



WRITTEN RESPONSE ON BEHALF OF CREST NICHOLSON OPERATIONS LTD, R F WEST LTD,
LIVELANDS AND DAVID G SHERWOOD TO THE NEA'S SUGGESTED AMENDMENT TO POLICY
SP5 NEW PARA A. - GARDEN COMMUNITIES

1. The respondents object to the new para. A in respect of part 2 of the suggested new para. Part 1 is considered to be a reasonable suggestion in the form of strategic guidance to assist in a consistent approach to the formulation of the future relevant respective DPDs for each of the three Authorities. However, Part 2 goes beyond being reasonable strategic guidance and sets out an extremely prohibitive and rigid restriction that states that before any planning approval is granted the stated specified strategic infrastructure must be consented (our emphasis). Although the NEAs subsequently suggested modifying further the wording in respect of the Colchester Braintree Borders GC (CBBGC) that the A120 from Braintree to the A12 should be funded and a route committed (rather than consented).
2. The three items of requisite infrastructure listed for the Colchester Braintree Border GC are:-
 - i. A12 widening and junction improvements
 - ii. A dualled A120 from Braintree to the A12; and
 - iii. Route 2 of the rapid transit system.

These are all major items of infrastructure that in the case of (i) and (ii) are to be wholly funded and (iii) partially funded by the public sector. Therefore, the two main promoters of the CBBGC have no control over the delivery of this infrastructure, other than through making provision for safeguarding the preferred routes and collaboration by way of masterplanning and other forms of agreement with the NEAs.



3. The words emphasised in (1) above, if incorporated in adopted Policy SP5, will be mandatory and will prevent **any** planning approval from being granted in the 3 GC's **unless the stated infrastructure relating to each GC is consented**. As pointed out at the Matter 9 hearing session, when this draft policy change was being discussed, not a single dwelling could be permitted until the stated items of infrastructure were consented. This is unreasonable, unrealistic and far too rigid. Therefore, it fails the test of being justified, because the suggested changes do not represent an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence.
4. The suggested changes would also prevent the delivery of smaller scale development that could be developed in the short term to meet local needs and support local services and facilities that could provide additional community benefits. In the case of the CBBGC, evidence produced by Crest Nicholson, RF West Ltd, Livelihoods and David G Sherwood in their original representations showed that there was scope to deliver approximately 1,000 homes prior to the opening of the A12 and A120 improvements. Additional and more recent evidence prepared on behalf of the promoters of the West Tey proposals has demonstrated that the impact of traffic associated with an initial development of approximately 2,500 dwellings can be accommodated within the local highway network through improvements at the Prince of Wales, Marks Tey and Marks Farm roundabouts¹.
5. Both the Crest Nicholson et al and West Tey promoter's evidence is consistent in that there is scope to develop between 1,000 – 2,500 homes in advance of the delivery of the major A12 and A120 improvements. Such a scale of development would provide betterment in terms of additional capacity beyond mitigating the development impact and include potential new pedestrian, cycle and bus facilities and improved connectivity

¹ Source: Icen Highways Assessment on behalf of L&Q/Cirrus Land/G120 September 2019 as part of representations to the NEA's Technical Section 1 Examination Consultation (Refer to summary in Executive Summary paras (vii) and (x)).



to Marks Tey Station. Additionally, this range of scale of development would provide opportunities to support and enhance existing local services and facilities and provide scope to deliver at least one new primary school to serve Marks Tey in the short term. This is important to the existing local community who have seen a decline in services over recent years pending the uncertainty surrounding the CBBGC and its delivery. In any event, the NEAs now propose a reduction in the amount of new development during the Plan period to 2033 from 2,500 to 1,350 homes. The delay in implementing the GC will damage the well-being of the Marks Tey Community in the short term and continue to blight the funding of a viable and beneficial use for the group of listed buildings at Marks Tey Hall.

6. Therefore, for all the reasons above, the suggested amendment to Policy SP5 new para A, Part 2 is considered to be unsound. Furthermore, it would lead to consequences that would be in conflict with the NPPF 2012 paragraph 70 and Section 8 generally in promoting healthy communities.
7. In the event of the Inspector's recommendation that the NEA's suggested amendment to Policy SP5 new para A. part 2 be deleted, then it will be necessary to delete the additional suggested change (Mod 91) of Policy SP9 para D.7.