

Public Document Pack

TENDRING DISTRICT COUNCIL

Committee Services
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

15 January 2021

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 26 January 2021 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in accordance with the relevant provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

This means that Councillors can attend the meeting by joining it remotely.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', followed by a horizontal line extending to the right.

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on 26 January 2021

Prayers

1 Apologies for Absence

The Council is asked to note any apologies for absence received from Members.

2 Minutes of the Last Meeting of the Council (Pages 1 - 14)

The Council is asked to approve, as a correct record, the minutes of the Council Meeting held on 24 November 2020.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Announcements by the Chairman of the Council

The Council is asked to note any announcements made by the Chairman of the Council.

5 Announcements by the Chief Executive

The Council is asked to note any announcements made by the Chief Executive.

6 Statements by the Leader of the Council

The Council is asked to note any statements made by the Leader of the Council.

Councillors may then ask questions of the Leader on his statements.

7 Statements by Members of the Cabinet

The Council is asked to note any statements made by Members of the Cabinet (Portfolio Holders).

Councillors may then ask questions of the Portfolio Holders on their statements.

8 Petitions to Council

The Council will consider any petition(s) received in accordance with the Scheme approved by the Council.

9 Questions Pursuant to Council Procedure Rule 10.1

Subject to the required notice being given, members of the public can ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to 21 minutes.

10 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions (Pages 15 - 16)

The Council will receive a report on any Cabinet or Portfolio Holder Decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 16.2, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

11 Minutes of Committees (Pages 17 - 58)

The Council will receive the minutes of the following Committees:

- (a) Resources and Services Overview & Scrutiny of Monday 16 November 2020;
- (b) Human Resources & Council Tax of Thursday 26 November 2020;
- (c) Audit of Monday 30 November 2020;
- (d) Resources & Services Overview & Scrutiny of Thursday 3 December 2020; and
- (e) Planning Policy & Local Plan of Monday 11 January 2021.

NOTE: The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record.

12 Motions to Council

In accordance with the provisions of Council Procedure Rule 12, the Council will consider any Motion(s) to Council submitted by Councillors.

13 Recommendations from the Cabinet

The Council is asked to consider any recommendations submitted to it by the Cabinet.

14 Reports Submitted to the Council by an Overview and Scrutiny Committee

The Council is asked to consider any reports submitted to it by an Overview and Scrutiny Committee.

15 Reference from the Planning Policy & Local Plan Committee - Formal Adoption of Section 1 of the Local Plan following the receipt of the Planning Inspector's Final Report (Pages 59 - 284)

The Council is asked to consider the recommendations submitted to it by the Planning Policy & Local Plan Committee in respect of the formal adoption of Section 1 of the Local Plan following the receipt of the Planning Inspector's Final Report.

NOTE: The Planning Policy & Local Plan Committee considered this matter at its meeting held on 11 January 2021. The relevant Committee Report and Minute and the Committee's recommendations to Council are contained within the Council Book.

16 Report of the Chief Executive - A.2 - Change in Leadership of a Political Group (Pages 285 - 286)

To inform Council of a change in the leadership of the Holland-on-Sea political group on the Council.

17 Report of the Chief Executive - A.3 - Membership of Committees (Pages 287 - 288)

To inform Council of changes in the membership of the Council's standing Committees.

18 Questions Pursuant to Council Procedure Rule 11.2

Subject to the required notice being given, Members of the Council can ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The time allocated for receiving and disposing of questions shall be a maximum of 30 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members the following working day unless withdrawn by the questioner.

19 Urgent Matters for Debate

The Council will consider any urgent matters submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p).

20 Exclusion of Press and Public

The Council is asked to consider passing the following resolution:

"That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 22 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2 and 4 of Part 1 of Schedule 12A, as amended, of the Act."

21 Exempt Minutes of Committees (Pages 289 - 292)

The Council will receive the exempt minute of the Human Resources and Council Tax Committee of Thursday 26 November 2020.

NOTE: The above exempt minute is presented to Council **for information only**. Members can ask questions on its contents to the Chairman of the Committee but questions as to the accuracy of the minute **must** be asked at the meeting of the Committee when the minute is approved as a correct record.

Date of the Next Scheduled Meeting of the Council

Budget & Council Tax Setting Meeting - Tuesday, 16 February 2021 at 7.30 p.m.

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**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 24TH NOVEMBER, 2020 AT 7.34 PM
MEETING HELD PURSUANT TO STATUTORY INSTRUMENT 2020/392.**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Bush, Calver, Casey, Cawthron, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, G V Guglielmi, V E Guglielmi, Harris, I J Henderson, J Henderson, P B Honeywood, S A Honeywood, King, McWilliams, Miles (except items 33 - 43), Morrison, Newton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Damian Williams (Corporate Director (Operations and Delivery)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Elizabeth Ridout (Leadership Support Manager), Keith Durran (Democratic Services Officer) and Debbie Bunce (Legal and Governance Administration Officer)

33. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Knowles.

34. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Late Councillor Joy Broderick

The Chief Executive (Ian Davidson) made the following announcement:-

“Mr Chairman, it is my sad duty to formally report to Council the death of Councillor Joy Broderick.

The formal declaration and notice of the vacancy in the office of District Councillor for the Eastcliff Ward will be published in due course.

In accordance with the provisions of the Coronavirus Act 2020 and The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, the vacancy will be held open until the law provides for it to be filled at a by-election; which at the time of this report would be on Thursday 6th May 2021. This is the date for the scheduled elections to Essex County Council and the rescheduled date for the election of the Police, Fire and Crime Commissioner for Essex.”

The Chairman of the Council (Councillor Land) then led Members and Officers present in a silent tribute to the life of Joy Broderick.

Councillors Stock, Winfield, M E Stephenson and King each paid their own personal tributes to the work of Joy Broderick as a member of the Council and of their memories of her as a friend and colleague.

35. MINUTES OF THE LAST MEETING OF THE COUNCIL

It was moved by Councillor Stock OBE, seconded by Councillor Bray and:-

RESOLVED that the Minutes of the ordinary meeting of the Council held on 15 September 2020 be approved as a correct record and be signed by the Chairman.

36. DECLARATIONS OF INTEREST

There were none on this occasion.

37. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

“Heroes at the Heart of Tendring”

The Chairman urged all Members to fully participate in this initiative to appreciate and nominate community “heroes” within Tendring. This initiative was a replacement for the annual Pride of Tendring awards which had been cancelled due to the impact of the coronavirus pandemic.

CVS Tendring

The Chairman thanked all those who had contributed to the significant funds raised by his sponsored skydive of behalf of CVS Tendring.

Christmas Meals for the Elderly and Infirm

The Chairman informed Members that, due to the Covid-19 restrictions, the Rotary Club of Clacton-on-Sea would not be able to lay on their annual traditional Christmas dinner for the elderly and infirm in Clacton-on-Sea. However, he was pleased to announce that a number of the charitable organisations in Clacton-on-Sea had made a combined effort to ensure that Christmas meals would be delivered to those in need in at least some parts of Clacton-on-Sea such as Bockings Elm.

Christmas Lights in Clacton-on-Sea

The Chairman reported that, due again to the Covid-19 restrictions, the Clacton Town Centre Partnership had been unable to carry out any fund raising activities and that therefore the usual Christmas decorations in Clacton Town Centre would be absent this year. However, he was able to announce that, thanks to the efforts of Council Officers, a total of around 58 trees in Clacton Town Centre would be decorated with Christmas lights.

Seasonal Salutations

As this was the last scheduled meeting of the Council to be held in 2020, the Chairman took the opportunity to thank Members and Officers for all of their help and assistance

over the course of the year and he wished everyone a Merry Christmas and a Happy New Year.

38. STATEMENTS BY THE LEADER OF THE COUNCIL

Post Covid-19 Second Lockdown

The Leader of the Council informed members that Essex Council Leaders were 'lobbying' the Government to try to ensure that, when the present Covid-19 national lockdown ended on 2 December 2020, that Essex would then be placed in Tier 1 (the lowest ranked tier) of the new national restrictions.

Covid-19 Business Funding Support Scheme

The Leader reminded Council that local businesses in Tendring impacted by the current national lockdown arrangements needed to apply now to receive their share of funding support.

This financial help from central Government aimed to support local firms through the period of national measures, and the period in which Essex was in Tier 2 of local restrictions, and was paid in the form of grants distributed via Tendring District Council.

The application form was available at www.tendringdc.gov.uk/coronavirus - but he warned that businesses only had until Sunday 29 November 2020 to apply.

SELEP Funding – Jaywick Sands

The Leader of the Council was pleased to report that the South East Local Enterprise Partnership (SELEP) had agreed investment from the Getting Building Fund (GBF) for two schemes in Jaywick Sands.

One project was to build a covered market on the former 'Sunspot' site at the entrance to the Brooklands area, along with 13 affordable business units, a community garden and hard landscaped area which could accommodate an outdoor market in addition to the ten pitches inside.

That initiative had received £1.972m from the GBF, and would be topped up by £105k from Tendring District Council and £50k from Essex County Council, which together would cover the building works and finding a partner to run the workspaces – including providing business support services.

The second scheme was a cycling project to improve links between Jaywick Sands and Clacton, and launch a community bike scheme to loan bicycles to residents – helping them travel to work or college in a healthy, 'green' and inexpensive way.

That project had received £2.3m from the GBF, and would be supported with £100,000 from the Sport England Local Delivery Pilot.

39. STATEMENTS BY MEMBERS OF THE CABINET

Level 2 Ambulance Response Times in the District

The Partnerships Portfolio Holder (Councillor McWilliams) made reference to the resolution that the Council had passed at its last meeting (Minute 22 – 15.9.20 referred) when it had decided that:-

- “(a) this Council instructs the Chief Executive to write to the East of England Ambulance Service NHS Trust to request confirmation that the Trust has taken notice of the very poor record on level 2 ambulance response times to the Harwich Peninsula during November 2019, December 2019 and January 2020 during which the required 18 minute response time was only achieved for 15% of the emergency calls and furthermore that it has taken the necessary measures to ensure that the required level of service is provided during the coming winter period; and*
- (b) this Council further instructs the Chief Executive to request that the NHS Trust, in respect of the period 1 September 2019 to 31 August 2020, provides the figures for level 2 Ambulance responses across the whole of the District of Tendring, broken down into Rural and Urban areas and that it again confirms that the necessary measures are in place to achieve the required response time during the coming Winter period.”*

Councillor McWilliams informed Members that this Council still had not yet received a response despite the intervention of the District’s two Members of Parliament. However, she assured Members that this matter would continue to be pursued.

Councillor McWilliams and Councillor Stock OBE then responded to the matters raised in a question asked by Councillor Morrison.

40. PETITIONS TO COUNCIL

No Petitions had been submitted in accordance with the Scheme approved by the Council on this occasion.

41. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No Questions pursuant to Council Procedure Rule 10.1 from members of the public had been submitted in accordance with the rules approved by the Council on this occasion.

42. REPORT OF THE LEADER OF THE COUNCIL - A.1 - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, Council received a report from the Leader of the Council which notified Members of any recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules.

(1) Changes to the Council’s Discretionary Business Grants Policy

It was reported that, on 24 September 2020, the Housing Portfolio Holder (Councillor P B Honeywood) acting in accordance with a power delegated to him and in view of the urgency of the issue concerned, in accordance with Rule 15 of the Access to Information Procedures Rules and also Rule 18(i) of the Overview and Scrutiny

Procedure Rules, had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor M E Stephenson) consent that his decision relating to a change to the Council's Discretionary Business Grants Policy be both taken using the 'Special Urgency' procedure and be exempt from the Council's call-in procedure.

The Housing Portfolio Holder's decision, in consultation with the Chief Executive, was as follows:

"To introduce a new grant level of £5,739 to replace the existing £5,000 grant level within the Council's Discretionary Business Grants Policy."

It was felt that any delay likely to be caused by the usual key decision and call-in processes would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"It was felt to be vital that the Council was able to pay money out to local businesses as quickly as possible in order to meet the Government's expectation of making all payments under the Discretionary Business Grants scheme by the end of September 2020."

Council noted the foregoing.

43. 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 Thursday 3 September 2020;
- (b) Resources and Services Overview & Scrutiny of Monday 21 September 2020;
- (c) Community Leadership Overview & Scrutiny of Monday 28 September 2020;
- (d) Planning Policy & Local Plan of Wednesday 30 September 2020;
- (e) Audit of Thursday 1 October 2020;
- (f) Planning Policy & Local Plan of Wednesday 14 October 2020; and
- (g) Human Resources & Council Tax of Wednesday 21 October 2020.

44. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - "DEVELOPMENT SITES FOR COUNCIL HOUSING"

Council had before it the following motion, notice of which had been given by Councillor Gina Placey pursuant to Council Procedure Rule 12:-

- "(a) That this Council acknowledges that its recently adopted Housing Strategy now gives a different context to the Portfolio Holder decisions in January 2019 to dispose of three pieces of Council owned land at Crome Road, Clacton-on-Sea; Dover Road, Brightlingsea; and Hilton Close, Manningtree and to seek planning*

permission for housing developments on those sites in order to maximise the income from such disposals; and

- (b) *That this Council now considers those sites to be suitable for building council houses especially as two of them already have planning permission.”*

Councillor Placey formally moved the motion, and Councillor Allen formally seconded the motion.

Councillor Placey then gave her reasons why she felt that it would be appropriate for the motion to be dealt with at the meeting, namely that time was of the essence and that it would help the Council achieve the aims of its Housing Strategy.

The Leader of the Council (Councillor Stock OBE), whilst not objecting to the principle of the Motion, nevertheless requested that the Motion be referred to the Cabinet on the grounds that it related to an executive function and the Cabinet needed to be satisfied that there were not any planning, legal, contractual, technical or other matters that would hinder the intent of this Motion being carried out.

The Chairman (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 referred to the Cabinet on the grounds that it clearly related to Executive functions which were the responsibility of the Cabinet and it was important that Cabinet had an opportunity to comment on the motion prior to any debate on the motion at Full Council.

Councillor Placey's motion thereupon stood referred to the Cabinet for its consideration in accordance with the provisions of Council Procedure Rules 12.5 and 12.6.

45. RECOMMENDATIONS FROM THE CABINET - APPROVAL OF CLIMATE CHANGE ACTION PLAN

During the consideration of this item Councillor I J Henderson declared for the public record that he was a member of Essex County Council's Climate Change Commission.

Council recalled that, at its meeting held on 9 August 2019, it had declared a climate emergency with a commitment to the Council's operations becoming carbon neutral by 2030 and community leadership activities pursued in order to influence and encourage others across Tendring to strive towards carbon neutrality for the District as a whole.

