

The methodology for the Additional SA work has followed a two-stage process – the first involving an assessment of a range of potential development sites throughout North Essex at different scales of development; and the second involving an assessment of different 'spatial strategy' alternatives derived from different combinations of those sites, ensuring that the alternatives identified specifically by the Inspector are tested.

All sites and spatial strategy alternatives are assessed against the established 15 sustainability objectives which include creating safe, cohesive communities; meeting housing needs; achieving more sustainable travel behaviour; conserving and enhancing wildlife and geological sites; improving air quality; conserving and enhancing landscape quality; and safeguarding and

enhancing soil quality and mineral deposits.

Options tested

The alternative spatial strategy options tested as part of the Additional SA work have been derived following some key principles to ensure they represent a good range of reasonable alternatives. The principles include: ensuring all options meet the required housing need in the plan period to 2033; reflecting the relative housing need and commuting patterns as they affect different parts of North Essex; and ensuring alternative strategies are coherent, logical and reasonable. 17 spatial strategy options have been tested which comprise 11 options for the area of North Essex to the west of Colchester (mainly affecting Braintree district) and 6 options for the area east of Colchester (mainly affecting Tendring) – with the idea being that the most appropriate option to the west is combined with the most appropriate option to the east to result in the most appropriate spatial strategy for North Essex overall.

As required by the Inspector, the option of proportionate growth around existing settlements has been tested. It takes two forms in the assessment – a ‘percentage-based’ approach to growth which requires all towns and villages in North Essex area to accommodate the same percentage increase in dwelling stock in the period up to 2033; and a ‘hierarchy-based’ approach which directs more development towards larger towns and less development towards smaller villages with limited services and facilities. Both approaches take into account the amount of housing development that is already proposed through existing planning permissions and housing allocations in respective Section 2 Local Plans – which already account for some 80% of expected growth. The percentage-based growth scenario involves a ‘thin spread’ of development around nearly every town and village in the western part of the North Essex area (Option West 1) and a stronger focus for major development around the coastal towns to the east, including Clacton, Harwich, Frinton, Walton, West Mersea and Wivenhoe (Option East 1). In contrast, the hierarchy-based growth scenario involves a greater focus on development on the edge of Braintree and at Hatfield Peverel and Halstead to the west (Option West 2); and significant growth around the coastal town of Brightlingsea to the east (Option East 2).

Options involving different numbers and different combinations of Garden Communities have been also tested in line with the Inspector’s advice. To the west of North Essex, the current strategy in the Section 1 Local Plan of Garden Communities west of Braintree and at the Colchester/Braintree border at Marks Tey (Option West 3) has been re-assessed as well alternatives incorporating the Monks Wood alternative Garden Community proposal from Lightwood Strategic. These include Monks Wood being developed alongside and in addition to the existing Local Plan Garden Community proposals (Option West 4); and as a direct alternative to either of the two current proposals (Options West 5 and West 6).

Strategic developments in the form of major urban extensions to the east of Braintree (Option West 7) and on land at Halstead (Option West 8) have been tested alongside proportionate growth around other settlements; and the option of just having one single Garden Community alongside proportionate growth around existing settlements has also been tested in a different combinations involving the West of Braintree Garden Community alone (Option West 9); the Colchester/Braintree Borders Garden Community alone (Option West 10); and the Monks Wood

alternative Garden Community alone (Options West 11).

For the eastern part of North Essex, the alternative options that have been tested are the current Tendring/Colchester borders Garden Community (Option East 3); a north-east urban extension to Colchester crossing the administrative boundary at Ardleigh (Option East 4); 'Tendring Central Garden Village' – a proposal for major development on land around Frating, as promoted by Edward Gittins & Associates (Option East 5); and, in line with the Inspector's advice, the 'Metro Plan' concept promoted as an alternative by the Campaign Against Urban Sprawl in Essex (CAUSE) which involves developing land around the railway stations at the villages of Alresford, Great Bentley, Weeley and Thorpe le Soken which are all along the Colchester to Clacton branch line.

Assessment findings (see Appendix 1)

The Councils have now received from LUC the 'Summary of Draft Findings' with the full SA report to be completed in time for the meetings of the three authorities' respective Committees.

The options for further proportionate growth around existing settlements to end of the plan period in 2033 performed relatively poorly against the various sustainability objectives compared to alternatives that involved more focussed strategic development in the form of new settlements or major urban extensions – particularly in relation to travel patterns, modes of transport and the delivery of affordable housing. The proportionate growth scenarios have therefore been found to be less sustainable - which demonstrates, importantly, that the NEAs are justified in exploring more strategic alternatives that involve the establishment of new communities.

For those more strategic spatial strategy alternatives to the west of Colchester, the SA finds that performance against the various sustainability objectives is fairly similar and there is consequently 'little to choose' between the different options. Professional judgement is therefore required to distinguish between them, taking other factors into account.

For the spatial strategy alternatives to the east of Colchester, again the options perform similarly against the sustainability objectives although the proposal for a north-east extension to Colchester (Options East 4) is considered to be the weakest due to its potential negative impacts on the Bullock Wood SSSI and limited transport connections into Colchester. The Tendring/Colchester Borders Garden Community (Option East 3) and Tendring Central Garden Village (Option East 5) perform better than the CAUSE Metro Plan (Option East 6) in the longer term because they would provide for a scale of development sufficient to accommodate a health care facility; although Tendring Central is likely to be subject to significant adverse effects from noise pollution.

The Tendring/Colchester Borders Garden Community performs well in terms of potential economic growth. Metro Plan performs well in terms of its easy access to railway stations which could help to reduce carbon emissions, however the rural location of the Metro Plan developments could lead to longer journeys by car where rail is not a realistic choice. For shorter journeys, the Garden Community performs most strongly.

In many respects Tendring Central Garden Village performs as well as the Tendring/Colchester Garden Community, although no better; and whilst it has the advantage of an existing employment

area and would retain its own distinctiveness being separated by some distance from Colchester, its location and distance from Colchester is likely to encourage a high proportion of journeys by car.

Officers' recommendation following the findings of the Additional SA work

Whilst many of the alternative spatial strategy options perform similarly against the various sustainability objectives, the findings of the Additional SA work do not suggest in any way that there is a clearly stronger alternative to the current strategy for three Garden Communities set out in the submitted Section 1 Local Plan. On this basis, there are no reasons arising from the SA findings for Officers to change their recommendation in respect of the most appropriate strategy for growth in North Essex. It is considered that the Additional SA work will satisfy the Inspector that reasonable alternatives have been considered in an objective way and that the choice of spatial strategy for the Section 1 Plan is both justified and sound.

Additional Evidence Base

As well as the additional work on the Sustainability Appraisal, there are various pieces of other evidence aimed at addressing the Inspector's specific concerns. Below is a summary of the evidence, setting out the Local Plan position, the issues raised by the Inspector and how the evidence addresses those issues.

HIF Bids

The Section 1 Local Plan (through Policy SP5) identifies 'strategic priorities for infrastructure provision and improvements' to support the major growth proposed for North Essex. These include improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120 and A133 to improve access to markets and suppliers for businesses, widen employment opportunities and support growth.

For the Tendring/Colchester Borders Garden Community, Policy SP8 in the Section 1 Plan requires primary vehicular access to the site to be provided off the A120 and A133 and the Concept Framework prepared by David Lock Associates shows a potential link road between the A133 and the A120.

For the Colchester/Braintree Borders Garden Community, it is already proposed that the A12 will be widened – however the form that widening will take will have implications for the scale of development that the Garden Community can deliver. Policy SP9 in the Section 1 Plan envisages between 15,000 and 24,000 new homes. The Concept Framework prepared by David Lock Associates shows how realigning the A12 to follow a more southerly route could release more land to enable development to achieve the upper-end of that range and a pattern of development that can be centred around key facilities.

Both the Colchester/Braintree Garden Community and the West of Braintree Garden Community benefit from additional road capacity being created through the dualling of the A120 between

Braintree and the A12 – the form of which would also have implications for the way in which the Colchester/Braintree Borders scheme is to be laid out.

In his June 2018 letter, the Inspector (paragraph 37) indicated that greater certainty over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey would be necessary to demonstrate that the Garden Communities were deliverable in full. At the time of the Local Plan examination in 2018, no decisions had been taken in respect of either of these schemes.

In response to the Inspector's advice, the NEAs can now provide an update on the progress of two bids that have been made by Essex County Council to the government's Housing Infrastructure Fund (HIF).

Essex County Council has submitted two bids under the 'Forward Funding' element of the HIF programme, which seeks to provide upfront early funding of strategic infrastructure to enable housing to come forward:

- **Colchester Braintree Borders Garden Community (£229m):** The bid seeks funding to support the realignment of the A12 between Kelvedon and Marks Tey to facilitate and realise the full growth potential of the Garden Community. Land is currently being promoted either side of the A12. A comprehensive development is unlikely to be deliverable given severance should the route of the A12 remain. The infrastructure provided by the proposed scheme would facilitate the delivery of 21,000 new homes at the CBBGC site of which 15,000 are unlocked by this HIF investment. Without this funding, development at the site would be capped at around 6,000 homes. Without HIF funding this is likely to continue to be promoted as a single site but unlikely to achieve full Garden City principles, would still suffer from access issues, and may well remain stalled. The realigned route is proposed to reconnect with the existing A12 south and west of Marks Tey, and not east of Marks Tey as per the Colchester Braintree Borders Concept Framework (DLA, 2017, reference EB/026) illustrative alignment, which reduces capacity of the site to 21,000 units. The bid also includes a new junction 25 which will provide direct access to the proposed Garden Community, signalling junction 23 at Kelvedon where the A12 meets a new A120 to facilitate traffic flow and widening of the Kelvedon Bypass to four lanes in each direction to accommodate future traffic volumes.
- **Tendring Colchester Borders Garden Community (£99m):** The bid seeks funding for a new A120 – A133 Link Road and provision for a rapid transit system (RTS). Funding is sought to implement the RTS which will prioritise public transport on key routes into Colchester for new and existing residents. The system will service a new Park and Ride and help to better connect the planned Garden Community on the borders of Colchester and Tendring with the rest of the town. A new strategic link between the A120 and A133 will improve connectivity locally and within the wider region and relieve traffic going to the University of Essex and its Knowledge Gateway technology and research park.

The bids are currently being evaluated by Homes England. Engagement between ECC and

government officials has been very positive to date, and ECC has written to Government Ministers setting out the importance of announcements on the outcome of the HIF bids as quickly as possible.

The bids require works and spend to be implemented by April 2024 and therefore Essex County Council is continuing to evolve more detailed proposals and work on delivery of the infrastructure components in advance of funding decisions, in order to provide a strong foundation for future delivery.

A12 widening and junction improvements

As per the position at the examination, this scheme is included in the funding round known as Road Investment Strategy (RIS) 1 with funding already secured. The A12 programme between J19-25 will be delivered by Highways England under the Project Control Framework (PCF). It is anticipated that Highways England will make a preferred route announcement on the A12 widening project in Summer 2020. The A12 works will require consent through Development Consent Order and the current programme expects this to be submitted in 2022, with start of physical construction in Spring 2023 with works anticipated to be complete by 2027/28.

Highways England have recently announced the appointment of their Delivery Integration Partner, Costain, who alongside Jacobs, will deliver the A12 Chelmsford to A120 Widening scheme from preliminary design and planning application submission, through to construction.

Highways England, Essex County Council, Braintree District Council and Colchester Borough Council are continuing to work closely to understand the impact of the proposed North Essex Garden Community at Marks Tey. The proposed development is likely to affect the alignment of the A12 between junctions 24 and 25, and consequently it may be necessary to put forward new plans that reconsider the road alignment between junctions 24-25. In this case, Highways England will consult with those affected on any potential realignments.

A120 Dualling

At the time of the hearing sessions held in January and May 2018 and the Inspector's June 2018 letter, there had been no decisions in respect of the proposed alignment for the dualled A120 and the Inspector was concerned (paragraph 36) that the various options for realigning the A120 that were under consideration at the time could have quite different implications for the A120's relationship with the Colchester/Braintree Borders Garden Community.

ECC announced its favoured route in June 2018, and was recommended to Highways England / Department for Transport for inclusion in the RIS2. The favoured route runs from Galleys Corner at Braintree to a junction with the A12, to the south of Kelvedon. If the A120 Braintree to A12 upgrade is included in the funding round known as RIS 2, it is expected to be announced in 2019. If successful, this would likely be followed by a Preferred Route Announcement. Provided that the scheme progresses as planned, and funding is made available, it is anticipated that construction

could commence in 2023 with the road ready for use by 2027. ECC will continue to lobby the Government if the A120 is not included in RIS 2 to include it for improvement at the earliest possible opportunity.

The A120 Essex project team and Highways England have established a joint Project Board to take strategic and collective decisions and to review progress of the scheme. The project has been reviewed at several points both by Highways England, and through an Independent Assurance Review process. Highways England is satisfied that the project has undertaken its technical and consultation processes effectively, and in accordance with its requirements. The review team concluded that the project team is on track to identify a viable scheme for consideration for inclusion in RIS 2. They gave the project a “green” Delivery Confidence Assessment.

Rapid Transit

The Section 1 Local Plan (through Policy SP7) proposes a step change in integrated and sustainable transport systems for the North Essex area that put walking, cycling and rapid public transit networks and connections at the heart of growth in the area, encouraging and incentivising more sustainable active travel patterns. Key to achieving this, it is proposed that each Garden Community is served by a ‘rapid transit system’ (RTS) to enable fast public transport connections into Colchester, Braintree and Stanstead. A Movement and Access Study produced in support of the plan set a target of 30% of all journeys to, and from the Garden Communities, to be made by rapid transit.

In his June 2018 letter (paragraph 39), the Inspector raised concern that such a target could only be achieved if RTS was available early on in the lifetime of the Garden Communities and that, at the time of the examination, the planning for RTS was at a very early stage and that there was insufficient evidence on which to determine the likely form of RTS, its capital cost (which would be key to the overall viability of Garden Communities) and the timescales for delivery.

In response to the Inspector’s concerns, Essex Highways (the partnership between Essex County Council and consultants Ringway Jacobs) have produced a document entitled ‘Rapid Transit System for North Essex – from vision to plan’ (summarised in Appendix 2) which explains how a high quality, frequent and rapid public transport system can be created which, alongside other measures incorporated into the Garden Communities, will provide the best possible chance of achieving a successful outcome. The document considers different modes of rapid transport and recommends that bus and trackless tram technology is the best option for the North Essex Garden Communities and also sets out four clearly identified route options for the RTS (see below) which enable rapid linkages between the Garden Communities, town centres, key employment areas (including Stansted Airport) and other important attractors utilising a combination of newly created routes and existing roads.

The four route options include:

- **Route 1** connecting Tendring/Colchester Borders Garden Community, a potential eastern

park and ride site, the university, the main rail station, the hospital and the existing Colchester northern park and ride site.

- **Route 2** connecting Colchester/Braintree Borders Garden Community, a potential western park and ride site, the town centre and the rail station.
- **Route 3** being planning jointly with Uttlesford District Council and connecting Stansted with Braintree via the West of Braintree Garden Community.
- **Route 4** connecting Braintree and the Colchester Braintree Borders Garden Community, and in doing so connects the two subsystems that would have been created.

More detailed study work has already begun on Route 1 as part of the HIF bid for the A120/A133 link road. In terms of delivery, it is expected that Route 1, 2 and 3 will be in place by the end of the plan period. Post 2033, the intention is to extend the level of segregation on Routes 1-3 and introduce Route 4, which connects the two subsystems. The timescales for this further investment will be timed according to funding availability. Whilst significant investment is planned as part of the garden communities, it is expected that additional bids will be made to government for monies (eg. Housing Infrastructure Fund; Strategic Infrastructure Tariff).

The report explains how the proposed form of RTS is economically viable and that it can be incrementally developed, in a phased manner, alongside the growth at Garden Communities.

Modal Shift

In addition to the document produced on RTS, a paper entitled 'Mode Share Strategy for the North Essex Garden Communities' (see extract in Appendix 3) has been produced separately by consultants ITP which sets out a variety of measures that can be put in place to influence the way in which people travel, which, alongside RTS will enable the 30% target to be achieved. Such measures include achieving mixed-use developments which integrate residential, leisure and employment land uses together; higher density development in certain locations; building close to the public transport network; the use of car parking restrictions on specific streets; giving priority to walking and cycling in the layout of development; and creation of car free areas in certain locations.

Marks Tey Station

Policy SP9 in the Section 1 Plan in respect of the Colchester/Braintree Borders Garden Community states that opportunities will be explored to establish how Marks Tey rail station can be made more accessible to residents of the new community including through the improvement of walking, cycling and public transport links to the station, or to relocate the station to a more central location. A Concept Framework for the Garden Community shows the relocation of the station some 2km to the south-west where it could form part of a transport interchange in the centre of the community. Neither the Section 1 Plan nor the Concept Framework say that the relocation of the station is essential to the success of the Garden Community.

In his letter, the Inspector stated (paragraph 44) that the current peripheral location of the station would integrate poorly with the structure of the proposed Garden Community and whilst he acknowledged (paragraph 45) that relocation was not essential, he nonetheless felt it would be a missed opportunity if a Garden Community on the scale currently proposed were to proceed with the station on its periphery. Furthermore, the Inspector noted (paragraph 47) that the viability appraisal in support of the Local Plan allocated a considerable cost of some £50million towards the relocation of the station albeit 30 years into the build programme which, in his view, would be too late to enable the station to be integrated into the planning of the new town centre.

Further joint working is being undertaken with Network Rail regarding the potential for a new rail station. Network Rail has undertaken a timetable evaluation to understand the potential implications of a new station on the Great Eastern Main Line (GEML). This analysis indicated that the provision of an additional new station would have a detrimental impact on journey times between Colchester and Chelmsford. Network Rail have advised that it would be more appropriate to consider providing improved connectivity to/from existing stations on the GEML as opposed to the provision of a new station. Additional work is ongoing to look into the capacity of the GEML to consider the impacts of the GC and wider growth on the line.

Consequently, it is presently considered that moving Marks Tey Station is not likely to be feasible and that if the Garden Community for the Colchester/Braintree border is to proceed, it should be assumed that the station will remain in its current location. With the relocation of Marks Tey Station likely to be ruled out, any master planning for the Garden Community will have to proceed on the basis that the station will remain in its current location.

Housing Delivery

All three of the proposed Garden Communities are expected to deliver new homes partly within the timescale of the Local Plan up to 2033 but mostly beyond 2033 and potentially over multiple plan-periods. Whilst they propose between 29,000 and 43,000 in total over their full period of construction, it was only expected that 7,500 new homes will be delivered i.e. 2,500 in each of the three locations up to 2033. To achieve this level of development between now and 2033, each location would need to see rates of development increasing over time to between 250 and 350 homes a year.

In his letter, the Local Plan Inspector (paragraph 53) found that whilst not impossible that one of more of the Garden Communities could deliver at rates of around 300 homes a year, he felt (based on the evidence before him) that it would be more prudent to plan on the basis of an annual average 250 a year. If the NEAs were to adopt this approach, the total number of homes that Garden Communities could be expected to contribute towards housing supply in the period up to 2033 would reduce slightly from 7,500 to nearer 7,000 but more importantly the overall construction period for the Garden Communities would be extremely long, particularly for the larger Colchester/Braintree Borders Garden Community where the construction period would be somewhere between 60 and 96 years. The implications on viability of such a long construction period are considerable – particularly in relation to interest payments.

In response to the Inspector's comments, Officers from the three NEAs have conducted further research into the rates of housebuilding that are achievable and have produced a topic paper entitled 'Build out rates in the Garden Communities' (findings summarised in Appendix 4). The topic paper includes a review of the evidence that was before the Inspector at the examination hearings and a review of recent publications which explore how to boost housebuilding (including the Oliver Letwin Review) as well as evidence on high build-out rates that have either been achieved or are expected to be achieved on sites in other parts of the country.

The topic paper concludes that since the examination hearings the Inspector's advice to plan for an annual average of 250 completions a year at the Garden Communities is overly cautious and that, based on the evidence compiled, rates of more than 300 homes a year are achievable.

Viability

It is important that proposals in the Local Plan are economically viable to ensure they have a realistic prospect of being delivered within the timescales envisaged. The Garden Community proposals were supported by an assessment of viability undertaken by Hyas (North Essex Local Plans (Section 1) Viability Assessment: Main Report & Appendices, April 2017), which was subject to considerable debate at the Examination in Public.

In his letter following the Hearing sessions, the Inspector acknowledged the 'strategic' nature of the viability work in light of the early stage of proposals, the residual valuation methodology and key importance of making sound assumptions. The Inspector accepted that generally reasonable assumptions had been adopted with respect to a broad range of key inputs, but highlighted a number of areas where he felt that the viability assessment required additional work and therefore had not sufficiently demonstrated that the proposed Garden Communities were financially viable.

The specific areas of concern were:

- Transport infrastructure costs – where the Inspector (paragraphs 66 & 68) found that the potential cost of a rapid transit system and/or any likely developer contributions towards the A12 and A120 improvements required further consideration and needed to be fully taken into account as part of the viability assessment work.
- Land purchase and interest – where the Inspector (paragraph 71) found that no allowance had been included in the viability appraisal for the cost of interest on any borrowing to fund the purchase of land by a master developer – which, given the likely scale and duration of the Garden Communities, could be substantial.
- Contingencies and sensitivity testing – where the Inspector (paragraph 77) found that the 'contingency' allowance being applied to certain capital sums for specific elements of infrastructure was potentially too low.

- Price of Land – where the Inspector (paragraphs 82-85) found that landowners would require sufficient land values to persuade them to bring land forward for development and that the viability assessment would need to demonstrate that such reasonable uplifts over and above current use values could be achieved.
- Other specific aspects including the cost and timing of a potential new rail station at Marks Tey (paragraph 47), the build out rate being achievable (paragraph 53), the provision of employment land consistent with the wider approach, and ability to deliver the required level of affordable housing.

In response to these issues, Hyas have produced an updated viability assessment (summarised in Appendix 5) which takes into account the latest information on the costs of all strategic infrastructure (including the RTS and elements included in the HIF bids), includes an allowance for interest costs on land purchase, applies higher contingency rates and addresses all other matters raised by the Inspector. The update also considers updates to national planning policy and guidance relating to viability since the previous Examination in Public which provide further clarity to the consideration of viability going forward. A detailed cost estimate produced by Gleeds (extract in Appendix 8) has set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.

The updated assessment finds that all three of the Garden Community proposals can be considered viable in that they are capable of producing Residual Land Values that will create significant uplift for landowners well in excess of existing/current values. This is alongside generating sufficient profit for developers and investors to meet their requirements, including supplementary considerations of the time/value of money through a discounted cash flow analysis.

The assessment for West of Braintree Garden Community projects positive uplifts in land value (to circa £80,000-£140,000 per gross acre) without any grant assistance and with no allowance for inflation. This is considerably in excess of current use values with greenfield agricultural land worth in the order of £10,000 per acre with positive inflation (which would be expected over time), the uplifts in land value could be considerable meaning that this Garden Community is comfortably viable across a range of scenarios.

The Tendring/Colchester Borders Garden Community is located in an area where house prices are generally lower than those achievable to the West of Braintree and therefore the projected uplift in land value are also generally lower. That said, even without grant assistance and no allowance for positive inflation, the development could still achieve a positive, albeit lower uplift (between £15,000-£70,000 per gross acre) beyond similar agricultural land values (circa £10,000 per acre). The site is more marginal in viability terms at the highest consideration of contingencies. However the achievement of Government grant funding for upfront strategic infrastructure (such as via the currently shortlisted HIF bid, or any subsequent funding opportunity) would increase uplifts to higher levels (upwards to around £200,000 per gross acre). With positive inflation, the scheme could deliver a much higher uplift (upwards of £300,000 per hectare).

The Colchester/Braintree Garden Community comes with significantly higher upfront infrastructure costs than the other two schemes (primarily due to the need to invest in works to the A12) and, as a result, without grant or positive inflation, the development would not achieve an uplift beyond current land values and would not be considered viable. That said, the site benefits from a short-listed infrastructure funding bid and it is therefore not unreasonable to anticipate the proposals to be considered favourably for potential grant funding, either through the current HIF process, or through any future infrastructure funding opportunities that may be implemented to support strategic housing growth. In addition inflation based scenarios produce considerably higher residual land values. With grant but no positive inflation, the development could achieve a positive land value uplift (£60,000 to £100,000 per gross acre) and with inflation the uplift would be considerably higher.

The assessments therefore reveal that for both Tendring Colchester Borders and Colchester Braintree Borders there is a degree of reliance on securing either Grant funding, and/or inflationary impacts to demonstrate viability. The consultants consider that such scenarios are both credible and realistic given the long history of Government support in infrastructure to support housing growth, and trends in inflation over recent decades (including through periods of economic change and uncertainty, albeit recognising that forecasting over such a long timescale will be subject to considerable uncertainty).

The updated viability work is clear in that it can only provide a strategic overview of viability and a point in time consideration that will need to be monitored and reviewed over time. There will be a broad range of factors which could depress or enhance viability going forward, and are set out in the viability update report. Some aspects such as unforeseen costs or wider economic conditions are considered as factors that may depress viability, but a wide range of other factors are identified that could enhance viability over time such as enhanced value created through placemaking, construction cost efficiencies such as through wider uptake of modular construction, inflation rates being higher than forecast, speedier delivery and ability to secure future Government investment support. The updated viability assessment has taken a relatively prudent approach to many assumptions thus providing further confidence that the viability position could improve over time.

As a further consideration, the approach to the Garden Communities is based upon the preparation subsequent site specific Development Plan Documents and ultimately through the development management process. As such viability will need to be subject to ongoing monitoring and review as part of a future and ongoing processes to track costs, values and potential returns.

The overall findings of the updated viability assessment suggest that there is no reason to abandon any of the three Garden Community proposals at this stage in the process over insurmountable concerns about economic viability, as there are realistic and credible scenarios which can deliver viable schemes.

Employment Land provisions

Section 1 (through Policy SP6) aims to deliver sufficient employment within the Garden Communities to accommodate the 'one job per household' ambition set out in the NEGC Charter. The submitted Section 1 does not specify how much land should be allocated for employment uses, instead opting for an approach that would allow for the amount of employment land within each Garden Community to be defined through the Strategic Growth Development Plan Documents (DPDs).

In his interim findings the Inspector took issue with this approach and whilst he accepted the difficulties involved in forecasting employment requirements so far into the future, he nonetheless considered it appropriate for Section 1 to provide an indicative employment land requirement. He therefore recommended that the NEAs modify Section 1 to include employment land figures for each Garden Community; doing so would provide direction to the preparation of the DPDs in a similar way to how the housing ranges will be used to inform residential land requirements in the DPDs.

To address this issue, the NEAs appointed Cebr (Centre for Business and Economic Research) to prepare an evidence base document (Appendix 6) which defines the amount of employment land required at each Garden Community. In doing so Cebr have analysed the existing sectors within the North Essex economy and forecasted the growth of these sectors using a variety of assumptions including past trends and the ability to intervene to attract particular sectors to the area. From this analysis Cebr were able to apply industry standard employee to floorspace ratios (different sectors have different ratios) which provided a volume of employment floorspace for each sector. This floorspace information was then converted into gross employment land.

Using Cebr's work, the NEAs are therefore now in a position to modify Section 1 to include employment land requirements for three Garden Communities as follows:

- Tendring Colchester Borders – 6.9ha within the plan period (as part of a total of 24.5ha)
- Colchester Braintree Borders – 4.0ha within the plan period (as part of a total of 70.1ha)
- West of Braintree – 9.1ha within the plan period (as part of a total of 43.4ha)

These employment land requirements are suggested for inclusion in the proposed modifications.

Phasing and delivery

Section 1 of the Local Plans sets out an ambitious plan to uphold high standards of placemaking and design, whilst also ensuring timely delivery of transport, community, health, education and green and infrastructure. For example Policy SP7 (at point iv) states that infrastructure will be delivered ahead of, or in tandem with, residential development to support new residents and establish sustainable travel patterns.

In his interim findings, the Inspector concluded that whilst he supported the NEAs ambition to deliver infrastructure in such a way he was not convinced that he had seen sufficient evidence to demonstrate the deliverability of such an approach. For example at paragraph 134 he remarks:

'...The NEAs have, quite rightly, set high aspirations for the quality of their GC proposals and for the provision of affordable housing, open space, and social and community facilities in them. Clarity is needed at the outset over the affordability and deliverability of those aspirations, to ensure that they are not compromised during the development process because of unclear or conflicting expectations.'

In response to the Inspector's findings the NEAs considered it necessary to provide evidence on the deliverability of the ambition set out in Policy SP7 as well as the site specific Garden Community policies (SP8, SP9 and SP10). The NEAs therefore appointed AECOM to prepare an Infrastructure Planning, Phasing and Delivery report (extract for Tendring/Colchester Borders in Appendix 7), the purpose of which is to demonstrate the phased manner in which infrastructure will be delivered alongside new homes at the Garden Communities. The report looks in detail at the requirements of Section 1 to ensure that the phasing approach is compliant with policy requirements and more generally fulfils the NEAs' ambition of infrastructure-led communities. Importantly the NEAs have ensured that this report is fully consistent with the viability evidence, demonstrating both the deliverability and the financial viability of the approach put forward in Section 1.

Habitats Regulation Assessment (HRA)

The 'Habitats Regulations' relate to the protection of wildlife sites of European importance including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) which include the Colne Estuary, Hamford Water and the Stour Estuary. 'Habitats Regulation Assessment' (HRA) is required to determine whether or not a proposal, policy or plan for development would adversely affect the integrity of a European site – either alone, or in combination with other plans and projects. The HRA has to be undertaken by the 'competent authority' who, for the Section 1 Local Plan, are the NEAs (i.e. Braintree, Colchester and Tendring Councils).

HRA was undertaken for the Section 1 Local Plan but in April 2018 (after the Local Plan had been submitted, but before the Inspector issued his letter) there was a landmark legal ruling from the Court of Justice for the European Union (CJEU) called the 'People over Wind, Peter Sweetman v Coillte Teoranta' judgement. That judgement had implications for how HRA should be carried out and at which stage of the process mitigation measures (intended to avoid or reduce and harmful effects) should be carried out. In his letter, the Inspector advised that the NEAs would need to consider the implications of this legal judgement and would need to ensure that the HRA is compatible with this landmark judgement. In response, 'Land Use Consultants' (LUC) were commissioned by the NEAs to update the HRA for the Section 1 Local Plan, in consultation with statutory agencies including National England, in light of the legal judgement and this was completed in June 2019.

The 'HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan' (conclusions attached as Appendix 9) identifies the likely significant effects on European sites as being loss of offsite habitat, recreational impacts and water quality impacts. The assessment concludes that mitigation measures can be secured as part of the relevant developments to address loss of offsite habitat; that recreation impacts can be mitigated through the measures in the Essex Recreation disturbance Mitigation Strategy (RAMS) put in place by Essex authorities; and that the development should not result in adverse impacts to water quality so long as there is a commitment to address water treatment capacity issues prior to specific developments. Modifications to the policies in the Section 1 Local Plan are suggested to ensure that the plan properly reflects the findings of the updated HRA and that necessary mitigation is put in place. This report, alongside the suggested modifications, should demonstrate to the Inspector that the NEAs have complied with the Habitats Regulations in assessing the impacts of the Local Plan.

Delivery Mechanisms

The Section 1 Local Plan explains that the NEAs are committed to ensuring that the new garden communities are as sustainable and high quality as possible and that the infrastructure needed to support them is delivered at the right time. This will require the Councils to work very closely with the relevant landowners using a robust delivery mechanism that ensures a fair and equitable distribution of the costs and land requirements needed to secure the ambitions for the Garden Communities and create a long term legacy appropriate to the scale of the ambition. Given the scale of complexity of the proposed Garden Communities, it is envisaged that 'Local Delivery Vehicles' (LDVs), with both private and public sector representation, will be used to oversee these developments.

Whilst, in his letter, the Inspector acknowledged that this approach was generally compatible with national planning policy and deploying new models of delivery was a legitimate aspiration, he questioned if other delivery mechanisms could be adopted – suggesting that there was no substantial evidence to show that only new models of delivery were capable of delivering Garden Communities in the way envisaged.

In response to this, the Councils' legal advisors Dentons have produced a specific paper entitled 'Delivery of the Garden Communities' (Appendix 10) which explains that since the submission of the Local Plan in 2017, the government has placed greater emphasis on local authorities taking a more pro-active role in the delivery of new homes and the delivery of Garden Communities. It also explains that new statutory provisions have been put in place promoting 'Locally Led New Town Development Corporations' (LLNTDCs) as a mechanism by which new development can be delivered. It is proposed that modifications to the Local Plan are made to reflect the potential for Garden Communities to be delivered via LLNTDCs but that it will ultimately be for the Councils to decide whether this is the most appropriate means by which to proceed.

The paper also explains that if LLNTDCs are not used as a vehicle to deliver the Garden Communities and landowners and developers are left to bring the development forward on their

own, they will be expected to meet all costs associated with their delivery in accordance with both the policies in the Local Plan and any more detailed requirements set to be included in the new Development Plan Documents (DPDs) for each of the schemes. It also explains that if landowners were unwilling to release their land at a reasonable price which allows for these costs to be met, the NEAs would be willing to use 'Compulsory Purchase Order' (CPO) powers to acquire the land – something that is supported by national planning policy, where necessary.

Dentons' paper will help to explain to the Inspector that whilst a Local Delivery Vehicle or a LLNTDC is the preferred means by which to deliver the Garden Communities, other delivery mechanisms are available and could be employed to ensure that the developments come forward in the way envisaged. When the detailed delivery mechanisms for the Garden Communities are discussed and decided, State Aid issues will be addressed (see Appendix 11).

Overall conclusions

Your Officers consider that the findings of the further Sustainability work and the additional pieces of evidence outlined above provide responses to all of the issues raised by the Inspector in his 2018 letters and demonstrate that the spatial strategy for growth set out in the submitted Section 1 Local Plan, including the three Garden Communities, meets the tests of soundness set out in the National Planning Policy Framework (NPPF).

The further SA work provides an objective assessment that addresses the Inspector's concerns about the previous assessment and follows a robust and transparent methodology developed through positive engagement with objectors to the plan and promoters of alternative development proposals. The findings of the SA work demonstrate that none of the reasonable alternative spatial strategy options perform notably better than the current strategy in the Section 1 Plan and provides no reason for Officers to conclude that the strategy should change. Given that the findings of the additional SA work suggest that many of the options perform similarly against the sustainability objections, planning judgement based on wider factors has to be exercised in determining the most appropriate strategy for growth in North Essex.

The alternative of further proportionate growth around existing settlements up to 2033 has been assessed as part of the additional SA work to help determine whether or not the NEAs are justified in taking a more strategic cross-border approach involving the establishment of new communities. However, the Local Plan process has already considered options relating to growing the main urban areas across North Essex and the majority of housing allocations in the three authorities' Section 2 Local Plans comprise such sites. The NEAs consider that reasonable opportunities to accommodate growth around existing settlements have been exhausted for the purposes of the plan period to 2033. It should be noted that the NEAs have also had a strong record in making use of existing previously developed 'brownfield' sites within settlements where possible.

Adding more development to existing towns and villages to make up the residual housing requirement to 2033 raises some genuine concerns about the efficient provision of infrastructure with existing and future residents having to cope with unnecessary pressure and demand on

existing services and facilities that are not able to be efficiently expanded to cater for growth. Applying a 'percentage-based' approach to achieving further proportionate growth around existing settlements, including rural settlements would result in a thin distribution of development around numerous settlements, particularly to the west of Colchester and from a transportation perspective, such a thin distribution of growth is likely to lead to further dependence on the private car. The percentage-based approach would also push more development to coastal towns such as Clacton, Harwich, Frinton/Walton, Brightlingsea, Wivenhoe and West Mersea and this raises serious concerns about environmental impacts on internationally important wildlife areas, impacts on existing transport infrastructure and the ability for the market to realistically deliver the number of homes required given the weaker housing market conditions to the east.

A 'hierarchy-based' approach to proportionate growth which directs additional housing to larger settlements would, in contrast, place a large proportion of North Essex's development to land on the edge of Braintree (a town that is already earmarked for significant growth in the plan period to 2033 in the Braintree Section 2 Plan); and, to a lesser extent, Halstead and Hatfield Peverel. In the face of highly challenging housing requirements going into the future and the constraints and challenges associated with continuing to expand existing settlements, the NEAs are justified in working together to establish new communities in line with Garden Community principles that provide scope for long-term managed growth in strategically important locations extending beyond the timeframes of the current plan that achieve a scale of development that will incorporate and deliver new infrastructure and thus reduce the pressure for expansion of existing communities.

To the west of Colchester, whilst many of the alternative strategies for strategic growth perform similarly against the sustainability objectives in the additional SA work, the proposals for Garden Communities to the West of Braintree and crossing the Colchester/Braintree Border carry genuine advantages. The proposal West of Braintree provides a strategic long term opportunity to deliver growth within the current plan period and beyond and to address needs in the western part of North Essex with direct access to the A120. It is well located to Stansted Airport both as a centre of local employment but also providing opportunities for new business growth. It also provides access to the M11 and the London Stanstead Cambridge Corridor. It is well located to the urban area of Braintree thus enabling it to benefit from the services and facilities provided in that higher order settlement, with a rapid transport system integral to realising that benefit.

The Colchester/Braintree Borders Garden Community also provides the potential for long term growth on a site with close proximity to the mainline railway station at Marks Tey and regular train links to London, Colchester and beyond within walking, cycling or bus rapid transport system to the station. It is well located at the intersection of the A12 and A120 thus providing opportunities for good accessibility and attractiveness to prospective residents and employers alike. There are also more opportunities for sustainable travel links into Colchester, a regionally important centre of employment offering a full range of facilities including a hospital and a major shopping and cultural destination.

Lightwood Strategic's proposal for an alternative Garden Community at Monks Wood (Pattiswick) is located within 3km of the proposed Colchester/Braintree Borders Garden Community with

Coggeshall located between the two. It performs similarly against the sustainability objectives in the additional SA work but given the scale and proximity of these two proposals, it is not considered appropriate to include Monks Wood in the plan as well as the current Colchester/Braintree Garden Community given the impact on infrastructure, landscape and the existing resident population that these two large developments would have. Monks Wood is accessible to a much smaller, albeit very successful, cluster around Earls Colne Airfield and Coggeshall and is closer to Braintree than the Colchester/Braintree Borders Garden Community. However, the employment market in Braintree is not as strong as Colchester's and major new employment areas are proposed on the west side of Braintree which is in closer proximity to the proposed West of Braintree Garden Community. A Garden Community at Monks Wood would be located on the highly trafficked single carriageway of the A120 and whilst it is proposed that the A120 is dualled and realigned further south (between Kelvedon and Braintree), the only other roads in the vicinity are rural lanes with very limited opportunity to access a site of this size by other routes. The impact on the historic character of the dispersed settlement of Pattiswick is also considered to be greater than on the character of Marks Tey which is much more of a modern settlement.

To the east of Colchester, the Tendring/Colchester borders Garden Community offers multiple benefits to both Colchester and Tendring in terms of housing delivery, the A133/120 link road and the opportunities to relieve traffic and unlock the economic potential for more expansion of the University of Essex and the Knowledge Gateway whilst relieving pressure caused by continued growth on the edge of existing towns and villages. CAUSE's Metro Plan concept does not offer such mutually beneficial outcomes, raises concerns about encouraging car-borne journeys where rail is not a viable alternative, and would significantly and unnecessarily alter the character of a number of rural communities in Tendring that are already under pressure from current developments, and in a district that does not need any further housing sites to meet its objectively assessed housing need up to 2033 over and above the allocations in its Section 2 Local Plan. The Tendring Central Garden Village concept scores similarly to the Tendring/Colchester Borders Garden Community in the additional SA work, but critically does not offer the mutual cross-border benefits to Colchester and Tendring that arise from the link road and potential for growth at the University of Essex and the Knowledge Gateway – it would be an unnecessary standalone development further east into Tendring that would encourage longer car journeys.

Officers therefore consider that the current strategy in the Section 1 Local Plan which proposed three Garden Communities in the locations currently suggested remains the most appropriate strategy for North Essex. The other additional evidence, including studies on rapid transit, housing delivery and viability respond directly to the issues raised by the Inspector and demonstrate that the three proposed Garden Communities are viable and deliverable.

Proposed amendments

If, through the examination process, an Inspector identifies certain issues with the soundness of a Local Plan that can be easily resolved, they can recommend 'modifications' to the plan. Under normal circumstances, modifications are published for consultation following the completion of the

examination and responses are considered by the Inspector before they confirm that the plan is sound and can be formally adopted.

For the Section 1 Plan for North Essex, a number of areas have already been identified which would benefit from amendments which have arisen from a number of sources, including representations received in response to the publication of the plan in 2017; statements of common ground entered into with statutory consultees in the run up to the examination hearings; responses to the Inspector's initial Matters Issues and Questions (MIQs) before the examination hearings; the discussions at the examination hearings themselves; and the Inspector's post-examination letters.

Officers have compiled a schedule of proposed amendments and the Inspector has agreed that these should be published for consultation alongside the Additional Sustainability Appraisal work and other evidence before the examination is resumed. The majority of the proposed amendments are minor changes to the wording of policies and supporting text but others could be considered to represent more fundamental changes to policies and how they are interpreted.

Whilst Members are being asked to endorse the proposed amendments for public consultation, it will be the Inspector who will ultimately decide which, if any, of the amendments should be main modifications to the final version of the plan before it is adopted. Any final modifications recommended by the Inspector will require further consultation following the completion of the examination, but the consultation proposed for the current schedule of modifications will enable objections to be considered, by the Inspector, when he resumes the examination in due course.

The full schedule of proposed amendments is provided at Appendix 12. None of these amendments represent fundamental changes to the overarching strategy in the plan. The most significant of the proposed amendments are highlighted below:

- New Policy SP1A 'Delivering Sustainable Development through the planning system'

An additional policy is suggested for inclusion in the Section 1 Local Plan, on the advice of the Inspector, to clarify how the policies in the Local Plan, taken as a whole, will operate in practice in the determination of planning applications. The proposed policy would state:

"Development that demonstrably contributes to the achievement of the policies in this Local Plan (and, where relevant, of policies in neighbourhood plans) will normally be permitted unless material considerations indicate otherwise.

Development that is not in accordance with, or which will prejudice the delivery of, the strategic scale development or the achievement of the place making principles, in this Local Plan will not normally be permitted."

- New Policy SP1B 'Recreational disturbance Avoidance and Mitigation Strategy (RAMS)'

An additional policy is suggested for inclusion in the Section 1 Local Plan, as agreed with Natural England, to reflect the new Essex-wide approach to mitigating against the impacts

on internationally important wildlife sites arising from an increase in development and the associated risk of increased recreational disturbance at those sites. The proposed wording would state:

“An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy will be completed in compliance with the Habitats Directive and Habitat Regulations. Contributions will be secured towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs) which will be completed by the time the Local Plan is adopted.

Prior to RAMS completion, the NEAs will seek contributions from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.”

- Policy SP3: ‘Meeting Housing Needs’

Modifications to Policy SP3 are suggested to provide some explanation, on the Inspector’s advice, as to how the housing figures in the policy will be used for assessing each authority’s five-year housing supply requirements. The additional wording proposed would state:

“The annual housing requirement figures set out below will be used as the basis for assessing each authority’s five-year housing land supply subject to any adjustments in Section 2 of each plan to address any undersupply since 2013. The North Essex authorities will review their housing requirement regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area.”

- Policy SP4: ‘Providing for Employment’

Adjustments to the employment land requirements for the three authorities have been recommended by the Inspector to reflect the outcome of discussions at the examination hearings. In particular, they will rectify errors found within the figures for Braintree and Tendring. The revised employment land figures will be as follows:

	Baseline (ha)	Higher Growth Scenario (ha)
Braintree	20.9	43.3
Colchester	22.0	30
Tendring	12.0	20.0
North Essex	54.9	93.3

- Policy SP5: ‘Infrastructure and Connectivity’

Modifications to the infrastructure and connectivity policy are suggested to provide greater clarity over what would happen if, for whatever reason, it becomes clear that the infrastructure required for the Garden Communities will not be funded or delivered. The

modifications also provide greater clarity over what key infrastructure projects will need to be secured in advance of the start of the Garden Communities. The main relevant wording would be as follows:

“If the necessary strategic infrastructure for the Garden Communities as required by Policy SP5 is not committed within a reasonable period of time and phased alongside the delivery of new communities a review of the Plan will be undertaken prior to any consent being implemented, in order that the consequential shortfall in housing delivery does not overburden the infrastructure of existing communities/settlements.”

“Infrastructure provision will be secured in a timely manner and programmed to keep pace with growth of new communities.

Funding and route commitments for the following strategic transport infrastructure projects will need to be secured in advance of the start of the Garden Communities as follows:

- *Colchester/ Braintree Borders –*
 - *A12 widening and junction improvements*
 - *A dualled A120 from Braintree to the A12*
- *Tendring /Colchester Borders –*
 - *A120-A133 Link road*
- *A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities into the rapid transit network*
- *Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by masterplanning.*

Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community.”

- Policy SP7: ‘Development and Delivery of New Garden Communities in North Essex’

A number of modifications are suggested for the wording of this policy, the most significant of which is to address the Inspector’s request that the Section 1 Local Plan specifies the employment land requirements for the Garden Communities. Based on the evidence contained within the report from Cebr, the total amount of employment land included in the three Garden Communities would be around 138 hectares delivering approximately 850,000 square metres of business floorspace.

- Policies SP8, SP9 and SP10: Specific policies for each of the three Garden Communities

It is suggested that each of the policies that correspond with the specific Garden Community proposals are modified to include wording agreed with Natural England in relation to the impact of waste water on internationally important wildlife sites. The wording would be:

“To ensure new development does not have an adverse effect on any European Protected sites, the required waste water treatment capacity must be available including any associated sewer connections in advance of planning consent.”

Additional wording is also proposed to address issues raised by Historic England at the examination in respect of the potential impact of the Garden Communities on the historic environment, as follows:

“A Heritage Impact Assessment for each DPD in accordance with Historic England guidance will be required in order to assess impact of proposed allocations upon the historic environment, to inform the appropriate extent, nature and form of the development and establish any mitigation measures necessary.”

Each Garden Community policy will also include a section to set out the amount of employment space to be created as part that development – based on the evidence contained within the report from Cebr. For the Tendring/Colchester Borders Garden Community (SP8) the figure will be 24.5 square metres; for the Colchester/Braintree Borders Garden Community (SP9) it will be 70.1 square metres; and for the West Braintree Garden Community (SP10) it will be 43.4 square metres.

Further bespoke modifications to each of the Garden Community policies are also proposed to reflect specific infrastructure or environmental requirements, for example additional wording around the proposed A120/A133 link road, the realignment of the A12 and the dualling of the A120 and the need to protect relevant internationally and nationally important wildlife designations.

Next Steps

The relevant Committees of the three Councils are all considering the additional evidence base that has been prepared, the findings of the Additional Sustainability Appraisal work and proposed amendments. Braintree and Tendring District Councils will need to make recommendations to Full Councils and the outcomes of Braintree and Colchester’s meetings will be reported to Full Council. If all three authorities agree, the additional evidence base, Additional Sustainability Appraisal work and the proposed amendments will be published for six-weeks consultation to allow third parties the opportunity to consider both the modifications and the evidence and make any comments. The six-week consultation period is expected to run from 19 August 2019 to 30 September 2019.

The Officers of the three authorities will collect any representations made and, following the six-week consultation period, will submit the schedule of proposed amendments, Additional SA work and all the other additional evidence base to the Inspector, along with all the representations received from third parties. The Inspector will then consider all of this information and will liaise with the NEAs to confirm the timetable for resuming the examination and undertaking further examination hearings. The Inspector may issue a further series of Matters, Issues and Questions (MIQs) to establish the main topics he wishes to examine and to invite written responses from

participants in the examination ahead of the hearings. It is currently anticipated that hearings will take place either at the end of 2019 or in early 2020.

Following the completion of the further examination hearings, the Inspector will write to the NEAs to confirm whether or not his concerns about the Garden Communities have been addressed and whether or not the Section 1 Local Plan now meets the tests of soundness. The Inspector will have the ability to recommend additional post-examination main modifications to the plan which would need to be the subject of further consultation in their own right before the plan can be finalised and formally adopted by the NEAs.

The examination of the authorities' individual Section 2 Local Plans will not take place until Section 1 has been examined and found to be sound.

APPENDICES

1. 'Additional Sustainability Appraisal of North Essex Local Plan Section 1: Summary of Draft Findings.'
2. Executive summary of 'North Essex Rapid Transit System for North Essex: From vision to plan'.
3. Conclusion and next steps from 'Mode Share Strategy for the North Essex Garden Communities'.
4. Summary of findings and conclusion from 'Build Out Rates in the Garden Communities'.
5. Executive summary of 'North Essex Local Plans (Section 1) Viability Assessment Update – Main Report'.
6. 'Employment Provision for the North Essex Garden Communities.
7. Tendring/Colchester Borders extract from 'North Essex Garden Communities Infrastructure Planning, Phasing and Delivery.
8. Summary of 'North Essex Authorities Infrastructure Order of Cost Estimate (41,000 homes)'.
9. Conclusions of 'HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan.
10. 'North Essex Authorities' Position Statement on Delivery Mechanisms'.
11. 'North Essex Authorities' Position Statement on State Aid.
12. Proposed amendments to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section One.

BACKGROUND PAPERS

Full versions of the evidence base documents listed as Appendices 1 to 11 are hosted on the Braintree District Council website and can be accessed using the following link:

https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_local_plan/9

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON TUESDAY, 16TH JULY, 2019 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman, Coley, Newton, Scott and Skeels
Also Present:	Councillor Lynda McWilliams
In Attendance:	Ian Davidson (Chief Executive), Ewan Green (Corporate Director (Planning and Regeneration)), Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Gary Guiver (Planning Manager), Will Fuller (Planning Officer) and Paul Woods (Development Technician)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Broderick (with no substitute) and G V Guglielmi (with Councillor Coley substituting).

2. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 29 January 2019, be approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none on this occasion.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

5. PUBLIC SPEAKING

The Chairman invited the following persons to address the Committee:

Bill Marshall, a resident of the District, made a statement relating to item A.1 of the report of the Corporate Director (Planning and Regeneration) in which he urged Councillors not to approve the recommendations in that report. He referenced the publication of the report and appendices on 25 July and considered that there was too much information to digest in too short a period. He invited Members to delay, defer and reconsider the detail in the report. He expressed the view that residents had been excluded from the proposals and those residents did not want the proposed Garden Communities. He drew attention to the £2 billion borrowing and that this would, in his view, burden local residents for generations. As an alternative, Members were advised that he had submitted a proposal which he referenced as being DRPP, which had then

been identified as Alternative 7 and E4 in the Assessment. He also drew attention to a model he had displayed at the meeting of a rapid transport floating train.

Ted Gittens, a resident of the District, made a statement relating to item A.1 of the report of the Corporate Director (Planning and Regeneration) in which he considered that the Local Plan process was at a crucial point and he referenced the words of the Local Plan Inspector on the issue of promoting all three Garden Communities across North Essex at the same time and the difficulties with justification for this simultaneous development the Inspector had outlined. He considered the west-Tendring Garden Community was little more than a Colchester overspill with transport links westward rather than into the rest of Tendring. Instead he spoke in support of development in the area where the A120 and A133 diverge of which he described as Tendring central and linked it to the Metro Plan proposal referenced in the report. This he considered would redistribute development eastward and be more sustainable for the District.

Carol Bannister, a resident of the District, made statements relating to items A.1, A.2 and A.3 of the Report of the Corporate Director (Planning and Regeneration) in which she outlined that she supported Garden Communities, although not on the scale proposed. She described the District of Tendring as being a rural, tourist and retirement area and she spoke strongly about the need to retain this character. She did not believe organisations such as CAUSE represented the views of local people in Tendring. She was of the view that the Metro Plan proposal referenced in the report would destroy the villages identified in that proposal due to the huge growth the proposal envisaged. In respect of the report at A2, she advised the Committee that she considered the housing supply proposals should be accepted. She also spoke on the report at A3, and referenced her support for measures to protect local habitats and, in this regard, quoted Weeley Wood.

The Chairman, on behalf of the Committee, thanked the above persons for their input, views and considerations.

6. REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.1 - SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Planning and Regeneration) (A.1) which sought:-

- a) the Committee's recommendation to Full Council that the Additional Sustainability Appraisal be approved and to inform the Committee of the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex;
- b) the Committee's recommendation to Full Council that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications; and
- c) the Committee's recommendation to Full Council that a six weeks public consultation be undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they

were submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude their examination.

Background

The Committee was aware that Section 1 of the submitted Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across Braintree, Colchester and Tendring (the 'North Essex Authorities' ('NEAs')). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposed three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, 'the Section 2 Plan' for each of the three authorities contained more specific local policies and proposals relevant only to their individual area.

Members were also aware that before a Local Plan could be formally adopted by a Council, it must be examined by a Government-appointed Inspector whose job it was to check that: (1) the Plan had been prepared in line with various legal requirements; and (2) that the policies and proposals in the plan complied with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF). Examination hearings for the Section 1 Plan had taken place between January and May 2018. In June 2018 the Inspector had written to the North Essex Authorities setting out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the Plan and praised the NEAs' innovation and ambition, the Inspector had found some of the evidence and justification in support of Garden Communities to be lacking and had therefore been unable to pass the Section 1 Plan as 'sound'. The Inspector's specific concerns had been reported to the former Local Plan Committee at its meeting held on 30 October 2018 (Minute 6 referred).

In his letter, the Inspector had offered the NEAs advice and options for how best to proceed. Having considered his advice, the NEAs in October 2018 had confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns. On 10th December 2018, the Inspector had confirmed that he was satisfied that the proposals for further work on the evidence base satisfactorily responded to the points he had raised as identified issues and he had paused the examination until the NEAs' further work on the evidence base and an Additional Sustainability Appraisal had been completed. Monthly updates had been submitted to the Inspector on the programme timetable as requested.

That additional evidence had now been completed and the findings were detailed within the main body of the Corporate Director's report. Those findings were summarised as follows:-

Additional Sustainability Appraisal

Some of the Inspector's biggest concerns had been about the previous Sustainability Appraisal (SA) which was both a legal requirement of the plan making process and a key piece of evidence in determining the most appropriate 'spatial' strategy for growth. The Inspector had found that some of its

assumptions were either not properly justified or were 'biased' in favour of the NEA's preferred spatial strategy for three Garden Communities and therefore did not represent an objective, or reliable, assessment. He had advised that further work would be needed to rectify those problems and he had further advised different consultants ought to be selected for that work.

The Committee was informed that the additional SA had been undertaken by consultants LUC who had followed a revised methodology that had been shared with the Inspector and had been the subject of consultation and engagement with statutory bodies and key participants in the Local Plan examination – taking particular care to ensure it addressed the Inspector's previous concerns. The Additional SA first tested a range of alternative development site proposals against a series of tried and tested 'sustainability criteria' applying assumptions guided, where possible, by information provided by site promoters themselves. The second stage of the SA then tested different combinations of those site proposals against the sustainability criteria which represented a reasonable range of alternative spatial strategies for the Authorities to consider in determining the most appropriate approach for the Local Plan.

It was reported that the findings of the Additional SA had indicated that many of the site proposals and alternative spatial strategy options were closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies had stood out as performing notably stronger than the current strategy in the submitted Section 1 Local Plan. There was consequently nothing arising from this new evidence that had suggested that the current spatial strategy was not justified or needed to change to make way for an alternative approach. Officers had therefore recommended that the NEAs continued to promote the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.

Additional evidence base

- **Housing Infrastructure Fund Bids:**

A progress update on two bids to the Government's 'Housing Infrastructure Fund' (HIF) by Essex County Council (ECC) to secure funding: (a) for the realignment of the A12 between Marks Tey and Kelvedon; and (b) for the construction of a link road between the A133 and A120 and a rapid transit system to the east of Colchester. This would demonstrate to the Inspector that positive progress was being made in securing the road infrastructure that would be a key to the delivery of the proposed Garden Communities. The bids were currently being evaluated by Homes England. ECC had written to Government Ministers setting out the importance of announcements on the outcome of the HIF bids being made as soon as possible.

- **A120 Dualling:**

Indicative timescales had been drawn up for the construction of a new dual carriageway between Braintree and the A12 south of Kelvedon, following ECC's favoured route announcement in June 2018. This would provide greater clarity to the Inspector over the timing of works and their implications for highway capacity and the delivery of Garden Communities.

- Rapid Transit:

A technical feasibility study from transport consultants Jacobs had been commissioned showing how and when a 'Rapid Transit System' (RTS) could be delivered to connect the new Garden Communities to key services, facilities and employment opportunities in and around Colchester, Braintree and Stanstead; and how much it was likely to cost. This would address the specific shortcomings in the previous evidence identified by the Inspector in his letter.

- Modal Shift:

A technical paper from consultants ITP had been commissioned which explained how, through RTS proposals and other measures, the NEAs could achieve a 'modal shift' target for 30% of all journeys to, from and within, the Garden Communities to be made by rapid transit. Again, this would address the Inspector's previous concern about the likelihood of achieving that target.

- Marks Tey Station:

Update from discussions with Network Rail that suggested that a relocation of Marks Tey Railway Station to the centre of the proposed Garden Community for the Colchester/Braintree Borders Garden Community was unlikely to be a practical option. Although the Garden Community had never been reliant on the station being relocated, there was now clarity in moving forward that the development would need to be planned to integrate with the station's existing location.

- Housing Delivery:

Research had been carried out by the NEAs on the rates of housing development that could be achieved on large scale developments following different models and approaches in order to satisfy the Inspector that the scales of development proposed for the Garden Communities were realistically deliverable.

- Viability:

A Viability Assessment (VA) update from consultants Hyas which had re-tested the economic viability of the three Garden Community proposals in light of updated cost and value assumptions, and which addressed the specific concerns raised by the Inspector in relation to assumptions made in the previous assessment – including the cost of RTS. The updated VA had confirmed that all three Garden Communities could be considered to be economically viable under a range of situations and scenarios which were considered to be rational and reasonable. West of Braintree Garden Community was viable under all modelled scenarios. The viability of the Colchester/Braintree Borders Garden Community and (to a lesser degree) the Tendring/Colchester Borders Garden Community were more dependent on securing Government investment for upfront infrastructure and/or inflation in future property values.

- Employment Land:

A paper had been prepared by the Centre of Economics and Business Research (Cebr) advising on the calculation of how much 'employment land' ought to be incorporated into the Garden Community proposals in order to meet the needs likely to arise from growth in business and industrial activities and to contribute towards overall employment growth. This addressed the Inspector's specific concern about the lack of any indication as to how much employment land would be provided at each of the three Garden Communities. Cebr's paper had provided figures which formed the basis of proposed modifications to the Section 1 Plan.

- Phasing and Delivery:

An Infrastructure Planning, Phasing and Delivery report had been prepared by consultants AECOM which explored and set out reasonable assumptions for how each of the three Garden Communities could be delivered in a phased manner. The assumptions in that report had been particularly useful in informing wider assumptions about infrastructure delivery and economic viability.

- Infrastructure Costs:

A detailed cost estimate had been produced by consultants Gleeds which set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.

- Habitats Regulation Assessment (HRA):

-

An assessment had been undertaken by consultants LUC of the likely effects of development in the Local Plan on wildlife sites of European importance. A HRA was a legal requirement and the report had been updated to take into account an important legal ruling from the Court of Justice for the European Union and the progress that Essex Authorities had made in developing the Essex Recreation disturbance Avoidance Mitigation Strategy (RAMS).

- Delivery Mechanisms:

A paper had been commissioned from legal firm Dentons which explained how it was intended that a public and private sector partnership in the form of a Local Delivery Vehicle would be used to deliver the Garden Communities and how this meshed with current Government thinking. That evidence had also included a paper on State Aid considerations.

It was felt that all of the above evidence supported the Officers' view that the current proposals in the Section 1 Local Plan were sound and, when presented to the Planning Inspector, would address all of his previous concerns.

Proposed amendments

The Committee was made aware that, as well as producing the above evidence in response to the Planning Inspector's concerns about Garden Communities, the North Essex Authorities had also compiled a table of proposed amendments to the Section 1 Plan. Those amendments were aimed at addressing certain

issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring that the Plan met the tests of soundness. Many of the proposed amendments had arisen from suggestions and discussions at the examination hearings in 2018 and the Inspector's interim findings whereas others had arisen from the findings of the additional evidence base.

Importantly, Officers were not recommending any substantial changes to the strategy for growth, as set out in the Section 1 Local Plan. The additional evidence prepared in response to the Inspector's original concerns had demonstrated that the establishment of three Garden Communities in the broad locations already identified in the plan was justified and represented an appropriate, sustainable and deliverable strategy.

It was reported that notable amendments included:

- New policies (SP1A and SP1B) in order to clarify how the Local Plan, taken as a whole, would operate in practice in the determination of planning applications; and to reflect the new Essex-wide approach to recreational disturbance avoidance and mitigation in relation to internationally important wildlife sites.
- Additional wording in Policy SP3: 'Meeting Housing Needs' in order to explain how the housing figures in the policy would be used for assessing each Authority's five-year housing supply requirements.
- Corrections to the employment land figures in Policy SP4 for the individual NEAs following the discussions at the examination hearings and the Inspector's subsequent advice.
- Additional wording for the infrastructure and connectivity policy (SP5) in order to provide greater clarity over what would happen if, for whatever reason, it became clear that the infrastructure required for the Garden Communities would not be funded or delivered; as well as identifying the key infrastructure projects that would need to be secured in advance of the start of the Garden Communities.
- The inclusion of specific employment land figures in the Garden Community policies SP7, SP8, SP9 and SP10 as well as additional wording in relation to waste water, the protection of European designated sites and the historic environment and specific infrastructure priorities relevant to specific Garden Communities.

The Committee was aware that it would be the Inspector's choice whether to accept the proposed amendments to the Local Plan through the resumed examination process, in determining whether it satisfied the necessary statutory requirements and was sound. Section 20(7C) of the Planning and Compulsory Purchase Act 2004 provided that the Inspector must, if asked to do so by the local planning authority, recommend formal modifications to the local plan that would satisfy the requirements mentioned in subsection 20(5)(a) and was sound, therefore such modifications could be suggested by the Inspector following conclusion of the examination.

Next steps

Members were informed that if Full Council gave approval and the other NEAs also agreed, the Additional Sustainability Appraisal, all of the additional new evidence base documents listed above and the table of proposed amendments would be published for a six weeks public consultation period between 19 August and 30 September 2019 before they were submitted, along with any public representations received, to the Planning Inspector in order to enable him to resume the examination. It was expected that the further examination hearings would take place in late 2019 or early 2020.

After comments and questions on the actual subject matter of the report, some Members expressed concern about the volume of the information to be digested and the time to do this. In response to a procedural question, in respect of participation and voting at this meeting and at Council, the Head of Legal Services and Monitoring Officer confirmed that statements and voting at this Committee did not bind the Member in respect of the item's consideration at Full Council.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices:-

It was moved by Councillor Newton, seconded by Councillor Skeels and:-

RECOMMENDED TO COUNCIL that –

- a) the additional evidence base summarised within Appendices 2 to 11 to the report of the Corporate Director (Planning and Regeneration) and available in full as background papers be accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- b) the findings of the Additional Sustainability Appraisal work (summarised in Appendix 1 to the aforementioned report) which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy be approved;
- c) the Additional Sustainability Appraisal work and evidence base (including the additional evidence) be endorsed as supporting the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;
- d) the schedule of proposed amendments to the submitted Local Plan (attached as appendix 12 to the above report) be approved;
- e) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
- f) following that period of public consultation, the above-mentioned documents along with any duly made representations received during the public consultation period, be submitted to the Secretary of State in order to enable the Local Plan

Inspector to resume and complete the examination of the Section 1 Local Plan; and

- g) the Local Plan Inspector be formally requested to recommend any further modifications to the Publication Draft Local Plan as necessary in order to make it 'sound'.

[Note: In respect of this item, at the conclusion of the meeting, the Committee's Chairman stated that all Councillors will be sent a copy of this report within the next couple of days to ensure that they had access to all the information for at least two weeks before the meeting of the Council. In addition, an offer of another All Member Briefing on this matter prior to 6 August was made.]

7. **REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.2 - UPDATED HOUSING SUPPLY POSITION, HOUSING TRAJECTORY AND STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT (SHLAA)**

The Committee had before it a detailed report (and appendices) of the Corporate Director (Planning and Regeneration) (A.2) which reported:-

- the number of new homes built in the District during the 2018/19 financial year;
- the current housing land supply position (the 'five-year' supply);
- the updated year-by-year trajectory for building new homes over the remainder of the new Local Plan period up to 2033; and
- the new Strategic Housing Land Availability Assessment (SHLAA) which provided the detailed evidence base for the above figures.

Housing Completions

It was reported that, in the period 1 April 2018 to 31 March 2019, 915 new homes had been completed in the District. This meant that the housebuilding target for the District (550 homes a year as set out in the emerging Local Plan) had been achieved for a third year in succession.

Five Year Supply

The Committee was informed that, in February 2019, the Government had made amendments to the National Planning Policy Framework (NPPF) which affected the way Councils calculated whether they could identify a five year housing supply. Where a Council's adopted Local Plan housing policies were more than five years old (as was the case for Tendring District Council), they were required to calculate housing supply against a 'local housing need' figure generated using the Government's standard methodology which, for this Council, meant a housing target of 863 homes a year as opposed to the 550 homes a year target in the emerging (but yet to be adopted) Local Plan. As a result of this change in Government planning policy which affected the way housing supply was calculated, the Council could technically only demonstrate a 4.2 year supply of deliverable housing sites. The implications of this were reported in the main body of the Corporate Director's report.

Housing Trajectory

Members were made aware that the Council could, however, demonstrate that the Local Plan requirement of 11,000 new homes between 2013 and 2033 could be met and comfortably exceeded. This would be through a combination of homes already completed since April 2013, development on large sites with planning permission, sites allocated for development in the Plan and small 'windfall' sites.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices:-

It was moved by Councillor Fairley, seconded by Councillor Coley and:-

RESOLVED that the contents of the Corporate Director's Report be noted and the new Strategic Housing Land Availability Assessment (attached as Appendix 1 thereto) be endorsed as evidence to support the deliverability of housing proposals in the new local plan and to demonstrate an up-to-date five year housing land supply position for the purposes of determining planning applications and contesting planning appeals.

8. **REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.3 - ESSEX COASTAL RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY (RAMS)**

The Committee had before it a comprehensive report (with appendices) of the Corporate Director (Planning and Regeneration) (A.3) which provided an update on the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and which described how this could affect the Council's planning policies and decision-making in the future.

Members were informed that twelve Essex local planning authorities were working together on a mitigation strategy in order to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex.

The Strategy sets out the necessary measures to avoid and mitigate the effects from increased recreational disturbance. The RAMS set a tariff of £122.30 per dwelling. This tariff would apply to all residential proposals, even proposals for one dwelling. This was because the whole of the District was within the Zone of Influence and the RAMS sought to avoid and mitigate the in-combination effects from all new dwellings.

The Committee was advised that in order to comply with the European Habitat Regulations, this Council was already seeking the said contribution from all new dwellings via legal agreements – but that the consultation on, and adoption of, the Supplementary Planning Document would ensure that this arrangement was formalised in a consistent way across Essex.

A number of comments were made by Members in respect of improving the access to designated protected habitats in order to reduce the impact of visitors to those habitats.

In response to a question, the Planning Manager confirmed that the proposed Essex RAMS tariff would apply to single dwelling developments as it would to

larger developments. In the same way, the current approach to the application of the tariff albeit without the benefit of supplementary Planning Document as now submitted for consultation applied to single dwelling developments and larger developments.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices:-

It was moved by Councillor Scott, seconded by Councillor Skeels and:-

RESOLVED that –

- (a) the Draft Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) be approved for consultation purposes and that the contents of the RAMS Strategy Document (Technical Report and Mitigation Report) be noted; and
- (b) the Head of Planning be authorised to make minor changes to the SPD should it be necessary prior to the commencement of the consultation.. Any changes considered by the Head of Planning to be more than minor will be reported back to the Committee prior to any such consultation commencing.

The meeting was declared closed at 7.58 pm

Chairman

LOCAL PLAN SUB-COMMITTEE AGENDA

Thursday, 18 July 2019 at 6:00pm

Council Chamber, Braintree District Council, Causeway House, Bocking
End, Braintree, CM7 9HB

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)

www.braintree.gov.uk

Members of the Local Plan Sub-Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor D Bebb (Vice Chairman)	Councillor P Horner
Councillor K Bowers	Councillor D Hume
Councillor G Butland	Councillor Mrs G Spray (Chairman)
Councillor T Cunningham	Councillor T Walsh
Councillor A Everard	Councillor J Wrench

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

Health and Safety

Any persons attending meetings in the Council offices are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by officers. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

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Documents

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We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via governance@braintree.gov.uk

PUBLIC SESSION		Page
1	Apologies for Absence	
2	Declarations of Interest To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
3	Minutes of the Previous Meeting To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 11th July 2019 (copy to follow).	
4	Public Question Time (See paragraph above)	
5	Section 1 Local Plan Examination - Additional Sustainability Appraisal, Evidence and Proposed Amendments	4 - 30
6	Additional Habitats Regulation Assessment	31 - 34
7	Viability Assessment Update	35 - 40
8	Phasing and Delivery Update	41 - 44
9	Urgent Business - Public Session To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	
10	Exclusion of the Public and Press To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972. <i>At the time of compiling this Agenda there were none.</i>	

PRIVATE SESSION		Page
11	Urgent Business - Private Session To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.	

Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments	Agenda No: 5
<p>Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth</p> <p>Report Presented by: Emma Goodings Head of Planning and Economic Development Report Prepared by: Emma Goodings</p>	
<p>Background Papers: National Planning Policy Framework Publication Draft Local Plan 2017 IED011 Inspectors response to the North Essex Authorities June 2018 Local Plan sub-committee agenda and minutes 11th July 2019</p>	<p>Public Report: Yes</p> <p>Key Decision: No</p>
<p>Executive Summary: Section 1 of the submitted Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.</p> <p>Before a Local Plan can be formally adopted by a Council, it must be examined by a government-appointed Inspector whose job it is to check that 1) the plan has been prepared in line with various legal requirements and 2) that the policies and proposals in the plan comply with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF). Examination hearings for the Section 1 Plan took place between January and May 2018; and in June 2018 the Inspector wrote to the North Essex Authorities setting out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the plan and praised the NEAs' innovation and ambition, the Inspector found some of the evidence and justification in support of Garden Communities to be lacking and was therefore unable to pass the Section 1 Plan as sound. The Inspector's specific concerns were reported to Members in October 2018.</p>	

In his letter, the Inspector offered the NEAs advice and options for how best to proceed. Having considered his advice, the NEAs in October 2018 confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns. On the 10th December 2018, the Inspector confirmed that he was satisfied that the proposals for further work on the evidence base satisfactorily responded to the points he had raised as identified issues and paused the examination until the NEAs' further work on the evidence base and an Additional Sustainability Appraisal was completed. Monthly updates have been submitted to the Inspector on the programme timetable as requested.

Additional evidence has now been completed in the following areas to address the Inspectors concerns and their findings are summarised within this report;

- Housing Infrastructure Fund (HIF) Bids
- A120 dualling
- Rapid Transit
- Modal Shift
- Marks Tey railway station
- Housing Delivery
- Viability
- Employment Land
- Phasing and Delivery
- Infrastructure
- Habitats Regulation Assessment (HRA)
- Delivery Mechanisms

Some of the Inspector's biggest concerns were about the previous Sustainability Appraisal (SA) which is both a legal requirement of the plan making process and a key piece of evidence in determining the most appropriate 'spatial' strategy for growth. The Inspector found that some of its assumptions were either not properly justified or were biased in favour of the NEA's preferred spatial strategy for three Garden Communities and therefore did not represent an objective or reliable assessment. He advised that further work would be needed to rectify these problems and advised different consultants ought to be selected for that work.

The Additional SA has been undertaken by consultants LUC who have followed a revised methodology that has been shared with the Inspector himself and has been the subject of consultation and engagement with statutory bodies and key participants in the Local Plan examination – taking particular care to ensure it addresses the Inspector's previous concerns. The Additional SA first tests a range of alternative development site proposals against a series of tried and tested 'sustainability criteria' applying assumptions guided, where possible, by information provided by site promoters themselves. The second stage of the SA then tests different combinations of those site

proposals against the sustainability criteria which represent a reasonable range of alternative spatial strategies for the authorities to consider in determining the most appropriate approach for the Local Plan.

The findings of the Additional SA indicate that many of the site proposals and alternative spatial strategy options are closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies stand out as performing notably stronger than the current strategy in the submitted Section 1 Local Plan. There is consequently nothing arising from this new evidence that would suggest that the current spatial strategy is not justified or needs to change to make way for an alternative approach. Officers therefore recommend that the NEAs continue to promote the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.

All of the above evidence supports Officers' view that the current proposals in the Section 1 Local Plan are sound and, when presented to the Planning Inspector, will address all of his previous concerns.

As well as producing the above evidence in response to the Planning Inspector's concerns about Garden Communities, the North Essex Authorities have also compiled a table of proposed amendments to the Section 1 Plan. These amendments are aimed at addressing certain issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring the plan meets the tests of soundness. Many of the proposed amendments arose from suggestions and discussions at the examination hearings in 2018 and the Inspector's interim findings whereas others arise from the findings of the additional evidence base.

Importantly, Officers are not recommending any substantial changes to the strategy for growth as set out in the Section 1 Local Plan. The additional evidence prepared in response to the Inspector's original concerns demonstrates that the establishment of three Garden Communities in the broad locations already identified in the plan is justified and represents an appropriate, sustainable and deliverable strategy.

Notable amendments include:

- New policies (SP1A and SP1B) to clarify how the Local Plan, taken as a whole, will operate in practice in the determination of planning applications; and to reflect the new Essex-wide approach to recreational disturbance avoidance and mitigation in relation to internationally important wildlife sites.
- Additional wording in Policy SP3: 'Meeting Housing Needs' to explain how the housing figures in the policy will be used for assessing authority's five-year housing supply requirements.
- Corrections to the employment land figures in Policy SP4 for the individual NEAs following the discussions at the examination hearings and the Inspector's

subsequent advice.

- Additional wording for the infrastructure and connectivity policy (SP5) to provide greater clarity over what would happen if, for whatever reason, it becomes clear that the infrastructure required for the Garden Communities will not be funded or delivered; as well as identifying the key infrastructure projects that would need to be secured in advance of the start of the Garden Communities.
- The inclusion of specific employment land figures in the Garden Community policies SP7, SP8, SP9 and SP10 as well as additional wording in relation to waste water, the protection European designated sites and the historic environment and specific infrastructure priorities relevant to specific Garden Communities.

It will be the Inspector's choice whether or not to accept the proposed amendments to the Local Plan through the resumed examination process, in determining whether it satisfies the necessary statutory requirements and is sound. Section 20(7C) of the 2004 Act provides that the Inspector must, if asked to do so by the local planning authority, recommend formal modifications to the local plan that would satisfy the requirements mentioned in subsection 20(5)(a) and is sound, therefore such modifications could be suggested by the Inspector following conclusion of the examination.

If Full Council approves and the other NEAs agree, the Additional Sustainability Appraisal, all of the additional new evidence base documents listed above and the table of proposed amendments are published for six weeks public consultation between 19th August and 30th September 2019 before they are submitted, along with any representations received, to the Planning Inspector to enable him to resume the examination. It is expected that the further examination hearings will take place in late 2019 or early 2020.

Recommendation

That the Local Plan Sub Committee recommends to Council that:

- a) the additional evidence base summarised within this report are accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;**
- b) to note that the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex CC with regard to the North Essex Garden Communities and as currently being considered by Government and that the Council's would expect a decision on those Bids before submitting further evidence to the Secretary of State under recommendation (g) below**

- c) it approves the findings of the Additional Sustainability Appraisal work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy;
- d) it agrees that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;
- e) It approves the schedule of proposed amendments to the submitted Local Plan
- f) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
- g) following the period of consultation, the above documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and
- h) the Council requests the Local Plan Inspector to recommend any further modifications to the Publication Draft Local Plan as necessary to make it sound.

Purpose of Decision:

- a) To recommend to Full Council approval of the Additional Sustainability Appraisal and to report to the Planning Policy and Local Plan Committee the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex.
- b) To seek the Committee's recommendation to Full Council that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications.
- c) To seek the Committee's recommendation to Full Council that six weeks public consultation is undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they are submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude their examination.

Corporate Implications	
Financial:	Cost of evidence preparation is being met from base budget
Legal:	The Local Plan and Additional Sustainability Appraisal must comply with all relevant Government and European legislation and related guidance.
Equalities/Diversity:	<p>Equality Impact Assessment of the Local Plan has been produced and is available at the following link. https://www.braintree.gov.uk/downloads/file/6377/equality_impact_assessment_-_june_2017</p> <p>The changes proposed within this document do not change the equalities impact of the Local Plan</p>
Safeguarding:	None
Customer Impact:	The Local Plan will have an impact on customers across the District.
Environment and Climate Change:	Policies within the Plan are in accordance with national planning guidance in relation to the environment and climate change.
Consultation/Community Engagement:	As set out within the next steps, if approved the additional evidence base, additional Sustainability Appraisal and modifications to the Local Plan will be subject of a 6 week public consultation between the 19 th August and the 30 th September 2019.
Risks:	<p>There is a risk of legal challenge following the adoption of the Local Plan if any party believes that the Inspector or the Councils have made any legal or procedural errors.</p> <p>If Members decide to proceed with substantially different approach to existing strategy would necessitate the formal withdrawal of the Section 1 Plan and all three Section 2 Plans from the examination process – requiring the authorities to begin the plan-making process again, either jointly, in partnership or individually. To meet with legal and procedural requirements, the three-stage plan-making process would need to start from scratch with the first stage being consultation on issues and options.</p> <p>Section 1 of the Local Plan is individually submitted by the North Essex Authorities but applies equally to all three Councils, therefore for the Examination to be resumed and proceed, each authority must agree to continue with the existing strategy and submitted plan. Should either Tendring District or Colchester Borough Councils postpone</p>

	or make an alternative decision Members at Braintree will need to consider their position.
Officer Contact:	Emma Goodings
Designation:	Head of Planning and Economic Development
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1. Background

- 1.1 Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.
- 1.2 The three Garden Communities proposed in the Section 1 Plan are:
- Tendring/Colchester Borders Garden Community (Policy SP8) – 7,000-9,000 homes on land between Elmstead Market and Colchester.
 - Colchester/Braintree Borders Garden Community (Policy SP9) – 15,000 to 24,000 homes on land around Marks Tey.
 - West of Braintree Garden Community (Policy SP10) – 7,000 to 10,000 homes on land north of the A120 west of Rayne.
- 1.3 These are long-term comprehensively-planned development proposals designed to follow 'Garden Community Principles' including pro-active collaboration between the public and private sectors, community empowerment and engagement, high quality design and management of the built and public realm, integration of infrastructure and development and long-term governance and stewardship arrangements. The developments are expected to take place partly within the timescale of the Local Plan (to 2033) but mostly beyond that period. The Section 1 Plan currently envisages that each of the three Garden Communities will deliver 2,500 new homes in the plan period up to 2033; i.e. 7,500 homes across North Essex. The majority of new housing development expected in the period between now and 2033 will still however come from sites that are already under construction or have already obtained planning permission and sites that are allocated for housing development in each of the authorities' Section 2 Local Plans.

- 1.4 The final part of the process for the preparation of a Local Plan, before it can be formally adopted, is the examination. The purpose of the examination is for a government-appointed Planning Inspector to ensure the Council has followed relevant legal and procedural requirements and to test the plan for its 'soundness' which includes ensuring that it is consistency with national planning policy. Key legal tests include ensuring the Council has complied with the legal duty to cooperate, the requirements for sustainability appraisal and requirements for community consultation. The 'tests of soundness' which are set out in the National Planning Policy Framework (NPPF) are:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
- 1.5 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr. Roger Clews, to undertake the examination for Section 1 of the plan.
- 1.6 Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in respect of the Inspector's first letter. The content of these letters were all reported to Members in 2018.

- 1.7 Overall, the Inspector was satisfied that the authorities had complied with the legal duty to cooperate and other legal and procedural matters and was also satisfied that the overarching employment and housing targets in the plan had been justified on the basis sound evidence. He also praised the authorities for their innovation and ambition in promoting three new Garden Communities in North Essex and stated that if carried out successfully it has the potential to provide for housing and employment needs not just in the current Plan period but well beyond it.
- 1.8 However, the Inspector found the evidence provided to support the Garden Communities was lacking in a number of respects. The main areas of concern related to:
- Transport infrastructure – in particular the lack of certainty over its practical delivery, timing, costs and funding;
 - Housing delivery – in particular the assumptions about how many new homes could realistically be built at the Garden Communities in the period up to 2033;
 - Employment provision – the lack of any indication as to how much employment land would be provided as part of the new Garden Communities;
 - Viability – in particular some of the assumption made in respect of transport infrastructure costs, land purchase and interest costs and contingency allowances.
 - Delivery mechanisms - questions over the NEAs approach to delivering Garden Communities through the formation of a locally-led 'development corporation' and whether the development could be delivered through other alternative methods.
 - Sustainability appraisal – in particular the objectivity of the appraisal and concerns that it was biased in favour of the NEA's preferred strategy.
- 1.9 In summary, the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the authorities had selected the option of Garden Communities over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Local Plan as being sound. Instead, the Inspector provided the authorities with three options for how to progress a Local Plan towards adoption.
- 1.10 Option 1 would have involved removing Garden Communities from the Local Plan and proceeding with the examination of Section 2, so long as the Local Plan was reviewed again within 2-3 years (at which point the evidence in support of Garden Communities might have been stronger). Option 2

effectively meant undertaking more work to fill the gaps in the evidence and delaying the examination of Section 2 until the Inspector had been satisfied that the Garden Communities were deliverable and that Section 1 of the Plan was sound. Option 3 would have meant withdrawing the Local Plan and starting again.

1.11 On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:

- The availability of funding for the necessary strategic infrastructure;
- the financial viability of the proposed communities;
- the environmental effects, including transport issues;
- employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and
- continuing engagement with the local communities.

1.12 The Councils also committed to reviewing the 'Sustainability Appraisal' underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of reasonable alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary.

2. Additional Sustainability Appraisal (SA)

The role of Sustainability Appraisal (SA)

2.1 The strategy for growth or 'spatial strategy' in the Section 1 Local Plan includes the establishment of three Garden Communities along the A120 corridor to deliver long-term growth within the current plan period to 2033 and beyond. One of the tests of soundness is to ensure that the plan and its spatial strategy is 'justified'. To be justified, the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. The Sustainability Appraisal (SA) is a legal requirement and key piece of evidence designed to test different policies, proposals and alternative strategies and to inform the decisions a planning authority takes when choosing its strategy for growth.

2.2 The purpose of the SA is to ensure that potential environmental effects are given full consideration alongside social and economic issues. SA is also a legal requirement and should be undertaken at each of the key stages of the plan making process. Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out an SA of each of the

proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”. SAs also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Assessment Regulations’), which implement the requirements of the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment.

The Inspector’s concerns and suggestions for further work

- 2.3 In his June 2018 letter (paragraphs 93-129) the Inspector raised a number of concerns about the previous SA prepared and submitted alongside the Section 1 Local Plan. He firstly questioned the objectivity of the assessment; concluding that its authors had made optimistic assumptions about the benefits of Garden Communities and correspondingly negative assumptions about the alternatives, without evidence to support many of those assumptions - thus he felt that the assessment lacked objectivity and was unreliable. He secondly questioned the rationale behind the choice of alternative strategies that were tested as part of the assessment and identified a lack of clarity in the description of the alternatives and why they were tested at certain scales – making it difficult for the public to understand the alternatives and to give an effective opinion. Thirdly, the Inspector questioned the combinations of sites that were tested, in particular the reasons for excluding of the alternative ‘Monks Wood’ development proposal from Lightwood Strategic as an option for testing in combination with other Garden Communities. Because of the shortfalls identified in the previous SA, the Inspector concluded that the choice of three Garden Communities as part of the preferred spatial strategy had not been properly justified and it had not been demonstrated that the chosen strategy was the most appropriate when considered against the reasonable alternatives.
- 2.4 In advising the NEAs on how to proceed, the Inspector provided some suggestions in his letter as to how the shortcomings in the SA might be rectified. He first suggested (paragraph 122) that before embarking on any Additional SA work the NEAs 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, in order to ensure that they have a sound basis on which to score them against the SA objectives. As explained elsewhere in this report, additional evidence in respect of each of these subjects has now been prepared.
- 2.5 The Inspector also advised (paragraph 123) that Additional SA work must be an objective comparison of individual Garden Community site options at a

range of different sizes, insuring (in particular) that the Monks Wood proposal is assessed as an alternative at an appropriate scale. Adequate reasons (paragraph 124) would have to be given for taking forward or rejecting certain options from the first stage of the assessment. In the second stage of the assessment, the Inspector (paragraph 125) would expect an assessment of alternative spatial strategies for the Plan area including, as a minimum, the following:

- 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 of the assessment).

2.6 The Inspector also advised (paragraph 128) that different consultants be used to undertake the Additional SA work than the authors of the previous SA to help ensure that the further work is free from any earlier influences and is therefore fully objective.

Methodology for the Additional Sustainability Appraisal (SA)

2.7 Independent consultants LUC have been appointed to undertake the Additional SA advised by the Inspector. The methodology that LUC has applied takes on board the Inspector's advice and was the subject of consultation in its own right with statutory consultees, other partner organisations and participants in the Local Plan Examination (including campaign groups and site promoters). The methodology has also been shared with the Inspector himself to allow him the opportunity to indicate any suggestions or concerns with the Additional Sustainability Appraisal [SA] Method Scoping Statement. In his letter in December 2018, the Inspector confirmed he was satisfied with the approach being adopted. There has also been engagement between LUC and various stakeholders in the form of meetings, a 'check and challenge workshop' and requests for information from alternative site promoters which have all helped to ensure that the assessment is as robust, and transparent, as possible.

2.8 The methodology for the Additional SA work has followed a two-stage process – the first involving an assessment of a range of potential development sites throughout North Essex at different scales of development; and the second involving an assessment of different 'spatial strategy' alternatives derived from different combinations of those sites, ensuring that the alternatives identified specifically by the Inspector are tested.

2.9 All sites and spatial strategy alternatives are assessed against the established 15 sustainability objectives which include creating safe, cohesive communities; meeting housing needs; achieving more sustainable travel behaviour; conserving and enhancing wildlife and geological sites; improving

air quality; conserving and enhancing landscape quality; and safeguarding and enhancing soil quality and mineral deposits.

Options tested

- 2.10 The alternative spatial strategy options tested as part of the Additional SA work have been derived following some key principles to ensure they represent a good range of reasonable alternatives. The principles include: ensuring all options meet the required housing need in the plan period to 2033; reflecting the relative housing need and commuting patterns as they affect different parts of North Essex; and ensuring alternative strategies are coherent, logical and reasonable. 17 spatial strategy options have been tested which comprise 11 options for the area of North Essex to the west of Colchester (mainly affecting Braintree district) and 6 options for the area east of Colchester (mainly affecting Tendring) – with the idea being that the most appropriate option to the west is combined with the most appropriate option to the east to result in the most appropriate spatial strategy for North Essex overall.
- 2.11 As required by the Inspector, the option of proportionate growth around existing settlements has been tested. It takes two forms in the assessment – a ‘percentage-based’ approach to growth which requires all towns and villages in North Essex area to accommodate the same percentage increase in dwelling stock in the period up to 2033; and a ‘hierarchy-based’ approach which directs more development towards larger towns and less development towards smaller villages with limited services and facilities. Both approaches take into account the amount of housing development that is already proposed through existing planning permissions and housing allocations in respective Section 2 Local Plans – which already account for some 80% of expected growth. The percentage-based growth scenario involves a ‘thin spread’ of development around nearly every town and village in the western part of the North Essex area (Option West 1) and a stronger focus for major development around the coastal towns to the east, including Clacton, Harwich, Frinton, Walton, West Mersea and Wivenhoe (Option East 1). In contrast, the hierarchy-based growth scenario involves a greater focus on development on the edge of Braintree and at Hatfield Peverel and Halstead to the west (Option West 2); and significant growth around the coastal town of Brightlingsea to the east (Option East 2).
- 2.12 Options involving different numbers and different combinations of Garden Communities have been also tested in line with the Inspector’s advice. To the west of North Essex, the current strategy in the Section 1 Local Plan of Garden Communities west of Braintree and at the Colchester/Braintree border at Marks Tey (Option West 3) has been re-assessed as well alternatives incorporating the Monks Wood alternative Garden Community proposal from Lightwood Strategic. These include Monks Wood being developed alongside

and in addition to the existing Local Plan Garden Community proposals (Option West 4); and as a direct alternative to either of the two current proposals (Options West 5 and West 6).

- 2.13 Strategic developments in the form of major urban extensions to the east of Braintree (Option West 7) and on land at Halstead (Option West 8) have been tested alongside proportionate growth around other settlements; and the option of just having one single Garden Community alongside proportionate growth around existing settlements has also been tested in a different combinations involving the West of Braintree Garden Community alone (Option West 9); the Colchester/Braintree Borders Garden Community alone (Option West 10); and the Monks Wood alternative Garden Community alone (Options West 11).
- 2.14 For the eastern part of North Essex, the alternative options that have been tested are the current Tendring/Colchester borders Garden Community (Option East 3); a north-east urban extension to Colchester crossing the administrative boundary at Ardleigh (Option East 4); 'Tendring Central Garden Village' – a proposal for major development on land around Frating, as promoted by Edward Gittins & Associates (Option East 5); and, in line with the Inspector's advice, the 'Metro Plan' concept promoted as an alternative by the Campaign Against Urban Sprawl in Essex (CAUSE) which involves developing land around the railway stations at the villages of Alresford, Great Bentley, Weeley and Thorpe le Soken which are all along the Colchester to Clacton branch line.

Assessment findings

- 2.15 The Councils have now received from LUC the 'Summary of Draft Findings' with the full SA report to be completed in time for the meetings of the three authorities' respective Committees.
- 2.16 The options for further proportionate growth around existing settlements to end of the plan period in 2033 performed relatively poorly against the various sustainability objectives compared to alternatives that involved more focussed strategic development in the form of new settlements or major urban extensions – particularly in relation to travel patterns, modes of transport and the delivery of affordable housing. The proportionate growth scenarios have therefore been found to be less sustainable - which demonstrates, importantly, that the NEAs are justified in exploring more strategic alternatives that involve the establishment of new communities.
- 2.17 For those more strategic spatial strategy alternatives to the west of Colchester, the SA finds that performance against the various sustainability objectives is fairly similar and there is consequently 'little to choose' between

the different options. Professional judgement is therefore required to distinguish between them, taking other factors into account.

- 2.18 For the spatial strategy alternatives to the east of Colchester, again the options perform similarly against the sustainability objectives although the proposal for a north-east extension to Colchester (Options East 4) is considered to be the weakest due to its potential negative impacts on the Bullock Wood SSSI and limited transport connections into Colchester. The Tendring/Colchester Borders Garden Community (Option East 3) and Tendring Central Garden Village (Option East 5) perform better than the CAUSE Metro Plan (Option East 6) in the longer term because they would provide for a scale of development sufficient to accommodate a health care facility; although Tendring Central is likely to be subject to significant adverse effects from noise pollution.
- 2.19 The Tendring/Colchester Borders Garden Community performs well in terms of potential economic growth. Metro Plan performs well in terms of its easy access to railway stations which could help to reduce carbon emissions, however the rural location of the Metro Plan developments could lead to longer journeys by car where rail is not a realistic choice. For shorter journeys, the Garden Community performs most strongly.
- 2.20 In many respects Tendring Central Garden Village performs as well as the Tendring/Colchester Garden Community, although no better; and whilst it has the advantage of an existing employment area and would retain its own distinctiveness being separated by some distance from Colchester, its location and distance from Colchester is likely to encourage a high proportion of journeys by car.

Conclusion following the findings of the Additional SA work

- 2.21 Whilst many of the alternative spatial strategy options perform similarly against the various sustainability objectives, the findings of the Additional SA work do not suggest in any way that there is a clearly stronger alternative to the current strategy for three Garden Communities set out in the submitted Section 1 Local Plan. On this basis, there are no reasons arising from the SA findings for Officers to change their recommendation in respect of the most appropriate strategy for growth in North Essex. It is considered that the Additional SA work will satisfy the Inspector that reasonable alternatives have been considered in an objective way and that the choice of spatial strategy for the Section 1 Plan is both justified and sound.

3 Additional evidence base

- 3.1 As well as the additional work on the Sustainability Appraisal, there are various pieces of other evidence aimed at addressing the Inspector's specific

concerns. These evidence base documents have been considered individually by reports to the Local Plan sub-committee on the 11th and 18th of July 2019 and are summarised below.

- 3.2 HIF Bids: A progress update on two bids to the government's 'Housing Infrastructure Fund' (HIF) by Essex County Council to secure funding a) for the realignment of the A12 between Marks Tey and Kelvedon and b) for the construction of a link road between the A133 and A120 and a rapid transit system to the east of Colchester. This will demonstrate to the Inspector that positive progress is being made in securing the road infrastructure that will be key to the delivery of the proposed Garden Communities. The bids are currently being evaluated by Homes England. ECC has written to Government Ministers setting out the importance of announcements on the outcome of the HIF bids as quickly as possible.
- 3.3 A120 Dualling: Indicative timescales for constructing of a new dual carriageway between Braintree and the A12 south of Kelvedon following Essex County Council's favoured route announcement in June 2018. This will provide greater clarity to the Inspector over the timing of works and their implications for highway capacity and the delivery of Garden Communities.
- 3.4 Rapid Transit: Technical feasibility study from transport consultants Jacobs showing how and when a 'Rapid Transit System' (RTS) can be delivered to connect the new Garden Communities to key services, facilities and employment opportunities in and around Colchester, Braintree and Stanstead; and how much it is likely to cost. This will address the specific shortcomings in the previous evidence identified by the Inspector in his letter.
- 3.5 Modal Shift: Technical paper from consultants ITP explaining how, through RTS proposals and other measures, the NEAs can achieve a 'modal shift' target for 30% of all journeys to, from and within the Garden Communities to be made by rapid transit. Again, this will address the Inspector's previous concern about the likelihood of achieving that target.
- 3.6 Marks Tey Station: Update from discussions with Network Rail that suggest relocating Marks Tey Station to the centre of the proposed Garden Community for the Colchester/Braintree Borders Garden Community is unlikely to be practical option. Although the Garden Community was never reliant on the station being relocated, there is now clarity in moving forward that the development will need to be planned to integrate with the station's existing location.

- 3.7 Housing Delivery: Research by the NEAs on the rates of housing development that can be achieved on large scale developments following different models and approaches to satisfy the Inspector that the scales of development proposed for the Garden Communities are realistically deliverable.
- 3.8 Viability: Viability Assessment Update from consultants Hyas which re-tests the economic viability of three Garden Community proposals in light of updated cost and value assumptions, and addresses the specific concerns raised by the Inspector in relation to assumptions made in the previous assessment – including the cost of RTS. The updated assessment confirms that all three Garden Communities can be considered to be economically viable under a range of situations and scenarios which are considered to be rational and reasonable. West of Braintree Garden Community is viable under all modelled scenarios. The viability of the Colchester Braintree Borders Garden Community and (to a lesser degree) the Tendring Colchester Borders Garden Community are more dependent on securing Government investment for upfront infrastructure and/or inflation in future property values.
- 3.9 Employment Land: Paper prepared by the Centre of Economics and Business Research (Cebr) advising on the calculation of how much ‘employment land’ ought to be incorporated into the Garden Community proposals to meet the needs likely to arise from growth in business and industrial activities and to contribute towards overall employment growth. This addresses the Inspector’s specific concern about the lack of any indication as to how much employment land would be provided at each of the three Garden Communities. Cebr’s paper provides figures which form the basis of proposed modifications to the Section 1 Plan.
- 3.10 Phasing and Delivery: Infrastructure Planning, Phasing and Delivery report prepared by consultants AECOM which explores and sets out reasonable assumptions for how each of the three Garden Communities could be delivered in a phased manner. The assumptions in this report are particularly useful in informing wider assumptions about infrastructure delivery and economic viability.
- 3.11 Infrastructure Costs: A detailed cost estimate produced by Gleeds has set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.
- 3.12 Habitats Regulation Assessment (HRA): An assessment undertaken by consultants LUC of the likely effects of development in the Local Plan on wildlife sites of European importance. HRA is a legal requirement and the report has been updated to take into account an important legal ruling from

the Court of Justice for the European Union and the progress that Essex Authorities have made in developing the Essex Recreation disturbance Avoidance Mitigation Strategy (RAMS).

- 3.13 Delivery Mechanisms: A paper from legal firm Dentons which explains how it is intended that a public and private sector partnership in the form of a Local Delivery Vehicle will be used to deliver the Garden Communities and how this fits with current government thinking. This evidence also included a paper on State Aid considerations.
- 3.14 All of the above evidence supports Officers' view that the current proposals in the Section 1 Local Plan are sound and, when presented to the Planning Inspector, will address all of his previous

4 Overall Conclusions

- 4.1 Officers consider that the findings of the further Sustainability work and the additional pieces of evidence outlined above provide responses to all of the issues raised by the Inspector in his 2018 letters and demonstrate that the spatial strategy for growth set out in the submitted Section 1 Local Plan, including the three Garden Communities, meets the tests of soundness set out in the National Planning Policy Framework (NPPF).
- 4.2 The further SA work provides an objective assessment that addresses the Inspector's concerns about the previous assessment and follows a robust and transparent methodology developed through positive engagement with objectors to the plan and promoters of alternative development proposals. The findings of the SA work demonstrate that none of the reasonable alternative spatial strategy options perform notably better than the current strategy in the Section 1 Plan and provides no reason for Officers to conclude that the strategy should change. Given that the findings of the additional SA work suggest that many of the options perform similarly against the sustainability objections, planning judgement based on wider factors has to be exercised in determining the most appropriate strategy for growth in North Essex.
- 4.3 The alternative of further proportionate growth around existing settlements up to 2033 has been assessed as part of the additional SA work to help determine whether or not the NEAs are justified in taking a more strategic cross-border approach involving the establishment of new communities. However, the Local Plan process has already considered options relating to growing the main urban areas across North Essex and the majority of housing allocations in the three authorities' Section 2 Local Plans comprise such sites. The NEAs consider that reasonable opportunities to accommodate growth

around existing settlements have been exhausted for the purposes of the plan period to 2033. It should be noted that the NEAs have also had a strong record in making use of existing previously developed 'brownfield' sites within settlements where possible.

- 4.4 Adding more development to existing towns and villages to make up the residual housing requirement to 2033 raises some genuine concerns about the efficient provision of infrastructure with existing and future residents having to cope with unnecessary pressure and demand on existing services and facilities that are not able to be efficiently expanded to cater for growth. Applying a 'percentage-based' approach to achieving further proportionate growth around existing settlements, including rural settlements would result in a thin distribution of development around numerous settlements, particularly to the west of Colchester and from a transportation perspective, such a thin distribution of growth is likely to lead to further dependence on the private car. The percentage-based approach would also push more development to coastal towns such as Clacton, Harwich, Frinton/Walton, Brightlingsea, Wivenhoe and West Mersea and this raises serious concerns about environmental impacts on internationally important wildlife areas, impacts on existing transport infrastructure and the ability for the market to realistically deliver the number of homes required given the weaker housing market conditions to the east.
- 4.5 A 'hierarchy-based' approach to proportionate growth which directs additional housing to larger settlements would, in contrast, place a large proportion of North Essex's development to land on the edge of Braintree (a town that is already earmarked for significant growth in the plan period to 2033 in the Braintree Section 2 Plan); and, to a lesser extent, Halstead and Hatfield Peverel. In the face of highly challenging housing requirements going into the future and the constraints and challenges associated with continuing to expand existing settlements, the NEAs are justified in working together to establish new communities in line with Garden Community principles that provide scope for long-term managed growth in strategically important locations extending beyond the timeframes of the current plan that achieve a scale of development that will incorporate and deliver new infrastructure and thus reduce the pressure for expansion of existing communities.
- 4.6 To the west of Colchester, whilst many of the alternative strategies for strategic growth perform similarly against the sustainability objectives in the additional SA work, the proposals for Garden Communities to the West of Braintree and crossing the Colchester/Braintree Border carry genuine advantages. The proposal West of Braintree provides a strategic long term opportunity to deliver growth within the current plan period and beyond and to address needs in the western part of North Essex with direct access to the

A120. It is well located to Stansted Airport both as a centre of local employment but also providing opportunities for new business growth. It also provides access to the M11 and the London Stanstead Cambridge Corridor. It is well located to the urban area of Braintree thus enabling it to benefit from the services and facilities provided in that higher order settlement, with a rapid transport system integral to realising that benefit.

- 4.7 The Colchester/Braintree Borders Garden Community also provides the potential for long term growth on a site with close proximity to the mainline railway station at Marks Tey and regular train links to London, Colchester and beyond within walking, cycling or bus rapid transport system to the station. It is well located at the intersection of the A12 and A120 thus providing opportunities for good accessibility and attractiveness to prospective residents and employers alike. There are also more opportunities for sustainable travel links into Colchester, a regionally important centre of employment offering a full range of facilities including a hospital and a major shopping and cultural destination.
- 4.8 Lightwood Strategic's proposal for an alternative Garden Community at Monks Wood (Pattiswick) is located within 3km of the proposed Colchester/Braintree Borders Garden Community with Coggeshall located between the two. It performs similarly against the sustainability objectives in the additional SA work but given the scale and proximity of these two proposals, it is not considered appropriate to include Monks Wood in the plan as well as the current Colchester/Braintree Garden Community given the impact on infrastructure, landscape and the existing resident population that these two large developments would have. Monks Wood is accessible to a much smaller, albeit very successful, cluster around Earls Colne Airfield and Coggeshall and is closer to Braintree than the Colchester/Braintree Borders Garden Community. However, the employment market in Braintree is not as strong as Colchester's and major new employment areas are proposed on the west side of Braintree which is in closer proximity to the proposed West of Braintree Garden Community. A Garden Community at Monks Wood would be located on the highly trafficked single carriageway of the A120 and whilst it is proposed that the A120 is dualled and realigned further south (between Kelvedon and Braintree), the only other roads in the vicinity are rural lanes with very limited opportunity to access a site of this size by other routes. The impact on the historic character of the dispersed settlement of Pattiswick is also considered to be greater than on the character of Marks Tey which is much more of a modern settlement.
- 4.9 To the east of Colchester, the Tendring/Colchester borders Garden Community offers multiple benefits to both Colchester and Tendring in terms of housing delivery, the A133/120 link road and the opportunities to relieve

traffic and unlock the economic potential for more expansion of the University of Essex and the Knowledge Gateway whilst relieving pressure caused by continued growth on the edge of existing towns and villages. CAUSE's Metro Plan concept does not offer such mutually beneficial outcomes, raises concerns about encouraging car-borne journeys where rail is not a viable alternative, and would significantly and unnecessarily alter the character of a number of rural communities in Tendring that are already under pressure from current developments, and in a district that does not need any further housing sites to meet its objectively assessed housing need up to 2033 over and above the allocations in its Section 2 Local Plan. The Tendring Central Garden Village concept scores similarly to the Tendring/Colchester Borders Garden Community in the additional SA work, but critically does not offer the mutual cross-border benefits to Colchester and Tendring that arise from the link road and potential for growth at the University of Essex and the Knowledge Gateway – it would be an unnecessary standalone development further east into Tendring that would encourage longer car journeys.

- 4.10 Officers therefore consider that the current strategy in the Section 1 Local Plan which proposed three Garden Communities in the locations currently suggested remains the most appropriate strategy for North Essex. The other additional evidence, including studies on rapid transit, housing delivery and viability respond directly to the issues raised by the Inspector and demonstrate that the three proposed Garden Communities are viable and deliverable.

5 Proposed amendments

- 5.1 If, through the examination process, an Inspector identifies certain issues with the soundness of a Local Plan that can be easily resolved, they can recommend 'modifications' to the plan. Under normal circumstances, modifications are published for consultation following the completion of the examination and responses are considered by the Inspector before they confirm that the plan is sound and can be formally adopted.
- 5.2 For the Section 1 Plan for North Essex, a number of areas have already been identified which would benefit from amendments which have arisen from a number of sources, including representations received in response to the publication of the plan in 2017; statements of common ground entered into with statutory consultees in the run up to the examination hearings; responses to the Inspector's initial Matters Issues and Questions (MIQs) before the examination hearings; the discussions at the examination hearings themselves; and the Inspector's post-examination letters.

- 5.3 Officers have compiled a schedule of proposed amendments and the Inspector has agreed that these should be published for consultation alongside the Additional Sustainability Appraisal work and other evidence before the examination is resumed. The majority of the proposed amendments are minor changes to the wording of policies and supporting text but others could be considered to represent more fundamental changes to policies and how they are interpreted.
- 5.4 Whilst Members are being asked to endorse the proposed amendments for public consultation, it will be the Inspector who will ultimately decide which, if any, of the amendments should be main modifications to the final version of the plan before it is adopted. Any final modifications recommended by the Inspector will require further consultation following the completion of the examination, but the consultation proposed for the current schedule of modifications will enable objections to be considered, by the Inspector, when he resumes the examination in due course.
- 5.5 The full schedule of proposed amendments is provided at **Appendix 1** to this report. None of these amendments represent fundamental changes to the overarching strategy in the plan. The most significant of the proposed amendments are highlighted below:
- 5.6 New Policy SP1A 'Delivering Sustainable Development through the planning system'
- An additional policy is suggested for inclusion in the Section 1 Local Plan, on the advice of the Inspector, to clarify how the policies in the Local Plan, taken as a whole, will operate in practice in the determination of planning applications. The proposed policy would state:
- "Development that demonstrably contributes to the achievement of the policies in this Local Plan (and, where relevant, of policies in neighbourhood plans) will normally be permitted unless material considerations indicate otherwise.*
- Development that is not in accordance with, or which will prejudice the delivery of, the strategic scale development or the achievement of the place making principles, in this Local Plan will not normally be permitted."*
- 5.7 New Policy SP1B 'Recreational disturbance Avoidance and Mitigation Strategy (RAMS)'
- An additional policy is suggested for inclusion in the Section 1 Local Plan, as agreed with Natural England, to reflect the new Essex-wide approach to mitigating against the impacts on internationally important wildlife sites arising

from an increase in development and the associated risk of increased recreational disturbance at those sites. The proposed wording would state:

“An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy will be completed in compliance with the Habitats Directive and Habitat Regulations. Contributions will be secured towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs) which will be completed by the time the Local Plan is adopted.

Prior to RAMS completion, the NEAs will seek contributions from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.”

5.8 Policy SP3: ‘Meeting Housing Needs’

Modifications to Policy SP3 are suggested to provide some explanation, on the Inspector’s advice, as to how the housing figures in the policy will be used for assessing each authority’s five-year housing supply requirements. The additional wording proposed would state:

“The annual housing requirement figures set out below will be used as the basis for assessing each authority’s five-year housing land supply subject to any adjustments in Section 2 of each plan to address any undersupply since 2013. The North Essex authorities will review their housing requirement regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area.”

5.9 Policy SP4: ‘Providing for Employment’

Adjustments to the employment land requirements for the three authorities have been recommended by the Inspector to reflect the outcome of discussions at the examination hearings. In particular, they will rectify errors found within the figures for Braintree and Tendring. The revised employment land figures will be as follows:

	Baseline (ha)	Higher Growth Scenario (ha)
Braintree	20.9	43.3
Colchester	22.0	30
Tendring	12.0	20.0
North Essex	54.9	93.3

5.10 Policy SP5: ‘Infrastructure and Connectivity’

Modifications to the infrastructure and connectivity policy are suggested to provide greater clarity over what would happen if, for whatever reason, it

becomes clear that the infrastructure required for the Garden Communities will not be funded or delivered. The modifications also provide greater clarity over what key infrastructure projects will need to be secured in advance of the start of the Garden Communities. The main relevant wording would be as follows:

“If the necessary strategic infrastructure for the Garden Communities as required by Policy SP5 is not committed within a reasonable period of time and phased alongside the delivery of new communities a review of the Plan will be undertaken prior to any consent being implemented, in order that the consequential shortfall in housing delivery does not overburden the infrastructure of existing communities/settlements.”

“Infrastructure provision will be secured in a timely manner and programmed to keep pace with growth of new communities.

Funding and route commitments for the following strategic transport infrastructure projects will need to be secured in advance of the start of the Garden Communities as follows:

- Colchester/ Braintree Borders –
 - A12 widening and junction improvements
 - A dualled A120 from Braintree to the A12
- Tendring /Colchester Borders –
 - A120-A133 Link road
- A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities into the rapid transit network
- Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by masterplanning.

Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community.”

5.11 Policy SP7: ‘Development and Delivery of New Garden Communities in North Essex’

A number of modifications are suggested for the wording of this policy, the most significant of which is to address the Inspector’s request that the Section 1 Local Plan specifies the employment land requirements for the Garden Communities. The relevant wording would be as follows:

“In accordance with the Garden Community Charter principle of providing one job per household within the new community or within a short distance by public transport, provide and promote opportunities for employment within each new community and within sustainable commuting distance of it. Around 850,000 square metres of floorspace will be provided in total, with allocations to be defined within Development Plan Documents for each Garden Community totalling some 138 hectares”.

5.12 Policies SP8, SP9 and SP10: Specific policies for each of the three Garden Communities

It is suggested that each of the policies that correspond with the specific Garden Community proposals are modified to include wording agreed with Natural England in relation to the impact of waste water on internationally important wildlife sites. The wording would be:

“To ensure new development does not have an adverse effect on any European Protected sites, the required waste water treatment capacity must be available including any associated sewer connections in advance of planning consent.”

Additional wording is also proposed to address issues raised by Historic England at the examination in respect of the potential impact of the Garden Communities on the historic environment, as follows:

“A Heritage Impact Assessment for each DPD in accordance with Historic England guidance will be required in order to assess impact of proposed allocations upon the historic environment, to inform the appropriate extent, nature and form of the development and establish any mitigation measures necessary.”

Each Garden Community policy will also include a section to set out the amount of employment space to be created as part that development – based on the evidence contained within the report from Cebr. For the Tendring/Colchester Borders Garden Community (SP8) the figure will be 24.5 square metres; for the Colchester/Braintree Borders Garden Community (SP9) it will be 70.1 square metres; and for the West Braintree Garden Community (SP10) it will be 43.4 square metres.

Further bespoke modifications to each of the Garden Community policies are also proposed to reflect specific infrastructure or environmental requirements, for example additional wording around the proposed A120/A133 link road, the realignment of the A12 and the dualling of the A120 and the need to protect relevant internationally and nationally important wildlife designations.

6 Next Steps

- 6.1 The relevant Committees of the three Councils are all considering the additional evidence base that has been prepared, the findings of the Additional Sustainability Appraisal work and proposed amendments. If all three authorities agree, the additional evidence base, Additional Sustainability Appraisal work and the proposed amendments will be published for six-weeks consultation to allow the public and stakeholders the opportunity to consider both the modifications and the evidence and make any comments. The six-week consultation period is expected to run from 19 August 2019 to 30 September 2019.
- 6.2 The Officers of the three authorities will collect any representations made and, following the six-week consultation period, will submit the schedule of proposed amendments, Additional SA work and all the other additional evidence base to the Inspector, along with all the representations received from third parties. The Inspector will then consider all of this information and will liaise with the NEAs to confirm the timetable for resuming the examination and undertaking further examination hearings. The Inspector may issue a further series of Matters, Issues and Questions (MIQs) to establish the main topics he wishes to examine and to invite written responses from participants in the examination ahead of the hearings. It is currently anticipated that hearings will take place either at the end of 2019 or in early 2020.
- 6.3 Following the completion of the further examination hearings, the Inspector will write to the NEAs to confirm whether or not his concerns about the Garden Communities have been addressed and whether or not the Section 1 Local Plan now meets the tests of soundness. The Inspector will have the ability to recommend additional post-examination main modifications to the plan which would need to be the subject of further consultation in their own right before the plan can be finalised and formally adopted by the NEAs.
- 6.4 The examination of the authorities' individual Section 2 Local Plans will not take place until Section 1 has been examined and found to be sound.

Recommendations

That the Local Plan Sub Committee recommends to Council that:

- a) **the additional evidence base summarised within this report are accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;**

- b) to note that the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex CC with regard to the North Essex Garden Communities and as currently being considered by Government and that the Council's would expect a decision on those Bids before submitting further evidence to the Secretary of State under recommendation (g) below**
- c) it approves the findings of the Additional Sustainability Appraisal work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy;**
- d) it agrees that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;**
- e) It approves the schedule of proposed amendments to the submitted Local Plan**
- f) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;**
- g) following the period of consultation, the above documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and**
- h) the Council requests the Local Plan Inspector to recommend any further modifications to the Publication Draft Local Plan as necessary to make it sound.**

Additional Habitats Regulation Assessment		Agenda No: 6
Portfolio: Planning and Housing		
Corporate Outcome: Securing appropriate infrastructure and housing growth		
Report Presented by: Emma Goodings Head of Planning and Economic Development		
Report Prepared by: Emma Goodings		
Background Papers: National Planning Policy Framework Publication Draft Local Plan 2017 IED011 Inspectors response to the North Essex Authorities June 2018		Public Report: Yes
		Key Decision: No
Executive Summary:		
<p>The Habitats Regulation Assessment (HRA) is an assessment undertaken by consultants LUC of the likely effects of development in the Local Plan on wildlife sites of European importance. HRA is a legal requirement and the report has been updated to take into account an important legal ruling from the Court of Justice for the European Union and the progress that Essex Authorities have made in developing the Essex Recreation disturbance Avoidance Mitigation Strategy (RAMS).</p>		
Recommendation		
To approve the additional Habitats Regulation Assessment for the Section 1 Local Plan		
Purpose of Decision: To add to the evidence base of the Local Plan		
Corporate Implications		
Financial:	Cost of evidence preparation is being met from base budget	
Legal:	Must comply with Governments legislation and guidance on planning policy	
Equalities/Diversity:	Equality Impact Assessment of the Local Plan has been produced	
Safeguarding:	None	
Customer Impact:	The Local Plan will have an impact on customers across the District.	

Environment and Climate Change:	Policies in plans that are proposed to be prepared will need to have regard to the environment and climate change issues.
Consultation/Community Engagement:	The new evidence if approved will be subject to a 6 week public consultation period.
Risks:	That the Local Plan is not found sound or is subject to legal challenge
Officer Contact: Emma Goodings	
Designation: Head of Planning and Economic Development	
Ext. No. 2511	
E-mail: Emma.goodings@braintree.gov.uk	

1. Background

- 1.1 Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.
- 1.2 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr. Roger Clews, to undertake the examination for Section 1 of the plan.
- 1.3 Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in respect of the Inspector's first letter. The content of these letters were all reported to Members in 2018.
- 1.4 In summary, whilst supporting many elements of the Plan the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the authorities had selected the option of Garden Communities over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Local

Plan as being sound. Instead, the Inspector provided the authorities with three options for how to progress a Local Plan towards adoption.

1.5 On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:

- the availability of funding for the necessary strategic infrastructure;
- the financial viability of the proposed communities;
- the environmental effects, including transport issues;
- employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and continuing engagement with the local communities.

1.6 The Councils also committed to reviewing the 'Sustainability Appraisal' underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of realistic alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary

2. Additional Habitats Regulation Assessment

2.1 The 'Habitats Regulations' relate to the protection of wildlife sites of European importance including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) which include the Colne Estuary, Hamford Water and the Stour Estuary. 'Habitats Regulation Assessment' (HRA) is required to determine whether or not a proposal, policy or plan for development would adversely affect the integrity of a European site – either alone, or in combination with other plans and projects. The HRA has to be undertaken by the 'competent authority' who, for the Section 1 Local Plan, are the NEAs (i.e. Braintree, Colchester and Tendring Councils).

2.2 HRA was undertaken for the Section 1 Local Plan but in April 2018 (after the Local Plan had been submitted, but before the Inspector issued his letter) there was a landmark legal ruling from the Court of Justice for the European Union (CJEU) called the 'People over Wind, Peter Sweetman v Coillte Teoranta' judgement. That judgement had implications for how HRA should be carried out and at which stage of the process mitigation measures (intended to avoid or reduce and harmful effects) should be carried out. In his letter, the Inspector advised that the NEAs would need to consider the implications of this legal judgement and would need to ensure that the HRA is

compatible with this landmark judgement. In response, 'Land Use Consultants' (LUC) were commissioned by the NEAs to update the HRA for the Section 1 Local Plan, in consultation with statutory agencies including National England, in light of the legal judgement and this was completed in June 2019.

- 2.3 The 'HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan' identifies the likely significant effects on European sites as being loss of offsite habitat, recreational impacts and water quality impacts. The assessment concludes that mitigation measures can be secured as part of the relevant developments to address loss of offsite habitat; that recreation impacts can be mitigated through the measures in the Essex Recreation disturbance Mitigation Strategy (RAMS) put in place by Essex authorities; and that the development should not result in adverse impacts to water quality so long as there is a commitment to address water treatment capacity issues prior to specific developments. Modifications to the policies in the Section 1 Local Plan are suggested to ensure that the plan properly reflects the findings of the updated HRA and that necessary mitigation is put in place. This report, alongside the suggested modifications, should demonstrate to the Inspector that the NEAs have complied with the Habitats Regulations in assessing the impacts of the Local Plan.

Recommendation

To approve the additional Habitats Regulation Assessment for the Section 1 Local Plan

Viability Assessment Update		Agenda No: 7
Portfolio: Planning and Housing		
Corporate Outcome: Securing appropriate infrastructure and housing growth		
Report Presented by: Emma Goodings Head of Planning and Economic Development		
Report Prepared by: Emma Goodings		
Background Papers: National Planning Policy Framework Publication Draft Local Plan 2017 IED011 Inspectors response to the North Essex Authorities June 2018		Public Report: Yes
		Key Decision: No
Executive Summary: A Viability Assessment Update from consultants Hyas has been produced which re-tests the economic viability of three Garden Community proposals in light of updated cost and value assumptions, and addresses the specific concerns raised by the Inspector in relation to assumptions made in the previous assessment – including the cost of Rapid Transit Study. The updated assessment confirms that all three Garden Communities can be considered to be economically viable under a range of situations and scenarios which are considered to be rational and reasonable. West of Braintree Garden Community is viable under all modelled scenarios. The viability of the Colchester Braintree Borders Garden Community and (to a lesser degree) the Tendring Colchester Borders Garden Community are more dependent on securing Government investment for upfront infrastructure and/or inflation in future property values.		
Recommendation		
To approve the Viability Assessment Update as evidence base for the Local Plan		
Purpose of Decision: To add to the evidence base of the Local Plan		
Corporate Implications		
Financial:	Cost of evidence preparation is being met from base budget	
Legal:	Must comply with Governments legislation and guidance on planning policy	
Equalities/Diversity:	Equality Impact Assessment of the Local Plan has been produced	

Safeguarding:	None
Customer Impact:	The Local Plan will have an impact on customers across the District.
Environment and Climate Change:	Policies in plans that are proposed to be prepared will need to have regard to the environment and climate change issues.
Consultation/Community Engagement:	The new evidence if approved will be subject to a 6 week public consultation period.
Risks:	That the Local Plan is not found sound or is subject to legal challenge
Officer Contact: Emma Goodings	
Designation: Head of Planning and Economic Development	
Ext. No. 2511	
E-mail: Emma.goodings@braintree.gov.uk	

1. Background

- 1.1 Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.
- 1.2 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr. Roger Clews, to undertake the examination for Section 1 of the plan.
- 1.3 Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in respect of the Inspector's first letter. The content of these letters were all reported to Members in 2018.
- 1.4 In summary, whilst supporting many elements of the Plan the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the authorities had

selected the option of Garden Communities over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Local Plan as being sound. Instead, the Inspector provided the authorities with three options for how to progress a Local Plan towards adoption.

1.5 On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:

- the availability of funding for the necessary strategic infrastructure;
- the financial viability of the proposed communities;
- the environmental effects, including transport issues;
- employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and continuing engagement with the local communities.

1.6 The Councils also committed to reviewing the ‘Sustainability Appraisal’ underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of realistic alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary

2. Viability Assessment Update

2.1 It is important that proposals in the Local Plan are economically viable to ensure they have a realistic prospect of being delivered within the timescales envisaged. The Garden Community proposals were supported by an assessment of viability undertaken by Hyas (North Essex Local Plans (Section 1) Viability Assessment: Main Report & Appendices, April 2017), which was subject to considerable debate at the Examination in Public.

2.2 In his letter following the Hearing sessions, the Inspector acknowledged the ‘strategic’ nature of the viability work in light of the early stage of proposals, the residual valuation methodology and key importance of making sound assumptions. The Inspector accepted that generally reasonable assumptions had been adopted with respect to a broad range of key inputs, but highlighted a number of areas where he felt that the viability assessment required additional work and therefore had not sufficiently demonstrated that the proposed Garden Communities were financially viable.

2.3 The specific areas of concern were:

- Transport infrastructure costs – where the Inspector (paragraphs 66 & 68) found that the potential cost of a rapid transit system and/or any likely developer contributions towards the A12 and A120 improvements required further consideration and needed to be fully taken into account as part of the viability assessment work.
- Land purchase and interest – where the Inspector (paragraph 71) found that no allowance had been included in the viability appraisal for the cost of interest on any borrowing to fund the purchase of land by a master developer – which, given the likely scale and during of the Garden Communities, could be substantial.
- Contingencies and sensitivity testing – where the Inspector (paragraph 77) found that the ‘contingency’ allowance being applied to certain capital sums for specific elements of infrastructure was potentially too low.
- Price of Land – where the Inspector (paragraphs 82-85) found that landowners would require sufficient land values to persuade them to bring land forward for development and that the viability assessment would need to demonstrate that such reasonable uplifts over and above current use values could be achieved.
- Other specific aspects including the cost and timing of a potential new rail station at Marks Tey (paragraph 47), the build out rate being achievable (paragraph 53), the provision of employment land consistent with the wider approach, and ability to deliver the required level of affordable housing.

2.4 In response to these issues, Hyas have produced an updated viability assessment which takes into account the latest information on the costs of all strategic infrastructure (including the Rapid Transit System and elements included in the HIF bids), includes an allowance for interest costs on land purchase, applies higher contingency rates and addresses all other matters raised by the Inspector. The update also considers updates to national planning policy and guidance relating to viability since the previous Examination in Public which provide further clarity to the consideration of viability going forward. A detailed cost estimate produced by Gleeds (and subject to a separate report on this agenda) has set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.

- 2.5 The updated assessment finds that all three of the Garden Community proposals can be considered viable in that they are capable of producing Residual Land Values that will create significant uplift for landowners well in excess of existing/current values. This is alongside generating sufficient profit for developers and investors to meet their requirements, including supplementary considerations of the time/value of money through a discounted cash flow analysis.
- 2.6 The assessment for West of Braintree Garden Community projects positive uplifts in land value (to circa £80,000-£140,000 per gross acre) without any grant assistance and with no allowance for inflation. This is considerably in excess of current use values with greenfield agricultural land worth in the order of £10,000 per acre with positive inflation (which would be expected over time), the uplifts in land value could be considerable meaning that this Garden Community is comfortably viable across a range of scenarios.
- 2.7 The Tendring/Colchester Borders Garden Community is located in an area where house prices are generally lower than those achievable to the West of Braintree and therefore the projected uplift in land value are also generally lower. That said, even without grant assistance and no allowance for positive inflation, the development could still achieve a positive, albeit lower uplift (between £15,000-£70,000 per gross acre) beyond similar agricultural land values (circa £10,000 per acre). The site is more marginal in viability terms at the highest consideration of contingencies. However the achievement of Government grant funding for upfront strategic infrastructure (such as via the currently shortlisted HIF bid, or any subsequent funding opportunity) would increase uplifts to higher levels (upwards to around £200,000 per gross acre). With positive inflation, the scheme could deliver a much higher uplift (upwards of £300,000 per hectare).
- 2.8 The Colchester/Braintree Garden Community comes with significantly higher upfront infrastructure costs than the other two schemes (primarily due to the need to invest in works to the A12) and, as a result, without grant or positive inflation, the development would not achieve an uplift beyond current land values and would not be considered viable. That said, the site benefits from a short-listed infrastructure funding bid and it is therefore not unreasonable to anticipate the proposals to be considered favourably for potential grant funding, either through the current HIF process, or through any future infrastructure funding opportunities that may be implemented to support strategic housing growth. In addition inflation based scenarios produce considerably higher residual land values. With grant but no positive inflation, the development could achieve a positive land value uplift (£60,000 to £100,000 per gross acre) and with inflation the uplift would be considerably higher.

- 2.9 The assessments therefore reveal that for both Tendring Colchester Borders and Colchester Braintree Borders there is a degree of reliance on securing either Grant funding, and/or inflationary impacts to demonstrate viability. The consultants consider that such scenarios are both credible and realistic given the long history of Government support in infrastructure to support housing growth, and trends in inflation over recent decades (including through periods of economic change and uncertainty, albeit recognising that forecasting over such a long timescale will be subject to considerable uncertainty).
- 2.10 The updated viability work is clear in that it can only provide a strategic overview of viability and a point in time consideration that will need to be monitored and reviewed over time. There will be a broad range of factors which could depress or enhance viability going forward, and are set out in the viability update report. Some aspects such as unforeseen costs or wider economic conditions are considered as factors that may depress viability, but a wide range of other factors are identified that could enhance viability over time such as enhanced value created through place making, construction cost efficiencies such as through wider uptake of modular construction, inflation rates being higher than forecast, speedier delivery and ability to secure future Government investment support. The updated viability assessment has taken a relatively prudent approach to many assumptions thus providing further confidence that the viability position could improve over time.
- 2.11 As a further consideration, the approach to the Garden Communities is based upon the preparation subsequent site specific Development Plan Documents and ultimately through the development management process. As such viability will need to be subject to ongoing monitoring and review as part of a future and ongoing processes to track costs, values and potential returns.
- 2.12 The overall findings of the updated viability assessment suggest that there is no reason to abandon any of the three Garden Community proposals at this stage in the process over insurmountable concerns about economic viability, as there are realistic and credible scenarios which can deliver viable schemes.

Recommendation

To approve the Viability Assessment Update as evidence base for the Local Plan

Phasing and Delivery Update		Agenda No: 8
Portfolio: Planning and Housing		
Corporate Outcome: Securing appropriate infrastructure and housing growth		
Report Presented by: Emma Goodings Head of Planning and Economic Development		
Report Prepared by: Emma Goodings		
Background Papers: National Planning Policy Framework Publication Draft Local Plan 2017 IED011 Inspectors response to the North Essex Authorities June 2018		Public Report: Yes
		Key Decision: No
Executive Summary: The Planning Inspector requested to see more evidence on the deliverability of the Garden Communities to ensure that the high quality ambitions for the Garden Communities could be delivered in a viable way. A report produced by consultants AECOM sets out what infrastructure will be required for each phase of the development including for example the number of school places, GPs and utilities provision. This work has then fed into the viability work for each Garden Community.		
Recommendation To approve the Infrastructure Planning, Phasing and Delivery Report as evidence base to the Local Plan		
Purpose of Decision: To add to the evidence base of the Local Plan		
Corporate Implications		
Financial:	Cost of evidence preparation is being met from base budget	
Legal:	Must comply with Governments legislation and guidance on planning policy	
Equalities/Diversity:	Equality Impact Assessment of the Local Plan has been produced	
Safeguarding:	None	

Customer Impact:	The Local Plan will have an impact on customers across the District.
Environment and Climate Change:	Policies in plans that are proposed to be prepared will need to have regard to the environment and climate change issues.
Consultation/Community Engagement:	The new evidence if approved will be subject to a 6 week public consultation period.
Risks:	That the Local Plan is not found sound or is subject to legal challenge
Officer Contact:	Emma Goodings
Designation:	Head of Planning and Economic Development
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1. Background

- 1.1 Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.
- 1.2 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr. Roger Clews, to undertake the examination for Section 1 of the plan.
- 1.3 Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in respect of the Inspector's first letter. The content of these letters were all reported to Members in 2018.
- 1.4 In summary, whilst supporting many elements of the Plan the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the authorities had selected the option of Garden Communities over other reasonable

alternatives. Because of this, he was unable to endorse the Section 1 Local Plan as being sound. Instead, the Inspector provided the authorities with three options for how to progress a Local Plan towards adoption.

1.5 On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:

- the availability of funding for the necessary strategic infrastructure;
- the financial viability of the proposed communities;
- the environmental effects, including transport issues;
- employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and continuing engagement with the local communities.

1.6 The Councils also committed to reviewing the 'Sustainability Appraisal' underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of realistic alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary

2. Phasing and Delivery Update

2.1 Section 1 of the Local Plans sets out an ambitious plan to uphold high standards of place making and design, whilst also ensuring timely delivery of transport, community, health, education and green and infrastructure. For example Policy SP7 (at point iv) states that infrastructure will be delivered ahead of, or in tandem with, residential development to support new residents and establish sustainable travel patterns.

2.2 In his interim findings, the Inspector concluded that whilst he supported the NEAs ambition to deliver infrastructure in such a way he was not convinced that he had seen sufficient evidence to demonstrate the deliverability of such an approach. For example at paragraph 134 he remarks:

'...The NEAs have, quite rightly, set high aspirations for the quality of their GC proposals and for the provision of affordable housing, open space, and social and community facilities in them. Clarity is needed at the outset over the affordability and deliverability of those aspirations, to ensure that they are not compromised during the development process because of unclear or conflicting expectations.'

2.3 In response to the Inspector's findings the NEAs considered it necessary to provide evidence on the deliverability of the ambition set out in Policy SP7 as well as the site specific Garden Community policies (SP8, SP9 and SP10). The NEAs therefore appointed AECOM to prepare an Infrastructure Planning, Phasing and Delivery report the purpose of which is to demonstrate the phased manner in which infrastructure will be delivered alongside new homes at the Garden Communities. The report looks in detail at the requirements of Section 1 to ensure that the phasing approach is compliant with policy requirements and more generally fulfils the NEAs' ambition of infrastructure-led communities. Importantly the NEAs have ensured that this report is fully consistent with the viability evidence, demonstrating both the deliverability and the financial viability of the approach put forward in Section 1.

Recommendation

To approve the Infrastructure Planning, Phasing and Delivery Report as evidence base to the Local Plan

Minutes



Local Plan Sub-Committee 18th July 2019

Present:

Councillors	Present	Councillors	Present
D Bebb	Apologies	P Horner	Yes
K Bowers	Apologies	D Hume	Yes
G Butland	Yes (from 6.20pm)	Mrs G Spray (Chairman)	Yes
T Cunningham	Yes	T Walsh	Yes
A Everard	Yes	J Wrench	Yes

Councillors Abbott, Baugh, Mrs Cunningham, Euesden, Mrs Garrod, Hensman, McKee, Mrs Parker, Pritchard, Rehman, Rose, Schwier, Tattersley, Unsworth, Mrs Wilson and Wright were also in attendance.

Mr R Smith, representing Hyas Associates Ltd, attended the meeting to present Agenda Item 7 - Viability Assessment Update.

The Chairman stated that Agenda Item 5 – ‘Section 1 Local Plan Examination - Additional Sustainability Appraisal, Evidence and Proposed Amendments’ would be considered after Agenda Item 8 – ‘Phasing and Delivery Update’.

9 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

On behalf of Members of the Local Plan Sub-Committee, Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Items 5, 6, 7 and 8 relating to Garden Communities, as Mrs L Bowers-Flint who was speaking at the meeting during Question Time was a former Elected Member of Braintree District Council and she was known to some of them.

Councillor G Butland declared a non-pecuniary interest in Agenda Items 5, 6, 7 and 8 relating to Garden Communities, as a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Items 5, 6, 7 and 8 relating to Garden Communities, as a non-remunerated Director of North Essex Garden Communities Ltd.

In accordance with the Code of Conduct, Councillors remained in the meeting and took part in the discussion when the Items were considered.

10 **MINUTES**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 11th July 2019 be approved as a correct record and signed by the Chairman.

11 **QUESTION TIME**

INFORMATION: There were nine statements made regarding Garden Communities and Braintree District Publication Draft Local Plan 2017.

The Chairman stated that Question Time had been over-subscribed, but that it had been possible for a representative group of people to speak. The Chairman wished to record her thanks to Mrs E Wisbey, Governance and Member Manager for her assistance in managing the requests. It was proposed that the Question Time process should be reviewed by the Developing Democracy Group.

Mr D Churchill, representing L & Q, had requested to speak at the meeting, but he had been unexpectedly delayed. However, Mr Churchill had submitted a written statement, a copy of which was provided to Members of the Local Plan Sub-Committee at the meeting.

The Chairman stated that some people who had spoken at the Sub-Committee's meeting held on 11th July 2019 considered that their questions had not been answered. The Chairman indicated that the points raised had been addressed, based on the information available at the time. Officers would seek to answer questions raised during Question Time on 18th July 2019 at the meeting.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

12 **NORTH ESSEX GARDEN COMMUNITIES – ADDITIONAL HABITATS REGULATION ASSESSMENT**

INFORMATION: Section 1 of the emerging Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the 'North Essex Authorities' ('NEAs'). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary 'Garden Communities' along the A120 corridor.

In October 2017, the NEAs had submitted their Local Plans to the Secretary of State for Communities and Local Government to begin the formal process of examination and an Inspector had been appointed to undertake the examination of Section 1 of the Plan. Following the examination hearing, the Inspector had written to the NEAs setting out interim feedback on the soundness and legal compliance of the Section 1 Plan including the Garden Communities proposals. Whilst supporting many elements of the Plan, the Inspector had identified a number of key issues about the

viability and deliverability of the Garden Communities and he had been unable to endorse the Section 1 Plan as sound. Instead, the Inspector had provided the Authorities with three options for progressing the Section 1 Plan to adoption.

The NEAs had subsequently advised the Inspector that they remained committed to using Garden Communities principles to secure future housing requirements in North Essex and they agreed to provide further evidence about the availability of funding for strategic infrastructure; the financial viability of the proposed Communities; the environmental effects, including transport issues; employment provision within the Communities; and continuing engagement with the local communities. The NEAs had committed also to reviewing the 'Sustainability Appraisal' of the Local Plan to ensure that it considered a full range of realistic alternatives to the Garden Communities.

It was reported that the 'Habitats Regulations' related to the protection of wildlife sites of European importance including Special Protection Areas and Special Areas of Conservation. A 'Habitats Regulation Assessment' (HRA) was required in order to determine whether or not a proposal, policy or plan for development would adversely affect the integrity of a European site either alone, or in combination with other plans and projects. The HRA had to be undertaken by a 'competent authority', which for the Section 1 Plan, was the NEAs.

An HRA had been carried out for the Section 1 Plan. However, following the submission of the Local Plan for examination there had been a landmark legal ruling from the Court of Justice for the European Union called the 'People over Wind, Peter Sweetman v Coillte Teoranta' judgement. This judgement had implications for how HRAs should be carried out and at what stage of the process mitigation measures intended to avoid or reduce any harmful effects should be carried out. The Inspector had advised the NEAs to consider the implications of the legal judgement and to ensure that the HRA was compatible with it. In response, Land Use Consultants (LUC) had been commissioned by the NEAs to update the HRA for the Section 1 Plan in consultation with statutory agencies, including Natural England. This had been completed in June 2019.

The HRA had identified the likely significant effects of the Section 1 Plan on European sites as being loss of off-site habitat, recreational impacts and water quality impacts. The Assessment had concluded that mitigation measures could be secured as part of development in order to address loss of off-site habitat; that recreational impacts could be mitigated through measures set out in the Essex Recreation Disturbance Mitigation Strategy (RAMS); and that development should not have an adverse impact on water quality, subject to water treatment capacity issues being addressed prior to development. It was proposed that policies in the Section 1 Plan should be modified to ensure that the Plan properly reflected the findings of the updated HRA and that necessary mitigation was put in place.

DECISION: That the additional Habitats Regulation Assessment for the Section 1 Local Plan be approved.

Mr R Smith, representing Hyas Associates Ltd, attended the meeting to present this Item and to answer questions.

INFORMATION: Section 1 of the emerging Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the 'North Essex Authorities' ('NEAs'). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary 'Garden Communities' along the A120 corridor.

In October 2017, the NEAs had submitted their Local Plans to the Secretary of State for Communities and Local Government to begin the formal process of examination and an Inspector had been appointed to undertake the examination of Section 1 of the Plan. Following the examination hearing, the Inspector had written to the NEAs setting out interim feedback on the soundness and legal compliance of the Section 1 Plan including the Garden Communities proposals. Whilst supporting many elements of the Plan, the Inspector had identified a number of key issues about the viability and deliverability of the Garden Communities and he had been unable to endorse the Section 1 Plan as sound. Instead, the Inspector had provided the Authorities with three options for progressing the Section 1 Plan to adoption.

The NEAs had subsequently advised the Inspector that they remained committed to using Garden Communities principles to secure future housing requirements in North Essex and they agreed to provide further evidence about the availability of funding for strategic infrastructure; the financial viability of the proposed Communities; the environmental effects, including transport issues; employment provision within the Communities; and continuing engagement with the local communities. The NEAs had committed also to reviewing the 'Sustainability Appraisal' of the Local Plan to ensure that it considered a full range of realistic alternatives to the Garden Communities.

It was important that proposals in the Local Plan were economically viable to ensure that there was a realistic prospect of them being delivered within the timescales envisaged. The Garden Communities proposals were supported by an assessment of viability undertaken by Hyas, which had been subject to considerable debate at the examination hearing.

In his letter following the hearing, the Inspector had acknowledged the 'strategic' nature of the viability work and he had accepted that generally reasonable assumptions had been adopted with respect to a broad range of key inputs. However, the Inspector had highlighted a number of areas where he felt that the viability assessment required additional work and that it had not demonstrated sufficiently that the proposed Garden Communities were financially viable. The specific areas of concern were transport infrastructure costs; land purchase and interest; contingencies and sensitivity testing; price of land; and other specific aspects including the cost and timing of a potential new railway station at Marks Tey, the build out rate being achievable, the provision of employment land, and the

ability to deliver the required level of affordable housing. In response to these issues, Hyas had produced an updated viability assessment, which took into account the latest information. In addition, Gleeds had produced a detailed cost estimate which set out the overall scope, scale and estimated cost of the strategic infrastructure requirements for each of the proposed Garden Communities. The updated assessment had concluded that each of the Garden Communities proposals could be considered viable. The assessment had revealed that the Tendring/Colchester and Colchester/Braintree Garden Communities would rely on either grant funding, and/or inflationary impacts to demonstrate viability. However, the consultants considered that these scenarios were credible and realistic. The viability of the Garden Communities would be subject to on-going monitoring and review. The overall findings of the updated viability assessment suggested that there was no reason to abandon any of the three Garden Communities proposals on the basis of economic viability.

DECISION: That the Viability Assessment Update be approved as part of the evidence base for the Local Plan.

14 **NORTH ESSEX GARDEN COMMUNITIES – PHASING AND DELIVERY UPDATE**

INFORMATION: Section 1 of the emerging Local Plan (“the Section 1 Plan”) set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the ‘North Essex Authorities’ (‘NEAs’). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary ‘Garden Communities’ along the A120 corridor.

In October 2017, the NEAs had submitted their Local Plans to the Secretary of State for Communities and Local Government to begin the formal process of examination and an Inspector had been appointed to undertake the examination of Section 1 of the Plan. Following the examination hearing, the Inspector had written to the NEAs setting out interim feedback on the soundness and legal compliance of the Section 1 Plan including the Garden Communities proposals. Whilst supporting many elements of the Plan, the Inspector had identified a number of key issues about the viability and deliverability of the Garden Communities and he had been unable to endorse the Section 1 Plan as sound. Instead, the Inspector had provided the Authorities with three options for progressing the Section 1 Plan to adoption.

The NEAs had subsequently advised the Inspector that they remained committed to using Garden Communities principles to secure future housing requirements in North Essex and they agreed to provide further evidence about the availability of funding for strategic infrastructure; the financial viability of the proposed Communities; the environmental effects, including transport issues; employment provision within the Communities; and continuing engagement with the local communities. The NEAs had committed also to reviewing the ‘Sustainability Appraisal’ of the Local Plan to ensure that it considered a full range of realistic alternatives to the Garden Communities.

