

NORTH ESSEX AUTHORITIES

Joint Strategic (Section 1) Plan

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To:

Emma Goodings, Head of Planning Policy & Economic Development, Braintree District Council

Karen Syrett, Place Strategy Manager, Colchester Borough Council

Gary Guiver, Planning Manager, Tendring District Council

16 October 2017

Dear Ms Goodings, Ms Syrett and Mr Guiver

EXAMINATION OF THE JOINT STRATEGIC SECTION 1 PLAN

INSPECTOR'S INITIAL OBSERVATIONS AND QUESTIONS

1. As you know, I have been appointed to examine the North Essex Authorities' Joint Strategic (Section 1) Plan (hereafter referred to as "the Section 1 Plan"). I have made a preliminary assessment of the Section 1 Plan and I am now writing to make some initial observations on it, and to seek clarification on a number of points. Underlined text in this letter indicates a matter on which a specific response is sought.
2. This letter should not be taken as an indication of the relative importance of the points on which I am seeking clarification. My lists of Matters, Issues and Questions to be debated at the hearing sessions will set out the issues which I see as critical to the soundness and/or legal compliance of the Section 1 Plan. They will be published next month.

3. If the full answer to any of the questions below can be readily given by directing me to section(s) of the supporting evidence for the Section 1 Plan, I am happy for it to be answered in that way. Otherwise, I would like a succinct but complete answer to each question. Please let me have the answers via the Programme Officer by no later than **Friday 27 October 2017**.
4. If you wish to respond to, or have any queries on, any of my other observations such as those on the scope of the examination and on the Schedule of Minor Modifications, again please write to me via the Programme Officer, by the same date.
5. All references to the Section 1 Plan below are to the version that appears in the Colchester Local Plan Publication Draft (June 2017).

Scope of the Examination

6. The role of the Section 1 Plan, as I understand it, is to:
 - Set out how the North Essex Authorities will apply the presumption in favour of sustainable development (policy SP1)
 - Define the spatial strategy for North Essex (policy SP2)
 - Set the housing and employment land requirements for North Essex as a whole and for each of the three Local Planning Authority [LPA] areas in North Essex (policies SP3 & SP4)
 - Identify strategic infrastructure priorities and place-shaping principles for North Essex as a whole (policies SP5 & SP6)
 - Allocate strategic areas for the development of three new garden communities, and set out policy requirements for the development and delivery of those communities, to be elaborated in future Strategic Growth Development Plan Documents (policies SP7, SP8, SP9 & SP10)
7. The examination of the Section 1 Plan should enable me to reach conclusions on the soundness of those policies. However, it appears to me that I will not be able to reach conclusions on whether or not the housing and employment land requirements for each LPA are likely to be met over the plan period. That is because most of the site allocations to meet those requirements are made in the three LPAs' Section 2 Plans, which will be examined separately after the Section 1 Plan.
8. Nor will I be able to conclude on the five-year housing land supply position for the three LPAs, as the Section 1 examination is concerned with only part of the overall housing land supply (the part that is proposed to be provided by the garden communities).

Style and content of policies

9. I appreciate that some of the Section 1 Plan policies are intended to provide strategic direction for the Section 2 Plans, and that those policies dealing with the proposed garden communities are intended to be fleshed out by subsequent Strategic Growth DPDs, masterplans and guidance. Nonetheless, it is important that the Section 1 Plan policies are clear and specific. As part of the examination I will be seeking to ensure that the policies set out their requirements unambiguously, avoiding unnecessary length.

Schedule of Minor Modifications (October 2017)

10. I assume the submitted Schedule of Minor Modifications (Document SD/002) is intended to set out the Authorities' views on changes that may be needed to the Section 1 Plan, including in the light of the consultation representations.
11. Please note, however, that the term Minor Modifications does not appear in the legislation. Modifications can be either Main Modifications, which materially affect the policies in the submitted Plan and are necessary for soundness, or Additional Modifications, which do not materially affect the submitted policies¹. It appears to me that some of the suggested changes in the Schedule of Minor Modifications may in fact constitute potential Main Modifications.
12. While it is likely to be helpful to discuss the suggested changes in the hearing sessions, it must be borne in mind that they are not part of the submitted Section 1 Plan. Main Modifications may only be made to the submitted Section 1 Plan if I recommend them following further consultation.