That declaration had committed the Council to a number of actions including the setting up of a Members' working group, the calculation of the Council's carbon emissions and the development of a climate change action plan.

It was reported that all of those actions had now been undertaken and an action plan, covering three years to the end of 2023, had been submitted to the Cabinet for its consideration at its meeting held on 13 November 2020.

At that meeting Cabinet had decided to recommend to Council that the Climate Change Action Plan 2020-2023 be adopted and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form part of the policy framework of the Council shall now include the Climate Change Action Plan.

Having duly considered the Cabinet's recommendation on this matter as well as the contents of the proposed Action Plan:-

It was moved by Councillor Stock OBE that the Climate Change Action Plan 2020-2023 be adopted and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form part of the policy framework of the Council will now include the Climate Change Action Plan.

Councillors I J Henderson, J Henderson, Bush, Allen, Scott and Coley addressed the Council during the debate on Councillor Stock's motion.

In response to a suggestion put forward by Councillor I J Henderson and pursuant to the provisions of Council Procedure Rule 16.6, Councillor Stock OBE agreed to alter his motion to incorporate a review after six months of the progress of the Action Plan's implementation.

On the motion being put to the vote it was therefore:-

RESOLVED that -

- (a) the Climate Change Action Plan 2020-2023 be adopted and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form part of the policy framework of the Council will now include the Climate Change Action Plan; and
- (b) in six months' time a review be carried out of the progress (or lack of progress) made in carrying out the Action Plan.

46. RECOMMENDATIONS FROM THE CABINET - THE LOCAL COUNCIL TAX SUPPORT SCHEME 2021/2022 - COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2021/2022 AND THE ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2021/2022

Council was aware that the Cabinet, at its meeting held on 13 November 2020 had considered, inter alia, a joint report of the Housing Portfolio Holder and Corporate Finance & Governance Portfolio Holder which had sought its agreement for recommending to Full Council the following:

- Local Council Tax Support Scheme 2021/22 (LCTS) (including associated exceptional hardship policy);
- Discretionary Council Tax Exemptions and Discounts 2021/22; and
- Annual MRP Policy Statement for 2021/22.

Having had regard to the proposals contained in that joint report Cabinet had decided to recommend to Council that –

- (i) the Local Council Tax Support Scheme 2021/22 (LCTS), as set out as Appendix A to the Joint Report, be approved with the maximum LCTS award being 80% for working age claimants;

-
- (ii) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2021;
 - (iii) the locally determined council tax discounts, as set out in Appendix C to the Joint Report, be approved;
 - (iv) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions and discounts from 1 April 2021;
 - (v) it is agreed, in principle, to levy the maximum allowable council tax premiums from 1 April 2022 and that Officers be requested to write to the relevant property owners advising them of the Council's intentions; and
 - (vi) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2021/22, as set out in Appendix D to the Joint Report, be approved.

Having duly considered the recommendations submitted by the Cabinet together with the contents of the joint report and its appendices:-

It was moved by Councillor P B Honeywood and:-

RESOLVED that –

- (i) the Local Council Tax Support Scheme 2021/22 (LCTS), as set out as Appendix A to the Joint Report, be approved with the maximum LCTS award being 80% for working age claimants;
- (ii) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2021;
- (iii) the locally determined council tax discounts, as set out in Appendix C to the Joint Report, be approved;
- (iv) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions and discounts from 1 April 2021;
- (v) it is agreed, in principle, to levy the maximum allowable council tax premiums from 1 April 2022 and that Officers be requested to write to the relevant property owners advising them of the Council's intentions; and
- (vi) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2021/22, as set out in Appendix D to the Joint Report, be approved.

47. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE - A.2 - MITIGATION MEASURES FOR IMPACT OF PUBLIC FIREWORK DISPLAYS ON ANIMALS AND VULNERABLE PEOPLE

Council recalled that, at its meeting held on 21 January 2020 (Minute 76 referred), it had considered the following motion which had been submitted by Councillor S A Honeywood pursuant to the provisions of Council Procedure Rule 12:-

“Fireworks are used by many people throughout the year to mark different events. While they can bring much enjoyment to some people, they can also cause significant problems and fear for other people and animals.

This Council therefore resolves:

- *to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;*
- *to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people — including the precautions that can be taken to mitigate risks; and*
- *to encourage local suppliers of fireworks to stock “quieter” fireworks for public display.”*

Council had resolved that consideration of Councillor Honeywood’s motion be deferred and that the motion be referred to the Community Leadership Overview and Scrutiny Committee for it to be fully investigated in all of its aspects.

Councillor Honeywood’s motion had been duly submitted to the Community Leadership and Partnerships Committee at its meeting held on 28 September 2020.

At that meeting the Committee heard that with the onset of the latter half of the year a number of events were traditionally marked with firework displays and from mid-October until the end of the year firework sales took place from supermarkets, some convenience stores and a growing number of temporary specialist shops. Furthermore, this year organisers of firework events would have had regard to the precautions necessary to reduce the risk of transmission of COVID-19 at gatherings in outdoor areas. It was reported that Fireworks could only be sold at certain times of the year, namely:

- from 15 October to 10 November;
- from 26 December to 31 December;
- the first day of Chinese New Year and the 3 days before it; and
- the first day of Diwali and the 3 days before it.

Members were informed that a licence from ECC, issued under the Explosives Regulations 2014, was required in order to store up to 2 tonnes of explosives. The sale of fireworks outside of the dates above required an all year round sellers’ licence in addition to the storage licence.

Fireworks and bonfire displays for various celebrations had in some instances been the cause of injuries to those attending. Furthermore, disturbance could be caused to local residents’ families and pets and animal based businesses such as riding schools, kennels and catteries. A District wide promotional campaign and advance publicity of organised displays might help to reduce such injuries and disturbance. It was thus timely to consider the benefits of a campaign to remind the public and organisers of local

events about the precautions that should be taken to reduce risk of injury and disturbance to the local area.

It was thus timely to consider the benefits of a campaign to remind the public and organisers of local events about the precautions that should be taken to reduce risk of injury and disturbance to the local area. In order to organise a display for a charitable or business purpose the person in charge should be able to competently carry out a risk assessment in order to fully consider the hazards to the safety of people attending or working on the site and the control measures that would be necessary to reduce the risks of injury as far as was reasonably practicable.

The Committee was made aware that:

- Officers from the Council's environmental health department were authorised to take formal action regarding breaches of the Health and Safety at Work, etc. Act 1974 regarding risks to health and safety and the Environmental Protection Act 1990 in relation to statutory nuisance from noise disturbance. As firework displays were often one off events it was extremely difficult to take action in respect of noise disturbance.
- The sale of fireworks, including any product safety issue, was regulated by the Trading Standards team at Essex County Council. Any campaign led by TDC could be run in partnership therefore with Trading Standards.
- Where the display included the sale of alcohol or any other licensable activity or was located on licensed premises the person in control of the activity must have had regard to the four licensing objectives of the Licensing Act 2003 namely –
 1. Prevention of crime and disorder.
 2. Public safety.
 3. Prevention of public nuisance.
 4. Protection of children from harm.
- For single events where up to 500 people were involved (spectators and staff included) a Temporary Event Notice would be required but if greater numbers of people were involved the event could be referred to the Tending Safety Advisory Group which was made up of representatives from HSE, Essex County Council, Essex Fire & Rescue Service and Essex Police.
- Advance notice of public firework displays would allow more time for local residents to take their own measures to minimise disturbance to young children and pets and for businesses to put measures in place to reduce stress to animals kept on their premises. The Council did not have any statutory powers to require the advance advertising of public displays but could, via various media channels, encourage the advertising of events.

The Council had a presence on social media sites for disseminating advice and information which had been found to be effective in reaching significant numbers of people in the District and could be used to promote safety measures and mitigation in order to reduce noise disturbance through earlier finishing times and lower noise emitting fireworks and displays.

The Community Leadership Overview & Scrutiny Committee had resolved that Council be informed that –

- a) *the Committee supports Councillor S. Honeywood’s motion to Council in relation to mitigation measures for the impact of firework displays;*
- b) *the Council should promote responsible approaches to firework displays in relation to the safety of those attending and in order to help to reduce disturbance to local communities including advance public notice of public firework displays;*
- c) *the Council includes an online questionnaire on its website to monitor complaints in relation to fireworks; and*
- d) *the Committee adds this matter to its work programme and returns to it in January 2021 in order to look at the data collected.*

It was moved by Councillor Chittock that Council –

- (a) notes that the Community Leadership Overview and Scrutiny Committee supports Councillor S A Honeywood’s motion to Council in relation to mitigation measures for the impact of firework displays and further notes its suggestions that the Council should promote responsible approaches to firework displays in relation to the safety of those attending and in order to help to reduce disturbance to local communities including advance public notice of public firework displays and the production of an on-line questionnaire;
- (b) notes that the promotional campaign and on-line questionnaire suggested by the Community Leadership Overview and Scrutiny Committee would fall to the responsibility of Cabinet and Environmental Health Services; and
- (c) receives the Committee’s resolution as an amended motion to be debated first in accordance with Council Procedure Rules 16.5 and 16.10(b).

Councillors Clifton, Scott, Cawthron, Harris and M E Stephenson addressed the Council during the debate on Councillor Chittock’s motion.

In response to the Chairman of the Council’s query and pursuant to the provisions of Council Procedure Rule 16.6(a), Councillor S A Honeywood indicated that she was content to alter her motion to reflect the content of Councillor Chittock’s motion.

Councillor S A Honeywood’s original motion, as now amended, thereupon became the substantive motion.

Councillor Morrison then addressed the Council on this matter.

The Chairman of the Council then asked Members to indicate whether they supported the substantive motion by remaining silent or whether they were not in favour of supporting the substantive motion by so indicating orally. The Chairman then formally noted that Councillor Cawthron had indicated that he was not in favour of the substantive motion and that Councillor Bush wished to abstain on the matter.

It was then, at this point, moved by Councillor Harris and seconded by Councillor Scott that the substantive motion should be further amended by the inclusion of a provision that, in respect of all fireworks events that are referred to the Tendring Safety Advisory Group, the relevant parish council and local Ward Members be included as part of the consultation process.

Councillors Clifton, P B Honeywood and Calver addressed the Council during the debate on Councillor Harris' amendment.

It was then moved by Councillor Calver and seconded by Councillor Stock OBE that –

- (a) Councillor S A Honeywood's original motion, as now amended at this meeting, be approved; and
- (b) the Community Leadership Overview & Scrutiny Committee be requested to undertake a further examination of the issues surrounding the impact of firework displays on animals and vulnerable people and how that impact could be mitigated and paying particular regard to the matters raised by Members at this meeting with a view to reporting the outcome of that further examination to a future meeting of the Council.

In response to a suggestion put forward by the Chairman of the Council and in the light of Councillor Calver's proposed further amendment and pursuant to the provisions of Council Procedure Rule 16.5(e), Councillor Harris indicated that he was content to withdraw his amendment.

In response to the Chairman of the Council's query, Councillor S A Honeywood, as the mover of the original motion, indicated that she was content both with the withdrawal of Councillor Harris' amendment and Councillor Calver's proposal.

Councillor Calver's amendment on being put to the vote as the substantive motion was declared **CARRIED**.

48. REPORT OF THE CHIEF EXECUTIVE - A.3 - FORMER COUNCILLOR OVERTON - DISQUALIFICATION FROM OFFICE OF COUNCILLOR

The Chief Executive formally advised Council that Nicola Overton had ceased to be a Member of the Council with effect from 7 October 2020.

Council was aware that by virtue of Section 85(1) of the Local Government Act 1972, if a Member of a Council failed throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they would, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the Council. This was therefore an automatic position in the circumstances set out in Section 85(1) of the 1972 Act.

It was reported that for Nicola Overton, the period of six consecutive months referred to in Section 85(1) of the 1972 Act had therefore concluded at the end of 6 October 2020. Nicola had not attended a meeting in that six month period to 6 October 2020 and Council had not approved her absence before the expiry of that period. Consequently, on 7 October she had automatically ceased to be a Member of the Council.

Council was informed that the relevant declaration of vacancy in the office of District Councillor for West Clacton and Jaywick Sands Ward had been made and that the formal Notice of the vacancy had been posted at the Town Hall and on the Council's website.

Members were reminded that, in accordance with the provisions of the Coronavirus Act 2020 and The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, the vacancy would be held open until the law provided for it to be filled at a by-election; which at the time of the Council meeting would be on Thursday 6th May 2021. This was the date for the scheduled elections to Essex County Council and the rescheduled date for the election of the Police, Fire and Crime Commissioner for Essex.

Council noted the foregoing.

49. REPORT OF THE CHIEF EXECUTIVE - A.4 - CHANGE IN MEMBERSHIP AND LEADERSHIP OF POLITICAL GROUPS

The Chief Executive formally advised Council that, on 25 September 2020 and pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Mary Newton had served formal notice on the Council that she no longer wished to be treated as a member of the UKIP political group.

He further advised Council that Councillor Newton, on 9 October 2020 and pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that she wished to be treated as a member of the Conservative political group. That notice had been duly counter-signed by the Leader of the Conservative Group (Councillor Neil Stock OBE).

Councillor Stock had informed Officers at that time that he did wish to exercise his right under Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 to have a review of the allocation of seats to political groups carried out at that time. The results of that review were reported under item A.5 of the Chief Executive's report to Council.

The Chief Executive also advised Council that, on 25 September 2020, Councillors Peter Cawthron and Jim Codling (being at that time a majority of the UKIP Group) had served notice on the Council that, pursuant to Regulation 8(5) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Cawthron was henceforth to be treated as the Group Leader of the UKIP political group and further that Councillor Codling was henceforth to be treated as the Deputy Group Leader of the UKIP political group.

Council noted the foregoing.

50. REPORT OF THE CHIEF EXECUTIVE - A.5 - MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that, in accordance with the wishes of the Leaders of the Conservative, Independent, Labour and UKIP Groups and the authority delegated to him, the following appointments had been duly made since the last ordinary meeting of the Council -

Community Leadership Overview & Scrutiny Committee

Councillor Steady had been appointed to serve in place of former Councillor Overton.

Planning Committee

Councillor V E Guglielmi had been appointed to serve in place of Councillor Codling.

Planning Policy & Local Plan Committee

Councillor Codling had been appointed to serve in place of Councillor G V Guglielmi.

Standards Committee

Councillor Fowler had been appointed to serve in place of former Councillor Overton.

Council noted the foregoing.

51. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

No Member Questions pursuant to the provisions of Council Procedure Rule 11.2 had been submitted for this meeting by the deadline of Noon on Thursday 12 November 2020.