The Section 1 Plan set out an ambitious plan to uphold high standards of place making and design and to ensure the timely delivery of transport, community, health

and educational infrastructure. However, the Inspector had stated that whilst supporting the NEAs ambition to deliver infrastructure in this way, he had not seen sufficient evidence to demonstrate how such an approach could be delivered.

In response, the NEAs had appointed AECOM to prepare an 'Infrastructure Planning, Phasing and Delivery' report to provide evidence on how the ambitions set out in Policies SP7, SP8, SP9 and SP10 could be delivered and to demonstrate the phased manner in which infrastructure would be provided for the Garden Communities alongside new homes. The report was consistent with separate evidence produced in respect of viability. Both reports demonstrated the deliverability and financial viability of the approach put forward in the Section 1 Plan.

DECISION: That the 'Infrastructure Planning, Phasing and Delivery' report by AECOM and the 'Infrastructure Order of Cost Estimate' report by Gleeds be approved as part of the Local Plan evidence base.

15 **SECTION 1 LOCAL PLAN EXAMINATION - ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS**

During the consideration of this Item Ms E Goodings, Head of Planning and Economic Development, addressed a number of questions which had been raised during Question Time. This included a response to a question by Ms R Pearson on behalf of CAUSE. As Ms Pearson had left the meeting, it was agreed that the response should be sent to her in writing.

INFORMATION: Section 1 of the emerging Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the 'North Essex Authorities' ('NEAs'). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary 'Garden Communities' along the A120 corridor.

In October 2017, the NEAs had submitted their Local Plans to the Secretary of State for Communities and Local Government to begin the formal process of examination and an Inspector had been appointed to undertake the examination of Section 1 of the Plan. Following the examination hearing, the Inspector had written to the NEAs setting out interim feedback on the soundness and legal compliance of the Section 1 Plan including the Garden Communities proposals. Whilst supporting many elements of the Plan, the Inspector had identified a number of key issues about the viability and deliverability of the Garden Communities and he had been unable to endorse the Section 1 Plan as sound. Instead, the Inspector had provided the Authorities with three options for progressing the Section 1 Plan to adoption.

The NEAs had subsequently advised the Inspector that they remained committed to using Garden Communities principles to secure future housing requirements in North Essex and they agreed to provide further evidence to address each of the Inspector's concerns in respect of Housing Infrastructure Fund (HIF) Bids, viability, phasing and delivery, delivery mechanisms, infrastructure, A120 dualling, Rapid Transit System, modal shift, Marks Tey railway station, housing delivery, employment land and Habitats Regulation Assessment (HRA). The NEAs had

committed also to reviewing the 'Sustainability Appraisal' (SA) of the Local Plan to ensure that it considered a full range of realistic alternatives to the Garden Communities.

One of the Inspector's main concerns had been with regard to the Sustainability Appraisal. This was a legal requirement of the Plan making process and a key piece of evidence in determining the most appropriate 'spatial' strategy for growth. The Inspector had concluded that some of the assumptions made in the SA were either not properly justified, or were biased in favour of the NEA's preferred spatial strategy for three Garden Communities and did not represent an objective, or reliable assessment. The Inspector had stated that further work would be required to rectify this and he had recommended that different consultants should be appointed to carry out the work.

An Additional SA had been carried out by consultants LUC, who had followed a revised methodology. The first stage of the Additional SA had tested a range of alternative development site proposals against a series of tried and tested 'sustainability criteria'. The second stage of the SA had tested different combinations of site proposals against sustainability criteria representing a reasonable range of alternative spatial strategies. The findings of the Additional SA indicated that many of the site proposals and alternative spatial strategy options were closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies stood out as performing notably stronger than the current strategy in the submitted Section 1 Plan. In the circumstances, it was proposed that the NEAs should continue to promote the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.

In addition, further evidence had been produced on other areas of concern raised by the Inspector. Based on this evidence, it was considered that the current proposals in the Section 1 Plan were sound and that the Inspector's concerns would be addressed.

The NEAs had also compiled a table of proposed amendments to the Section 1 Plan. These would address matters which had been identified during the Plan process to date and ensure that the Plan would meet the test of soundness.

If each of the NEAs approved the Additional Sustainability Appraisal, all of the additional new evidence base documents and the table of proposed amendments, the Plan would be published for public consultation for six weeks between 19th August and 30th September 2019. Following this, the documents together with any representations submitted would be forwarded to the Inspector to enable him to resume the examination process. It was expected that further examination hearings would take place in late 2019, or early 2020.

In an update to the Agenda report, it was stated that the references to 'square metres' of employment space in paragraph 5.12 should be amended to 'hectares'. This alteration would be included in the table of proposed amendments to the Plan.

DECISION: That it be **Recommended to Council** that:-

- a) The additional evidence base documents summarised within the report be accepted as part of the evidence base for Section 1 of the submitted Local Plan, which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring.
- b) It be noted that the evidence base confirms the need for the infrastructure contained in the current Housing Infrastructure Fund (HIF) Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government, and that the Councils would expect a decision on those Bids before submitting further evidence to the Secretary of State under recommendation (g) below
- c) The findings of the Additional Sustainability Appraisal work, which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy, be approved.
- d) It be agreed that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy.
- e) The schedule of proposed amendments to the submitted Local Plan be approved.
- f) A six week period of public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base documents be undertaken, starting on 19th August 2019 and ending on 30th September 2019.
- g) Following the period of public consultation, the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan.
- h) The Local Plan Inspector be requested to recommend any further modifications to the Publication Draft Local Plan, as necessary, in order to make it sound.

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond 9.00pm to enable all business on the Agenda to be transacted.

The meeting commenced at 6.00pm and closed at 9.08pm.

Councillor Mrs G Spray (Chairman)



Local Plan Committee

Item

7

22 July 2019

Report of	Assistant Director of Policy & Corporate	Author	Karen Syrett & Chris Downes
Title	Update to Local Plan and Evidence Base		☎ 506477
Wards affected	All		

1. Executive Summary

- 1.1 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of Examination in Public.
- 1.2 Section 1 of the submitted Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, the 'Section 2' Plan for each of the three North Essex Authorities contains more specific local policies and proposals relevant only to their individual administrative area.
- 1.3 Before a Local Plan can be formally adopted it must be examined by a government-appointed Inspector whose job it is to ascertain that 1) the plan has been prepared in line with various legal requirements and 2) that the policies and proposals in the plan comply with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF). Examination hearings for the Section 1 Plan took place between January and May 2018; and in June 2018 the Inspector wrote to the NEAs setting out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the plan and praised the NEAs' innovation and ambition, the Inspector found some of the evidence and justification in support of Garden Communities to be lacking and was therefore unable to find the Section 1 Plan sound.
- 1.4 In his letter, the Inspector offered the NEAs advice and options for how best to proceed. Having considered his advice, the NEAs in October 2018 confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns. On the 10th December 2018, the Inspector confirmed that he was satisfied that the proposals for further work on the evidence base satisfactorily responded to the points he had raised as identified issues. At this point the Inspector formally paused the Examination until the NEAs' further work on the evidence base and the Additional Sustainability Appraisal was completed. Monthly updates have since been submitted to the Inspector on the programme timetable as requested.
- 1.5 The additional evidence has now been completed and the findings are detailed within the main body of this report at Section 5.
- 1.6 As well as producing the evidence in response to the Planning Inspector's concerns about Garden Communities, the North Essex Authorities have also compiled a table of proposed

'modifications' to the Section 1 Plan. These modifications are aimed at addressing certain issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring the plan meets the tests of soundness. Many of the proposed modifications arose from suggestions and discussions at the Examination hearings in 2018 and the Inspector's interim findings whereas others arise from the findings of the additional evidence base.

- 1.7 Importantly, Officers are not recommending any substantial changes to the strategy for growth as set out in the Section 1 Local Plan. The additional evidence prepared in response to the Inspector's original concerns demonstrates that the establishment of three Garden Communities in the broad locations already identified in the plan is justified and represents an appropriate, sustainable and deliverable strategy.
- 1.8 It will be the Inspector's decision whether or not to accept the proposed modifications to the Local Plan through the resumed Examination process. Section 20(7C) of the 2004 Act provides that the Inspector must (if asked to do so by the local planning authority) recommend modifications to the Local Plan that would ensure its legality and soundness. Therefore, additional modifications could be suggested by the Inspector through the Examination process.
- 1.9 It is proposed that the Additional Sustainability Appraisal and all of the additional new evidence base documents along with the table of proposed modifications are published for six weeks public consultation between 19th August and 30th September 2019 before they are submitted, along with people's comments, to the Planning Inspector to enable him to resume the Examination. It is expected that the further Examination hearings will take place in November/December 2019.

2. Recommended Decisions

- 2.1 The Local Plan Committee is asked to resolve that:
 - a. The additional evidence base contained within Appendices 1 to 12 of this report [or listed as background papers] is accepted as part of the evidence base to support Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
 - b. It agrees that the evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and is justified as being the most appropriate strategy;
 - c. It approves the Additional Sustainability Appraisal (SA) work (attached as Appendix 1) and it considers and takes account of the findings of the additional SA work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the realistic alternatives to this strategy;
 - d. It approves the schedule of proposed modifications to the Local Plan (attached as Appendix 12);
 - e. It agrees a six week public consultation on the schedule of proposed modifications, the Additional Sustainability Appraisal and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
 - f. Following the period of consultation, the above documents along with any duly made representations received during the consultation period, be submitted to the

Secretary of State to enable the Local Plan Inspector to resume and complete the Examination of the Section 1 Local Plan and recommend any further changes to the Publication Draft Local Plan as necessary to make it sound.

- g. To note that the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex CC with regard to the North Essex Garden Communities and as currently being considered by Government and that the Councils would expect a decision on those Bids before submitting further evidence to the Secretary of State under recommendation 2.1.f above.

3. Reason for Recommended Decision

- 3.1 To enable the Local Plan Examination to resume.

4. Alternative Options

- 4.1 The alternative course of action available to the Council is withdrawing the plan and then starting the plan-making process from the beginning. However, significant time and resource has been applied to producing the evidence following committee approval of the current option in October 2018. Failure to resume the Examination would mean this time and money would have been wasted. It would also jeopardise the Housing Infrastructure Funding applications (HIF bids) that are being considered by Government and amount to £328m potential funding for infrastructure. It would also mean starting the Local plan process again delaying adoption by several years and leaving the Council vulnerable to 'planning by appeal'.
- 4.2 Officers recommend continuing with the Examination as it provides the "best opportunity" to protect government funding applications and ensure a robust and demonstrable housing land supply.

5. Background Information

- 5.1 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of Examination. The Secretary of State then appointed a Planning Inspector, Mr Roger Clews, to undertake the Examination of the shared Section 1 Local Plan.
- 5.2 Following the Examination hearing sessions, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8 June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27 June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2 August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in respect of the Inspector's first letter. The contents of these letters were all reported to Members at the time.
- 5.3 Overall, the Inspector was satisfied that the NEAs had complied with the legal duty to cooperate and other legal and procedural matters and was also satisfied that the overarching employment and housing targets in the plan had been justified on the basis of sound evidence. He also praised the Authorities for their innovation and ambition in promoting three new Garden Communities and stated that if carried out successfully it has the potential to provide for housing and employment needs not just in the current Plan period but well beyond it.
- 5.4 However, the Inspector found the evidence provided to support the Garden Communities was lacking in a number of respects. The main areas of concern the Inspector raised, related to:
- Sustainability Appraisal – the Inspector questioned the objectivity of the appraisal and raised concerns that it was biased in favour of the NEAs preferred strategy.
 - Strategic road improvements – in particular the lack of certainty over the delivery, timing and funding of the A12 and A120;
 - Rapid Transit System - the Inspector asked for more details relating to the feasibility of delivering the system (including route options) as well as the system's commercial viability
 - Build out rates – the Inspector raised concerns over the level of evidence to support housing delivery higher than 250 dwellings per year at the Garden Communities;
 - Employment provision – the absence of any indication as to how much employment land would be provided as part of the new Garden Communities was asked to be addressed;
 - Viability – in particular the assumptions used in the original assessment relating to transport infrastructure costs, land purchase and interest costs, and contingency allowances.
 - Delivery mechanisms – in respect of the NEAs approach to delivering Garden Communities through the formation of a locally-led New Town Development Corporation and whether the development could be delivered through other alternative methods.
- 5.5 In summary, the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the NEAs had selected the strategy of Garden Communities over other reasonable alternatives in the

Sustainability Appraisal. Due to this, he was unable to find the Section 1 Local Plan sound. Instead, the Inspector provided the Authorities with three options for how to progress the Local Plan towards adoption.

- 5.6 Option 1 would have involved removing Garden Communities from the Local Plan and proceeding with the Examination of Section 2, so long as the Local Plan was reviewed again within 2-3 years (at which point the evidence in support of Garden Communities might have been stronger). Option 2 effectively meant undertaking more work to fill the gaps in the evidence and pausing the Examination of Section 2 until the Inspector had been satisfied that the Garden Communities were deliverable, and that Section 1 of the Plan was sound. Option 3 would have meant withdrawing the Local Plan and starting the process again.
- 5.7 On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:
- the availability of funding for the necessary strategic infrastructure;
 - the financial viability of the proposed communities;
 - the environmental effects, including transport issues;
 - employment provision within the Communities (and elsewhere); and
 - continuing engagement with local communities.
- 5.8 The Councils also committed to reviewing the original Sustainability Appraisal which informed original decisions on the choice of spatial strategy in the Local Plan, to ensure that it considered a full range of reasonable alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary.
- 5.9 The following part of this report covers the Additional Sustainability Appraisal commissioned by the NEAs to address the Inspector's concerns on the original Appraisal. The report then addresses other updates.
- 5.10 The role of Sustainability Appraisal (SA)
The strategy for growth or 'spatial strategy' in the Section 1 Local Plan includes the establishment of three Garden Communities along the A120 corridor to deliver long-term growth within the current plan period to 2033 and beyond. One of the tests of soundness is to ensure that the plan and its spatial strategy is 'justified'. To be justified, the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. The Sustainability Appraisal (SA) is a legal requirement and key piece of evidence designed to test different policies, proposals and alternative strategies and to inform the decisions a planning authority takes when choosing its strategy for growth.
- 5.11 The purpose of the SA is to ensure that potential environmental effects are given full consideration alongside social and economic issues. SA is also a legal requirement and should be undertaken at each of the key stages of the plan making process. Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out an SA of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation. More generally, section 39 of the Act

requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”. SAs also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Assessment Regulations’), which implement the requirements of the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment.

5.12 The Inspector’s concerns about the original SA and suggestions for further work

In his June 2018 letter (paragraphs 93-129) the Inspector raised a number of concerns about the previous SA prepared and submitted alongside the Section 1 Local Plan. He firstly questioned the objectivity of the assessment; concluding that its authors had made optimistic assumptions about the benefits of Garden Communities and correspondingly negative assumptions about the alternatives, without evidence to support many of those assumptions - thus he felt that the assessment lacked objectivity and was unreliable. He secondly questioned the rationale behind the choice of alternative strategies that were tested as part of the assessment and identified a lack of clarity in the description of the alternatives and why they were tested at certain scales – making it difficult for the public to understand the alternatives and to give an effective opinion. Thirdly, the Inspector questioned the combinations of sites that were tested, in particular the reasons for excluding of the alternative ‘Monks Wood’ development proposal from Lightwood Strategic as an option for testing in combination with other Garden Communities. Because of the shortfalls identified in the previous SA, the Inspector concluded that the choice of three Garden Communities as part of the preferred spatial strategy had not been properly justified and it had not been demonstrated that the chosen strategy was the most appropriate when considered against the reasonable alternatives.

5.13 In advising the NEAs on how to proceed, the Inspector provided some suggestions in his letter as to how the shortcomings in the SA might be rectified. He first suggested (paragraph 122) that before embarking on any Additional SA work the NEAs 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, in order to ensure that they have a sound basis on which to score them against the SA objectives. As explained elsewhere in this report, additional evidence in respect of each of these subjects has now been prepared.

5.14 The Inspector also advised (paragraph 123) that Additional SA work must be an objective comparison of individual Garden Community site options at a range of different sizes, insuring (in particular) that the Monks Wood proposal is assessed as an alternative at an appropriate scale. Adequate reasons (paragraph 124) would have to be given for taking forward or rejecting certain options from the first stage of the assessment. In the second stage of the assessment, the Inspector (paragraph 125) would expect an assessment of alternative spatial strategies for the Plan area including, as a minimum, the following:

- 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 of the assessment).

The Inspector also advised (paragraph 128) that different consultants be used to undertake the Additional SA work than the authors of the previous SA to help ensure that the further work is free from any earlier influences and is therefore fully objective.

5.15 Methodology for the Additional Sustainability Appraisal

Independent consultants LUC have been appointed to undertake the Additional SA advised by the Inspector. The methodology that LUC has applied takes on board the Inspector's advice and was the subject of consultation in its own right with statutory consultees, other partner organisations and participants in the Local Plan Examination (including campaign groups and site promoters). The methodology has also been shared with the Inspector himself to allow him the opportunity to indicate any suggestions or concerns with the Additional Sustainability Appraisal [SA] Method Scoping Statement. In his letter in December 2018, the Inspector confirmed he was satisfied with the approach being adopted. There has also been engagement between LUC and various stakeholders in the form of meetings, a 'check and challenge workshop' and requests for information from alternative site promoters which have all helped to ensure that the assessment is as robust, and transparent, as possible.

5.16 The methodology for the Additional SA work has followed a two-stage process – the first involving an assessment of a range of potential development sites throughout North Essex at different scales of development; and the second involving an assessment of different 'spatial strategy' alternatives derived from different combinations of those sites, ensuring that the alternatives identified specifically by the Inspector are tested.

5.17 All sites and spatial strategy alternatives are assessed against the established 15 sustainability objectives which include creating safe, cohesive communities; meeting housing needs; achieving more sustainable travel behaviour; conserving and enhancing wildlife and geological sites; improving air quality; conserving and enhancing landscape quality; and safeguarding and enhancing soil quality and mineral deposits.

5.18 Options tested

The alternative spatial strategy options tested as part of the Additional SA work have been derived following some key principles to ensure they represent a good range of reasonable alternatives. The principles include: ensuring all options meet the required housing need in the plan period to 2033; reflecting the relative housing need and commuting patterns as they affect different parts of North Essex; and ensuring alternative strategies are coherent, logical and reasonable. 17 spatial strategy options have been tested which comprise 11 options for the area of North Essex to the west of Colchester (mainly affecting Braintree district) and 6 options for the area east of Colchester (mainly affecting Tendring) – with the idea being that the most appropriate option to the west is combined with the most appropriate option to the east to result in the most appropriate spatial strategy for North Essex overall.

5.19 As required by the Inspector, the option of proportionate growth around existing settlements has been tested. It takes two forms in the assessment – a 'percentage-based' approach to growth which requires all towns and villages in North Essex area to accommodate the same percentage increase in dwelling stock in the period up to 2033; and a 'hierarchy-based' approach which directs more development towards larger towns

and less development towards smaller villages with limited services and facilities. Both approaches take into account the amount of housing development that is already proposed through existing planning permissions and housing allocations in respective Section 2 Local Plans – which already account for some 80% of expected growth. The percentage-based growth scenario involves a ‘thin spread’ of development around nearly every town and village in the western part of the North Essex area (Option West 1) and a stronger focus for major development around the coastal towns to the east, including Clacton, Harwich, Frinton, Walton, West Mersea and Wivenhoe (Option East 1). In contrast, the hierarchy-based growth scenario involves a greater focus on development on the edge of Braintree and at Hatfield Peverel and Halstead to the west (Option West 2); and significant growth around the coastal town of Brightlingsea to the east (Option East 2).

- 5.20 Options involving different numbers and different combinations of Garden Communities have been also tested in line with the Inspector’s advice. To the west of North Essex, the current strategy in the Section 1 Local Plan of Garden Communities west of Braintree and at the Colchester/Braintree border at Marks Tey (Option West 3) has been re-assessed as well as alternatives incorporating the Monks Wood alternative Garden Community proposal from Lightwood Strategic. These include Monks Wood being developed alongside and in addition to the existing Local Plan Garden Community proposals (Option West 4); and as a direct alternative to either of the two current proposals (Options West 5 and West 6).
- 5.21 Strategic developments in the form of major urban extensions to the east of Braintree (Option West 7) and on land at Halstead (Option West 8) have been tested alongside proportionate growth around other settlements; and the option of just having one single Garden Community alongside proportionate growth around existing settlements has also been tested in a different combinations involving the West of Braintree Garden Community alone (Option West 9); the Colchester/Braintree Borders Garden Community alone (Option West 10); and the Monks Wood alternative Garden Community alone (Options West 11).
- 5.22 For the eastern part of North Essex, the alternative options that have been tested are the current Tendring/Colchester borders Garden Community (Option East 3); a north-east urban extension to Colchester (Option East 4); ‘Tendring Central Garden Village’ – a proposal for major development on land around Frating, as promoted by Edward Gittins & Associates (Option East 5); and, in line with the Inspector’s advice, the ‘Metro Plan’ concept promoted as an alternative by the Campaign Against Urban Sprawl in Essex (CAUSE) which involves developing land around the railway stations at the villages of Alresford, Great Bentley, Weeley and Thorpe le Soken which are all along the Colchester to Clacton branch line.
- 5.23 Assessment findings (see Appendix 1)
The Councils have now received from LUC the ‘Summary of Draft Findings’ with the full SA report to be completed in time for the meetings of the three authorities’ respective Committees.
- 5.24 The options for further proportionate growth around existing settlements to end of the plan period in 2033 performed relatively poorly against the various sustainability objectives compared to alternatives that involved more focussed strategic development in the form

of new settlements or major urban extensions – particularly in relation to travel patterns, modes of transport and the delivery of affordable housing. The proportionate growth scenarios have therefore been found to be less sustainable - which demonstrates, importantly, that the NEAs are justified in exploring more strategic alternatives that involve the establishment of new communities.

- 5.25 For those more strategic spatial strategy alternatives to the west of Colchester, the SA finds that performance against the various sustainability objectives is fairly similar and there is consequently 'little to choose' between the different options. Professional judgement is therefore required to distinguish between them, taking other factors into account.
- 5.26 For the spatial strategy alternatives to the east of Colchester, again the options perform similarly against the sustainability objectives although the proposal for a north-east extension to Colchester (Options East 4) is considered to be the weakest due to its potential negative impacts on the Bullock Wood SSSI and limited transport connections into Colchester. The Tendring/Colchester Borders Garden Community (Option East 3) and Tendring Central Garden Village (Option East 5) perform better than the CAUSE Metro Plan (Option East 6) in the longer term because they would provide for a scale of development sufficient to accommodate a health care facility; although Tendring Central is likely to be subject to significant adverse effects from noise pollution.
- 5.27 The Tendring/Colchester Borders Garden Community performs well in terms of potential economic growth. Metro Plan performs well in terms of its easy access to railway stations which could help to reduce carbon emissions, however the rural location of the Metro Plan developments could lead to longer journeys by car where rail is not a realistic choice. For shorter journeys, the Garden Community performs most strongly.
- 5.28 In many respects Tendring Central Garden Village performs as well as the Tendring/Colchester Garden Community, although no better; and whilst it has the advantage of an existing employment area and would retain its own distinctiveness being separated by some distance from Colchester, its location and distance from Colchester is likely to encourage a high proportion of journeys by car.
- 5.29 Officers' recommendation following the findings of the Additional SA work
Whilst many of the alternative spatial strategy options perform similarly against the various sustainability objectives, the findings of the Additional SA work do not suggest in any way that there is a clearly stronger alternative to the current strategy for three Garden Communities set out in the submitted Section 1 Local Plan. On this basis, there are no reasons arising from the SA findings for Officers to change their recommendation in respect of the most appropriate strategy for growth in North Essex. It is considered that the Additional SA work will satisfy the Inspector that reasonable alternatives have been considered in an objective way and that the choice of spatial strategy for the Section 1 Plan is both justified and sound.

5.30 Additional Evidence Base

As well as the work on the Additional Sustainability Appraisal, there are various other pieces of evidence aimed at addressing the Inspector's specific concerns. Below is a

summary of the evidence, setting out the Local Plan position, the issues raised by the Inspector and how the evidence addresses those issues.

5.31 Strategic transport infrastructure funding

The Section 1 Local Plan (through Policy SP5) identifies 'strategic priorities for infrastructure provision and improvements' to support the major growth proposed for North Essex. These include improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120 and A133 to improve access to markets and suppliers for businesses, widen employment opportunities and support growth.

5.32 For the Tendring/Colchester Borders Garden Community, Policy SP8 in the Section 1 Plan requires primary vehicular access to the site to be provided off the A120 and A133 and the Concept Framework prepared by David Lock Associates shows a potential link road between the A133 and the A120.

5.33 For the Colchester/Braintree Borders Garden Community, it is already proposed that the A12 will be widened – however the form that widening will take will have implications for the scale of development that the Garden Community can deliver. Policy SP9 in the Section 1 Plan envisages between 15,000 and 24,000 new homes. The Concept Framework prepared by David Lock Associates shows how realigning the A12 to follow a more southerly route could release more land to enable development to achieve the upper-end of that range and a pattern of development that can be centred around key facilities.

5.34 Both the Colchester/Braintree Garden Community and the West of Braintree Garden Community benefit from additional road capacity being created through the dualling of the A120 between Braintree and the A12 – the form of which would also have implications for the way in which the Colchester/Braintree Borders scheme is to be laid out.

5.35 In his June 2018 letter, the Inspector (paragraph 37) indicated that greater certainty over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey would be necessary to demonstrate that the Garden Communities were deliverable in full. At the time of the Local Plan examination in 2018, no decisions had been taken in respect of either of these schemes.

5.36 In response to the Inspector's advice, the NEAs can now provide an update on the progress of two bids that have been made by Essex County Council to the government's Housing Infrastructure Fund (HIF). Essex County Council has submitted two bids under the 'Forward Funding' element of the HIF programme, which seeks to provide upfront early funding of strategic infrastructure to enable housing to come forward:

- **Colchester Braintree Borders Garden Community (£229m):** The bid seeks funding to support the realignment of the A12 between Kelvedon and Marks Tey to facilitate and realise the full growth potential of the Garden Community. Land is currently being promoted either side of the A12 and a comprehensive development is unlikely to be deliverable given the severance that would occur should the A12 remain in, or near to, its current location. The infrastructure provided by the proposed scheme would facilitate the delivery of 21,000 new homes at the CBBGC

site of which 15,000 are unlocked by this HIF investment. Without this funding, development at the site would be capped at around 6,000 homes. Without HIF funding this is likely to continue to be promoted as a single site but unlikely to achieve full Garden City principles, would still suffer from access issues, and may well remain stalled. The realigned route is proposed to reconnect with the existing A12 south and west of Marks Tey, and not east of Marks Tey as per the Colchester Braintree Borders Concept Framework (DLA, 2017, reference EB/026) illustrative alignment, which reduces capacity of the site to 21,000 units. The bid also includes a new junction 25 which will provide direct access to the proposed Garden Community, signalling junction 23 at Kelvedon where the A12 meets a new A120 to facilitate traffic flow and widening of the Kelvedon Bypass to four lanes in each direction to accommodate future traffic volumes.

- **Tendring Colchester Borders Garden Community (£99m):** The bid seeks funding for a new A120 – A133 Link Road and provision for a rapid transit system (RTS). Funding is sought to implement the RTS which will prioritise public transport on key routes into Colchester for new and existing residents. The system will service a new Park and Ride and help to better connect the planned Garden Community on the borders of Colchester and Tendring with the rest of the town. A new strategic link between the A120 and A133 will improve connectivity locally and within the wider region and relieve traffic going to the University of Essex and its Knowledge Gateway technology and research park.

5.37 The bids are currently being evaluated by Homes England. Engagement between ECC (with the NEAs) and Government officials has been very positive to date, and ECC has written to Government Ministers setting out the importance of announcements on the outcome of the HIF bids as quickly as possible. The bids require works and spend to be implemented by April 2024 and therefore Essex County Council is continuing to evolve more detailed proposals and work on delivery of the infrastructure components in advance of funding decisions, in order to provide a strong foundation for future delivery.

5.38 A12 widening and junction improvements

As per the position at the examination, this scheme is included in the funding round known as Road Investment Strategy (RIS) 1 with funding already secured. The A12 programme between J19-25 will be delivered by Highways England under the Project Control Framework (PCF). It is anticipated that Highways England will make a preferred route announcement on the A12 widening project in Summer 2020. The A12 works will require consent through Development Consent Order and the current programme expects this to be submitted in 2022, with start of physical construction in Spring 2023 with works anticipated to be complete by 2027/28.

5.39 Highways England have recently announced the appointment of their Delivery Integration Partner, Costain, who alongside Jacobs, will deliver the A12 Chelmsford to A120 Widening scheme from preliminary design and planning application submission, through to construction. Highways England, Essex County Council, Braintree District Council and Colchester Borough Council are continuing to work closely to understand the impact of the scheme on the proposed Colchester Braintree Borders Garden Community as well as existing residents at Marks Tey. The proposed development is likely to affect the alignment

of the A12 between junctions 24 and 25, and consequently it may be necessary to put forward new plans that reconsider the road alignment between junctions 24-25. In this case, Highways England will consult with those affected on any potential realignments.

5.40 A120 Dualling

At the time of the hearing sessions held in January and May 2018 and the Inspector's June 2018 letter, there had been no decisions in respect of the proposed alignment for the dualled A120 and the Inspector was concerned (paragraph 36) that the various options for realigning the A120 that were under consideration at the time could have quite different implications for the A120's relationship with the Colchester Braintree Borders Garden Community.

5.41 ECC announced its favoured route in June 2018, which was recommended to Highways England / Department for Transport for inclusion in RIS2. The favoured route runs from Galley's Corner at Braintree to a new junction with the A12 to the south of Kelvedon. If the A120 Braintree to A12 upgrade is included in RIS2, it is expected to be announced in 2019. If successful, this would likely be followed by a Preferred Route Announcement by Highways England. Provided that the scheme progresses as planned, and funding is made available, it is anticipated that construction could commence in 2023 with the road ready for use by 2027. ECC will continue to lobby the Government if the A120 is not included in RIS2 to include it for improvement at the earliest possible opportunity.

5.42 The A120 Essex project team and Highways England have established a joint Project Board to take strategic and collective decisions and to review progress of the scheme. The project has been reviewed at several points both by Highways England and through an Independent Assurance Review process. Highways England is satisfied that the project has undertaken its technical and consultation processes effectively, and in accordance with its requirements. The review team concluded that the project team is on track to identify a viable scheme for consideration for inclusion in RIS2. They gave the project a 'green' Delivery Confidence Assessment, the highest available.

5.43 Rapid Transit System

The Section 1 Local Plan (through Policy SP7) proposes a step change in integrated and sustainable transport systems for the North Essex area that put walking, cycling and rapid public transit networks and connections at the heart of growth in the area, encouraging and incentivising more sustainable active travel patterns. Key to achieving this, it is proposed that each Garden Community is served by a 'rapid transit system' (RTS) to enable fast public transport connections into Colchester, Braintree and Stanstead. A Movement and Access Study produced in support of the plan set a target of 30% of all journeys to, and from the Garden Communities, to be made by rapid transit.

5.44 In his June 2018 letter (paragraph 39), the Inspector raised concerns that such a target could only be achieved if RTS was available early on in the lifetime of the Garden Communities and that, at the time of the hearing sessions, the planning for RTS was at a very early stage and that there was insufficient evidence on which to determine the likely form of RTS, its capital cost (which would be key to the overall viability of Garden Communities) and the timescales for delivery.

5.45 In response to the Inspector's concerns, Essex Highways (the partnership between Essex County Council and consultants Jacobs) have produced a document entitled 'North Essex Rapid Transit System – from vision to plan' (summarised in Appendix 2) which explains how a high quality, fast, reliable and frequent public transport system can be created which, alongside other measures incorporated into the Garden Communities, will provide the best possible chance of achieving a successful outcome in terms of mode share. The document considers different modes of rapid transport and recommends that in the early stages (up to 2033) the focus should be on delivering segregation route infrastructure. This would enable the system to evolve beyond the end of the plan period so that it could accommodate the very latest in transport technology, potentially using trackless tram technology. The report also sets out four clearly identified route options for the RTS (see below) which enable rapid linkages between the Garden Communities, town centres, key employment areas (including London Stansted Airport) and other important attractors utilising a combination of newly created routes and existing roads.

5.46 The four route options for the RTS are:

- **Route 1** connecting Tendring/Colchester Borders Garden Community, a potential eastern park and ride site, the university, the main rail station, the hospital and the existing Colchester northern park and ride site.
- **Route 2** connecting Colchester/Braintree Borders Garden Community, a potential western park and ride site, the town centre and the rail station.
- **Route 3** being planning jointly with Uttlesford District Council and connecting Stansted with Braintree via the West of Braintree Garden Community.
- **Route 4** connecting Braintree and the Colchester Braintree Borders Garden Community, and in doing so connects the two subsystems that would have been created.

5.47 More detailed study work has already begun on Route 1 as part of the HIF bid for the A120/A133 link road. In terms of delivery, it is expected that Routes 1, 2 and 3 will be in place by the end of the plan period. Post-2033, the intention is to extend the level of segregation on Routes 1-3 and introduce Route 4, which connects the two subsystems. The timescales for this further investment will be timed according to funding availability. Whilst significant investment is planned as part of the garden communities, it is expected that additional bids will be made to government for funding (e.g. Housing Infrastructure Fund; Strategic Infrastructure Tariff).

The report explains how the proposed form of RTS is commercially viable and that it can be incrementally developed, in a phased manner from the outset, alongside the growth at Garden Communities. The report is bolstered by input from national public transport operators, including the Go Ahead Group.

5.48 **Modal Shift**

In addition to the document produced on RTS, a paper entitled 'Mode Share Strategy for the North Essex Garden Communities' (see extract in Appendix 3) has been produced separately by consultants ITP which sets out a variety of measures that can be put in place to influence the way in which people travel, which, alongside RTS will enable the 30% target to be achieved. Such measures include achieving mixed-use developments which

integrate residential, leisure and employment land uses together; higher density development in certain locations; building close to the public transport network; the use of car parking restrictions on specific streets; giving priority to walking and cycling in the layout of development; and creation of car free areas in certain locations.

5.49 Marks Tey Station

Policy SP9 in the Section 1 Plan in respect of the Colchester/Braintree Borders Garden Community states that opportunities will be explored to establish how Marks Tey rail station can be made more accessible to residents of the new community including through the improvement of walking, cycling and public transport links to the station, or to relocate the station to a more central location. A Concept Framework for the Garden Community shows the relocation of the station some 2km to the south-west where it could form part of a transport interchange in the centre of the community. Neither the Section 1 Plan nor the Concept Framework say that the relocation of the station is essential to the success of the Garden Community.

5.50 In his letter, the Inspector stated (paragraph 44) that the current peripheral location of the station would integrate poorly with the structure of the proposed Garden Community and whilst he acknowledged (paragraph 45) that relocation was not essential, he nonetheless felt it would be a missed opportunity if a Garden Community on the scale currently proposed were to proceed with the station on its periphery. Furthermore, the Inspector noted (paragraph 47) that the viability appraisal in support of the Local Plan allocated a considerable cost of some £50million towards the relocation of the station albeit 30 years into the build programme which, in his view, would be too late to enable the station to be integrated into the planning of the new town centre.

5.51 Further joint working is being undertaken with Network Rail regarding the potential for a new rail station. Network Rail has undertaken a timetable evaluation to understand the potential implications of a new station on the Great Eastern Main Line (GEML). This analysis indicated that the provision of an additional new station would have a detrimental impact on journey times between Colchester and Chelmsford. Network Rail have advised that it would be more appropriate to consider providing improved connectivity to/from existing stations on the GEML as opposed to the provision of a new station. Additional work is ongoing to look into the capacity of the GEML to consider the impacts of the GC and wider growth on the line.

5.52 Update from discussions with Network Rail that suggest relocating Marks Tey Station to the centre of the proposed Garden Community for the Colchester/Braintree Borders Garden Community is unlikely to be practical option. Although the Garden Community was never reliant on the station being relocated, there is now clarity in moving forward that the development will need to be planned to integrate with the station's existing location.

5.53 Housing Delivery (build out rates)

All three of the proposed Garden Communities are expected to deliver new homes partly within the timescale of the Local Plan up to 2033 but mostly beyond 2033 and potentially over multiple plan-periods. Whilst they propose between 29,000 and 43,000 in total over their full period of construction, it was only expected that 7,500 new homes will be delivered

i.e. 2,500 in each of the three locations up to 2033. To achieve this level of development between now and 2033, each location would need to see rates of development increasing over time to between 250 and 350 homes a year.

5.54 In his letter, the Local Plan Inspector (paragraph 53) found that whilst not impossible that one or more of the Garden Communities could deliver at rates of around 300 homes a year, he felt (based on the evidence before him) that it would be more prudent to plan on the basis of an annual average 250 a year. If the NEAs were to adopt this approach, the total number of homes that Garden Communities could be expected to contribute towards housing supply in the period up to 2033 would reduce slightly from 7,500 to nearer 7,000 but more importantly the overall construction period for the Garden Communities would be extremely long, particularly for the larger Colchester/Braintree Borders Garden Community where the construction period would be somewhere between 60 and 96 years. The implications on viability of such a long construction period are considerable – particularly in relation to interest payments.

5.55 In response to the Inspector's comments, Officers from the three NEAs have conducted further research into the rates of housebuilding that are achievable and have produced a topic paper entitled 'Build out rates in the Garden Communities' (findings summarised in Appendix 4). The topic paper includes a review of the evidence that was before the Inspector at the examination hearings and a review of recent publications which explore how to boost housebuilding (including the Oliver Letwin Review) as well as evidence on high build-out rates that have either been achieved or are expected to be achieved on sites in other parts of the country.

5.56 The topic paper concludes that since the examination hearings the Inspector's advice to plan for an annual average of 250 completions a year at the Garden Communities is overly cautious and that, based on the evidence compiled, rates of more than 300 homes a year are achievable.

5.57 Viability

It is important that proposals in the Local Plan are economically viable to ensure they have a realistic prospect of being delivered within the timescales envisaged. The Garden Community proposals were supported by an assessment of viability undertaken by Hyas (North Essex Local Plans (Section 1) Viability Assessment: Main Report & Appendices, April 2017), which was subject to considerable debate at the Examination in Public.

5.58 In his letter following the Hearing sessions, the Inspector acknowledged the 'strategic' nature of the viability work in light of the early stage of proposals, the residual valuation methodology and key importance of making sound assumptions. The Inspector accepted that generally reasonable assumptions had been adopted with respect to a broad range of key inputs but highlighted a number of areas where he felt that the viability assessment required additional work and therefore had not sufficiently demonstrated that the proposed Garden Communities were financially viable.

5.59 The specific areas of concern were:

- Transport infrastructure costs – where the Inspector (paragraphs 66 & 68) found that the potential cost of a rapid transit system and/or any likely developer contributions towards the A12 and A120 improvements required further consideration and needed to be fully taken into account as part of the viability assessment work.
- Land purchase and interest – where the Inspector (paragraph 71) found that no allowance had been included in the viability appraisal for the cost of interest on any borrowing to fund the purchase of land by a master developer – which, given the likely scale and during of the Garden Communities, could be substantial.
- Contingencies and sensitivity testing – where the Inspector (paragraph 77) found that the ‘contingency’ allowance being applied to certain capital sums for specific elements of infrastructure was potentially too low.
- Price of Land – where the Inspector (paragraphs 82-85) found that landowners would require sufficient land values to persuade them to bring land forward for development and that the viability assessment would need to demonstrate that such reasonable uplifts over and above current use values could be achieved.
- Other specific aspects including the cost and timing of a potential new rail station at Marks Tey (paragraph 47), the build out rate being achievable (paragraph 53), the provision of employment land consistent with the wider approach, and ability to deliver the required level of affordable housing.

5.60 In response to these issues, Hyas have produced an updated viability assessment (summarised in Appendix 5) which takes into account the latest information on the costs of all strategic infrastructure (including the RTS and elements included in the HIF bids), includes an allowance for interest costs on land purchase, applies higher contingency rates and addresses all other matters raised by the Inspector. The update also considers updates to national planning policy and guidance relating to viability since the previous Examination in Public which provide further clarity to the consideration of viability going forward. A detailed cost estimate produced by Gleeds (extract in Appendix 8) has set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.

5.61 The updated assessment finds that all three of the Garden Community proposals can be considered viable in that they are capable of producing Residual Land Values that will create significant uplift for landowners well in excess of existing/current values. This is alongside generating sufficient profit for developers and investors to meet their requirements, including supplementary considerations of the time/value of money through a discounted cash flow analysis.

5.62 The assessment for West of Braintree Garden Community projects positive uplifts in land value (to circa £80,000-£140,000 per gross acre) without any grant assistance and with no allowance for inflation. This is considerably in excess of current use values with greenfield

agricultural land worth in the order of £10,000 per acre with positive inflation (which would be expected over time), the uplifts in land value could be considerable meaning that this Garden Community is comfortably viable across a range of scenarios.

- 5.63 The Tendring/Colchester Borders Garden Community is located in an area where house prices are generally lower than those achievable to the West of Braintree and therefore the projected uplift in land value are also generally lower. That said, even without grant assistance and no allowance for positive inflation, the development could still achieve a positive, albeit lower uplift (between £15,000-£70,000 per gross acre) beyond similar agricultural land values (circa £10,000 per acre). The site is more marginal in viability terms at the highest consideration of contingencies. However, the achievement of Government grant funding for upfront strategic infrastructure (such as via the currently shortlisted HIF bid, or any subsequent funding opportunity) would increase uplifts to higher levels (upwards to around £200,000 per gross acre). With positive inflation, the scheme could deliver a much higher uplift (upwards of £300,000 per hectare).
- 5.64 The Colchester/Braintree Garden Community comes with significantly higher upfront infrastructure costs than the other two schemes (primarily due to the need to invest in works to the A12) and, as a result, without grant or positive inflation, the development would not achieve an uplift beyond current land values and would not be considered viable. That said, the site benefits from a short-listed infrastructure funding bid and it is therefore not unreasonable to anticipate the proposals to be considered favourably for potential grant funding, either through the current HIF process, or through any future infrastructure funding opportunities that may be implemented to support strategic housing growth. In addition inflation based scenarios produce considerably higher residual land values. With grant but no positive inflation, the development could achieve a positive land value uplift (£60,000 to £100,000 per gross acre) and with inflation the uplift would be considerably higher.
- 5.65 The assessments therefore reveal that for both Tendring Colchester Borders and Colchester Braintree Borders there is a degree of reliance on securing either Grant funding, and/or inflationary impacts to demonstrate viability. The consultants consider that such scenarios are both credible and realistic given the long history of Government support in infrastructure to support housing growth, and trends in inflation over recent decades (including through periods of economic change and uncertainty, albeit recognising that forecasting over such a long timescale will be subject to considerable uncertainty).
- 5.66 The updated viability work is clear in that it can only provide a strategic overview of viability and a point in time consideration that will need to be monitored and reviewed over time. There will be a broad range of factors which could depress or enhance viability going forward and are set out in the viability update report. Some aspects such as unforeseen costs or wider economic conditions are considered as factors that may depress viability, but a wide range of other factors are identified that could enhance viability over time such as enhanced value created through placemaking, construction cost efficiencies such as through wider uptake of modular construction, inflation rates being higher than forecast, speedier delivery and ability to secure future Government investment support. The updated viability assessment has taken a relatively prudent approach to many

assumptions thus providing further confidence that the viability position could improve over time.

5.67 As a further consideration, the approach to the Garden Communities is based upon the preparation subsequent site specific Development Plan Documents and ultimately through the development management process. As such viability will need to be subject to ongoing monitoring and review as part of a future and ongoing processes to track costs, values and potential returns.

5.68 The overall findings of the updated viability assessment suggest that there is no reason to abandon any of the three Garden Community proposals at this stage in the process over insurmountable concerns about economic viability, as there are realistic and credible scenarios which can deliver viable schemes.

5.69 Employment Land

5.70 Section 1 (through Policy SP6) aims to deliver sufficient employment within the Garden Communities to accommodate the 'one job per household' ambition set out in the NEGC Charter. The submitted Section 1 does not specify how much land should be allocated for employment uses, instead opting for an approach that would allow for the amount of employment land within each Garden Community to be defined through the Strategic Growth Development Plan Documents (DPDs).

5.71 In his interim findings the Inspector took issue with this approach and whilst he accepted the difficulties involved in forecasting employment requirements so far into the future, he nonetheless considered it appropriate for Section 1 to provide an indicative employment land requirement. He therefore recommended that the NEAs modify Section 1 to include employment land figures for each Garden Community; doing so would provide direction to the preparation of the DPDs in a similar way to how the housing ranges will be used to inform residential land requirements in the DPDs.

5.72 To address this issue, the NEAs appointed Cebr (Centre for Business and Economic Research) to prepare an evidence base document (Appendix 6) which defines the amount of employment land required at each Garden Community. In doing so Cebr have analysed the existing sectors within the North Essex economy and forecasted the growth of these sectors using a variety of assumptions including past trends and the ability to intervene to attract particular sectors to the area. From this analysis Cebr were able to apply industry standard employee to floorspace ratios (different sectors have different ratios) which provided a volume of employment floorspace for each sector. This floorspace information was then converted into gross employment land.

5.73 Using Cebr's work, the NEAs are therefore now in a position to modify Section 1 to include employment land requirements for three Garden Communities as follows:

- Tendring Colchester Borders – 6.9ha within the plan period (part of a total of 24.5ha)
- Colchester Braintree Borders – 4.0ha within the plan period (part of a total of 70.1ha)
- West of Braintree – 9.1ha within the plan period (part of a total of 43.4ha)

These employment land requirements are suggested for inclusion in the proposed modifications.

5.74 Phasing and delivery

Section 1 of the Local Plans sets out an ambitious plan to uphold high standards of placemaking and design, whilst also ensuring timely delivery of transport, community, health, education and green and infrastructure. For example, Policy SP7 (at point iv) states that infrastructure will be delivered ahead of, or in tandem with, residential development to support new residents and establish sustainable travel patterns.

5.75 In his interim findings, the Inspector concluded that whilst he supported the NEAs ambition to deliver infrastructure in such a way he was not convinced that he had seen sufficient evidence to demonstrate the deliverability of such an approach. For example at paragraph 134 he remarks:

'...The NEAs have, quite rightly, set high aspirations for the quality of their GC proposals and for the provision of affordable housing, open space, and social and community facilities in them. Clarity is needed at the outset over the affordability and deliverability of those aspirations, to ensure that they are not compromised during the development process because of unclear or conflicting expectations.'

5.76 In response to the Inspector's findings the NEAs considered it necessary to provide evidence on the deliverability of the ambition set out in Policy SP7 as well as the site specific Garden Community policies (SP8, SP9 and SP10). The NEAs therefore appointed AECOM to prepare an Infrastructure Planning, Phasing and Delivery report (extract for Tendring/Colchester Borders in Appendix 7 and Colchester/Braintree Borders in 7a), the purpose of which is to demonstrate the phased manner in which infrastructure will be delivered alongside new homes at the Garden Communities. The report looks in detail at the requirements of Section 1 to ensure that the phasing approach is compliant with policy requirements and more generally fulfils the NEAs' ambition of infrastructure-led communities. Importantly the NEAs have ensured that this report is fully consistent with the viability evidence, demonstrating both the deliverability and the financial viability of the approach put forward in Section 1.

5.77 Habitats Regulation Assessment (HRA)

The 'Habitats Regulations' relate to the protection of wildlife sites of European importance including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) which include the Colne Estuary, Hamford Water and the Stour Estuary. 'Habitats Regulation Assessment' (HRA) is required to determine whether or not a proposal, policy or plan for development would adversely affect the integrity of a European site – either alone, or in combination with other plans and projects. The HRA has to be undertaken by the 'competent authority' who, for the Section 1 Local Plan, are the NEAs (i.e. Braintree, Colchester and Tendring Councils).

5.78 HRA was undertaken for the Section 1 Local Plan but in April 2018 (after the Local Plan had been submitted, but before the Inspector issued his letter) there was a landmark legal ruling from the Court of Justice for the European Union (CJEU) called the 'People over Wind, Peter Sweetman v Coillte Teoranta' judgement. That judgement had implications for

how HRA should be carried out and at which stage of the process mitigation measures (intended to avoid or reduce and harmful effects) should be carried out. In his letter, the Inspector advised that the NEAs would need to consider the implications of this legal judgement and would need to ensure that the HRA is compatible with this landmark judgement. In response, 'Land Use Consultants' (LUC) were commissioned by the NEAs to update the HRA for the Section 1 Local Plan, in consultation with statutory agencies including National England, in light of the legal judgement and this was completed in June 2019.

5.79 The 'HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan' (conclusions attached as Appendix 9) identifies the likely significant effects on European sites as being loss of offsite habitat, recreational impacts and water quality impacts. The assessment concludes that mitigation measures can be secured as part of the relevant developments to address loss of offsite habitat; that recreation impacts can be mitigated through the measures in the Essex Recreation disturbance Mitigation Strategy (RAMS) put in place by Essex authorities; and that the development should not result in adverse impacts to water quality so long as there is a commitment to address water treatment capacity issues prior to specific developments. Modifications to the policies in the Section 1 Local Plan are suggested to ensure that the plan properly reflects the findings of the updated HRA and that necessary mitigation is put in place. This report, alongside the suggested modifications, should demonstrate to the Inspector that the NEAs have complied with the Habitats Regulations in assessing the impacts of the Local Plan.

5.80 Delivery Mechanisms

The Section 1 Local Plan explains that the NEAs are committed to ensuring that the new garden communities are as sustainable and high quality as possible and that the infrastructure needed to support them is delivered at the right time. This will require the Councils to work very closely with the relevant landowners using a robust delivery mechanism that ensures a fair and equitable distribution of the costs and land requirements needed to secure the ambitions for the Garden Communities and create a long term legacy appropriate to the scale of the ambition. Given the scale of complexity of the proposed Garden Communities, it is envisaged that 'Local Delivery Vehicles' (LDVs), with both private and public sector representation, will be used to oversee these developments.

5.81 Whilst, in his letter, the Inspector acknowledged that this approach was generally compatible with national planning policy and deploying new models of delivery was a legitimate aspiration, he questioned if other delivery mechanisms could be adopted – suggesting that there was no substantial evidence to show that only new models of delivery were capable of delivering Garden Communities in the way envisaged.

5.82 In response to this, the Councils' legal advisors Dentons have produced a specific paper entitled 'Delivery of the Garden Communities' (Appendix 10) which explains that since the submission of the Local Plan in 2017, the government has placed greater emphasis on local authorities taking a more pro-active role in the delivery of new homes and the delivery of Garden Communities. It also explains that new statutory provisions have been put in place promoting 'Locally Led New Town Development Corporations' (LLNTDCs) as a mechanism by which new development can be delivered. It is proposed that modifications

to the Local Plan are made to reflect the potential for Garden Communities to be delivered via LLNTDCs but that it will ultimately be for the Councils to decide whether this is the most appropriate means by which to proceed.

- 5.83 The paper also explains that if LLNTDCs are not used as a vehicle to deliver the Garden Communities and landowners and developers are left to bring the development forward on their own, they will be expected to meet all costs associated with their delivery in accordance with both the policies in the Local Plan and any more detailed requirements set to be included in the new Development Plan Documents (DPDs) for each of the schemes. It also explains that if landowners were unwilling to release their land at a reasonable price which allows for these costs to be met, the NEAs would be willing to use 'Compulsory Purchase Order' (CPO) powers to acquire the land – something that is supported by national planning policy, where necessary.
- 5.84 Dentons' paper will help to explain to the Inspector that whilst a Local Delivery Vehicle or a LLNTDC is the preferred means by which to deliver the Garden Communities, other delivery mechanisms are available and could be employed to ensure that the developments come forward in the way envisaged. When the detailed delivery mechanisms for the Garden Communities are discussed and decided, State Aid issues will be addressed (see Appendix 11).

5.85 Proposed modifications

If, through the examination process, an Inspector identifies certain issues with the soundness of a Local Plan that can be easily resolved, they can recommend 'modifications' to the plan. Under normal circumstances, modifications are published for consultation following the completion of the examination and responses are considered by the Inspector before they confirm that the plan is sound and can be formally adopted.

- 5.86 For the Section 1 Plan for North Essex, a number of areas have already been identified which would benefit from amendments which have arisen from a number of sources, including representations received in response to the publication of the plan in 2017; statements of common ground entered into with statutory consultees in the run up to the examination hearings; responses to the Inspector's initial Matters Issues and Questions (MIQs) before the examination hearings; the discussions at the examination hearings themselves; and the Inspector's post-examination letters.
- 5.87 Officers have compiled a schedule of proposed amendments and the Inspector has agreed that these should be published for consultation alongside the Additional Sustainability Appraisal work and other evidence before the examination is resumed. The majority of the proposed amendments are minor changes to the wording of policies and supporting text but others could be considered to represent more fundamental changes to policies and how they are interpreted.
- 5.88 Whilst Members are being asked to endorse the proposed amendments for public consultation, it will be the Inspector who will ultimately decide which, if any, of the amendments should be main modifications to the final version of the plan before it is adopted. Any final modifications recommended by the Inspector will require further consultation following the completion of the examination, but the consultation proposed for

the current schedule of modifications will enable objections to be considered, by the Inspector, when he resumes the examination in due course.

5.89 The full schedule of proposed amendments is provided at Appendix 12. None of these amendments represent fundamental changes to the overarching strategy in the plan. The most significant of the proposed amendments are highlighted below:

- New Policy SP1A ‘Delivering Sustainable Development through the planning system’

An additional policy is suggested for inclusion in the Section 1 Local Plan, on the advice of the Inspector, to clarify how the policies in the Local Plan, taken as a whole, will operate in practice in the determination of planning applications. The proposed policy would state:

“Development that demonstrably contributes to the achievement of the policies in this Local Plan (and, where relevant, of policies in neighbourhood plans) will normally be permitted unless material considerations indicate otherwise.

Development that is not in accordance with, or which will prejudice the delivery of, the strategic scale development or the achievement of the place making principles, in this Local Plan will not normally be permitted.”

- New Policy SP1B ‘Recreational disturbance Avoidance and Mitigation Strategy (RAMS)’

An additional policy is suggested for inclusion in the Section 1 Local Plan, as agreed with Natural England, to reflect the new Essex-wide approach to mitigating against the impacts on internationally important wildlife sites arising from an increase in development and the associated risk of increased recreational disturbance at those sites. The proposed wording would state:

“An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy will be completed in compliance with the Habitats Directive and Habitat Regulations. Contributions will be secured towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs) which will be completed by the time the Local Plan is adopted.

Prior to RAMS completion, the NEAs will seek contributions from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.”

- Policy SP3: ‘Meeting Housing Needs’

Modifications to Policy SP3 are suggested to provide some explanation, on the Inspector’s advice, as to how the housing figures in the policy will be used for assessing each authority’s five-year housing supply requirements. The additional wording proposed would state:

“The annual housing requirement figures set out below will be used as the basis for assessing each authority’s five-year housing land supply subject to any adjustments in Section 2 of each plan to address any undersupply since 2013. The North Essex authorities will review their housing requirement regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area.”

- Policy SP4: ‘Providing for Employment’

Adjustments to the employment land requirements for the three authorities have been recommended by the Inspector to reflect the outcome of discussions at the examination hearings. In particular, they will rectify errors found within the figures for Braintree and Tendring. The revised employment land figures will be as follows:

	Baseline (ha)	Higher Growth Scenario (ha)
Braintree	20.9	43.3
Colchester	22.0	30
Tendring	12.0	20.0
North Essex	54.9	93.3

- Policy SP5: ‘Infrastructure and Connectivity’

Modifications to the infrastructure and connectivity policy are suggested to provide greater clarity over what would happen if, for whatever reason, it becomes clear that the infrastructure required for the Garden Communities will not be funded or delivered. The modifications also provide greater clarity over what key infrastructure projects will need to be secured in advance of the start of the Garden Communities. The main relevant wording would be as follows:

“If the necessary strategic infrastructure for the Garden Communities as required by Policy SP5 is not committed within a reasonable period of time and phased alongside the delivery of new communities a review of the Plan will be undertaken prior to any consent being implemented, in order that the consequential shortfall in housing delivery does not overburden the infrastructure of existing communities/settlements.”

“Infrastructure provision will be secured in a timely manner and programmed to keep pace with growth of new communities.

Funding and route commitments for the following strategic transport infrastructure projects will need to be secured in advance of the start of the Garden Communities as follows:

- *Colchester/ Braintree Borders –*
- *A12 widening and junction improvements*
- *A dualled A120 from Braintree to the A12*
- *Tendring /Colchester Borders –*
- *A120-A133 Link road*
- *A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities into the rapid transit network*
- *Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by masterplanning.*

Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community.”

- Policy SP7: ‘Development and Delivery of New Garden Communities in North Essex’

A number of modifications are suggested for the wording of this policy, the most significant of which is to address the Inspector’s request that the Section 1 Local Plan specifies the employment land requirements for the Garden Communities. The relevant wording would be as follows:

“In accordance with the Garden Community Charter principle of providing one job per household within the new community or within a short distance by public transport, provide and promote opportunities for employment within each new community and within sustainable commuting distance of it. Around 850,000 square metres of floorspace will be provided in total, with allocations to be defined within Development Plan Documents for each Garden Community totalling some 138 hectares.”

- Policies SP8, SP9 and SP10: Specific policies for each of the three Garden Communities

It is suggested that each of the policies that correspond with the specific Garden Community proposals are modified to include wording agreed with Natural England in relation to the impact of waste water on internationally important wildlife sites. The wording would be:

“To ensure new development does not have an adverse effect on any European Protected sites, the required waste water treatment capacity must be available including any associated sewer connections in advance of planning consent.”

Additional wording is also proposed to address issues raised by Historic England at the examination in respect of the potential impact of the Garden Communities on the historic environment, as follows:

“A Heritage Impact Assessment for each DPD in accordance with Historic England guidance will be required in order to assess impact of proposed allocations upon the historic environment, to inform the appropriate extent, nature and form of the development and establish any mitigation measures necessary.”

- 5.90 Each Garden Community policy will also include a section to set out the amount of employment space to be created as part that development – based on the evidence contained within the report from Cebr. For the Tendring/Colchester Borders Garden Community (SP8) the figure will be 24.5 square metres; for the Colchester/Braintree Borders Garden Community (SP9) it will be 70.1 square metres; and for the West Braintree Garden Community (SP10) it will be 43.4 square metres.

5.91 Further bespoke modifications to each of the Garden Community policies are also proposed to reflect specific infrastructure or environmental requirements, for example additional wording around the proposed A120/A133 link road, the realignment of the A12 and the dualling of the A120 and the need to protect relevant internationally and nationally important wildlife designations.

5.92 Overall Conclusions

Officers consider that the findings of the further Sustainability work and the additional pieces of evidence outlined above provide responses to all of the issues raised by the Inspector in his 2018 letters and demonstrate that the spatial strategy for growth set out in the submitted Section 1 Local Plan, including the three Garden Communities, meets the tests of soundness set out in the National Planning Policy Framework (NPPF).

5.93 The further SA work provides an objective assessment that addresses the Inspector's concerns about the previous assessment and follows a robust and transparent methodology developed through positive engagement with objectors to the plan and promoters of alternative development proposals. The findings of the SA work demonstrate that none of the reasonable alternative spatial strategy options perform notably better than the current strategy in the Section 1 Plan and provides no reason for Officers to conclude that the strategy should change. Given that the findings of the additional SA work suggest that many of the options perform similarly against the sustainability objections, planning judgement based on wider factors has to be exercised in determining the most appropriate strategy for growth in North Essex.

5.94 The alternative of further proportionate growth around existing settlements up to 2033 has been assessed as part of the additional SA work to help determine whether or not the NEAs are justified in taking a more strategic cross-border approach involving the establishment of new communities. However, the Local Plan process has already considered options relating to growing the main urban areas across North Essex and the majority of housing allocations in the three authorities' Section 2 Local Plans comprise such sites. The NEAs consider that reasonable opportunities to accommodate growth around existing settlements have been exhausted for the purposes of the plan period to 2033. It should be noted that the NEAs have also had a strong record in making use of existing previously developed 'brownfield' sites within settlements where possible.

5.95 Adding more development to existing towns and villages to make up the residual housing requirement to 2033 raises some genuine concerns about the efficient provision of infrastructure with existing and future residents having to cope with unnecessary pressure and demand on existing services and facilities that are not able to be efficiently expanded to cater for growth. Applying a 'percentage-based' approach to achieving further proportionate growth around existing settlements, including rural settlements would result in a thin distribution of development around numerous settlements, particularly to the west of Colchester and from a transportation perspective, such a thin distribution of growth is likely to lead to further dependence on the private car. The percentage-based approach would also push more development to coastal towns such as Clacton, Harwich, Frinton/Walton, Brightlingsea, Wivenhoe and West Mersea and this raises serious concerns about environmental impacts on internationally important wildlife areas, impacts

on existing transport infrastructure and the ability for the market to realistically deliver the number of homes required given the weaker housing market conditions to the east.

- 5.96 A 'hierarchy-based' approach to proportionate growth which directs additional housing to larger settlements would, in contrast, place a large proportion of North Essex's development to land on the edge of Braintree (a town that is already earmarked for significant growth in the plan period to 2033 in the Braintree Section 2 Plan); and, to a lesser extent, Halstead and Hatfield Peverel. In the face of highly challenging housing requirements going into the future and the constraints and challenges associated with continuing to expand existing settlements, the NEAs are justified in working together to establish new communities in line with Garden Community principles that provide scope for long-term managed growth in strategically important locations extending beyond the timeframes of the current plan that achieve a scale of development that will incorporate and deliver new infrastructure and thus reduce the pressure for expansion of existing communities.
- 5.97 To the west of Colchester, whilst many of the alternative strategies for strategic growth perform similarly against the sustainability objectives in the additional SA work, the proposals for Garden Communities to the West of Braintree and crossing the Colchester/Braintree Border carry genuine advantages. The proposal West of Braintree provides a strategic long term opportunity to deliver growth within the current plan period and beyond and to address needs in the western part of North Essex with direct access to the A120. It is well located to Stansted Airport both as a centre of local employment but also providing opportunities for new business growth. It also provides access to the M11 and the London Stanstead Cambridge Corridor. It is well located to the urban area of Braintree thus enabling it to benefit from the services and facilities provided in that higher order settlement, with a rapid transport system integral to realising that benefit.
- 5.98 The Colchester/Braintree Borders Garden Community also provides the potential for long term growth on a site with close proximity to the mainline railway station at Marks Tey and regular train links to London, Colchester and beyond within walking, cycling or bus rapid transport system to the station. It is well located at the intersection of the A12 and A120 thus providing opportunities for good accessibility and attractiveness to prospective residents and employers alike. There are also more opportunities for sustainable travel links into Colchester, a regionally important centre of employment offering a full range of facilities including a hospital and a major shopping and cultural destination.
- 5.99 Lightwood Strategic's proposal for an alternative Garden Community at Monks Wood (Pattiswick) is located within 3km of the proposed Colchester/Braintree Borders Garden Community with Coggeshall located between the two. It performs similarly against the sustainability objectives in the additional SA work but given the scale and proximity of these two proposals, it is not considered appropriate to include Monks Wood in the plan as well as the current Colchester/Braintree Garden Community given the impact on infrastructure, landscape and the existing resident population that these two large developments would have. Monks Wood is accessible to a much smaller, albeit very successful, cluster around Earls Colne Airfield and Coggeshall and is closer to Braintree than the Colchester/Braintree Borders Garden Community. However, the employment market in Braintree is not as strong as Colchester's and major new employment areas are

proposed on the west side of Braintree which is in closer proximity to the proposed West of Braintree Garden Community. A Garden Community at Monks Wood would be located on the highly trafficked single carriageway of the A120 and whilst it is proposed that the A120 is dualled and realigned further south (between Kelvedon and Braintree), the only other roads in the vicinity are rural lanes with very limited opportunity to access a site of this size by other routes. The impact on the historic character of the dispersed settlement of Pattiswick is also considered to be greater than on the character of Marks Tey which is much more of a modern settlement.

5.100 To the east of Colchester, the Tendring/Colchester borders Garden Community offers multiple benefits to both Colchester and Tendring in terms of housing delivery, the A133/120 link road and the opportunities to relieve traffic and unlock the economic potential for more expansion of the University of Essex and the Knowledge Gateway whilst relieving pressure caused by continued growth on the edge of existing towns and villages. CAUSE's Metro Plan concept does not offer such mutually beneficial outcomes, raises concerns about encouraging car-borne journeys where rail is not a viable alternative, and would significantly and unnecessarily alter the character of a number of rural communities in Tendring. The Tendring Central Garden Village concept scores similarly to the Tendring/Colchester Borders Garden Community in the additional SA work, but critically does not offer the mutual cross-border benefits to Colchester and Tendring that arise from the link road and potential for growth at the University of Essex and the Knowledge Gateway – it would be an unnecessary standalone development further east into Tendring that would encourage longer car journeys.

5.101 Officers therefore consider that the current strategy in the Section 1 Local Plan which proposed three Garden Communities in the locations currently suggested remains the most appropriate strategy for North Essex. The other additional evidence, including studies on rapid transit, housing delivery and viability respond directly to the issues raised by the Inspector and demonstrate that the three proposed Garden Communities are viable and deliverable.

5.102 Next Steps

The relevant Committees of the three Councils are all considering the additional evidence that has been prepared, the findings of the additional Sustainability Appraisal work, and proposed amendments. Braintree and Tendring District Councils will need to make recommendations to Full Councils following their respective Local Plan Committees. If all three authorities agree, the additional evidence base, Additional Sustainability Appraisal work and the proposed amendments will be published for six-weeks consultation to allow third parties the opportunity to consider both the modifications and the evidence and make any comments. The six-week consultation period is expected to run from 19 August 2019 to 30 September 2019.

5.103 The Officers of the three authorities will collect any representations made and, following the six-week consultation period, will submit the schedule of modifications, further SA work and all the other additional evidence to the Secretary of State, along with all the comments received from third parties. The Inspector will then consider all of this information and will liaise with the NEAs to confirm the timetable for resuming the examination and undertaking

further examination hearings. The Inspector may issue a further series of Matters, Issues and Questions (MIQs) to establish the main topics he wishes to examine and to invite written responses from participants in the examination ahead of the hearings. It is currently anticipated that hearings will take place either at the end of 2019 or in early 2020.

5.104 Following the completion of the further examination hearings, the Inspector will write to the NEAs to confirm whether or not his concerns about the Garden Communities have been addressed and whether or not the Section 1 Local Plan now meets the tests of soundness. The Inspector will have the ability to recommend additional post-examination modifications to the plan which would need to be the subject of further consultation in their own right before the plan can be finalised and formally adopted by the NEAs.

5.105 The examination of the authorities' individual Section 2 Local Plans will not take place until Section 1 has been examined and found to be sound.

6. Equality, Diversity and Human Rights implications

6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link: -
<http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>

7. Strategic Plan References

7.1 The Strategic Plan is relevant in particular in contributing towards priorities under all the themes of Growth, Responsibility, Opportunity and Wellbeing:

- Growth - Develop jobs, homes, infrastructure and communities to meet the borough's future needs by creating new Garden Communities
- Responsibility - Promote responsible citizenship by encouraging residents to get involved in their communities and to identify solutions to local issues; and create new routes for walking or cycling and work with partners to make the borough more pedestrian-friendly.
- Opportunity - Ensure a good supply of land available for new homes through our Local Plan.
- Wellbeing- Encourage belonging, involvement and responsibility in all the borough's communities; and help residents adopt healthier lifestyles by enabling the provision of excellent leisure facilities and beautiful green spaces, countryside and beaches.

8. Consultation

8.1 As outlined in the May 2019 update to the Planning Inspector, the NEAs will undertake consultation on the revised evidence base, additional sustainability appraisal, and proposed modifications to Section 1 from Mid-August to the end of September, subject to decisions made at the respective committees.

8.2 The purpose of the consultation will be to gather views on the additional evidence base documents that have been commissioned to address the issues raised in the Inspector's interim findings on Section 1 in June last year. By doing so the NEAs hope that any issues with the evidence base will be raised at the earliest opportunity to help inform the Examination.

- 8.3 The questions posed to consultees will be intentionally general in nature as the proper place for specific questions on the revised evidence base will be through any additional matters, issues and questions the Inspector may publish prior to reconvened hearing sessions. However, it will be important for the consultation and the responses to the consultation to avoid revisiting matters which the Inspector has not raised as of concern to the Examination of Section 1.
- 8.4 The consultation will be jointly hosted on the NEAs' web-based portal and measures will be put in place to avoid duplicate responses being made to individual authorities. Due to the technical nature of the consultation the NEAs do not intend to carry out any drop-in sessions, however previous consultees to Section 1 consultations will be informed of the consultation.
- 8.5 Following the consultation the NEAs will process all comments received and submit them (alongside the documents subject to the consultation) to the Programme Officer in a similar fashion to which followed the Regulation 19 Submission consultation in October 2017. They will be forwarded to the Inspector and used to inform further hearing sessions.

9. Publicity Considerations

- 9.1 The report, evidence base and consultation is expected to generate significant publicity. The Council will approach this in a transparent manner and proactively seek to get accurate information into the public domain. Steps have been taken to improve the section of the Councils website which deals with Garden Communities.

10. Financial implications

- 10.1 The additional evidence base has been funded through an approved budget.

11. Health, Wellbeing and Community Safety Implications

- 11.1 The Garden Communities are intended to promote health, wellbeing and community safety by improving housing choice and employment opportunities, access to green open space and community facilities, as well as other infrastructure.

12. Health and Safety Implications

- 12.1 N/A

13. Risk Management Implications

- 13.1 Adoption of the Local Plan will reduce the risk of inappropriate development.

