



North Essex Authorities Joint Strategic (Section 1) Plan Examination in Public

Matters & Issues Statement on behalf of
Pigeon Land Ltd

Matters 3, 6 and 7

December 2017

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1 MATTERS & ISSUES STATEMENT

1.1 This Matters and Issues Statement has been prepared by Pigeon Land Ltd ('Pigeon') in response to the Inspector's Matters, Issues and Questions document for the North Essex Authorities Joint Strategic (Section 1) Plan. It should be read alongside Pigeon's representations to the Braintree District Council June 2016 Publication Draft Local Plan (Appendix 1).

2 MATTER 3: MEETING HOUSING NEEDS (POLICY SP3)

Question 2: Are the proposed overall housing requirements in policy SP3 of 43,720 dwellings (2,186 dpa), and the constituent requirement figures of 14,320 (716 dpa) for Braintree, 18,400 (920 dpa) for Colchester and 11,000 (550 dpa) for Tendring, based on a sound analysis of the available and relevant evidence, and do they reflect the full, objectively-assessed need for housing over the period 2013-2033?

In particular:

(a) Is the PBA Study justified in using a baseline household growth figure of 445 dpa for Tendring, rather than using the 625 dpa figure from the 2014-based DCLG household projections?

- 2.1 We do not consider that the use of a baseline household growth figure of 445 dpa for Tendring is justified.
- 2.2 The 2014 Sub National Population Projections (SNPP) provide a robust demographic starting point for estimating housing needs and the Planning Practice Guidance (PPG) makes it clear that the DCLG household projections should provide the starting point for estimating overall housing need.
- 2.3 Section 3 of the Objectively Assessed Housing Need Study November 2016 update (EB/108) does not provide adequate justification for the use of 445 dpa figure as the starting point for estimating the objectively assessed need for Tendring.
- 2.4 Whilst the discrepancy may in part be due to Unattributable Population Change (UPC) we are concerned that this level of delivery underestimates housing needs in Tendring, with serious implications for meeting housing needs across the HMA. This is highlighted by the fact that

the proposed OAN figure for Tendring (550 dpa) is lower than the DCLG household projections starting point figure of 625 dpa.

- 2.5 We also note that the proposed formula for assessing housing need set out in the Government's consultation *Planning for the Right Homes in the Right Places* (September 2017) suggests a figure of 749 dpa, considerably higher than the figure of 550 dpa currently included under Policy SP3. Whilst the publication is a consultation document it gives a clear indication of Government's direction of travel and a strong indication that the proposed figure of 550 dpa underestimates housing need in Tendring, which has serious implications for the wider HMA.

(c) Is the PBA Study justified in not making any adjustments to its household growth estimates to take account of out-migration from London?

- 2.6 The PBA Study (EB/108) does not provide adequate justification for not making any adjustments to the household growth estimates. Table 4.1 of the PBA Study shows a difference of 64 dpa between the DCLG household projections and the GLA Central Scenario.
- 2.7 This represents an additional 1,280 homes during the Joint Local Plan period (2013-2033), which is clearly not insignificant, as is suggested by the PBA Study (paragraph 4.15). This is particularly the case given the use of an OAN figure for Tendring that is considerably lower than the DCLG household projections.

(d) Is the PBA Study justified in applying a market signals uplift of 15% for Braintree and Tendring, and in making no market signals adjustment for Colchester?

- 2.8 We note that the recent consultation on the application of a standard approach for assessing local housing need proposes the use of a standard formula which uses the DCLG household projections as the starting point with a single adjustment to account of market signals.
- 2.9 Whilst the status of the consultation document means that it can only be afforded limited weight, the application of the proposed formula for the North Essex authorities (summarised in the table below), shows a significant increase above the housing need figures set out in Policy SP3. Due to the relatively simple approach proposed by the September 2017 consultation, which uses affordability as the main variable, the figures below provide a strong indication that the PBA Study is not justified in applying the proposed level of market signals uplift. It also highlights the importance that Government places on improving affordability.