52. URGENT MATTERS FOR DEBATE

There were no urgent matters on this occasion.

53. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock OBE, seconded by Councillor Scott and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 22 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

54. EXEMPT MINUTES OF COMMITTEES

It was **RESOLVED** that the exempt minute of the Human Resources and Council Tax Committee of Wednesday 21 October 2020 be noted.

The Meeting was declared closed at 9.17 pm

Chairman

COUNCIL

26 JANUARY 2021

REPORT OF LEADER OF THE COUNCIL

A.1 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

EXECUTIVE SUMMARY

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

RECOMMENDATION

That the contents of the report be noted.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

The "Special Urgency" procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

DECISION(S) TAKEN AS A MATTER OF URGENCY

(1) Acceptance of the Transfer of Plot 4, 8 Brunswick Gardens, Mistley, Manningtree

On 26 November 2020, the Assistant Director (Governance) & Monitoring Officer (Lisa Hastings), on behalf of the Housing Portfolio Holder (Councillor P B Honeywood), and in view of the urgency of the issue concerned, in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor M E Stephenson) consent that the Housing Portfolio Holder's decision relating to the acceptance of the transfer of Plot 4, 8 Brunswick Gardens, Mistley, Manningtree be exempt from the Council's call-in procedure.

The Housing Portfolio Holder's decision was as follows:

"To approve the acceptance of the transfer of Plot 4, 8 Brunswick Gardens, Mistley, Manningtree CO11 1FN; and acquiring a shareholding in Harwich Road Management Limited (Company Registration Number 11627235)."

It was felt that any delay likely to be caused by the usual key decision and call-in processes would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"The decision is required urgently because, the Council had been put on notice that the delay to be caused by the call-in process would seriously prejudice the public interests. The developer is unable to dispose of another other bungalow on the development site, which was due to be purchased by an elderly couple, who have nowhere else to live and will need to be put up in temporary accommodation– given the COVID risks currently this is unacceptable and would be putting them at great risk.

The developer is restricted by the terms of the Section 106 Agreement in that they cannot dispose of properties until the gifted unit is transferred to the Council, completion was due for next Friday 4th December and they would like to complete on 27th November 2020."

BACKGROUND PAPERS

(1) Acceptance of the Transfer of Plot 4, 8 Brunswick Gardens, Mistley, Manningtree

Letter dated 26 November 2020 from the Assistant Director (Governance) & Monitoring Officer, on behalf of the Housing Portfolio Holder, to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Accompanying Report prepared by Officer in Governance & Legal Services.

Reply from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the decision to be exempt from call-in.

APPENDICES

None.

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 16TH NOVEMBER, 2020 AT 7.30 PM**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Bray, Codling, Griffiths, Harris and Morrison.
Also Present:	Councillors C Guglielmi and Amos
In Attendance:	Ian Davidson (Chief Executive), Paul Price (deputy Chief Executive & Corporate Director (Place and Economy)) Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections), Michael Carran (Assistant Director (Economic Growth and Leisure)) Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Assistant) and Karen Hardes (IT Training Officer)

90. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no absences or substitutions.

91. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Monday 21 September 2020 were approved as a correct record and were then signed by the Chairman.

92. DECLARATIONS OF INTEREST

Councillor Bray declared an interest for the public record in regards to Housing as he was a Council tenant.

Councillors Stephenson, Allen, Scott and Barry all declared an interest for the public record in regards to Business Grants as they were all involved in organisations that had received them.

93. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

94. REPORT OF THE DEPUTY LEADER, (PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE) - A.1 - UPDATE ON THE PROGRESS OF THE OFFICE TRANSFORMATION.

It was reported to the Committee that in December 2016 Cabinet had approved a proposal to make major changes to the Council's office services and accommodation. In September 2017 the Chief Executive (Ian Davidson) had subsequently signed off a detailed business case for a package of measures aimed at four main areas of modernisation:

1. Customer Services
2. Information Technology

3. Working methods and staff wellbeing
4. Office buildings.

The report focussed on the progress of works to office buildings. Complimentary reports would be made in relation to IT, customer service and human resources initiatives within the programme.

Progress on office facilities is as follows:

Clay Hall	Freehold disposal	Fully complete
Westleigh House	Demolition and creation of car park	Fully Complete
Barnes House	Additional floor and link	Fully Complete
Pier Avenue Offices	Refurbishment	Fully Complete
Northbourne Rd Depot	Additional part floor	Fully Complete
Town Hall	Refurbishment/remodelling	Around 50% Complete
Alexandra Gardens	Repair storage building	Not commenced
Mill Lane Depot	Convert former business units	Not commenced
Weeley site	Freehold disposal	Negotiations ongoing

The Committee was then asked to consider passing the following resolution:

“That under Section 100A(4) of the Local Government 1972, the press and public be excluded from the meeting during consideration of an element of agenda item number 5 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act”.

The Chairman read out the following statement for the benefit of the press and public:

“It is unusual to discuss items to an Overview and Scrutiny Committee without the press and public being able to sit in and observe. However, there are rare occasions when we deal with a restricted number of items, when it is necessary to exclude the press and public. Councillors will be looking at those items here. For instance, what the council be expected to receive in payment for a plot of land it owns. We want the council to get the best price and we do not want to jeopardise this by discussing the price in public so that the best offers that are potentially provided aren’t raised up or down.

Once we have discussed these points we will readmit the press and public for the remainder of the meeting. For this meeting, this means the live stream will be temporarily paused until we reconvene in public.

Thank you for your understanding”.

It was then moved by Councillor Bray, seconded by Councillor Scott and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of part of Agenda Item 5 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

Following the discussions in private referred to above the press and public were re-admitted to the meeting.

Following further discussions of the report it was **RESOLVED** that the contents of the report be noted.

95. REPORT OF THE DEPUTY LEADER, (PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE) - A.2 - TRANSFORMATION AGENDA OF THE COUNCIL - STAFFING

The Chairman informed the Committee that he had deferred consideration of this item until a special meeting of the Resource and Services Overview and Scrutiny Committee to be held on the 3rd December 2020.

96. REPORT OF CHAIRMAN (RESOURCE AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE) - A.3 - REVIEW OF RESERVES AND PROVISIONS

The Chairman gave an oral update in relation to the Review of Reserves and Provisions.

The Committee heard the Chairman had held a meeting with Councillor C Guglielmi (Portfolio Holder for Corporate Finance and Governance) to discuss the Council's reserves, provisions and one off carry forwards, though at the time of that meeting the list was still pending. The Chairman also told the Committee that the Council's External Auditors had asked questions about the value of money for holding in reserves and provisions, as well as one off carry forwards, with defined delivery utilisation of those sums.

The Chairman informed the Committee that there would be another meeting with the Portfolio Holder, to be scheduled before the Budget meeting in January, where this list would be discussed, and that this list would be forwarded to the Committee on the 17th of November 2020.

It was **RESOLVED** that the Committee noted the contents of the update.

97. REPORT OF THE DEPUTY LEADER, (PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE) - A.4 - FINANCIAL PERFORMANCE REPORT - IN YEAR PERFORMANCE AGAINST THE BUDGET AT END OF THE SECOND QUARTER 2020/21 AND LONG TERM FINANCIAL FORECAST UPDATE.

The Committee considered a report, given to Cabinet on the 13th of November 2020 (minute 87 referred), in relation to an overview of the Council's financial position against the budget as at the end of September 2020 and to present an updated long term forecast.

The report was split over two distinct sections as follows:

- 1) *The Council's in-year financial position against the budget at the end of September 2020*

2) An updated long term financial forecast

In respect of the in-year financial position at the end of September 2020:

- That report was the first detailed financial performance report for 2020/21 but built on the report presented to Cabinet in May, which provided a timely assessment of the impact of COVID 19 on the Council's financial position.
- Although that report continued to be in the same format as previous regular finance reports, the issues raised in the report back in May were either revisited specifically or formed part of the overall review at the end of the second quarter.
- The position to the end of September 2020, was set out in more detail within the appendices, and showed that overall the General Fund Revenue Account was underspent against the profiled budget by **£6.858m (£4.137m** of which related to the timing of expenditure from COVID funding received from the Government). It was acknowledged that other expenditure or income trends may still have emerged with the position also largely having reflected the timing of other general expenditure and/or income budgets. However any significant issues that arose had been highlighted and comments provided as necessary.
- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out later on in the report, there were no major issues that had been identified to date.
- Any emerging issues would be monitored and updates provided in future reports which would include their consideration was part of updating the long term financial forecast.
- Some necessary changes to the 2020/21 budget had been identified which were set out in **Appendix H**, with an associated recommendation also included within the report. The same appendix also set out the necessary changes to the budget that reflected the impact of COVID 19, the costs of which had to date been met by the general financial support provided by the Government.
- The net impact of the budget adjustments would be moved to or from the Forecast Risk Fund. At the end of the second quarter, it had been possible to make a small contribution to the fund of **£41k**, which supported the requirement set out in the long term forecast of identifying in-year savings of **£500k** each year.
- A half year treasury management review had been carried out with a summary set out later in the report along with an associated recommendation to temporarily increase the aggregate limit of funds that could be placed overnight with the Council's bankers for the period that the offices would be closed over the Christmas break.
- It was proposed to continue to be a member of the Essex Business Rates Pool if it remained advantageous to do so and if the opportunity was still made available by the Government in 2021/22.

- The recommendations in the Portfolio Holder's report to Cabinet also responded to the phased reintroduction of membership fees and charges across the various leisure facilities that coincided with the phased reopening up of facilities over the remainder of the year.

In respect of the updated long term financial forecast:

- The forecast had been reviewed and updated at the end of September 2020 and reflected an early assessment of the impact of COVID 19. The updated forecast was set out in **Appendix I**.
- The savings target for 2021/22 had been removed from the forecast with work resuming on that line of the budget as part of the medium / longer term recovery in response to COVID 19.
- Work remained on-going in consultation with the various Services across the Council to identify unavoidable cost pressures, which would be assessed for inclusion or otherwise in the detailed budget report that would be presented to Cabinet in December.
- Overall the revised forecast could still provide an effective method of managing financial risk but the annual deficit or surplus position for each year of the forecast had been amended. However, the medium to long term impact from the COVID 19 crisis remained unclear and it was therefore important to highlight that the money set aside in the Forecast Risk fund should not be seen as overly cautious as sensitivity testing indicated that the fund could be deleted within as little as 3 years if a number of factors arose during the same period.
- A detailed review of risks associated with the long term forecast was subject to on-going review and was separately reported within **Appendix J**.
- As mentioned during the development of the longer term approach to the budget over recent years, it was important to continue to deliver against this plan as it continued to provide a credible alternative to the more traditional short term approach, which would require significant savings to be identified in 2021/22.
- In terms of delivering against the forecast for 2021/22 and beyond, work remained on-going across the various strands set out in **Appendix I**.

After some discussion the Committee **RECOMMENDED TO CABINET:**

1. That Cabinet record the Committee's sincere appreciation for the sterling work of the revenues and benefits team and the Section 151 Officer in rapidly developing and deploying grant schemes for businesses to help maintain the economic fabric of the District in these difficult times for those businesses.
2. That consideration be given when reporting on the in year position on the budget to include reference to the comparable position from the previous year.

98. REPORT OF THE LEADER OF THE COUNCIL. - A.5 - BACK TO BUSINESS

The Committee considered a report, given to Cabinet on the 13th of November 2020 (minute 86 referred) in relation to Back to Business for Cabinet to adopt a Council wide plan to support the District's recovery from the ongoing Covid-19 pandemic and agree a number of short term actions in advance of a wider delivery plan being adopted. That report highlighted that:-

- Covid-19 had significantly changed the way we work and live our lives, as well as impacting on the national and local Tending economy. In its role as a community leader, the Council was committed to supporting the District's recovery towards a brighter future;
- This Back to Business process would be targeted at improvements to the environment/quality of life and support for residents, businesses and wider local economy to recover from the challenges of the Covid-19 pandemic. The plan would also focus on the Council and its services adapting to the challenges of the pandemic and long term planning for how services would operate moving forward.
- Following Greater Essex moving into Tier 2 'High Alert' level for Covid and the subsequent announcement of a national lockdown, this plan and impending delivery plan, is intended to complement the business support schemes provided through Government and Essex County Council. It would be a continually evolving agenda which would adapt to the challenges faced by businesses and residents alike;
- This Back to Business plan set out the Council's approach to supporting the District's recovery from Covid-19 and included a number of short term projects, in advance of a wider action plan being brought forward to Cabinet. This agenda and the subsequent actions and projects brought forward were underpinned by the Council's Corporate Plan;
- It is recognised that a successful recovery would only be achieved through a collective approach, both within the Council's range of portfolios and with local businesses, partners and stakeholders;
- To ensure the Council had sufficient resources to support the delivery of its range of Back to Business actions and projects, it was proposed that a dedicated resource would be provided to deliver this plan. This resource would be tasked with bringing forward a wider Back to Business delivery plan, with a number of deliverable projects and actions. This would reflect feedback from the Resources and Services Overview and Scrutiny Committee and the responses from Members following the associated All Member Briefing and subsequent requests from the Portfolio Holder for Corporate Finance and Governance.

After a short discussion it was **RESOLVED** that the Committee both notes that the development of a cost action plan is progressing and re-states the Committee's intention to work with Cabinet to secure delivery of that action plan.

**99. REFERENCE REPORT FROM THE NEGC LTD JOINT SCRUTINY PANEL - A.6 -
SCRUTINY OF NEGC LTD AND GOVERNANCE OF FUTURE COUNCIL
CONTROLLED COMPANIES**

It was reported to Members that the Resources and Services Overview and Scrutiny Committee and the Community Leadership Overview and Scrutiny Committee, at their respective meetings held on 29 July 2019 (Minute 15 referred) and 5 August 2019 had both approved that a joint scrutiny panel be established in order to scrutinise the work of the North Essex Garden Communities Limited (NEGC) and, in particular, its interim business plan and future business plans.

The membership of the Joint Scrutiny Panel had been delegated to the Chairmen of the two Overview and Scrutiny Committees to determine, subject to ratification by those two Overview and Scrutiny Committees. The following Members had been appointed to the Joint Scrutiny Panel:

Councillor M Stephenson (Chairman)
Councillor Bush
Councillor Griffiths
Councillor Steady
Councillor Turner

The Resource and Services Overview and Scrutiny Committee (OSC) had endorsed the above membership at its meeting on 14 October 2019 (Minute 28 referred). The Community Leadership OSC had also endorsed that Membership on 7 October 2019.

The Joint Scrutiny Panel had met three times as follows:

16 October 2019
12 February 2020
17 September 2020

The Committee heard that the Joint Scrutiny Panel had looked at the various responsibilities of the Council as community leader, shareholder of NEGC Ltd and having a Director of the Board of that Company. The inherent conflicts and the management of those conflict points were also mentioned.