Appendices

1. 'Additional Sustainability Appraisal of North Essex Local Plan Section 1: Summary of Draft Findings.'
2. Executive summary of 'North Essex Rapid Transit System for North Essex: From vision to plan'.
3. Conclusion and next steps from 'Mode Share Strategy for the North Essex Garden Communities'.
4. Summary of findings and conclusion from 'Build Out Rates in the Garden Communities'.
5. Executive summary of 'North Essex Local Plans (Section 1) Viability Assessment Update – Main Report'.
6. Employment Provision for the North Essex Garden Communities.
7. Tendring/Colchester Borders extract from 'North Essex Garden Communities Infrastructure Planning, Phasing and Delivery.'
- 7a. Colchester/Braintree Borders extract from 'North Essex Garden Communities Infrastructure Planning, Phasing and Delivery.'
8. Summary of 'North Essex Authorities Infrastructure Order of Cost Estimate (41,000 homes)'.
9. Conclusions of 'HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan.
10. 'North Essex Authorities' Position Statement on Delivery Mechanisms'.
11. 'North Essex Authorities' Position Statement on State Aid.
12. Schedule of proposed amendments.

Background Papers

There are numerous background papers all of which are available on the Examination website hosted by Braintree DC;

https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_local_plan_braintree_district_colchester_borough_and_tendring_district_council



Additional Sustainability Appraisal of North Essex Local Plan Section 1: Summary of Draft Findings

Prepared by LUC
July 2019

Project Title: North Essex Local Plan Section 1 Additional Sustainability Appraisal

Client: North Essex Authorities

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Additional Sustainability Appraisal of North Essex Local Plan Section 1: Summary of Draft Findings

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Planning & EIA
Design
Landscape Planning
Landscape Management
Ecology
GIS & Visualisation

LUC LONDON
43 Chalton Street
London
NW1 1JD
T +44 (0)20 7383 5784
london@landuse.co.uk

Offices also in:
Bristol
Edinburgh
Glasgow
Lancaster
Manchester



Land Use Consultants Ltd
Registered in England
Registered number: 2549296
Registered Office:
43 Chalton Street
London NW1 1JD
LUC uses 100% recycled paper

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1 Introduction

- 1.1 This Summary presents the draft findings of the Additional Sustainability Appraisal (SA) of the alternatives to providing growth in the North Essex Authorities (NEA) Plan Area.
- 1.2 The Additional SA of the North Essex Section 1 Local Plan followed a two stage process:
 - Stage 1 appraised strategic sites that could form part of alternative spatial strategies for the Section 1 Local Plan.
 - Stage 2 appraised alternative spatial strategies.
- 1.3 The SA of the strategic sites, which has fed into the SA of the spatial strategies, has been undertaken in a consistent and objective way, using assumptions for the SA objectives that have been applied in the same way for all strategic sites, using the same evidence base.
- 1.4 In carrying out the SA of the spatial strategies, an element of professional judgement has been required to interpret the findings of the individual strategic sites when combined into a spatial strategy, and taking into account existing commitments, Section 2 allocations, and strategic infrastructure.
- 1.5 In order to provide further context and evidence for the SA work, we carried out a review of academic research and guidance on urban form, which sought to identify the sustainability advantages and disadvantages of different approaches to delivering growth.
- 1.6 It should be noted that Quality Assurance checks of the Additional SA work are still being carried out, which may mean that there are some amendments and refinements to be made to these draft findings, which will be reflected in the final Additional SA Report. However, it is not considered that these will result in any fundamental changes to our conclusions.

2 Stage 1 – SA of Strategic Site Alternatives

2.1 At the outset of the Additional SA work, LUC felt it was necessary not only to appraise alternative new settlement proposals, but also to consider alternatives to new settlements. The Inspector specifically requested that proportionate growth be appraised, and LUC felt it was appropriate to explicitly consider urban extensions as alternatives to new settlements, in order to provide a complete and comprehensive SA.

2.2 The NEAs identified 26 sites that could be considered to be 'strategic' in size to be subject to SA. The sites were (NEAGC = North Essex Authorities' Garden Community; ALTGC = Alternative Garden Community; SUE = Strategic Urban Extension; VE1 = Village Extension; C – CAUSE sites):

- NEAGC1 West of Braintree
- NEAGC2 Colchester Braintree Borders Garden Community (Marks Tey)
- NEAGC3 Tendring Colchester Borders Garden Community
- ALTGC1 Land West of Braintree
- ALTGC2 Land east of Silver End
- ALTGC3 North West Coggeshall (Monks Wood)
- ALTGC4 Land at Marks Tey Option One
- ALTGC5 Land at Marks Tey Option Two
- ALTGC6 Land at Marks Tey Option Three
- ALTGC7 Land at East of Colchester Option One
- ALTGC8 Land at East of Colchester Option Two
- ALTGC9 Land at East of Colchester Option Three
- ALTGC10 Land at East of Colchester Option Four
- ALTGC11 Langham Garden Village
- SUE1 Land at Halstead
- SUE2 Land East of Braintree (including Temple Border)
- SUE3 Land south east of Braintree
- SUE4 Land south of Haverhill
- VE1 Land at Kelvedon
- VE2 Land at Coggeshall
- VE4 Weeley Garden Village
- VE5 Tendring Central Garden Village
- C1 CAUSE Alresford
- C2 CAUSE Great Bentley
- C3 CAUSE Weeley
- C4 CAUSE Thorpe-le-Soken

2.3 It should be noted that:

- VE3 (which was the combination of the four CAUSE sites) was, instead, considered as four separate sites C1-C4 under Stage 1 of the SA, then as a coherent whole under Stage 2 of the SA.

- ALTGC1 was subject to initial SA but was not taken any further as it was too similar to NEAGC1.
 - ALTGC4 and ALTGC5 were subsequently merged into one site, ALTGC4.
 - VE2 was subject to initial SA but the NEAs subsequently determined that there is no longer capacity for strategic development as part of the site is consented and the smaller, unconsented residual is appropriately assessed as an option for the Section 2 Local Plans.
- 2.4 The SA was carried out using a set of assumptions applied to each SA objective, in order to ensure consistency in the appraisal process. An initial SA using Geographical Information Systems (GIS) was undertaken, and this was then supplemented by more detailed appraisal of each site.
- 2.5 The detailed appraisal was informed by information included in site information forms (SIFs). The SIFs, which were drafted by the NEAs, were provided to each promoter of a site in order to give them the opportunity to validate or amend the information prepared by the NEAs. The NEAs sought to minimise any further changes to the SIFs, restricting these to clarifications, and aspects of deliverability. The information included the infrastructure that could be anticipated to be delivered as a component of development at each site, in addition to housing.

Summary of findings of the SA of alternative strategic sites

- 2.6 The overall performance of the alternative strategic sites against the SA objectives found that the difference between them was not that great. There were no sites that performed extremely well against all the criteria and no sites that performed extremely poorly.
- 2.7 For example, all of the sites could involve the development of potential mineral resources and best and most versatile agricultural land, and all could have a potential effect on heritage assets and biodiversity assets. Although there was some variation in the potential for effects between sites, the scale of the sites could provide scope for mitigation.
- 2.8 In summary, no 'showstoppers' were found at this stage of assessment, which meant that it was concluded that no individual sites could be ruled out on the basis of the SA alone.

3 Defining Spatial Strategy Alternatives

- 3.1 Taking into account the findings of Stage 1 of the SA, the NEAs proceeded to define alternative spatial strategies to be subject to SA during Stage 2 of the Additional SA process.
- 3.2 The spatial strategy alternatives are set out in the NEA document 'Selection of Spatial Strategy Alternatives', a copy of which is included at **Appendix 1** of this Summary. This document sets out seven principles which the NEAs established to guide the selection of spatial strategy alternatives to be subject to Additional SA. These are:
- Principle 1: Meet the residual housing need within the plan period
 - Principle 2: Test the alternatives suggested by the Local Plan Inspector
 - Principle 3: Reflect relative housing need and commuting patterns in any alternative strategy
 - Principle 4: Ensure alternative strategies are coherent and logical
 - Principle 5: Ensure alternative strategies are reasonable
 - Principle 6: Strategic sites will deliver a minimum of 2,000 homes within the plan period to 2033
 - Principle 7: All strategy options will deliver social infrastructure
- 3.3 As a result of applying these principles, some of the potential strategic sites from the assessment (due to various reasons, as set out in **Appendix 1**) were removed by the NEAs from inclusion in any of the alternative spatial strategies :
- ALTGC1 Land West of Braintree
 - ALTGC2 Land east of Silver End
 - ALTGC5 Land at Marks Tey Option Two (merged with ALTGC4)
 - ALTGC8 Land at East of Colchester Option Two
 - ALTGC9 Land at East of Colchester Option Three
 - ALTGC10 Land at East of Colchester Option Four
 - ALTGC11 Langham Garden Village
 - SUE4 Land south of Haverhill
 - VE2 Land at Coggeshall
 - VE4 Weeley Garden Village
- 3.4 The remaining strategic sites were included in alternative spatial strategies, along with proportionate growth alternatives.
- 3.5 In order to meet principle 3, the housing provision was split across the plan area on a west / east basis, to reflect that the relationship between Colchester and Tendring is different to that between Colchester and Braintree and, that in effect, the choice of strategy for the west of Colchester was not reliant on the choice of strategy to the east of Colchester to a significant degree, and *vice versa*. Breaking down the North Essex area in this way made comparisons between strategies easier and, in our view, more logical.
- 3.6 Taking all the above into account, the following 17 alternative spatial strategies set out in **Table 3.1** were appraised (note that Spatial Strategy West 4 has two variants at different scales of growth). It is considered that these represent an appropriate range of spatial strategies, in that they both respond to the advice of the Inspector and are suitable for the purposes of SA.

Table 3.1: Spatial strategy alternatives

WEST OF COLCHESTER (Whole of Braintree and most of Colchester) Target of approximately 5,000 additional homes up to 2033	EAST OF COLCHESTER (Tendring and eastern part of Colchester) Target to deliver approximately 2,500 additional homes up to 2033
<ol style="list-style-type: none"> 1. Proportionate (percentage-based) growth 2. Proportionate (hierarchy-based) growth 3. West of Braintree GC [NEAGC 1] + Colchester/Braintree GC [NEAGC 2] 4. West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC 3] + Colchester/Braintree GC [NEAGC 2] <p style="margin-left: 20px;">West 4a: smaller scale of West of Braintree [NEAGC1] + Monks Wood GC [ALTGC 3] + smaller scale of Colchester/Braintree GC [NEAGC2]</p> <ol style="list-style-type: none"> 5. Monks Wood GC [ALTGC 3] + Colchester/Braintree Borders GC [NEAGC 2] 6. West of Braintree GC [NEAGC 1] + Monks Wood GC [ALTGC 3] 7. East of Braintree [SUE 2] + Kelvedon [VE 1] 8. Land at Halstead [SUE 1] + proportionate growth. 9. West of Braintree GC [NEAGC1] + proportionate growth 10. Colchester/Braintree GC [NEAGC2] + proportionate growth 11. Monks Wood GC [ALTGC3] + proportionate growth 	<ol style="list-style-type: none"> 1. Proportionate (percentage-based) growth 2. Proportionate (hierarchy-based) growth 3. Tendring Colchester Borders GC [NEAGC 3] 4. Colchester North-East Urban Extension [ALTGC 7] 5. Tendring Central Garden Village [VE 4] 6. CAUSE Metro Plan [C1, C2, C3 & C4]

4 Stage 2 – SA of Spatial Strategy Alternatives

The approach to the SA of alternative spatial strategies

- 4.1 The majority of the alternative spatial strategies comprised different combinations of the strategic sites appraised in Stage 1 of the SA. The SAs of the alternative spatial strategies were informed by the SA of the strategic sites carried out in Stage 1, including information included in the SIFs. Each alternative spatial strategy included information on employment and the strategic infrastructure that would be needed to support delivery of the strategy.
- 4.2 With respect to the proportionate growth alternatives, or those alternatives where a strategic site was combined with an element of proportionate growth, a greater element of professional judgement was required, particularly for the spatial strategy alternative whereby each settlement would grow at the same percentage (18%), because specific sites were not identified. However, the SA for these alternatives was based on clear descriptions of how much development would go to each settlement, which provided a reasonable basis for coming to judgements.

Plan period versus fully built out scenarios

- 4.3 The SA has assessed the Section 1 Local Plan alternative spatial strategies both within the plan period (i.e. to 2033) and when fully built out (no specified end date, but likely to be several years, if not decades, beyond the end of the plan period). This makes direct comparisons between the alternative spatial strategies difficult, because some (e.g. proportionate growth) will be delivered by 2033, whereas others that include major strategic sites will continue well beyond 2033. In a sense, this is comparing 'apples and pears'.
- 4.4 It should be noted that, although some spatial strategies only allocate development to the end of the plan period, development is, in reality, likely to continue beyond 2033. However there is no spatial strategy for this post-2033 development, although it could be presumed that development would continue in the same vein. The effects of the spatial strategies that involve major strategic sites will not be fully felt until well after the end of the plan period. Similarly, temporary effects related to their construction (e.g. noise and disturbance) are likely to be experienced over many years.
- 4.5 In addition, it should be noted that existing commitments and allocations in the Section 2 Local Plans already make up over 80% of the total housing required to be delivered within the plan period (approximately 35,600 of 43,200 homes). In this respect, those spatial strategies that seek to deliver the remaining approximate 7,500 homes within the plan period and no more could be considered too small in scale to be strategic. Conversely, although all spatial strategy alternatives seek to deliver the required additional 7,500 homes in the plan period, some could go on to deliver potentially as much as 35,500 additional homes beyond the plan period. In fact, taking into account the 7,500 they will deliver within the plan period, they could total a similar amount of housing that is planned for through the Section 2 Local Plans.
- 4.6 The Section 2 Local Plans already seek to focus development at existing settlements within North Essex, through Policy SP2 of the Section 1 Local Plan, according to settlement scales, sustainability and existing role. In this respect, some of the settlements are already likely to experience significant housing growth, such as:
- Colchester (18% growth).
 - Braintree (22%).
 - Clacton-on-Sea (10%).
 - Witham (22%).
 - Halstead (11%).

- Manningtree, Lawford & Mistley (25%)
- Kelvedon with Feering (42%).
- Hatfield Peverel (16%).
- Alresford (28%).
- Elmstead Market (24%).
- Great Bentley (27%).
- Thorpe-le-Soken (24%).
- Weeley (57%).
- Eight Ash Green (31%).
- Rowhedge (21%).
- Tiptree (22%).

4.7 This provides the context for the additional SA work, and the consideration of further growth, both within the plan period and beyond.

Pros and cons of different urban forms

- 4.8 The review of research undertaken with respect to urban form, which looked at the in-principle pros and cons of new settlements, urban extensions and dispersed development provided some useful indicators as to how these different types of urban form compare in sustainability terms. This found that:
- Dispersed development, which bears many similarities with the proportionate (percentage-based) growth spatial strategy alternative appraised in the Additional SA, performs less well across a range of criteria than new settlements or urban extensions, for example in relation to travel patterns and modes of transport and the delivery of affordable housing.
 - New settlements and urban extensions can perform similarly, depending upon where they are located, and how they are designed and delivered.
- 4.9 For new settlements to perform well in sustainability terms, it is critical that the infrastructure is provided in the early stages of development in order to avoid unsustainable travel behaviours becoming embedded before sustainable transport alternatives become available, and to develop a sense of community cohesion. New settlements can involve a significant amount of embodied carbon by having to develop 'from scratch', although new settlements can be designed to be efficient in carbon terms, including inclusion of renewable energy and encouraging low carbon behaviours, such as sustainable modes of transport. Larger new settlements are more likely to attract economic activity.
- 4.10 Urban extensions can make use of existing infrastructure, or expansions to existing infrastructure, rather than having to start from scratch. If well integrated with the settlements they are attached to, they can offer immediate access to a range of existing jobs, services and facilities, although they can lack a sense of place. Larger urban extensions can also deliver their own services and facilities, economic activity, and the design features associated with new settlements with respect to sustainable travel and reduced carbon.
- 4.11 Viability and deliverability issues can affect both new settlements and urban extensions, but tend to be more pronounced with new settlements unless appropriate funding and governance structures are put in place. Dispersed development may have less in the way of upfront investment, but on the other hand can lead to an accumulation of development with insufficient investment in supporting services, facilities and infrastructure.
- 4.12 In terms of guiding principles, the research found that new settlements are likely to perform best when they are in close proximity to thriving towns and cities in order to share infrastructure and access to jobs and services during the early stages. On the other hand, there is a risk that such new development can draw resources and investment away from the towns and cities with which they are associated.

- 4.13 Of critical importance is that new strategic development should be located in areas with high public transport accessibility, for example along well-served bus corridors, and in close proximity to railway stations and other transport interchanges. The potential to extend existing networks, making better use of existing mainline stations or disused lines, and additional branches (e.g. rapid transit systems) through new neighbourhoods are considered to help make new strategic development more accessible and more successful.
- 4.14 In terms of design, connectivity is important, and the need to avoid severance by major roads and roundabouts. While landscape buffers and green space are to be encouraged, they should not threaten permeability and connectivity with surrounding land uses.
- 4.15 It is acknowledged in the research that the achievement of 'self-containment' is an unrealistic ambition given the choice of modes of transport available to modern communities, but that if developments are of a sufficient scale, they can provide for many of the everyday needs of residents within the development, reducing the incentive to travel elsewhere. This can be helped by designing compact developments, which incorporate a mix of uses.
- 4.16 It is interesting to note that the Additional SA of the spatial strategy alternatives for North Essex largely mirrors the findings of the research. The proportionate growth alternatives, based on a simple percentage increase in growth of each settlement, performed relatively poorly against the SA objectives, whereas many of the new settlement and urban extension alternatives performed similarly. In some respects this is not surprising, because the strategic scale of development proposed under these alternatives is such that they are capable of including a range of services and facilities, including jobs, as well as supporting infrastructure.

Summary of findings of the SA of alternative spatial strategies

West of Colchester

- 4.17 As described above, the proportionate (percentage-based) growth spatial strategy alternative (West 1) performs less well across a number of the SA objectives than the other spatial strategy alternatives, and therefore can be considered less sustainable.
- 4.18 The remaining spatial strategy alternatives perform similarly, albeit with some differences between them:
- It is considered that the spatial strategy alternatives will all be capable of delivering the residual housing requirement (approximately 7,500 homes) within the plan period, and those that extend beyond the plan period will continue to deliver new homes for many years to come. This includes appropriate provision for affordable housing, and a mix of types and tenures, in line with North Essex policy objectives (SA objective 2). The only exception to this is West 2, being proportionate (hierarchical growth), which would require the delivery of 4,500 to 5,000 dwellings as an urban extension to the east of Braintree, which may be challenging to deliver within the plan period.
 - All spatial strategy alternatives are likely to have significant adverse effects on the existing communities affected by the large-scale developments, primarily because of the considerable change of character around existing settlements. However, several of the spatial strategy alternatives are considered to deliver significant positive effects when the new communities are delivered, due to their being designed as coherent settlements in their own right, with a range of services and facilities (SA objective 1).
 - The health benefits will tend to be delivered beyond the plan period, as the level of housing becomes sufficient to accommodate health care facilities at 4,500 dwellings (SA objective 3).
 - Given the scale of development proposed, all of the spatial strategy alternatives will be of sufficient size to incorporate local centres (SA objective 4) and employment land and other jobs (SA objective 5).
 - All of the spatial strategy alternatives could have adverse effects on biodiversity, and for West 3, West 4, West 4a, West 5, West 6, West 10, and West 11 this could be significant depending upon mitigation (SA objective 6). It should be noted that West 3, West 4, West 4a, West 5 and West 10 are located very close to Marks Tey Brick Pit SSSI, although being a geological SSSI it should be possible to mitigate and manage adverse effects. All spatial strategies

include development within SSSI 'Impact Risk Zones', whereby Natural England should be consulted for potential impacts, although this does not mean that they cannot be mitigated.

- With respect to shorter journeys, the majority of spatial strategy alternatives will have significant positive effects in the long-term as services and facilities, and jobs, are provided on site, although those strategies which involve building near existing facilities and services, or the provision of Rapid Transit System could achieve this within the plan period (SA objective 7).
- With regard to longer journeys, it is considered that those spatial strategy alternatives that include both access to a railway station, particularly on the Great Eastern mainline, as well as investment in a Rapid Transit System, will result in significant positive effects in the longer term (SA objective 7). This is because commuting patterns suggest that the primary commuting destinations for residents of Braintree are Chelmsford, Colchester, Uttlesford and London, and that Braintree, Chelmsford and London represent three of the top four commuting destinations for residents of Colchester. Therefore, those spatial strategy alternatives that include relatively easy access to a choice of sustainable transport modes (rail and rapid transit) perform most strongly.
- All of the spatial strategy alternatives could potentially have a significant negative effect on heritage assets (SA objective 9). In many instances, the heritage assets include Grade I and Grade II* listed buildings either within the site or in close proximity.
- Although all of the spatial strategy alternatives are considered to have minor positive effects on carbon, this is primarily with respect to delivery on site, rather than from traffic. From a traffic perspective, those sites that perform strongest against SA objective 7 are also likely to perform strongest with respect to transport related carbon emissions (SA objective 10).
- None of the spatial strategy alternatives were identified as having significant effects with respect to water (SA objective 11), flood risk (SA objective 12) or air quality (SA objective 13).
- All of the spatial strategy alternatives were considered to have potentially significant adverse effects with respect to landscape (SA objective 14).
- All of the spatial strategy alternatives were considered likely to have potentially significant adverse effects with respect to minerals and likely to have significant adverse effects with respect to soils (SA objective 15).
- In many instances, there was uncertainty with respect to the effects identified as it may be possible to include mitigation, given the scale of the strategic sites that form components of many of the alternative spatial strategies, depending upon how development is designed and delivered.

4.19 In light of the findings of the SA, there is little to choose between the spatial strategies in terms of significant effects at the strategic scale (other than West 1, as noted above). However, the following observations using professional judgement may help to distinguish between them a little more than the objective, assumptions-led SA has achieved:

- The research into urban form suggests that access to good sustainable transport links and services is critical to the achievement of sustainability, and it also makes sense to work with established patterns of travel but seek to achieve changes in travel mode. Those strategies that combine both development focused on railway stations, particularly the Great Eastern mainline, and provision for Rapid Transit, are therefore likely to perform well.
- Those spatial strategies that do not include easy access to rail, especially to the Great Eastern mainline, could be considered to perform less well. For example, Halstead is not well connected in sustainable transport terms, and is not in the major commuting corridors, so those spatial strategies that include significant additional development at Halstead may be considered less sustainable than some of the other spatial strategies.
- On the other hand, those spatial strategies that focus a significant proportion of development along the Great Eastern mainline, for example West 3, West 4, West 5, West 7 and West 10, could, when coupled with development already committed or allocated in the Section 2 Local Plans, lead to the perception of continued urbanisation of the Great Eastern mainline/A12 corridor. Consultations during the SA have also highlighted the lack of capacity on the mainline services to accommodate more passengers at peak times.

- Some strategies rely on Rapid Transit to be successful, including West 3, West 4 and West 4a, West 5, West 6, West 9 and West 11. We understand that developments in the order of 2,500 homes should enable Rapid Transit to begin to become viable, and that as the number of homes increases, services can become more frequent, viability improves, and extensions to the Rapid Transit System (RTS) can be considered. However, it should be noted that this is based on informal advice from the NEA's transport consultants and in the absence of formal evidence is subject to uncertainty.
- Braintree is already earmarked for 22% growth in the plan period, through commitments and Section 2 allocations. Urban extensions to the east of Braintree, such as in spatial strategies West 2, West 7, West 8, West 9, West 10 and West 11 would increase this growth further. It should be noted that these strategies would result in the first encroachment of development east of the A120 Braintree bypass, and the bypass itself could act as a barrier to integration of new development with the town.
- The scale of development proposed, in particular under spatial strategy alternatives West 3, West 4, and West 5, is very significant (over 25,000 additional homes when fully built out). Once fully built out, each of these spatial strategies would provide more houses than there currently are in the town of Braintree (even before taking into account planned growth through commitments and Section 2 allocations). It is recognised that large scale development is more likely to attract investment, but it is also more likely to change the character of this part of North Essex. Primarily rural areas would become a chain of settlements linking into the existing settlements. This would particularly be the case for those strategies, such as West 4, which would see considerable development along the A120 corridor. It is also difficult to judge what the impacts may be on the existing settlements, which could either be positive (e.g. providing further support for jobs, services and facilities) or negative (e.g. diverting investment away from the existing settlements to new settlements).

4.20 With all the spatial strategies, given the scale of development proposed, there is considerable risk. If for any reason they are not delivered as planned, for example through lack of government funding, or changing market conditions, then delivery may not happen as quickly as anticipated, quality could be compromised, and some aspects may not be delivered as wished. For example, there may be choices to be made with respect to the delivery of affordable housing, a full range of services and facilities, open space, sustainable transport infrastructure and services. This is not to say that these will not be delivered, but simply to observe that development on this scale does carry the risk that its full sustainability potential may not be realised in practice. Much will depend upon funding and governance.

4.21 Summaries of the assessment findings for the sites West of Colchester within the plan period (**Table 4.1**) and when fully built out (**Table 4.2**) are included below.

Table 4.1: Summary of SA scores for spatial strategies west of Colchester within the plan period

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	West 1	--?/?	++?	--/0?	-	-	-?	--?/--?	+?	--?/?	+?	-?/?	0	0/-?	-?	--?/--
	West 2	--?/+	-?	+?/-	++	++	-?	++?/++?	+?	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 3	--?/+	++	+/-	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4	--?/+	++	+/-	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4a	--?/+	++?	+/-	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 5	--?/+	++	+/0	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/0	--?	--?/--
	West 6	--?/++	++	+/-	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 7	--?/+	++	+/-	+	++	-?	+?/+?	+?	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 8	--?/+	++	+/-	++	++	-?	+?/+?	+?	--?/?	+	0/-?	0	0/0?	--?	--?/--
	West 9	--?/+	++	+?/-	++	++	-?	++?/++?	+?	--?/?	+	-?/?	0	0/0?	--?	--?/--
	West 10	--?/++?	++?	+/-?	+	++	--?	++?/++?	+?	--?/?	+	-?/?	0	0/-?	--?	--?/--
	West 11	--?/+	++	+?/-	++	++	--?	++?/++?	+?	--?/?	+	-?/?	0	0/0?	--?	--?/--

Table 4.2: Summary of SA scores for spatial strategies west of Colchester when fully built out

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	West 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	West 2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	West 3	--?/++	++	++/-	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4	--?/++	++	++/-	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4a	--?/++	+++?	++/-	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 5	--?/++	++	++/0	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/0	--?	--?/--
	West 6	--?/++	++	++/-	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 7	--?/+	++	++/-	+	++	-?	+++?/+++?	+	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 8	--?/+	++	+/-	++	++	-?	+++?/+++?	+	--?/?	+	0/-?	0	0/0?	--?	--?/--
	West 9	--?/+	++	+?/-	++	++	-?	+++?/+++?	+	--?/?	+	-?/?	0	0/0?	--?	--?/--
	West 10	--?/+++?	+++?	+/-?	+	++	--?	+++?/+++?	+	--?/?	+	-?/?	0	0/-?	--?	--?/--
	West 11	--?/+	++	+?/-	++	++	--?	+++?/+++?	+	--?/?	+	-?/?	0	0/0?	--?	--?/--

East of Colchester

- 4.22 East of Colchester, the choice of strategies is more straightforward. As previously described for West of Colchester, proportionate (percentage) growth East of Colchester (East 1) also performs less well across a number of the SA objectives than the other spatial strategy alternatives, and therefore can be considered less sustainable. Similarly, proportionate (hierarchy) growth (East 2) does not perform well because it would lead to considerable development at Brightlingsea, which is not a sustainable location for strategic growth due to its poor accessibility and environmental sensitivities. Notably it would also fail to deliver sufficient housing within the plan period.
- 4.23 With respect to the remaining spatial strategies (East 3, East 4, East 5 and East 6):
- In the longer term, the effects on existing communities and also the effects arising from the new communities would be similar in terms of significance (SA objective 1).
 - All would deliver the homes required in the plan period (SA objective 2).
 - In terms of access to health care, East 3, East 4 and East 5 perform better than East 6 in the longer term, because they will provide for a scale of development sufficient to accommodate a health care facility (SA objective 3). On the other hand, East 5 could be subject to significant adverse effects from noise pollution.
 - East 3 and East 4 are considered to perform more strongly with respect to access to local centre facilities (SA objective 4) at the end of the plan period, however East 6 also performs well after the plan period.
 - East 3 and East 4 are considered to perform more strongly with respect to the economy (SA objective 5) at the end of the plan period, however East 5 also performs well after the plan period.
 - East 3 and East 5 are anticipated to perform better than East 4 and East 6 with respect to biodiversity (SA objective 6).
 - The main advantage of East 6 when fully built out is with respect to longer journeys and easy access to railway stations (SA objective 7) which is reinforced by the strong commuting relationship between Tendring and Colchester. This would also feed into effects on carbon emissions from traffic (SA objective 10). On the other hand, the rural locations could lead to longer journeys by car for those journeys where rail is not a realistic choice. For shorter journeys, East 3 and East 4 perform most strongly.
 - All of the spatial strategy alternatives could potentially have a significant negative effect on heritage assets (SA objective 9).
 - None of the spatial strategy alternatives were identified as having significant effects with respect to water (SA objective 11), flood risk (SA objective 12) or air quality (SA objective 13).
 - All of the spatial strategy alternatives were considered to have potentially significant adverse effects with respect to landscape, with the exception of East 3, where the landscape impact was considered to be potentially minor (SA objective 14).
 - All of the spatial strategy alternatives were considered to have potentially significant adverse effects with respect to minerals and likely to have significant adverse effects with respect to soils (SA objective 15).
 - In many instances, there was uncertainty with respect to the effects identified as it may be possible to include mitigation, taking into account the scale of the strategic sites, and how development is designed and delivered.
- 4.24 East 3 is the Garden Community proposed in the Section 1 Local Plan. Its main disadvantage compared to some of the other spatial strategies is that it is not on a rail link and as a result a Rapid Transit connection to Colchester and beyond is proposed. It is, though, close to the University of Essex, albeit separated by the A133 dual carriageway. The site is also separated from the urban area of Colchester by Salary Brook Local Nature Reserve, which will help to retain distinctiveness between the communities and act as a resource for both existing and new communities, but may act as a barrier to integration.

- 4.25 Although East 4 performs as well as some of the alternative spatial strategies for the East of Colchester, it would, in effect result in the complete surrounding of Bullock Wood SSSI by development, adding to the development that already exists to the west of this ancient woodland SSSI. In terms of maintaining ecological networks, and potential disturbance effects, this is considered to be a particularly significant risk. It also has no rail link into Colchester.
- 4.26 In many respects, East 5 performs as well as East 3, although no better. It has the advantage of an existing employment area on site, and would retain its own distinctiveness being separated by some distance from Colchester town. Its location on the A120 and its distance from Colchester could encourage a high proportion of journeys by car.
- 4.27 East 6 is designed to operate as a chain of settlements along the Clacton to Colchester rail route, with stations within walking distance and use of rail facilitated by proposed increases in the frequency of services. The chain of settlements would support one another, as well as link into Colchester as the main commuting destination. In this respect it has many advantages, although the rural location of the four settlements could encourage car journeys, notwithstanding the opportunity to travel by train. In other respects, this spatial strategy does not perform any better than the alternatives. It is being promoted by local people rather than landowners or developers, which suggests that it may have a groundswell of support, but it is less certain whether it is deliverable in practice, and therefore there are risks attached.
- 4.28 Summaries of the assessment findings for the sites East of Colchester within the plan period (**Table 4.3**) and when fully built out (**Table 4.4**) are included below.

Table 4.3: Summary of SA scores for spatial strategies east of Colchester within the plan period

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	East 1	--?/?	--	--?/0	-	+	--?	-?/-?	-?	--?/?	+	0/?	0	0/-?	--?	--?/--
	East 2	--?/?	--	?/0	++	++	--?	++?/-?	-?	--?/?	+	0/?	0	0/-?	--?	-?/--
	East 3	--?/++	++	+/-	++	++	-?	++?/+?	+	--?/?	+	0/0?	0	0/-?	-?	--?/--
	East 4	--?/++	++	+/-	++	++	--?	++?/+?	+	--?/0	+	0/0?	0	0/-?	--?	--?/--
	East 5	--?/++	++?	+?/--	+	+	-?	+?/-?	+	--?/?	+	0/0?	0	0/-?	--?	--?/--
	East 6	-?/+	++	+/0?	+	?	--?	?/+?	+	--?/?	+	-?/?	-?	0/0	--?	--?/--

Table 4.4: Summary of SA scores for spatial strategies east of Colchester when fully built out

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	East 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	East 2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	East 3	--?/++	++	++/-	++	++	-?	++?/+?	+	--?/?	+	0/-?	0	0/-?	-?	--?/--
	East 4	--?/++	++	++/-	++	++	--?	++?/+?	+	--?/0	+	0/0?	0	0/-?	--?	--?/--
	East 5	--?/++	++?	++?/--	+	++	-?	++?/-?	+	--?/?	+	0/0?	0	0/-?	--?	--?/--
	East 6	--?/++	++	+/0?	++	+	--?	+?/+?+	+	--?/?	+	-?/?	-?	0/0	--?	--?/--

5 Conclusions

- 5.1 The SA of alternative strategic sites showed that many performed similarly against the SA objectives.
- 5.2 With respect to alternative strategic spatial strategies, the clearest conclusion is that those spatial strategies that rely solely on proportionate growth (percentage) are the poorest performing, but for others the differences are much more finely balanced. No spatial strategies stood out as performing much more strongly than the others. None of the spatial strategies are without challenges with respect to environmental assets, such as biodiversity, heritage, minerals and the best and most versatile agricultural land.
- 5.3 To the west of Colchester, the choice of strategy is complicated. Those alternatives that include urban extensions (e.g. to Braintree or Halstead) offer the opportunity to be integrated with existing settlements. However, east of Braintree would be severed from Braintree by the Braintree eastern bypass which represents an important eastern limit to the town. Halstead has no rail service and is not in the key commuting corridors.
- 5.4 The other alternatives tend to offer different combinations of new settlements and/or extensions of existing smaller settlements. Those that are associated with the Great Eastern mainline offer use of existing infrastructure and sustainable access to key commuting destinations including Colchester, Chelmsford and London (although concerns have been expressed by local people of the capacity of this route to cater for additional demand at peak times). The opportunity to introduce a coherent and integrated RTS system to cater for other commuting routes, particularly east-west and to Stansted could be of considerable benefit since these routes are currently poorly served by more sustainable modes of transport. Therefore those alternatives that offer a combination of both access to existing rail and investment in RTS perform strongly in sustainable transport terms.
- 5.5 To the east of Colchester, it appears to be a choice between three alternatives. East 1, being proportionate (percentage) growth does not perform well compared to the alternatives. East 2 does not perform well because it would lead to considerable development at Brightlingsea, which is not a sustainable location for strategic growth due to its poor accessibility and environmental sensitivities. East 4 has potentially significant biodiversity issues due to its potential impact on Bullock Wood SSSI. This leaves East 3 (the Garden Community on the Colchester/Tendring Borders), East 5 (Tendring Central Garden Village), and East 6 (the CAUSE Metro Plan).
- 5.6 East 6 offers the considerable advantage of being on an existing railway line which links into important commuting destinations for people in Tendring (Colchester and Clacton-on-Sea, Kirby Cross, Frinton-on-Sea and Walton-on the-Naze). Taken together, the four constituent growth locations along the railway line form a critical size to support a range of services and facilities, although individually they do not. They are also rural in character, and all four settlements are earmarked for considerable growth through existing commitments and Section 2 Local Plan allocations.
- 5.7 East 3 and East 5 offer similar opportunities to develop a coherent development that incorporates a good range of services and facilities. Both have the drawback of not being on a rail route, although East 3 offers the opportunity to be connected to Colchester and beyond by RTS and is close to the university. East 5 has the advantage of an existing employment area and good connections to the strategic road network.
- 5.8 It is therefore not possible to come to a definitive conclusion that any one strategy, whether west of Colchester or east of Colchester, is the most sustainable option. The advantage of the Section 1 Local Plan as it stands is that it provides clear direction for strategic development to accommodate North Essex over many decades to come and therefore more certainty in terms of coherence and investment, including in new transport infrastructure, services and facilities. However, some of the alternatives offer opportunities to deliver similar benefits.

- 5.9 It should be noted that the scale of development proposed in the Section 1 Local Plan is considerable and will change the character of parts of North Essex, and the effects on the role and function, and relationship between the new and existing settlements is uncertain – if they complement and support one another, then this would be of benefit, but if they compete for investment and resources this could be a dis-benefit. Some of the other alternatives propose a similar scale of development and therefore offer similar opportunities and risks. The alternatives that propose lower amounts of growth would be less likely to alter the character of North Essex and relationships between settlements, but on the other hand may be less likely to attract the scale of investment of the larger scale alternatives. In addition, in the longer-term, it is likely that there will continue to be a need for more development, and so in future years (planning to well beyond the plan period), similar decisions will need to be made about where the additional growth should go. Under the larger scale alternatives, this decision will already have been made.
- 5.10 Finally, it is worth mentioning that the pace of change of technology, the introduction of 'smart city' thinking, and planning for climate change (both in terms of a net zero carbon future, and adaptation to the effects of climate change), could result in changes in the way that we live our lives that are difficult to anticipate given our embedded lifestyles and, in particular, our reliance on fossil fuels and the private car. It is therefore important that any strategy is future proofed and flexible enough to accommodate these changes as and when they arise.

LUC

1 July 2019

Appendix 1

'Selection of Spatial Strategy Alternatives' document prepared by NEAs

Selection of Spatial Strategy Alternatives

The Stage 1 assessment of individual site-based options suggests that many of the alternatives perform similarly against the various sustainability criteria and for the majority of sites, there are no alternatives that stand out as being particularly desirable or undesirable. The consequence of this outcome for Stage 2 of the assessment is that there are theoretically a significant and unwieldy number of permutations in which different sites could be combined to form an overall spatial strategy for North Essex. For every site option to be combined with every other potential alternative site and then tested as a spatial strategy in its own right would be an unmanageable task and therefore it is important to apply some common sense judgement to determine what a reasonable number of alternative options would be, based on some reasonable planning principles. Indeed the Local Plan Inspector states in his 8th June 2018 letter, in paragraph 118: *“It is not feasible to test every possible option through SA. Reasonable planning judgements have to be made on what to include. That is recognised in the legal requirement for reasons to be given for the selection of alternatives for assessment.”*

From the round table discussions involving different stakeholders held as part of the ‘check and challenge workshop held on 29th March 2019, a number of key principles, ideas, arguments and factors arose from the discussions. As taken from the record of the check and challenge workshop prepared by LUC, these included:

- Considering demographics, housing need and travel to work patterns to provide the right homes in the right places and to enable choice.
- Ideally each authority should seek to meet its own individual housing needs with their own area rather than crossing boundaries.
- Maximising the opportunities for sustainable travel and alternative means of travel including public transport, electric vehicles and cycles – focussing development on rail links where possible.
- Aspiring to achieve self-containment/self-sufficiency within new settlements but with strong connectivity to other settlements.
- Considering local attributes and settlements’ strengths and weaknesses in terms of infrastructure and environmental capacity.
- Treating viability, deliverability and cost benefit analysis as key determining factors.
- Utilising existing infrastructure capacity where it exists and only considering new settlements when the opportunities for proportionate growth around existing settlements have been exhausted.
- Avoiding scales of development that place additional burden on existing infrastructure without the means to increase infrastructure capacity.
- Empowering communities to plan the growth in their area (e.g. through Neighbourhood Planning) and ensuring communities are well informed.
- Promoting development that supports health provision and the prevention of ill health through health facilities and quality recreational space.
- Considering the impact on various environmental assets including heritage, landscape and biodiversity.
- Considering impact on the vitality and viability of existing town centres, especially if new centres are proposed as part of new developments.

- Considering the potential for new technologies to alter the way people work and commute in the future, including superfast broadband, 5G and driverless vehicles.
- Providing for a mixture of smaller and larger developments to ensure that both short term needs and longer-term strategic needs are met.
- Exploring opportunities for developments in locations with poor services and facilities where they could help to improve those assets for the benefit of all residents.
- Promoting long-term strategic developments that can deliver new infrastructure through economies of scale and a planned approach.
- Considering targeted (as opposed to proportionate) growth in certain areas where it would meet key objectives.
- Planning for strategic-scale growth, but not at the scale currently proposed as part of the Garden Communities.
- Developing a plan that only includes proposals to deal with housing need up to 2033 only.
- Ensuring there are sufficient guarantees over the timing and funding of infrastructure as part of any strategy.
- Expanding existing settlements in a sequential order until they meet their optimum size in terms of maximising self-containment and self-sufficiency.
- Directing development to locations that will support and deliver key transport links and key transport improvements to help tackle congestion problems. Maximising the use of previously developed brownfield land. Avoiding the coalescence of villages through the safeguarding of landscape buffers.
- Locating development close to employment opportunities and locations where new employment sites are likely to be viable.
- Directing more development towards the east and the more deprived areas of Tendring to help stimulate their regeneration.
- Considering large urban extensions where they can deliver rapid transit services to existing jobs, shops, services and facilities.
- Making sure the cumulative impacts of the development are taken into account.
- Assessing the West of Braintree Garden Community in combination with proposals for growth in Uttlesford.

These ideas have all been taken into account along with the Local Plan Inspector's specific comments both by LUC in developing the methodology for the additional Sustainability work and by the NEAs in developing an overarching set of principles to guide the planning judgement that has been applied in the selection of a reasonable set of spatial strategy alternatives for assessing. These seven principles are set out below.

Principle 1: Meet the residual housing need within the plan period

As a basic principle, any spatial strategy alternative should, as a minimum, meet the objectively assessed housing need for housing in North Essex for the remainder of the plan period to 2033 plus a reasonable level of flexibility (as is currently the case) to guard against the prospect of certain sites not coming forward for development when expected – whether that is through a strategy that identifies sites for the plan period only, or a strategy that identifies larger strategic sites that will deliver homes both within the plan period and beyond.

As set out in Policy SP3 in the Section 1 plan, the total minimum housing requirement for the period 2013 to 2033 is 43,720 – a figure that has already been found to be based on sound evidence by the Local Plan Inspector and of which approximately 11,000 have already been built in the period 2013-2019. Between 2019 and 2033, approximately 31,000 homes are expected to be delivered across North Essex on existing sites with planning permission and on sites allocated in Section 2 Local Plans. For the purposes of the further Sustainability Appraisal Work, it is assumed that the Section 2 allocations will be found to be sound through the examination process; and that together with existing planning permissions, they will deliver the above-mentioned 31,000 homes within the plan period and there is no intention to deallocate any of these sites. Site allocations in the three Section 2 Local Plans have been the subject of separate Sustainability Appraisals which will be examined, in due course, through the future Section 2 examinations.

Taking into account the above planning permissions and Section 2 allocations, the residual requirement for housing in the plan period to 2033 (for which additional sites are required) currently sits at around 2,000 homes. Whilst, in the context of the overall housing need this is relatively modest requirement, it is common planning practice to ‘over-allocate’ land for development to keep to a minimum the risk of the housing need not being met within the plan period because of certain sites failing to come forward for development when expected - for a range of unpredictable reasons. In the current Section 1 Local Plan, the strategy includes proposals for three Garden Communities that, together, are expected to deliver 7,500 in the period to 2033 – meeting and residual requirement for the plan period and incorporating a healthy level of over-allocation whilst also providing locations for longer-term growth beyond the plan period and into subsequent plan periods.

Therefore in testing alternative options to the current strategy, those alternatives must also aim to deliver an equivalent 7,500 homes (approximately) up to 2033 for them to be comparable.

Principle 2: Test the alternatives suggested by the Local Plan Inspector

In his letter of 8th June 2018, the Local Plan Inspector Mr. Clews provided some clear advice as to the alternative options that should be tested through the Sustainability Appraisal. In paragraph 125 of his letter, the Inspector suggested that the alternatives should include, as a minimum:

- Proportionate growth at and around existing settlements
- CAUSE’s Metro Town proposal
- One, two or more GCs (depending on the outcomes of the first-stage assessment)

It is therefore important that these alternatives form part of the assessment.

Proportionate growth at and around existing settlements has been tested as part of the further Sustainability Appraisal work in two forms: a) a ‘percentage-based’ distribution of growth that sees each defined settlement (irrespective of their position in the settlement hierarchy) accommodating the same

percentage increase in new housing relative to their existing size and dwelling stock; and b) and 'hierarchy-based' distribution which actively prioritises growth around the larger settlements further up the settlement hierarchy which are generally best served by shops, jobs, services and facilities. These proportionate growth options seek only to deliver housing required to the end of the plan period to 2033 and can incorporate development sites of any scale necessary to meet that requirement. The purpose of testing proportionate growth scenarios is to determine whether or not there is any need for the North Essex Authorities to bring forward proposals for stand-alone settlements, Garden Communities or any other more strategic development proposals within this plan period.

CAUSE's Metro Town (now 'Metro Plan') concept is also part of the further Sustainability Appraisal work and, as a strategy, aims to focus growth on land around existing railway stations on the Colchester to Clacton branch line, namely at the villages of Alresford, Great Bentley, Weeley and Thorpe le Soken – all within the Tendring District. It is important that this concept is tested in combination with other options.

Different numbers and combinations of Garden Communities are also now tested in the further Sustainability Appraisal work including, notably, the Monks Wood proposal by Lightwood Strategic at a scale of development which reflects the site promoter's aspirations.

Principle 3: Reflect relative housing need and commuting patterns in any alternative strategy

The North Essex area contains three local authorities for which housing need has been assessed as part of the Objectively Assessed Housing Needs Study. Through the current proposals in both the Section 1 and Section 2 Local Plans, the distribution of housing growth reflects, broadly, the relative housing needs of the three authorities i.e. that housing need is greater towards the west. These relative housing needs in turn also reflect commuting patterns and how they vary across the North Essex – for example a strong relationship of commuting from Tendring to Colchester for work and, to the west, the relationships between Braintree and Colchester with one-another and more widely with Chelmsford, London and Stansted.

Any alternative spatial strategy should also take the relative housing need and commuting patterns into account for them to be based upon reasonable evidence and logic. For example, there would be little sense in pursuing a spatial option that places all of the 7,500 homes currently proposed through Garden Communities in just one of the three districts because it would ignore the respective housing needs and the commuting patterns of the other two. There would also little sense in promoting a strategy that does not acknowledge or reflect important transport corridors in North Essex such as the A12, the A120 and/or rail connections.

To ensure all alternatives respect relative housing needs and commuting patterns, and to help distil the options down to a manageable number for testing, it is proposed that the North Essex area be divided into two notional sub-areas – namely 1) the area west of Colchester including Braintree and the western part of

Colchester borough and urban area; and 2) the area east of Colchester including Tendring district and the eastern part of Colchester borough and urban area. In accordance with the housing need and commuting patterns it would be reasonable to discount concentrating development at one end of the North Essex area and to expect any spatial strategies to broadly deliver around 5,000 dwellings west of Colchester and 2,500 east of Colchester.

Looking more closely at the residual housing requirements of the three individual authorities, Braintree, Colchester and Tendring are required to deliver an objectively assessed need derived requirement of 14,320, 18,400 and 11,000 homes between 2013 and 2033 respectively – a rough percentage split of 33%, 42% and 25%.

Between 2013 and 2019, actual dwelling completions in each authority were approximately 2,500, 5,500 and 3,000 respectively (11,000 in total) and the amount of development already expected to be delivered within the remainder of the plan period to 2033 through existing planning permissions, Section 2 Allocations and windfall sites in each authority amounts to approximately 11,000 12,000 and 8,000 respectively (31,000 in total). That leaves a ‘residual’ or remaining housing need within each authority (for which additional site allocations would be required) of approximately 2,000 i.e. 1,000 in Braintree (14,320 – 2,500 – 11,000); 1,000 in Colchester (18,400 - 5,500 – 12,000); and 0 in Tendring (11,000 – 3,000 – 8,000). In percentage terms, the split of this residual requirement is approximately: 50% Braintree, 50% Colchester and 0% Tendring as summarised, in very broad terms, in the table below.

Table 1

District	Objectively assessed housing requirement 2013-2033	Actual dwelling stock increase 2013-2018	Dwellings expected 2018-2033 from existing planning permissions, Section 2 allocations and windfall sites	Residual requirement 2013-2018 for which additional allocations are required	% split of the residual requirement by district
Braintree	14,320	2,500	11,000	1,000	50%
Colchester	18,400	5,500	12,000	1,000	50%
Tendring	11,000	3,000	8,000	0	0%

However, the current allocation in the Local Plan across the three authorities incorporates a healthy level of flexibility to provide a buffer for under delivery and to guard against the possibility that, for one reason or another, certain sites might not deliver as planned. This flexibility amounts to some 5,500 homes on top of the residual need of 2,000 which accounts for the 7,500 currently planned for through the three Garden Communities). If that 5,500 homes is allocated to the three authorities in proportion to their overall housing need (i.e. applying the 33:42:25 split), it would give 1,800 extra to Braintree, 2,300 to Colchester and 1,400 to Tendring (roughly 13% flexibility for each district over and above their respective OAN requirements).

For the Section 1 allocation of 7,500 homes to genuinely reflect the objectively assessed housing needs of each of the three authorities, it would need to be distributed as follows:

- Braintree: 2,800 (1,000 + 1,800)
- Colchester: 3,300 (1,000 + 2,300)
- Tendring: 1,400 (0 + 1,400)

If these figures are applied to the notional division of North Essex in west of Colchester and east of Colchester by simply dividing the Colchester figure in half, it would allocate the housing as follows:

- West of Colchester: 4,450 (made up of 2,800 at Braintree and 1,650 derived from half of Colchester's number)
- East of Colchester 3,050 (made up of 1,400 for Tendring and 1,650 derived from the other half of Colchester's number).

This would suggest that the current allocation of 5,000 homes to the two Garden Communities west of Colchester and 2,500 homes to the single Garden Community east of Colchester is broadly reflective of objectively assessed housing needs and it would therefore follow that any strategy that deviates significantly from this 2:1 ratio does not reflect the evidence of housing need. This general principle of testing options that reflect relative levels of need is also reflected, indirectly, in the Inspector's comments within paragraph 114 of his 8th June 2018 letter where he says *"it is difficult to see the logic of assessing Monks Wood as an alternative to [the Colchester/Braintree Borders Garden Community] CBBGC and to [the Tendring/Colchester Borders Garden Community] TCBGC, but not to [West of Braintree Garden Community] WoBGC, when appraising combinations of three GCs."* The logic behind assessing comparable options to the west of Colchester separately from comparable options to the east therefore appears to be in line with the Inspector's thinking.

Principle 4: Ensure alternative strategies are coherent and logical

For a strategy to be genuinely strategic, it should follow a coherent logic rather than being cobbled together from a 'mix and match' of different concepts and approaches. For example, a strategy for North Essex that incorporated entirely different approaches to growth in each of the three constituent authorities would not reasonably constitute a coherent strategy and would bring into question the benefit of having a joint strategic plan for North Essex. Neither would it be logical to have a strategy that, on the whole, follows the A120 corridor or other key transport corridors but in one location takes an entirely different path that does not reflect such corridors. As a general principle therefore, there ought to be some sensible logic behind any alternative strategy put forward for testing through the Sustainability Appraisal rather than an unnecessary assessment of every conceivable permutation of sites.

Principle 5: Ensure alternative strategies are reasonable

If there is limited evidence to suggest that an option is likely to be delivered, it begs the question whether that option is reasonable. For example, if a site or sites have been put forward as an alternative concept but there is no evidence of any developer or land-promoter involvement or there are significant unresolved questions about the form of development, its infrastructure requirements or the willingness of landowners to bring a scheme forward, there is little sense in treating it as a reasonable alternative to what is currently proposed in the Local Plan. If an assumingly unreasonable site option had emerged from the Stage 1 assessment as performing notably stronger against the sustainability criteria than other alternatives, there may have been a case for investing more time and effort into working with the promoters to work the proposal up into a feasible scheme – however, the conclusion of the Stage 1 assessment has shown that this is not the case and that no one option performs significantly better or significantly worse than another. On this basis, it would not be unreasonable to discount options from the next stage of the process on the basis that the current evidence shows them to be unreasonable. The responses (or lack of response) from site promoters to the method scoping statement consultation, check and challenge workshop and deliverability and viability consultation has helped inform any decisions as to whether certain options are reasonable.

Principle 6: Strategic sites will deliver a minimum of 2,000 homes within the plan period to 2033

With the exception of the proportionate growth scenarios where sites of any size could be combined in order to deliver the residual housing requirement, all the strategy options involving specific strategic sites assume that those sites will deliver a minimum of 2,000 homes within the remainder of the plan period up to 2033.

Principle 7: All strategy options will deliver social infrastructure

All spatial strategy options will deliver the following infrastructure: early years, primary & secondary schools, youth centre provision, open space, bus services, local centre facilities, healthcare facilities and community meeting spaces.

Sites to be discounted from the Stage 2 Assessment

The following list of sites tested as part of the Stage 1 assessment are proposed not to be carried forward into the Stage 2 assessment where different combinations of sites are tested as alternative spatial strategies. The main reasons for sites being discounted at this stage relate to either a lack of evidence to suggest there are reasonably deliverable proposals being advanced through the plan-making process at this time, or a lack of evidence to demonstrate that

they are reasonable options in practical planning terms. Some sites have been discounted because they overlap or form part of a larger site that is being carried forward into Stage 2 or, following responses to the engagement with site promoters, it has been decided to merge certain sites together.

Table 2

Site	Reason for discounting
ALTGC1 Land West of Braintree	This is a smaller part of the West of Braintree Garden Community but is not being actively promoted by any landowners or developers at the size of 2,000 dwellings. This option was therefore merged with NEAGC1.
ALTGC2 Land east of Silver End	This site is an eastern extension to Silver End village which is a larger village with a selection of civic and retail services, as such it is not expected that the proposal would be stand-alone. The site is promoted for 1,800 dwellings but large enough to be able to accommodate 2,500 dwellings, these proposals incorporated the route of the A120 (options 4/5 along) with a grade-separated junction as the primary access and it is not likely that existing junctions on the A12 and A120 could accommodate anticipated traffic growth without severe highway impact. Due to the proposal's limited scale, interdependence on Silver End, reliance on the delivery of the new A120 route and lack of clarity on new junctions, this site has been discounted.
ALTGC5 Land at Marks Tey Option Two	This site refers to land west of Marks Tey and is a subsection of the alternative Garden Community being independently promoted by L&Q, Cirrus Land and Gateway 120. The landowner has no desire to subdivide their scheme therefore this site was combined with ALTGC4 to form the full alternative Garden Community proposal. This was assessed through stage 1 as ALTGC4 thus ALTGC5 does not need to be carried forward to the Stage 2 assessment in its own right.
ALTGC8 Land at East of Colchester Option Two	Site not being actively promoted by any landowning party unlike the adjoining ALTGC7 which is being promoted by Gatesby Estates and is more likely to be a deliverable option. There are also concerns about achieving suitable road access and achieving a development of significant dwelling capacity that is also sensitive to the undulating landscape around the valley of Salary Brook.
ALTGC9 Land at East of Colchester Option Three	Forms the northern part of the current Garden Community proposal at NEAGC3 but is unlikely to be a desirable development on its own as it would fail to achieve desired links to the University of Essex and would not facilitate or incorporate the full A133/A120 link road which is a key component of the Garden Community scheme. The AECOM Report on Infrastructure, Planning, Phasing and Delivery suggests that the northern part of the Garden Community would most likely be developed in later phases most likely beyond the current plan period.
ALTGC10 Land at East of Colchester Option Four	Forms the southern part of the current Garden Community proposal but is unlikely to be a desirable development on its own as it would not facilitate or incorporate the full A133/A120 link road thereby lacking direct access to the strategic road network. It is likely that development would cause severe traffic problems for areas East of Colchester Town Centre which already operate at capacity. This option has been discounted in favour of the full development proposed

Site	Reason for discounting
	on the scale of NEAGC3 which would deliver the full link road.
ALTGC11 Langham Garden Village	Site no longer being actively promoted by its original proponent and considered to be an illogical northward extension to Colchester that breaches the strong defensible boundary formed by the A12 Colchester Bypass and threatens the sensitive landscape of the Dedham Vale Area of Outstanding Natural Beauty crossing the Essex/Suffolk border.
SUE4 Land south of Haverhill	Haverhill located outside of the Braintree district and the land in question at extreme north west corner of the Braintree thus there is poor compliance with the principle of developing along the A120 growth corridor. Any strategic development would have to take place in co-operation with West Suffolk Council. However West Suffolk Council is only just embarking on the preparation of a new Local Plan and is exploring issues and options – so plan making timetables for the two authorities are not currently aligned.
VE2 Land at Coggeshall	Envisioned by the LPA as a group of village extensions capable of achieving 2,000 dwellings in total. One of the larger sites (Cogg182) was granted outline permission in 2018 meaning that there is no longer capacity for a strategic scale development at this location.
VE4 Weeley Garden Village	Multiple ownership, no interest from landowners to work together to deliver a comprehensive scheme. Major development at Weeley considered as an option by Tendring District Council as part of its Section 2 Local Plan. Strategic growth at Weeley best tested as part of the CAUSE Metro Plan concept which involves different landowners and forms part of a more cohesive strategy involving other villages along the Colchester to Clacton branch line.

Sites to be included in Stage 2 Assessment

The following list of sites tested as part of the Stage 1 assessment are proposed to be carried forward into Stage 2 where they will be assessed in different combinations, with explanations given.

Table 3

Site	Explanation
NEAGC1 West of Braintree	This is one of the three current Garden Community proposals in the submitted Section 1 Local Plan – against which alternative proposals are to be tested.
NEAGC2 Colchester Braintree Borders Garden Community (Marks Tey)	This is one of the three current Garden Community proposals in the submitted Section 1 Local Plan – against which alternative proposals are to be tested.
NEAGC3 Tendring Colchester Borders Garden Community	This is one of the three current Garden Community proposals in the submitted Section 1 Local Plan – against which alternative proposals are to be tested.
	Scheme being actively promoted by Lightwood Strategic. While the Local Plan Inspector has specifically suggested this

Site	Explanation
ALTGC3 North West Coggeshall (Monks Wood)	scheme be tested at an alternative at 5,000 and 7,000 homes (IED011, para123), Lightwood have confirmed though consultation responses that their evolved scheme stands at 5,500 dwellings.
ALTGC4 Land at Marks Tey Option One	Forms part of the Colchester Braintree Borders Garden Community and also independently promoted by L&Q, Cirrus Land and Gateway 120. AECOM Report on Infrastructure, Planning, Phasing and Delivery suggests that the land around ALTGC 4 and ALTGC 6 could form part of the earlier phases of development and could therefore be the areas of land likely to be preferred if a 'smaller' version Marks Tey development was to progress. Proposed that ALTGC 4 and ALTGC 6 be tested as part of an option that includes a greater number of 'smaller Garden Communities' (alongside Monks Wood and West of Braintree – see 'West 4' below).
ALTGC6 Land at Marks Tey Option Three	Forms part of the Colchester Braintree Borders Garden Community and also independently promoted by L&Q, Cirrus Land and Gateway 120. AECOM Report on Infrastructure, Planning, Phasing and Delivery suggests that the land around ALTGC 4 and ALTGC 6 could form part of the earlier phases of development and could therefore be the areas of land likely to be preferred if a 'smaller' version Marks Tey development was to progress. Proposed that ALTGC 4 and ALTGC 6 be tested as part of an option that includes a greater number of 'smaller Garden Communities' (alongside Monks Wood and West of Braintree – see 'West 4' below).
ALTGC7 Land at East of Colchester Option One	Site being actively promoted by Gatesby Estates and is effectively an urban extension to north east Colchester. Should be tested as a reasonable alternative to the Tendring Colchester Borders Garden Community and other alternatives proposed for the area east of Colchester.
SUE 1 Land at Halstead	Some of this land could form part of an urban extension to Halstead under a proportionate (hierarchy-based) growth option despite poor compliance with the principle of developing along the A120 growth corridor. The site would be capable of delivering dwellings beyond the plan period in reasonable proximity to the Tier 2 settlement of Halstead.
SUE2 Land East of Braintree (including Temple Border)	Could be considered both under a proportionate (hierarchy-based) growth option (with SUE 3) or as a strategic urban extension option in its own right given its proximity to the Tier 1 settlement of Braintree.
SUE3 Land south east of Braintree	Could be considered both under a proportionate (hierarchy-based) growth option (with SUE 3) or as a strategic urban extension option in its own right given its proximity to the Tier 1 settlement of Braintree.
VE1 Land at Kelvedon	Some of this land could form part of an urban extension to Kelvedon to be tested alongside urban extensions to Braintree as a 'strategic urban extension' option, particularly as it aligns well with the A120 and A12 growth corridor.
C1, C2, C3, C4 CAUSE Metro Plan	Local Plan Inspector specifically requires the Metro Plan concept to be tested as a spatial strategy alternative. It is a logical concept which aims to focus growth on land around existing railway stations on the Colchester to Clacton branch line, namely at the villages of Alresford, Great Bentley, Weeley and Thorpe le Soken – all within the Tendring District. In taking housing need and commuting patterns into account, the option would be tested as an alternative to the

Site	Explanation
	Tendring Colchester Borders Garden Community and other alternatives proposed for the area east of Colchester.
VE5 Tendring Central	Scheme being actively promoted by Edward Gittins. Development in this location has been considered by Tendring District Council and discounted in the past, but the latest version is a larger development which does relate well to the A120 growth corridor and should be tested as a reasonable alternative to the Tendring Colchester Borders Garden Community and other alternatives proposed for the area east of Colchester (such as Metro Plan).

Proposed Spatial Strategy Options (Table 4)

WEST OF COLCHESTER (Whole of Braintree and most of Colchester) Target of approximately 5,000 additional homes up to 2033	EAST OF COLCHESTER (Tendring and eastern part of Colchester) Target to deliver approximately 2,500 additional homes up to 2033
<ol style="list-style-type: none"> 1. Proportionate (percentage-based) growth <i>[Resulting in a thin distribution of growth across both urban and rural settlements]</i> 2. Proportionate (hierarchy-based) growth <i>[Resulting a strong focus for growth on Braintree, Halstead and Hatfield Peverel]</i> 3. West of Braintree GC [NEAGC1] + Colchester/Braintree GC [NEAGC2] <i>[As currently proposed in the submitted Section 1 Local Plan]</i> 4. West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC3] + Colchester/Braintree GC [NEAGC2] and West 4a: smaller scale of West of Braintree [NEAGC1] + Monks Wood GC [ALTGC3] + smaller scale of Colchester/Braintree GC [NEAGC2] <i>[Options involving three Garden Communities including Monks Wood]</i> 5. Monks Wood GC [ALTGC3] + Colchester/Braintree Borders GC [NEAGC2] <i>[An alternative combination of two Garden Communities]</i> 6. West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC3] <i>[Another alternative combination of two Garden Communities]</i> 7. East of Braintree [SUE2] + Kelvedon [VE1] <i>[A non-Garden Community option proposing focussed growth at Braintree and Kelvedon]</i> 8. Land at Halstead [SUE1] + proportionate growth. <i>[One alternative Garden Community alongside proportionate growth at existing settlements]</i> 	<ol style="list-style-type: none"> 1. Proportionate (percentage-based) growth <i>[Resulting in large increases in development at coastal towns]</i> 2. Proportionate (hierarchy-based) growth <i>[Resulting in major development around Brightlingsea]</i> 3. Tendring Colchester Borders GC [NEAGC3] <i>[As currently proposed in the submitted Section 1 Local Plan]</i> 4. Colchester North-East Urban Extension [ALTGC7] <i>[Strategic urban extension across the Colchester/Tendring border]</i> 5. Tendring Central Garden Village [VE5] <i>[New settlement at Frating at the A133/A120 interchange]</i> 6. CAUSE Metro Plan [C1, C2, C3 & C4] <i>[Development focussed on railway stations along the Colchester to Clacton branch line at Alresford, Great Bentley, Weeley and Thorpe le Soken]</i>

WEST OF COLCHESTER (Whole of Braintree and most of Colchester) Target of approximately 5,000 additional homes up to 2033	EAST OF COLCHESTER (Tendring and eastern part of Colchester) Target to deliver approximately 2,500 additional homes up to 2033
<p>9. West of Braintree GC [NEAGC1] + proportionate growth [One alternative Garden Community alongside proportionate growth at existing settlements]</p> <p>10. Colchester/Braintree GC [NEAGC2] + proportionate growth [One alternative Garden Community alongside proportionate growth at existing settlements]</p> <p>11. Monks Wood GC [ALTGC3] + proportionate growth [One alternative Garden Community alongside proportionate growth at existing settlements]</p>	

Descriptions of the Options

West 1: Proportionate (percentage-based) growth

The rationale behind each of the proportionate growth scenarios (West 1 & 2 and East 1 & 2) is to test the potential for accommodating the development currently expected to be delivered through Garden Communities within the current plan period on land in and around existing settlements – thus avoiding the need to establish any new ‘stand-alone’ settlements or other strategic-scale developments, at least until 2033. The Inspector has specifically requested that this option is assessed as part of the further SA work to help demonstrate whether or not a strategy involving the creation of new settlements is justified in the current plan period.

Under this particular option, it is envisaged that all defined settlements in North Essex across all three authorities, regardless of their position within the Local Plan settlement hierarchies would accommodate a pro-rata share of the remainder of the North Essex housing requirement for the period 2019 to 2033 including an element of flexibility – a level of approximately 40,000 homes. This represents an approximate 18% increase in dwelling stock above 2019 levels and under this percentage-based approach, each defined settlement would accommodate an 18% increase in housing over 14 years (2019-2033).

Taking into account homes already expected on sites with planning permission or otherwise allocated in Section 2 plans, many of the existing settlements would not need to accommodate any additional housing as they are already expected to achieve or exceed their 18% dwelling stock quota through existing proposals. There are however some settlements that would be expected to accommodate additional housing allocations under this percentage-based proportionate approach to achieve the remainder of the requirement. For the settlements in the area west of Colchester, these are summarised, in broad terms, in the table below.

Table 5.1

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Halstead	200-300	N/a	Existing employment allocations in Section 2 Local Plans to be retained and possibly expanded. Some of the additional developments might be accompanied by a range of new small employment areas or expansion of existing areas.	Halstead bypass desirable but not likely to be deliverable off the back of the relatively modest level of additional development that proportionate growth would bring. Infrastructure proposed as a result of proposals in the
Colchester	100-199 (each)	N/a		
Coggeshall				
Black Notley				
Rayne				
Sible Hedingham				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Earls Colne	50-99 (each)	N/a		<p>Section 2 Local Plans to be retained and, where necessary, expanded.</p> <p>The very thin spread of additional growth, particularly across smaller villages, would result in numerous developments of insufficient scale to accommodate new facilities such as schools or health centres. Such infrastructure might need to be delivered through pooled financial contributions towards expanding existing facilities or delivering new shared facilities for which land would need to be identified and acquired.</p>
Finchingfield				
Castle Hedingham				
Gosfield				
Panfield				
Wethersfield				
Aldham	1-49 (each)	N/a		
Birch				
Easthorpe				
Great Wigborough				
Layer Breton				
Little Horkesley				
Messing-Cum-Inworth				
Mount Bures				
Peldon				
Salcott				
Wormingford				
Bures Hamlet				
Great Bardfield				
Great Yeldham				
Steeple Bumpstead				
Ashden				
Audley End				
Belchamp Otten				
Belchamp St Paul				
Belchamp Walter				
Blackmore End				
Bradwell				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Bulmer				
Bulmer Tey				
Colne Engaine				
Cornish Hall End				
Cressing				
Foxearth				
Gestingthorpe				
Great Maplestead				
Great Sailing				
Greenstead Green				
High Garret				
Helions Bumpstead				
Lamarsh				
Little Maplestead				
Little Yeldham				
Nounsley				
Pebmarsh				
Ridgewell				
Rivenhall				
Rivenhall End				
Shalford				
Shalford Church End				
Stambourne Chapelend Way				
Stambourne Dyers End				
Stistead				
Sturmer				
Surrex				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
(Coggeshall)				
Terling				
Tilbury Juxta Clare				
Topplesfield				
White Colne				
White Notley				
Wickham St. Paul				

For the area west of Colchester, a percentage based growth strategy would result in a very thin spread of development through the various settlements with only Halstead having to accommodate additional allocations of 200+ dwellings and six other settlements accommodating 100+. The total amount of development generated through this percentage-based approach would deliver approximately 3,000 homes which is around 2,000 short of what might be expected from the area west of Colchester when applying principle 3 above. This indicates that the proportionate percentage-based approach would shift the majority of the additional development to Tendring and East Colchester, as can be seen under the East 1 option, albeit not to the extent by which such a strategy might be seen as altogether unreasonable.

West 2: Proportionate (hierarchy-based) growth

Under this option, it is envisaged that development would be allocated to settlements in North Essex across all three authorities according to their position within the settlement hierarchy with the aim of directing growth towards the most sustainable locations.

Policy SP2 in the Section 1 Local, which sets out the spatial strategy for North Essex, states that existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period with development being accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Under this hierarchy-based growth strategy, this principle is extended to deliver the full housing requirement for North Essex instead of part of the proposed growth being delivered through Garden Communities.

The hierarchy-based strategy involves 50% of the 40,000 homes between 2019 and 2033 going to the larger 'Tier 1' settlements of Colchester and Braintree; 20% to 'Tier 2' settlements such as Clacton, Harwich, Witham and Halstead; and 10% to 'Tier 3' settlements such as Frinton, Walton & Kirby Cross; Manningtree, Lawford & Mistley, Brightlingsea, Kelvedon and Hatfield Peverel. The remaining 15% would be delivered around smaller 'Tier 4' and 'Tier 5' settlements but with growth already accounted for through existing planning permissions and Section 2 housing allocations.

The Inspector has specifically requested that proportionate growth is assessed as part of the further SA work to help demonstrate whether or not a strategy involving the creation of new settlements is justified in the current plan period. Hierarchy based proportionate growth is a different interpretation to the proportionate growth option outlined under West 1. Appraising two different approaches ensures that proportionate growth has been properly and fully explored. For the settlements in the area west of Colchester, the hierarchy-based distribution of growth is summarised, in broad terms, in the table below.