Local Authority	Housing need based upon proposed formula (dpa)	Assessment of housing need as per Policy SP3 (dpa)	Difference
Braintree	835	716	-119
Colchester	1,095	920	-175
Tendring	749	550	-199
Total	2,679	2,186	-493

Table 1. Application of proposed formula for assessing housing need (DCLG, September 2017)

2.10 Section 5 of the PBA Study supports this position. Table 5.2 states that the affordability ratio for Braintree is 9.7. The PBA Study does not provide adequate justification for the application of a 15% uplift for Braintree, in comparison with Chelmsford where a 20% uplift is proposed based upon an affordability ratio of 10.9.

2.11 We consider that the market signals uplifts proposed by the PBA Study are arbitrary and when considered in the context of the recent consultation on the application of standard methodology for assessing housing need (which yield higher housing need figures for each of the authorities) clearly require further justification. Furthermore, the PBA Study does not provide adequate commentary on how the proposed market signals uplifts that are proposed will affect affordability as required by the PPG.

Question 7: Should policy SP3 include mechanisms for:

(a) review of the housing delivery strategy in the event of a failure to maintain the required level of housing supply?

(b) review of the housing requirement figures in order to provide for possible future unmet need from other local authority areas?

2.12 Pigeon has previously raised concerns regarding the overreliance on strategic growth locations, and in particular those comprising the Garden Communities, to meet housing needs during the Local Plan period.

2.13 We have previously identified the need to identify a range of site sizes to reduce the over reliance on large allocation sites. We also note that Braintree District Council's housing trajectory envisages meeting the backlog from previous years undersupply across the Plan period, rather than during the first five years.

2.14 Given the strategy being adopted by the North Essex Authorities it is imperative that there is a mechanism in place to ensure that the Local Plan(s) are reviewed in the event that the required level of housing supply is not maintained.

- 2.15 We would also suggest that any review mechanism should be linked to clearly defined milestones in respect of infrastructure delivery and key stages within the development management process to ensure that any delay is identified at the earliest opportunity, thereby allowing additional sites to be identified through, for example, a focussed call for sites exercise. This would enable additional small and medium-sized sites to be identified that are capable of bringing forward sustainable development with minimal requirements for new infrastructure.
- 2.16 Whilst we remain of the view that the spatial strategy does not represent the most appropriate development strategy for North Essex, the inclusion of clearly defined review mechanisms could help to reduce delays in meeting housing needs, going some way to reduce the extent to which the spatial strategy will exacerbate the lack of housing supply within the HMA.
- 2.17 We would also support the inclusion of a mechanism within Policy SP3 to allow a review of the housing requirement figures in order to provide for possible future unmet need from other local authority areas. However, in common with (a) above, this should include clearly defined measures to avoid prolonged delays in determining what action is required to address any future change in circumstances.

3 MATTER 6: THE PROPOSED NEW GARDEN COMMUNITIES – GENERAL MATTERS (POLICIES SP7, SP8, SP9 & SP10; PARAGRAPHS 9.1-9.2)

Question 11: Is there evidence to show that each proposed garden community is capable of delivering 2,500 dwellings within the Section 1 Plan period?

- 3.1 As stated above, we consider that the Braintree Local Plan places an overreliance on Strategic Growth Locations and notably those comprising the Garden Communities to meet housing needs during the Joint Local Plan period (2013-2033).
- 3.2 The Housing Trajectory included as Appendix 1 of the Braintree Local Plan provides details of forecast completions in respect of the West of Braintree Garden Community and the Colchester Braintree Borders Garden Community during the Local Plan period.