The absolute importance of Part 1 of the Local Plan in the critical path for Garden Communities and NEGC Ltd (and any future delivery vehicle for the Communities) was referenced at the meetings. NEGC Ltd had been commissioned by the partner Councils (Braintree, Colchester, Essex and Tendring) to undertake work for those partner Councils to secure approval of Part 1 of their Local Plans.

While the process of adoption of the Local Plan was underway, the NEGC Ltd had developed interim business plans only. The Interim Business Plans for NEGC Ltd from 2018/19 and 2019/20 had been submitted to the Panel for its consideration.

It was reported to the Committee that the work of the Council's Monitoring Officer and Section 151 Officer with their colleagues in the other partner Councils in respect of

protecting the interests of this Council in relation to NEGC Ltd and the governance arrangements had been reflected upon.

The Panel had also looked briefly at possible future delivery vehicles for the Garden Communities.

Members were informed that across all meetings of the Joint Scrutiny Panel there was reference to best practice models for governance arrangements for Council controlled companies such as NEGC Ltd. In part that discussion was about what might be appropriate for the future development of governance around NEGC Ltd, but, also around future companies that the Council may have established or participated in where the Company was a Council controlled company.

At the Joint Scrutiny panel's last meeting, it noted the decision of the North Essex Garden Communities Ltd Board on 6th July 2020 to take all the necessary steps to wind up its three Local Delivery Vehicles. The three Councils concerned had also all approved that NEGC Ltd itself cease trading on 31 August 2020 and that the necessary winding up procedures for it be undertaken, subject to the Leader of the Council, in consultation with the Section 151 Officer and the Monitoring Officer, being satisfied around the final accounting processes.

The Committee was informed that the panel had been advised that NEGC Ltd had been solvent and that, after settling any outstanding liabilities, the remaining assets of the company would be apportioned to the shareholders entirely as it should have been.

On the basis that the NEGC Ltd was being wound up the Joint Scrutiny Panel had concluded its work based on the approved scope and terms of reference for the Panel.

Following discussions it was moved by Councillor Stephenson, seconded by Councillor Scott and **RESOLVED** that the Committee:

- (1) notes that the winding up of NEGC Ltd means that the rationale for establishing the Joint Scrutiny Panel, and the approved scope of the Panel, has also ended and requests that Cabinet notes that this Committee and the Community Leadership Overview and Scrutiny Committee will formally note that the Panel is being dissolved.
- (2) That this Committee notes the following recommendations from the Joint Scrutiny Panel and formally submits (a), (b) and (d) below to the Cabinet for its consideration:
 - (a) To record and applaud the hard work of officers in respect of the development of the Tendring-Colchester Borders Garden Community that resulted in the proposals for the Garden Community being accepted by the Local Plan Inspector in his enquiry into the draft Local Plan.
 - (b) To note that there is important work being undertaken on various work streams to secure an exemplar development through the Tendring-Colchester Borders Garden Community.

-
- (c) To establish a further Joint Scrutiny Panel at an appropriate time in the future to monitor, examine and review arrangements for delivery of the Tendring-Colchester Borders Garden Community (and particularly the commitments and financial expose of the Council to any external body established by the Council to lead on the development of that Garden Community).
 - (d) To endorse the principle that where the Council establishes a company limited by shares (on its own or with other bodies) that it also establishes a Shareholder Group (either solely or with the other public bodies where the company established jointly) and that, the terms of reference similar to those set out at Appendix A to this report should form the terms of reference for that Shareholder Group, adjusted as necessary to the particular circumstances, business of the Company and consideration of such matters as:
 - (i) How any co-opted members are used and how they are defined in the terms of reference;
 - (ii) The Chairman of the relevant overview and scrutiny committee and the Chairman of the Audit Committee being appointed to the Shareholder Group as non-voting members; and
 - (iii) Ensuring that any “invitations to attend” issued to councillors or officers etc. must be provided to such persons at least five working days in advance of the meeting.

100. RECOMMENDATIONS MONITORING REPORT

The Committee had before it the current Recommendations Monitoring Report. The Committee was aware that this report outlined any recommendations it had made to the Cabinet, the Cabinet’s responses thereto and any relevant updates.

The Committee heard that the recommendations from the Reference Report from the NEGC Ltd Joint Scrutiny Panel on the 16 November 2020 (Minute 99 referred) would be heard at Cabinet on the 18th of December 2020 and so following that meeting their response would be reported back to the Committee.

101. SCRUTINY OF PROPOSED DECISIONS

The Committee heard that there were 4 items which all related to Housing and it was advised that these issues would be addressed at the Committee's meeting on the 1st of February 2020 as the focus of this meeting would be on Housing matters.

The proposed decisions in question related to:-

1. Future booking of a temporary accommodation hostel in Clacton
2. Recharge Policy for Council Tenants and Leaseholders
3. Decant Policy
4. Alterations and Improvements Policy for Council Tenants and Leaseholders

It was **RESOLVED** that the Committee noted the foregoing.

102. REVIEW OF THE WORK PROGRAMME

The Committee had before it the Work Programme 2019/20 that outlined the scrutiny to be undertaken by this Committee in the remainder of that Municipal Year.

After some deliberation it was **RESOLVED** that:

1. The Committee would hold a special meeting on the 3rd of December to look at the Transformation items in relation to IT, Customer Services and Staffing.

The meeting was declared closed at 10.15 pm

Chairman

Public Document Pack

Human Resources and Council Tax
Committee

26 November 2020

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON THURSDAY, 26TH NOVEMBER, 2020 AT 7.33 PM
THE MEETING WAS HELD IN ACCORDANCE WITH STATUTORY INSTRUMENT
2020/392.**

Present:	Councillors Chapman (Chairman), Griffiths (Vice-Chairman), Calver, Chittock, Morrison, Placey and M Stephenson
In Attendance:	Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Anastasia Simpson (Assistant Director (Partnerships)), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Keith Durran (Democratic Services Officer), Karen Harde (IT Training Officer) and Hattie Dawson-Dragicic (Apprentice (Democratic Services & Elections))

35. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Amos (with no substitute), Clifton (with Councillor Placey substituting) and King (with no substitute).

36. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Human Resources & Council Tax Committee held on Wednesday 21 October 2020 be approved as a correct record.

37. DECLARATIONS OF INTEREST

Councillor Griffiths declared for the public record that he was a member of the GMB Union and a Shop Steward but that he had no involvement with Tendring District Council in that capacity.

38. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice had been submitted on this occasion.

39. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor M E Stephenson, seconded by Councillor Griffiths and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of Agenda Items 6 and 7 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 2, 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

40. EXEMPT MINUTE OF THE MEETING HELD ON WEDNESDAY 21 OCTOBER 2020

It was **RESOLVED** that the exempt minute of the meeting of the Human Resources & Council Tax Committee held on Wednesday 21 October 2020 be approved as a correct record.

41. REPORT OF THE CHIEF EXECUTIVE - B.1 - MARKET FORCES REPORT FOR A POST WITHIN LEGAL SERVICES

It was **RESOLVED** that –

- (a) that the Market Forces Supplement be applied to the post of Planning Lawyer and to other posts within Legal Services which are required to be held by qualified solicitors with a current Solicitors Regulation Authority practising certificate; and
- (b) the Supplement be applied for a period of two years, in line with the Council's approved Market Forces Policy, at which point a further review will be undertaken.

The meeting was declared closed at 7.46 pm

Chairman

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Audit Committee

30 November 2020

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON MONDAY, 30TH NOVEMBER, 2020 AT 2.06 PM
THE MEETING WAS HELD IN ACCORDANCE WITH PROVISIONS OF SI 2020/392.**

Present:	Councillors Coley (Chairman), Alexander (Vice-Chairman), Fairley, King, Placey, Steady and M Stephenson
In Attendance:	Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Richard Bull (Corporate Finance Manager & Deputy Section 151 Officer), Ian Ford (Committee Services Manager), Debbie Bunce (Legal and Governance Administration Officer), Debbie West (Finance Assistant) and Matt Cattermole (Communications Assistant)
Also in Attendance:	Lisa Clampin (Engagement Lead – BDO LLP, the Council's appointed External Auditor)

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Miles (with Councillor M E Stephenson substituting).

Councillor Stephenson informed the Committee that he had not received recent training on audit matters as required under Council Procedure Rules 34.3 and 34.4. However, he had been advised by Officers that he could participate in the meeting and ask questions etc. but that he would not be allowed to take part in the voting on any report(s) before the Committee.

9. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on 1 October 2020 were approved as a correct record.

10. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

11. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no Questions on Notice on this occasion.

12. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.1 - EXTERNAL AUDITOR'S AUDIT COMPLETION REPORT FOR THE YEAR ENDED 31 MARCH 2020

There was a report submitted by the Council's Assistant Director (Finance & IT) (report A.1) which presented:-

- (i) the Annual Governance Statement 2019/20 for approval;
- (ii) the External Auditor's Audit Completion Report for the year ended 31 March 2020 (which included the management representation letter, for consideration and

approval, in order to enable a final opinion on the accounts and value for money arrangements to be formally issued by the External Auditor; and

- (iii) the Statement of Accounts 2019/20 for consideration and approval for publication by the end of November 2020.

It was reported that the pre-audited Statement of Accounts for 2019/20 had been approved for publication by the Council's Section 151 Officer (the Assistant Director (Finance & IT)) at the end of August 2020.

Members were reminded that each year the Council's External Auditors were required to prepare an annual report setting out the outcomes from their review of the Statement of Accounts (including the Annual Governance Statement) and the Council's value for money arrangements. The Audit Committee was then required to consider the content of that annual report and approve for publication the final audited Statement of Accounts and Annual Governance Statement.

The Committee was advised that a draft management representation letter which set out certain management representations was included within pages 48 to 50 of the External Auditor's Audit Completion Report. The Audit Committee were also required to separately approve this letter and to authorise the Assistant Director (Finance & IT) and the Chairman of the Committee to sign it before it was forwarded on to the External Auditor.

Once the above tasks had been completed the External Auditor would conclude the audit by finalising and formally issuing their audit opinion along with the certification of the accounts.

(1) STATEMENT OF ACCOUNTS 2019/2020 AND EXTERNAL AUDITOR'S AUDIT COMPLETION REPORT

The Committee was informed that, although the External Auditor had substantially completed their audit of the 2019/20 accounts a small number of activities remained outstanding (as set out on page 40 of the External Auditor's Audit Completion Report). However, it was the External Auditor's current intention to issue an unqualified audit opinion in respect of the Financial Statements and on the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources.

However, a number of improvements/adjustments had been required (with further details set out on pages 20 and 23 of the Audit Completion Report). A number of those adjustments had related to the need to highlight the potential impact of COVID-19 on the Council's financial position and resilience. It was highlighted that the Annual Governance Statement had already reflected on this matter and as part of the associated actions, it would form an important element of the Internal Audit Plan in 2020/21 and 2021/22.

It was, however, noted that those adjusted items did not have a direct impact on the overall 2019/20 financial position of the Council.

The Committee was further informed that, in respect of other matters arising, the External Auditor had made three recommendations which were set out on pages 31 and 32 of their Audit Completion report. These had been agreed by Officers and updates on

the progress made on carrying out those recommendations would be provided as part of the usual Table of Outstanding Issues Reports that were presented to each ordinary meeting of the Committee.

Members were made aware that one of the three recommendations made related to financial reserves and budgets carried forward from prior years. Although a number of specific reserves had been highlighted within the Auditor's report, the underlying issue, as described by the Auditor, was about ensuring their on-going validity and that it could be demonstrated that they were held at a level that optimised service delivery without unacceptable risk exposure. Officers felt that this was a timely observation as similar discussions had already taken place within the Council over recent weeks and work was now underway to explore and identify the additional external resources required to take forward/deliver the Council's associated activities and priorities in 2021 and beyond.

Members were advised that, in order to conclude the Statement of Accounts process for 2019/20, the Committee was required to consider the Audit Completion Report for the year ending 31 March 2020, approve the management representation letter and approve the final Statement of Accounts for 2019/20, which included the adjustments mentioned above. Then, subject to the agreement of the aforementioned recommendations and the completion of the External Auditor's outstanding work final Statement of Accounts for 2019/20 would then be published by the end of November 2020 deadline.

(2) ANNUAL GOVERNANCE STATEMENT 2019/2020

The Committee was informed that the pre-audited Annual Governance Statement 2019/2020 had been approved for publication by the Council's Management Team at the end of July 2020. Since that time the statement had been subject to some minor amendments. Appendix A to the Officer's report therefore set out the revised Annual Governance Statement 2019/20.

As a consequence, the Annual Governance Statement was now submitted to the Committee for its consideration and approval which would include the necessary authorisation for the Chief Executive and the Leader of the Council to sign it on behalf of the Council.

Lisa Clampin, Engagement Lead, attended the meeting on behalf of the Council's External Auditor, BDO LLP, formally presented its Audit Completion Report to the Committee and, in addition, gave updates to Members where matters had moved on since the report had been submitted to the Council on 19 November 2020 and responded to the Committee's questions thereon. Matters touched on by Ms Clampin included:-

- a) Outstanding Matters;
- b) Anticipated 'Emphasis of Matters' regarding material valuation uncertainties in respect of 'Other Land and Buildings' within Property, Plant and Equipment and 'Property' assets within the Local Government Pension Scheme Assets due to the impact of Covid-19;
- c) An unadjusted audit difference of £805,000 (projected downward estimate) relating to HRA property valuations which was not material and which it was agreed would be recorded as an uncorrected difference;
- d) Audit Risks Overview;

-
- e) Valuation of Non-Current assets;
 - f) Narrative Report – Identification of minor areas for follow up and potential amendment;
 - g) Whole of Government Accounts – submission of the relevant section of the assurance statement to the National Audit Office by 4 December 2020 deadline;
 - h) Sustainable Finances & Use of Resources – Potentially over-prudent approach of the Council not achieving the best use of the Council's resources for the benefit of the Council Tax payer given its history of large underspends and the significant amount of accumulated reserves; and
 - i) Follow up of prior year deficiencies.

The Committee was reminded that, as mentioned above, the work of the External Auditor remained in progress with a small number of actions outstanding. Further issues could therefore emerge and delegated authority was consequently sought for the Assistant Director (Finance & IT), in consultation with the Chairman of the Committee to enable these to be reflected in the final management representation letter and / or the Statement of Accounts before publishing.