Table 5.2

Proposal/site	Dwellings to 2033	Total dwellings	Employment Assumptions	Strategy-specific infrastructure assumptions
Land east of Braintree [SUE2]	4,500-5,000	N/a	The proposals for the Braintree site includes the provision of a range of leisure, employment and retail uses to complement the relocation of Braintree Football Club to the site. Approximately 10 hectares of B-use employment land in total is suggested as	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport, and Colchester • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June
Hatfield Peverel	800 (each)	N/a		

Proposal/site	Dwellings to 2033	Total dwellings	Employment Assumptions	Strategy-specific infrastructure assumptions
Halstead			<p>being deliverable as part of the Braintree scheme alongside 5,000 dwellings.</p> <p>Smaller employment sites of around 2ha could be delivered alongside each of the developments at Hatfield Peverel and Halstead.</p>	<p>2020).</p> <ul style="list-style-type: none"> • New route of A120 to provide a free-flow link in place of the Galley's Corner roundabout. • RIS funded A12 upgrading 2022 to 2025 • Bypass for Halstead

Like the percentage-based proportionate growth scenario, the hierarchy-based model results in many of the existing settlements not needing to accommodate any additional housing as they are already expected to achieve their share of the new homes increase through existing proposals. Unlike the percentage-based approach, however, the settlements that would be expected to accommodate additional housing allocations are fewer in number – meaning less of a ‘thin spread’ of development, but the scale of required growth in the affected settlements much greater, particularly for Braintree and, to a lesser extent, Hatfield Peverel and Halstead.

This approach would deliver around 6,000-6,500 additional homes in the area the west of Colchester which is substantially greater than the 5,000 that would be expected under a strict application of Principle 3 above. This demonstrates that a hierarchy-based approach shifts the focus of development to the west – mainly because Braintree is categorised as a Tier 1 settlement even though its existing dwelling stock and current proposals for development are significantly smaller than that of Colchester.

West 3: West of Braintree GC [NEAGC1] + Colchester/Braintree GC [NEAGC2]

This option reflects what is already included in the submitted Section 1 Local Plan with development at two new Garden Communities, one west of Braintree and one on the Colchester/Braintree border around Marks Tey. In the submitted plan, each of these Garden Communities is expected to deliver 2,500 new homes within the remainder of the plan period to 2033. In terms of their long-term dwelling capacity, the Colchester Braintree borders proposal will potentially be more than double the size of that west of Braintree.

Under this option, the two garden communities are of a sufficient mass and distance from each other, and other town centres, to be capable of developing as standalone communities. The connection of the proposed garden communities, along the A120 corridor, means that RTS is an option. The Concept Feasibility Study (EB/008) provides evidence that 2,500 dwellings can be delivered in each garden community within the plan period. The two garden communities proposed will deliver a total of 5,000 dwellings to the west of Colchester within the plan period, as justified under principles 1 and 3. The total dwellings figure, which is within the range in the Submission Local Plan, is taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update report by Hyas Associates and thus reflects the most up to date position in respect of viability assumptions.

Table 5.3

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
West of Braintree GC NEAGC1	2,500	10,000	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033, 26ha by 2050 and 43ha by 2071. For the Colchester/Braintree Borders, it suggests 4ha by 2033, 19ha by 2050 and 37ha by 2071. Totally built out, it is suggested that West of Braintree will likely deliver 43ha of employment land and Colchester/Braintree borders 37ha.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120.
Colchester/Braintree GC NEAGC2	2,500	21,000		

West 4: West of Braintree [NEAGC1] + Monks Wood GC [ALTGC3] + Colchester/Braintree GC [NEAGC2] and West 4a: smaller scale of West of Braintree [NEAGC1] + Monks Wood GC [ALTGC 3] + smaller scale of Colchester/Braintree GC [NEAGC2]

Under these options, there would be three new garden communities to the west of Colchester each of a smaller size overall than those proposed in the Section 1 Local Plan, but each expected to deliver around 2,000 homes in the remainder of the plan period to 2033. The three smaller garden communities would be west of Braintree, the Monks Wood site being promoted by Lightwood Strategic and at Marks Tey. The Inspector specifically requested that a range of options including more or fewer garden communities, including the Monks Wood proposal, are tested as he felt that these would be reasonable scenarios that the previous SA had failed to cover.

Under these scenarios, it is anticipated that each of the three locations – all well related to the existing A120, could reasonably deliver 2,000 dwellings (in line with Principal 6 explained above) i.e. around 6,000 in total for the area west of Colchester – slightly higher than the 5,000 expected from the two Garden Communities currently proposed in the Section 1 Local Plan. This reflects the likely delivery within the plan period of 2,500 dwellings for each site as evidenced in the Concept Feasibility Study for West of Braintree and Braintree Colchester borders GCs and the viability and deliverability site information form for Monks Wood, but adding in an element of flexibility as three garden communities are proposed.

The size of each proposed garden community under this option is less than options involving 1 or 2 garden communities because, whilst planning for longer term development through the delivery of garden communities this option, if taken forward, will be combined with development to the east of Colchester. An option involving a lower scale of development enables the SA to draw out the different effects, both positive and negative, from smaller and larger garden communities.

The total dwellings figures for West 4 for West of Braintree is within the range in the Submission Local Plan and is taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update report by Hyas Associates Ltd. The total dwellings figure for Marks Tey is within the range in the Submission Local Plan and includes land that is being independently promoted by L&Q, Cirrus Land and Gateway 120. The AECOM Report on Infrastructure, Planning, Phasing and Delivery suggests that this land could form part of the earlier phases of development and could therefore be the areas of land likely to be preferred if a smaller version Marks Tey development was to progress. The total dwellings figure for Monks Wood reflects the scale of development being promoted as set out in the viability and deliverability site information form.

The total dwelling figures for West 4a for each of the three sites is 5,500. This allows the NEAs to consider the likely sustainability effects of smaller scale development and facilitates a direct comparison of these three sites.

Table 5.4

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
West of Braintree GC NEAGC1	2,000	10,000	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033, 26ha by 2050 and 43ha by 2071. For the Colchester/Braintree Borders, it suggests 4ha by 2033, 19ha by 2050 and 37ha by 2071. Totally built out, it is suggested that West of Braintree will likely deliver 43ha of employment land and Colchester/Braintree borders 37ha.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120. • Sustainable transport link to Kelvedon Station • District centres
Colchester/Braintree GC NEAGC2	2,000	17,000		
Monks Wood ALTGC3	2,000	5,500	<p>25h.2a for B 'uses' has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes. Estimated that 11ha would be delivered in the plan period up to 2033.</p> <p>16.2ha has been identified for Retail /District/Local Centre 'A' uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above</p>	

Table 5.4a

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
West of Braintree GC NEAGC1	2,000	5,500	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033. For the Colchester/Braintree Borders, it suggests 4ha by 2033. It is suggested that these figures are doubled to 18 and 8ha respectively to correspond with the fully built out scenario of 5,500 homes at each development.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120. • Sustainable transport link to Kelvedon Station • District centres
Colchester/Braintree GC NEAGC2	2,000	5,500		
Monks Wood ALTGC3	2,000	5,500	<p>25h.2a for B 'uses' has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes.</p> <p>16.2ha has been identified for Retail /District/Local Centre 'A' uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above</p>	

West 5: Monks Wood GC [ALTGC3] + Colchester/Braintree Borders GC [NEAGC2]

Under this option, there would be two Garden Communities to the west of Colchester but the Garden Community West of Braintree would be substituted with the Monks Wood proposal from Lightwood Strategic so the strategy would include Monks Wood and the Colchester/Braintree Borders Garden Community at Marks Tey. The focus of growth would therefore shift eastwards along the A120 corridor towards Colchester but further away from Braintree and Stansted.

This option would assume 2,500 homes being built at each of the two Garden Communities within the plan period to 2033 – delivering an equivalent number of homes to that already proposed through the Garden Communities in the Section 1 Local Plan. Longer-term however, a total of 26,500 homes are proposed.

Table 5.5

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Monks Wood GC ALTGC3	2,500	5,500	25h.2a for B 'uses' has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes. Estimated that 11ha would be delivered in the plan period up to 2033. Likewise, 16.2ha has been identified for Retail /District/Local Centre 'A' uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120. • Sustainable transport link to Kelvedon Station • District centres
Colchester/Braintree GC NEAGC2	2,500	21,000	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For the Colchester/Braintree Borders, it suggests 4ha	

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			by 2033, 19ha by 2050 and 37ha by 2071. Totally built out, it is suggested that Colchester/ Braintree borders scheme will likely deliver 37ha.	

West 6: West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC3]

Under this option, there are two garden communities: the Colchester Braintree Borders Garden Community at Marks Tey would be substituted with Monks Wood and would delivered alongside the Garden Community West of Braintree. The focus of growth would therefore shift westwards along the A120 corridor away from Colchester and more towards Braintree with the majority of development being within the Braintree district.

This option would assume 2,500 homes being built at each of the two Garden Communities within the plan period to 2033 – delivering an equivalent number of homes to that already proposed through the Garden Communities in the Section 1 Local Plan. Longer-term however, 15,000 homes are proposed.

Table 5.6

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Monks Wood GC ALTGC3	2,500	5,500	25h.2a for B ‘uses’ has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes. Estimated that 11ha would be delivered in the plan period up to 2033. Likewise, 16.2ha has been identified for Retail /District/Local Centre ‘A’ uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120. • Sustainable transport link to Kelvedon Station • District centres
West of Braintree NEAGC1	2,500	10,000	Evidence base document entitled ‘Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033, 26ha	

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			by 2050 and 43ha by 2071. Totally built out, it is suggested that West of Braintree will likely deliver 43ha of employment land.	

West 7: East of Braintree [SUE2] + Kelvedon [VE1]

Under this option, there would be no stand-alone Garden Communities to the west of Colchester at all. This non-Garden Community option would be different to the proportionate growth scenarios in that it would involve targeted growth in the form of two strategic urban extensions – one to the east of Braintree and one to Kelvedon – both within Braintree district. The focus of growth would therefore move away from Colchester with development to the west at Braintree and further south along the A12 corridor at Kelvedon.

Traditionally growth has been delivered across the NEAs through planned urban extensions to existing settlements, this option is a continuation of this approach. Both options are proposed to deliver 2,500 dwellings each within the plan period and a further 2,500 dwellings each beyond the plan period. Whilst the Inspector did not specifically request that non-garden community options are appraised as part of the Additional SA, the NEAs consider that the appraisal and consideration of urban extensions as a spatial strategy option will provide a useful comparison to the options involving garden communities. Land east of Braintree and land at Kelvedon have been selected as these sites meet the principles outlined above.

Table 5.7

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Land east of Braintree SUE2	2,500	5,000	The proposals for the site includes the provision of a range of leisure, employment and retail uses to complement the relocation of Braintree Football Club to the site. Approximately 10 hectares of B-use employment land in total is suggested as being deliverable as part of the Braintree scheme alongside 5,000 dwellings of which 5ha would be achieved in the plan period to 2033 alongside 2,500 dwellings.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport, and Colchester • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley’s Corner roundabout. • The delivery of the Kings Dene scheme (Kelvedon) is not contingent upon the prior (or eventual) construction of the dualled A120 or the ‘Option D’ alignment, nor does it prejudice the delivery of this alignment. • RIS funded A12 upgrading 2022 to
Land at Kelvedon VE1	2,500	5,000	The proposals for Kings Dene include the provision of up to 36ha of employment land for B use class employment use (B1, B2 and B8). This land is to be provided in a highly accessible location to the south west of the	

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			<p>site between the A12 and railway line. To complement the proposed employment land provision, opportunities also exist to provide B1 and non B class employment generating uses around the rail station as part of mixed used district centre and within local centres.</p>	<p>2025</p> <ul style="list-style-type: none"> Alternative route from Coggeshall Road through the site to the A12 south west of Kelvedon. This provides the opportunity to remove through traffic from the restricted centre of Kelvedon and connect the Coggeshall traffic directly to the new A12 junction.

West 8: Halstead (SUE1) and proportionate growth

This option and the following three options, all involve development of one garden community alongside further proportionate growth. Each of the proposed garden communities to the west of Colchester that are included in the ‘Sites to be included in Stage 2 Assessment’ table are options (West 8, 9, 10 & 11).

The Inspector asked for a range of garden community options to be appraised, including 1, 2 or more garden communities. As the housing requirement to the west of Colchester under Principle 3 is for approximately 5,000 dwellings in the plan period and one strategic site [i.e. at Halstead] is only realistically capable of delivering 2,500 dwellings in the plan period, the remaining development would be delivered through proportionate growth around existing settlements. The total dwellings for site SUE1 at Halstead reflects what the site promoter believes is achievable on the site, as set out in the viability and deliverability site information form.

The proportionate growth for other settlements west of Colchester follows the ‘hierarchy-based’ approach as explained under the West 2 option which, when compared to the ‘percentage-based’ approach (which spreads development very thinly across rural settlements) is considered to be the more sustainable approach. Where a strategic site is being proposed alongside proportionate hierarchy-based growth, the amount of development proposed under proportionate growth is set at half of what is proposed under option West 2. Essentially, this option would direct development to Halstead, Braintree and, to a lesser extent, Hatfield Peverel and would deliver approximately 5,500 homes which reflects, broadly the scale of growth required west of Colchester to meet housing needs in line with Principle 3.

Table 5.8

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Land at Halstead [SUE1]	2,500	8,000	Yes, please refer to accompanying note to site information form. The site provides an opportunity to enhance accessibility to (and/or expand) the Bluebridge Industrial Estate. 2ha of employment land suggested. The proposals for the Braintree site includes the provision of a range of leisure, employment and retail uses to complement the relocation of Braintree Football Club to the site. 5ha of employment land suggested alongside 2,500 homes.	<ul style="list-style-type: none"> • Full Halstead Bypass • Restore and restore dismantled railway Colchester Road to Tidings Hill as a new cycle and pedestrian route. • RTS links to Braintree Town, Braintree Freeport, and Colchester • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley’s Corner
Land east of Braintree [SUE2]	2,500	N/a		
Hatfield Peverel	400	N/a		

			Smaller employment sites of around 1ha could be delivered alongside development at Hatfield Peverel.	<p>roundabout.</p> <ul style="list-style-type: none"> • RIS funded A12 upgrading 2022 to 2025 • Bypass for Halstead
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West 9: West of Braintree GC [NEAGC1] and proportionate growth

This option involves development of one garden community and proportionate growth. Each of the proposed garden communities to the west of Colchester that are included in the ‘Sites to be included in Stage 2 Assessment’ table are options (West 8, 9, 10 & 11).

The Inspector asked for a range of garden community options to be appraised, including 1, 2 or more garden communities. As the housing requirement to the west of Colchester is for approximately 5,000 dwellings in the plan period and the West of Braintree Garden Community is only capable of delivering 2,500 dwellings in the plan period, proportionate growth is also required under this option to make up the remainder. That remainder under this option is formed by applying half the development expected under the hierarchy based approach to proportionate growth as set out per West 2. The total dwellings figure, which is within the range in the Submission Local Plan, is taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update Report by Hyas Associates (June 2019).

The proportionate –hierarchy-based growth that would be delivered alongside the Garden Community would result in a strong focus of development around Braintree with major developments to the east and the west. This option could deliver around 6,000 homes which reflects, broadly the scale of growth required west of Colchester to meet housing needs in line with Principle 3.

Table 5.9

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
West of Braintree GC NEAGC1	2,500	10,000	Evidence base document entitled ‘Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033, 26ha by 2050 and 43ha by 2071. Totally built out, it is suggested that West of Braintree will likely deliver 43ha. Smaller employment sites of around 1ha	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted. • RTS links to Braintree Town, Braintree Freeport, and Colchester • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley’s Corner roundabout. • RIS funded A12 upgrading 2022 to 2025
Land east of Braintree [SUE2]	2,500	N/a		
Hatfield Peverel	400 (each)	N/a		
Halstead				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			could be delivered alongside development at Hatfield Peverel and Halstead.	<ul style="list-style-type: none"> • Bypass for Halstead

West 10: Colchester/ Braintree Borders garden community [NEAGC2] and proportionate growth

This option involves development of one garden community and proportionate growth. Each of the proposed garden communities to the west of Colchester that are included in the ‘Sites to be included in Stage 2 Assessment’ table are options (West 8, 9, 10 & 11).

The Inspector asked for a range of garden community options to be appraised, including 1, 2 or more garden communities. As the housing requirement to the west of Colchester is for approximately 5,000 dwellings in the plan period and the Colchester/Braintree Borders Garden Community is only capable of delivering 2,500 dwellings in the plan period, proportionate growth is also required under this option to make up the remainder. That remainder under this option is formed by applying half the development expected under the hierarchy based approach to proportionate growth as set out per West 2. The total dwellings figure, which is within the range in the Submission Local Plan, is taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update Report by Hyas Associates (June 2019).

Table 5.10

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Colchester/ Braintree Borders garden community NEAGC2	2,500	21,000	Evidence base document entitled ‘Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For the Colchester/Braintree Borders, it suggests 4ha by 2033, 19ha by 2050 and 37ha by 2071. Totally built out, it is suggested that the scheme will likely deliver 37ha. The proposals for the Braintree site includes the provision of a range of leisure, employment and retail uses to complement the relocation of Braintree Football Club to the site. 5ha of employment land suggested alongside 2,500 homes.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley’s Corner roundabout. • RIS funded A12 upgrading 2022 to
Land east of Braintree [SUE2]	2,500	N/a		
Hatfield Peverel	400 (each)	N/a		
Halstead				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			Smaller employment sites of around 1ha could be delivered alongside development at Hatfield Peverel and Halstead.	2025 <ul style="list-style-type: none"> • Bypass for Halstead

West 11: Monks Wood [ALTGC3] and proportionate growth

This option involves development of one garden community and proportionate growth. Each of the proposed garden communities to the west of Colchester that are included in the ‘Sites to be included in Stage 2 Assessment’ table are options (West 8, 9, 10 & 11).

The Inspector asked for a range of garden community options to be appraised, including 1, 2 or more garden communities. As the housing requirement to the west of Colchester is for approximately 5,000 dwellings in the plan period and the Monks Wood development is considered capable of delivering 2,500 dwellings in the plan period, proportionate growth is also required under this option to make up the remainder. That remainder under this option is formed by applying half the development expected under the hierarchy based approach to proportionate growth as set out per West 2. The total dwellings reflect what the site promoter believes is achievable on the site, as set out in the viability and deliverability site information form.

Table 5.11

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Monks Wood ALTGC3	2,000	5,500	<p>25h.2a for B ‘uses’ has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes. Estimated that 11ha would be delivered in the plan period up to 2033. Likewise, 16.2ha has been identified for Retail /District/Local Centre ‘A’ uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above.</p> <p>The proposals for the Braintree site includes the provision of a range of leisure, employment and retail uses to complement the relocation of Braintree Football Club to the site. 5ha of employment land suggested alongside 2,500 homes.</p> <p>Smaller employment sites of around 1ha could be delivered alongside development at Hatfield Peverel and Halstead.</p>	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Colchester • Sustainable transport link to Kelvedon Station • Realignment and upgrading of A120 route and junctions to accommodate traffic generated. • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley’s Corner roundabout. • RIS funded A12 upgrading 2022 to 2025 • Bypass for Halstead
Land east of Braintree [SUE2]	2,500	N/a		
Hatfield Peverel	400 (each)	N/a		
Halstead				

East 1: Proportionate (percentage-based) growth

For the area east of Colchester, the percentage-based proportionate approach to growth (explained in more detail under West 1 above) would generate the need for additional housing allocations in the following locations:

Table 5.12

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Clacton	1,000-2,000	N/a	Existing employment allocations in Section 2 Local Plans to be retained and possibly expanded. The Section 2 Local Plan for Tendring already includes a significant over-allocation of employment land to bring choice to the market. Employment land proposals for Clacton and Harwich in particular would have to be brought forward at an accelerated rate to support additional housing growth proposed under this scenario. Some of the other additional developments might be accompanied by a range of new small employment areas or expansion of existing areas.	The link road currently proposed for north Clacton as part of the Hartley Gardens Strategic Development in Tendring's Section 2 Local Plan would need to be funded and brought forward early to enable the rate of development to be accelerated and to enable the additional 1,000-2,000 homes to be delivered before 2033. Increased development around Tendring's coastal towns would also require the £1million upgrade to the A133/A120 roundabout at Frating to be undertaken early within the current plan period. Generally, infrastructure proposed as a result of proposals in the Section 2 Local Plans to be retained and, where necessary, expanded or accelerated.
Harwich	500-999 (each)	N/a		
Frinton/Walton				
Brightlingsea	300-499	N/a		
West Mersea	200-299 (each)	N/a		
Wivenhoe				
St. Osyth	100-199 (each)	N/a		
Thorrington				
Little Clacton	50-99 (each)	N/a		
Dedham				
Ardleigh				
Bradfield				
Kirby-le-Soken				
Little Oakley				
Dedham Heath				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Abberton and Langenhoe	10-49 (each)	N/a		The thinner spread of additional growth across the smaller villages, would result in numerous developments of insufficient scale to accommodate new facilities such as schools or health centres. Such infrastructure might need to be delivered through pooled financial contributions towards expanding existing facilities or delivering new shared facilities for which land would need to be identified and acquired.
Boxted				
Beaumont-Cum-Moze				
Great Bromley				
Great Holland				
Little Bentley				
Little Bromley				
Ramsey Village				
Tendring				
Wix				
Wrabness				
East Mersea				
Fingringhoe				

Under this percentage-based approach to proportionate growth, settlements to the east of Colchester would be delivering approximately 5,000 additional dwellings which is significantly above the 2,500 level proposed in the current Colchester/Tendring Garden Community and the proportion of growth that might be expected in applying principle 3. That said, the level of additional development is not wholly unreasonable in the context of the overall housing need – although a shift to the east does bring about questions over the ability for lower-value areas such as Clacton and Harwich to generate sufficient market demand to deliver the additional growth and also the environmental impacts of directing growth towards more sensitive locations on the coast. Because many of the rural settlements to the east of Colchester are already expected to deliver their fair share of growth through existing proposals, the focus for additional development under this option would indeed be on settlements around the coast, both in Tendring and in Colchester.

In the Section 2 Local Plan for Tendring, a significant amount of land around Clacton is already earmarked for new development and would be capable, in physical terms, of accommodating 1,000 to 2,000 additional homes – however the Section 2 plan makes conservative assumptions about how much development is realistically achievable on those sites within the plan period to 2033 and thus much of the strategic growth that is currently expected to take place beyond 2033 would somehow need to be accelerated under this scenario to achieve higher built-out rates in the period up to 2033. Key road infrastructure projects in north Clacton and on the A133 at Frating would need to be delivered early to enable an accelerated rate of development.

The other coastal towns that would be affected by this growth scenario would be Harwich, Frinton/Walton, Brightlingsea West Mersea and Wivenhoe – all of which are environmentally sensitive in landscape and ecological terms (with close proximity to the European Designated sites) and physically constrained by the coast and peripheral locations. Brightlingsea and West Mersea are both served only by one road in and out with no rail services and an infrequent bus service. Wivenhoe is the subject of an adopted Neighbourhood Plan which limits the contribution of additional development it could make within the plan period to 2033.

East 2: Proportionate (hierarchy-based) growth

For the area east of Colchester, the hierarchy-based growth scenario would only deliver around 1,500 homes against the 2,500 proposed at the Tendring/Colchester Garden Community.

Table 5.13

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Brightlingsea	900-1,000	N/a	Existing Section 2 Local Plan allocations for the Harwich area would need to deliver faster than currently anticipated. Additional employment land circa 3-4ha would be required at Brightlingsea to achieve a level of self-containment – particularly given the town’s transport limitations.	Major transport infrastructure improvement for Brightlingsea would be required to enable it to accommodate such a high level of additional development and this might involve re-opening the historic railway line to Wivenhoe or constructing a second access road to the town.
Harwich	300-400	N/a		
Frinton/Walton	100-299	N/a		

This approach would only deliver around 1,500 additional homes in the area east of Colchester which is lower than the 2,500 that would be expected when applying Principle 3 and what is proposed at the proposed Tendring/Colchester Borders Garden Community.

Brightlingsea is the settlement that would be most greatly affected because it is town in the settlement hierarchy but one where growth has been limited due to its significant physical and environmental constraints and because of its limited transport network. A development of some 900-1,000 homes in this location would require the development of greenfield sites that are sensitive in landscape terms and within close proximity to the Colne Estuary which is an internationally designated wildlife site. It would also bring into question the adequacy of the current transport provision which is limited to a single road (the B1029) in and out of the town, a limited bus service and no rail provision. The re-opening of the historic branch line between Brightlingsea and Wivenhoe would be a popular choice, but would be extremely expensive in relation to the scale of development being proposed and the necessary engineering works would no doubt bring great disturbance to the Colne Estuary wildlife. Similarly the construction of a new road into Brightlingsea would be cost prohibitive and environmentally damaging – when weighed up against the amount of housing that would realistically be achieved.

East 3: Tendring Colchester Borders GC [NEAGC 3]

This option reflects what is already included in the submitted Section 1 Local Plan with development at a Garden Community, east of Colchester. In the submitted plan, this Garden Community is expected to deliver 2,500 new homes within the remainder of the plan period to 2033. In terms of overall dwelling capacity, the Tendring Colchester borders garden community proposal will deliver 7,500 dwellings which is within the range in the Submission Local Plan and taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update (DRAFT) (Hyas Associates Ltd, May 2019) report and thus reflects the most up to date position.

Table 5.14

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Tendring/ Colchester Borders GC NEAGC3	2,500	7,500	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For the Tendring/Colchester Borders Garden Community, it suggests approximately 7ha by 2033, 21ha by 2050 and 25ha by 2071. Totally built out, it is suggested that the scheme will likely deliver 21ha.	<ul style="list-style-type: none"> • RTS links to Colchester Town with potential to link to Braintree and London Stansted Airport. • A120 to A133 link road with new junctions.

East 4: Colchester North-East Urban Extension [ALTGC 7]

Under this option, there would be no stand-alone Garden Community to the east of Colchester at all. This non-Garden Community option would be different to the proportionate growth scenarios in that it would involve targeted growth in the form of a strategic urban extension to the north-east of Colchester. This site could deliver 2,500 dwellings within the plan period and an additional 1,500 dwellings beyond the plan period.

Traditionally growth has been delivered across the NEAs through planned urban extensions to larger settlements, this option is a continuation of this approach. Whilst the Inspector did not specifically request that non-garden community options are appraised as part of the Additional SA, the NEAs consider that the appraisal and consideration of urban extensions as a spatial strategy option will provide a useful comparison to the options involving garden communities. This site has been selected as an option as it is being actively promoted and is effectively an urban extension to north-east Colchester.

Table 3.16

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Colchester North-East ALTGC7	2,500	4,000	None as the site is within walking distance to existing employment provision, including but not limited to, Severalls Business Park.	<ul style="list-style-type: none"> • Bullock Wood, which borders part of the site’s western boundary, is a SSSI and ancient woodland. The site promoter recognises that this would require a minimum 15m stand off from built development which can be sensitively designed to incorporate this stand off. • Link road between Ipswich Road and Harwich Road. • RTS links to Colchester

East 5: Tendring Central Garden Village [VE 5]

This option involves the delivery of a Garden Community in Tendring district, adjacent to the A120 but detached from Colchester and Clacton. The site information form confirms that 2,500 dwellings can be delivered within the plan period, with a further 2,500 dwellings beyond the plan period. This is an alternative garden community to the proposed garden community in the Submission Local Plan and is the only alternative garden community proposed east of Colchester.

Table 5.15

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Tendring Central Garden Village VE5	2,500	5,000	In addition to the existing employment areas (Penguin Books, Manheim Auctions etc.): B1, B2 & B8 : 29.85 ha. Village Centre: 4.59 ha.	<ul style="list-style-type: none"> • Project includes delivery of omni-directional access between the A120 and A133 at the Oasis (Trunk Road) Junction. • Community Woodland <p>The site information form states that improvements to the B1029 to a new Metro Plan Station at Thorrington will be delivered. This assumption can, however, only be made under options involving both Tendring Central and the Metro Plan but should not be considered under this option, which involves Tendring Central only.</p>

East 6: CAUSE Metro Plan [C1, C2, C3 & C4]

The Inspector has indicated that CAUSE’s Metro Plan should be appraised as a spatial strategy option. This option represents both a short term and long term alternative to the garden communities proposed by the NEAs and the alternative garden community proposed under option East 5. Within the plan period, 2,800 dwellings are suggested, based on an average of 700 new homes being delivered at each of the four settlements and which will provide the East Colchester requirement with added flexibility. The longer term option, proposes 8,000 dwellings, which is comparable in scale to the Tendring/Colchester Borders Garden Community.

Table 5.16

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Alresford CAUSE	700	2,000	CAUSE’s 1000 home appraisal allows for 6.5% employment land, the same proportion as for West Tey. In addition there will be agglomeration benefits arising from the excellent connectivity between Colchester, Clacton and the Metro villages which will create local jobs better than standalone settlements connected mainly to London. The Metro settlements will also provide support for existing businesses in adjacent villages. Based on above assumptions, employment land expectations are approximately 8ha each at Alresford and Great Bentley, 9ha at Weeley and 12ha at Thorpe le Soken.	Increased frequency of trains utilising the Colchester to Clacton/Walton branch line – as advised by CAUSE’s transport advisor. Early years, schools and health provision would be delivered in a way that be accessed via the branch line services. It would expected that each settlement would deliver a new primary school and early years facility, but only one new health facility and one new secondary school would be delivered and these would be located at one or two of the villages concerned – potentially the two central villages of Great Bentley and Weeley.
Great Bentley CAUSE	700	2,000		
Weeley CAUSE	700	2,000		
Thorpe le Soken CAUSE	700	2,000		

Given the multitude of ownerships within the 800m circle around the four railway stations, the amalgamation and acquisition of the necessary land to deliver schools and health facilities would one of the main infrastructure challenges facing this strategy.

Local Plan Committee

Monday, 22 July 2019

Attendees: Councillor Lewis Barber, Councillor Nick Barlow, Councillor Tina Bourne, Councillor Phil Coleman, Councillor Andrew Ellis, Councillor Lee Scordis

Substitutes: Councillor Paul Dundas (for Councillor Chris Hayter), Councillor Roger Buston (for Councillor Patricia Moore)

Also Present:

169 Local Plan Committee Minutes 4 February 2019

The minutes of the meeting held on 4 February 2019 were confirmed as a correct record.

170 Local Plan Committee Minutes of 8 April 2019

The minutes of the meeting held on 8 April 2019 were confirmed as a correct record.

171 Local Plan Committee Minutes of 22 May 2019

The minutes of the meeting held on 22 May 2019 were confirmed as a correct record.

172 Update to Local Plan and Evidence Base

The Committee considered a report by the Assistant Director Policy and Corporate concerning the North Essex Authorities Local Plan which had been submitted to the Secretary of State in October 2017 to begin the formal process of Examination in public.

Karen Syrett, Planning and Housing Manager, and Christopher Downes, Strategic Planning Specialist, presented the report explaining that the Secretary of State had appointed a Planning Inspector, Mr Roger Clews, to undertake the Examination of the shared Section 1 Local Plan, which set out a strategy for future growth across Braintree, Colchester and Tendring, the North Essex Authorities (NEAs). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposed three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, the 'Section 2' Plan for each of the three NEAs contained more specific local policies and proposals relevant only to their individual administrative area.

Examination hearings for the Section 1 Plan had taken place between January and May 2018 and in June 2018 the Inspector set out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the plan and praised the NEAs' innovation and ambition, the Inspector found some of the evidence and justification in support of Garden Communities to be lacking and was therefore unable to find the Section 1 Plan sound. The Inspector gave advice and options for how best to proceed and in October 2018 the NEAs confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns.

Accordingly, the Examination was formally paused until the NEAs' further work on the evidence base and the Additional Sustainability Appraisal was completed and monthly updates had been submitted to the Inspector on the programme timetable.

It was explained that the additional evidence had now been completed and the following documents had been published:

- Additional Sustainability Appraisal
- Viability Assessment Update (including Order of Costs Estimate)
- North Essex Rapid Transit System: From Concept to Plan
- North Essex Garden Communities Mode Share Strategy
- Employment Provision for the North Essex Garden Communities
- Infrastructure Planning, Phasing and Delivery
- Build Out Rates at the Garden Communities Topic Paper
- Habitats Regulations Assessment
- Position Statement on State Aid
- Position Statement on Delivery Mechanisms

A detailed commentary on each of the documents was set out in the report, together with conclusions which confirmed that the additional evidence demonstrated that the establishment of three Garden Communities in the broad locations already identified in the plan was justified and represented an appropriate, sustainable and deliverable strategy.

As well as producing the new evidence the NEAs had compiled a table of proposed modifications to the Section 1 Plan which were aimed at addressing issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring the plan would meet the tests of soundness. Details of the modifications were set out in the report and it would be the Inspector's decision whether or not to accept the modifications through the resumed Examination process. The Inspector also had the ability to recommend additional post-examination modifications to the plan which would need to be the subject of further consultation in their own right before the plan could be finalised and formally adopted by the NEAs.

The report proposed that the Additional Sustainability Appraisal and all of the additional

new evidence base documents along with the table of proposed modifications be published for six weeks public consultation between 19 August and 30 September 2019 before being submitted, along with the consultation responses, to the Planning Inspector to enable him to resume the Examination, with further hearings anticipated to take place at the end of 2019 or in early 2020. The examination of the authorities' individual Section 2 Local Plans would not take place until Section 1 had been examined and found to be sound.

Jane Black from the Wivenhoe Society addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to the Sustainability Appraisal (SA) and the reference in the National Planning Policy Framework (NPPF) to the need to mitigate the impact of development on the transport network. She considered the SA to be defective as it had not addressed this issue and was therefore not consistent with the NPPF. She also referred to the Wivenhoe Neighbourhood Plan which had addressed traffic implications and had located allocated sites away from known areas of traffic congestion. She explained that Essex Highways had identified Clingoe Hill, St Andrew's Avenue and Colne Causeway as areas of bad congestion and that traffic flow would deteriorate as a consequence of the proposed Tendring Colchester Borders Garden Community. She explained that Wivenhoe was served by eight buses per hour and had the benefit of a railway station, despite which the 2011 census had indicated that 62% of journeys had been undertaken by cars or vans. As such, she did not believe that the residents of the new Garden Community would behave any differently and that the precise location of the proposed Garden Community needed to be taken into account.

Paul Griffith addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the rapid transport system (RTS) strategy, asking whether it would be a regional or local service. He made a distinction between journeys undertaken on a daily basis and longer journeys undertaken only a few times a year. He was of the view that the RTS strategy did not integrate with existing travel aspirations. He also referred to the potential pedestrianisation of Colchester High Street and he queried the illustration showing a future RTS system utilising the High Street. He referred to the sharing of RTS bus lanes and he identified concerns in relation to all three potential RTS routes, relating to level crossings and severe congestion at roundabouts. He also referred to difficulties associated with narrow streets in the town centre together with the known points of congestion within the town and the impact of RTS lanes being introduced in these locations. He considered no impact assessment on traffic flows had been undertaken in relation to the RTS scheme. He was of the view that the RTS scheme would only be successful through modal shift across the whole community but no measures had been proposed to deliver this change in behaviour. He considered that the RTS strategy was not fit for purpose and should not be approved by the Committee.

Asa Aldis addressed the Committee pursuant to the provisions of Meetings General

Procedure Rule 5(3). He referred to opinions on environmental degradation due to development on green fields and the need for the countryside to be protected. He queried the ability of councillors to comment on the strategic allocation of development sites as well as being a member of the committee which determined planning applications. He referred to the sale of Middlewick Ranges by the Ministry of Defence and considered it was unlikely that an Inspector would make a judgement which was against the government's intentions so advocated the inclusion of the site in the Local Plan. He considered Braintree and Tendring District Council's both had a 15-year supply of housing land and could therefore run on Section 2 of the Local Plan, whilst Colchester had a 7 to 10-year housing supply. As such, he considered the Garden Community proposals should be halted until a genuine rapid transport system (RTS) had been put in place. He was of the view that the Inspector was seeking more information from the Councils about the impact of a RTS and mitigation measures. He advocated more collaborate working by the Council and he considered that the plans to build 8,000 houses in the context of a Garden Community were not necessary. He was also of the view that there were more viable alternative locations for this type of development.

Ted Gittins addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the conclusions of the new Sustainable Appraisal (SA) which, in his view, did not constitute an endorsement of the Council's Strategy. He explained that the SA warned the NEAs not to proceed further without ensuring its preferred Strategy was demonstrably more sustainable and deliverable than the alternatives. He considered that the current Garden Communities strategy was reliant on considerable infrastructure costs being available early but he was of the view that this was highly speculative and dependent on the health of the national economy and government funding. He was concerned that there may be more stress and blight if funding was not forthcoming and he did not consider it a good time to make these final decisions. He advocated a thorough public consultation setting out the pros and cons of all the alternative strategies, the consultation to include displays and surgeries not just information in public libraries. He also explained that it was unacceptable to start a public consultation during August and this should be delayed until the Autumn.

Bill Marshall addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He requested that the additional Sustainability Appraisal (SA) be not approved as he was of the view that there were too many documents for people to absorb and to consider in a short space of time. He was of the view that the decision should be delayed, deferred and reconsidered. He considered the proposals for infrastructure were incomplete and was concerned that the £2billion finding from the government would be a burden for local residents for generations. He was also of the view that the proposed public consultation was being scheduled too early and would be inadequate.

Giles Coode-Adams addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was of the view that the new evidence base did not

support the Garden Communities proposals. He explained that the Inspector had asked the Councils to re-assess the sustainability evidence but he was of the view that most of the work had been undertaken again by the Councils with consultants, LUC, being confined to a review of the literature and summary. He was of the view that the Council officer's minds were closed and, as such, the same plan was being proposed, largely unchanged. He considered proper justification was required in order to deliver a Plan which would be considered to be sound. He also considered that key parts of the evidence base had not been reconsidered, such as an assessment of air pollution and financial viability. He referred to evidence presented by CAUSE showing that smaller settlements would deliver more infrastructure than larger ones but no weight had been given to this argument. He was of the view that it could not be sustainable to build a new rapid transport system. He recommended more time was taken for the issues to be considered thoroughly and in the meantime Section 2 of the Plan could be progressed.

William Sunnocks addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the new viability evidence and was of the view that it should not be presented to the Inspector. He considered interest on land cost errors had been corrected but it still contained major shortcomings. He referred to inflation scenarios being discarded, assumptions about the payment of the A120 scenario over 80 years and the assumed success of the Housing Infrastructure Fund (HIF) bid for the A12. He was of the view that 40% contingency scenario should be focussed on which had not been applied to all spending and, when applied to all spending the cash flows would be negative. He referred to the funds identified for land purchase which had been reduced from previous estimates on the basis of new Compulsory Purchase Order rules for development corporations and he considered them to be widely optimistic. He did not consider the viability evidence supported the spatial strategy and he referred to data that had demonstrated that greater viability could be achieved through smaller settlements and better use made of existing transport infrastructure. He considered it better to delay the submission to the Inspector to allow for the benefit of outside input and to proceed with section 2 of the Plan.

Allan Walker, on behalf of Marks Tey Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He confirmed the Parish Council's view that the Local Plan proposals offered considerable opportunities if undertaken properly and that it would assist with the planning to secure the best improvement for Marks Tey. He gave credit for the amount of work undertaken to date but he considered it unreasonable for the Council to expect the volume of data to be considered and absorbed in such a short time scale. His main concern was in relation to decisions already taken and their consequences for the viability of the report. He referred to delays and increased costs which had not been acknowledged in the report. He referred to current thinking maintaining the current location of Marks Tey station and the route of the A12 through Marks Tey but he considered minimal interaction had been undertaken with the Marks Tey community, with no information being provided on the A12 HIF bid. He was concerned about the rapid transport proposals and the

deliverability of the proposals generally and that additional information on mitigation needed to be added to the report. He also advocated a more structured approach and for the proposals to be fully considered by the Council.

Brian Morgan addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained he was a town planner and referred to the Council's Garden Community strategy which he considered to be bold, moving away from the previous piecemeal approach to expansion. He welcomed the level of growth envisaged, together with the delivery of comprehensive infrastructure which would be beyond the capacity of small sites. He considered the scale of the proposals had achieved significant benefits, included government help, support from other agencies, certainty to investors and access to funding. He acknowledged the priority given to delivery, whilst welcoming the economic and employment benefits to north Essex which the proposed West Tendring/ East Colchester location would bring. He referred to discussions between the Councils and the University of Essex with a view to secure the delivery of a high-quality research park, similar to those in Cambridge and Norwich and the intention that the economic benefits would spread to the wider area. He referred to the Norwich research park supporting 11,000 jobs. He was concerned that the research park ideas appeared to have been overlooked in the Garden Community proposals and sought assurances that they would be reinstated so that Colchester would not be left behind.

Christopher Lee addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Statement of Community Involvement and asked for access to it online. He also considered that members of the Cabinet and the Local Plan Committee had intentionally misled the public. He asked about the strategy for the Hawkins Road / Hythe area and that the adopted Local Plan had acknowledged that the need for employment land in the area was vitally important whilst proposal had more recently emerged for a development comprising 2,600 homes. He referred to the loss of employment land, why this hadn't been included in the Sustainability Appraisal and why the residents of the Greenstead community had not been consulted.

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He thanked Colchester and Tendring Councils for their efforts to retain as much land as possible at Salary Brook and the Eastern Slopes and he was of the view that urban Colchester needed to keep as much open space as possible. He also referred to Middlewick and the public display undertaken by the Ministry of Defence. He considered some of the information had been misleading and he wished to place on record answers to questions relating to who was the first to consider housing development at Middlewick Ranges; when was the Council notified of the housing development proposals; how many dwellings had been originally proposed; had a greater amount of land first been offered by the Ministry of Defence and was Middlewick deemed to be a brownfield site? He regretted the principle of a firing range being shut down in a Garrison town and suggested questions should be asked of the

local MPs on this matter and voiced his concern regarding the potential coalescence of Old Heath / Monkwick / Berechurch.

Richard Bayley, Managing Director of North Essex Garden Communities (NEGC) Ltd., addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Garden Community Strategy and explained that Colchester was one of over 30 Councils where Garden Communities were a significant feature of future housing proposals. He considered they provided quality communities as well as economies of scale and land for infrastructure. He referred to the viability evidence provided by HYAS for the North Essex Authorities, which showed a realistic prospect of delivery and met the test of soundness as well as including infrastructure funding and inflation. He explained that the principle of Garden Community infrastructure, public realm, open space, employment space and stewardship legacy, with studies identifying increasing sales value over time. He also referred to current aspiration for the public / private funding model to be applied with the public element not being exclusively provided by the Councils. He acknowledged the need for a higher level of public engagement on options and confirmed that this would be undertaken by NEGC Ltd. both before and after the resumption of the Local Plan Inquiry. He also referred to the evidence on the Rapid Transit System (RTS), provided by Jacobs, which was high level information showing the RTS was feasible, deliverable and backed by bus operators familiar with such systems elsewhere. He acknowledged that this evidence would require further consultation and detailed engineering when deemed fit for purpose by the Inspector.

Julie Baker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She welcomed the new roads on Mersea Island and also referred to recent article in the Sunday Telegraph explaining the uniqueness and beauty of the Island. She feared this would lead to an increase in visitor numbers to Mersea and that this created unique problems for the community in terms of part-time infrastructure. She therefore considered the proposed new housing developments should be paused until 2035 so that full-time facilities could be put in place to accommodate the current population. She referred to the impact on wildlife and considered that improvements in policing numbers had not been delivered. She was concerned about the prospect of a major incident on the Island and doubted the robustness of potential temporary bridge solutions and considered the delivery of the proposed housing development in the Local plan would cause health and safety concerns and ruin the Island.

David Churchill, on behalf of L&Q, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Colchester and Braintree Garden Community and the significant work undertaken to respond to the requests of the Planning Inspector. He considered it to constitute a far more robust evidence base and the nature of the work on viability and delivery rates was conservative in its approach, whilst he was of the view that the Garden Community would deliver well in excess of that envisaged in the report. He gave examples of this in terms of more

dwellings in the plan period, the expedition of funding for improvements to the A12 and A120, the fact that the Colchester and Braintree Borders Garden Community was not contingent on these road improvements. He advocated the delivery of phased social and community infrastructure so that the community was self-contained. He also commented on the infrastructure cost per unit which was the lowest of the three proposed Garden Communities, with residential sales values shown as narrowing which he did not consider to be justified. He commented that commercial spaces had been attributed overly limited values and improvement on delivery rates would have a positive impact on viability by reducing the cost of the development. He considered the Garden Community proposals to be visionary and would provide employment, deliver infrastructure and provide attainable and affordable housing for people. He explained that L&Q was ambitious, had access to cheap capital, was a leader on the delivery of new towns and would be a good partner for the local authorities.

Neil Gilbranch addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to public engagement prior to the Inspection and was of the view that NEGC Ltd. would not be the right body to undertake that because they had been specifically appointed to deliver the Garden Community strategy. He considered he had yet to be asked what his views were and that the proposals had yet to be explained properly to the residents of the Borough. He referred to water supply and sewage treatment, which he considered had not been given sufficient thought. He considered residents needed assurance that adequate plans had been made to deliver future growth without compromising water services or causing harm to the environment. He was concerned about the plans to undertake such large development in the area of the UK with the greatest water deficit and referred to the concept of neutrality of water. He asked about the level of neutrality proposed; costs; plans if it could not be delivered and proposed policies for delivery and to ensure adequate water supplies. He also referred to a long-term cost-effective solution for sewage treatment west of Colchester by means of the upgrading of existing water treatment works, whilst Colchester was instead planning to pump sewage 13 km to Colchester water recycling works.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation attended and, with the consent of the Chairman, addressed the Committee. He explained that the Committee was being asked to decide whether to send the detailed information out for public consultation. He acknowledged that there would always be arguments that consultation was being conducted at the wrong time of year but he was of the view that the consultation needed to be undertaken and what was proposed would be of sufficient duration. He explained that the Committee was performing a function on behalf of the Council itself and, once all the work was completed, this work would be submitted to the full Council for ultimate determination/adoption. He mentioned different decision-making structures adopted by the other Councils but was of the view that Colchester's arrangements worked well. He advocated consideration of all the information without pre-conceived ideas. His opinion was that the proposals were the correct approach for the next 50 years of development explaining the inadequacy of the approach to

development in the past where housing was constructed without the delivery of the infrastructure requirements. He considered the Garden Communities approach would work, with the development at East Colchester, together with the University and government funding for infrastructure, first whilst also acknowledging that the project involved a number of challenging elements including improvements to the A12, A120 and A133. He explained that Colchester's annual housing target of 920 had been agreed by the Inspector but he was concerned that any prevarication would mean that this housing target was vulnerable to being increased by another 20%. He was aware of the importance of retaining a five-year supply and explained that, if the Garden Community proposals were put on hold, it would still be necessary to identify sites for the delivery of the annual housing target. He was also concerned that this would leave the Council vulnerable to applications from speculative developers and it would become increasingly difficult to defend decisions at appeal.

Councillor Luxford Vaughan attended and, with the consent of the Chairman, addressed the Committee. She was of the view that the purpose of the meeting was for the Committee to decide whether the new evidence base was fit for submission to the Inspector. Her view was that the evidence was not fit on the grounds of viability. She did not consider it would be possible to buy land over a period of 80 years at a fixed price. She was of the view that the Rapid Transport System (RTS) bus proposals were not credible and, as such, modal shift would be unachievable. She considered more robust evidence to support the proposals was required, she was concerned about the proposed mode of RTS, the delivery of funding and questioned which private investors would be supporting the proposal. She referred to the Habitat Regulations Assessment and referred to concerns expressed by a former Principal Planning Adviser from Natural England regarding the adequacy of progress. She also referred to the Sustainability Appraisal and considered that none of the comments made by stakeholders had been taken on board. She commented on the ambition expressed by the University of Essex to create jobs but was of the view that these were few in number and not long term and she had yet to see a convincing business case for them. She was concerned about the far-reaching consequences of the Committee's decision and the risk to residents of that decision and she recommended that the Committee members be completely confident in the proposals before they were approved. She explained that the only source of funding referred to in the report was the HIF funding but she was of the view that risk funding needed to be secured for the proposals to move forward. She acknowledged that Garden Communities could work and could create a positive contribution but, without the right funding, this potential would be undeliverable.

Councillor J. Young, Portfolio Holder for Culture and Performance attended and, with the consent of the Chairman, addressed the Committee. She congratulated officers for the work put in to deliver the report to the Committee. She referred to the decision taken by the Committee in September 2018 and was of the view that nothing had changed to indicate a need to review that decision. The new evidence had been produced at the request of the Inspector and she explained that Councillors had been given the

opportunity to attend update sessions and briefings from consultants. She considered the Garden Communities proposals gave the Council better control over what happened on its borders and referred to previous proposals for development on the Colchester Tendring border and for development both north and south of the A133, a situation which could emerge again. By way of alternative, she explained that, without Garden Communities, it would be necessary to find sites for an additional 2,500 units, with development constrained to the south by Ministry of Defence land and to the east by the Tendring border so it was likely that sites in villages would be explored and urban extensions to the north and west. To the north, she explained, development beyond the A12 was not desirable and to the west there had already been considerable development in Stanway. In her view this meant sites in Copford and Marks Tey would be investigated and it would involve a higher level of development, without infrastructure and the HIF funding which was funding for infrastructure to facilitate development. She referred to speculative applications already made in villages such as Rowhedge, West Bergholt and Tiptree and the concerns of residents in Langham and Mersea at the existing scale of development proposed, notwithstanding a potential need for greater numbers should the Garden Community proposals be withdrawn or paused. She also referred to communities such as Peldon, Messing and Aldham which could accommodate a few new homes but, without infrastructure, could not accommodate the considerable number which would be needed. She referred to the consequences of not progressing with garden Communities and what this would mean for the Local Plan – the Plan would need to be started again with higher housing targets and being vulnerable to speculative development. The Council had always been proactive in delivering a Local Plan to direct where growth should take place and to protect the community from uncontrolled development. She was of the view that the scale of the Garden Community proposals was the key to enable and facilitate the delivery of infrastructure, explaining that between 750 to 800 homes were required to generate the need for a new primary school and there would be no Rapid Transport System and no link road from the A133 to the A120 without a significant scale of development. She urged the Committee to approve the recommendations.

Councillor Pearson attended and, with the consent of the Chairman, addressed the Committee. He explained that Colchester had a population of 190,000 and the decision to be taken by the Committee was for all of those residents, not just those people who were concerned about development in their own neighbourhoods. He further explained that the Council was required by the government to provide approximately 1,000 new homes each year. He referred to piecemeal development and the problem of over-development without infrastructure. There was now an opportunity to provide infrastructure first development by means of the Garden Community proposals. He was concerned about the consequences of delaying the decision and the vulnerability this would create to applications by speculative developers. He acknowledged the need for the Rapid Transit System proposals to be embellished in an innovative way but he was of the view that an integrated and sustainable transport plan was required to relieve existing traffic problems in the town and he considered the report included some exciting

and creative suggestions to achieve this.

Councillor King, Portfolio Holder for Business and Resources attended and, with the consent of the Chairman, addressed the Committee. He thanked the Committee members for their care and attention to the information presented. He welcomed the clarification provided by Councillor J. Young about the issues and the consequences. He acknowledged the concerns expressed by speakers and alternative technical arguments provided. He stressed the importance of the decision to be taken because it would affect the lives of generations to come. He referred to the way the Borough had changed and the challenges being faced in terms of how to balance the volume of development in a way which would provide sustainable opportunities and a quality of life. He asked the Committee members to continue to work together and he explained that the decision required was one of a series which would be required. As such, he explained that the information being presented needed to be deemed sufficient to enable the next stage in the process to be approved. He urged the Committee members to proceed to the next step and to not put at risk the progress made so far, the Council's reputation and the present housing target.

Christopher Downes, Strategic Planning Specialist, Karen Syrett, Planning and Housing Manager, and Ian Vipond, Executive Director, jointly responded to the representations made by speakers under the Have Your Say! Arrangements.

The Strategic Planning Specialist confirmed that the Sustainability Assessment (SA) did appraise transport on site, with sites being tested by how far they contributed to sustainable travel, reducing the need to travel and reducing congestion. He explained that the SA had been carried out LUC, industry leaders in carrying out a SA, who had dedicated a significant amount of resource to its production. The SA had been open to a check and challenge workshop and feedback from site promoters, as such, he considered it to be a transparent and accurate assessment of sites and the methodology had been the subject of considerable scrutiny. He referred to comments about smaller sites being preferable but he confirmed this had not been borne out in the SA, which had concluded that proportional growth was less sustainable than strategic growth opportunities. He also explained that there was long history of government funding supporting growth opportunities and he confirmed that the Garden Communities sites would benefit from this type of support both in the existing funding round and future rounds. He also referred to comments about water and explained that the 2016 Concept Feasibility Study had been superseded by the Infrastructure Planning, Phasing and Delivery report currently forming part of the new evidence base. He explained that the Inspector's concern relating to the Habitat Regulations Assessment (HRA) was to ensure mitigation procedures were being followed and LUC had confirmed that the HRA was compliant. He also confirmed that the Essex Coast Recreational disturbance, Avoidance and Mitigation Strategy, which had been devised with the assistance of Natural England and other Essex local authorities, was considered an exemplar approach to mitigation. He confirmed that a conservative approach had been taken in

relation to inflation levels to be applied to viability interest payments. He also confirmed that Local Plan viability was limited as it was blind in terms of the delivery model outcome, but had been shown to be thorough, being backed by an independent cost report. In any event, he confirmed that the viability would be subject to monitoring and revision.

The Planning and Housing Manager explained that the evidence base would be available online for a period of twelve weeks, with the consultation exercise being open for six of those weeks two of which coincide with the school holiday period. She also confirmed that all the consultation arrangements had been agreed with the Inspector and that Councillors had been given the opportunity to attend a series of briefings with consultants and officers in attendance and for questions to be asked and responded to. She confirmed that the Statement of Community Involvement was available on the Local Plan website but she offered to send a copy to Mr Lee and to seek to ensure it was located in a prominent place on the website. She confirmed that Hawkins Road had been a long-standing allocation site for housing and employment and a Sustainability Appraisal (SA) had been undertaken in 2008 and 2010, alongside the Core Strategy and Site Allocations documents. Accordingly, these had been through examination and the SA and had been found to be sound. In terms of Middlewick, she explained that the Ministry of Defence (MoD) had asked for the site to be developed as part of a nationwide review and she quoted an extract from a 2016 ministerial statement to confirm this. The site had not been included in the Preferred Options Plan at that time and as a result an objection to the Plan was submitted by the MoD seeking the inclusion of the Middlewick site with an allocation of 2,000 homes. She further confirmed that the site had been deemed a greenfield site. The site comprised 76 hectares, which the Council did not consider sufficient to accommodate 2,000 units as it included a designated local wildlife site. She also referred to comments about insufficient infrastructure in Mersea, commenting that it was not possible to put growth on hold as the Council had a responsibility to deliver a large number of new houses each year.

Following the Chairman's invitation, Councillor Coleman proposed the approval of the recommendations contained in the report and this proposal was seconded by Councillor Scordis.

Councillor Ellis referred to the instructions from the Inspector and invited the Committee to consider an alternative proposal to the recommendations contained in the report, as follows:

(i) That, in accordance with the Planning Inspector's request in paragraph 23 of his letter to the NEA's of 21 November 2018, the North Essex Authorities (NEA) confirmation in paragraph 9 of their letter of 30 November 2018 and the Planning Inspectors reconfirmation in paragraph 3 of his letter of 10 December 2018, that he is given the opportunity to comment on the NEA detailed proposals for consultation on the evidence base, Sustainability Appraisal (SA) and any proposed changes to the Plan

before the consultation arrangements are finalised;

- (ii) That the Local Plan review mechanism, in the event that Strategic Infrastructure investment is not forthcoming, is clearly set out and any such proposed revision is consulted on alongside consultation on the updated evidence base and SA, as per paragraph 6 of the Planning Inspector's letter of 21 November 2018 in response to paragraph 5 of the NEA letter to the Inspector of 19 October 2018 as failure to do so could compromise the Local Plan, risk further delay and increase the risk of Section 1 of the Plan being found unsound again;
- (iii) That Councillors be allowed more time to properly digest and understand the complex set of financial information being presented in order to make a qualified decision on behalf of residents of the Borough;
- (iv) That a new date be set for the Local Plan Committee to reconvene after Committee Members have had the chance to fully interrogate all the information provided;
- (v) The scale of development proposed in Section 1 of the Local Plan is considerable and will fundamentally change the character of parts of North Essex, the financial implications for this Authority and its residents are also considerable therefore Full Council be asked to make the decision on acceptance of the evidence base and all supporting papers, so that all residents are represented by all elected Members from across the Borough, on a recommendation from the Local Plan Committee;
- (vi) That consultation be publicised to all households, given that we are entering school holidays, a minimum of 12 weeks should be allowed for public consultation on the schedule of proposed modifications, the additional SA and additional evidence base which will allow the public proper time to examine, fully understand and comment and the Council holds a series of public drop-in and briefing sessions so that all residents have all the information before commenting, with consultation responses being reported to the Local Plan Committee prior to submission to the Inspector to comply with paragraph 17 of the NEA letter to the Inspector of 19 October 2018 and to ensure compliance with the SEA Directive;
- (vii) That the Council also have an alternative plan should the Inspector find the current one, once again, 'unsound' and that this to include full consideration of the Inspector's Option 1;
- (viii) That, in accordance with the above and the Inspectors clear requirements, it is imperative that outcomes are known of the HIF bids and also the outcome of the Road Investment Strategy (RIS) 2 and the public consultation of the A12 by Highways England due in the autumn, before any consultation on the evidence base is put to the public.

Councillor Ellis explained the reasons why he was proposing an alternative proposal and it was seconded by Councillor Barber.

The Executive Director confirmed that the Inspector had confirmed in writing that he had seen and was satisfied with the details for the consultation exercise, including the proposal that it would commence in the middle of August and would be concluded at the end of September and that at least four of the six weeks would fall outside the school

holiday period. He further confirmed that the evidence base would have been publicly available for a period of twelve weeks by the time the consultation was concluded. He emphasised the importance of holding a formal consultation exercise, referred to the mechanism of review being written into the policy of the Plan and that it would be a formal process. He explained that a part review had been undertaken of the current Local Plan and, if the infrastructure did not come through in a timely manner, then Section 2 would need to be enacted to cater for the additional dwellings during the Plan period. He further explained current government guidance that a review of all Local Plans be undertaken every five years and explained the challenges that this would involve. In terms of the Garden Communities, he explained that the policy was clear that these would not proceed until the main elements of infrastructure had been secured. He confirmed that it was not a requirement of the approval of the Local Plan that a HIF bid had been confirmed, it was the policy which required the infrastructure to be secured. Nevertheless, he confirmed that announcements were expected this summer or autumn on the HIF bids, although this information didn't need to form part of the evidence submitted to the Inspector, as was also true of the dualling of the A120 from Braintree to the A12, a preferred route for which had been announced by Essex County Council and which may form part of RIS 2.

He acknowledged that there was a large volume of new evidence and that this took time to consider and absorb. He confirmed that the financial liability of the proposals for the Council was not a matter which was the responsibility of the Local Plan Committee and he reiterated that the Local Plan was delivery model blind, with the Plan being prepared with a range of possible options for delivery. He confirmed that it was this decision which would be determined by the Council as well as the viability appraisal, which had been undertaken by HYAS, using a conservative approach to the model, which was appropriate for a Local Plan. He confirmed that it was rare for Councillors to be asked to make decisions in relation to matters which would have implications for 50 to 80 years hence but this was necessary when contemplating large scale proposals. He acknowledged that it was important for the legacy of the proposals to be at the forefront of Councillors' minds as the decisions were related to the quality of development in the Borough for many years to come. He disputed the claim that a number of small developments added together would be able to deliver the infrastructure that residents and businesses would require. He was of the view that this could only be done through co-ordinating development at scale. He acknowledged concerns about over-development in certain areas such as Mersea and Langham but he was of the view this could only be addressed with bold decisions about larger scale development and its co-ordination in a strategic way.

He did not dispute the comments about the role of consultation and how it influenced decisions but he considered it needed to be borne in mind that the Council was part way through a very long process. He confirmed that LUC had undertaken a consultation on the SA whilst undertaking the SA, which he considered to be unprecedented in his experience, as such, he did not consider there could be any accusation of a shortage of

consultation. He confirmed that the consultation would still allow the local authority to propose modifications to the Inspector on the nature of the policy, although not on the main strategy of the Local Plan itself, and that all the consultation responses would be submitted to the Inspector for consideration.

Councillor Ellis referred to the Committee's previous resolution in September 2018 determining that there would be strong evidence of constructive engagement involving local communities throughout the Plan and asked whether the consultation exercise proposed in the report would be deemed to be evidence of this. He was of the view that a long period of time had elapsed to enable constructive engagement to have taken place but that this had not taken place to date.

The Executive Director explained his view that it was not credible for the three NEA to go out to public consultation on Garden Communities whilst the SA process was being carried out. He confirmed that work on non-site-specific consultation had been started over the last month using consultants with pop up stalls and engagement with hard to reach groups. He explained that NEGC had also committed to a range of consultation outside of the statutory consultation requirements but that it had been difficult to establish what sort of consultation should be undertaken at the time of a suspended examination. Ultimately, he was of the view that the Committee members' approval of the recommendation would be taken as the commitment of the community to the proposals. He acknowledged that it would be sensible to think about what would happen if the current Local Plan was not considered sound, but he explained that it was not possible to propose two Plans but that it would become necessary to find an alternative approach if the current Plan was found to be unsound. He explained that, in that scenario, it would be necessary to find the most efficient way to secure an adopted Local Plan. Whilst if the proposed next steps set out in the recommendation in the report were approved by the Committee then he hoped that the Inspector would find the new evidence sufficiently compelling to deem the Plan sound, subject to modifications.

The Chairman referred to the consultation exercise being due to end on 30 September 2019 and sought clarification on the timescales for the Plan after that, how the consultation responses would be dealt with and the timescale for their further submission to the Inspector, bearing in mind the next meeting of the Committee was scheduled for 14 October 2019, when the outcome of the HIF bids may have been published.

The Planning and Housing Manager explained that a period of approximately one month would usually be required to process the responses to the consultation, including those which had not been submitted online and given there may be a number of more detailed technical responses. She had anticipated submitting the responses to the Inspector by the end of October with a view to reconvening hearing sessions possibly at the beginning of December 2019.

Councillor Barber referred to the SA which had not been able to conclude whether any

one strategy, whether west or east of Colchester, was the most sustainable option. Some other opportunities were able to deliver other benefits whilst the officers' report asked the Committee to support the existing spatial strategy set out in the submitted Local Plan, together with the additional SA work and this being on the basis of allowing the Local Plan examination to resume. He disputed the adequacy of the reason for the Committee to confirm this decision and to give support to the SA work and the cross-border Garden Community proposals and he was of the view that the Committee had not been given sufficient information, particularly in terms of viability, for it to come to a decision at this time. He referred to potential issues of pre-determination, the need for objective decision making and for all Committee members to take into account all the information presented to them and he was concerned about the decision being legally challenged. He was of the view that the decision should be deferred to the next scheduled meeting in October or to a Council meeting for a full debate. He supported the views expressed by Councillor Ellis and for the consultation responses to be submitted to the Committee for consideration prior to submission to the Inspector. He was concerned that the RTS report had not yet demonstrated an operational model and was concerned that the RTS would only be delivered after the construction of 2,500 new homes. He also explained that West Bergholt residents had accepted the allocation of 150 new dwellings but had been the subject of a number of speculative planning applications.

Councillor Scordis acknowledged the reservations stated but was concerned about the process being delayed unreasonably. He explained that the Committee members had been offered numerous briefings providing all the background information necessary and he had also taken the opportunity to discuss particular issues of concern with officers on a one to one basis. He referred to the need to provide more housing for people who were unable to afford to move out of their family home and the opportunity available through the Garden Community proposals to offer socially affordable rented housing. It also provided a different model to that adopted in the past and provided for alternative means of travel to combat society's heavy dependence on cars. He supported the recommendations in the report, including the proposals for consultation as set out in the report, considering that six weeks was sufficient and was of the view that most response to the consultation would be submitted in the towards its end period.

Councillor Dundas said he considered the key issue was whether the report and the additional evidence adequately answered the matters requested by the Inspector. He sought clarification on whether the Committee was being asked to approve the consultation proposals and for the consultation responses to be submitted to the Committee for consideration and then onward submission to the Inspector or was the decision to exclude the submission of the consultation responses to the Committee prior to submission to the Inspector. He explained that it would be necessary for the Committee to have full confidence in the advice being provided by the officers and he remained concerned about the prospect of the Inspector remaining unconvinced by the additional evidence to be presented to him. He was of the view that the Committee

needed to be sure that the information was correct and adequate and advocated a delay in that decision making in order to develop that assurance. He had a number of matters of considerable concern in relation to the new evidence, particularly in relation to the RTS study, whether it constituted a proper feasibility study; from where the diagrams and written content had been sourced; what impact it would have on the pedestrianisation proposals for the High Street and roads such as Clingoe Hill; whether discussions had taken place with the University of Essex; existing and proposed bus travel times; discussions with Network Rail about the relocation of Marks Tey railway station; improvements in access to the station. He was of the view that the consequences of getting the decision wrong were so serious that it needed to be referred to the Council for determination.

Councillor Buston welcomed the well-informed and motivated submissions to the Committee and he was of the opinion that it was important to have a viable and sustainable Local Plan. He acknowledged the detailed amount of work which had gone into the process so far and he was concerned that all Committee members should be given adequate opportunity to consider the information. He had not yet been convinced that the evidence was sufficiently robust and that the proposed strategy was the correct one. He agreed that the penalties for getting the decision wrong would be considerable and the Committee members needed to be assured that the proposals were the correct ones for the Borough. He was of the view that the requirement for strong engagement had not yet been satisfied and, whilst acknowledging that the evidence would be published for a period of three months, he did not consider that local residents were engaged with the process. He did not wish to see the process delayed but he expressed support for the views expressed by Councillor Ellis.

Councillor Bourne was of the view that the Councillors had been elected to the Council to represent the views of the residents and to use the authority delegated to make decisions on residents' behalf. She referred to the extensive information published on the Local Plan website, the unparalleled access to officers and the numerous briefings which had been available to all councillors. She was of the view that Councillors' knowledge and understanding had been widened, accordingly, she saw no reason for the Committee to reconvene at a later date to make a decision. In her view, the decision required of the Committee was to move forward with a process and the Committee had been given delegated powers from the Council for this reason. She acknowledged that the volume of information was considerable and the information was complex but she considered the advice provided by officers should provide sufficient assurance for the Committee to be well placed to come to a decision at this meeting. She also acknowledged that it was important for more unambiguous information to be made available explaining what the Garden Community proposals were about and to overcome misunderstandings which was a recommendation that had recently been made by the Scrutiny Panel. She was of the view that a full public engagement plan was essential. She did not consider there was capacity to resource a fully worked up alternative plan and she did not agree that it was imperative for an approved HIF bid to

be submitted. She was of the view that the recommendation in the report was well thought through on the basis that infrastructure was needed to facilitate housing growth, as such she was satisfied with the proposed recommendation.

Councillor Coleman acknowledged the responsibility of elected representatives to make decisions on behalf of their residents and confirmed that he had considered all the information presented to the Committee, as well as attending numerous briefings and update sessions previously and considered he was sufficiently well informed to make a decision.

Councillor Ellis referred to the Executive Director's advice about the mechanism for review within the Plan and that this was considered sufficient to satisfy the Inspector's concerns. He explained that an alternative plan had been discussed at various previous meetings of the Local Plan Committee in order to provide for an alternative scenario should the current proposals prove to be unsound or if the infrastructure funding did not come to fruition. He supported the comments by Councillor Bourne regarding a thorough public engagement plan. He acknowledged the availability of briefings and update sessions for Councillors but explained that these had taken place prior to the publication of the additional information, the volume of which was considerable. He referred to the HYAS report and its conclusion that the Colchester Braintree Borders Garden Community would not be deliverable without the anticipated government grant and he was also sceptical about the deliverability of the East Colchester Garden Community given the land values which had been estimated. He sought clarification regarding the likelihood of successful land acquisition with the land values identified in the report.

The Executive Director confirmed that a full or partial review was a requirement of the Local Plan process. He confirmed that he had been asked by the relevant Cabinet members to investigate the leafletting every household in the Borough prior to the start of the formal consultation period. He explained that the Inspector had asked for evidence of sums which had a reasonable prospect of land owners accepting but that a judgement had to be taken in terms of land owners with large acreages and at what rate and at what time they would be prepared to sell. He acknowledged the difficulty for the planning process in terms of being deliverability model blind and it was not possible to assume any one mechanism would be utilised. He also acknowledged that this would be a matter for the Inspector to determine whether the evidence presented was sufficient. He also referred to the RTS and was of the view that the Inspector had not envisaged that a fully detailed feasibility study would be produced but to receive evidence that it would be possible to deliver the modal shift envisaged in the first phase of development. He was also of the view that the modal shift wasn't entirely reliant on a RTS, but also about people's travel choices within the Garden Communities themselves and about providing genuine alternative choices for the majority of journeys which were short ones. He further explained that the consultation proposed at this point in the process was not at the instigation of the Council but was a requirement of the Inspector and it was for the Inspector to approve the process and to receive the responses to it. He confirmed that it

was not possible for the Committee to seek to consider the responses at its next meeting in October, with a view to incorporating further changes to the Plan as it would then be necessary to consult again on the proposed changes. He acknowledged there may have been a misunderstanding on this issue but he confirmed that previous comments regarding the ability of the Council to suggest modifications to the Inspector by the Council had been in relation to technical issues such as changes in legislation.

The Chairman referred to the ongoing Local Plan process, the regular discussions on the Garden Community proposals which had taken place previously and the numerous opportunities for discussions to come at meetings of the Local Plan Committee, as well as at Cabinet and Council meetings. He also explained his view that there could never be certainty within the planning process that a Local Plan would be guaranteed to be considered sound by an Inspector at examination.

RESOLVED that: -

- (i) The additional evidence base contained within Appendices 1 to 12 (and background papers) of the report by the Assistant Director Policy and Corporate be accepted as part of the evidence base to support Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- (ii) The evidence base (including the additional evidence) be agreed as supporting the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and is justified as being the most appropriate strategy;
- (iii) The Additional Sustainability Appraisal (SA) work (attached as Appendix 1) be approved and the findings of the additional SA work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the realistic alternatives to this strategy be considered and taken into account;
- (iv) The schedule of proposed modifications to the Local Plan (attached as Appendix 12) be approved;
- (v) A six-week public consultation on the schedule of proposed modifications, the Additional Sustainability Appraisal and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
- (vi) Following the period of consultation, the above documents along with any duly made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the Examination of the Section 1 Local Plan and recommend any further changes to the Publication Draft Local Plan as necessary to make it sound;
- (vii) That the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government be noted and that the Councils would expect a decision on those Bids before submitting further evidence to the Secretary of State as referred to in (vi) above.