- 3.3 The trajectory suggests that there will be 250 completions by the end of the 2023/24 monitoring year, with 250 completions per annum thereafter up until the end of the 2032/33 monitoring year (2,500 completions in total).
- 3.4 For the Colchester Braintree Borders Garden Community the trajectory suggests that there will be 100 completions by the end of the monitoring year 2024/25 with 100 dpa for the following three monitoring years, with 150 dpa from 2028/29 to 2032/33 (1,150 completions in total). The remaining 1,350 dwellings are provided for in the Colchester Local Plan. The Colchester Borough Housing Trajectory 2016/17 to 2032/33 (Appendix to Colchester Borough Council's Housing Land Supply Statement, June 2017) suggests 50 completions by the end of monitoring year 2023/24 with a 100 dpa the following year, rising to 150 dpa in 2027/28 and 200 dpa in 2031/32.
- 3.5 However, research produced by Nathaniel Lichfield & Partners (NLP), *Start to Finish: How Quickly do Large-Scale Housing Sites Deliver* (November 2016) based upon an assessment of 70 large sites identifies that the average lead in time for large sites prior to the submission of the first planning application is 3.9 years, with a further 6.1 years average planning approval for schemes of 2,000+ dwellings (10 years in total).
- 3.6 We would therefore suggest that the anticipated date of the first completions in 2023/24 (5 years from the date of the proposed Local Plan adoption) is overly optimistic, particularly given that the timetable for the adoption of the Strategic Growth/Garden Communities Development Plan Documents are not anticipated to be adopted until summer 2019 (Braintree Local Development Scheme, January 2017). This is supported by the example of Northstowe in South Cambridgeshire (new settlement of 10,000 homes) where the original Area Action Plan was adopted in 2007 and the first homes were only completed earlier this year.
- 3.7 The NLP research also concludes that the average annual build rate for a scheme of 2,000+ dwellings is 161 dpa.
- 3.8 If the rates referred to above are combined with a more realistic timetable for the first housing completions (i.e. first completions in 2028/29) then the Garden Communities would yield 805 dwellings each during the Plan Period. This is a significant reduction in the number of completions forecast by the Councils and has serious implications for meeting housing needs within North Essex. This is particularly the case in Braintree where the approach

advocated by the Section 2 Plan is to meet the housing shortfall since April 2013 across the full Local Plan period, rather than during the first five years of the Plan, resulting in the full housing needs not being met until the latter part of the Plan period.

- 3.9 In summary, there is insufficient evidence to show that the proposed Garden Communities will deliver 2,500 dwellings within the Plan period or that the infrastructure required to deliver the new settlements can be brought forward within this timeframe.
- 3.10 We consider that the Plan therefore places an overreliance on the proposed Garden Communities (and large strategic sites in general). In order to address this situation, the Councils should ensure that they allocate a mix of sites across the Plan period. The Government has set out in recent consultations (i.e. Housing White Paper, February 2017) their intention to create a more diverse housing market that supports both large and small homebuilders. To achieve this, the Councils will need to allocate an improved mix of sites both in terms of size and location, reducing the reliance on the Garden Communities. An improved mix of sites would also help to deliver homes more evenly across the Plan period, reducing the delay in meeting housing needs and helping to reduce the impact associated with delays to the delivery of the Garden Communities upon meeting housing needs in North Essex.

4 MATTER 7: THE SPATIAL STRATEGY FOR NORTH ESSEX (POLICY SP2)

Question 1: Taking account of the Sustainability Appraisal and other relevant evidence, is the spatial strategy in policy SP2 justified as the most appropriate development strategy for North Essex, when considered against the reasonable alternatives?

- 4.1 The Environmental Assessment of Plans and Programmes Regulations (2004) impose a number of requirements on Local Authorities in the preparation of Local Plans. These include the requirement that all reasonable alternatives be considered and assessed to the same level of detail as the preferred approach; and that the reasons for the selection of the preferred alternative, and the rejection of others, be set out.
- 4.2 The requirement to consider all reasonable alternatives is also set out within the PPG (Paragraph 018, Reference ID: 11-018-20140306) which states that:

“The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan (the preferred approach).”

- 4.3 We consider that the Sustainability Appraisal does not adequately consider all reasonable alternatives as required by the regulations, notably accommodating greater levels of growth within Key Service Villages, as an alternative to relying on the Garden Communities to deliver the proposed levels of growth envisaged by policy SP2 during the Plan period. We therefore consider that the spatial strategy and distribution for housing as set out within policy SP2 does not represent the most appropriate development strategy for North Essex, when considered against the reasonable alternatives.
- 4.4 As stated in our response to Matter 6, we consider that the Section 1 Plan significantly overestimates the number of homes that will be delivered by the Garden Communities during the Plan period. The best way to ensure the housing needs of the three authorities are met during the Plan period is to maintain a good range of site sizes and types across the North Essex Area. This should include sustainable development on small and medium size sites that can address housing needs in the short to medium term. In light of this, the preferred option as set out in Policy SP2 cannot be considered to be the most appropriate strategy for North Essex.
- 4.5 We consider that the Stage 1 Plan should therefore make provision for a strategy which allows greater levels of housing need to be met within existing settlements, including Key Service Villages, with any provision within Garden Communities meeting longer term housing needs only. This option, which represents an eminently reasonable alternative, has not been adequately considered as part of the Section 1 Sustainability Appraisal and Policy SP2 cannot therefore be considered to be the most appropriate strategy, when considered against the reasonable alternatives.