Having considered and discussed all of the information submitted:-

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

RESOLVED that –

1. in respect of the External Auditor's Audit Completion Report for the year ended 31 March 2020, the Audit Committee:
 - (a) notes the contents of that report including the adjustments to the Statement of Accounts as set out on pages 20 and 23 of that report;
 - (b) approves the management representation letter, as set out on pages 48 to 50 of the External Auditor's Audit Completion Report;
 - (c) authorises the Assistant Director (Finance & IT) and the Chairman of the Committee to sign the management representation letter for forwarding to the External Auditor;
 - (d) approves for publication the audited Statement of Accounts for 2019/20, amended for the adjusted items identified; and
 - (e) authorises the Assistant Director (Finance & IT), in consultation with the Chairman of the Committee, to make amendments to the management representation letter for forwarding onto the External Auditor and / or Statement of Accounts 2019/20 before publication, if further changes are recommended by the External Auditor following the completion of the outstanding areas of their work.
2. in respect of the Council's Annual Governance Statement 2019/20, the Audit Committee:
 - (a) approves the revised Annual Governance Statement, as set out in Appendix A to item A.1 of the Report of the Assistant Director (Finance & IT); and

- (b) authorises the Chief Executive and the Leader of the Council to sign, on behalf of the Council, the approved Annual Governance Statement.

NOTE: In accordance with the provisions of Council Procedure Rule 19.5, Councillor M E Stephenson requested that he be recorded in the minutes as having abstained from the voting on Councillor Alexander's motion.

The meeting was declared closed at 2.47 pm

Chairman

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Resources and Services Overview and
Scrutiny Committee

3 December 2020

MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE, HELD ON THURSDAY, 3RD DECEMBER, 2020 AT 7.30 PM

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Bray, Codling, Griffiths, Harris and Morrison
In Attendance:	Ian Davidson (Chief Executive), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections), Mark Westall (Head of Customer and Commercial Services), John Higgins (Head of IT and Corporate Resilience), Carol Magnus (Acting Head of People, Performance & Projects), Karen Hardes (IT Training Officer), Emma Haward (Leadership Support Assistant) and Matt Cattermole (Communications Assistant)

103. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology was received from Councillor Morrison (with Councillor Fowler substituting).

104. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on Monday 16 November 2020 were approved as a correct record and were then signed by the Chairman.

105. DECLARATIONS OF INTEREST

There were no declarations of interest.

106. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

107. REPORT OF THE DEPUTY LEADER, PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE. - A.1 - UPDATE ON THE TRANSFORMATION OF DIGITAL SERVICES

1. ***'My Tendring'* Customer Self-Service Portal**

The Committee heard that the application (App) purchased to provision and deliver the Council's My Tendring self-service offering was the Firmstep product. During 2019 the Firmstep product had been purchased by international application providers Grannicus.

The My Tendring portal works had been jointly developed and delivered through digital consultants Intergence and Amido, who had worked side-by-side with the Council's Customer Services Team and IT Team members - a mix of system support and website support IT specialists. From the outset of the Digital Transformation programme the adopted ethos had been one of external consultants working alongside and 'up-skilling' in-house IT specialists. However, as the programme had developed and evolved over time, likewise, the Council's in-house application developer skills had matured.

It was reported to Members that the Council's in-house Developer Team continued to go from strength to strength, in part due to hands-on engagement with the programme and direct consultant experience learning and in part due to benefiting from formal academic training through collaboration between the Head of IT & Resilience and the Human Resources Development Manager. By utilising the Government's Modern Apprenticeship scheme: 1 fte IT Systems Specialist had achieved a part-time IT under graduate degree (with honours), 2 fte were in their final year studying for a part-time IT under graduate degree (completion in 2020) and 1 fte had just commenced an Open University programming under graduate degree.

Utilising that new in-house Developer resource and new 'low code' Microsoft Power Applications the ongoing *My Tending Portal* works ethos had evolved to further optimise transformation efficiency and best use of resources, as followed:

1. Works undertaken solely by in-house Council App Developers and customer service experts working with relevant council service experts.
2. Works, as above, but with limited external consultant's support utilising Intergence experts.
3. Works delivered predominantly through Intergence consultants based upon a 'lift and shift then documented hand-over' ethos.

The Committee was directed to the report written by the Head of Customer and Commercial Services, outlining the progress of the *My Tending* Customer Access Portal from a customer services perspective.

The Members heard that the Council had approximately 198 different services to re-engineer and implement as fully self-service *My Tending* portal solutions. That work was anticipated to be ongoing for the next 3-4 years.

However, the digital transformation work had already started to fundamentally change the way the Council delivered its services and was already starting to change council service structures internally. Online self-service was increasingly the service choice for residents and customers with online digital capabilities. For those who chose to contact the Council using more traditional methods telephony was their primary contact method.

The Committee heard that the Covid-19 pandemic was a major factor for change with respect to how our residents and customers (and councillors and staff) engaged with the Council and our online and telephony contact volumes reflected that 'channel-shift'. It was not unreasonable to claim that the Council would have struggled to provide the level of services that it had continued to deliver throughout the COVID-19 pandemic had it not undertaken its Digital Transformation programme.

The Digital Transformation resultant in-house Developer Team and their key digital contributions to council transformation and COVID-19 business continuity warranted a separate section, namely -

1a) In-House IT Developer Team

Members heard that as the in-house IT Developer Team technical capabilities, knowledge and confidence had grown the Team were increasingly demonstrating their abilities in applying technology to transform Council services. The IT Developer Teams

reputation for quickly providing in-house solutions to existing and newly emerging problems was growing.

Based around the Digital Transformation suite of services and related applications, the Developer Team's digital transformational work had included:

- ✓ working with Human Resources to quickly develop COVID-19 databases to record and manage staff redeployment and staff shielding/ self-isolating – estimated cost avoidance £12,000.
- ✓ working with the Council's COVID-19 Shielding Team to quickly create new applications to contact, record and manage (CRM) resident shielding support and connection with local volunteer services – estimated cost avoidance £8,000.
- ✓ the development of a COVID-19 vulnerable persons mapping tool – estimated cost avoidance £17,500.
- ✓ the creation of a new council enforcement application to better record and manage enforcement case actions and provide a 'single council view' of enforcement – estimated cost avoidance £1,100 per on boarded service.
- ✓ the development of a Northgate compatible replacement electronic document records management system - Northgate had quoted £110,650 capital and £34,500 revenue costs.
- ✓ on-going development of an IDOX replacement corporate electronic document records management system that will reduce corporate costs by £24,000 per annum.
- ✓ the development of a new application for scanning/ stock taking for engineering services - estimated cost avoidance of £17,500.
- ✓ the development of a new Tree Preservation application – estimated cost avoidance £8,000.
- ✓ the development of a Memorial bench and Play Areas fault management application – estimated cost avoidance £6,000.

2. Cloud Migration

It was reported to Members that throughout each of the Council's two Digital Transformation programmes of works (2013 – 2017 and the current 2017 – 2020 programme) a key strategic digital design thematic had been that of delivering/ further enhancing council digital business continuity.

A key strand of that work had been the migration of council applications from ageing on-site hardware to 'pay as you go' hardware in a Microsoft data centre(s) called the Microsoft Azure Platform. The Azure Platform was the platform of choice for a range of government sectors and partners that included the Ministry of Defence, a number of NHS bodies and at a more local level all of the Essex local authorities.

Members heard that the Council had evolved its systems architecture to reflect staff and councillors accessing Apps and data 'in the Cloud'. The Cloud also gave significant additional cyber security functionality which had further strengthened our cyber security defences.

That had been first put to the test when Tendring had been snowbound for 48 hours during the '*Beast from the East*' in March 2018 when around 290 officers had been forced to work remotely from home.

The Committee was aware that nobody could have predicted COVID-19 nor the effective closure of all council offices and a forced shift from “*work flexibly from home or office*” to a UK wide lock-down and “*Work from home if you can*”. It was undeniable that the Digital Transformation Cloud-first and Cloud-migration strategy had significantly enhanced the Council’s business continuity and had enabled the Council to deliver services throughout COVID-19 without any significant IT service outages.

The Council’s Cloud migration programme was predicted to take 2 years and over the period this had extended by around 10-12 weeks with an estimated completion date of June 2020. However, COVID-19 demands had required an urgent and sustained re-prioritisation of resources resulting in migration delays to the final 10% of applications.

The Committee was also informed that whilst the programme was on track from a budget perspective it was significantly behind schedule from a final completion perspective. The migration of the last few applications would not be complete until early in 2021.

That delay had not caused any operational issues of note with the last 10% of applications and the Council was benefiting significantly from having 90% of its applications in the Cloud, those included:

- ✓ Enhanced business continuity, resilience and data backup e.g. seamlessly moving from supporting office-based staff to staff operating effectively and efficiently from home during the pandemic.
- ✓ Using cloud-based Microsoft Skype and Teams to maintain operations and quickly introduce new ones e.g. virtual video staff meetings, committee and full council meetings.
- ✓ A move from periodic large capital IT server hardware outlay to more manageable ‘pay as you go’ monthly hardware revenue rental charges.
- ✓ A significant ‘carbon neutral’ reduction in on-site IT hardware power usage.
- ✓ The real-time ability to flexibly and quickly ‘spin-up’ additional Cloud hardware to deliver new services e.g. a new server for the Council’s COVID-19 activities; HR databases, Shielding databases and reactively in-house developed applications.
- ✓ Cloud efficiencies estimated at between 1 and 1.5fte with these resources re-deployed in supporting Members’ IT related works, additional remote worker support requirements and in Developer Team activities.

3. Tendring Leisure and Tourism App

The Committee was informed that the Leisure and Tourism App had been delivered in 2019 slightly under budget and with both the Prince’s Theatre and wider Tendring activities being promoted. The App had only just started to positively benefit our leisure and tourism industry (Theatre income was up and growing) before COVID-19 hit.

The in-house IT Developer Team were re-using the existing application code whilst re-engineering the App in readiness for the 2021 season in order to not only promote leisure events but to create a more holistic suite of Tendring visitor information linked to digital mapping functionality, including:

- ✓ Car Park locations.

- ✓ Public toilet locations.
- ✓ Hospitals and public service delivery points.
- ✓ Linking real-time Council Beach Patrol visitor advice regarding beach crowd numbers and to generate a COVID-19 RAG beach visitor number status.
- ✓ As the App evolved further looking at the potential to add an area for businesses to advertise and promote themselves and any special offers etc.

The App would be supported in-house by the Council's IT Developer Team.

4. Re-Design of the Council's Data (and voice) Network

The Committee heard that office transformation works were at an advanced stage. From a digital perspective the Council had taken the opportunity to completely re-cable the Council's offices and further improve the office network resilience by creating a 'fibre ring' around the Town Hall (as opposed to areas served by separate cables).

At the same time the Council had further optimised its WiFi network and adopted a 'staff working wirelessly at all times' strategy. That had enabled staff (and councillors) to seamlessly move between locations with their devices. It had further enhanced staff and Councillors access to digital information at all times with a step-change reduction in reliance upon paper and printing.

It was reported to Members that the Council had also worked through an Essex Online Partnership (EOLP) joint initiative to roll-out GovRoam to each of the Council's offices. That meant that as and when things returned to a more normal working situation, officers and councillors would be able to use their Tending user ID and password to log into any participating GovRoam partner's WiFi network just as if they worked at home or at a Tending office location. Almost all of the EOLP partners intended to roll-out GovRoam and it was already available at Essex County Council and Thurrock, Maldon and Basildon council offices.

5. New Contact Centre Application (Five9s Application)

Members heard that as briefly outlined previously, Mitel had decided to stop supporting their contact centre's integration with Microsoft Skype (& Teams) telephony. With the Council's unified communications strategy (voice & voice recording/ video calling & virtual meetings/ email, instant messaging/ calendar/ availability & presence) firmly embedded and mature around Microsoft products the Council had had to replace its Mitel contact centre.

Based upon the Council's customer service team's functionality specifications, available budget and Cloud-first strategy, the FIVE9s product had been selected and purchased. The product had an excellent reputation for service, reliability and value for money and was completely Cloud-based.

The product was a relatively new one from a Council perspective and Officers were still learning about its functionality and architecture. Shortly after it became operational (February 2020) the COVID-19 pandemic situation had gripped the UK with resultant IT and information governance resourcing pressures across a whole range of existing, new, emergency and urgent Council activities.

The Committee was informed that the Council's contact centre had experienced a significant increase in call volumes that had resulted in an uncharacteristic drop in levels of customer service, caused by call congestion e.g. insufficient telephone lines to cope with escalating demand together with insufficient staff resources. Reactive remedial action had been taken and the situation had been resolved. Additionally, the Council was gaining a better understanding of the Five9s infrastructure and reporting and was moving from a position of reactive to pro-active reporting/ understanding.

It was noted that Essex County Council had just committed to migrating from their Mitel contact centre to emulate the same FIVE9s technology as Tendring. TDC Officers were assisting them through that process.

It was also noted that the Council currently had a hybrid application mix whereby the majority of officers and all Councillors were using Microsoft Skype and a minority of officers using (or testing) Microsoft Teams.

This hybrid mix was making fault-resolution extremely complex and there had been reports of some calls not properly transferring to/ from the contact centre. It was therefore imperative that the Council moved from that hybrid situation and migrate fully to Microsoft Teams as quickly as could be achieved and in any event by late January 2021 in order to avoid a large and unnecessary license renewal cost.

6. Members' IT

It was reported to the Committee that with Councillors having varying degrees of IT expertise the Council had identified an emerging picture whereby:

- ✘ Some councillors were increasingly becoming disengaged - losing the ability to fully/ effectively engage with the range of digital information and services that the council operated.
- ✘ Some councillors were struggling with their IT and asking Council Officers to fix their personal equipment – potentially creating an insurance liability issue.
- ✘ The diversity of different Councillor Applications, all at different versions, was causing Councillors to experience different IT problems causing unnecessary stress and pressures for all concerned.

The emerging digital picture was therefore perceived as an opportunity to assist councillors in their community leadership role. Through providing each councillor with a standard, managed device backed up by IT training and supported via the Council's IT service desk intended benefits and improvements were, and remain, as followed:

- ✓ To assist Councillors to improve their efficiency and access to stored digital information.
- ✓ Strengthen cybersecurity (and cybersecurity awareness) and further reduce any possibility of a data breach and Information Commissioner's Office (ICO) data loss.
- ✓ Enhance Councillors' digital engagement.
- ✓ Enhance mobile working and flexible working capabilities and thereby work/ life balance
- ✓ Further reduce reliance (and the costs) of printed information.

- ✓ Councillor IT equipment standardisation would in turn enable officers council-wide to standardise the range services that they provide which would achieve efficiency savings for both Councillors and Officers.