In accordance with Meetings General Procedure Rule 9(2), a request for a named vote having been made, the votes cast were as follows:

Those who voted FOR were: - Councillors Barlow, Bourne, Coleman and Scordis;

Those who voted AGAINST were: - Councillors Barber, Buston, Dundas and Ellis;

NONE ABSTAINED from voting.

The Chairman exercised his casting vote FOR.

Special Meeting of Full Council

AGENDA

Thursday, 1st August 2019 at 7:15pm

Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

Members of the Council are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor J Abbott	Councillor P Horner	Councillor Mrs J Sandum
Councillor J Baugh	Councillor D Hume	Councillor Miss V Santomauro
Councillor Mrs J Beavis	Councillor H Johnson	Councillor Mrs W Scattergood
Councillor D Bebb	Councillor Mrs A Kilmartin	Councillor Mrs W Schmitt
Councillor K Bowers	Councillor D Mann	Councillor P Schwier
Councillor G Butland	Councillor T McArdle	Councillor Mrs G Spray
Councillor J Coleridge	Councillor J McKee	Councillor P Tattersley
Councillor G Courtauld	Councillor A Munday	Councillor P Thorogood
Councillor Mrs M Cunningham	Councillor Mrs I Parker	Councillor N Unsworth
Councillor T Cunningham	Councillor Mrs J Pell	Councillor R van Dulken
Councillor Mrs C Dervish	Councillor I Pritchard	Councillor D Wallace
Councillor P Euesden	Councillor M Radley	Councillor T Walsh
Councillor T Everard	Councillor R Ramage	Councillor Mrs L Walters
Councillor Mrs D Garrod	Councillor S Rehman	Councillor Miss M Weeks
Councillor A Hensman	Councillor F Ricci	Councillor Mrs S Wilson
Councillor S Hicks	Councillor B Rose	Councillor J Wrench
		Councillor B Wright

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

Health and Safety

Any persons attending meetings in the Council offices are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by officers. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

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Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

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Documents

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We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via governance@braintree.gov.uk

1 Apologies for Absence**2 Minutes of the Previous Meeting**

To approve as a correct record the minutes of the meeting of Full Council held on 22nd July 2019 (copy previously circulated).

3 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

4 Public Question Time

Only confirmed registered speakers will be permitted to speak at this meeting.

To register to speak, members of the public should contact the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 12pm on Wednesday 31st July 2019. Any requests received after this time and date will be declined. Confirmation will be emailed to the registered speakers.

In order to exercise fairness to all those wishing to speak and to manage this Special Meeting of Full Council, it may be necessary to restrict the number of speakers. Only one speaker's slot will be given to a Parish Council including any specialist groups formed by that Parish Council. Where there are two or more people wishing to speak on the same specific site, the Council reserves the right to request that the speakers collaborate and address the Council in a single speaker's slot.

In the event of large public attendance at this meeting, priority will be given to the registered speakers being seated in the Council Chamber. For those members of the public who cannot be accommodated in the Council Chamber, seating and facilities to view the webcast of the meeting will be available in the reception area of Causeway House.

5 Section 1 Local Plan Examination - Additional Sustainability Appraisal, Evidence and Proposed Amendments **4 - 87**

Section 1 Local Plan examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments	Agenda No: 5
Portfolio: Corporate Outcome: Report Presented by: Report Prepared by:	Planning and Housing Securing appropriate infrastructure and housing growth Councillor Mrs G Spray, Cabinet Member for Planning Emma Goodings Head of Planning and Economic Development
Background Papers: National Planning Policy Framework Publication Draft Local Plan 2017 IED011 Inspectors response to the North Essex Authorities June 2018 Local Plan Sub-Committee Agenda and Minutes - 11th July and 18th July 2019 Submission draft Local Plan Evidence Base	Public Report Key Decision: No
<p>Executive Summary:</p> <p>Section 1 of the submitted Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, 'the Section 2 Plan' for each of the three Authorities contains more specific local policies and proposals relevant only to their individual area.</p> <p>Before a Local Plan can be formally adopted by a Council, it must be examined by a government-appointed Inspector whose job it is to check that:</p> <ol style="list-style-type: none"> 1. The Plan has been prepared in line with various legal requirements, and 2. That the policies and proposals in the plan comply with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF). <p>Examination hearings for the Section 1 Plan took place between January and May 2018; and in June 2018 the Inspector wrote to the North Essex Authorities setting out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the plan and praised the NEAs' innovation and ambition, the Inspector found some of the evidence and justification in support of Garden Communities to be lacking and was therefore unable to pass the Section 1 Plan as sound. The Inspector's specific concerns were reported to Members in October 2018.</p>	

In his letter, the Inspector offered the NEAs advice and options for how best to proceed. Having considered his advice, the NEAs in October 2018 confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns. On 10th December 2018, the Inspector confirmed that he was satisfied that the proposals for further work on the evidence base satisfactorily responded to the points he had raised as identified issues and paused the examination until the NEAs' further work on the evidence base and an Additional Sustainability Appraisal was completed. Monthly updates have been submitted to the Inspector on the programme timetable as requested.

Additional evidence has now been completed in the following areas to address the Inspectors concerns and their findings are summarised within this report;

- Housing Infrastructure Fund (HIF) Bids
- A120 dualling
- Rapid Transit
- Modal Shift
- Marks Tey railway station
- Housing Delivery
- Viability
- Employment Land
- Phasing and Delivery
- Infrastructure
- Habitats Regulation Assessment (HRA)
- Delivery Mechanisms

Some of the Inspector's biggest concerns were about the previous Sustainability Appraisal (SA) which is both a legal requirement of the plan making process and a key piece of evidence in determining the most appropriate 'spatial' strategy for growth. The Inspector found that some of its assumptions were either not properly justified or were biased in favour of the NEA's preferred spatial strategy for three Garden Communities and therefore did not represent an objective or reliable assessment. He advised that further work would be needed to rectify these problems and advised different consultants ought to be selected for that work.

The Additional SA has been undertaken by consultants LUC who have followed a revised methodology that has been shared with the Inspector himself and has been the subject of consultation and engagement with statutory bodies and key participants in the Local Plan examination – taking particular care to ensure it addresses the Inspector's previous concerns. The Additional SA first tests a range of alternative development site proposals against a series of tried and tested 'sustainability criteria' applying assumptions guided, where possible, by information provided by site promoters themselves. The second stage of the SA then tests different combinations of those site proposals against the sustainability criteria which represent a reasonable range of alternative spatial strategies for the authorities to consider in determining the most appropriate approach for the Local Plan.

The findings of the Additional SA indicate that many of the site proposals and alternative spatial strategy options are closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies stand out as performing notably stronger than the current strategy in the submitted Section 1 Local Plan. There is consequently nothing arising from this new evidence that would suggest that the

current spatial strategy is not justified or needs to change to make way for an alternative approach. Officers therefore recommend that the NEAs continue to promote the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.

All of the above evidence supports Officers' view that the current proposals in the Section 1 Local Plan are sound and, when presented to the Planning Inspector, will address all of his previous concerns.

As well as producing the above evidence in response to the Planning Inspector's concerns about Garden Communities, the North Essex Authorities have also compiled a table of proposed amendments to the Section 1 Plan. These amendments are aimed at addressing certain issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring the plan meets the tests of soundness. Many of the proposed amendments arose from suggestions and discussions at the examination hearings in 2018 and the Inspector's interim findings whereas others arise from the findings of the additional evidence base.

Importantly, Officers are not recommending any substantial changes to the strategy for growth as set out in the Section 1 Local Plan. The additional evidence prepared in response to the Inspector's original concerns demonstrates that the establishment of three Garden Communities in the broad locations already identified in the plan is justified and represents an appropriate, sustainable and deliverable strategy.

Notable amendments include:

- New policies (SP1A and SP1B) to clarify how the Local Plan, taken as a whole, will operate in practice in the determination of planning applications; and to reflect the new Essex-wide approach to recreational disturbance avoidance and mitigation in relation to internationally important wildlife sites.
- Additional wording in Policy SP3: 'Meeting Housing Needs' to explain how the housing figures in the policy will be used for assessing authority's five-year housing supply requirements.
- Corrections to the employment land figures in Policy SP4 for the individual NEAs following the discussions at the examination hearings and the Inspector's subsequent advice.
- Additional wording for the infrastructure and connectivity policy (SP5) to provide greater clarity over what would happen if, for whatever reason, it becomes clear that the infrastructure required for the Garden Communities will not be funded or delivered; as well as identifying the key infrastructure projects that would need to be secured in advance of the start of the Garden Communities.
- The inclusion of specific employment land figures in the Garden Community policies SP7, SP8, SP9 and SP10 as well as additional wording in relation to waste water, the protection European designated sites and the historic environment and specific infrastructure priorities relevant to specific Garden Communities.

It will be the Inspector's choice whether or not to accept the proposed amendments to the Local Plan through the resumed examination process, in determining whether it satisfies the necessary statutory requirements and is sound. Section 20(7C) of the 2004 Act provides that the Inspector must, if asked to do so by the local planning authority, recommend formal modifications to the local plan that would satisfy the requirements mentioned in subsection 20(5)(a) and is sound, therefore such modifications could be suggested by the Inspector following conclusion of the examination.

If Full Council approves and the other NEAs agree, the Additional Sustainability Appraisal, all of the additional new evidence base documents listed above and the table of proposed amendments are published for six weeks public consultation between 19th August and 30th September 2019 before they are submitted, along with any representations received, to the Planning Inspector to enable him to resume the examination. It is expected that the further examination hearings will take place in late 2019 or early 2020.

Recommendation:

That the Council recommends that:

- a) The additional evidence base summarised within this report are accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- b) To note that the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government and that the Council's would expect a decision on those Bids before submitting further evidence to the Secretary of State under recommendation (g) below
- c) It approves the findings of the Additional Sustainability Appraisal work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy;
- d) It agrees that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;
- e) It approves the schedule of proposed amendments to the submitted Local Plan
- f) A six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
- g) Following the period of consultation, the above documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and
- h) The Council requests the Local Plan Inspector to recommend any further modifications to the Publication Draft Local Plan as necessary to make it sound.

Purpose of Decision:

- a) To approve of the Additional Sustainability Appraisal and to report to the Planning Policy and Local Plan Committee the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex.
- b) For Council to seek that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications.
- c) To seek the Council's recommendation that six weeks public consultation is undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they are submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude their examination.

Corporate implications	
Financial:	Cost of evidence preparation is being met from base budget
Legal:	The Local Plan and Additional Sustainability Appraisal must comply with all relevant Government and European legislation and related guidance.
Equalities/Diversity	<p>Equality Impact Assessment of the Local Plan has been produced and is available at the following link. https://www.braintree.gov.uk/downloads/file/6377/equality_impact_assessment_-_june_2017</p> <p>The changes proposed within this document do not change the equalities impact of the Local Plan</p>
Safeguarding	None
Customer Impact:	The Local Plan will have an impact on customers across the District.
Environment and Climate Change:	Policies within the Plan are in accordance with national planning guidance in relation to the environment and climate change.
Consultation/Community Engagement:	As set out within the next steps, if approved the additional evidence base, additional Sustainability Appraisal and modifications to the Local Plan will be subject of a 6 week public consultation between the 19 th August and the 30 th September 2019.
Risks:	<p>There is a risk of legal challenge following the adoption of the Local Plan if any party believes that the Inspector or the Councils have made any legal or procedural errors.</p> <p>If Members decide to proceed with substantially different approach to existing strategy would necessitate the formal withdrawal of the Section 1 Plan and all three Section 2 Plans from the examination process – requiring the authorities to begin the plan-making process again, either jointly, in partnership or individually. To meet with legal and procedural requirements, the three-stage plan-making process would need to start from scratch with the first stage being consultation on issues and options.</p> <p>Section 1 of the Local Plan is individually submitted by the North Essex Authorities but applies equally to all three Councils, therefore for the Examination to be resumed and proceed, each authority must agree to continue with the existing strategy and submitted plan. Should either Tendring District or Colchester Borough Councils postpone or make an alternative decision Members at Braintree will need to consider their position.</p>
Officer Contact:	Emma Goodings
Designation:	Head of Planning and Economic Development
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1. Background

- 1.1 Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.
- 1.2 The three Garden Communities proposed in the Section 1 Plan are:
- Tendring/Colchester Borders Garden Community (Policy SP8) – 7,000-9,000 homes on land between Elmstead Market and Colchester.
 - Colchester/Braintree Borders Garden Community (Policy SP9) – 15,000 to 24,000 homes on land around Marks Tey.
 - West of Braintree Garden Community (Policy SP10) – 7,000 to 10,000 homes on land north of the A120 west of Rayne.
- 1.3 These are long-term comprehensively-planned development proposals designed to follow 'Garden Community Principles' including pro-active collaboration between the public and private sectors, community empowerment and engagement, high quality design and management of the built and public realm, integration of infrastructure and development and long-term governance and stewardship arrangements. The developments are expected to take place partly within the timescale of the Local Plan (to 2033) but mostly beyond that period. The Section 1 Plan currently envisages that each of the three Garden Communities will deliver 2,500 new homes in the plan period up to 2033; i.e. 7,500 homes across North Essex. The majority of new housing development expected in the period between now and 2033 will still however come from sites that are already under construction or have already obtained planning permission and sites that are allocated for housing development in each of the authorities' Section 2 Local Plans.
- 1.4 The final part of the process for the preparation of a Local Plan, before it can be formally adopted, is the examination. The purpose of the examination is for a government-appointed Planning Inspector to ensure the Council has followed relevant legal and procedural requirements and to test the plan for its 'soundness' which includes ensuring that it is consistency with national planning policy. Key legal tests include ensuring the Council has complied with the legal duty to cooperate, the requirements for sustainability appraisal and requirements for community consultation. The 'tests of soundness' which are set out in the National Planning Policy Framework (NPPF) are:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
- 1.5 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr. Roger Clews, to undertake the examination for Section 1 of the Plan.
- 1.6 Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in respect of the Inspector's first letter. The content of these letters were all reported to Members in 2018.
- 1.7 Overall, the Inspector was satisfied that the Authorities had complied with the legal duty to cooperate and other legal and procedural matters and was also satisfied that the overarching employment and housing targets in the plan had been justified on the basis sound evidence. He also praised the authorities for their innovation and ambition in promoting three new Garden Communities in North Essex and stated that if carried out successfully it has the potential to provide for housing and employment needs not just in the current Plan period but well beyond it.
- 1.8 However, the Inspector found the evidence provided to support the Garden Communities was lacking in a number of respects. The main areas of concern related to:
- Transport infrastructure – in particular the lack of certainty over its practical delivery, timing, costs and funding;
 - Housing delivery – in particular the assumptions about how many new homes could realistically be built at the Garden Communities in the period up to 2033;
 - Employment provision – the lack of any indication as to how much employment land would be provided as part of the new Garden Communities;
 - Viability – in particular some of the assumption made in respect of transport infrastructure costs, land purchase and interest costs and contingency allowances.
 - Delivery mechanisms - questions over the NEAs approach to delivering Garden Communities through the formation of a locally-led 'development corporation' and whether the development could be delivered through other alternative methods.
 - Sustainability appraisal – in particular the objectivity of the appraisal and concerns that it was biased in favour of the NEA's preferred strategy.

- 1.9 In summary, the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the authorities had selected the option of Garden Communities over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Local Plan as being sound. Instead, the Inspector provided the authorities with three options for how to progress a Local Plan towards adoption.
- 1.10 Option 1 would have involved removing Garden Communities from the Local Plan and proceeding with the examination of Section 2, so long as the Local Plan was reviewed again within 2-3 years (at which point the evidence in support of Garden Communities might have been stronger). Option 2 effectively meant undertaking more work to fill the gaps in the evidence and delaying the examination of Section 2 until the Inspector had been satisfied that the Garden Communities were deliverable and that Section 1 of the Plan was sound. Option 3 would have meant withdrawing the Local Plan and starting again.
- 1.11 On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:
- The availability of funding for the necessary strategic infrastructure;
 - the financial viability of the proposed communities;
 - the environmental effects, including transport issues;
 - employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and
 - continuing engagement with the local communities.
- 1.12 The Councils also committed to reviewing the ‘Sustainability Appraisal’ underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of reasonable alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary.

2. Additional Sustainability Appraisal (SA) **The role of Sustainability Appraisal (SA)**

- 2.1 The strategy for growth or ‘spatial strategy’ in the Section 1 Local Plan includes the establishment of three Garden Communities along the A120 corridor to deliver long-term growth within the current plan period to 2033 and beyond. One of the tests of soundness is to ensure that the plan and its spatial strategy is ‘justified’. To be justified, the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. The Sustainability Appraisal (SA) is a legal requirement and key piece of evidence designed to test different policies, proposals and alternative strategies and to inform the decisions a Planning Authority takes when choosing its strategy for growth.

- 2.2 The purpose of the SA is to ensure that potential environmental effects are given full consideration alongside social and economic issues. SA is also a legal requirement and should be undertaken at each of the key stages of the plan making process. Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out an SA of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”. SAs also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Assessment Regulations’), which implement the requirements of the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment.

The Inspector’s concerns and suggestions for further work

- 2.3 In his June 2018 letter (paragraphs 93-129) the Inspector raised a number of concerns about the previous SA prepared and submitted alongside the Section 1 Local Plan. He firstly questioned the objectivity of the assessment; concluding that its authors had made optimistic assumptions about the benefits of Garden Communities and correspondingly negative assumptions about the alternatives, without evidence to support many of those assumptions - thus he felt that the assessment lacked objectivity and was unreliable. He secondly questioned the rationale behind the choice of alternative strategies that were tested as part of the assessment and identified a lack of clarity in the description of the alternatives and why they were tested at certain scales – making it difficult for the public to understand the alternatives and to give an effective opinion. Thirdly, the Inspector questioned the combinations of sites that were tested, in particular the reasons for excluding of the alternative ‘Monks Wood’ development proposal from Lightwood Strategic as an option for testing in combination with other Garden Communities. Because of the shortfalls identified in the previous SA, the Inspector concluded that the choice of three Garden Communities as part of the preferred spatial strategy had not been properly justified and it had not been demonstrated that the chosen strategy was the most appropriate when considered against the reasonable alternatives.
- 2.4 In advising the NEAs on how to proceed, the Inspector provided some suggestions in his letter as to how the shortcomings in the SA might be rectified. He first suggested (paragraph 122) that before embarking on any Additional SA work the NEAs 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, in order to ensure that they have a sound basis on which to score them against the SA objectives. As explained elsewhere in this report, additional evidence in respect of each of these subjects has now been prepared.
- 2.5 The Inspector also advised (paragraph 123) that Additional SA work must be an objective comparison of individual Garden Community site options at a

range of different sizes, insuring (in particular) that the Monks Wood proposal is assessed as an alternative at an appropriate scale. Adequate reasons (paragraph 124) would have to be given for taking forward or rejecting certain options from the first stage of the assessment. In the second stage of the assessment, the Inspector (paragraph 125) would expect an assessment of alternative spatial strategies for the Plan area including, as a minimum, the following:

- 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 of the assessment).

2.6 The Inspector also advised (paragraph 128) that different consultants be used to undertake the Additional SA work than the authors of the previous SA to help ensure that the further work is free from any earlier influences and is therefore fully objective.

Methodology for the Additional Sustainability Appraisal (SA)

2.7 Independent consultants LUC have been appointed to undertake the Additional SA advised by the Inspector. The methodology that LUC has applied takes on board the Inspector's advice and was the subject of consultation in its own right with statutory consultees, other partner organisations and participants in the Local Plan Examination (including campaign groups and site promoters). The methodology has also been shared with the Inspector himself to allow him the opportunity to indicate any suggestions or concerns with the Additional Sustainability Appraisal [SA] Method Scoping Statement. In his letter in December 2018, the Inspector confirmed he was satisfied with the approach being adopted. There has also been engagement between LUC and various stakeholders in the form of meetings, a 'check and challenge workshop' and requests for information from alternative site promoters which have all helped to ensure that the assessment is as robust, and transparent, as possible.

2.8 The methodology for the Additional SA work has followed a two-stage process – the first involving an assessment of a range of potential development sites throughout North Essex at different scales of development; and the second involving an assessment of different 'spatial strategy' alternatives derived from different combinations of those sites, ensuring that the alternatives identified specifically by the Inspector are tested.

2.9 All sites and spatial strategy alternatives are assessed against the established 15 sustainability objectives which include creating safe, cohesive communities; meeting housing needs; achieving more sustainable travel behaviour; conserving and enhancing wildlife and geological sites; improving air quality; conserving and enhancing landscape quality; and safeguarding and enhancing soil quality and mineral deposits.

Options tested

2.10 The alternative spatial strategy options tested as part of the Additional SA work have been derived following some key principles to ensure they

represent a good range of reasonable alternatives. The principles include: ensuring all options meet the required housing need in the plan period to 2033; reflecting the relative housing need and commuting patterns as they affect different parts of North Essex; and ensuring alternative strategies are coherent, logical and reasonable. 17 spatial strategy options have been tested which comprise 11 options for the area of North Essex to the west of Colchester (mainly affecting Braintree district) and 6 options for the area east of Colchester (mainly affecting Tendring) – with the idea being that the most appropriate option to the west is combined with the most appropriate option to the east to result in the most appropriate spatial strategy for North Essex overall.

- 2.11 As required by the Inspector, the option of proportionate growth around existing settlements has been tested. It takes two forms in the assessment – a ‘percentage-based’ approach to growth which requires all towns and villages in North Essex area to accommodate the same percentage increase in dwelling stock in the period up to 2033; and a ‘hierarchy-based’ approach which directs more development towards larger towns and less development towards smaller villages with limited services and facilities. Both approaches take into account the amount of housing development that is already proposed through existing planning permissions and housing allocations in respective Section 2 Local Plans – which already account for some 80% of expected growth. The percentage-based growth scenario involves a ‘thin spread’ of development around nearly every town and village in the western part of the North Essex area (Option West 1) and a stronger focus for major development around the coastal towns to the east, including Clacton, Harwich, Frinton, Walton, West Mersea and Wivenhoe (Option East 1). In contrast, the hierarchy-based growth scenario involves a greater focus on development on the edge of Braintree and at Hatfield Peverel and Halstead to the west (Option West 2); and significant growth around the coastal town of Brightlingsea to the east (Option East 2).
- 2.12 Options involving different numbers and different combinations of Garden Communities have been also tested in line with the Inspector’s advice. To the west of North Essex, the current strategy in the Section 1 Local Plan of Garden Communities west of Braintree and at the Colchester/Braintree border at Marks Tey (Option West 3) has been re-assessed as well alternatives incorporating the Monks Wood alternative Garden Community proposal from Lightwood Strategic. These include Monks Wood being developed alongside and in addition to the existing Local Plan Garden Community proposals (Option West 4); and as a direct alternative to either of the two current proposals (Options West 5 and West 6).
- 2.13 Strategic developments in the form of major urban extensions to the east of Braintree (Option West 7) and on land at Halstead (Option West 8) have been tested alongside proportionate growth around other settlements; and the option of just having one single Garden Community alongside proportionate growth around existing settlements has also been tested in a different combinations involving the West of Braintree Garden Community alone (Option West 9); the Colchester/Braintree Borders Garden Community alone (Option West 10); and the Monks Wood alternative Garden Community alone (Options West 11).

- 2.14 For the eastern part of North Essex, the alternative options that have been tested are the current Tendring/Colchester borders Garden Community (Option East 3); a north-east urban extension to Colchester crossing the administrative boundary at Ardleigh (Option East 4); 'Tendring Central Garden Village' – a proposal for major development on land around Frating, as promoted by Edward Gittins & Associates (Option East 5); and, in line with the Inspector's advice, the 'Metro Plan' concept promoted as an alternative by the Campaign Against Urban Sprawl in Essex (CAUSE) which involves developing land around the railway stations at the villages of Alresford, Great Bentley, Weeley and Thorpe le Soken which are all along the Colchester to Clacton branch line.

Assessment findings

- 2.15 The options for further proportionate growth around existing settlements to end of the plan period in 2033 performed relatively poorly against the various sustainability objectives compared to alternatives that involved more focussed strategic development in the form of new settlements or major urban extensions – particularly in relation to travel patterns, modes of transport and the delivery of affordable housing. The proportionate growth scenarios have therefore been found to be less sustainable - which demonstrates, importantly, that the NEAs are justified in exploring more strategic alternatives that involve the establishment of new communities.
- 2.16 For those more strategic spatial strategy alternatives to the west of Colchester, the SA finds that performance against the various sustainability objectives is fairly similar and there is consequently 'little to choose' between the different options. Professional judgement is therefore required to distinguish between them, taking other factors into account.
- 2.17 For the spatial strategy alternatives to the east of Colchester, again the options perform similarly against the sustainability objectives although the proposal for a north-east extension to Colchester (Options East 4) is considered to be the weakest due to its potential negative impacts on the Bullock Wood SSSI and limited transport connections into Colchester. The Tendring/Colchester Borders Garden Community (Option East 3) and Tendring Central Garden Village (Option East 5) perform better than the CAUSE Metro Plan (Option East 6) in the longer term because they would provide for a scale of development sufficient to accommodate a health care facility; although Tendring Central is likely to be subject to significant adverse effects from noise pollution.
- 2.18 The Tendring/Colchester Borders Garden Community performs well in terms of potential economic growth. Metro Plan performs well in terms of its easy access to railway stations which could help to reduce carbon emissions, however the rural location of the Metro Plan developments could lead to longer journeys by car where rail is not a realistic choice. For shorter journeys, the Garden Community performs most strongly.
- 2.19 In many respects Tendring Central Garden Village performs as well as the Tendring/Colchester Garden Community, although no better; and whilst it has

the advantage of an existing employment area and would retain its own distinctiveness being separated by some distance from Colchester, its location and distance from Colchester is likely to encourage a high proportion of journeys by car.

Conclusion following the findings of the Additional SA work

- 2.20 Whilst many of the alternative spatial strategy options perform similarly against the various sustainability objectives, the findings of the Additional SA work do not suggest in any way that there is a clearly stronger alternative to the current strategy for three Garden Communities set out in the submitted Section 1 Local Plan. On this basis, there are no reasons arising from the SA findings for Officers to change their recommendation in respect of the most appropriate strategy for growth in North Essex. It is considered that the Additional SA work will satisfy the Inspector that reasonable alternatives have been considered in an objective way and that the choice of spatial strategy for the Section 1 Plan is both justified and sound.

3. Additional evidence base

- 3.1 As well as the additional work on the Sustainability Appraisal, there are various pieces of other evidence aimed at addressing the Inspector's specific concerns. These evidence base documents have been considered individually by reports to the Local Plan sub-committee on the 11th and 18th of July 2019 and are summarised below.
- 3.2 HIF Bids: A progress update on two bids to the government's 'Housing Infrastructure Fund' (HIF) by Essex County Council to secure funding a) for the realignment of the A12 between Marks Tey and Kelvedon and b) for the construction of a link road between the A133 and A120 and a rapid transit system to the east of Colchester. This will demonstrate to the Inspector that positive progress is being made in securing the road infrastructure that will be key to the delivery of the proposed Garden Communities. The bids are currently being evaluated by Homes England. ECC has written to Government Ministers setting out the importance of announcements on the outcome of the HIF bids as quickly as possible.
- 3.2 A12 Dualling: Indicative timescales for constructing of a new dual carriageway between Braintree and the A12 south of Kelvedon following Essex County Council's favoured route announcement in June 2018. This will provide greater clarity to the Inspector over the timing of works and their implications for highway capacity and the delivery of Garden Communities.
- 3.3 Rapid Transit: Technical feasibility study from transport consultants Jacobs showing how and when a 'Rapid Transit System' (RTS) can be delivered to connect the new Garden Communities to key services, facilities and employment opportunities in and around Colchester, Braintree and Stanstead; and how much it is likely to cost. This will address the specific shortcomings in the previous evidence identified by the Inspector in his letter.
- 3.4 Modal Shift: Technical paper from consultants ITP explaining how, through RTS proposals and other measures, the NEAs can achieve a 'modal shift'

target for 30% of all journeys to, from and within the Garden Communities to be made by rapid transit. Again, this will address the Inspector's previous concern about the likelihood of achieving that target.

- 3.5 Marks Tey Station: Update from discussions with Network Rail that suggest relocating Marks Tey Station to the centre of the proposed Garden Community for the Colchester/Braintree Borders Garden Community is unlikely to be practical option. Although the Garden Community was never reliant on the station being relocated, there is now clarity in moving forward that the development will need to be planned to integrate with the station's existing location.
- 3.6 Housing Delivery: Research by the NEAs on the rates of housing development that can be achieved on large scale developments following different models and approaches to satisfy the Inspector that the scales of development proposed for the Garden Communities are realistically deliverable.
- 3.7 Viability: Viability Assessment Update from Consultants Hyas which re-tests the economic viability of three Garden Community proposals in light of updated cost and value assumptions, and addresses the specific concerns raised by the Inspector in relation to assumptions made in the previous assessment – including the cost of RTS. The updated assessment confirms that all three Garden Communities can be considered to be economically viable under a range of situations and scenarios which are considered to be rational and reasonable. West of Braintree Garden Community is viable under all modelled scenarios. The viability of the Colchester Braintree Borders Garden Community and (to a lesser degree) the Tendring Colchester Borders Garden Community are more dependent on securing Government investment for upfront infrastructure and/or inflation in future property values.
- 3.8 Employment Land: Paper prepared by the Centre of Economics and Business Research (Cebr) advising on the calculation of how much 'employment land' ought to be incorporated into the Garden Community proposals to meet the needs likely to arise from growth in business and industrial activities and to contribute towards overall employment growth. This addresses the Inspector's specific concern about the lack of any indication as to how much employment land would be provided at each of the three Garden Communities. Cebr's paper provides figures which form the basis of proposed modifications to the Section 1 Plan.
- 3.9 Phasing and Delivery: Infrastructure Planning, Phasing and Delivery report prepared by consultants AECOM which explores and sets out reasonable assumptions for how each of the three Garden Communities could be delivered in a phased manner. The assumptions in this report are particularly useful in informing wider assumptions about infrastructure delivery and economic viability.
- 3.10 Infrastructure Costs: A detailed cost estimate produced by Gleeds has set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.

- 3.11 Habitats Regulation Assessment (HRA): An assessment undertaken by consultants LUC of the likely effects of development in the Local Plan on wildlife sites of European importance. HRA is a legal requirement and the report has been updated to take into account an important legal ruling from the Court of Justice for the European Union and the progress that Essex Authorities have made in developing the Essex Recreation disturbance Avoidance Mitigation Strategy (RAMS).
- 3.12 Delivery Mechanisms: A paper from legal firm Dentons which explains how it is intended that a public and private sector partnership in the form of a Local Delivery Vehicle will be used to deliver the Garden Communities and how this fits with current government thinking. This evidence also included a paper on State Aid considerations.
- 3.13 All of the above evidence supports Officers' view that the current proposals in the Section 1 Local Plan are sound and, when presented to the Planning Inspector, will address all of his previous

4 Overall Conclusions

- 4.1 Officers consider that the findings of the further Sustainability work and the additional pieces of evidence outlined above provide responses to all of the issues raised by the Inspector in his 2018 letters and demonstrate that the spatial strategy for growth set out in the submitted Section 1 Local Plan, including the three Garden Communities, meets the tests of soundness set out in the National Planning Policy Framework (NPPF).
- 4.2 The further SA work provides an objective assessment that addresses the Inspector's concerns about the previous assessment and follows a robust and transparent methodology developed through positive engagement with objectors to the plan and promoters of alternative development proposals. The findings of the SA work demonstrate that none of the reasonable alternative spatial strategy options perform notably better than the current strategy in the Section 1 Plan and provides no reason for Officers to conclude that the strategy should change. Given that the findings of the additional SA work suggest that many of the options perform similarly against the sustainability objections, planning judgement based on wider factors has to be exercised in determining the most appropriate strategy for growth in North Essex.
- 4.3 The alternative of further proportionate growth around existing settlements up to 2033 has been assessed as part of the additional SA work to help determine whether or not the NEAs are justified in taking a more strategic cross-border approach involving the establishment of new communities. However, the Local Plan process has already considered options relating to growing the main urban areas across North Essex and the majority of housing allocations in the three authorities' Section 2 Local Plans comprise such sites. The NEAs consider that reasonable opportunities to accommodate growth around existing settlements have been exhausted for the purposes of the plan period to 2033. It should be noted that the NEAs have also had a strong record in making use of existing previously developed 'brownfield' sites within settlements where possible.

- 4.4 Adding more development to existing towns and villages to make up the residual housing requirement to 2033 raises some genuine concerns about the efficient provision of infrastructure with existing and future residents having to cope with unnecessary pressure and demand on existing services and facilities that are not able to be efficiently expanded to cater for growth. Applying a 'percentage-based' approach to achieving further proportionate growth around existing settlements, including rural settlements would result in a thin distribution of development around numerous settlements, particularly to the west of Colchester and from a transportation perspective, such a thin distribution of growth is likely to lead to further dependence on the private car. The percentage-based approach would also push more development to coastal towns such as Clacton, Harwich, Frinton/Walton, Brightlingsea, Wivenhoe and West Mersea and this raises serious concerns about environmental impacts on internationally important wildlife areas, impacts on existing transport infrastructure and the ability for the market to realistically deliver the number of homes required given the weaker housing market conditions to the east.
- 4.5 A 'hierarchy-based' approach to proportionate growth which directs additional housing to larger settlements would, in contrast, place a large proportion of North Essex's development to land on the edge of Braintree (a town that is already earmarked for significant growth in the plan period to 2033 in the Braintree Section 2 Plan); and, to a lesser extent, Halstead and Hatfield Peverel. In the face of highly challenging housing requirements going into the future and the constraints and challenges associated with continuing to expand existing settlements, the NEAs are justified in working together to establish new communities in line with Garden Community principles that provide scope for long-term managed growth in strategically important locations extending beyond the timeframes of the current plan that achieve a scale of development that will incorporate and deliver new infrastructure and thus reduce the pressure for expansion of existing communities.
- 4.6 To the west of Colchester, whilst many of the alternative strategies for strategic growth perform similarly against the sustainability objectives in the additional SA work, the proposals for Garden Communities to the West of Braintree and crossing the Colchester/Braintree Border carry genuine advantages. The proposal West of Braintree provides a strategic long term opportunity to deliver growth within the current plan period and beyond and to address needs in the western part of North Essex with direct access to the A120. It is well located to Stansted Airport both as a centre of local employment but also providing opportunities for new business growth. It also provides access to the M11 and the London Stanstead Cambridge Corridor. It is well located to the urban area of Braintree thus enabling it to benefit from the services and facilities provided in that higher order settlement, with a rapid transport system integral to realising that benefit.
- 4.7 The Colchester/Braintree Borders Garden Community also provides the potential for long term growth on a site with close proximity to the mainline railway station at Marks Tey and regular train links to London, Colchester and beyond within walking, cycling or bus rapid transport system to the station. It is well located at the intersection of the A12 and A120 thus providing opportunities for good accessibility and attractiveness to prospective residents

and employers alike. There are also more opportunities for sustainable travel links into Colchester, a regionally important centre of employment offering a full range of facilities including a hospital and a major shopping and cultural destination.

- 4.8 Lightwood Strategic's proposal for an alternative Garden Community at Monks Wood (Pattiswick) is located within 3km of the proposed Colchester/Braintree Borders Garden Community with Coggeshall located between the two. It performs similarly against the sustainability objectives in the additional SA work but given the scale and proximity of these two proposals, it is not considered appropriate to include Monks Wood in the plan as well as the current Colchester/Braintree Garden Community given the impact on infrastructure, landscape and the existing resident population that these two large developments would have. Monks Wood is accessible to a much smaller, albeit very successful, cluster around Earls Colne Airfield and Coggeshall and is closer to Braintree than the Colchester/Braintree Borders Garden Community. However, the employment market in Braintree is not as strong as Colchester's and major new employment areas are proposed on the west side of Braintree which is in closer proximity to the proposed West of Braintree Garden Community. A Garden Community at Monks Wood would be located on the highly trafficked single carriageway of the A120 and whilst it is proposed that the A120 is dualled and realigned further south (between Kelvedon and Braintree), the only other roads in the vicinity are rural lanes with very limited opportunity to access a site of this size by other routes. The impact on the historic character of the dispersed settlement of Pattiswick is also considered to be greater than on the character of Marks Tey which is much more of a modern settlement.
- 4.9 To the east of Colchester, the Tendring/Colchester borders Garden Community offers multiple benefits to both Colchester and Tendring in terms of housing delivery, the A133/120 link road and the opportunities to relieve traffic and unlock the economic potential for more expansion of the University of Essex and the Knowledge Gateway whilst relieving pressure caused by continued growth on the edge of existing towns and villages. CAUSE's Metro Plan concept does not offer such mutually beneficial outcomes, raises concerns about encouraging car-borne journeys where rail is not a viable alternative, and would significantly and unnecessarily alter the character of a number of rural communities in Tendring that are already under pressure from current developments, and in a district that does not need any further housing sites to meet its objectively assessed housing need up to 2033 over and above the allocations in its Section 2 Local Plan. The Tendring Central Garden Village concept scores similarly to the Tendring/Colchester Borders Garden Community in the additional SA work, but critically does not offer the mutual cross-border benefits to Colchester and Tendring that arise from the link road and potential for growth at the University of Essex and the Knowledge Gateway – it would be an unnecessary standalone development further east into Tendring that would encourage longer car journeys.
- 4.10 Officers therefore consider that the current strategy in the Section 1 Local Plan which proposed three Garden Communities in the locations currently suggested remains the most appropriate strategy for North Essex. The other additional evidence, including studies on rapid transit, housing delivery and

viability respond directly to the issues raised by the Inspector and demonstrate that the three proposed Garden Communities are viable and deliverable.

5 Proposed amendments

- 5.1 If, through the examination process, an Inspector identifies certain issues with the soundness of a Local Plan that can be easily resolved, they can recommend 'modifications' to the plan. Under normal circumstances, modifications are published for consultation following the completion of the examination and responses are considered by the Inspector before they confirm that the plan is sound and can be formally adopted.
- 5.2 For the Section 1 Plan for North Essex, a number of areas have already been identified which would benefit from amendments which have arisen from a number of sources, including representations received in response to the publication of the plan in 2017; statements of common ground entered into with statutory consultees in the run up to the examination hearings; responses to the Inspector's initial Matters Issues and Questions (MIQs) before the examination hearings; the discussions at the examination hearings themselves; and the Inspector's post-examination letters.
- 5.3 Officers have compiled a schedule of proposed amendments and the Inspector has agreed that these should be published for consultation alongside the Additional Sustainability Appraisal work and other evidence before the examination is resumed. The majority of the proposed amendments are minor changes to the wording of policies and supporting text but others could be considered to represent more fundamental changes to policies and how they are interpreted.
- 5.4 Whilst Members are being asked to endorse the proposed amendments for public consultation, it will be the Inspector who will ultimately decide which, if any, of the amendments should be main modifications to the final version of the plan before it is adopted. Any final modifications recommended by the Inspector will require further consultation following the completion of the examination, but the consultation proposed for the current schedule of modifications will enable objections to be considered, by the Inspector, when he resumes the examination in due course.
- 5.5 The full schedule of proposed amendments is provided at Appendix 2 to this report. None of these amendments represent fundamental changes to the overarching strategy in the plan. The most significant of the proposed amendments are highlighted below:
- 5.6 New Policy SP1A 'Delivering Sustainable Development through the planning system'

An additional policy is suggested for inclusion in the Section 1 Local Plan, on the advice of the Inspector, to clarify how the policies in the Local Plan, taken as a whole, will operate in practice in the determination of planning applications. The proposed policy would state:

“Development that demonstrably contributes to the achievement of the policies in this Local Plan (and, where relevant, of policies in neighbourhood plans) will normally be permitted unless material considerations indicate otherwise. Development that is not in accordance with, or which will prejudice the delivery of, the strategic scale development or the achievement of the place making principles, in this Local Plan will not normally be permitted.”

5.7 New Policy SP1B ‘Recreational disturbance Avoidance and Mitigation Strategy (RAMS)’

An additional policy is suggested for inclusion in the Section 1 Local Plan, as agreed with Natural England, to reflect the new Essex-wide approach to mitigating against the impacts on internationally important wildlife sites arising from an increase in development and the associated risk of increased recreational disturbance at those sites. The proposed wording would state:

“An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy will be completed in compliance with the Habitats Directive and Habitat Regulations. Contributions will be secured towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs) which will be completed by the time the Local Plan is adopted.

Prior to RAMS completion, the NEAs will seek contributions from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.”

5.8 Policy SP3: ‘Meeting Housing Needs’

Modifications to Policy SP3 are suggested to provide some explanation, on the Inspector’s advice, as to how the housing figures in the policy will be used for assessing each authority’s five-year housing supply requirements. The additional wording proposed would state:

“The annual housing requirement figures set out below will be used as the basis for assessing each authority’s five-year housing land supply subject to any adjustments in Section 2 of each plan to address any undersupply since 2013. The North Essex authorities will review their housing requirement regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area.”

5.9 Policy SP4: ‘Providing for Employment’

Adjustments to the employment land requirements for the three Authorities have been recommended by the Inspector to reflect the outcome of discussions at the examination hearings. In particular, they will rectify errors found within the figures for Braintree and Tendring. The revised employment land figures will be as follows:

	Baseline (ha)	Higher Growth Scenario (ha)
Braintree	20.9	43.3
Colchester	22.0	30
Tendring	12.0	20.0
North Essex	54.9	93.3

5.10 Policy SP5: 'Infrastructure and Connectivity'

Modifications to the infrastructure and connectivity policy are suggested to provide greater clarity over what would happen if, for whatever reason, it becomes clear that the infrastructure required for the Garden Communities will not be funded or delivered. The modifications also provide greater clarity over what key infrastructure projects will need to be secured in advance of the start of the Garden Communities. The main relevant wording would be as follows:

"If the necessary strategic infrastructure for the Garden Communities as required by Policy SP5 is not committed within a reasonable period of time and phased alongside the delivery of new communities a review of the Plan will be undertaken prior to any consent being implemented, in order that the consequential shortfall in housing delivery does not overburden the infrastructure of existing communities/settlements."

"Infrastructure provision will be secured in a timely manner and programmed to keep pace with growth of new communities."

Funding and route commitments for the following strategic transport infrastructure projects will need to be secured in advance of the start of the Garden Communities as follows:

- Colchester/ Braintree Borders –
 - A12 widening and junction improvements
 - A dualled A120 from Braintree to the A12
- Tendring /Colchester Borders –
 - A120-A133 Link road
- A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities into the rapid transit network
- Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by masterplanning.

Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community."

5.11 Policy SP7: 'Development and Delivery of New Garden Communities in North Essex'

A number of modifications are suggested for the wording of this policy, the most significant of which is to address the Inspector's request that the Section

1 Local Plan specifies the employment land requirements for the Garden Communities. The relevant wording would be as follows:

“In accordance with the Garden Community Charter principle of providing one job per household within the new community or within a short distance by public transport, provide and promote opportunities for employment within each new community and within sustainable commuting distance of it. Around 850,000 square metres of floorspace will be provided in total, with allocations to be defined within Development Plan Documents for each Garden Community totalling some 138 hectares”.

5.12 Policies SP8, SP9 and SP10: Specific policies for each of the three Garden Communities

It is suggested that each of the policies that correspond with the specific Garden Community proposals are modified to include wording agreed with Natural England in relation to the impact of waste water on internationally important wildlife sites. The wording would be:

“To ensure new development does not have an adverse effect on any European Protected sites, the required waste water treatment capacity must be available including any associated sewer connections in advance of planning consent.”

Additional wording is also proposed to address issues raised by Historic England at the examination in respect of the potential impact of the Garden Communities on the historic environment, as follows:

“A Heritage Impact Assessment for each DPD in accordance with Historic England guidance will be required in order to assess impact of proposed allocations upon the historic environment, to inform the appropriate extent, nature and form of the development and establish any mitigation measures necessary.”

Each Garden Community policy will also include a section to set out the amount of employment space to be created as part that development – based on the evidence contained within the report from Cebr. For the Tendring/Colchester Borders Garden Community (SP8) the figure will be 24.5 hectares; for the Colchester/Braintree Borders Garden Community (SP9) it will be 70.1 hectares; and for the West Braintree Garden Community (SP10) it will be 43.4 hectares.

Further bespoke modifications to each of the Garden Community policies are also proposed to reflect specific infrastructure or environmental requirements, for example additional wording around the proposed A120/A133 link road, the realignment of the A12 and the dualling of the A120 and the need to protect relevant internationally and nationally important wildlife designations.

6 Next Steps

6.1 The relevant Committees of the three Councils are all considering the additional evidence base that has been prepared, the findings of the Additional

Sustainability Appraisal work and proposed amendments. If all three authorities agree, the additional evidence base, Additional Sustainability Appraisal work and the proposed amendments will be published for six-weeks consultation to allow the public and stakeholders the opportunity to consider both the modifications and the evidence and make any comments. The six-week consultation period is expected to run from 19th August 2019 to 30th September 2019.

- 6.2 The Officers of the three Authorities will collect any representations made and, following the six-week consultation period, will submit the schedule of proposed amendments, Additional SA work and all the other additional evidence base to the Inspector, along with all the representations received from third parties. The Inspector will then consider all of this information and will liaise with the NEAs to confirm the timetable for resuming the examination and undertaking further examination hearings. The Inspector may issue a further series of Matters, Issues and Questions (MIQs) to establish the main topics he wishes to examine and to invite written responses from participants in the examination ahead of the hearings. It is currently anticipated that hearings will take place either at the end of 2019 or in early 2020.
- 6.3 Following the completion of the further examination hearings, the Inspector will write to the NEAs to confirm whether or not his concerns about the Garden Communities have been addressed and whether or not the Section 1 Local Plan now meets the tests of soundness. The Inspector will have the ability to recommend additional post-examination main modifications to the plan which would need to be the subject of further consultation in their own right before the plan can be finalised and formally adopted by the NEAs.
- 6.4 The examination of the Authorities' individual Section 2 Local Plans will not take place until Section 1 has been examined and found to be sound.

Recommendations

That Council recommends that:

- a) The additional evidence base summarised within this report are accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- b) To note that the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government and that the Council's would expect a decision on those Bids before submitting further evidence to the Secretary of State under recommendation (g) below
- c) It approves the findings of the Additional Sustainability Appraisal work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy;

- d) It agrees that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;
- e) It approves the schedule of proposed amendments to the submitted Local Plan
- f) A six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
- g) Following the period of consultation, the above documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and
- h) The Council requests the Local Plan Inspector to recommend any further modifications to the Publication Draft Local Plan as necessary to make it sound.



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Additional Sustainability Appraisal of North Essex Section 1 Local Plan

Non-Technical Summary

Prepared by LUC
July 2019

Project Title: North Essex Section 1 Local Plan Additional Sustainability Appraisal

Client: North Essex Authorities

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Planning & EIA
Design
Landscape Planning
Landscape Management
Ecology
GIS & Visualisation

LUC LONDON
43 Chalton Street
London
NW1 1JD
T +44 (0)20 7383 5784
london@landuse.co.uk

Offices also in:
Bristol
Edinburgh
Glasgow
Lancaster
Manchester



Land Use Consultants Ltd
Registered in England
Registered number: 2549296
Registered Office:
43 Chalton Street
London NW1 1JD
LUC uses 100% recycled paper

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1 Non-technical summary of the Additional SA of the North Essex Section 1 Local Plan

Background

- 1.1 This document is a Non-Technical Summary of the Additional Sustainability Appraisal (SA) of the North Essex Section 1 Local Plan.
- 1.2 The North Essex Authorities (NEAs) comprise Braintree District Council, Colchester Borough Council, and Tendring District Council. The NEAs, have prepared a shared, strategic level plan which is intended to form part of the Local Plan for each of the NEAs. Specifically, the shared plan comprises 'Section 1' of each authority's Local Plan. Section 2 of each authority's Local Plan contains more specific and detailed policies and will be examined following the adoption of the Section 1 Local Plan.
- 1.3 The Publication Draft of the North Essex Section 1 Local Plan (hereafter, 'the Section 1 Local Plan') was submitted to the Secretary of State for examination on 9th October 2017. The examination hearings took place between 16th January 2018 and 9th May 2018. Following the hearings the Inspector concluded that the Section 1 Local Plan was not sound in its current form. The Inspector wrote to the NEAs in June 2018¹, advising them of the further steps required in order for the Section 1 Local Plan to be made sound and legally compliant. Several shortcomings were identified by the Inspector in relation to the SA² of the Section 1 Local Plan, as discussed below.
- 1.4 In response to the shortcomings of the original SA, the NEAs commissioned LUC in 2018 to carry out Additional SA work with respect to Section 1 of the Local Plan. The Inspector's concerns relate to the SA of alternative Garden Communities and of alternative spatial strategies including non-Garden Communities options. The Additional SA was therefore limited to addressing these concerns and as such forms an addendum to, and should be read in conjunction with, the SA of the Section 1 Local Plan³ as a whole.

Shortcomings of the earlier SA work

- 1.1 Following the commencement of the Section 1 Local Plan's Examination and initial hearing sessions, the Inspector wrote to the NEAs expressing concerns regarding the SA work undertaken prior to the submission of the Section 1 Local Plan⁴ - with respect to three main 'shortcomings':
 - **Objectivity of the SA:** the Inspector 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"*.

¹ Clews, R. (2018) Letter to Emma Goodings (Braintree DC), Karen Syrett (Colchester BC), and Gary Guiver (Tendring DC), 8 June.

² Under the Planning and Compulsory Purchase Act 2004, SA is mandatory for Development Plan Documents. For these documents it is also necessary to conduct an environmental assessment in accordance with the requirements of the Strategic Environmental Assessment (SEA) Directive (European Directive 2001/42/EC). Therefore, it is a legal requirement for Section 1 of the shared Publication Draft Local Plan to be subject to SA and SEA throughout its preparation.

The requirements to carry out SA and SEA are distinct, although it is possible to satisfy both using a single appraisal process (as advocated in the national Planning Practice Guidance), whereby users can comply with the requirements of the SEA Directive through a single integrated SA process – this is the process that is being undertaken in this case, and therefore within this report, the term 'SA' should be taken to mean 'SA incorporating the requirements of the SEA Directive'.

³ Place Services (June 2017) North Essex Authorities Strategic Section One for Local Plans: Draft Publication (Regulation 19) Sustainability Appraisal (SA).

⁴ *ibid.*

- **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.
- 1.2 The Inspector also drew attention to issues regarding the minimum size threshold of the Garden Communities assessed in the SA, but concluded that the SA provided adequate reasons for a 5,000 dwelling threshold.
- 1.3 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".*
- 1.4 He suggested that the following two stages of SA work would be required to rectify the shortcomings:
- (1) Carry out an objective comparison of individual Garden Community site options at a range of different sizes. Adequate reasons will need to be given for taking forward or rejecting each of the GC options assessed.
 - (2) Assess alternative spatial strategies for the Section 1 Local 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.
- 1.5 Prior to embarking on the Additional SA work, the Inspector recommended that the NEAs 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. The Inspector recommended 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.
- 1.6 The Inspector also stated 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.
- 1.7 In order to address these concerns of the Inspector, a two-stage methodology involving the application of new SA criteria and a renewed approach to the identification of potential strategic development sites was developed for the Additional SA, as described in the Methodology section.

Relationship of the Additional SA Report with the original SA Report

- 1.8 This Additional SA Report is intended to supplement the earlier SA work. The primary purpose of the Additional SA is to provide a consistent and objective appraisal of alternative strategic sites and alternative spatial strategies to those included in the Section 1 Local Plan under Policy SP2

'Spatial Strategy for North Essex', and the three garden communities presented in Policies SP7 to SP9, rather than to re-appraise the strategic policies themselves.

- 1.9 Should any modifications be proposed to the Section 1 Local Plan in light of the Additional SA and the provision of other evidence to inform the examination, these will be subject to SA and consultation at a later date, and prior to adoption of the Section 1 Local Plan.
- 1.10 The Additional SA Report primarily replaces the following section of the original SA Report:
 - Appendix 1 'Appraisal of the Garden Community Options and Alternative Permutations'.
- 1.11 Although not a direct and comprehensive replacement, the Additional SA also provides further appraisal information in relation to other chapters of the original SA Report.

Methodology

- 1.12 In response to the Inspector's recommendations, the Additional SA of the North Essex Section 1 Local Plan followed a two stage process:
 - Stage 1 appraised strategic sites that could form part of alternative spatial strategies for the Section 1 Local Plan.
 - Stage 2 appraised alternative spatial strategies.
- 1.13 The SA of the strategic sites, which fed into the SA of the spatial strategies, was undertaken in a consistent and objective way, using assumptions for the SA objectives that were applied in the same way for all strategic sites, using the same evidence base.
- 1.14 In carrying out the SA of the spatial strategies, an element of professional judgement was required to interpret the findings of the individual strategic sites when combined into a spatial strategy, and taking into account existing commitments, Section 2 Local Plan allocations, and strategic infrastructure requirements.
- 1.15 The approach to each of these stages is described in more detail below.

Sustainability context and baseline

- 1.16 The original SA report prepared by Place Services set out the sustainability context for the Section 1 Local Plan and the SA set by other policies, plans and programmes. It also provides a description of the current state of the environment and its likely future evolution in the absence of the Section 1 Local Plan. This information continues to form a suitable basis for the identification of the key sustainability issues facing the Plan area which, together with the sustainability policy context, provided the basis for defining the sustainability objectives that provide the framework for the original and Additional SA (see Table 1.1). Each alternative strategic site and each alternative spatial strategy was appraised in relation to its likely effects in relation to the sustainability objectives set out in this SA framework.
- 1.17 While the key issues facing the Plan area remained unchanged since the original SA work, where more recent evidence had emerged since that work, this was referred to as relevant in the Additional SA work.

Table 1.1: SA framework

SA objective	Appraisal questions
1. Create safe environments which improve quality of life, community cohesion	<ul style="list-style-type: none"> • Does it seek to improve / supply community facilities for young people? • Does it seek to increase cultural activities or suitable development to stimulate them? • Does it seek to support cultural identity and social inclusion? • Will there be measures to increase the safety and security of new development and public realm?

SA objective	Appraisal questions
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"> • Will it increase the range and affordability of housing to support the growing population and for all social groups? • Does it respond to the needs of an ageing population? • Does it seek to provide appropriate rural affordable housing? • Will it deliver well designed and sustainable housing? • Will it contribute to meeting Gypsy and Traveller pitch requirements of the GTAA?
3. Improve health/reduce health inequalities	<ul style="list-style-type: none"> • Will it ensure access to health facilities? • Will it ensure access to sport and recreation facilities, open space and accessible green space? • Will it encourage access by walking or cycling?
4. To ensure and improve the vitality & viability of centres	<ul style="list-style-type: none"> • Does it seek to prevent loss of retail and other services in rural areas? • Does it promote and enhance the viability of existing centres by focusing development in such centres? • Does it seek to locate development in close proximity to town centres? • Does it seek to located development within easy public travelling distance to town centres? • Does it seek to improve public transport networks to town centres?
5. To achieve a prosperous and sustainable economy that creates new jobs, improves the vitality and viability of centres and captures the economic benefits of international gateways	<ul style="list-style-type: none"> • Will it improve the delivery of a range of employment opportunities to support the growing population? • Will it tackle employment associated deprivation? • Will it enhance the area's potential for tourism? • Will it promote development of the ports? • Will it encourage the rural economy and diversification of it? • Will it support business innovation, diversification, entrepreneurship and changing economies? • Does it seek to improve existing training and learning facilities and/or create more facilities? • Will the employment opportunities available be mixed to suit a varied employment skills base?
6. To value, conserve and enhance the natural environment, natural resources, biodiversity and geological diversity	<ul style="list-style-type: none"> • Will development have a potential impact on a national, international or European designated site (SPA, SAC, Ramsar, SSSI)? • Will it maintain and enhance sites otherwise designated for their nature conservation interest? • Will it conserve and enhance natural/semi natural habitats? • Will it conserve and enhance species diversity, and in particular avoid harm to indigenous BAP priority species?
7. To achieve more sustainable travel behaviour, reduce the	<ul style="list-style-type: none"> • Will it increase and/or improve the availability and usability of sustainable transport modes?

SA objective	Appraisal questions
need to travel and reduce congestion	<ul style="list-style-type: none"> • Will it seek to encourage people to use alternative modes of transportation other than private vehicle? • Will it lead to the integration of transport modes? • Will it improve rural public transport? • Does it seek to increase the uptake or viability of walking and cycling as methods of transportation, through new infrastructure or integration?
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	<ul style="list-style-type: none"> • Will it contribute positively to reduce social exclusion by ensuring access to jobs, shopping, services and leisure facilities for all? • Does it seek to concentrate development and facilities where access via sustainable travel is greatest? • Does it seek to minimise congestion at key destinations / areas that witness a large amount of vehicle movements at peak times? • Would the scale of development require significant supporting transport infrastructure in an area of identified need? • Will it ensure adequate school places (through expansion / new facilities) and early years provision to support growth? • Will it ensure the required improvements to utilities infrastructure? • Will it ensure the required improvements in capacity to GP services? • Will it provide a suitable amount of sports, recreational, leisure and open space facilities?
9. To conserve and enhance historic and cultural heritage and assets and townscape character?	<ul style="list-style-type: none"> • Will it protect and enhance designations, features and areas of historical, archaeological and cultural value in both urban and rural areas? • Will it have a negative impact on the significance of a designated historic environment asset or its setting? • Does it seek to enhance the range and quality of the public realm and open spaces? • Will it reduce the amount of derelict, degraded and underused land? • Does it encourage the use of high quality design principles to respect local character? • Will / can any perceived adverse impacts be reduced through adequate mitigation?
10. To make efficient use of energy and reduce contributions to climatic change through mitigation and adaptation.	<ul style="list-style-type: none"> • Will it reduce emissions of greenhouse gases by reducing energy consumption? • Will it lead to an increased generation of energy from renewable sources? • Will it encourage greater energy efficiency? • Will it improve the efficient use of natural resources, minimising waste and promoting recycling?
11. To improve water quality and address water scarcity and sewerage capacity	<ul style="list-style-type: none"> • Will it lead to no deterioration on the quality of water bodies? • Will water resources and sewerage capacity be able to accommodate growth?
12. To reduce the risk	<ul style="list-style-type: none"> • Does it promote the inclusion of Sustainable Drainage Systems

SA objective	Appraisal questions
of fluvial, coastal and surface water flooding	<p>(SuDS) in new developments and will their integration be viable?</p> <ul style="list-style-type: none"> Does it seek to avoid development in areas at risk of flooding (fluvial, coastal, surface water)? Does it seek to avoid increasing flood risk (fluvial, surface water, groundwater) in areas away from initial development?
13. To improve air quality	<ul style="list-style-type: none"> Will it improve, or not detrimentally affect air quality along the A12 or A120? Does it direct growth away from AQMAs? Does it seek to improve or avoid increasing traffic flows generally?
14. To conserve and enhance the quality of landscapes	<ul style="list-style-type: none"> Will landscapes sensitive to development be protected? Will it lead to rural expansion or development outside development boundaries/limits that increases coalescence with neighbouring settlements? Is the scale / density of development in keeping with important 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"> Will it avoid the loss of high quality agricultural land? Will it avoid the sterilisation of mineral deposits / is the site within a Minerals Safeguarding Area (MSA)? 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?

The approach to Stage 1: Appraisal of alternative strategic sites

- 1.18 The Stage 1 appraisal of alternative strategic sites was initially carried out in two steps:
- Stage 1a** comprised an appraisal of the principle of housing-led development at each alternative strategic site 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 1b** then took into account how the accessibility to key services, facilities, employment locations, and transport links identified by Stage 1a would be modified if standard assumptions were made about what is likely to be provided as part of development coming forward at different scales of development. The Stage 1a appraisal of effects on environmental assets was unaffected by Stage 1b.
- 1.19 To facilitate an objective, transparent, and consistent appraisal of alternative strategic sites during Stages 1a and 1b, a series of spatially-based criteria was developed and applied in a geographic information system (GIS) to examine the locations of alternative strategic sites in relation to:
- local infrastructure facilities, to inform judgements on whether the services these provide would be readily accessible on foot to residents of new developments; and
 - environmental assets, to inform judgements on the risk of harm to these from new developments.
- 1.20 Consultation comments received on the Stage 1 method indicated the need to vary some of the standard assumptions made in Stage 1b and to make some of them more site-specific. In addition, draft appraisal results from Stage 1b showed little differentiation between sites and indicated the need for a wider range of evidence to be taken into account when assessing sites, a

view supported by consultation comments received on the Stage 1 method. In response, Stage 1b was replaced by a more detailed 'Stage 1c' appraisal of sites:

- **Stage 1c** replaced standard assumptions about what is likely to be provided as part of development coming forward at different scales of development with site-specific assumptions drafted by the NEAs and confirmed with site promoters and CAUSE⁵ via 'site information forms'. The spatial tests carried in GIS at Stage 1a were supplemented with information gathered from a wider range of evidence sources and brought together to form a judgement on the likely significance of effects of each alternative strategic site in relation to each SA objective.

- 1.21 In Stage 1a, each alternative strategic site location was assessed against spatial criteria relating to:
- access to services, facilities, transport and centres of employment; and
 - risk of environmental harm.
- 1.22 This resulted in a score being awarded to each site location in relation to each assessment criterion. The scores achieved by alternative development locations against the individual assessment criteria provided an initial indication of whether development for housing use in the proposed location would be consistent with achievement of the related sustainability objectives and also fed into the subsequent, more detailed Stage 1c site assessments. The spatially-based appraisal criteria were linked to the existing framework of SA objectives.
- 1.23 Alternative strategic sites were assessed at different reasonable alternative housing capacities but a single site boundary was tested for each site, large enough to accommodate the largest capacity option for that site.
- 1.24 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 were assessed in their entirety (taking account of all development, including that to be delivered beyond the end of the Plan period) during Stage 1b. Stage 1c and Stage 2 also considered what is likely to be delivered within the Plan period.
- 1.25 The potential benefits of provision of strategic transport infrastructure were not assumed in coming to a conclusion on the effects of any individual sites in Stage 1; consideration of this was deferred to Stage 2 on the basis that sensible assumptions on what is likely to be provided can only be made at the scale of spatial strategy alternatives rather than individual sites.

Scoring system

- 1.26 Scores were attributed to each alternative strategic site during Stage 1c of the SA and to each spatial strategy alternative during Stage 2 of the SA to indicate its likely effects in relation to each SA objective (see Table 1.2). Where a potential positive or negative effect was uncertain, a question mark was added to the relevant score (e.g. +? or -?) and the score was colour coded as per the potential positive, negligible or negative effect (green, yellow, orange, etc.). For some SA objectives, mixed effects may occur as more than one factor was taken into account during the assessment. In such cases, mixed effects were recorded with one element of the score relating to each factor, for example '+/-' or '++/+'.

⁵ CAUSE have stated that they are not land promoters or site promoters and have no interest in any land. Instead they wish to be recognised as a group with an alternative Local Plan strategy which they wish the local authorities to investigate.
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Table 1.2: Key to scoring used in the Stage 1c SA of alternative strategic sites

++	Significant positive effect likely
++/-	Mixed significant positive and minor negative effects likely
+	Minor positive effect likely
++/--	Mixed significant effects likely
+/-	Mixed minor effect likely
-	Minor negative effect likely
--/+	Mixed significant negative and minor positive effects likely
--	Significant negative effect likely
?	Potential for a significant effect but uncertain whether it will be positive or negative or insufficient information to assess effect
0	Negligible effect likely

Identification of sites to be assessed

- 1.27 Stage 1c appraised alternative strategic sites at a range of alternative, fully built dwelling capacities, as well as at the scale of the development expected to be achieved by the end of the Plan period (2033), for those sites not expected to be fully built by this time. The sites assessed are set out in Table 1.3.

Table 1.3: Alternative strategic sites appraised in Stage 1 SA

Site ref	Option Name	Site ref and housing capacity options Promoter preferred capacity <u>underlined</u> if known * Max by end of plan period
ALTGC2	Land East of Silver End	<u>ALTGC2a 1,800</u> ALTGC2b 2,500*
ALTGC3	Monks Wood	ALTGC3a 2,000 ALTGC3b 2,500* <u>ALTGC3c 5,500</u> ALTGC3d 13,500
ALTGC4	Land at Marks Tey Option One	ALTGC4a 2,000 ALTGC4b 2,500* <u>ALTGC4c 17,000</u> ALTGC4d 21,000
ALTGC6	Land at Marks Tey Option Three	ALTGC6a 2,000 ALTGC6b 2,500* <u>ALTGC6c 3,500</u> ALTGC6d 5,000
ALTGC7	Land at East of Colchester Option One	ALTGC7a 2,000 ALTGC7b 2,500* <u>ALTGC7c 4,000</u>
ALTGC8	Land at East of Colchester Option Two	ALTGC8a 2,000
ALTGC9	Land at East of Colchester Option Three	ALTGC9a 2,000 ALTGC9b 2,500* ALTGC9c 3,000
ALTGC10	Land at East of Colchester Option Four	ALTGC10a 2,000 ALTGC10b 2,500* ALTGC10c 4,500
ALTGC11	Langham Garden Village	ALTGC11a 2,000 ALTGC11b 2,500* ALTGC11c 5,000
C1	CAUSE Alresford	C1a 700 C1b 2,000 (CAUSE recommended maximum) C1c 2,500 (theoretical maximum, based on site capacity)

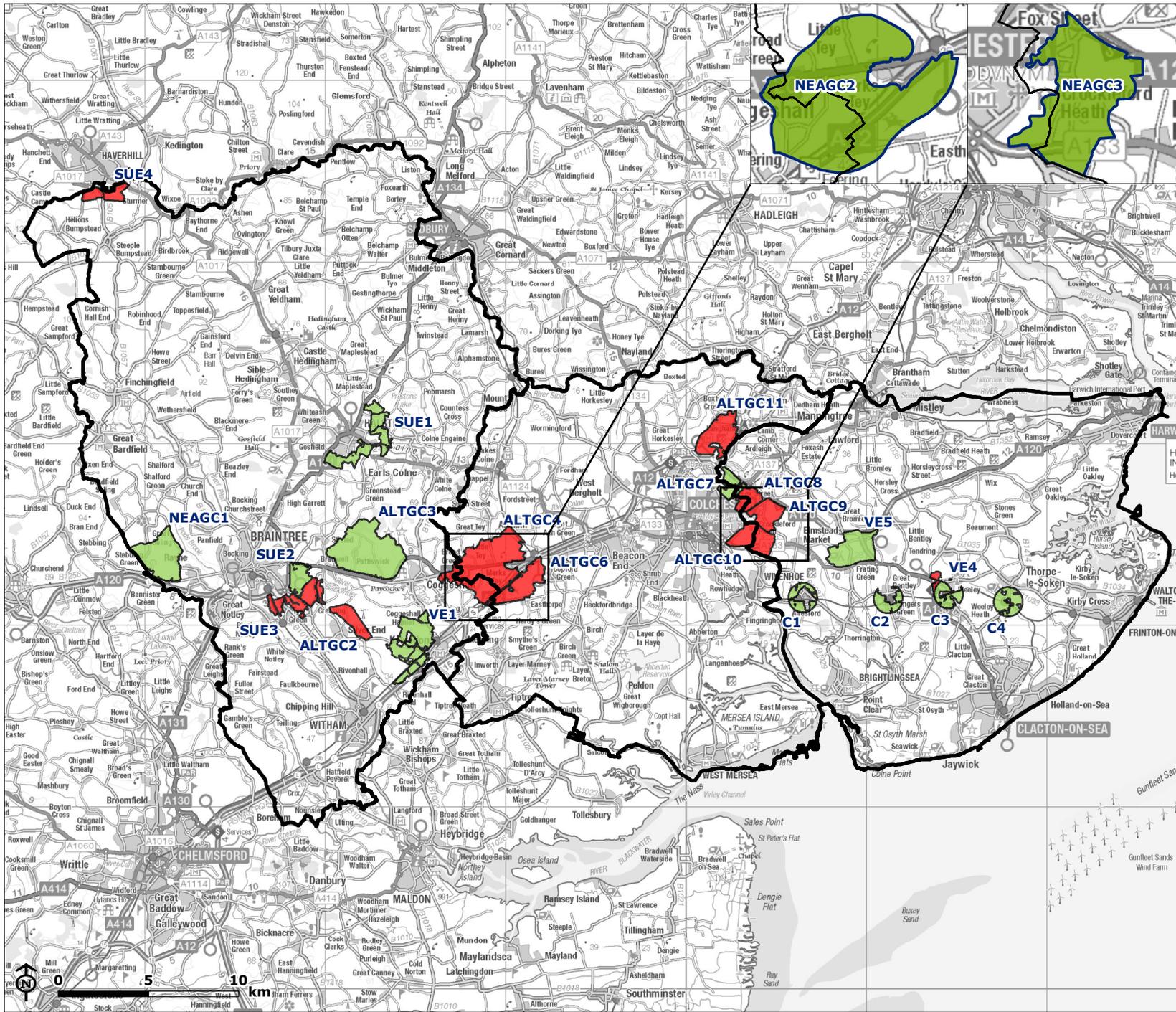
Site ref	Option Name	Site ref and housing capacity options Promoter preferred capacity <u>underlined</u> if known * Max by end of plan period
C2	CAUSE Great Bentley	C2a 700 C1b 2,000 (CAUSE recommended maximum) C1c 2,500 (theoretical maximum, based on site capacity)
C3	CAUSE Weeley	C3a 700 C1b 2,000 (CAUSE recommended maximum) C1c 2,500 (theoretical maximum, based on site capacity)
C4	CAUSE Thorpe-le-Soken	C4a 700 C1b 2,000 (CAUSE recommended maximum) C1c 2,500 (theoretical maximum, based on site capacity)
NEAGC1	West of Braintree	NEAGC1a 2,000 NEAGC1b 2,500* NEAGC1c 5,500 NEAGC1d 7,500 <u>NEAGC1e 10,000</u>
NEAGC2	Colchester Braintree Borders Garden Community (Marks Tey)	NEAGC2a 2,500* NEAGC2b 5,500 NEAGC2c 15,000 <u>NEAGC2d 21,000</u> NEAGC2e 27,000
NEAGC3	Tendring Colchester Borders Garden Community	NEAGC3a 2,000 NEAGC3b 2,500* <u>NEAGC3c 7,500</u> NEAGC3d 8,000
SUE1	Land at Halstead	SUE1a 2,000 SUE1b 2,500* <u>SUE1c 6,000</u> SUE1d 8,500
SUE2	Land East of Braintree (including Temple Border)	SUE2a 2,000 SUE2b 2,500* <u>SUE2c 5,000</u> *Site promoter notes capacity is less than 5,000

Site ref	Option Name	Site ref and housing capacity options Promoter preferred capacity <u>underlined</u> if known * Max by end of plan period
SUE3	Land South East of Braintree	SUE3a 2,000 SUE3b 2,500* <u>SUE3c 5,000</u> SUE3d 12,500
SUE4	Land South of Haverhill	SUE4a 2,000 SUE4b 2,500* <u>SUE4c 3,500</u>
VE1	Land at Kelvedon	VE1a 2,000 VE1b 2,500* <u>VE1c 5,000</u> VE1d 17,000
VE4	Weeley Garden Village	VE4a 2,000
VE5	Tendring Central Garden Village	VE5a 2,000 VE5b 2,500* <u>VE5c 4,500</u>

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Figure 1.1: Strategic sites taken forward for inclusion in spatial strategy alternatives

-  North Essex Authority Boundaries
 -  Site taken forward
 -  Site not taken forward
- ALTGC2: Land east of Silver End
 - ALTGC3: Monks Wood
 - ALTGC4: Land at Marks Tey Option 1
 - ALTGC6: Land at Marks Tey Option 3
 - ALTGC7: Land east of Colchester Option 1
 - ALTGC8: Land east of Colchester Option 2
 - ALTGC9: Land east of Colchester Option 3
 - ALTGC10: Land east of Colchester Option 4
 - ALTGC11: Langham Garden Village
 - C1: CAUSE Alresford
 - C2: CAUSE Great Bentley
 - C3: CAUSE Weeley
 - C4: CAUSE Thorpe-le-Soken
 - NEAGC1: Land west of Braintree
 - NEAGC2: Colchester Braintree Borders
 - NEAGC3: Tendring Colchester Borders
 - SUE1: Land at Halstead
 - SUE2: Land east of Braintree
 - SUE3: Land south east of Braintree
 - SUE4: Land south of Haverhill
 - VE1: Land at Kelvedon
 - VE4: Weeley Garden Village
 - VE5: Tendring Central Garden Village



Source: BDC, CBC, TDC, LUC

Map Scale @ A4: 1:300,000



The approach to Stage 2: Appraisal of alternative spatial strategies

- 1.28 Taking into account the findings of Stage 1 of the SA, the NEAs selected the alternative strategic sites to be taken forward for inclusion in alternative spatial strategies (see Figure 1.1 above) and defined the 17 alternative spatial strategies set out in Table 1.4 to be subject to SA during Stage 2 of the Additional SA process. The spatial strategies were divided into two geographical areas to reflect a natural division between combinations of strategic sites: west of Colchester; and east of Colchester.
- 1.29 The SAs of the alternative spatial strategies were informed by the SA of the strategic sites carried out in Stage 1, including information included in the site information forms. Each alternative spatial strategy included information on employment and the strategic infrastructure that would be needed to support delivery of the strategy.
- 1.30 For the proportionate growth alternatives and those alternatives where a strategic site was combined with an element of proportionate growth, a greater element of professional judgement was required to appraise them, particularly for the spatial strategy alternative whereby each settlement would grow at the same percentage (18%), because specific sites were not identified. However, the SA for these alternatives was based on clear descriptions of how much development would go to each settlement, which provided a reasonable basis for coming to judgements.