**APPENDIX 1: PIGEON LAND RESPONSE TO BRAINTREE PUBLICATION
DRAFT LOCAL PLAN**

28 July 2017

Planning Policy
Braintree District Council
Causeway House
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Dear Sir or Madam

BRAINTREE DISTRICT COUNCIL DRAFT LOCAL PLAN – REGULATION 19 CONSULTATION

We refer to the above consultation on the Braintree Draft Local Plan – Regulation 19 Consultation, and hereby submit representations on behalf of Pigeon Land Ltd, objecting to the draft Local Plan.

In summary, we consider the draft Local Plan to be unsound due to:

- Policy SP3 - under estimation of OAHN (not justified)
- Chapter 5 - failure of the Spatial Strategy to adequately consider Key Service Villages to accommodate sustainable development (not justified)
- Policy LPP17 – fails to provide a 5 year housing land supply (inconsistent with national policy) and over reliance a large strategic allocation sites (not effective).

Please find enclosed completed response form for the Draft Local Plan and the accompanying Sustainability Appraisal (SA).

Pigeon Land Ltd, has previously made representation to the emerging Local Plan proposing the allocation of land at West Street, Coggeshall (site reference COGG180) for mixed-use development and publicly accessible amenity space.

Whilst this site has been the subject of a recent planning appeal that was subsequently dismissed (appeal reference APP/Z1510/W/16/3160474), the appeal decision makes a distinction between different parts of the site with a clear reference to the West Street frontage area having scope for development, in accordance with the '*Braintree District Settlement Fringes Evaluation of Landscape Analysis Study of Coggeshall*' study produced for the Council in 2015.

In light of the appeal decision there is an opportunity to bring forward a smaller area of the site for a mix of uses along the West Street frontage, within the Draft Local Plan period. This proposition would not be dissimilar to other sites currently planned to come forward in Coggeshall as identified within the Draft Local Plan and would deliver further sustainable development in a Key Service Village.

We therefore wish to maintain our objection to the failure of the Draft Local Plan to adequately consider Coggeshall, as one of five Key Service Villages in the District, to accommodate sustainable

development, including the ability of COGG180 (or part thereof) to contribute towards meeting the District's full objectively assessed housing needs (OAHN).

In this context we wish to make the following soundness representations and trust that they will be of assistance in taking the Plan forward to the next stage of Plan preparation and examination.

Policy SP3 – Meeting Housing Needs, Paragraphs 4.1 – 4.5, Objectively Assessed Housing Need (OAHN)

The National Planning Policy Framework (NPPF) is clear on the importance of housing delivery, and on the need for planning to deliver objectively assessed housing needs (OAHN). This is illustrated by the fact the core planning principles set out in the NPPF includes the following statement:

“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities” (NPPF paragraph 17).

This point is reinforced at paragraph 47 of the NPPF, where it is stressed that Local Plans should ensure OAHN for market and affordable housing are met. The Council have acknowledged the position at paragraph 6.57 of the Draft Local Plan acknowledging the need for Local Authorities to meet the OAHN and this is welcomed.

The Draft Local Plan seeks to meet housing need which has been identified through an objective assessment of housing need within the housing market area, produced jointly with neighbouring authorities within the same housing market. This approach aligns with Government guidance set out in the Planning Practice Guidance and is supported in principle.

However, we are concerned that the Council has not adequately assessed its full OAHN and this could lead to the lack of housing supply being intensified due to: (i) not fully considering increased migration from London; (ii) not adequately assessing market signals; and (iii) not using ONS data as the starting point for calculating Tendring's OAHN.