Members heard how the strategy had been to purchase high quality Microsoft Surface Go tablets during 2019 and at the beginning of 2020 for Councillors to undertake their council-related duties. With some Councillors struggling with the tablet screen size Officers had additionally offered Councillors: connection hubs, full size keyboards, 24" screens, cabled mouse. This gave Councillors a blend of home-based digital access with the ability to go mobile with their tablets when required.

As a result of COVID-19 and an emerging understanding as to its longevity, officers had become conversant with new face-to-face restrictive working arrangements and the use of virtual Microsoft Skype meetings had become a key 'new working norm'. Likewise, virtual meeting MS Skype capabilities had needed to be extended to Councillors to enable them to perform their duties, which was not an intended original use of the previously purchased tablets.

The Committee was informed that the Council now had a pressing financial, technological and support need to migrate fully from Microsoft Skype to Microsoft Teams. Teams offered a range of additional meeting business functionality benefits over Skype but it was far more demanding in terms of computing processing power. As such, it was close to the limit and was very likely to become beyond the processing capabilities of councillor tablets as Microsoft invested in further enhancing Teams functionality.

With a view to giving Councillors the very best experience possible during multi-party video conference calls, the decision had now been taken to allocate funding to quickly replace Councillors' tablets with the same Lenovo laptops that officers used. Those laptops were tried and tested, high specification devices that had enabled officers to perform the full range of council business demands.

The Committee was also informed in addition, and based upon approaches from several senior Councillors, that providing Members with a council tablet had unintentionally been seen as an 'imposition' by some Councillors, despite Officers' best intentions. Likewise, Officers had now acknowledged Councillors' desire to be increasingly involved in their use of digital technology and how they worked and engaged with council business.

With engagement firmly in mind but reflecting the need to standardise equipment across Officers and Councillors as far as was possible, Councillors would now be asked on an individual basis whether they would benefit more from having a smaller, lighter more portable 13" council laptop, or a larger 15" laptop with a bigger screen and near full-size keyboard. Council provided ancillary devices – keyboards, screens, mice, hubs – would continue to be offered to Councillors and those who already had them would be able to connect and continue to use them with their replacement laptops.

It was the intention to engage with Councillors and roll-out the new laptops during December and early January. Following a period of Microsoft Teams training on virtual meetings the Council would migrate to Microsoft Teams on or around January 18th 2020.

6a. Members' Tablets and 'Laptops for Children' Re-use

The Committee heard that once returned to the Council, the tablets would be donated to the 'Laptops for Children' re-use programme to benefit local Tendring school children without access to IT.

After some discussion it was moved by Councillor M E Stephenson, seconded by Councillor Scott and **RESOLVED** that the Cabinet be informed that this Committee endorses the principle that Councillors be consulted on the IT kit that is to be provided to them to fulfil their roles as Members.

108. REPORT OF THE DEPUTY LEADER, PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE. - A.2 - UPDATE ON THE TRANSFORMATION OF DIGITAL CUSTOMER SERVICES

It was reported to the Committee that the Customer Service provision at Tendring District Council had undergone significant change in the last two years. Three Teams from different services had been brought together to create the physical customer service team and a new reception area had been created at Pier Avenue in order to give residents a welcoming place to visit. The reception area included a number of digital kiosks whereby customers could self-serve if they chose.

The digital offering for customers had also seen significant changes. Originally online services had been delivered through forms that then needed massive intervention from back office staff. They were only useful for gathering information and were not a true end-to-end digital solution. Now customers had just one place they needed to visit online, 'My Tendring', where the aim was to allow customers to complete transactions at the time of their choosing from the comfort of their own homes, without the need for any intervention from TDC staff. It was the very fact that the Council had made such progress in that direction that had stood Tendring in good stead during the Covid-19 pandemic when our residents had been more insecure and the number of incoming enquiries had more than doubled.

The Members heard that although work on the My Tendring platform would be ongoing as the Council continued to add services and processes, it had already generated savings in terms of Officer time.

The Members also heard that during 2015 it had become clear that there was an ever increasing demand from customers that TDC should endeavour to provide a myriad of services online, 24 hours a day. That would benefit both those customers that worked and so could not access other customer contact channels, and those that preferred the convenience of digital access. Therefore a Channel Shift Strategy had been devised and adopted by the Council on 22 January 2016 with the statement that:

"In order to meet the needs of customers, Tendring District Council had to provide services that were:

- *Easily accessible*
- *Simple to use*
- *Streamlined*

-
- *Convenient*
 - *Cost effective*
 - *Robust”*

In essence the Channel Shift Strategy was the roadmap to delivering services with little or no interaction from TDC staff.

The Committee was informed that in early 2016 the process of looking at the range of options available to TDC began. It was evident that there also needed to be a Customer Service Strategy that would inform the way the Council interacted with its customers; though the Council would not stop providing other contact channels such as telephone and face-to-face.

The Committee heard that the Customer Service Strategy had been adopted on 16th December 2016 with the vision statement:

“Tendring District Council will deliver an excellent service to all of its customers, both internal and external, from all of its points of access and across multiple channels. Staff will be well trained and motivated, and excellence will be measured against key performance indicators”.

To create the Customer Service team to handle telephone, email and face-to-face enquiries the Council had drawn together members of Environmental Administration, Housing Repairs, Telephony and the Revenues & Benefits front office. External consultants, Intergence, had been employed to further assess the marketplace with regards to self-service portals. After an evaluation the product from Firmsteps had been selected.

Members were informed that the Digital Transformation project, which included the Customer Service element, had been initiated on 16th February 2018 *“to provide greater online services for customers, making it easier and more efficient for them to interact with the council”*, and the My Tendring self-service platform had been installed during August of the same year.

The Transformation project set out a number of key deliverables that had included:

- Environmental services report-it functionality (missed bins, garden waste)
- Council tax enquiries
- Benefits enquiries
- Licensing applications and renewals

It was reported to Members that the Customer Service project and the funding, originally £306,000, had been broken up into three smaller pieces (worktrains) which would pause for a “time for learning reflection” between each phase.

Worktrain 1 = focussed on understanding the Firmsteps platform, looked at some of the component blocks that would be in many of the processes such as calendar integration and payments, creating the My Tendring accounts, and beginning to develop the garden waste process.

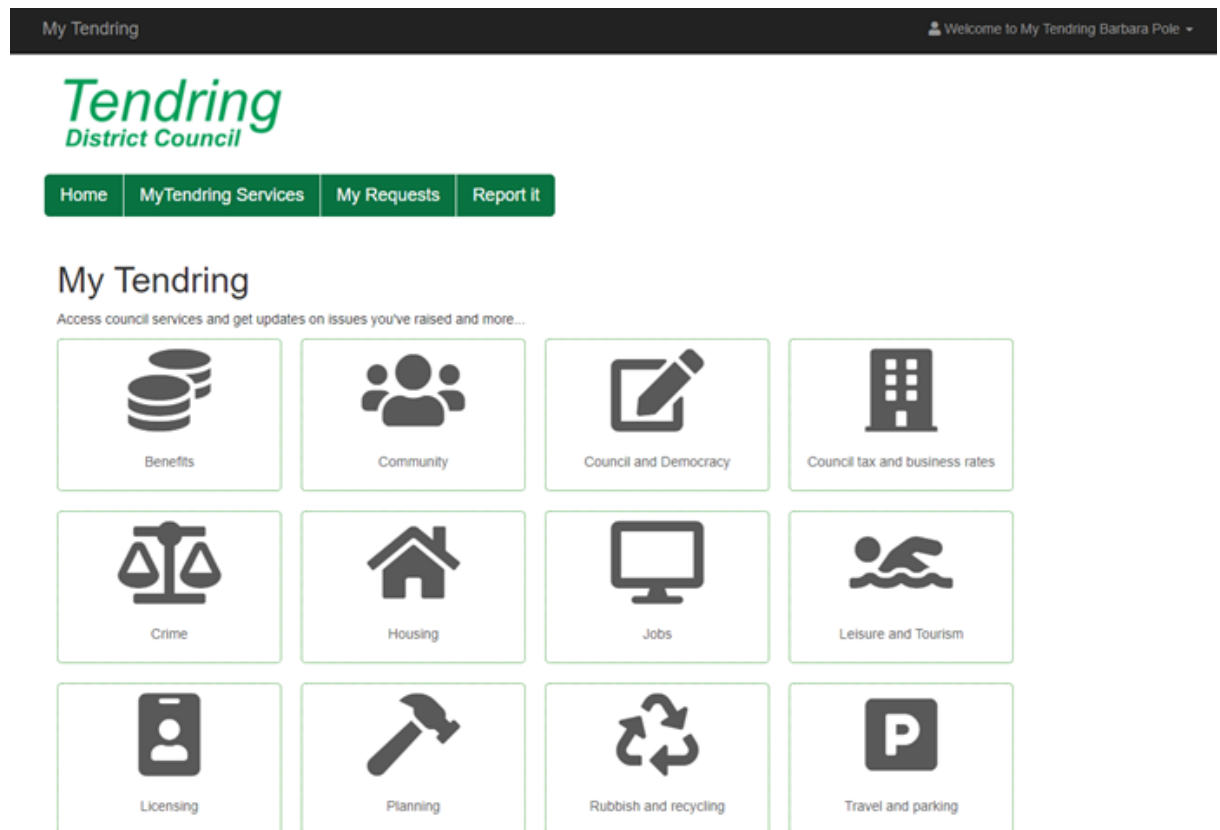
Worktrain 2 = continued those themes and the Council began to use their newly learnt in-house capabilities to create more simple forms and processes.

Worktrain 3 = which was nearing completion, would see the final key services delivered, and in addition, a suite of analytical and reporting tools. Those reporting tools were not originally in the scope but it became clear that they would provide a valuable insight into customer behaviour and service performance. The cost for this extra piece of work would be £35,000 and would come out of the original budget.

It was reported to Members that the Covid-19 pandemic had had a detrimental effect on the Customer Service element of the Transformation project. Timeframes had slipped as valuable IT resources had been refocussed onto projects with more immediate need such as the track and trace power app. In the meantime though the team members had continued to learn, and to release more useful forms for customers (both external and internal). In terms of deliverables 74% of the original specification that was detailed at inception had been completed.

Current situation – My Tending portal

The Committee was informed that over the past 18 months the Council had seen telephone calls into the Customer Service centre rise dramatically. Firstly in the summer of 2019, with the roll-out of 70,000 wheelie bins and the associated changes in the recycling service and then more latterly with the advent of the Covid-19 pandemic. Undoubtedly the option for many residents to use the My Tending self-serve portal had been of great benefit to them.



On the portal, the resident could find access to a whole range of other services in one place as shown above. It made it very easy for the customer to navigate and that had proved to be very popular.

Self-serve stats dated end October 2020 (since May 2019)

Customers with a My Tendring account: 10524 (24.2% of all Tendring households if one account per household).

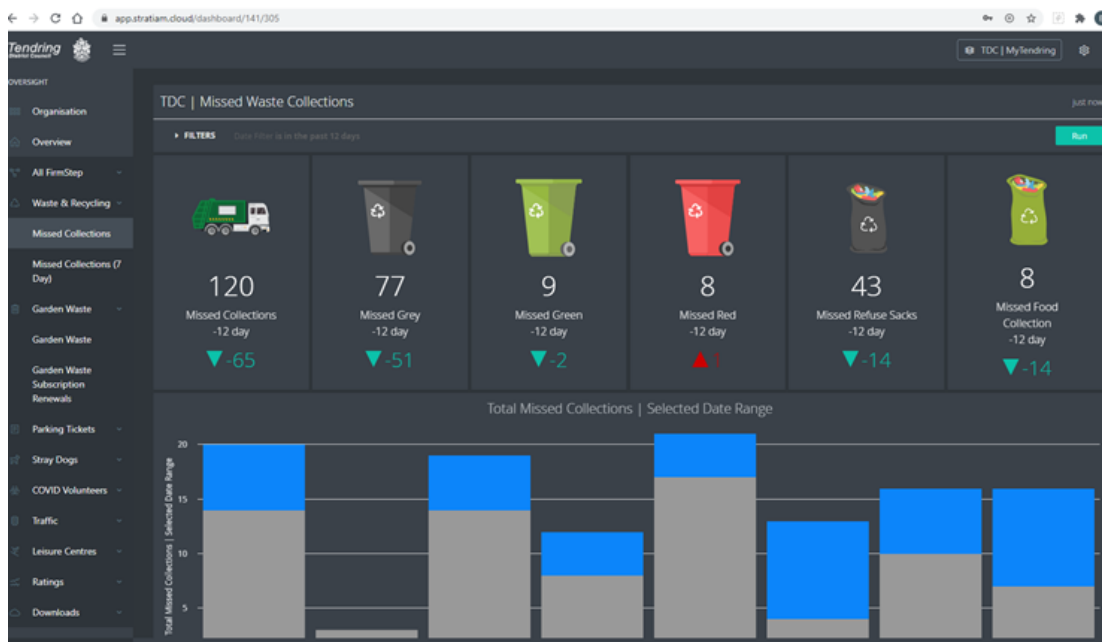
Forms produced: 16,361

Satisfaction from May 2019:

5 stars	63%
4 stars	20%
3 stars	8%
2 stars	3%
1 star	6%

Members heard how all users of My Tendring were asked if they would like to rate the portal and leave a comment. It was shown that since its inception in May 2019, 83% had rated it as 4 or 5 stars. Upon interrogating the data it was discovered that of the 6% 1 stars, many people were actually commenting on the recycling frontline service rather than the portal. All negative comments regarding the self-serve process were used as a learning tool so that the Council could improve the offering.

In terms of budgets, of the original £306,000 that was set aside for the production of the My Tendring portal, the Council had spent £281,000, however £30,000 of this had been spent on producing the suite of analytical and reporting tools.



Members also heard in relation to the above graphic, that the platform was very flexible and the Council had the ability to drill down into each incoming form that was filled in, so for example, in the case of missed bins the Council could look at instances by town or

even by road to see if there were recurring problems. That flexibility of interrogation was available across the whole suite of forms.

Savings to date

It was reported to the Committee that the spreadsheet below illustrated the efficiency saving that the My Tending portal had made within the Customer Service Environmental team. A total of 1924 hours had been saved in the year October 2019 to October 2020 as residents had self-served. That equated to 1.14 FTE that would otherwise had needed to be staffed.