Table 1.4: Spatial strategy alternatives

WEST OF COLCHESTER (Whole of Braintree and most of Colchester) Target of approximately 5,000 additional homes up to 2033	EAST OF COLCHESTER (Tendring and eastern part of Colchester) Target to deliver approximately 2,500 additional homes up to 2033
<ul style="list-style-type: none"> 1. Proportionate (percentage-based) growth 2. Proportionate (hierarchy-based) growth 3. West of Braintree GC [NEAGC1] + Colchester/Braintree GC [NEAGC2] 4. West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC3] + Colchester/Braintree GC [NEAGC2] West 4a: smaller scale of West of Braintree [NEAGC1] + Monks Wood GC [ALTGC3] + smaller scale of Colchester/Braintree GC [NEAGC2] 5. Monks Wood GC [ALTGC3] + Colchester/Braintree Borders GC [NEAGC2] 6. West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC3] 7. East of Braintree [SUE2] + Kelvedon [VE1] 8. Land at Halstead [SUE1] + proportionate growth. 9. West of Braintree GC [NEAGC1] + proportionate growth 10. Colchester/Braintree GC [NEAGC2] + proportionate growth 11. Monks Wood GC [ALTGC3] + proportionate growth 	<ul style="list-style-type: none"> 1. Proportionate (percentage-based) growth 2. Proportionate (hierarchy-based) growth 3. Tendring Colchester Borders GC [NEAGC3] 4. Colchester North-East Urban Extension [ALTGC7] 5. Tendring Central Garden Village [VE5] 6. CAUSE Metro Plan [C1, C2, C3 & C4]

Cumulative effects

- 1.31 The significance of the effects identified by the SA relates to the growth that would be provided by the Section 1 Local Plan alone but the potential for cumulative effects with proposed allocations within the submitted Section 2 Local Plans or significant permitted developments was described in the assessment text of the main SA report and appendices, where relevant. Cumulative effects are also described later in this Non-Technical Summary.
- 1.32 Similarly, where sites cross over the NEA boundary, specifically for example to the west of the NEAGC1, the proposed allocations within neighbouring districts are also taken into account – however, the significance of the effects identified by the SA relates only to the growth that would be provided by the Section 1 Local Plan alone.

Balancing effects of different development locations

- 1.33 A number of spatial strategy alternatives comprised some alternative strategic sites or proportionate growth locations likely to have positive effects in relation to an SA objective and other sites/locations likely to result in negative or less positive effects in relation to the same SA objective. In these cases, judgement was necessary in coming to a view of the overall effect of the spatial strategy alternative, applying the precautionary principle unless a spatial strategy alternative would allocate the clear majority of development to a location with significant positive effects, and only a very small amount of development to a less suitable location – in such circumstances, greater weight would be placed on the more positive effects identified.

The approach to consultation

- 1.34 The proposed scope and methodology of the Additional SA were set out in a Method Scoping Statement, which was reviewed by the Inspector and subsequently amended based on his advice⁶. This amended version of the Method Scoping Statement was subject to focussed consultation between 14 December 2018 and 1 February 2019 and supplemented by discussion sessions with site promoters and other stakeholders during January 2019. As a result of consultation feedback and subsequent discussion with NEA officers, some amendments to the Stage 1 methodology and the details of the sites to be assessed were made.
- 1.35 A 'check and challenge' workshop allowed early dissemination of draft results from Stage 1 of the SA and input to the approach to Stage 2. The format of the workshop allowed attendees the opportunity to engage more fully with the SA process via opportunities to ask questions at the end of each agenda item, and group discussions, the outputs of which were intended to help inform the next stage of SA work. From the round table discussions, a number of key principles, ideas, arguments and factors were identified. These ideas were taken into account along with the Local Plan Inspector's specific comments both by LUC in developing the methodology for the Additional SA and by the NEAs in developing an overarching set of principles to guide the planning judgement that was applied in the selection of the reasonable alternative spatial strategies to be appraised.

Difficulties encountered

- 1.36 It is a requirement of the SEA Regulations that consideration is given to any data limitations or other difficulties that are encountered during the SA process. Those encountered during the Additional SA are set out in the full report of the Additional SA below. Notwithstanding these limitations, it is considered that the SA provides an adequate basis for comparing the sustainability implications of the reasonable alternatives appraised.

Results of Stage 1 - SA of alternative strategic sites

- 1.37 This section summarises the findings of the Stage 1a and Stage 1b appraisals of the alternative strategic sites.

⁶ As set out in the Inspectors letter dated 21 November 2018. The Inspector stated that the amendments 'dealt appropriately with his points' in his letter dated 10 December 2018.

Stage 1 access criteria

Stage 1a assessment

- 1.38 The results of the Stage 1a assessment in relation to access to existing key services and facilities are shown in Table 1.5. Few sites scored well against all the criteria, primarily because they would be either stand-alone developments, or on the edge of settlements in the form of urban extensions. The criteria against which a number of sites scored well were in relation to access to open space and sports centres, public rights of way, and employment areas.
- 1.39 Three of the CAUSE sites – C1 CAUSE Alresford, C2 Great Bentley and C3 CAUSE Weeley – performed relatively well because they are focused around village centres and railway stations. For similar reasons, VE4 Weeley Garden Village also performed relatively well.
- 1.40 Of the urban extensions, SUE1, SUE2 and SUE3 performed better than SUE4, although SUE1 performed less well in relation to access to a primary/middle school and a railway station. However, incomplete data were available to inform the appraisal of SUE4 in relation to accessibility to existing services and facilities; the Stage 1c assessment provides a more complete appraisal of this site.
- 1.41 Of the Alternative Garden Community sites, ALTGC2, ALTGC7 and ALTGC10 performed relatively well and ALTGC3 and ALTGC9 performed least well. There was little to distinguish between the other Alternative Garden Community sites.
- 1.42 The Garden Community sites NEAGC1, NEAGC2, NEAGC3, performed relatively poorly compared to many of the alternatives, because they are less well related to existing services and facilities. Even with NEAGC2, which is focused on a railway station, the majority of the site would be in an 'unacceptable' walking distance of the station.

Table 1.5: Stage 1a assessment findings for the Access to Services SA criteria

Site	GP surgeries / health centres	Primary or middle schools	Secondary schools	Further and higher education facilities	Local centres	Town centres	Railway stations	Bus stops	Cycle paths	Open spaces and sports centres	Public Rights of Way (PRoW)	Centres of employment including employment areas and town centres
ALTGC2	✓	✓						✓		✓✓✓	✓✓	✓
ALTGC3											✓✓	
ALTGC4								✓		✓	✓✓	✓
ALTGC6							✓			✓✓	✓✓	✓
ALTGC7		✓	✓					✓		✓✓✓	✓✓	✓✓
ALTGC8			✓					✓		✓✓	✓✓	✓
ALTGC9										✓	✓✓	✓
ALTGC10			✓	✓				✓✓	✓✓	✓✓	✓✓	✓
ALTGC11								✓	✓	✓	✓✓	✓✓✓
C1	✓✓	✓✓			✓		✓✓✓	✓✓		✓✓	✓✓✓	
C2	✓✓	✓✓✓			✓		✓✓✓	✓		✓✓	✓✓	✓✓
C3		✓✓✓					✓✓✓	✓✓		✓✓	✓✓	
C4							✓✓✓	✓✓		✓	✓✓	
NEAGC1											✓✓	
NEAGC2										✓	✓✓	✓
NEAGC3								✓		✓	✓✓	✓
SUE1			✓					✓		✓✓	✓✓	✓✓
SUE2		✓	✓				✓	✓	✓	✓✓	✓✓	✓
SUE3		✓	✓				✓	✓		✓✓	✓✓	✓
SUE4								✓			✓✓	✓✓
VE1							✓			✓	✓✓	✓
VE4		✓					✓✓✓	✓✓		✓✓	✓✓	
VE5								✓✓	✓	✓✓	✓✓	✓✓
Key	✓✓✓	'Desirable' walking distance		✓✓	'Acceptable' walking distance		✓	'Maximum preferred' walking distance			'Unacceptable' walking distance	

Stage 1b assessment

- 1.43 Stage 1a assessed each strategic site based on its existing situation. The purpose of Stage 1b was to factor in the services and facilities that would be likely to be delivered should development take place. At this stage, provision for strategic transport infrastructure was not taken into account, and neither was provision for additional employment land. The Stage 1b assessment used consistent assumptions about what would be likely to be provided on site in the way of services and facilities, and also assumed that the maximum development capacity would be delivered.
- 1.44 The Stage 1b assessment took place at a point in time in the SA process, and was subsequently replaced by a Stage 1c more detailed assessment. However, the overall findings at that stage of the process are summarised in relation to access to key services and facilities in Table 1.6. Comparing the results to those from Stage 1a (Table 1.5), it can be seen that once the assumed services and facilities that would be delivered at strategic sites are built into the assessment framework in Stage 1b, the differences in performance between the strategic sites begin to narrow.
- 1.45 The larger strategic sites, such as the three proposed Garden Communities, some of the Alternative Garden Communities, and strategic urban extensions have the potential to include a range of services and facilities, including secondary schools and health care facilities, which brings them up in terms of overall performance. On the other hand, some of the smaller strategic sites, such as the four CAUSE sites, retain their advantage in terms of access to a railway station, but are less likely to deliver the full range of services and facilities, when considered individually.

Table 1.6: Stage 1b assessment findings for the Access to Services SA criteria

Site	GP surgeries / health centres	Primary or middle schools	Secondary schools	Further and higher education facilities	Local centres	Town centres	Railway stations	Bus stops	Cycle paths	Open spaces and sports centres	Public Rights of Way (PRoW)	Centres of employment including employment areas and town centres
ALTGC2	✓	✓✓✓			✓✓✓			✓✓✓		✓✓✓	✓✓	✓
ALTGC3	✓✓✓	✓✓✓	✓✓✓		✓✓✓			✓✓✓		✓✓✓	✓✓	
ALTGC4	✓✓✓	✓✓✓	✓✓✓		✓✓✓			✓✓✓		✓✓✓	✓✓	✓
ALTGC6	✓✓✓	✓✓✓	✓✓✓		✓✓✓		✓	✓✓✓		✓✓✓	✓✓	✓
ALTGC7		✓✓✓	✓		✓✓✓			✓✓✓		✓✓✓	✓✓	✓✓
ALTGC8		✓✓✓	✓		✓✓✓			✓✓✓		✓✓✓	✓✓	✓
ALTGC9		✓✓✓			✓✓✓			✓✓✓		✓✓✓	✓✓	✓
ALTGC10	✓✓✓	✓✓✓	✓✓✓	✓	✓✓✓			✓✓✓	✓✓	✓✓✓	✓✓	✓
ALTGC11	✓✓✓	✓✓✓	✓✓✓		✓✓✓			✓✓✓	✓	✓✓✓	✓✓	✓✓✓
C1	✓✓	✓✓✓			✓✓✓		✓✓✓	✓✓✓		✓✓✓	✓✓✓	
C2	✓✓	✓✓✓			✓✓✓		✓✓✓	✓✓✓		✓✓✓	✓✓	✓✓
C3		✓✓✓			✓✓✓		✓✓✓	✓✓✓		✓✓✓	✓✓	
C4		✓✓✓			✓✓✓		✓✓✓	✓✓✓		✓✓✓	✓✓	
NEAGC1	✓✓✓	✓✓✓	✓✓✓		✓✓✓			✓✓✓		✓✓✓	✓✓	
NEAGC2	✓✓✓	✓✓✓	✓✓✓		✓✓✓			✓✓✓		✓✓✓	✓✓	✓
NEAGC3	✓✓✓	✓✓✓	✓✓✓		✓✓✓			✓✓✓		✓✓✓	✓✓	✓
SUE1	✓✓✓	✓✓✓	✓✓✓		✓✓✓			✓✓✓		✓✓✓	✓✓	✓✓
SUE2		✓✓✓	✓		✓✓✓		✓	✓✓✓	✓	✓✓✓	✓✓	✓
SUE3	✓✓✓	✓✓✓	✓✓✓		✓✓✓		✓	✓✓✓		✓✓✓	✓✓	✓
SUE4		✓✓✓			✓✓✓			✓✓✓		✓✓✓	✓✓	✓✓
VE1	✓✓✓	✓✓✓	✓✓✓		✓✓✓		✓	✓✓✓		✓✓✓	✓✓	✓
VE4		✓✓✓			✓✓✓		✓✓✓	✓✓✓		✓✓✓	✓✓	
VE5	✓✓✓	✓✓✓	✓✓✓		✓✓✓			✓✓✓	✓	✓✓✓	✓✓	✓✓
Key	✓✓✓	'Desirable' walking distance		✓✓	'Acceptable' walking distance		✓	'Maximum preferred' walking distance			'Unacceptable' walking distance	

Stage 1 environmental criteria

Stage 1a and Stage 1b assessment

- 1.46 Table 1.7 below shows the Stage 1a and 1b assessment findings for each strategic site against the SA criteria which relate to 'risk of environmental harm'. When looking across all the 'risk of harm' to environmental assets criteria, no strategic sites perform particularly well or particularly poorly. For some criteria, most if not all of the sites have the same score, for example in relation to heritage assets, internationally and nationally designated biodiversity and geological sites, proximity to AQMAs, mineral resources and best and most versatile agricultural land. The differences relate to other environmental criteria, such as risk of harm to local wildlife sites and exposure to noise, which may be capable of mitigation through the design and delivery process. Although all sites recorded a 'High' risk of harm against at least two of the criteria, this does not necessarily mean that they are 'showstoppers'.
- 1.47 Note that for the risk of environmental harm criteria, the Stage 1b results are the same as the Stage 1a results, as any variations would be dependent upon the design and layout of development, which was not known at this stage of the GIS led assessment process. The only exception to this is in relation to criterion 'Likely contribution to road traffic within areas suffering from traffic-related air pollution' as there is no Stage 1a assessment for this, because it is based on professional judgement. As such, only the Stage 1b results are reported in this section.

Table 1.7: Stage 1a and 1b assessment findings for risk of environmental harm

Site	Heritage assets	Internationally or nationally designated biodiversity or geological sites	Locally designated biodiversity sites and ancient woodland	Priority Habitat Inventory (PHI) or local Biodiversity Action Plan (BAP) habitat	Designated landscapes	Source Protection Zones (SPZs)	Flood risk areas	Proximity to sources of air pollution	Exposure to noise pollution from roads and railways	Mineral resources	Best and most versatile agricultural land
ALTGC2	High	Medium	Medium	Low	Low	Low	Low	Low	Low	High	High
ALTGC3	High	Medium	High	Medium	Low	Low	Low	Low	Medium	High	High
ALTGC4	High	Medium	Medium	Low	Low	Low	Low	Low	High	High	High
ALTGC6	High	Medium	Low	Low	Low	Low	Medium	Low	High	High	High
ALTGC7	High	Medium	Medium	Low	Medium	Low	Low	Low	High	High	High
ALTGC8	High	Medium	High	Medium	Medium	Low	Low	Low	High	High	High
ALTGC9	High	Medium	Medium	Medium	Medium	Low	Low	Low	High	High	High
ALTGC10	High	Medium	High	Medium	Low	Low	High	Low	High	High	High
ALTGC11	High	Medium	Medium	Low	Medium	Low	Low	Low	High	High	High
C1	High	Medium	High	Medium	Low	Low	Low	Low	Low	High	High
C2	High	Medium	Medium	Low	Low	Medium	Low	Low	Low	High	High
C3	High	Medium	Medium	Low	Low	Low	Medium	Low	Medium	High	Medium
C4	High	Medium	High	Medium	Low	Low	High	Low	Low	High	Medium
NEAGC1	High	Medium	Medium	Low	Low	Low	Low	Low	Low	High	High
NEAGC2	High	Medium	Medium	Low	Low	Low	Low	Low	High	High	High
NEAGC3	High	Medium	Medium	Low	Medium	Low	Low	Low	High	High	High
SUE1	High	Medium	Medium	Low	Low	Medium	Low	Low	Medium	High	High
SUE2	High	Medium	Medium	Low	Low	Low	Low	Low	High	High	High
SUE3	High	Medium	Medium	Low	Low	Low	Low	Low	High	High	High
SUE4	High	Low	Medium	Low	Low	Medium	Low	Low	Low	Low	High
VE1	High	Medium	Low	Low	Low	Low	Low	Low	High	High	High
VE4	High	Medium	Medium	Low	Low	Low	Low	Low	High	Low	Medium
VE5	High	Medium	Low	Low	Low	Medium	Low	Low	High	High	High

Conclusions of Stage 1a and 1b assessments

- 1.48 The overall performance of the alternative strategic sites against the SA objectives, once services and facilities that may be delivered as an integral component of development are taken into account, the difference between them is not that great. There are no sites that perform extremely well against all the criteria and no sites that perform extremely poorly.
- 1.49 Given that some criteria that underpin the SA objectives can give rise to a 'high' risk of significant effect even though the proportion of the site affected may be very small, the results need to be treated with caution. It could be expected that, all other things being equal, the larger the site, the more likely it is that it will intersect with environmental assets. But on the other hand, larger sites are likely to give greater scope for flexibility in terms of design and mitigation through the masterplanning process. Similarly, the larger the site, the more likely it is to be able to deliver a range of services and facilities.
- 1.50 This assessment was undertaken purely using GIS and did not generate definitive results as to which sites to rule out to take to the Stage 2 alternative spatial strategy assessment. It was therefore considered that a more detailed, 'Stage 1c', assessment should be carried out.

Stage 1c findings

- 1.51 The findings of the Stage 1c appraisals of the alternative strategic sites at all dwelling capacities in Table 1.8.
- 1.52 The enhanced Stage 1c assessment confirmed and reinforced many of the findings of the Stage 1a and 1b assessment. When considered across the SA objectives as a whole, the differences between sites were not that great with no sites performing particularly well and no sites performing particularly poorly in comparison with the other sites.
- 1.53 The Stage 1c assessment brought out more differences between sites in relation to their scale of development, with larger scale sites being more likely to deliver a good range of community services and facilities, including health care, secondary schools, and employment land.
- 1.54 The Stage 1c assessment also brought out some of the differences between sites with respect to effects on biodiversity (SA objective 6) and townscape (SA objective 9), but these assessments were prior to mitigation being taken into account.
- 1.55 Given that most of the sites are of a large scale that they may offer scope to avoid sensitive assets, incorporate mitigation, and provide flexibility in design to reduce impacts on matters such as visual intrusion or impacts on the setting of heritage assets, it was not possible to definitively rule out sites on the basis of the SA alone.

Table 1.8: Stage 1c assessment findings

		SA objective														
Site	Dwelling capacity	SA1 Community cohesion	SA2 Housing provision	SA3 Health	SA4 Vitality and viability of centres	SA5 Economy	SA6 Biodiversity and geological diversity	SA7 Sustainable travel	SA8 Accessibility & infrastructure provision	SA9 Historic environment and townscape	SA10 Energy efficiency and climate change	SA11 Water resources and quality	SA12 Flood risk	SA13 Air quality	SA14 Landscape	SA15 Soil and mineral resource
ALTGC2 a	1,800	--?/++	++?	+/-?	+	++	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC2 b	2,500	--?/++	++?	+/-?	+	++	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC3 a	2,000	--?/++	++	+/0	+	+	--?	+?/-?	+?	--?/?	+	0/?	0	0/0	--?	--?/--
ALTGC3 b	2,500	--?/++	++	+/0	+	++	--?	++?/-?	+?	--?/?	+	0/?	0	0/0	--?	--?/--
ALTGC3 c	5,500	--?/++	++?	++/0	+	++	--?	++?/-?	+?	--?/?	+	0/?	0	0/0	--?	--?/--
ALTGC3 d	13,500	--?/++	++?	++/0	+	++	--?	++?/-?	+?	--?/?	+	0/?	0	0/0	--?	--?/--
ALTGC4 a	2,000	--?/++	++	+/-	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC4 b	2,500	--?/++	++	+/-	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC4 c	17,000	--?/++	++?	++/-	+	++	-?	++?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC4 d	21,000	--?/++	++?	++/-	+	++	-?	++?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC6 a	2,000	--?/++	++?	+?/-	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC6 b	2,500	--?/++	++?	+?/-	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC6 c	3,500	--?/++	++?	+?/-	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC6 d	5,000	--?/++	++?	++?/-	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC7 a	2,000	--?/++	++	+/-	+	+	--?	+?/-?	+?	--?/0	+	0/0?	0	0/-?	--?	--?/--
ALTGC7 b	2,500	--?/++	++	+/-	+	+	--?	+?/-?	+?	--?/0	+	0/0?	0	0/-?	--?	--?/--
ALTGC7 c	4,000	--?/++	++?	+/-	+	+	--?	+?/-?	+?	--?/0	+	0/0?	0	0/-?	--?	--?/--
ALTGC8 a	2,000	--?/++	++	+/-	+	+	--?	+?/-?	+?	--?/0	+	0/0?	-?	0/-?	--?	-?/--
ALTGC9 a	2,000	--?/++	++	+/-	+	+	-?	+?/-?	+?	--?/0	+	0/0?	0	0/-?	--?	--?/--
ALTGC9 b	2,500	--?/++	++?	+/-	+	+	-?	+?/-?	+?	--?/0	+	0/0?	0	0/-?	--?	--?/--
ALTGC9 c	3,000	--?/++	++?	+/-	+	+	-?	+?/-?	+?	--?/0	+	0/0?	0	0/-?	--?	--?/--
ALTGC10 a	2,000	--?/++	++	+/-	+	+	--?	+?/-?	+?	--?/?	+	0/0?	-?	0/-?	--?	--?/--
ALTGC10 b	2,500	--?/++	++	+/-	+	+	--?	+?/-?	+?	--?/?	+	0/0?	-?	0/-?	--?	--?/--
ALTGC10 c	4,500	--?/++	++?	++/-	+	+	--?	+?/-?	+?	--?/?	+	0/0?	-?	0/-?	--?	--?/--
ALTGC11 a	2,000	--?/++	++	+/-	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC11 b	2,500	--?/++	++	+/-	+	+	-?	++?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
ALTGC11 c	5,000	--?/++	++?	++/-	+	+	-?	++?/-?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
C1 a	700	--?/+	++	++/0	+	+	--?	+?/+++	+?	--?/?	+	0/?	0	0/0	--?	--?/--
C1 b	2,000	--?/++	++	++/0	+	+	--?	+?/+++	+?	--?/?	+	0/?	0	0/0	--?	--?/--

		SA objective														
Site	Dwelling capacity	SA1 Community cohesion	SA2 Housing provision	SA3 Health	SA4 Vitality and viability of centres	SA5 Economy	SA6 Biodiversity and geological diversity	SA7 Sustainable travel	SA8 Accessibility & infrastructure provision	SA9 Historic environment and townscape	SA10 Energy efficiency and climate change	SA11 Water resources and quality	SA12 Flood risk	SA13 Air quality	SA14 Landscape	SA15 Soil and mineral resource
C1 c	2,500	--?/++	++	++/0	+	+	--?	+?/+++	+?	--?/?	+	0/?	0	0/0	--?	--?/--
C2 a	700	--?/+	++	++/0	+	+	-?	+?/+++	+?	--?/?	+	-?/0?	-?	0/0	--?	--?/--
C2 b	2,000	--?/++	++	++/0	+	+	-?	+?/+++	+?	--?/?	+	-?/?	-?	0/0	--?	--?/--
C2 c	2,500	--?/++	++	++/0	+	+	-?	+?/+++	+?	--?/?	+	-?/?	-?	0/0	--?	--?/--
C3 a	700	--?/+	++	+?/0	+	+	--?	+?/+++	+?	--?/?	+	0/?	0	0/0	--?	-?/-
C3 b	2,000	--?/++	++	+?/0	+	+	--?	+?/+++	+?	--?/?	+	0/?	0	0/0	--?	-?/-
C3 c	2,500	--?/++	++	+?/0	+	+	--?	+?/+++	+?	--?/?	+	0/?	0	0/0	--?	-?/-
C4 a	700	--?/+	++	+?/0	+	++	--?	+?/+++	+?	--?/?	+	0/?	-?	0/0	--?	-?/-
C4 b	2,000	--?/++	++	+?/0	+	++	--?	+?/+++	+?	--?/?	+	0/?	-?	0/0	--?	-?/-
C4 c	2,500	--?/++	++	+?/0	+	++	--?	+?/+++	+?	--?/?	+	0/?	-?	0/0	--?	-?/-
NEAGC1 a	2,000	--?/++	++	+/-?	+	+	--?	+?/-?	+?	--?/0	+	0/0?	0	0/0	--?	--?/--
NEAGC1 b	2,500	--?/++	++	+/-?	+	+	--?	+?/-?	+?	--?/0	+	0/0?	0	0/0	--?	--?/--
NEAGC1 c	5,500	--?/++	+++	++/-?	+	++	--?	+++/-?	+?	--?/0	+	0/0?	0	0/0	--?	--?/--
NEAGC1 d	7,500	--?/++	+++	++/-?	+	++	--?	+++/-?	+?	--?/0	+	0/0?	0	0/0	--?	--?/--
NEAGC1 e	10,000	--?/++	+++	++/-?	+	++	--?	+++/-?	+?	--?/0	+	0/0?	0	0/0	--?	--?/--
NEAGC2 a	2,500	--?/++	++	+/-?	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
NEAGC2 b	5,500	--?/++	+++	++/-?	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
NEAGC2 c	15,000	--?/++	+++	++/-?	+	++	-?	+++/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
NEAGC2 d	21,000	--?/++	+++	++/-?	+	++	-?	+++/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
NEAGC2 e	27,000	--?/++	+++	++/-?	+	++	-?	+++/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
NEAGC3 a	2,000	--?/++	++	+/-	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
NEAGC3 b	2,500	--?/++	++	+/-	+	+	-?	+?/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
NEAGC3 c	7,500	--?/++	+++	++/-	+	++	-?	+++/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
NEAGC3 d	8,000	--?/++	+++	++/-	+	++	-?	+++/-?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
SUE1 a	2,000	--?/++	++	+/0	+	+	-?	+?/-?	+?	--?/?	+	0/?	0	0/0	--?	--?/-
SUE1 b	2,500	--?/++	++	+/0	+	+	-?	+++/-?	+?	--?/?	+	0/?	0	0/0	--?	--?/-
SUE1 c	6,000	--?/++	++	++/0	+	+	-?	+++/-?	+?	--?/?	+	0/?	0	0/0	--?	--?/-
SUE1 d	8,500	--?/++	++	++/0	+	+	-?	+++/-?	+?	--?/?	+	0/?	0	0/0	--?	--?/-
SUE2 a	2,000	--?/++	++	+/-	+	+	-?	+?/-?	+?	--?/0	+	0/0?	0	0/0?	--?	--?/--
SUE2 b	2,500	--?/++	++	+/-	+	+	-?	+?/-?	+?	--?/0	+	0/0?	0	0/0?	--?	--?/--
SUE2 c	5,000	--?/++	++	++/-	+	++	-?	+++/-?	+?	--?/0	+	0/?	0	0/0?	--?	--?/--

		SA objective														
Site	Dwelling capacity	SA1 Community cohesion	SA2 Housing provision	SA3 Health	SA4 Vitality and viability of centres	SA5 Economy	SA6 Biodiversity and geological diversity	SA7 Sustainable travel	SA8 Accessibility & infrastructure provision	SA9 Historic environment and townscape	SA10 Energy efficiency and climate change	SA11 Water resources and quality	SA12 Flood risk	SA13 Air quality	SA14 Landscape	SA15 Soil and mineral resource
SUE3 a	2,000	--?/++	++	+/-	+	+	-?	+?/-?	++	--?/?	+	0/0?	0	0/0?	--?	--?/--
SUE3 b	2,500	--?/++	++	+/-	+	+	-?	+?/-?	++	--?/?	+	0/0?	0	0/0?	--?	--?/--
SUE3 c	5,000	--?/++	+++?	++/-	+	++	-?	+++?/-?	++	--?/?	+	0/?	0	0/0?	--?	--?/--
SUE3 d	12,500	--?/++	+++?	++/-	+	++	-?	+++?/-?	++	--?/?	+	0/?	0	0/0?	--?	--?/--
SUE4 a	2,000	--?/++	++	+/0	+	+	-?	+?/-?	++	--?/?	+	-?/?	-?	0/-?	--?	0/--
SUE4 b	2,500	--?/++	++	+/0	+	+	-?	+?/-?	++	--?/?	+	-?/?	-?	0/-?	--?	0/--
SUE4 c	3,500	--?/++	++	+/0	+	+	-?	+?/-?	++	--?/?	+	-?/?	-?	0/-?	--?	0/--
VE1 a	2,000	--?/++	++	+?/-	+	+	-?	+?/-?	++	--?/?	+	0/?	0	0/0?	--?	--?/--
VE1 b	2,500	--?/++	++	+?/-	+	+	-?	+?/-?	++	--?/?	+	0/?	0	0/0?	--?	--?/--
VE1 c	5,000	--?/++	++	+++?/-	+	++	-?	+++?/-?	++	--?/?	+	0/?	0	0/0?	--?	--?/--
VE1 d	17,000	--?/++	++	+++?/-	+	++	-?	+++?/-?	++	--?/?	+	0/?	0	0/0?	--?	--?/--
VE4 a	2,000	--?/++	++	+?/-	+	+	-?	+?/+++?	++	--?/?	+	0/?	0	0/0	--?	0/-
VE5 a	2,000	--?/++	++	+?/--	+	+	-?	+?/-?	++	--?/?	+	0/?	0	0/-?	--?	--?/--
VE5 b	2,500	--?/++	++	+?/--	+	++	-?	+++?/-?	++	--?/?	+	0/?	0	0/-?	--?	--?/--
VE5 c	4,500	--?/++	+++?	+++?/--	+	++	-?	+++?/-?	++	--?/?	+	0/?	0	0/-?	--?	--?/--

Results of Stage 2 - SA of alternative spatial strategies

Plan period versus fully built out scenarios

- 1.56 The Additional SA assessed the Section 1 Local Plan alternative spatial strategies both within the Plan period (i.e. to 2033) and when fully built out (no specified end date, but likely to be several years, if not decades, beyond the end of the Plan period). This makes direct comparisons between the alternative spatial strategies difficult, because some (e.g. proportionate growth) will be delivered by 2033, whereas others that include major strategic sites will continue well beyond 2033. In a sense, this is comparing 'apples and pears'.
- 1.57 It should be noted that, although some spatial strategies only allocate development to the end of the Plan period, development is, in reality, likely to continue beyond 2033. However there is no spatial strategy for this post-2033 development, although it could be presumed that development would continue in the same vein. The effects of the spatial strategies that involve major strategic sites will not be fully felt until well after the end of the Plan period. Similarly, temporary effects related to their construction (e.g. noise and disturbance) are likely to be experienced over many years.
- 1.58 In addition, it should be noted that existing commitments and allocations in the Section 2 Local Plans already make up over 80% of the total housing required to be delivered within the Plan period (approximately 35,600 of 43,200 homes). In this respect, those spatial strategies that seek to deliver the remaining approximate 7,500 homes within the Plan period and no more could be considered too small in scale to be strategic. Conversely, although all spatial strategy alternatives seek to deliver the required additional 7,500 homes in the Plan period, some could go on to deliver potentially as much as 35,500 additional homes beyond the Plan period. In fact, taking into account the 7,500 they will deliver within the Plan period, they could total a similar amount of housing that is planned for through the Section 2 Local Plans.
- 1.59 The Section 2 Local Plans already seek to focus development at existing settlements within North Essex, through Policy SP2 of the Section 1 Local Plan, according to settlement scales, sustainability and existing role. In this respect, a number of the settlements are already likely to experience significant housing growth relative to their existing size.
- 1.60 The cumulative effects from this development proposed by the Section 2 Local Plans provide the context for the Additional SA work, and the consideration of further growth, both within the Plan period and beyond.

Pros and cons of different urban forms

- 1.61 As part of the Additional SA, a review of research was undertaken with respect to urban form. This looked at the in-principle pros and cons of new settlements, urban extensions and dispersed development and provided some useful indicators as to how these different types of urban form compare in sustainability terms. The review found that:
- Dispersed development, which bears many similarities with the proportionate (percentage-based) growth spatial strategy alternative appraised in the Additional SA, performs less well across a range of criteria than new settlements or urban extensions, for example in relation to travel patterns and modes of transport and the delivery of affordable housing.
 - New settlements and urban extensions can perform similarly, depending upon where they are located, and how they are designed and delivered.
- 1.62 For new settlements to perform well in sustainability terms, it is critical that the infrastructure is provided in the early stages of development in order to avoid unsustainable travel behaviours becoming embedded before sustainable transport alternatives become available, and to develop a sense of community cohesion. New settlements can involve a significant amount of embodied carbon by having to develop 'from scratch', although new settlements can be designed to be efficient in carbon terms, including inclusion of renewable energy and encouraging low carbon behaviours, such as sustainable modes of transport. Larger new settlements are more likely to attract economic activity.
- 1.63 Urban extensions can make use of existing infrastructure, or expansions to existing infrastructure, rather than having to start from scratch. If well integrated with the settlements they are attached

to, they can offer immediate access to a range of existing jobs, services and facilities, although they can lack a sense of place. Larger urban extensions can also deliver their own services and facilities, economic activity, and the design features associated with new settlements with respect to sustainable travel and reduced carbon.

- 1.64 Viability and deliverability issues can affect both new settlements and urban extensions, but tend to be more pronounced with new settlements unless appropriate funding and governance structures are put in place. Dispersed development may have less in the way of upfront investment, but on the other hand can lead to an accumulation of development with insufficient investment in supporting services, facilities and infrastructure.
- 1.65 In terms of guiding principles, the research found that new settlements are likely to perform best when they are in close proximity to thriving towns and cities in order to share infrastructure and access to jobs and services during the early stages. On the other hand, there is a risk that such new development can draw resources and investment away from the towns and cities with which they are associated.
- 1.66 Of critical importance is that new strategic development should be located in areas with high public transport accessibility, for example along well-served bus corridors, and in close proximity to railway stations and other transport interchanges. The potential to extend existing networks, making better use of existing mainline stations or disused lines, and additional branches (e.g. rapid transit systems) through new neighbourhoods are considered to help make new strategic development more accessible and more successful.
- 1.67 In terms of design, connectivity is important, and the need to avoid severance by major roads and roundabouts. While landscape buffers and green space are to be encouraged, they should not threaten permeability and connectivity with surrounding land uses.
- 1.68 It is acknowledged in the research that the achievement of 'self-containment' is an unrealistic ambition given the choice of modes of transport available to modern communities, but that if developments are of a sufficient scale, they can provide for many of the everyday needs of residents within the development, reducing the incentive to travel elsewhere. This can be helped by designing compact developments, which incorporate a mix of uses.
- 1.69 The Additional SA of the spatial strategy alternatives for North Essex largely mirrors the findings of the research. The proportionate growth alternatives West 1, West 2, East 1, and East 2 (particularly those based on a simple percentage increase in growth of each settlement - West 1 and East 1) performed relatively poorly against the SA objectives, whereas many of the new settlement and urban extension alternatives performed similarly.

Summary of findings of the SA of alternative spatial strategies

West of Colchester

- 1.70 The proportionate growth spatial strategy alternatives (West 1 and West 2) perform less well across a number of the SA objectives than the other spatial strategy alternatives, as noted above, and therefore can be considered less sustainable.
- 1.71 The remaining spatial strategy alternatives (West 3 to West 11) perform similarly, albeit with some differences between them:
 - All of the remaining spatial strategy alternatives are likely to have significant adverse effects on the existing communities affected by the large-scale developments, primarily because of the considerable change of character around existing settlements. However, several of the spatial strategy alternatives are considered to deliver significant positive effects when the new communities are delivered, due to their being designed as coherent settlements in their own right, with a range of services and facilities (SA objective 1).
 - It is considered that the remaining spatial strategy alternatives will all be capable of delivering the residual housing requirement (approximately 7,500 homes) within the Plan period, and those that extend beyond the Plan period will continue to deliver new homes for many years to come. This includes appropriate provision for affordable housing, and a mix of types and tenures, in line with North Essex policy objectives (SA objective 2).
 - The health benefits will tend to be delivered beyond the Plan period, as the level of housing becomes sufficient to accommodate health care facilities at 4,500 dwellings (SA objective 3).

- Given the scale of development proposed, all of the remaining spatial strategy alternatives will be of sufficient size to incorporate local centres (SA objective 4) and employment land and other jobs (SA objective 5).
- All of the remaining spatial strategy alternatives could have adverse effects on biodiversity, and for West 3, West 4, West 4a, West 5, West 6, and West 11 this could be significant depending upon mitigation (SA objective 6). It should be noted that West 3, West 4, West 4a, and West 5 are located very close to Marks Tey Brickpit SSSI, although being a geological SSSI it should be possible to mitigate and manage adverse effects. All spatial strategies include development within SSSI 'Impact Risk Zones', whereby Natural England should be consulted for potential impacts, although this does not mean that they cannot be mitigated.
- With respect to shorter journeys, the majority of the remaining spatial strategy alternatives will have significant positive effects in the long-term as services and facilities, and jobs, are provided on site, although those strategies which involve building near existing facilities and services, or the provision of Rapid Transit System could achieve this within the Plan period (SA objective 7). West 7 will only have minor positive effects in the long term as the two sites for proportionate growth are likely to have less capacity to support the delivery of on-site facilities.
- With regard to longer journeys, it is considered that those spatial strategy alternatives that include both access to a railway station, particularly on the Great Eastern mainline, as well as investment in a Rapid Transit System, will result in significant positive effects in the longer term (SA objective 7). This is because commuting patterns suggest that the primary commuting destinations for residents of Braintree District are Chelmsford, Colchester, Uttlesford and London, and that Braintree, Chelmsford and London represent three of the top four commuting destinations for residents of Colchester Borough. Therefore, those spatial strategy alternatives that include relatively easy access to a choice of sustainable transport modes (rail and rapid transit) perform most strongly.
- All of the remaining spatial strategy alternatives could potentially have a significant negative effect on heritage assets (SA objective 9). In many instances, the heritage assets include Grade I and Grade II* listed buildings, either within the site or in close proximity. All of the spatial strategy alternatives also have the potential for significant effects on the townscape of nearby settlements due to their scale, but whether these effects would be positive or negative is uncertain.
- Although all of the remaining spatial strategy alternatives are considered to have minor positive effects on carbon, this is primarily with respect to delivery on site, rather than from traffic. From a traffic perspective, those sites that perform most strongly against SA objective 7 are also likely to perform most strongly with respect to transport related carbon emissions (SA objective 10).
- None of the remaining spatial strategy alternatives were identified as having significant effects with respect to water (SA objective 11), flood risk (SA objective 12) or air quality (SA objective 13).
- All of the remaining spatial strategy alternatives were considered to have potentially significant adverse effects with respect to landscape (SA objective 14).
- All of the remaining spatial strategy alternatives were considered likely to have potentially significant adverse effects with respect to minerals and likely to have significant adverse effects with respect to soils (SA objective 15).
- In many instances, there was uncertainty with respect to the effects identified as it may be possible to include mitigation, given the scale of the strategic sites that form components of many of the alternative spatial strategies, depending upon how development is designed and delivered.

1.72 In light of the findings of the SA, there is little to choose between the spatial strategies in terms of significant effects at the strategic scale (other than West 1 and West 2, as noted above). However, the following observations using professional judgement may help to distinguish between them a little more than the objective, assumptions-led SA has achieved:

- The research into urban form suggests that access to good sustainable transport links and services is critical to the achievement of sustainability, and it also makes sense to work with

established patterns of travel but seek to achieve changes in travel mode. Those strategies that combine both development focused on railway stations, particularly the Great Eastern mainline, and provision for a Rapid Transit System, are therefore likely to perform well.

- Those spatial strategies that do not include easy access to rail, especially to the Great Eastern mainline, could be considered to perform less well. For example, Halstead is not well connected in sustainable transport terms, and is not in the major commuting corridors, so those spatial strategies that include significant additional development at Halstead may be considered less sustainable than some of the other spatial strategies.
- On the other hand, those spatial strategies that focus a significant proportion of development along the Great Eastern mainline, for example West 3, West 4, West 5, West 7 and West 10, could, cumulatively with the effects of development already committed or allocated in the Section 2 Local Plans, lead to the perception of continued urbanisation of the Great Eastern mainline/A12 corridor. Consultations during the SA have also highlighted the lack of capacity on the mainline services to accommodate more passengers at peak times.
- Some strategies rely on Rapid Transit to be successful, including West 3, West 4 and West 4a, West 5, West 6, West 9 and West 11. We understand that developments in the order of 2,500 homes should enable Rapid Transit to begin to become viable, and that as the number of homes increases, services can become more frequent, viability improves, and extensions to the Rapid Transit System can be considered. However, it should be noted that this is based on informal advice from the NEA's transport consultants and in the absence of formal evidence is subject to uncertainty. Should a Rapid Transit System be delivered, this would help to address sustainable access issues to key journey destinations that are currently not within 'Acceptable' walking distance, such as existing employment areas and town centres, and to modal transfer nodes, such as railway stations. It could be assumed that, the shorter the journey by Rapid Transit to reach a destination or transfer node, the more likely it is that people will wish to use this form of transport rather than travel by car.
- Braintree is already earmarked for 22% growth in the Plan period, through commitments and Section 2 Local Plan allocations. Urban extensions to the east of Braintree, such as in spatial strategies West 2, West 7, West 8, West 9, West 10 and West 11 would increase this growth further, resulting in cumulative effects significantly greater than those from the Section 1 Local Plan alone. It should be noted that these strategies would result in the first encroachment of development east of the A120 Braintree bypass, and the bypass itself could act as a barrier to integration of new development with the town.
- The scale of development proposed, in particular under spatial strategy alternatives West 3, West 4, and West 5, is very significant (over 25,000 additional homes when fully built out). Once fully built out, each of these spatial strategies would provide more houses than there currently are in the town of Braintree (even before taking into account planned growth through commitments and Section 2 allocations). It is recognised that large scale development is more likely to attract investment, but it is also more likely to change the character of this part of North Essex. Primarily rural areas would become a chain of settlements linking into the existing settlements. This would particularly be the case for those strategies, such as West 4, which would see considerable development along the A120 corridor. It is difficult to judge what the impacts may be on the existing settlements, which could either be positive (e.g. providing further support for jobs, services and facilities) or negative (e.g. diverting investment away from the existing settlements to new settlements).

1.73 With all the spatial strategies, given the scale of development proposed, there is considerable risk. If for any reason they are not delivered as planned, for example through lack of government funding, or changing market conditions, then delivery may not happen as quickly as anticipated, quality could be compromised, and some aspects may not be delivered as wished. For example, there may be choices to be made with respect to the delivery of affordable housing, a full range of services and facilities, open space, sustainable transport infrastructure and services. This is not to say that these will not be delivered, but simply to observe that development on this scale does carry the risk that its full sustainability potential may not be realised in practice.

1.74 Summaries of the assessment findings for the spatial strategies West of Colchester within the Plan period (Table 1.9) and when fully built out (Table 1.10) are included below.

Table 1.9: Summary of SA scores for spatial strategies west of Colchester within the Plan period

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	West 1	--?/?	+++?	--/-?	--	-	-?	--?/--?	+?	--?/?	+?	-?/?	0	0/-?	-?	--?/--
	West 2	--?/+	--?	+/-?	+++?	+++?	-?	+++?/+?	+?	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 3	-- ?/++	++	+/-?	++	++	--?	+++?/+?	+?	--?/?	+	0/0?	0	0/-?	--?	--?/--
	West 4	-- ?/++	++	+/-?	++	++	--?	+++?/+?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4a	-- ?/++	++	+/-?	++	++	--?	+++?/+?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 5	-- ?/++	++	+/-?	++	++	--?	+++?/+?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 6	-- ?/++	++	+/-?	++	++	--?	+++?/+?	+?	--?/?	+	0/?	0	0/0	--?	--?/--
	West 7	-- ?/++	++	+/-	+	++	-?	+?/+?	+?	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 8	--?/+	++	+/-?	++	++	-?	+?/+?	+?	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 9	--?/+	++	+/-?	++	++	-?	+++?/+?	+?	--?/?	+	-?/?	0	0/0?	--?	--?/--
	West 10	--?/+	++	+/-?	++	++	-?	+++?/+?	+?	--?/?	+	-?/?	0	0/-?	--?	--?/--
West 11	--?/+	++	+/-?	++	++	--?	+++?/+?	+?	--?/?	+	-?/?	0	0/0?	--?	--?/--	

Table 1.10: Summary of SA scores for spatial strategies west of Colchester when fully built out

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	West 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	West 2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	West 3	-- ?/++	++?	++/-?	++	++	--?	+++?/+++?	+	--?/?	+	0/0?	0	0/-?	--?	--?/--
	West 4	-- ?/++	++?	++/-?	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4a	-- ?/++	++?	++/-?	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 5	-- ?/++	++?	++/-?	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 6	-- ?/++	++?	++/-?	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/0	--?	--?/--
	West 7	-- ?/++	++	++/-	+	++	-?	+++?/+++?	+	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 8	--?/+	++	+/-?	++	++	-?	++?/++?	+	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 9	--?/+	++?	+/-?	++	++	-?	+++?/+++?	+	--?/?	+	-?/?	0	0/0?	--?	--?/--
	West 10	--?/+	++?	+/-?	++	++	-?	+++?/+++?	+	--?/?	+	-?/?	0	0/-?	--?	--?/--
West 11	--?/+	++?	+/-?	++	++	--?	+++?/+++?	+	--?/?	+	-?/?	0	0/0?	--?	--?/--	

East of Colchester

- 1.75 East of Colchester, the choice of strategies is more straightforward. As previously described for West of Colchester, proportionate (percentage) growth East of Colchester (East 1) also performs less well across a number of the SA objectives than the other spatial strategy alternatives, and therefore can be considered less sustainable. Similarly, proportionate (hierarchy) growth (East 2) does not perform well because it would lead to considerable development at Brightlingsea, which is not a sustainable location for strategic growth due to its poor accessibility and environmental sensitivities. Notably it would also fail to deliver sufficient housing within the Plan period.
- 1.76 With respect to the remaining spatial strategies (East 3, East 4, East 5 and East 6):
- In the longer term, the effects on existing communities and also the effects arising from the new communities would be similar in terms of significance (SA objective 1).
 - All would deliver the homes required in the Plan period (SA objective 2).
 - In terms of access to health care, East 3, East 4 and East 5 perform better than East 6 in the longer term, because they will provide for a scale of development sufficient to accommodate a health care facility (SA objective 3). On the other hand, East 5 could be subject to significant adverse effects from noise pollution.
 - East 3 and East 4 are considered to perform more strongly with respect to access to local centre facilities (SA objective 4) at the end of the Plan period, however East 6 also performs well after the Plan period.
 - East 3 and East 4 are considered to perform more strongly with respect to the economy (SA objective 5) at the end of the Plan period, however East 5 also performs well after the Plan period.
 - East 3 and East 5 are anticipated to perform less negatively than East 4 and East 6 with respect to biodiversity (SA objective 6).
 - The main advantage of East 6 when fully built out is with respect to longer journeys and easy access to railway stations (SA objective 7) which is reinforced by the strong commuting relationship between Tendring and Colchester. This would also feed into effects on carbon emissions from traffic (SA objective 10). On the other hand, the rural locations could lead to longer journeys by car for those journeys where rail is not a realistic choice. For shorter journeys, East 3, East 4 and East 5 perform most strongly.
 - All of the remaining spatial strategy alternatives could potentially have a significant negative effect on heritage assets (SA objective 9). All of the spatial strategy alternatives with the exception of East 4 also have the potential for significant effects on the townscape of nearby settlements due to their scale, but whether these effects would be positive or negative is uncertain.
 - None of the remaining spatial strategy alternatives were identified as having significant effects with respect to water (SA objective 11), flood risk (SA objective 12) or air quality (SA objective 13).
 - All of the remaining spatial strategy alternatives were considered to have potentially significant adverse effects with respect to landscape (SA objective 14).
 - All of the remaining spatial strategy alternatives were considered to have potentially significant adverse effects with respect to minerals and likely to have significant adverse effects with respect to soils (SA objective 15).
 - In many instances, there was uncertainty with respect to the effects identified as it may be possible to include mitigation, taking into account the scale of the strategic sites, and how development is designed and delivered.
- 1.77 East 3 is the Garden Community proposed in the submitted Section 1 Local Plan. Its main disadvantage compared to some of the other spatial strategies is that it is not on a rail link and as a result, a Rapid Transit connection to Colchester and beyond is proposed. It is, though, close to the University of Essex, albeit separated by the A133 dual carriageway. The site is also separated from the urban area of Colchester by Salary Brook Local Nature Reserve, which will help to retain distinctiveness between the communities and act as a resource for both existing and new communities, but may act as a barrier to integration.

- 1.78 Although East 4 performs as well as some of the alternative spatial strategies for the East of Colchester, it would, in effect result in the complete surrounding of Bullock Wood SSSI by development, adding to the development that already exists to the west of this ancient woodland SSSI. In terms of maintaining ecological networks, and potential disturbance effects, this is considered to be a particularly significant risk. It also has no rail link into Colchester.
- 1.79 In many respects, East 5 performs as well as East 3, although no better. It has the advantage of an existing employment area on site, and would retain its own distinctiveness being separated by some distance from Colchester town. Its location on the A120 and its distance from Colchester could encourage a high proportion of journeys by car.
- 1.80 East 6 is designed to operate as a chain of settlements along the Clacton to Colchester rail route, with stations within walking distance and use of rail facilitated by proposed increases in the frequency of services. The chain of settlements would support one another, as well as link into Colchester as the main commuting destination. In this respect it has many advantages, although the rural location of the four settlements could encourage car journeys, notwithstanding the opportunity to travel by train. In other respects, this spatial strategy does not perform any better than the alternatives. It is being promoted by local people rather than landowners or developers, which suggests that it may have a groundswell of support, but it is less certain whether it is deliverable in practice, and therefore there are risks attached.
- 1.81 Summaries of the assessment findings for the sites East of Colchester within the Plan period (Table 1.11) and when fully built out (Table 1.12) are included below.

Table 1.11: Summary of SA scores for spatial strategies east of Colchester within the Plan period

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	East 1	--?/?	--	--?/0	-	+	--?	-?/-?	-?	--?/?	+	0/?	0	0/-?	--?	--?/--
	East 2	--?/?	--	?/0	+++	+++	--?	+++?/-?	-?	--?/?	+	0/?	0	0/-?	--?	-?/--
	East 3	--?/++	++	+/-	++	++	-?	+++?/+?	+	--?/?	+	0/0?	0	0/-?	--?	--?/--
	East 4	--?/++	++	+/-	++	++	--?	+++?/+?	+	--?/0	+	0/0?	0	0/-?	--?	--?/--
	East 5	--?/++	++	+?/--	+	+	-?	+++?/-?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	East 6	-?/+	++	+/0?	+	?	--?	?/+?	+	--?/?	+	-?/?	-?	0/0	--?	--?/--

Table 1.12: Summary of SA scores for spatial strategies east of Colchester when fully built out

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	East 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	East 2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	East 3	--?/++	+++?	++/-	++	++	-?	+++?/+?	+	--?/?	+	0/0?	0	0/-?	--?	--?/--
	East 4	--?/++	+++?	++/-	++	++	--?	+++?/+?	+	--?/0	+	0/0?	0	0/-?	--?	--?/--
	East 5	--?/++	+++?	+++?/--	+	++	-?	+++?/-?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	East 6	--?/++	++	+/0?	+++?	+	--?	+?/+++?	+	--?/?	+	-?/?	-?	0/0	--?	--?/--

Transport infrastructure

1.82 The NEAs' paper on the 'Identification of Spatial Strategy Alternatives' sets out infrastructure assumptions that are specific for each spatial strategy alternative. A number of the alternatives include road improvements, and several include provision for a Rapid Transit System. These infrastructure proposals will go through their own assessment processes, but some observations are provided below for the purposes of the SA.

Rapid Transit System

1.83 A number of the spatial strategy alternatives include a Rapid Transit System to support the development strategy proposals, although detailed evidence has only been prepared to support the development proposals that are included in the Section 1 Local Plan.

1.84 In order to achieve ambitious targets for modal shift to public transport, the research undertaken on behalf of the NEAs suggests that the following headline measures will be required⁷:

- Providing high quality links into existing public transport networks and forward funding public transport infrastructure to provide quick connections to key destinations, driving demand.
- A high degree of segregation and priority for public transport is required to deliver fast and reliable journey times.
- Use of powers from the Bus Services Act (such as Quality Bus Partnerships) will ensure high quality (comfortable – pleasurable and productive) services and best use of dedicated infrastructure.
- Provision of high frequency bus services from opening of new development provides a reliable service to new residents, encouraging use of the Rapid Transit System.
- Integrated ticketing makes it easier to use public transport and allow simple fare structures to be developed that encourage high levels of use.

1.85 The Rapid Transit System evidence base report⁸ breaks the Rapid Transit System network down into four components:

- Route 1: Tendring Colchester Borders Garden Community – Colchester Town Centre – Colchester North Park & Ride.
- Route 2: Colchester – Colchester Braintree Borders Garden Community.
- Route 3: Braintree – West of Braintree Garden Community – Great Dunmow – Easton Park – Stansted.
- Route 4: Colchester Braintree Borders Garden Community – Braintree.

1.86 Each of the routes has alternative alignment options, including interim options.

1.87 The report notes that it is anticipated that some sections will initially use existing infrastructure, especially where there is reasonable capacity for Rapid Transit System operation within current traffic levels but that priority measures are suggested where these may be required as the network develops.

1.88 By 2033, it is expected that two Rapid Transit System sub-systems will be successfully operating: The Colchester sub-system; and a West of Braintree sub-system. At some point after 2033 the report states that it would be an aspiration to connect the subsystems via Route 4, but the report makes clear that neither Rapid Transit System viability nor growth of the Garden Communities depends on this connection being made.

1.89 The Rapid Transit System forms an integral part of the proposals for delivering the three Garden Communities as proposed in the Section 1 Local Plan. In this respect, it could also serve a number of other spatial strategy alternatives as described in the NEA 'Identification of Spatial Strategies Alternatives' paper, although presumably in different variations from the proposed Rapid Transit System in the Section 1 Local Plan.

⁷ ITP (July 2019) Mode Share Strategy for the North Essex Garden Communities

⁸ Essex Highways (July 2019) Rapid Transit System for North Essex

- 1.90 If successfully implemented, the Rapid Transit System offers a very real opportunity to achieve modal shift from the car, although the extent of the shift is dependent upon implementation of the measures set out in the 'Mode Share Strategy for the North Essex Garden Communities' report (summarised above).
- 1.91 The Rapid Transit System also offers opportunities to provide high quality public transport links to other components of the public transport network, most notably the mainline rail stations. This would help to address the constraints on 'Acceptable' walking distance that the SA has identified in relation to some of the strategic sites.
- 1.92 However, in terms of service provision, it is likely that service frequency would improve as the garden communities increase in scale and demand rises. In addition, the phasing of delivery could be an issue, particularly with respect to Route 4, which forms an important link between the Colchester and Braintree sub-systems. The Essex Highways report describes this as "an aspiration" and suggests this would be delivered after 2033, and is not essential to the operation of the two sub-systems. If for any reason it is not delivered, it can be assumed the benefits in terms of modal shift would not be as great as if it were in place.
- 1.93 Modal shift to a comprehensive network Rapid Transit System would help to deliver significant positive effects in terms of SA objective 3 (Health), SA objective 7 (Sustainable travel), SA objective 8 (Infrastructure), SA objective 10 (Climate), and SA objective 13 (Air quality).
- 1.94 There has been no detailed environmental assessment of the Rapid Transit System route options to date. For the purposes of this SA, it should be noted that the majority of the route options follow existing transport corridors, but that there is considerable historic interest along some of these corridors, both within the urban areas and the more rural route options, especially listed buildings. In addition, if new routes are considered this could affect ecological networks, and it is also of note that the geological Marks Tey Brickpit SSSI could be close to the alignment of one of the routes. Therefore, there could be negative effects on SA objective 6 (Biodiversity) and SA objective 9 (Heritage), but with the level of detail currently available it is not possible to determine the extent and significance of these potential effects, nor the scope for mitigation.

Rail services

- 1.95 The Braintree Infrastructure Delivery Plan notes that the Great Eastern Mainline railway operates at capacity on trains to and from London in the peak hours⁹, although the Colchester Infrastructure Delivery Plan states that "*the train operating company is making a substantial investment in rolling stock to provide new faster, higher capacity trains with more operational flexibility than the current trains. The new trains will be introduced from 2019/20*"¹⁰.
- 1.96 The SA has assumed that accessibility to the rail network will bring significant positive effects with respect to a number of SA objectives, but this is predicated on there being the capacity on these lines to cater for the increase in demand that will inevitably arise as a result of development under many of the spatial strategy alternatives, especially those that propose significant growth in close proximity to stations on the Great Eastern mainline (i.e. West 3, West 4 and 4a, West 5, and West 7). It should be noted that the Braintree Section 2 Local Plan already allocates a considerable amount of development at Kelvedon, Hatfield Peverel and Witham, where mainline stations are located.
- 1.97 The Braintree Infrastructure Delivery Plan notes that "*capacity improvements on the Braintree branch line, specifically the construction of a passing loop, were identified as an infrastructure requirement in the adopted Braintree Core Strategy (2011) to support growth in the whole District. Work is being undertaken to develop options for improving the line. It is expected, if improvements that facilitate a higher frequency of trains can be made, that this will help encourage more trips by train, which is of significance given the high number of car trips in, to and out of Braintree town.*" Therefore, spatial strategy alternatives that include proposed development at Braintree (i.e. West 2 and West 7), would be more likely to achieve positive effects if the services on the Braintree branch line received the necessary improvements.

⁹ Trpy Planning & Design, Navigus Planning (October 2017) Braintree Infrastructure Delivery Plan Report Final Report - updated

¹⁰ Trpy Planning & Design, Navigus Planning (October 2017) Braintree Infrastructure Delivery Plan Report Final Report - updated

1.98 The success of the CAUSE Metro Plan proposal (East 6) is dependent upon there being improvements to the services on the Colchester to Clacton-on-Sea line. CAUSE propose that rail services be reorganised from a commuter service to Colchester and onwards to London to a locally focussed 'shuttle' service and a new timetable providing trains every 15 minutes and through services to the Anglia main line every 30 minutes. Currently, the service is much less frequent than this, with small gaps between some trains and large gaps between others, even at peak times.

Other transport infrastructure

- 1.99 A number of the spatial strategy alternatives will rely on other infrastructure to support their delivery including upgrades to the A12 and A120. These potential transport infrastructure improvements have not been individually assessed as part of the Additional SA, and environmental assessment studies would need to be undertaken at the project level. In some instances, the projects already have funding in principle (e.g. upgrading of the A12 or Millennium Slipways at Galley's Corner roundabout), some are currently at the application stage, others would be incorporated within the proposed development envelope (e.g. A120 to A133 link road within East 3), and others have little in the way of detail.
- 1.100 In general, improvements to road capacity can help to ease congestion and localised air pollution issues (SA objective 13) and help to support the economy (SA objective 5), with potential negative effects on environmental assets such as biodiversity (SA objective 6) and heritage (SA objective 9), dependent upon the assets that could be affected and the interaction with the alignment and land take of the improvements, and mitigation measures proposed. There is also some evidence that improved roads can actually lead to additional traffic that would otherwise not have occurred (known as 'induced demand').
- 1.101 For the purposes of this Additional SA, it is not possible to come to definitive conclusions whether the impacts of traffic will increase or decrease as a result of the road infrastructure improvements proposed under each of the spatial strategies, but a risk exists that it will increase through induced demand.

Scale of development

- 1.102 Although, with the possible exception of West 2, East 1 and East 2, all of the spatial strategy alternatives should be capable of delivering the housing required in the plan period, when fully built out they will be very different in scale. Depending upon the combination of East of Colchester and West of Colchester spatial strategy alternatives selected, when fully built out the additional housing stock could range from an additional 7,500 homes to approximately another 40,500 homes in total, over and above those already accounted for as commitments and Section 2 Local Plan allocations, once fully built out.
- 1.103 For stand-alone new settlements, around 4,500 to 5,000 homes would be sufficient to deliver a secondary school and a health care facility in addition to a range of other services and facilities that might be expected to be delivered at smaller scales. Beyond this threshold, there may be advantages to further growth, as additional services and facilities are provided, further employment land is incorporated to meet the needs of new residents, and frequent public transport services become ever more viable as demand increases. It is not possible to ensure self-containment, but it might be considered that the larger scale, the more likely that an element of self-containment could be achieved with appropriate provision of services, facilities, infrastructure, and employment within the new development.
- 1.104 Set against this would be the potential environmental effects of larger scale development, and if intensity of land use increases, such effects may increase. Larger scale development is also more likely to generate a greater sense of change in character of the North Essex landscape as it becomes more urbanised. On the other hand, larger scale development potentially offers greater scope to avoid the most significant effects and incorporate mitigation. Higher density developments, though, are more likely to encourage walking and ease of accessibility to services and facilities and public transport services, although they may also generate greater traffic and congestion.

- 1.105 The effects of large scale new settlements on existing settlements are also difficult to predict, depending upon whether the new settlements complement or compete with them for investment, jobs, services and facilities, and how well they are connected.
- 1.106 Urban extensions, on the other hand, are not normally designed to be 'self-contained', but instead to be part of the settlement to which they are attached, sharing services and facilities and access to jobs, with varying degrees of success. The larger the scale of urban extension, the more likely it is that they will take on their own character and sense of place, and provide for some services and facilities within the development, but this in turn can place strains on transport routes into the 'host' settlement and the capacity of its town centre services and facilities to cater for the increased demands placed upon them.
- 1.107 Finally, it should be noted that landscape character is a reflection of both the countryside and the cities, towns and villages that lie within it. Some of the most highly valued environmental assets can be found within built-up areas, reflecting the many periods of development that have taken place over hundreds of years. The historic towns of North Essex are a good example of this, and demonstrate that new development today has the potential to become tomorrow's heritage. In terms of effects, therefore, the attention paid to high quality design is essential, so that future generations can value the development we build today, just as we value some of the townscapes that were built by generations in the past.

Cumulative effects

- 1.108 Chapter 6 of the original SA Report focuses on the appraisal of the cumulative and synergistic effects of the submitted policies in the Section 1 Local Plan.
- 1.109 The appraisal of cumulative effects in the Additional SA instead focuses on the likely cumulative effects of alternative strategic sites and spatial strategies with existing commitments and allocations in the Section 2 Local Plans, planned development in neighbouring Districts and Boroughs, and the cumulative effects of the different scales of development under the alternative spatial strategies. In this regard, reference has been made to potential cumulative effects in the strategic site assessments and the spatial strategy assessments, as well as in the commentary on the spatial strategy alternatives above.
- 1.110 In terms of the main findings, the larger scale strategic site alternatives and the larger scale spatial strategy alternatives are likely to give rise to more significant negative effects, for example in relation to biodiversity (SA objective 6), heritage (SA objective 9), air quality (SA objective 13), landscape (SA objective 14), and soils and minerals (SA objective 15), and the greater the pressure on water resources (SA objective 11).
- 1.111 In relation to water resources, evidence indicates that water resources within Essex are currently subject to significant levels of stress and will continue to be in the future and that the locations of the garden communities are within areas of moderate to serious water stress as defined by the Environment Agency. There is limited potential for local abstraction to support major site development at a local level and therefore, reliance on strategic water resource management and movement of water into the area is required to sustain growth and demand for potable water.¹¹ This baseline situation is likely to be relevant to all the spatial strategy alternatives, but those that propose lower scales of growth are likely to cause less stress than the higher levels of growth in terms of increases in demand. In relation to the ability of wastewater treatment infrastructure to serve the cumulative scale of growth, although evidence relating to the submitted Local Plans¹² indicates that there are no 'showstoppers', there are drawbacks identified for all the wastewater strategies discussed.
- 1.112 Conversely, the larger scale strategic site alternatives and larger scale spatial strategy alternatives offer the opportunity to deliver significant positive effects in relation to housing delivery (SA objective 2) and the economy (SA objective 5).

¹¹ AECOM (2017) North Essex Garden Communities Integrated Water Management Strategy Stage 1 Report

¹² ibid

- 1.113 With respect to sustainable travel (SA objective 7) and infrastructure (SA objective 8), larger scale development will place greater demands on the transport network and other infrastructure, but may also offer opportunities to secure investment (e.g. in the Rapid Transit System or improved rail services on the Colchester to Clacton-on-Sea railway line).
- 1.114 Committed development and allocations in the Section 2 Local Plans already focus development at the larger settlements of Colchester (particularly to the north and west of the town), Braintree (particularly to the north and west and to the south around Great Notley) and Clacton-on-Sea (to the north and west), with considerable development also proposed for the A12/Great Eastern mainline corridor at Witham and Kelvedon.
- 1.115 The strategic urban extension alternatives tend not to be in close proximity to the main commitments and allocations in the Section 2 Local Plans, but they will add to the development already proposed for these settlements. This could add to congestion (SA objective 7), air pollution (SA objective 13) and change in character to these settlements (SA objective 9 and SA objective 14), although they could also help to provide support for town centre services and facilities (SA objective 4) and their economies (SA objective 5). The Garden Community alternatives to the north and east of Colchester are closely related to Colchester itself and could therefore have similar effects as the strategic urban extensions, including potential impacts on the AQMAs in the town centre and along the A12 (SA objective 13), notwithstanding the potential to include a Rapid Transit System or other transport improvements. Although Halstead is not earmarked for as much growth as the other larger settlements in North Essex, an additional strategic urban extension to this town would significantly increase the size of the settlement (with effects on SA objective 1, SA objective 4, SA objective 9 and SA objective 14), although it could assist in the delivery of a bypass for the town (SA objective 8).
- 1.116 The strategic site and spatial strategy alternatives that focus development along the A12/Great Eastern mainline corridor would add to the development already proposed in this corridor at places like Witham and Kelvedon, resulting in an increased urbanisation effect described earlier in this Additional SA Report (SA objective 14). There is also considerable heritage interest along this corridor (SA objective 9), which could be cumulatively affected by further development.
- 1.117 The CAUSE Metro Plan would result in four further expanded settlements along the Colchester to Clacton-on-Sea railway line, to add to the development already committed or allocated in the Section 2 Local Plans, and would be likely to change the character of this chain of settlements. They could also lead to increased traffic in a more rural location, notwithstanding improved rail services (SA objectives 7 and 8). Conversely, the combination of these settlements may give an opportunity to deliver a wider range of services and facilities, including potentially a secondary school, to serve them (SA objective 1 and SA objective 4).
- 1.118 The Garden Community alternatives to the west of Colchester, and also Tendring Central Garden Village to the east of Colchester, would not adjoin the main settlements of North Essex, and therefore their cumulative effects with committed and Section 2 Local Plan allocations would be indirect. However, cumulatively, they would lead to the introduction of urban development within predominantly more rural areas, some adjoining or encompassing existing communities changing the character of these locations (SA objective 1, SA objective 9 and SA objective 14).
- 1.119 The west of Braintree Garden Community would combine with the proposed development in Uttlesford, of which it would form part. The SA of the Uttlesford component of the West of Braintree Garden Community identified the potential for similar significant positive and negative effects as this Additional SA has identified for the North Essex component of the West of Braintree Garden Community (i.e. significant negative effects with respect to biodiversity, landscape, soil/sustainable use of land and historic environment, and significant positive effects with respect to sustainable methods of travel, accessibility to services, housing, resources and infrastructure, education and skills¹³).
- 1.120 In other adjoining districts, Chelmsford's submission Local Plan provides for nearly 22,000 additional dwellings and 11,000 new jobs in the period 2013 to 2036, with significant commitments or allocations to the north-east of Chelmsford including at Great Leighs¹⁴. Although

¹³ AECOM (December 2018) Sustainability Appraisal (SA) for the Uttlesford District Council Local Plan

¹⁴ Chelmsford Council (January 2018) Chelmsford Draft Local Plan (Regulation 19 - Publication Draft)

the proposed developments in Chelmsford are closely related to the A131 corridor (which goes to Braintree), Chelmsford itself is on the same A12/Great Eastern mainline corridor as some of the North Essex strategic site and spatial strategy alternatives. The combination of development is likely to add to pressure on these transport routes, with potentially adverse effects on sustainable travel (SA objective 7) and air quality (SA objective 13), noting that Chelmsford has AQMAs. This is particularly the case given the strong relationship of Chelmsford with Braintree and Colchester in terms of travel movements.