(i) Increased migration from London: Table 4.1 of Objectively Assessed Housing Need Study (November 2016 update) provides a comparison between the ONS 2012 based Sub National Population Projections and the GLA 'Central Scenario'. The table shows a difference of 64 dwellings per annum; however, this does not appear to have been taken into account in the total housing requirement across the North Essex HMA, with section 4 of the OAHN Study seeming to suggest the OAHN figure for the HMA does not include the additional 1,280 (64/annum) homes from London referring to an “insignificant uplift to the HMA's housing need”.

(ii) Market signals: the OAHN Study (Section 5) recommends an uplift of 15% for Braintree. However, there are clear affordability issues in Braintree where the affordability ratio is 9.7 (Table 5.2 of the OAHN Study) with the evidence suggesting that housing is becoming less affordable in Braintree (Figure 5.17 of the OAHN Study) and prices are continuing to increase (Figure 5.16 of the OAHN Study). The evidence would therefore appear to suggest the need for a 20% uplift as is the case in Chelmsford where the affordability ratio is not dissimilar.

(iii) Tendring's OAHN: we query the use of 550 dwellings per annum as the OAHN figure for Tendring given this is 125 homes per annum below the ONS 2014 based projections. The OAHN Study seeks to justify the reduction on the basis of 'Unattributable Population Change'. However, this appears to be inconclusive and potentially results in an undersupply of 2,500 homes within the HMA across the Plan period.

In summary we do not consider that Policy SP3 is sound because it is not justified (i.e. most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence).

Chapter 5 - The Spatial Strategy and Settlement Hierarchy (Para nos. 5.1 – 5.14)

Chapter 5 of the Draft Local Plan sets out a settlement hierarchy in the table preceding paragraph 5.13. It is accepted that the principle of a settlement hierarchy is an established approach to spatial planning and there are no objections to this approach being taken forward for the Draft Local Plan. However, it is considered that the Draft Local Plan has not adopted a suitable approach to the distribution of housing based on the hierarchy and it fails to direct development or consider opportunities for the most sustainable locations to deliver the development that the District needs or that which would support or enhance existing communities.

Pigeon Land has expressed concerns in respect of this throughout the Plan making process.

The settlement hierarchy for the District ranks areas of the District in order of their sustainability merits and the size, function and services that each of the areas can offer. It is noted that this does not mean that a proportionate amount of growth should be allocated to each of these areas, as constraints to new further large scale growth may exist.

Nevertheless, as far as these representations are concerned, Coggeshall has been included as a Service Village at the second tier of the settlement hierarchy and the Draft Local Plan acknowledges that it is one of the larger villages (NB. it is the largest Key Service Village in the District) with a good level of services including primary schools, primary health care facilities, convenience shopping facilities, local employment opportunities and links by public transport and road to the larger towns. We support the identification of Coggeshall as a Key service Village. It is a small market town with, not only the services identified, but also a range of recreational, community and leisure facilities and a secondary school. It is therefore a highly sustainable location for additional housing growth.

It is considered that the Draft Local Plan should direct sufficient growth to rural settlements including Key Service Villages, to ensure rural communities are sustained and that rural facilities and services remain viable and thus continue to perform an important role for the existing community. The NPPF makes clear that one of the core planning principles that should underpin both plan-making and decision-making is the need to support rural communities:

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

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

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

Further to the requirements of the NPPF, the National Planning Practice Guidance (NPPG) explains how Local Planning Authorities should support sustainable rural communities. This states (at paragraph: 001 Reference ID: 50-001-20160519):

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

and

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

Having regard to the requirements of the NPPF, we are concerned with the low number of new homes proposed to be directed to the District’s Key Service Villages through the Draft Local Plan. We note that Policy LPP 17 (Housing Provision and Delivery) has been revised since the publication of the Regulation 18 draft in June 2016 and no longer includes a breakdown of the number of new homes being directed to the different categories within the Settlement Hierarchy. Whilst it is not clear why the draft Policy has been revised to exclude this information (which previously identified the provision of 800 homes, just over 5%, to Service Villages), it would appear from the Housing Trajectory at Appendix 1 of the Draft Local Plan that the proportion of housing being directed to Key Service Villages has remained broadly the same at approximately 6%. Discounting the Strategic Growth Location at Feering and a further 250 homes at Kelvedon (which forms a functional Key Service Village with Feering) this leaves the remaining numbers (just 6% of the District’s overall growth requirements) to be allocated to Coggeshall, Earls Colne, Hatfield Peverel and Sible Hedingham.