TIME COMPARISONS FROM 9TH OCTOBER 2019 UNTIL 9TH OCTOBER 2020					
New Process	Time to complete (Minutes)	Processes since 09/10/2019	Savings per process	Saving (seconds)	
Garden Waste New Subscription	00:03:00	807	Saving of 17 minutes per process	823140	
Garden Waste Renewals	00:02:02	149	Saving of 12.58 minutes per process.	11622	
Missed Waste	00:01:19	4025	Saving of 41 seconds per process	165025	
Old Process	Old time to complete (Minutes)	Total time to complete	Comments		
Garden Waste New Subscription	20 minutes	00:20:00	CSA's only took the customers details and sent them through to the back office.		
Garden Waste Renewals	15 minutes	00:15:00	This was all back office.		
Missed Waste	2 minutes approx	00:02:00	All CSA's		
Customers who Self Served	Amount	Savings per process			
Garden Waste New Subscription	4171	20 minutes			
Garden Waste Renewals	730	15 minutes			
Missed Waste	2214	2 minutes			
Total of self serve	7115				
				Total savings (seconds)	6927667
				Total savings (Hours)	1924
				Total savings (FTE)	1.14

Current situation – Customer Service Centre

The Committee heard that the telephone calls into the Customer Service team had more than doubled in the last 18 months. At one point during summer 2020 each customer service agent needed to complete the work relating to 80 enquiries every day. There were also telephony issues relating to Skype meaning that some calls were dropped if all agents dealing with Environmental issues were already on a telephone call.

As the Council was not able to deliver the customer service excellence that we would expect to, action had been taken. The Council had increased the number of customer service agents by 3 FTEs (1 permanent and 2 temporary). Performance continued to be monitored in order to ascertain if there was enough resource now to handle the demand, and also to try to understand if the current high levels of incoming calls would become the new normal.

Officers had also installed a completely new telephony system, Five9s. Originally unavailable to all customer service agents extra licenses had been purchased and all incoming calls now went through that system rather than Skype. Five9s also allowed customers to request a call-back rather than hold for an agent to become free. That had the effect of reducing call wait times and also allowed customer service agents to manage call volumes successfully. Again, Five9s came with a raft of reporting tools and

the Council would be able to understand trends in volumes and staff the customer service team accordingly.

The Future

Members heard that within the next few months the Council would complete the roll-out of self-service processes relating to Council Tax, Benefits and Taxi Licensing. Along with Recycling, those were considered as having the biggest impact for residents. When those services had gone live the Council would commence a media campaign so that it could channel shift more people away from the customer service centre and towards the self-serve portal, thus looking to reduce the need for human resources.

The Council would also begin the process of seeking permissions to correspond with customers via digital means rather than by hard copy which was far more expensive. The Print and Post hub had the technology to be able to send digital correspondence to email addresses rather than produce letters which would generate savings.

Members also heard that the Council would look at implementing customer service excellence standards for both its staff and the online self-serve portal and roll-out the satisfaction surveys to both face-to-face and telephony contacts. By benchmarking the Council against both other local authorities and commercial organisations the Council could set itself some 'excellence' targets.

The Committee was presented with a look at other technology, such as Chat Bots, to see if other efficiency savings were available. The Council would fully explore the capabilities of the Five9's call handling platform in order to release other technology and processes that would increase the productivity of the customer service team. Officers were aware that many local authorities were utilising Artificial Intelligence to provide responses to their residents without the need for additional staffing.

Following a detailed discussion it was **RECOMMENDED TO CABINET** that:

- the development time frames and future services to be made available on *My Tendring* be shared periodically with Councillors, together with volume of customer services calls and email contact information, including call numbers, durations of call waiting and abandoned calls, with appropriate benchmarking information from other organisations.
- the prospect of creating a seamless link between *My Tendring* and my permit for parking permits is actively explored.
- council tax billing and other services be asked to deliver those services in a way that avoids overloading the customer services team incoming call capacity, e.g. by spreading the dispatch of council tax bills.
- the development of the leisure app be urgently addressed.
- the Council look at joining the Institute of Customer Service.
- the progress of the transformation agenda and how the Council has responded to the COVID19 pandemic in its ability to work from home be noted and applauded.

109. REPORT OF THE DEPUTY LEADER, PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE. - A.3 - TRANSFORMATION AGENDA OF THE COUNCIL - STAFFING.

It was reported to the Committee that throughout 2019 a significant focus had been placed on preparing staff to work more flexibly and with greater autonomy. Two programmes had been key to this: InDependence and Managing Remote Teams. All courses were delivered by external providers who had worked very closely with the Organisational Development Manager and HR Operations Manager on design, development and content.

The InDependence programme had been designed and developed by the Organisational Development Manager with input from an organisational psychologist. The workshops had been delivered by a team of six internal managers who had been trained in how to deliver the programme. In total 273 staff had attended that programme. The Managing Remote Teams course had been attended by 52 managers and team leaders.

In addition, a booklet entitled Modern Working, Your Guide had been circulated to all course attendees.

Members heard how a number of policies had been updated to support flexible working; including the Allowances Policy (2018) and the Remote Working Policy (2019) which also included the Flexi Hours Scheme.

To further support the move towards greater flexible working and staff personal accountability online training had been overhauled. The Council had used a specialist online provider (iHasco) for all health and safety awareness training. That shift had resulted in greater compliance as staff could plan their own training schedule according to their work patterns. Compliance rates were in excess of 90%. Face to face delivery was still used for those requiring additional support or greater detail.

The Committee heard that during 2018/19 a new in-house online learning platform had



been designed and developed.

Learning Zone could be accessed by all staff via a laptop and other mobile devices. Member access had also been facilitated. That platform hosted a number of mandatory courses, Careline specific courses and personal development learning opportunities. The majority of the courses on iHasco and Learning Zone included an assessment before learners could be marked as 'complete' and receive their certificate.

It was reported to Members that flexible working had been rapidly accelerated as a consequence of Covid, especially since March 2020 when 'Lockdown' had resulted in the vast majority of office based staff working from home. The flexi-hours scheme had been extended in order to enable staff to work even more flexibly and to take regular breaks away from the screen. Managers and staff had been supportive and appreciative of that approach. It was noted that the vast majority of staff had continued to work their standard hours with only a few variations, most notably around child care whilst schools were closed.

The Committee was aware that Government guidance remained that all employees who could work from home should continue to do so. It was therefore anticipated that in the short to medium term the majority of office based staff would continue to work from home.

In order to improve the sustainability of remote working arrangements a staff survey had been undertaken by Human Resources in order to gain further insight into the experiences and challenges of staff working from home, as well as those staff who had continued to work within the District and on site throughout the Pandemic. This had enabled the organisation to identify areas of concern and implement the necessary support.

Following over 300 responses, headlines from the staff survey were as follows:

- 75% of respondents agreed they had achieved the correct balance between work and home life, with 50% of respondents reported a better work/life balance;
- 72% of respondents agreed their role makes a difference to local residents;
- 75% of respondents got a sense of personal fulfilment from their job;
- 84% of respondents felt proud to work for the Council;
- 92% of respondents felt as productive or more productive working at home;
- 90% of respondents reported that the Council had kept them well informed during the Coronavirus Pandemic;
- 80% of respondents felt supported by their line manager; and
- Almost 60% would like to maintain their current working arrangements indefinitely.

In addition, the following priorities had been identified by staff completing the survey:

- Prioritise return to the workplace for those who will benefit most (when it was safe to do so);

- Prioritise continued working from home for those most ready and able to continue;
- Balance preferences with organisational needs;
- Provide support for those who were most in need; and
- Identify what lessons we could learn for the future

The Committee heard that Covid had accelerated the Council's plans for increased flexible working and had caused it to have a greater degree of home working than was originally envisioned. However, the early work that had been undertaken in 2019 had prepared managers and staff in advance. It was to be hoped that it would be possible in 2021 to have a successful blend of home and office based working so that flexible working ~~was~~ could be fully embedded within the organisation.

After some discussions it was **RECOMMENDED TO CABINET** that the adaptability of the staff and Councillors in relation to the restrictions introduced for COVID19 to continually deliver success, be formally recorded and appreciated.

110. EXCLUSION OF PRESS AND PUBLIC

The meeting was adjourned whilst the Committee made its deliberations.

111. EXEMPT MINUTES OF THE RESOURCE AND SERVICE OVERVIEW AND SCRUTINY COMMITTEE

The Exempt Minutes of the last meeting of the Committee held on Monday 16 November 2020 were approved as a correct record and were then signed by the Chairman.

The meeting was declared closed at 9.55 pm

Chairman

Public Document Pack

Planning Policy and Local Plan Committee

11 January 2021

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON MONDAY, 11TH JANUARY, 2021 AT 6.00 PM
THE MEETING WAS HELD IN ACCORDANCE WITH STATUTORY INSTRUMENT
2020/392.**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman (except item 42), Codling, I Henderson, S Honeywood, Newton, Scott and Winfield
Also Present:	Councillors Bray (items 41 (part) and 42 only), Harris, Placey and White
In Attendance:	Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Gary Guiver (Assistant Director (Strategic Planning and Place)), Ian Ford (Committee Services Manager), Will Fuller (Planning Officer), Karen Hardes (IT Training Officer), Matt Cattermole (Communications Assistant), Paul Woods (Development Technician) and Hattie Dawson-Dragisic (Apprentice (Democratic Services & Elections))

35. CHAIRMAN'S OPENING REMARKS

The Chairman of the Committee (Councillor Turner) made the following opening remarks:-

"Good Evening Fellow Members, Officers and the Public. May I wish you and yours a Healthy, Happy and Prosperous New Year?"

It is a good New Year for this Committee. I have pleasure in offering for our 7th meet since being Chairman, the last Agenda for Part 1 of our Local Plan. In this we agree or not agree the Garden Community for west of Elmstead Market, a joint venture with CBC and ECC. More importantly if we agree this agenda and the recommendations as written on page 11 we will have set in stone, subject to the agreement of Full Council on the 26th of January our housing numbers at 550 dpa and our 5 year land supply figure at 6.5 years. That means that we can refuse applications outside of the development locations as suggested in Part 2.

More good news we have been given provisional dates for the Public Examination of Part 2. That will be over a 2 week period starting on the week beginning the 22nd February.

We will be first of the three North Essex Authorities at the trough, out of the trap, first in line for Public Examination of Section 2. Meaning, I hope we will be able to offer Part 2 to Full Council, after due consideration by this Committee, any further Public Consultation as required and more recommendations from the Inspector, in the latter part of 2021.

This can only have been achieved by us. We have had to read and inwardly digest some 2250 pages of reports over 7 meetings in 17 months. We represent a cross section of our Council that is made up of 8 differing political Groups and Parties. We have been unanimous. We have been given and shown a successful path forward by

our Officers, lead at every step by Gary Guiver the Assistant Director for Strategic Planning and Place. He and his team have been only one word for it, wonderful. A pleasure to work with and an inspiration to all of us and his cross border colleagues.

I have invited the Chairman of the Planning Committee Cllr. John White, his Deputy Cllr. Jeff Bray and any members of that Committee to join us. After our deliberations and before we go to the vote I will invite Cllr White to raise any questions he and his Committee would like to ask. If the Planning Committee Members have any questions please inform Cllr. White to ask them. I will only take comments from Cllr. White and only before we go to the vote.

Finally on a very sad note I would like to offer our condolences to Joy Broderick's Family on their sad loss. Whilst she could she was a stalwart of this Committee from its inception in 2015. Joy brought Holland-on-Sea's views to our attention. I miss her. Joy has been replaced by Cllr. Colin Winfield, who ably substituted for her. Now on with the business of the Committee."

36. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions on this occasion.

37. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on 14 October 2020 be approved as a correct record.

38. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this time.

39. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

40. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, Bill Marshall, a resident of the District, asked the Chairman of the Committee (Councillor Turner) in relation to item A.1 of the Report of the Corporate Director (Place & Economy) the following question:-

"What facilities are in place in the new development plan to take into account any new developments that may arise from the COVID and Brexit outcomes?"

Councillor Turner replied as follows:-

"The facilities available to the Council or any other Local Planning Authority to respond to any changes in economic or other circumstances, Brexit, Covid or otherwise are:

- 1) the ability to review the policies and proposals in the Local Plan; and*
- 2) the ability to depart from policies in the Local Plan when determining planning applications - if and when other material considerations require it.*

In other words, if the plan turns out to be wrong, we fix it through a future review; or if there are good reasons to do so, we can make planning decisions that depart from its policies. It is however very important that these choices are within the Council's control and adopting this Local Plan will ensure it is us in the driving seat.

Whilst no Local Plan is perfect and no Local Plan can possibly cover every possible scenario, eventuality or permutation of circumstances, it is nonetheless essential to have a plan to provide a direction for future growth and protection against unwanted, unplanned and potentially harmful development.

Both Section 1 and Section 2 of our Local Plan strike the right balance in being detailed enough to give direction and certainty and flexible enough to be able to respond to future 'unknowns'."

41. REPORT OF CORPORATE DIRECTOR (PLACE & ECONOMY) - A.1 - SECTION 1 LOCAL PLAN: PLANNING INSPECTOR'S FINAL REPORT AND PROCESS FOR ADOPTION

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Place & Economy) (A.1) which:-

- a) reported the Local Plan Inspector's final conclusions on the legal compliance and 'soundness' of the Section 1 Local Plan for North Essex following consultation on his recommended 'Main Modifications' and the subsequent receipt of his final report on 10th December 2020;
- b) reported that, by incorporating the Inspector's recommended Main Modifications, the Section 1 Local Plan met the tests for legal compliance and soundness - as required for a plan to proceed to formal adoption; and
- c) sought the Committee's agreement that the modified Section 1 Local Plan be recommended to Full Council for formal adoption.

Key Points

It was reported that Planning Inspector Roger Clews had issued his final report in December 2020 on the soundness and legal compliance of Section 1 of the Local Plan for North Essex, having considered the consultation responses on his recommended Main Modifications and the latest Government household projections.

Officers were pleased to report that, with the incorporation of the Inspector's final, slightly adjusted, set of recommended Main Modifications (which included the removal of the Colchester Braintree Borders and West of Braintree Garden Communities), the Section 1 Local Plan was sound and legally compliant. The modified version of the Section 1 Local Plan therefore met the requirements to proceed to formal adoption and the Committee was requested to recommend this to Full Council.

The Committee was aware that for the District of Tendring, the formal adoption of the Section 1 Local Plan would mark a significant milestone in the plan-making process as it would:-

- 1) formalise the housing requirement of 550 dwellings per annum and thus confirm this Council's ability to demonstrate a five-year supply of housing sites thereby – strengthening the Council's defence against unwanted and speculative housing development proposals;
- 2) set the policy framework for progressing work in partnership with Colchester Borough Council, on a more detailed 'Development Plan Document' for the Tendring Colchester Borders Garden Community; and
- 3) provide a strong foundation for the Council to proceed to the Examination-in-Public of Section 2 of the Local Plan in the knowledge that sufficient sites could be identified to meet both the District's housing and employment land requirements up to 2033 without the need for additional sites.