- 1.121 Also to the south of North Essex is Maldon District, whose Local Plan provides for 4,650 dwellings and 2,000 net additional jobs between 2014 and 2029¹⁵, adding to potential cumulative effects, although to a lesser extent than Chelmsford.
- 1.122 To the north, the Ipswich adopted Local Plan¹⁶ provides for at least 9,777 new dwellings and 12,500 new jobs between 2011 and 2031, and the Regulation 18 joint Babergh and Mid Suffolk Local Plan¹⁷ provides for 7,560 additional dwellings between 2018 and 2036. The relationship of North Essex with Babergh and Ipswich is not as strong as the relationship of Colchester and Braintree with Chelmsford in terms of commuting patterns, so cumulative effects are unlikely to be as significant. However, the A12/Great Eastern mainline corridor connects Chelmsford with Ipswich, via North Essex, which could lead to further cumulative effects in relation to travel (SA objective 7), infrastructure (SA objective 8) and air quality (SA objective 13), both within North Essex and beyond.
- 1.123 The cumulative development across all the districts will place further pressure on environmental assets and resources, including biodiversity (SA objective 6), heritage (SA objective 9), water resources (SA objective 11), landscape (SA objective 14) and soils and minerals (SA objective 15), although without detailed sub-regional studies it is not possible to determine whether these will be significant at the sub-regional scale.

Conclusion

- 1.124 The SA of alternative strategic sites showed that many perform similarly against the SA objectives.
- 1.125 With respect to alternative strategic spatial strategies, the clearest conclusion is that those spatial strategies that rely solely on proportionate growth (percentage) are the poorest performing, but for others the differences are much more finely balanced. No spatial strategies stood out as performing much more strongly than the others. None of the spatial strategies are without challenges with respect to environmental assets, such as biodiversity, heritage, minerals and best and most versatile agricultural land.
- 1.126 To the west of Colchester, the choice of strategy is complicated. Those alternatives that include strategic urban extensions (e.g. to Braintree or Halstead) offer the opportunity to be integrated with existing settlements. However, east of Braintree would be severed from Braintree by the Braintree eastern bypass which represents an important eastern limit to the town. Halstead has no rail service and is not in the key commuting corridors.
- 1.127 The other alternatives tend to offer different combinations of new settlements and/or extensions of existing smaller settlements. Those that are associated with the Great Eastern mainline offer use of existing infrastructure and sustainable access to key commuting destinations including Colchester, Chelmsford and London (although concerns have been expressed by local people of the capacity of this route to cater for additional demand at peak times). The opportunity to introduce a coherent and integrated Rapid Transit System to cater for other commuting routes, particularly east-west and to Stansted could be of considerable benefit since these routes are currently poorly served by more sustainable modes of transport. Therefore those alternatives that offer a combination of both access to existing rail and investment in Rapid Transit System perform strongly in sustainable transport terms.

¹⁵ Maldon District Council (July 2017) Approved Local Development Plan 2014 – 2029

¹⁶ Ipswich Borough Council (February 2017) Core Strategy and Policies Development Plan Document Review

¹⁷ Babergh * Mid Suffolk Councils (July 2019) Babergh and Mid Suffolk Local Plan Preferred Options Consultation (Regulation 18)

- 1.128 To the east of Colchester, it appears to be a choice between three alternatives. East 1, being proportionate (percentage) growth does not perform well compared to the alternatives. East 2 does not perform well because it would lead to considerable development at Brightlingsea, which is not a sustainable location for strategic growth due to its poor accessibility and environmental sensitivities. East 4 has potentially significant biodiversity issues due to its potential impact on Bullock Wood SSSI. This leaves East 3 (the Garden Community on the Colchester/Tendring Borders), East 5 (Tendring Central Garden Village), and East 6 (the CAUSE Metro Plan).
- 1.129 East 6 offers the considerable advantage of being on an existing railway line which links into important commuting destinations for people in Tendring (Colchester and Clacton-on-Sea, Kirby Cross, Frinton-on-Sea and Walton-on the-Naze). Taken together, the four constituent growth locations along the railway line form a critical size to support a range of services and facilities, although individually they do not. They are also rural in character, and all four settlements are earmarked for considerable growth through existing commitments and Section 2 Local Plan allocations.
- 1.130 East 3 and East 5 offer similar opportunities to develop a coherent development that incorporates a good range of services and facilities. Both have the drawback of not being on a rail route, although East 3 offers the opportunity to be connected to Colchester and beyond by the Rapid Transit System and is close to the university. East 5 has the advantage of an existing employment area and good connections to the strategic road network.
- 1.131 It is therefore not possible to come to a definitive conclusion that any one strategy, whether west of Colchester or east of Colchester, is the most sustainable option. The advantage of the Section 1 Local Plan as it stands is that it provides clear direction for strategic development to accommodate North Essex over many decades to come and therefore more certainty in terms of coherence and investment, including in new transport infrastructure, services and facilities. However, some of the alternatives offer opportunities to deliver similar benefits.
- 1.132 It should be noted that the scale of development proposed in the Section 1 Local Plan is considerable and will change the character of parts of North Essex, and the effects on the role and function, and relationship between the new and existing settlements is uncertain – if they complement and support one another, then this would be of benefit, but if they compete for investment and resources this could be a dis-benefit. Some of the other alternatives propose a similar scale of development and therefore offer similar opportunities and risks. The alternatives that propose lower amounts of growth would be less likely to alter the character of North Essex and relationships between settlements, but on the other hand may be less likely to attract the scale of investment of the larger scale alternatives. In addition, in the longer-term, it is likely that there will continue to be a need for more development, and so in future years (planning to well beyond the Plan period), similar decisions will need to be made about where the additional growth should go. Under the larger scale alternatives, this decision will already have been made.
- 1.133 Finally, it is worth mentioning that the pace of change of technology, the introduction of 'smart city' thinking, and planning for climate change (both in terms of a net zero carbon future, and adaptation to the effects of climate change), could result in changes in the way that we live our lives that are difficult to comprehend given our embedded lifestyles and, in particular, our reliance on fossil fuels and the private car. It is therefore important that any strategy is future proofed and flexible enough to accommodate these changes as and when they arise.

LUC

July 2019



Suggested Amendments to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section One

July 2019

Main changes from Braintree District Council's perspective

10	Vision for North Essex	<p>North Essex will be an area of significant growth over the period to 2033 and beyond, embracing positively the need to build well-designed new homes, create jobs and improve and develop infrastructure for the benefit of existing and new communities.</p> <p>It will continue to be an attractive and vibrant area in which to live and work, making the most of its rich heritage, town centres, natural environment, coastal resorts, excellent educational facilities and strategic transport links which provide access to the ports, Stansted Airport, London and beyond. Rural and urban communities will be encouraged to thrive and prosper and will be supported by adequate community Infrastructure. (Mod A)</p> <p>Sustainable development principles will be at the core of the strategic area's response to its growth needs, balancing social, economic and environmental issues. Green and blue infrastructure and new and expanded education and health care facilities enabling healthy and active lifestyles (Mod B) will be planned and provided along with other facilities to support the development of substantial new growth; while the undeveloped countryside, (Mod C) natural environment (Mod D) and the countryside and heritage assets historic environment will be protected preserved and enhanced. Key to delivering sustainable development is that new development will address the requirement to protect and enhance be informed by an understanding of the historic environment and settlement character (Mod E)</p> <p>At the heart of our strategic vision for North Essex are new garden communities, the delivery of which is based on Garden City principles covered by policy SP7. The garden communities provide an opportunity to create the right balance of jobs, housing and Infrastructure in the right locations and (Mod F) will attract residents and businesses who value innovation, community cohesion and a high quality environment, and who will be provided with opportunities to take an active role in managing the garden community to ensure its continuing success. Residents will live in high quality, innovatively designed, contemporary homes, (Mod G) accommodating a variety of needs and aspirations, located in well-designed neighbourhoods where they can meet their day-to-day needs. There will be a network of tree-lined streets and green spaces, incorporating and enhancing</p>	<p>To ensure the following clarifying points:</p> <p>Mod A - Highlight the strategic issues relevant to Section 1</p> <p>Mod B -Include high level strategic objective on the need to support healthy and active lifestyles</p> <p>Mod C – To clarify definition of countryside to be protected.</p> <p>Mod D- Include high level strategic objective on the need to protect and enhance the natural environment.</p> <p>Mod E - Include high level strategic objective on the need to protect and enhance the historic environment.</p> <p>Mod F – Clarify role of Garden Communities in meeting planning objectives.</p>
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		<p>existing landscape features and also accommodating safe and attractive routes and space for sustainable drainage solutions; and leisure and recreation opportunities for both residents and visitors of the garden communities. Suitable models for the long term stewardship of community assets will be established and funded to provide long term management and governance of assets. All Garden City principles as specified in the North Essex Garden Communities Charter will be positively embraced including new approaches to delivery and partnership working for the benefit of the new communities. Central to this is the comprehensive planning and development of each garden community, and the aligned delivery of homes and the supporting infrastructure. (Mod H)</p>	<p>Mod G -Reference to 'contemporary' is deleted for limiting flexibility. Strengthen references to importance of comprehensive planning for Garden Communities. Mod H– Clarify role of Garden Communities in meeting planning objectives.</p>
13	<p>New Policy SP1A to follow after Policy SP1</p>	<p>SP 1A Delivering Sustainable Development through the planning system <i>Explanatory Text</i> Development that is in accordance with the policies in this Plan will normally be permitted.</p> <p>The policies in this strategic Section 1 of the Local Plan are common to and important to each North Essex Authority. Accordingly policy SP 1A seeks to make sure that development which would prejudice the delivery of any of the policies in Section 1 will be refused. Examples of prejudice might include a failure to meet the high standards proposed in the place making principles, a lack of comprehensive development or prematurity.</p> <p><i>Policy</i> Development that demonstrably contributes to the achievement of the policies in this Local Plan (and, where relevant, of policies in neighbourhood plans) will normally be permitted unless material considerations indicate otherwise.</p>	<p>To clarify policy wording to distinguish between reference to national policy and its application in local policy.</p>

		Development that is not in accordance with, or which will prejudice the delivery of, the strategic scale development or the achievement of the place making principles, in this Local Plan will not normally be permitted.	
14	New Policy SP1B	<p>SP1B Recreational disturbance Avoidance and Mitigation Strategy (RAMS) <i>Explanatory Text</i></p> <p>A Habitat Regulations Assessment (HRA) was completed for Section 1 of the Plan. The loss of off-site habitat, water quality and increased recreational disturbance were identified as issues with the potential to result in likely significant effects on European Sites, without mitigation, to address the effects.</p> <p>The Appropriate Assessment (AA) identified a number of avoidance and mitigation measures to be implemented, to ensure that development proposals in the Plan will not result in adverse effects on the integrity of the Blackwater Estuary SPA and Ramsar site, Colne Estuary SPA and Ramsar Site, Colne Special Area of Conservation Abberton Reservoir SPA and Ramsar, Hamford Water SPA and Ramsar Essex Estuaries SAC and the Stour and Orwell SPA/Ramsar sites and are HRA compliant.</p> <p>To mitigate for the loss of off-site habitat, the AA identified the need for wintering bird surveys for the Tendring/Colchester Borders Garden Community as part of any project level development proposals and masterplanning.</p> <p>To protect water quality, the AA recommended the inclusion of policy safeguards to ensure that adequate water and waste water treatment capacity or infrastructure upgrades are in place prior to development proceeding.</p> <p>Recreation activities can potentially harm Habitats Sites. The Shared Strategic Plan AA identified disturbance of water birds from people and dogs, and impacts from water sports/watercraft as the key recreational threats to Habitats Sites.</p> <p>To mitigate for any increases in recreational disturbance at Habitats Sites, the AA identified the need for a mitigation strategy. Natural England’s West Anglian Team identified the Essex coast as a priority for a strategic and</p>	The Essex Coast RAMS Strategy Document is complete and the NEAs are collecting contributions from development within the Zones of Influence. The update to the text reflects the latest position.

		<p>proactive planning approach as it is rich and diverse ecologically, and many of the coastal habitats are designated as Habitats Sites. Consequently, 12 local planning authorities in Essex have prepared an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS sets out specific avoidance and mitigation measures by which disturbance from increased recreation can be avoided and mitigated thus enabling the delivery of growth without adversely affecting Habitats sites. These measures are deliverable, realistic, underpinned by robust up to date evidence, precautionary and provides certainty for developers around deliverability and contributions. The Essex Coast RAMS Strategy Document was completed in 2019 and will be supported by an SPD.</p> <p><i>Policy</i></p> <p>SP1B Recreational disturbance Avoidance and Mitigation Strategy (RAMS)</p> <p>An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy will be completed in compliance with the Habitats Directive and Habitat Regulations.</p> <p>Contributions will be secured towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs) which will be completed by the time the Local Plan is adopted. Prior to RAMS completion, the NEAs will seek contributions from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.</p>	
22	Para 5.9	<p>5.9 As part of the work to assess housing requirements, an analysis of economic forecasts was undertaken together with demographic projections to establish the inter-relationship between population growth, forecasts of new jobs and the number of new homes needed to accommodate these levels of growth. Employment forecasts have been developed using two standard models (East of England Forecasting Model (EEFM) and Experian 2016) which forecast total job growth for each of the local authorities based on past trends. Each local authority has been advised on the most appropriate modelling figure to use</p>	<p>To provide more focussed wording for the policy by moving explanatory wording to the supporting text.</p>

	<p>in the context of reconciling job and housing demand. The forecast growth figures for the housing area for the period 2013-2037 as are set out in Policy SP4. Employment Land Needs Assessments have been carried out by each authority which set out the amount of employment land that is required within the Plan period. In terms of specific B use land provision, each local authority has undertaken work to establish what quantum of employment land would be required within the Plan period to meet the demand identified below for additional B use employment land. These B use employment areas are distributed between each local authority area and based on achieving a sustainable balance between jobs and the available labour force through population growth. As noted above, calculations of employment land required are affected by a range of issues that lead to different employment land portfolios for each local authority area, resulting in a proportionately greater quantum of new floorspace per job in Braintree and Tendring than in Colchester. This is a function of the prominence of higher density office requirements in Colchester and lower density logistics and industrial uses in Braintree and Tendring. The table in Policy SP4 below sets out the three authorities' employment land (B Class uses) requirements for the period 2016 – 33 for two plausible scenarios, baseline and higher growth. These two bookends provide flexibility to allow for each authority's supply trajectory to reflect their differing requirements. Site specific employment allocations meeting the needs of different sectors in each local authority are set out in section 2 of their Local Plan.</p>	
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24	Policy SP4	<p>A strong, sustainable and diverse economy will be promoted across North Essex with the Councils pursuing a flexible approach to economic sectors showing growth potential across the Plan period. Jobs provision is reconciled with housing demand and is informed by modelling. The following forecasts will apply to the North Essex Authorities; (Mod A)</p> <p>Annual Jobs Forecast:</p> <table border="1" data-bbox="504 475 1594 592"> <tr> <td>Braintree (EEFM)</td> <td>490</td> </tr> <tr> <td>Colchester (EEFM)</td> <td>928</td> </tr> <tr> <td>Tendring (Experian)</td> <td>490</td> </tr> </table> <p><i>Relocate second paragraph to supporting text – see above modifications to para 5.9 (Mod B)</i></p> <p>In order to meet the needs of the three authorities’ employment land requirements for B class employment uses and maintain appropriate flexibility in provision to meet the needs of different sectors, Section 2 of each plan will allocate employment land within the ranges set out below. (Mod C)</p> <p>Hectares of B use employment land required:</p> <table data-bbox="504 962 1697 1217"> <thead> <tr> <th></th> <th>Baseline (2012 Based SNPP) (ha)</th> <th>Higher Growth Scenario</th> </tr> </thead> <tbody> <tr> <td>Braintree</td> <td>23 20.9</td> <td>43.3</td> </tr> <tr> <td>Colchester</td> <td>22.0</td> <td>30</td> </tr> <tr> <td>Tendring</td> <td>2012.0</td> <td>3820.0</td> </tr> <tr> <td>North Essex</td> <td>65 54.9</td> <td>137 193.3</td> </tr> </tbody> </table> <p>(Mod D)</p>	Braintree (EEFM)	490	Colchester (EEFM)	928	Tendring (Experian)	490		Baseline (2012 Based SNPP) (ha)	Higher Growth Scenario	Braintree	23 20.9	43.3	Colchester	22.0	30	Tendring	2012.0	3820.0	North Essex	65 54.9	137 193.3	<p>Mod A – To clarify link between housing and jobs provision</p> <p>Mod B –To provide a more clearly focussed policy, leaving explanatory detail to the supporting text</p> <p>To provide more focus and clarity to policy wording.</p> <p>Mod C -The additional sentence is to make it clear that site allocations are included in section 2 plans to meet the target in policy SP4.</p> <p>Mod D – to update table with corrected figures</p>
Braintree (EEFM)	490																							
Colchester (EEFM)	928																							
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		The requirements in section A apply to only the Garden Communities area of search whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Area:	
58	New para A.Garden Communit ies	<p>A. Garden Communities Infrastructure provision will be secured in a timely manner and programmed to keep pace with growth of new communities.</p> <ul style="list-style-type: none"> • Funding and route commitments for the following strategic transport infrastructure projects will need to be secured in advance of the start of the Garden Communities as follows: <ul style="list-style-type: none"> ○ Colchester/ Braintree Borders – <ul style="list-style-type: none"> ▪ A12 widening and junction improvements ▪ A dualled A120 from Braintree to the A12 ○ Tendring /Colchester Borders – <ul style="list-style-type: none"> ▪ A120-A133 Link road • A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities into the rapid transit network • Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by masterplanning. • Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community 	To clarify essential requirements for Garden Communities

59	Policy SP5 B. Transport	<p>B. Transportation and travel The authorities will work with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to deliver the following :</p> <ul style="list-style-type: none"> • Changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles. • A comprehensive network of segregated walking and cycling routes linking key centres of activity planned to prioritise safe, attractive and convenient routes for walking and cycling <p>New and improved infrastructure required to support economic growth, strategic and site-specific priorities outlined in the second part of each Local Plan</p> <ul style="list-style-type: none"> • Substantially improved connectivity by promoting and enabling more sustainable travel patterns, introducing urban transport packages to increasing transport modal choice, providing better public transport infrastructure and services, and enhanced ing inter-urban transport corridors • Increased rail capacity, reliability and punctuality; and reduced overall journey times by rail • Support changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles • Prioritise Improved urban and inter-urban Public transport, particularly in the urban areas, including new and innovative ways of providing public transport provision including; <ul style="list-style-type: none"> ○ high quality rapid transit networks and connections, in and around urban areas with links to the new Garden Communities as required by policy SP5 (A) and policies SP8, 9, and 10 ○ maximising the use of the local rail network to serve existing communities and locations for large-scale growth ○ a bus network providing a high frequency, reliable and efficient service, that is high quality, reliable, simple to use, integrated with other 	To clarify transport requirements and cross-references to other policies in the plan.
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		<p>transport modes servicing and offers flexibility to serve areas of new demand</p> <ul style="list-style-type: none"> ○ promoting wider use of community transport schemes ● Increased rail capacity, reliability and punctuality; and reduced overall journey times by rail ● New and improved road infrastructure to help reduce congestion and improve journey time reliability along the A12, A120 and A133 that will also link new development and provide strategic highway connections specifically: to improve access to markets and suppliers for business, widen employment opportunities and support growth ● Improved access to and capacity of junctions on the A12 and other main roads to reduce congestion, improve journey time reliability and address safety ● A dualled A120 between the A12 and Braintree ● A comprehensive network of segregated walking and cycling routes linking key centres of activity contributing to an attractive, safe, legible and prioritised walking/cycling environment ● Develop Innovative strategies for the management of private car use and parking including the promotion of car clubs and car sharing, and provision of support for electric car charging points. 	
67	New Para 8.7	<p>Heritage Impacts – To ensure that the significance of designated and undesignated heritage assets and their settings within and adjoining development areas is conserved and where possible enhanced, the detailed nature, form and boundary of new development is to be informed by the site selection methodology set out within Historic England’s Advice Note 3 (2017) (The Historic Environment and Site Allocations in Local Plans) or any subsequent replacement. Heritage Impact Assessments will be undertaken to ensure that the detailed form of development proposals is informed by an understanding of the assets and any adverse impacts mitigated appropriately.</p>	To clarify requirements for conserving and enhancing heritage assets and their settings.

70	SP7, first section	<p>The following three new garden communities are proposed in North Essex. Tendring/Colchester Borders, a new garden community will deliver 2,500 homes and 7 hectares of employment land within the Plan period (as part of an overall total of between 7,000-9,000 homes and 25 hectares of employment land to be delivered beyond 2033),</p> <p>Colchester/Braintree Borders, a new garden community will deliver 2,500 1,350 homes and 4 hectares of employment land within the Plan period (as part of an overall total of between 15,000 – 24,000 homes and 71 hectares of employment land to be delivered beyond 2033).</p> <p>West of Braintree in Braintree DC, a new garden community will deliver 2,500 2,060 homes and 9 hectares of employment land within the Plan period (as part of an overall total of between 7,000-10,000 homes and 44 hectares of employment land to be delivered beyond 2033).</p> <p>Each of these will be an holistically and comprehensively planned new community with a distinct identity that responds directly to its context and is of sufficient scale to incorporate a range of homes, employment, education & community facilities, green space and other uses to enable residents to meet the majority of their day-to-day needs, reducing the need for outward commuting. Each new garden community will be comprehensively planned from the outset with delivery of each new community will be being phased as part of that whole and underpinned by a comprehensive package of infrastructure.</p> <p>The Councils will need to be confident, before any consent is granted, that the following requirements have been secured either in the form of appropriate public ownership, planning agreements and obligations and, if necessary a local infrastructure tariff.</p>	To strengthen references to providing for employment growth
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73	SP7 criteria (vi)	<p>In accordance with the Garden Community Charter principle of providing one job per household within the new community or within a short distance by public transport, provide and promote opportunities for employment within each new community and within sustainable commuting distance of it. Around 850,000 square metres of floorspace will be provided in total, with allocations to be defined within Development Plan Documents for each Garden Community totalling some 138 hectares.</p>	To strengthen references to providing for employment growth and clarify process for identifying allocations
88	SP9 new third para	<p>For the Plan period up to 2033 Colchester Borough Council and Braintree District Council agree that housing delivery from the Colchester Braintree Borders Garden will be distributed to the Authorities as set out in the published Local Plan trajectory, irrespective of where they are built. Should there be additional or fewer new dwellings delivered up to 2033 in the Garden Community then the number above or below the cumulative number will be distributed evenly between the Authorities. If there remains a shortage of overall delivery against need then each Authority, having taken 50% of the shortfall into account, would need to make up the shortfall within their Authority area given their overall Authority position.</p>	To clarify how the housing on cross boundary sites will be distributed
91	SP9 Para D.7. 1 st and 2 nd line	<p>A package of measures will be introduced to encourage smarter transport choices to meet the needs of the new community and maximise the opportunities for sustainable travel. As highlighted in Policy SP5 funding and route commitments for the following strategic transport infrastructure will be required to be in place in advance of the Colchester/Braintree Borders Garden Community starting:</p> <ul style="list-style-type: none"> A12 widening and junction improvements A dualled A120 from Braintree to the A12 A scheme and specification for a phased rapid transit network and programme for the integration of the Garden Communities into the rapid transit network <p>Additional transport priorities including including the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to access the adjoining area; development of a public rapid transit system connecting</p>	To clarify requirement for essential transport infrastructure in Garden Communities

		<p>this new garden community to the wider Colchester context; development of opportunities to improve accessibility to Marks Tey rail station (or provide for its relocation to a more central location within the garden community); and effective measures to mitigate the transport impacts of the proposed development on the strategic and local road network.</p>	
95	SP10 new 4 th para	<p>Within the Plan period completions in a given year will be assigned to BDC and UDC in line with the trajectory contained within the Local Plans regardless of where dwellings are built in the Garden Community.</p> <ul style="list-style-type: none"> • Within the Plan period if the site over delivers on housing in a given year then that over delivery will be split 75% BDC and 25% UDC regardless of where the dwellings are built in the Garden Community • Within the Plan period if the site under delivers on housing in a given year the number of homes delivered will be split 75% BDC and 25% UDC regardless of where they are built in the Garden Community. • Any completions in 2023/24 and 2024/25 will be wholly assigned to BDC. • The total number of dwellings assigned to UDC will not exceed 3,500, or any subsequent figure for dwellings in Uttlesford defined in the West of Braintree DPD. The total number of dwellings assigned to BDC will not exceed 10,000, or any subsequent figure for dwellings defined in the West of Braintree DPD. This will not artificially constrain the DPD in identifying the capacity of the site, the capacity of the site will be design-led and defined through the DPD and subsequent planning applications. 	<p>To clarify how the housing on cross boundary sites will be distributed</p>

Minutes

Council Meeting



1st August 2019

These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available for six months at www.braintree.gov.uk.

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Yes	Councillor Mrs J Pell	Yes
Councillor J Baugh	Apologies	Councillor I Pritchard	Yes
Councillor Mrs J Beavis	Yes	Councillor M Radley	Yes
Councillor D Bebb	Yes	Councillor R Ramage	Yes
Councillor K Bowers	Apologies	Councillor S Rehman	Yes
Councillor G Butland	Yes	Councillor F Ricci	Yes
Councillor J Coleridge	Yes	Councillor B Rose	Yes
Councillor G Courtauld	Yes	Councillor Mrs J Sandum	Apologies
Councillor Mrs M Cunningham	Yes	Councillor Miss V Santomauro	Yes
Councillor T Cunningham	Yes	Councillor Mrs W Scattergood	Apologies
Councillor Mrs C Dervish	Yes	Councillor Mrs W Schmitt	Yes
Councillor P Euesden	Yes	Councillor P Schwier	Yes
Councillor T Everard	Yes	Councillor Mrs G Spray	Yes
Councillor Mrs D Garrod	Yes	Councillor P Tattersley	Yes
Councillor A Hensman	Yes	Councillor P Thorogood	Apologies
Councillor S Hicks	Yes	Councillor N Unsworth	Yes
Councillor P Horner	Yes	Councillor R van Dulken	Yes
Councillor D Hume	Yes	Councillor D Wallace	Yes
Councillor H Johnson	Yes	Councillor T Walsh	Yes
Councillor Mrs A Kilmartin (Chairman)	Yes	Councillor Mrs L Walters	Yes
Councillor D Mann	Yes	Councillor Miss M Weeks	Yes
Councillor T McArdele	Yes (from 7.18pm)	Councillor Mrs S Wilson (Vice-Chairman)	Yes
Councillor J McKee	Yes	Councillor J Wrench	Apologies
Councillor A Munday	Yes	Councillor B Wright	Yes
Councillor Mrs I Parker	Yes		

In accordance with the Code of Conduct, Councillor Mrs W Scattergood was not in attendance as she was impacted by the proposed Garden Community on the 'Colchester/Braintree borders'. As such, Councillor Mrs Scattergood had a Substantive Non-Pecuniary Interest and she was precluded from taking part in the discussion and decision on the draft Local Plan as a whole.

32 **MINUTES**

DECISION: That the Minutes of the meeting of full Council held on 22nd July 2019 be approved as a correct record and signed by the Chairman.

33 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as an ordinary member of the Campaign for the Protection of Rural Essex, which had submitted a representation about the meeting; as an elected member of Rivenhall Parish Council, which had submitted representations about the Local Plan; and as an Elected Member of Essex County Council.

Councillor Mrs J Beavis declared a Non-Pecuniary Interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a member of the public, who was speaking at the meeting during Question Time, was known to her in a personal capacity; as an elected member of Gosfield Parish Council, which made a financial contribution to the Braintree Association of Local Councils, which was being represented during Question Time; and as an Elected Member of Essex County Council.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor P Euesden declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a member of the public, who was speaking at the meeting during Question Time, was known to him.

Councillor Mrs I Parker declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a member of the Colne Stour Countryside Association.

Councillor P Schwier declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as he had submitted a

proposal in the past for a site to be included in the draft Local Plan, but the site had not been allocated for development.

Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor N Unsworth declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as an ordinary member of the Campaign for the Protection of Rural Essex; and as an elected member of Coggeshall Parish Council, a representative of which was speaking at the meeting during Question Time.

Councillor T Walsh declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as an elected member of Coggeshall Parish Council and its Neighbourhood Plan Sub-Committee and as some members of the public, who may be speaking at the meeting during Question Time, were known to him.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the debate and decision when the Item was considered.

34 **QUESTION TIME**

INFORMATION: There were ten statements made regarding Sections 1 and 2 of the Publication Draft Braintree District Local Plan and issues associated with the proposed new Garden Communities.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

35 **BRAINTREE DISTRICT PUBLICATION DRAFT LOCAL PLAN - SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS**

Prior to the consideration of this Item, Ms E Goodings, Head of Planning and Economic Development, gave a presentation on the Publication Draft Braintree District Local Plan.

Procedural Motion

Councillor Butland moved the following Procedural Motion, which was seconded:-

‘In accordance with Paragraph 7.1 of the Council Procedure Rules, Council resolves to suspend Standing Orders for the sole purpose of allowing the original Motion on the Local Plan, tabled by Councillor James Abbott for consideration at the Council meeting held on 22nd July 2019, to be debated and voted upon at this meeting before proceeding to Item 5 on the Agenda.’

On being out to the vote, the Procedural Motion was passed unanimously.

The original Motion was proposed by Councillor Abbott as:-

'This Council agrees to revert to the Local Plan Inspector's Independent expert recommendation of 'Option 1' as set out in his June 2018 letter, which is to secure acceptance of Part 2 of the Local Plan as soon as possible and that work on Part 1 (Garden Communities) be halted for the time being.

Council recognises the significant financial and planning risks should the revised material on Part 1 be found still unsatisfactory, resulting in the Inspector again not being able to agree to the Plan being Sound.

Council recognises that as of 31st March 2019 the housing sites allocated in Part 2 already amount to some 13,993 () dwellings which is 98% of the total minimum requirement of 14,320 in the Local Plan to the year 2033.*

Council also recognises that updated development management policies are vital to ensuring the delivery of sustainable development and that these are contained within Part 2.

Council agrees that by securing an Adopted Plan which has up to date policies and the required housing numbers, it has the best defence against the on-going speculative development proposals being submitted on greenfield sites around towns and villages in the district.

() Estimated 5,938 in submitted Part 2 plus actual 8,055 with planning permission and/or built.'*

Following a general debate on the Motion, a recorded vote was requested. The result of the recorded vote was as follows:

For the Motion:

Councillors: Abbott, Mrs Beavis, Hicks, Unsworth, Walsh, Miss Weeks, Wright (7).

Against the Motion:

Councillors: Bebb, Butland, Coleridge, Courtauld, Mrs M Cunningham, T Cunningham, Mrs Dervish, Euesden, Everard, Mrs Garrod, Hensman, Horner, Hume, Johnson, Mann, McArdle, McKee, Munday, Mrs Pell, Pritchard, Radley, Ramage, Rehman, Ricci, Rose, Miss Santomauro, Mrs Schmitt, Schwier, Mrs Spray, Tattersley, van Dulken, Wallace, Mrs Walters, Mrs Wilson (34).

Abstained:

Councillors: Mrs Kilmartin, Mrs Parker (2).

Absent:

Councillors: Baugh, Bowers, Mrs Sandum, Mrs Scattergood, Thorogood, Wrench (6).

On being out to the vote, the Motion was declared **LOST**.

INFORMATION: Councillor Mrs G Spray, Cabinet Member for Planning and Chairman of the Local Plan Sub-Committee, introduced this Item.

Section 1 of the emerging Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the 'North Essex Authorities' ('NEAs'). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary 'Garden Communities' along the A120 corridor. Section 2 of the Local Plan contained specific local policies for each of the three Authorities, which were relevant to their individual areas only.

In October 2017, the NEAs had submitted their Local Plans to the Secretary of State for Communities and Local Government to begin the formal process of examination and an Inspector had been appointed to undertake the examination of Section 1 of the Plan. Following the examination hearing, the Inspector had written to the NEAs setting out interim feedback on the soundness and legal compliance of the Section 1 Plan including the Garden Communities proposals. Whilst supporting many elements of the Plan, the Inspector had identified a number of key issues about the viability and deliverability of the Garden Communities and he had been unable to endorse the Section 1 Plan as sound. Instead, the Inspector had provided the Authorities with three options for progressing the Section 1 Plan to adoption.

The NEAs had subsequently advised the Inspector that they remained committed to using Garden Communities principles to secure future housing requirements in North Essex and they agreed to provide further evidence to address each of the Inspector's concerns in respect of Housing Infrastructure Fund (HIF) Bids, viability, phasing and delivery, delivery mechanisms, infrastructure, A120 dualling, Rapid Transit System, modal shift, Marks Tey railway station, housing delivery, employment land and Habitats Regulation Assessment (HRA). The NEAs had committed also to reviewing the 'Sustainability Appraisal' (SA) of the Local Plan to ensure that it considered a full range of realistic alternatives to the Garden Communities.

One of the Inspector's main concerns had been with regard to the Sustainability Appraisal. This was a legal requirement of the Plan making process and a key piece of evidence in determining the most appropriate 'spatial' strategy for growth. The Inspector had concluded that some of the assumptions made in the SA were either not properly justified, or were biased in favour of the NEAs preferred spatial strategy for three Garden Communities and did not represent an objective, or reliable assessment. The Inspector had stated that further work would be required to rectify this and he had recommended that different consultants should be appointed to carry out the work.

An Additional SA had been carried out by consultants LUC, who had followed a revised methodology. The first stage of the Additional SA had tested a range of alternative development site proposals against a series of tried and tested 'sustainability criteria'. The second stage of the SA had tested different combinations of site proposals against sustainability criteria representing a reasonable range of alternative spatial strategies. The findings of the Additional SA indicated that many of the site proposals and alternative spatial strategy options were closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies stood out as performing notably stronger than the current strategy in the submitted Section 1 Plan. In the circumstances, it was proposed that the NEAs should

continue to promote the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.

In addition, further evidence had been produced on other areas of concern raised by the Inspector. Based on this evidence, it was considered that the current proposals in the Section 1 Plan were sound and that the Inspector's concerns would be addressed.

The NEAs had also compiled a table of proposed amendments to the Section 1 Plan. These would address matters which had been identified during the Plan process to date and ensure that the Plan would meet the test of soundness.

If each of the NEAs approved the Additional Sustainability Appraisal, all of the additional new evidence base documents and the table of proposed amendments, the Plan would be published for public consultation for six weeks between 19th August and 30th September 2019. Following this, the documents together with any representations submitted would be forwarded to the Inspector to enable him to resume the examination process. It was expected that further examination hearings would take place in late 2019, or early 2020.

It was reported that three proposed amendments had been submitted by Councillor Abbott and these had been published prior to the meeting in an Amendment Pack. The amendments were numbered 1 to 3. Amendment 1 related to the recommendation contained within the Agenda report and Amendments 2 and 3 related to suggested amendments to the Publication Draft Braintree, Colchester and Tendring Local Plan. In accordance with the agreed process for this Special Meeting of Full Council, Councillor Mrs Spray had agreed to accept the amendments numbered 2 and 3 as set out in the Amendment Pack and to move these as part of the substantive motion. The amendments are set out below:-

Amendment No. 1 (Proposed by Councillor J Abbott) (relating to report recommendation)

Amendment

In recommendation a) after 'accepted' add 'except for the Rapid Transit System study,'

New recommendation b) (and re-order to follow as a consequence)

'The Rapid Transit System study is not accepted due to the recent confirmation from Highways England that neither the proposed new A120 from Braintree to the A12 nor the proposed widening of the A12 or the junctions of these roads will include dedicated lanes for Rapid Transit which the study describes as 'crucial' to minimise interaction with road traffic and to achieve the ambitious modal share targets.'

In recommendation b) (re-ordering depending on the above) delete 'expect' and insert instead 'require'
and after 'Bids' add 'and the funding decision on the A120'

In recommendation f) (re-ordering depending on the above) delete all words after 'base' and insert instead 'will be considered once a revised and acceptable Rapid Transit System study is produced.'

Amended Wording

That the Council recommends that:

- a) The additional evidence base summarised within this report are accepted except for the Rapid Transit System study, as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- b) The Rapid Transit System study is not accepted due to the recent confirmation from Highways England that neither the proposed new A120 from Braintree to the A12 nor the proposed widening of the A12 or the junctions of these roads will include dedicated lanes for Rapid Transit which the study describes as 'crucial' to minimise interaction with road traffic and to achieve the ambitious modal share targets;
- c) To note that the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government and that the Council's would require a decision on those Bids and the funding decision on the A120 before submitting further evidence to the Secretary of State under recommendation (h) below;
- d) It approves the findings of the Additional Sustainability Appraisal work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy;
- e) It agrees that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;
- f) It approves the schedule of proposed amendments to the submitted Local Plan;
- g) A six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base will be considered once a revised and acceptable Rapid Transit System study is produced;
- h) Following the period of consultation, the above documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan;
- i) The Council requests the Local Plan Inspector to recommend any further modifications to the Publication Draft Local Plan as necessary to make it sound.

There was a general debate on this amendment and at its conclusion a vote was taken. On being put to the vote, the amendment was declared **LOST**.

Amendment No. 2 (Proposed by Councillor J Abbott) (relating to the suggested amendments to the Draft Local Plan Section 1, Ref. 58 (Policy SP5: 'Infrastructure and Connectivity'))

Second bullet point, in the first line after 'network', add the words 'comprising all 4 routes described in the Rapid Transit System study' and add the words at the end of that bullet point 'will need to be secured in advance of the start of the Garden Communities'

Amended Wording

Policy SP5: 'Infrastructure and Connectivity' to include the following new paragraph:-

A. Garden Communities

Infrastructure provision will be secured in a timely manner and programmed to keep pace with growth of new communities.

- Funding and route commitments for the following strategic transport infrastructure projects will need to be secured in advance of the start of the Garden Communities as follows:
 - Colchester/ Braintree Borders –
 - A12 widening and junction improvements
 - A dualled A120 from Braintree to the A12
 - Tendring /Colchester Borders –
 - A120-A133 Link road
- A scheme and specification for a phased rapid transit network comprising all 4 routes described in the Rapid Transit System study and programme for the integration of the three Garden Communities into the rapid transit network will need to be secured in advance of the start of the Garden Communities.
- Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by master planning.
- Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community

Amendment No. 3 (Proposed by Councillor J Abbott) (relating to the suggested amendments to the Draft Local Plan Section 1, Ref. 59 (Policy SP5: 'Infrastructure and Connectivity'))

In the bullet point about rail, after 'Increased rail capacity' add the words 'particularly on the London - Norwich mainline and the Braintree branch line'

Amended Wording

Policy SP5: 'Infrastructure and Connectivity' to include the following revised paragraph:-

B. Transportation and travel

The authorities will work with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to deliver the following:

- Changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles.
- A comprehensive network of segregated walking and cycling routes linking key centres of activity planned to prioritise safe, attractive and convenient routes for walking and cycling
- Substantially improved connectivity by promoting and enabling more sustainable travel patterns, introducing urban transport packages increasing modal choice, providing better public transport infrastructure and services, and enhancing inter-urban transport corridors
- Prioritise improved urban and inter-urban public transport, including new and innovative ways of public transport provision including;
 - high quality rapid transit networks and connections, in and around urban areas with links to the new Garden Communities as required by policy SP5 (A) and policies SP8, 9, and 10
 - maximising the use of the local rail network to serve existing communities and locations for large-scale growth
 - a bus network providing a high frequency, reliable and efficient service, integrated with other transport modes serving areas of new demand
 - promoting wider use of community transport schemes
- Increased rail capacity, particularly on the London - Norwich mainline and the Braintree branch line, reliability and punctuality; and reduced overall journey times by rail
- New and improved road infrastructure to help reduce congestion and improve journey time reliability along the A12, A120 and A133 that will also link new development and provide strategic highway connections specifically
- Improved access to and capacity of junctions on the A12 and other main roads to reduce congestion, improve journey time reliability and address safety
- A dualled A120 between the A12 and Braintree
- Innovative strategies for the management of private car use and parking including the promotion of car clubs and car sharing, and provision of electric car charging points.

Following a general debate on this Item a recorded vote was requested on the substantive motion incorporating Amendment Nos. 2 and 3, which had been moved and seconded. The result of the recorded vote was as follows:

For the Motion:

Councillors: Bebb, Butland, Coleridge, Courtauld, Mrs M Cunningham, T Cunningham, Mrs Dervish, Euesden, Everard, Mrs Garrod, Hensman, Horner, Hume, Johnson, Mann, McArdle, McKee, Munday, Mrs Pell, Pritchard, Radley, Ramage, Rehman, Ricci, Rose, Miss Santomauro, Mrs Schmitt, Schwier, Mrs Spray, Tattersley, van Dulken, Wallace, Mrs Walters, Mrs Wilson (34).

Against the Motion:

Councillors: Abbott, Mrs Beavis, Hicks, Unsworth, Walsh, Miss Weeks, Wright (7).

Abstained:

Councillor: Mrs Kilmartin, Mrs Parker (2).

Absent:

Councillors: Baugh, Bowers, Mrs Sandum, Mrs Scattergood, Thorogood, Wrench (6).

The substantive motion was declared **CARRIED**. The substantive motion, as amended, was approved in the following form:

DECISION:

- a) That the additional evidence base documents summarised within the report be accepted as part of the evidence base for Section 1 of the submitted Local Plan, which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring.
- b) That it be noted that the evidence base confirms the need for the infrastructure contained in the current Housing Infrastructure Fund (HIF) Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government, and that the Councils would expect a decision on those Bids before submitting further evidence to the Secretary of State under recommendation (g) below
- c) That the findings of the Additional Sustainability Appraisal work, which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy, be approved.
- d) That it be agreed that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy.
- e) That the schedule of proposed amendments to the submitted Local Plan, as amended, be approved.
- f) That a six week period of public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base documents be undertaken, starting on 19th August 2019 and ending on 30th September 2019.

- g) That, following the period of public consultation, the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan.
- h) That the Local Plan Inspector be requested to recommend any further modifications to the Publication Draft Local Plan, as necessary, in order to make it sound.

REASON FOR DECISION:

- a) To approve of the Additional Sustainability Appraisal and to report to the Council the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex.
- b) For Council to seek that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications.
- c) To seek the Council's recommendation that six weeks' public consultation is undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they are submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude his examination.

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond 10.15pm to enable all business on the Agenda to be transacted.

At the close of the meeting, the Chairman thanked Officers in the Council's Planning Policy and Governance and Members Teams for their work on and input to the draft Local Plan.

The meeting commenced at 7.15pm and closed at 10.50pm.

Councillor Mrs A Kilmartin
(Chairman)

COUNCIL

6 AUGUST 2019

REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE

A.2 SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS

(Report prepared by Ian Ford)

PURPOSE OF THE REPORT

To enable Council to consider the recommendations submitted by the Planning Policy & Local Plan Committee in respect of the proposed Additional Sustainability Appraisal, evidence and amendments relating to Section 1 of the Local Plan which it is further proposed should be submitted, together with the responses received from a proposed public consultation thereon, to the Planning Inspector.

BACKGROUND

On 16 July 2019 the Planning Policy & Local Plan Committee gave consideration to a comprehensive report (and appendices) of the Corporate Director (Planning and Regeneration) which sought:-

- a) the Committee's recommendation to Full Council that the Additional Sustainability Appraisal be approved and to inform the Committee of the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex;
- b) the Committee's recommendation to Full Council that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications; and
- c) the Committee's recommendation to Full Council that a six weeks public consultation be undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they were submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude their examination.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices the Committee decided to recommend to Council that –

- a) *the additional evidence base summarised within Appendices 2 to 11 to the report of the Corporate Director (Planning and Regeneration) and available in full as background papers be accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;*
- b) *the findings of the Additional Sustainability Appraisal work (summarised in Appendix 1 to the aforementioned report) which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy be approved;*
- c) *the Additional Sustainability Appraisal work and evidence base (including the*

additional evidence) be endorsed as supporting the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;

- d) the schedule of proposed amendments to the submitted Local Plan (attached as appendix 12 to the above report) be approved;*
- e) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;*
- f) following that period of public consultation, the above-mentioned documents along with any duly made representations received during the public consultation period, be submitted to the Secretary of State in order to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and*
- g) the Local Plan Inspector be formally requested to recommend any further modifications to the Publication Draft Local Plan as necessary in order to make it 'sound'.*

RECOMMENDATION

That Council considers the recommendations submitted by the Planning Policy & Local Plan Committee and determines whether to approve them.

APPENDICES

Report of the Corporate Director (Planning and Regeneration) considered by the Planning Policy & Local Plan Committee on 16 July 2019

Appendices to that report namely:-

1. Additional Sustainability Appraisal of North Essex Local Plan Section 1: Summary of Draft Findings.'
2. Executive summary of 'North Essex Rapid Transit System for North Essex: From vision to plan'.
3. Conclusion and next steps from 'Mode Share Strategy for the North Essex Garden Communities'.
4. Summary of findings and conclusion from 'Build Out Rates in the Garden Communities'.
5. Executive summary of 'North Essex Local Plans (Section 1) Viability Assessment Update – Main Report'.
6. 'Employment Provision for the North Essex Garden Communities.
7. Tendring/Colchester Borders extract from 'North Essex Garden Communities Infrastructure Planning, Phasing and Delivery.

8. Summary of 'North Essex Authorities Infrastructure Order of Cost Estimate (41,000 homes)'.
9. Conclusions of 'HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan'.
10. 'North Essex Authorities' Position Statement on Delivery Mechanisms'.
11. 'North Essex Authorities' Position Statement on State Aid.
12. Proposed amendments to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section One.

BACKGROUND PAPERS

Full versions of the evidence base documents listed as Appendices 1 to 11 are hosted on the Braintree District Council website and can be accessed using the following link:
https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_on_local_plan/9

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 6TH AUGUST, 2019 AT 7.30 PM
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Broderick, Calver, Casey, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, Harris, P Honeywood, S Honeywood, King, Knowles, McWilliams, Miles, Morrison, Newton, Overton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Cath Bicknell (Head of Planning), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), William Lodge (Communications Manager), Charlotte Cooper (Committee Services Officer) and Matt Cattermole (Business Support Assistant)

26. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bush, I J Henderson and J Henderson.

27. MINUTES OF THE LAST MEETINGS OF THE COUNCIL

It was moved by Councillor Stock, seconded by Councillor Porter and:-

RESOLVED that the minutes of the under-mentioned meetings of the Council be approved as correct records and signed by the Chairman:-

- (a) Ordinary Meeting of the Council held on 26 March 2019;
- (b) Annual Meeting of the Council held on 28 May 2019; and
- (c) Extra Ordinary Meeting of the Council held on 15 July 2019.

28. DECLARATIONS OF INTEREST

In relation to Agenda Item 11 (Questions pursuant to Council Procedure Rule 11.2), Councillor Broderick, as a point of information, informed Council that she was a member of the Citizens Advice Bureau Tendring.

In relation to Agenda Item 18 (Reference from the Planning Policy & Local Plan Committee), Councillors Stock OBE and G V Guglielmi, as points of information,

informed Council that they were, respectively, a Director and an alternate Director of North Essex Garden Communities Limited.

29. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Land) updated Council on his recent civic engagements and reminded Members that a tour of Historic Harwich would take place on Thursday 8 August commencing at 10.00 a.m. at Ha'penny Pier. He thanked Councillor Calver for his assistance in arranging the Tour.

The Chairman informed Members that he was willing to participate in community activities that they were involved in within their respective Wards and he also urged Members to look at the images taken around the District that were displayed on the screen in the Princes Theatre Foyer and would be continuing feature at Council meetings going forward.

Members were aware that ROALCO, the Council's external contractor for repairs and refurbishment the Council's housing stock, had recently gone into liquidation. The Chairman paid tribute to the Officers in Building and Engineering Services for their dedicated, professional operational response to this unforeseen event.

The Chairman further informed Members that a themed 'casino style' evening would be held at the Town Hall on 6 March 2020 (which would include a prize draw) to raise funds for his chosen charity.

30. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

31. STATEMENTS BY THE LEADER OF THE COUNCIL

There were none on this occasion.

32. STATEMENTS BY MEMBERS OF THE CABINET

There were none on this occasion.

33. PETITIONS TO COUNCIL

No petitions had been submitted in accordance with the Scheme approved by the Council on this occasion.

34. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

Subject to the required notice being given, members of the public could ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The following questions had been received, on notice, from members of the public:

Question One

From Mr James Machin to Councillor Stock OBE, Leader of the Council:

“Pursuant to the motion to council – “PROPOSED TOWN COUNCIL FOR CLACTON-ON-SEA” voted on and lost at the last Council meeting prior to the District Council elections, I would draw to the attention of the recently elected representatives Tendring that many councillors voted against the motion solely on the grounds that they felt it was not in their gift to vote on a motion which would force the newly elected representatives to carry forward a motion which they had not the opportunity to debate themselves.

I therefore ask the Leader of the Council to remind the newly elected councillors of Tendring District Council of these discussions, and seek an assurance that the question will be put back to the newly elected councillors for consideration at their earliest opportunity.”

Councillor Stock replied to the question as follows:

“Thank you for your question Mr Machin.

This is a subject which has been debated on more than one occasion in the past by the Council – not only at the meeting you refer to in your question.

From my recollection of the most recent debate one or two Members made reference to not binding the hands of a future administration by making such a significant decision at their last meeting, but it was far from being the dominant reason why the Councillors voted against it.

For my part the most compelling point is the almost complete absence of requests for a Clacton Town Council from the public.

As was explained in that last debate there is provision for a Community Governance Review to be started off by a public petition and I believe we should refrain from debating the issue again until there is clear evidence of a significant public appetite for the idea of a Clacton Town Council to be considered.”

Question Two

From Mr Steve Kelly to Councillor Stock OBE, Leader of the Council:

“In the light of the top scientific research that is predicting more severe heatwaves, droughts and flooding; will the Council Leader agree that we should be spending more money on both amelioration and adaptation in order to prevent spending more money on climate crisis emergencies in the future?”

Councillor Stock replied to the question as follows:

“Thank you for your question Mr Kelly.

I do believe that we should take steps in the short term to reduce the Council’s impacts on the environment and to reduce its carbon footprint.

But we have very little evidence of what that is in reality so we must start by getting the evidence and the facts to enable us to take the most appropriate actions which will make a real and lasting difference.

You will have seen from tonight's Agenda that I am proposing that the Council recognises that this is a significant issue and takes decisive action to establish the facts with regard to its impact on the environment and to come up with an Action Plan – including no doubt actions to ameliorate and adapt - in order to address this issue."

35. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

Subject to the required notice being given, Members of the Council could ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees.

Four questions had been submitted by Members as set out below:

Question One

From Councillor Morrison to Councillor Talbot, Portfolio Holder for Environment and Public Space:

"The Harwich Peninsula continues to suffer a high level of dog fouling. In a recent response to a written complaint from a resident, TDC informed her:

'Our officers regularly patrol the seafront area and will take enforcement action against any individuals who fail to comply with the Dog (Fouling of Land) Act (Fixed Penalty Notice will be issued for failing to pick up dog poo).'

Will the Portfolio Holder for Environmental Services please advise the Council how many fixed penalty notices have been issued for offences committed on Dovercourt Seafront or Dovercourt Bay beach in 2019 up until the date of writing (7th June)?"

Councillor Talbot replied as follows:

"The Dog Wardens have not issued a Fixed Penalty Notice (FPN) during 2019 for dog fouling in the area but as previously stated "they will" take the appropriate action if they witness such an offence take place.

If the Dog Warden does not witness the offence taking place and has no supporting evidence produced or available i.e. CCTV or a Mobile Phone recording then it is very difficult to prove somebody has committed an offence and therefore an FPN is unable to be issued.

The area is patrolled on a regular basis and a Patrol spreadsheet is kept within the department listing the exact days and times the wardens was in the area. To date there have been 35 visits to this area at different times during the working day.

There are only two Dog Wardens employed by Tendring District Council and they are responsible for covering and patrolling the whole District but also have other duties such as the collection of stray dogs (a constant active and unpredictable duty), attending the vets with injured or unwell dogs, micro chipping, transporting dogs from our kennels to our externally contracted kennels, attending events, working with external agencies such as the RSPCA, Dogs Trust, Essex Police, responding to dog barking and other dog related nuisance complaints and various other daily duties.

With the summer here we appreciate that lighter early mornings and lighter late evenings provide more hours for dog walking, so we will be conducting some patrols outside of the normal office hours to show a presence and take action against those that do ignore their responsibility to pick up after their dog.

We are also working towards replacing the old Bye-Laws regarding dog fouling with a new Public Space Protection Order (PSPO). At the point we introduce the new PSPO then Parish and Town Councils, such as Harwich, will be able, after receiving appropriate training, to issue FPN tickets for dog fouling offences themselves."

Councillor Morrison then asked a supplementary question to which Councillor Talbot responded.

Question Two

Earlier in the meeting Councillor Broderick, as a point of information, had informed Council that she was a member of the Citizens Advice Bureau Tendring.

From Councillor M E Stephenson to Councillor Broderick, Portfolio Holder for Independent Living:

"This June the BBC have taken away the TV licence to the over 75's in what I can only call a money-grabbing exercise that shows no moral conscience for those faced with isolation and loneliness daily. The BBC, in an attempt to smokescreen its blatant disregard for viewers over that of money, has graciously offered that anyone over the age of 75 and on pension credit will still be entitled to a free TV licence.

With this in mind will the Cabinet member for Independent Living agree with me that we need to make every effort to raise the profile of the availability of Pension Credit to residents? Furthermore, will she work closely with Citizen Advice Bureau to increase the uptake of Pension Credit and to ensure that our pensioners get what they are entitled to?"

Councillor Broderick replied as follows:

"Thank you Councillor Stephenson for your question and I agree it is a good idea to promote the availability of Pension Credits. The Council is talking to both CAB and CVST about this.

I can confirm that the CAB promotes any specific changes to Pension Credits and other benefits. As an example, recently in May 2019, there were changes to couples entitlement to Pension credit which were promoted on the CAB reception information display screen, Twitter and Facebook accounts and leaflets and posters were produced for clients.

In addition when the advisers meet residents of pensionable age, they are assessed for their eligibility for Pension Credit. Events are also used as an opportunity to raise the profile of Pensions Credit, such as the Older Person's Fair, U3A and local carnivals.

If Members would find it useful, posters can be provided for Councillors to promote the take up of Pension Credit for their constituents. If any Member would like a poster please contact Lizzie Ridout.

Thank you.”

Question Three

From Councillor Barry to Councillor Talbot, Portfolio Holder for Environment and Public Space:

“Is the Cabinet Member with responsibility for the Environment and Public Space satisfied with the planning and implementation of the new council strategy for waste collection and recycling?”

Councillor Talbot replied as follows:

“You ask if I am satisfied with the planning and implementation of the new waste service, a service that involves the distribution of over 57 thousand 180 litre Wheelie Bins to households around our Tendring District. These Bins are being delivered to properties that can physically accommodate a Bin and in each Bin is a calendar of the fortnightly dates when their Bin will be collected.

In addition over 11 thousand households have been notified of that they will continue with the Weekly Black Sack collection they previously enjoyed, but informing them of their changed collection date. Yes I am satisfied!

The Planning for the new waste and recycling service first started on 22nd August 2016 with the first working group meeting held in Weeley Council Chamber. Many options were considered. We could stay as we were with a weekly Black Sack service, we could have a fortnightly or even three weekly refuse collections, with co-mingled, unsorted recycling, with or without glass or leave recyclable material to be separated by the resident. We had concern about keeping the cost in check and the need to increase our recycling effort through increased participation. The best option meeting these objectives was a fortnightly waste collection using a Wheelie Bin, but leaving weekly food waste and the alternate weekly collection of our red and green recycling boxes.

Nothing is ever perfect and there is no magic wand to wave. This task is absolutely enormous since it involves 69,478 households in Tendring. I cannot deny that there have been problems, but these were expected. Some deliveries have been missed, some black sack households were not informed of a changed date for collection causing confusion and in many areas the normal collection services were disrupted, delayed or in some cases missed out altogether. An unexpectedly large number of households not previously recycling came forward to collect a red or green box, to the extent that we actually ran out of our stock of 10,000 recycling boxes.

The telephone enquiry lines have been difficult to use to contact the Council, notwithstanding the employment of additional and transferred staff to help, it has remained difficult to get in contact. Over the delivery period so far we have experienced an additional 1,800 phone calls per week.

The Bin deliveries themselves are continuing, and thanks to the complete commitment of our Waste and Recycling staff, led by Mr Jonathan Hamlet and his team, (who are accompanying all Bin deliveries); they are able to ensure as few 'missed properties' as possible.

My understanding is that only three authorities in Essex still use Black Sacks as their main means of Waste collection. At the end of this month there will be only two. Experience from colleagues in other authorities is that the introduction of Wheelie Bins is a bit traumatic, with many problems and complaints for almost a year, but from then onwards the vast majority of residents who have a Wheelie Bin are very happy, with them asking why they did not have them earlier.

Yes there have been problems, which will gradually be sorted out. But with a dedicated staff working their socks off for us to minimise problems when they occur, I must admit that I find - all that can be done, is being done!"

Councillor Barry then asked a supplementary question to which Councillor Talbot responded.

Question Four

From Councillor Steady to Councillor Talbot, Portfolio Holder for Environment and Public Space:

"Do you think that your portfolio is being managed efficiently?"

Councillor Talbot replied as follows:

"Since this is the first ever question received by any Tending Portfolio Holder from a member of the Shadow Cabinet, I must be positive with my answer.

I was invited to take up the Environment Portfolio by Councillor Neil Stock, the Council Leader on 5th June.

The Environment Portfolio Holder in the last administration from 2015 to 2019 left the portfolio in good health and ready for a new administration appointee to pick up the duties.

The question seems simple and since it asks for my opinion and not that of any third party then my answer to the question is: Yes"

Councillor Steady then asked a supplementary question to which Councillor Talbot responded.

36. REPORT OF THE LEADER OF THE COUNCIL - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

There was no such report on this occasion.

37. MINUTES OF COMMITTEES

It was **RESOLVED** that the minutes of the following Committees, as circulated, be received and noted:

- (a) Resources and Services Overview & Scrutiny of Monday 18 March 2019;
- (b) Standards of Wednesday 20 March 2019;
- (c) Audit of Thursday 28 March 2019;
- (d) Resources and Services Overview & Scrutiny of Monday 24 June 2019;
- (e) Community Leadership Overview & Scrutiny of Monday 1 July 2019;
- (f) Standards of Wednesday 3 July 2019; and
- (g) Planning Policy & Local Plan of Tuesday 16 July 2019.

There were recommendations to Council contained within Minute 6 of the meeting of the Planning Policy & Local Plan Committee held on 16 July 2019. Those recommendations were taken in conjunction with Agenda Item 18 as recorded under Minute 42 below.

38. MOTION TO COUNCIL - "PROPOSED DECLARATION OF A CLIMATE EMERGENCY"

Council had before it the following motion, notice of which had been given by Councillor Stock OBE pursuant to Council Procedure Rule 12:-

"That the Council notes:

- *That the impact of climate breakdown is already causing serious damage around the world.*
- *That the "Special Report on Global Warming of 1.5 degrees" published by the intergovernmental Panel On Climate Change in October 2018*
 - *Describes the enormous harm that a 2 degree C average rise in global temperatures is likely to cause compared with a 1 degree rise,*
 - *Confirms that limiting Global Warming to 1.5 degrees may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector.*
- *That the impact of projected rises in sea levels as a result of global warming places the East Coast of the UK in the front line where impacts will be felt soonest and most severely.*
- *That all Governments (National, Regional and Local) have a moral duty to act, and local Governments should not wait for national Government to change their policies.*
- *That the challenge of taking action to avoid climate breakdown is of an unprecedented scale and scope which will have very significant additional costs*

and impacts on the prioritisation of budgets and will require sources of funding beyond the Council, and local Business Rate and Council Tax payers if the goals are to be met.

- *That the need for determined action must be set alongside and balanced with the Council's other statutory responsibilities.*
- *That strong policies to cut emissions also have associated health, well-being and economic benefits; and*
- *That, recognising the above, over 80 councils across the UK have already passed "Climate Emergency" motions.*

It is therefore proposed that this Council:

- 1 *Declares a Climate Emergency and instructs the Chief Executive to prepare an Action Plan for consideration by Cabinet and recommendation to the Full Council to form part of the Policy Framework, as soon as practicable with the aim of activities of the Council being carbon neutral by 2030.*
- 2 *Instructs the Chief Executive to draw up the Action Plan in two parts,*
 - *Part 1 setting out clear research and evidence as to what the Council's Carbon footprint is and precisely how it is composed and setting out costed actions and policies together with appropriate milestones to make the Council's activities carbon neutral by 2030*
 - *Part 2 setting out community leadership actions to influence and encourage partners, businesses, community groups and individuals across Tendring to join the Council in striving to achieve carbon neutrality for the District as a whole.*
- 3 *Calls on the UK Government to provide the powers, resources and help with funding to achieve carbon neutrality and to call on local MPs to do likewise.*
- 4 *Authorises the Chief Executive to use the £150,000 allocated by the last Cabinet meeting to a Climate Emergency budget to enable specialist advice to be obtained to complete the essential research to establish the Council's Carbon footprint to be carried out and to provide the capacity to enable a comprehensive and costed Action Plan to be prepared for agreement by full Council as set out above.*
- 5 *Notes that the Leader will form a Working Party to oversee and work alongside officers to prepare the Action Plan, to be established in accordance with Article 7.7 of the Constitution, which will be broadly politically balanced, and that the Leader of each political Group on the Council will be invited to join the Working Party or to nominate a representative."*

Councillor Stock formally moved the motion, and Councillor G V Guglielmi formally seconded the motion.

Councillor Stock then explained the purpose of the motion and gave his reasons why he felt that it would be appropriate for the motion to be dealt with at the meeting.

As Councillor Stock was also the Leader of the Council there were no reasons put forward as to why it would be more appropriate for the motion to stand referred to the Cabinet.

The Chairman of the Council (Councillor Land) then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He decided that the motion would be dealt with at the meeting.

Councillors Coley, Allen, Scott, Davis, M E Stephenson, Calver, Steady, Turner, Miles and G V Guglielmi addressed the Council on the subject matter of Councillor Stock's motion.

Councillor Stock's motion, on being put to the vote, was declared **CARRIED**.

39. RECOMMENDATIONS FROM THE CABINET

No recommendations from Cabinet were submitted on this occasion.

40. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE

There were no such reports on this occasion.

41. REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE - A.1 - PROPOSED REVISION OF LICENSING ENFORCEMENT POLICY

The Council considered the recommendation submitted to it by the Licensing and Registration Committee in respect of the revised Licensing Enforcement Policy.

Members were aware that the Licensing and Registration Committee had considered this matter at its meeting held on 10 April 2019. The relevant Committee Minute and Officer reports were contained within the Council Book.

It was moved by Councillor Winfield that the revised Licensing Enforcement Policy be formally approved and adopted.

It was then moved by Councillor G V Guglielmi and seconded by Councillor Turner that Councillor Winfield's motion be amended by the addition of the following paragraphs:-

"That Council notes that the implementation of this Enforcement Policy will be in line with the work of the Corporate Enforcement Group and the aims of the Corporate Enforcement Strategy.

That Council requests that all Ward Members will be notified of any event in their Ward which will need a Temporary Event Licence, as well as a notification when a licence has been revoked or granted."

Councillor Guglielmi's amendment on being put to the vote was declared **CARRIED**.

Councillor Guglielmi's amendment on being put to the vote as the substantive motion was declared **CARRIED**.

42. **REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.2 - SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS**

Earlier in the meeting Councillors Stock OBE and G V Guglielmi, as points of information, had informed Council that they were, respectively, a Director and an alternate Director of North Essex Garden Communities Limited.

The Council considered the recommendations submitted to it by the Planning Policy & Local Plan Committee in respect of the proposed Additional Sustainability Appraisal, evidence and amendments relating to Section 1 of the Local Plan which it was further proposed should be submitted, together with the responses received from a proposed public consultation thereon, to the Planning Inspector.

Members were aware that the Planning Policy & Local Plan Committee had considered this matter at its meeting held on 16 July 2019. The relevant Committee Minute and Officer Reports were contained within the Council Book.

Councillors Turner, Allen, M E Stephenson and Stock addressed the Council on the subject matter of this item.

It was moved by Councillor Turner and:-

Unanimously **RESOLVED** that -

- a) the additional evidence base summarised within Appendices 2 to 11 to the report of the Corporate Director (Planning and Regeneration) and available in full as background papers be accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- b) the findings of the Additional Sustainability Appraisal work (summarised in Appendix 1 to the aforementioned report) which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy be approved;
- c) the Additional Sustainability Appraisal work and evidence base (including the additional evidence) be endorsed as supporting the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;
- d) the schedule of proposed amendments to the submitted Local Plan (attached as appendix 12 to the above report) be approved;
- e) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
- f) following that period of public consultation, the above-mentioned documents along with any duly made representations received during the public consultation period, be submitted to the Secretary of State in order to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and

- g) the Local Plan Inspector be formally requested to recommend any further modifications to the Publication Draft Local Plan as necessary in order to make it 'sound'.

43. REPORT OF THE CHIEF EXECUTIVE - A.3 - MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that, following the Annual Meeting of the Council held on 28 May 2019 and in accordance with the wishes of the relevant Political Group Leaders, he had exercised his delegated powers and had appointed, with effect from 31 May 2019, Members to serve on the under-mentioned Committees and Sub-Committee as follows:

Audit Committee

Councillors Alexander, Coley, King, Miles, Placey, Porter and Steady

Community Leadership O & S Committee

Councillors Amos, Broderick, Chittock, Clifton, Davidson, Davis, Miles, Newton and Skeels

Human Resources & Council Tax Committee

Councillors Calver, Chapman, Chittock, Clifton, Griffiths, S Honeywood, King, Morrison and M Stephenson

Licensing & Registration Committee

Councillors Casey, Coley, V Guglielmi, J Henderson, S Honeywood, Knowles, Overton, White and Winfield

Planning Policy & Local Plan Committee

Councillors Allen, Broderick, Bush, Chapman, Fairley, G Guglielmi, I Henderson, Newton, Scott, Skeels and Turner

Planning Committee

Councillors Alexander, Bray, Cawthron, Codling, Fowler, Harris, McWilliams, Placey and White

Resources and Services O & S Committee

Councillors Allen, Barry, Bray, Codling, Griffiths, Morrison, Scott, M Stephenson and Turner

Standards Committee

Councillors Amos, Harris, J Henderson, Land, Overton, Steady and Wiggins

Miscellaneous Licensing Sub-Committee

Councillors Casey, V Guglielmi, J Henderson, S Honeywood and White

Subsequently, following the appointment of the Cabinet by the Leader of the Council and other necessary changes, the Chief Executive also formally reported that, on 10 and 11 June 2019, he had again exercised delegated powers, in accordance with the wishes of the Leaders of the Holland-on-Sea, Independent and UKIP Groups and had duly made the following appointments:-

Audit Committee

Councillor Codling has been appointed to serve in place of Councillor Porter.

Community Leadership O & S Committee

Councillor King had been appointed to serve in place of Councillor Broderick.

Councillor Overton had been appointed to serve in place of Councillor Newton.

Human Resources & Council Tax Committee

Councillor Broderick had been appointed to serve in place of Councillor King.

Licensing & Registration Committee

Councillor Davis had been appointed to serve in place of Councillor White.

Miscellaneous Licensing Sub-Committee

Councillor Davis has been appointed to serve in place of Councillor White.

Council noted the foregoing.

44. REPORT OF THE CHIEF EXECUTIVE - A.4 - MEMBERSHIP OF THE EXECUTIVE (CABINET)

The Chief Executive formally reported that, following the Annual Meeting of the Council held on 28 May 2019, the Leader of the Council (Councillor Stock OBE) had exercised his delegated powers and had appointed, with effect from 5 June 2019, Members to serve on the Council's Executive (Cabinet) as follows:

PORTFOLIO	COUNCILLOR APPOINTED
Business and Economic Growth	M C Newton
Corporate Finance and Governance	G V Guglielmi
Deputy Leader of the Council	
Environment and Public Space	M J Talbot
Housing	P B Honeywood
Independent Living	J A Broderick
Leisure and Tourism	A O J Porter
Partnerships	L A McWilliams

Council noted the forgoing.

45. SEATING PLAN FOR FUTURE MEETINGS OF THE COUNCIL IN THE PRINCES THEATRE

Council's approval was sought in respect of the seating plan for future meetings of the Full Council held in the Princes Theatre.

It was moved by Councillor Scott, seconded by Councillor Bray and:-

RESOLVED, that the seating plan proposed for future meetings of the Full Council to be held in the Princes Theatre be approved.

46. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 9.15 pm

Chairman