Indeed, as far as Coggeshall is concerned, the Draft Local Plan housing trajectory projects just 96 dwellings in the Plan period, although it should be noted that this includes 25 dwellings at COGG12 (Cook field, East Street), which was anticipated to yield just 12 dwellings in the Regulation 18 draft Local Plan. Notwithstanding this, for a Service Village the size of Coggeshall (the largest Key Service Village in the District (with a resident population of 4,727 at the last census) this represents a very small number of homes, at a level that is neither fair, meaningful nor proportional in making a contribution towards addressing local housing needs, supporting the local economy or assisting with the overall housing growth for the District. Such an approach is clearly contrary to the NPPF’s requirement for planning to support thriving rural communities, and cannot be considered sustainable. It would have potentially negative social and economic implications for Coggeshall and result in the settlement having little more than a dormitory role as the Plan period progresses.

The Council's approach not only runs counter to current Government policy, as expressed in the NPPF (for example at paragraph 14) and other recent Ministerial statements, but also fails to recognise the opportunity of the positive role that Key Service Villages including Coggeshall can play in supporting or enhancing their role as hubs for the local area for community facilities, services, employment and affordable housing.

We also note that concerns have been raised in respect of a number of villages in the District with regards to the viability of commercial bus services and that by directing more homes to villages there is the potential to increase the viability of existing public transport services, which will benefit both existing and new residents. A lack of growth being directed to the villages will potentially result in the decline of these services, running counter to Government policy.

The Council's strategy towards achieving its housing requirements is also potentially in conflict with emerging policies within its own Plan, notably Policy SP1, which sets out a district-wide presumption in favour of sustainable development. The remaining Policies in the Plan then conspicuously fail to address how Policy SP1 will be considered in the context of providing appropriate and acceptable forms of sustainable new development, including housing, at the Key Service Villages or elsewhere across the district. Indeed, other policies which address development outside of development boundaries are generally restrictive, with a failure to indicate what would constitute appropriate sustainable development. In fact, the Plan fails to contain any policy or policies which demonstrate how Policy SP1 will be applied positively (in accordance with Government policy) and therefore, by omission, the Plan does not address, either through policies or site allocations, how many villages in the District can contribute to achieving sustainable development.

We have reviewed the Sustainability Appraisal (SA) that accompanies the draft Local Plan. The Environmental Assessment of Plans and Programmes Regulations (2004) impose a number of requirements on Local Authorities in the preparation of Local Plans. These include the requirement that all reasonable alternatives be considered and assessed to the same level of detail as the preferred approach; and that the reasons for the selection of preferred alternative, and the rejection of others, be set out.

Given the requirements of the Environmental Assessment of Plans and Programmes Regulations (2004), we previously raised concerns as part of our response to the Regulation 18 consultation that the SA in relation to the spatial strategy had not considered or assessed reasonable alternatives as per the requirements of the Environmental Assessment of Plans and Programmes Regulations (2004) in relation to that iteration of the Local Plan.

Whilst the SA that accompanies the Submission Local Plan has sought to rectify this through an assessment of 5 alternative spatial strategy options, none of these options has seriously considered a meaningful distribution of housing to the Key Service Villages, the nearest option ('Rural Distribution') inevitably scoring poorly in respect of access to services and facilities due to this option also including an allocation of 100 homes per tertiary village. The SA also appears to prematurely overestimate the sustainability credentials of the Garden Communities, which until they reach a critical mass will inevitably be less sustainable than the existing Key Service Villages, which by their very nature are sustainable locations for growth.

All of the above indicates that the SA has not adequately considered reasonable alternatives for the spatial strategy and that it has been retrofitted to support the Submission Draft Local Plan, rather

than providing an objective assessment of sustainable alternatives. In this regard we consider that the Draft Local Plan is unsound (as it is not justified).