Evolution of the Garden Communities proposals

13. I would like to be sure that the on-line examination evidence base contains all the documents that are relevant to understanding how the Garden Communities proposals have evolved from the beginning. Could I ask the Authorities please to provide me with a chronological list of all the relevant studies, reports and plans etc, including both those that are already part of the on-line evidence base and any that are not? The list should include such documents as earlier published versions of the Section 1 Plan and Sustainability Appraisal, and documents relating to the management and delivery of the Garden Communities as well as to their physical planning. All the listed documents should be made available in the on-line evidence base.

Government consultation on housing assessment method

¹ *Planning and Compulsory Purchase Act 2004* (as amended), s.20(7C) & s.23.

14. The Government's consultation document *Planning for the right homes in the right places*, published on 14 September 2017, sets out a proposed approach to calculating local housing need, on which the Government is seeking further views. It also sets out proposed transitional arrangements for applying that approach. For plans at the examination stage, the proposed transitional arrangement is to progress with the examination using the current approach to calculating housing need. In that context, do the Authorities consider that the consultation document has any implications for the current examination?

Table of clarification points

15. Attached is a table setting out some points I identified during my preliminary assessment of the Section 1 Plan, on which it would be helpful to have clarification. Please provide an answer to each of the questions listed, via the Programme Officer, by Friday 27 October.

Yours sincerely

Roger Clews

Inspector

CLARIFICATION POINTS ARISING FROM THE INSPECTOR'S INITIAL ASSESSMENT OF THE NORTH ESSEX AUTHORITIES' SECTION 1 PLAN

References to page, policy & paragraph numbers are to those that appear in Section 1 as published in the Colchester Local Plan Publication Draft (June 2017)

Page	Policy/ Para etc	Query
1-2	Paras headed "South East Local Enterprise Partnership"	Are the references to "LEP" and "SELEP" in this paragraph all referring to the same body, ie the South East Local Enterprise Partnership?
15-16	Box headed "Vision for North Essex"	Are the third, fourth and fifth paragraphs exclusively about the three garden communities?
18	SP1	The last paragraph of the policy, with its two bullet points, effectively replicates the fourth bullet point of NPPF paragraph 14, except for the words "or the Plan that" which appear in policy SP1 but not in the NPPF. What is the reason for including those words?
19	3.3	In the last sentence, should the reference to "A new strategic scale garden community" in fact be to two such communities, one to the west of Braintree near the Uttlesford DC boundary, and the other to the east of Braintree on the boundary with Colchester BC?
22	SP3	The heading to the third column of the table in this policy reads "Total minimum housing supply in the plan period (2013-2033)". Two questions follow from this: <ul style="list-style-type: none"> • Would it be better to say "requirement" instead of "supply"? as this policy is setting out the requirement which each LPA will need to provide a supply of land to meet. • Why is the plan period stated here as 2013-2033 but on the front cover of the Colchester Local Plan Publication Draft as 2017-2033?
25	SP4	<ul style="list-style-type: none"> • Why are the employment land requirements (in the second table) given for 2016-2033, whereas the housing land requirements in policy SP3 are for 2013-2033? • What are the reasons for setting out the employment land requirement for each LPA as a range, rather than a single figure as is done for the housing requirement?
26	6.1	I don't think the Infrastructure Delivery Plan is part of the on-line examination evidence base for the Section 1 Plan. Could it be added to the evidence base please?
31-33	SP5	What process was followed in order to determine that the infrastructure requirements in this list are "strategic

		priorities”?
42	SP7	What is the timescale for the production and adoption of the proposed Development Plan Documents for each of the three Garden Communities?
44, 48, 52	SP8, SP9, SP10	<p>Paragraph 7 in policies SP8 and SP9 refers to “development of a public rapid transit system”. The corresponding paragraph in policy SP10, however, refers to “development of an effective public transport system”.</p> <ul style="list-style-type: none"> • What is meant by “public rapid transit system” in policies SP8 and SP9? • Is a different form of public transport envisaged for the West of Braintree garden community than for the other two garden communities?
56	Table 1	How do the entries in columns 2, 3 and 4 relate to each of the policies listed in column 1?