The settlement hierarchy is a key determinant of the spatial strategy and it appears that the Council have undertaken a prescriptive approach to the distribution of housing without a full consideration of the alternatives. This results in an overly simplistic approach, which fails to direct development to the most sustainable locations, and could result in more suitable and sustainable opportunities being overlooked.

In this respect we would draw the Council's attention to the comments of the examining Planning Inspector of the 2014 Uttlesford Local Plan Submission document, who stated the following in relation to the settlement hierarchy:

"Where it can be justified by relevant economic, social and environmental factors a case can sometimes be made to direct a greater or lesser amount of development to a settlement than would reflect its strict place in the settlement hierarchy. Some of the factors discussed during the hearing (e.g. locally identified demographic and other needs, local constraints and opportunities, patterns of bus services, and inter-relationships between particular settlements) can be relevant to such decisions and can be considered in taking the plan forward".

The strategy of the Plan is therefore considered to be fundamentally flawed, as it has failed to recognise the potential of allocating a realistic proportion of the district-wide requirement for new housing to a number of Key Service Villages across the District, including Coggeshall, in the Plan's settlement hierarchy. The Plan has effectively ruled out the opportunity that these could be appropriate locations for contributing to the need to provide sustainable development across the District.

In summary we do not consider that Chapter 5 and the spatial strategy is sound because it is not justified (i.e. most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence).

Policy LPP 17: Paras 6.59 to 6.65 - Housing Provision and Delivery

Policy LPP17 of the Draft Local Plan sets out how the Council will plan, monitor and facilitate the delivery of a minimum of 14,320 new homes between 2013 and 2033. However, some additional clarity is needed to determine the number of new homes that are to be allocated within the Draft Local Plan and how many homes are anticipated to be delivered from extant planning permissions and existing commitments.

National Planning Practice Guidance (Paragraph 35, Ref ID: 3-035-20140306) clearly states that any past under delivery of housing should be addressed in the first five years of the Plan.

The Council has not stated the approach it intends to adopt in assessing five year housing land supply. However, the Council's Annual Monitoring Report for the period to 31 March 2016 (published May 2017) indicates the Liverpool method, contrary to the NPPG.

Since April 2013 there has been a shortfall of 1,272 homes, which in accordance with the NPPG should be met within the first 5 years of the Plan period (Sedgefield method). This results in a five

year requirement of 4,852 homes (716 x 5 plus 1,272). With a 5% buffer this results in a total 5 year requirement (+5%) of 5,094 homes (1,019/annum). The Housing Trajectory provided at Appendix 1 of the Draft Local Plan suggests a supply of 4,115 over the period to 2021/22 (4.0 years), resulting in a shortfall of 979 homes.

It would therefore appear from the above that the Council do not have sufficient land to meet the District's housing needs that will arise during the first five years of the Plan, contrary to national planning policy. Indeed the Council's Housing Trajectory (Appendix 1 of the Draft Local Plan) confirms this position, showing that over 10,000 homes are planned to be delivered between 2023 and 2033, with the vast majority of those homes through eight large allocations (the Strategic Growth Locations).

From the details provided in Appendix 1 (Housing Trajectory) and Policy LPP17, the Draft Local Plan is reliant on a significant level of development from its Strategic Growth Locations, amounting to a minimum of 8,800 dwellings of the proposed 14,320 (61%). This figure excludes homes anticipated to be delivered from the Core Strategy Growth Locations (South West Witham – Lodge Farm and North East Witham – Forest Road), which further increases the proportion of dwellings anticipated to come from large strategic sites to almost 70%. This represents a significant reliance on large allocation sites.

It is critical that the Draft Local Plan enables the delivery of housing to meet need in the short, medium and long term and that policies are sufficiently flexible to ensure a constant supply of housing. The NPPF requires Local Planning Authorities to maintain delivery of a five-year supply of housing land to meet their housing target (paragraph 47). In the short term the Plan utilises sites that will not deliver homes in that period.

In addition two of the Strategic Growth Locations comprise the proposed Garden Communities to the 'West of Braintree' and at 'Colchester Braintree Border' (Marks Tey). These are shown to deliver 3,650 homes during the Plan period which equates to 41% of all the strategic growth locations and 25% of the total Draft Local Plan housing requirement. This is clearly a significant proportion of the overall housing requirement and there is little information available that demonstrates clearly the ability of the Garden Communities to deliver the development envisaged. Whilst it is acknowledged that the Garden Communities are not expected to deliver growth until 2023/24 and 2024/25 respectively there is considerable uncertainty that these will be able to come forward in the medium term as suggested, not least the identification of the precise boundaries of the Garden Communities through a site specific Strategic Growth DPD, and fundamentally the identification of how they will be delivered. Their delivery will require significant infrastructure and the cooperation and effective working of multiple agencies. The resultant inevitable long lead in times that these locations would entail must therefore be recognised and their identification should not therefore be relied upon to meet housing need in the medium term.

The NPPF requires Local Authorities to ensure housing strategies are in place which will "maintain delivery of a five-year supply of housing land to meet their housing target" (paragraph 47). It is important to recognise that paragraph 47 also requires sites included within the five-year housing land supply to be deliverable. The NPPF defines deliverable as: "available now, offering a suitable location for development now, and being achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable."

There is a significant risk that the current strategy proposed will leave the District without a rolling five-year housing land supply compounding the lack of supply that already exists as already referred to.

Having regard to the above, the Local Plan should, in addition to the allocation of Strategic Growth Locations, identify a range of sites capable of accommodating homes in the short and medium term in sustainable locations. This should include small and medium-sized sites (as advocated by the recent Housing White Paper) which would not only reduce the risk associated with an overreliance of large allocations but would also help to boost housing delivery by diversifying the housing market and making sites more accessible to small and medium-sized home builders. The current overreliance on the Strategic Growth Locations and notably those comprising the Garden Communities to meet these housing needs make the Draft Local Plan unsound. Furthermore, it is important the Local Plan recognises the characteristics of Coggeshall which make it a suitable and sustainable location for housing.

In summary we do not consider that Policy LPP17 is sound because it is not effective (i.e. deliverable over its period) and inconsistent with national policy due to the lack of a five year housing land supply.

Summary

The Draft Local Plan should identify more housing to meet the OAHN for the District to ensure it is compliant with the NPPF requirements. Furthermore the Draft Local Plan should review the distribution of housing. As drafted the Key Service Villages, except for Kelvedon and Feering will see very little growth in contrast to their ability to accommodate sustainable development. The NPPF places a clear duty on LPAs to ensure that rural communities should be supported and the DLP should direct housing growth to suitable rural locations and particularly Key Service Villages to meet that objective.

Key Service Villages are appropriate sustainable locations for additional growth which can make a meaningful contribution towards addressing local housing needs, supporting the local economy and assisting with the overall growth required for the District. Coggeshall should be recognised as an appropriate location for additional growth given its accessibility and opportunities to enhance employment opportunities and provide a focus for the market town and surrounding area for other needs including affordable housing, retail, education and recreational and leisure facilities.

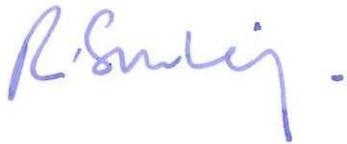
The soundness issues that we have raised could be rectified but in our view this is likely to require revisiting the previous stage in the Plan making process, accompanied by a new SA/SEA which properly considers alternatives and addresses the flaws identified within this representation.

As currently drafted we consider the Draft Local Plan to be unsound due to:

- Policy SP3 - under estimation of OAHN (not justified)
- Chapter 5 - failure of the Spatial Strategy to adequately consider Key Service Villages to accommodate sustainable development (not justified)
- Policy LPP17 – fails to provide a 5 year housing land supply (inconsistent with national policy) and over reliance a large strategic allocation sites (not effective).

We trust that the above representations will be of assistance in taking the Plan forward to the next stage of Plan preparation and in the event that the Plan is submitted for examination then we would request the ability to attend any relevant hearing sessions in due course. In the meantime, we would welcome the opportunity to meet with officers to discuss the content of our representations further.

Yours faithfully

A handwritten signature in blue ink, appearing to read "R. Snowling", followed by a small dash.

Rob Snowling
Planning Manager