Background

Members were reminded 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 had originally 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. Before a Local Plan could be formally adopted by a Council, it had to 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).

Following examination hearings in 2018 and 2020 the Inspector had concluded that, in its original form, the Section 1 Local Plan did not meet the Government's tests of soundness. In particular, two of the three proposed Garden Communities had not been demonstrated to be economically viable or deliverable – thus making the overall plan unsound. Whilst the Inspector had found the plan to be unsound in its original form, he had advised that it had the potential to be 'made sound' and that it could still progress to adoption if the three Councils agreed to remove the Colchester Braintree Borders and West of Braintree Garden Communities and to consult the public and other interested parties on this and other 'Main Modifications'. The alternative would have been to withdraw the Local Plan from the examination – which would have effectively required all three Council's to start their plans again from scratch.

The Committee recalled that the three NEAs had subsequently agreed to proceed with a consultation on the Main Modifications. This had taken place between 28th August and 9th October 2020 and had resulted in 382 responses from 117 individuals or groups. The Inspector had also invited participants in the examination to comment on the very latest 2018-based household projections that had been published by the Office for National Statistics in 2020 in order to help determine whether they represented a meaningful change that might justify alterations to the housing targets in Policy SP3 of the Local Plan (including the Tendring figure of 550 dwellings per annum). 59 responses had been received on this aspect.

Inspector's final report

The Committee was informed that, having considered the comments received both in relation to the Main Modifications and the latest household projections, the Inspector had issued his report to the three Councils which contained his final assessment and conclusions on the legal compliance and soundness of the Section 1 Plan. Officers were delighted to report that the Inspector had concluded that, subject to the incorporation of his final set of Main Modifications, the Section 1 Plan would meet the required tests which would enable it to proceed to formal adoption. The Inspector's report was attached in full as Appendix 1 to item A.1 of the Report of the Corporate Director (Place & Economy).

Members were made aware that the final Main Modifications were mostly unchanged from those published for consultation with just a small number of fairly minor 'adjustments' that responded to certain comments that had been received and also to recent changes to Government policy and legislation (namely changes in the Use Classes Order) which affected policies on employment land. The final set of Main Modifications was attached as Appendix 2 to the Corporate Director's report.

Next steps

It was reported that now that the three Councils had received a final report on the legal compliance and soundness of the Section 1 Plan, Officers were requesting that the Planning Policy and Local Plan Committee endorsed the Inspector's final Main Modifications and their incorporation into the Section 1 Local Plan, and that the modified version of the plan be forwarded to Full Council and recommended for formal adoption.

Members were advised that the document contained within Appendix 3 to the Corporate Director's report was a 'tracked change' version of the modified Section 1 Local Plan which highlighted the various modifications. A 'clean' version of the modified Section 1 Local Plan (showing how the final adopted plan would appear on publication) had been forwarded on to the Committee prior to the commencement of the meeting.

The Assistant Director (Strategic Planning & Place) made the Committee aware of the way forward for the Tendring Colchester Borders Garden Community in the light of the Planning Inspector's final report. He also reported that Colchester Borough Council intended to submit the Shared Strategic Section 1 Plan to a Full Council meeting on 1st February 2021 and that Braintree District Council intended to do likewise towards the end of that month.

During the consideration of this item Councillors Allen, Chapman and I J Henderson indicated that they would be voting in favour of the recommendations contained in the Officer report.

Having duly considered and discussed the contents of the report and its appendices:-

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

RESOLVED that the Planning Policy and Local Plan Committee -

- (a) notes the findings of the Planning Inspector's 'Report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan received on 10th

December 2020 (attached as Appendix 1 to item A.1 of the Report of the Corporate Director (Place & Economy) and his final 'Schedule of Recommended Main Modifications' (attached as Appendix 2 to the aforementioned report); and

- (b) authorises the Assistant Director (Strategic Planning & Place) to correct any minor administrative/typographical errors remaining within the 'clean version' of Appendix 3 prior to its submission to Full Council.

RECOMMENDED TO COUNCIL that the 'Modified North Essex Authorities' Shared Strategic Section 1 Plan' (attached as Appendix 3 to item A.1 of the Report of the Corporate Director (Place & Economy) as a 'tracked change' version but to be followed by a 'clean version' that will be submitted to Full Council) that is the new Section 1 Local Plan incorporating the Inspector's recommended main modifications be formally adopted by Tendring District Council in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004.

42. UPDATE - SECTION 2 OF THE LOCAL PLAN - PUBLIC INQUIRY

The Committee received from the Assistant Director (Strategic Planning & Place) an oral update on the progress made on the preparations for the Public Inquiry due to be held in relation to Section 2 of the Local Plan.

He informed Members that Tendring District Council (TDC) would be the first of the three North Essex Authorities (NEAs) to have their Section 2 Local Plan examined in public. The Inquiry would commence on 22 February 2021 with the first evidence hearing session taking place the next day. All of the evidence sessions would be undertaken virtually via Microsoft Teams and would be live streamed to the public.

Anne Jordan would be the Examining Inspector for all three NEAs, assisted by James Bridgwater. There were five days allocated for evidence hearing with an additional two days held in reserve. On each day there would be three 1.5 hour sessions to debate the key issues identified by the Examining Inspector which would include:-

- (i) the Housing Supply Land identified by TDC; and
- (ii) TDC's already identified proposed changes to Section 2 Policies.

The Committee was advised that the Programme Officer had notified all interested parties who had previously made representations to ascertain if they would wish to speak at the hearings.

Members were made aware that there was a special section on TDC's website for the Inquiry which contained:-

- (1) the timetable for the Inquiry;
- (2) TDC's topic papers and evidence based documents; and
- (3) all previously submitted public representations together with the TDC Officer responses thereto.

The Committee noted the foregoing.

The meeting was declared closed at 7.32 pm

Chairman

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EXTRACT FROM THE MINUTES OF THE MEETING OF THE PLANNING POLICY & LOCAL PLAN COMMITTEE HELD ON MONDAY 11TH JANUARY 2021

41. REPORT OF CORPORATE DIRECTOR (PLACE & ECONOMY) - A.1 - SECTION 1 LOCAL PLAN: PLANNING INSPECTOR'S FINAL REPORT AND PROCESS FOR ADOPTION

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- 3) provide a strong foundation for the Council to proceed to the Examination-in-Public of Section 2 of the Local Plan in the knowledge that sufficient sites could be identified to meet both the District's housing and employment land requirements up to 2033 without the need for additional sites.

Background

Members were reminded 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 had originally 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. Before a Local Plan could be formally adopted by a Council, it had to 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).

Following examination hearings in 2018 and 2020 the Inspector had concluded that, in its original form, the Section 1 Local Plan did not meet the Government's tests of soundness. In particular, two of the three proposed Garden Communities had not been demonstrated to be economically viable or deliverable – thus making the overall plan unsound. Whilst the Inspector had found the plan to be unsound in its original form, he had advised that it had the potential to be 'made sound' and that it could still progress to adoption if the three Councils agreed to remove the Colchester Braintree Borders and West of Braintree Garden Communities and to consult the public and other interested parties on this and other 'Main Modifications'. The alternative would have been to withdraw the Local Plan from the examination – which would have effectively required all three Council's to start their plans again from scratch.

The Committee recalled that the three NEAs had subsequently agreed to proceed with a consultation on the Main Modifications. This had taken place between 28th August and 9th October 2020 and had resulted in 382 responses from 117 individuals or groups. The Inspector had also invited participants in the examination to comment on the very latest 2018-based household projections that had been published by the Office for National Statistics in 2020 in order to help determine whether they represented a meaningful change that might justify alterations to the housing targets in Policy SP3 of the Local Plan (including the Tendring figure of 550 dwellings per annum). 59 responses had been received on this aspect.

Inspector's final report

The Committee was informed that, having considered the comments received both in relation to the Main Modifications and the latest household projections, the Inspector had issued his report to the three Councils which contained his final assessment and conclusions on the legal compliance and soundness of the Section 1 Plan. Officers were delighted to report that the Inspector had concluded that, subject to the incorporation of his final set of Main Modifications, the Section 1 Plan would meet the required tests which would enable it to proceed to formal adoption. The Inspector's report was attached in full as Appendix 1 to item A.1 of the Report of the Corporate Director (Place & Economy).

Members were made aware that the final Main Modifications were mostly unchanged from those published for consultation with just a small number of fairly minor 'adjustments' that responded to certain comments that had been received and also to recent changes to Government policy and legislation (namely changes in the Use Classes Order) which affected policies on employment land. The final set of Main Modifications was attached as Appendix 2 to the Corporate Director's report.

Next steps

It was reported that now that the three Councils had received a final report on the legal compliance and soundness of the Section 1 Plan, Officers were requesting that the Planning Policy and Local Plan Committee endorsed the Inspector's final Main Modifications and their incorporation into the Section 1 Local Plan, and that the modified version of the plan be forwarded to Full Council and recommended for formal adoption.

Members were advised that the document contained within Appendix 3 to the Corporate Director's report was a 'tracked change' version of the modified Section 1 Local Plan which highlighted the various modifications. A 'clean' version of the modified Section 1 Local Plan (showing how the final adopted plan would appear on publication) had been forwarded on to the Committee prior to the commencement of the meeting.

The Assistant Director (Strategic Planning & Place) made the Committee aware of the way forward for the Tendring Colchester Borders Garden Community in the light of the Planning Inspector's final report. He also reported that Colchester Borough Council intended to submit the Shared Strategic Section 1 Plan to a Full Council meeting on 1st February 2021 and that Braintree District Council intended to do likewise towards the end of that month.

During the consideration of this item Councillors Allen, Chapman and I J Henderson indicated that they would be voting in favour of the recommendations contained in the Officer report.

Having duly considered and discussed the contents of the report and its appendices:-

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

RESOLVED that the Planning Policy and Local Plan Committee -

- (a) notes the findings of the Planning Inspector's 'Report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan received on 10th December 2020 (attached as Appendix 1 to item A.1 of the Report of the Corporate Director (Place & Economy) and his final 'Schedule of Recommended Main Modifications' (attached as Appendix 2 to the aforementioned report); and
- (b) authorises the Assistant Director (Strategic Planning & Place) to correct any minor administrative/typographical errors remaining within the 'clean version' of Appendix 3 prior to its submission to Full Council.

RECOMMENDED TO COUNCIL that the 'Modified North Essex Authorities' Shared Strategic Section 1 Plan' (attached as Appendix 3 to item A.1 of the Report of the Corporate Director (Place & Economy) as a 'tracked change' version but to be followed by a 'clean version' that will be submitted to Full Council) that is the new Section 1 Local Plan incorporating the Inspector's recommended main modifications be formally adopted by Tendring District Council in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004.

PLANNING POLICY AND LOCAL PLAN COMMITTEE

11 JANUARY 2021

REPORT OF THE CORPORATE DIRECTOR (PLACE AND ECONOMY)

A.1 SECTION 1 LOCAL PLAN: PLANNING INSPECTOR'S FINAL REPORT AND PROCESS FOR ADOPTION

(Report prepared by Gary Guiver and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

- a) To report the Local Plan Inspector's final conclusions on the legal compliance and 'soundness' of the Section 1 Local Plan for North Essex following consultation on his recommended 'Main Modifications' and the subsequent receipt of his final report on 10th December 2020;
- b) To report that, by incorporating the Inspector's recommended Main Modifications, the Section 1 Local Plan meets the tests for legal compliance and soundness - as required for a plan to proceed to formal adoption; and
- c) To seek the Planning Policy and Local Plan Committee's agreement that the modified Section 1 Local Plan be recommended to Full Council for formal adoption.

EXECUTIVE SUMMARY

Key Points

- Planning Inspector Roger Clews has issued his final report on the soundness and legal compliance of Section 1 of the Local Plan for North Essex, having considered the consultation responses on his recommended Main Modifications and the latest government household projections.
- Officers are pleased to report that, with the incorporation of the Inspector's final, slightly adjusted, set of recommended Main Modifications (which include the removal of the Colchester Braintree Borders and West of Braintree Garden Communities), the Section 1 Local Plan is sound and legally compliant.
- The modified version of the Section 1 Local Plan therefore meets the requirements to proceed to formal adoption and the Committee is invited to recommend this to Full Council.
- For Tendring, the formal adoption of the Section 1 Local Plan will mark a significant milestone in the plan-making process as it will:

- 1) formalise the housing requirement of 550 dwellings per annum and thus confirm Council's ability to demonstrate a five-year supply of housing sites – strengthening the Council's defence against unwanted and speculative housing development proposals;
- 2) set the policy framework for progressing work in partnership with Colchester Borough Council, on a more detailed 'Development Plan Document' for the Tendring Colchester Borders Garden Community; and
- 3) provide a strong foundation for the Council to proceed to the Examination of Section 2 of the Local Plan in the knowledge that sufficient sites can be identified to meet both the district's housing and employment land requirements up to 2033 without the need for additional sites.

Background

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 originally 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 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).

Following examination hearings in 2018 and 2020 the Inspector concluded that, in its original form, the Section 1 Local Plan did not meet the government's tests of soundness. In particular, two of the three proposed Garden Communities had not been demonstrated to be economically viable or deliverable – thus making the overall plan unsound. Whilst the Inspector had found the plan to be unsound in its original form, he advised that it had the potential to be 'made sound' and that it could still progress to adoption if the Councils agreed to remove the Colchester Braintree Borders and West of Braintree Garden Communities and consult the public and other interested parties on this and other 'Main Modifications'. The alternative would have been to withdraw the Local Plan from the examination – effectively requiring all three Council's to start their plans again from scratch.

The three NEAs subsequently agreed to proceed with consultation on Main Modifications which took place between 28th August and 9th October 2020, resulting in 382 responses from 117 individuals or groups. The Inspector also invited participants in the examination to comment on the very latest 2018-based household projections that had been published by the Office for National Statistics in 2020 to help determine whether or not they represented a meaningful change that might justify alterations to the housing targets in Policy SP3 of the Local Plan (including the Tendring figure of 550 dwellings per annum). 59 responses were received.

Inspector's final report

Having considered the comments received both in relation to the Main Modifications and the latest household projections, the Inspector has issued his report to the three Councils which contains his final assessment and conclusions on the legal compliance and soundness of the Section 1 Plan. Officers are delighted to report that the Inspector has concluded that, subject to the incorporation of his final set of Main Modifications, the Section 1 Plan will meet the required tests which enable it to proceed to formal adoption. The Inspector's report is attached in full as Appendix 1 to this report.

The final Main Modifications are mostly unchanged from those published for consultation with just a small number of fairly minor 'adjustments' that respond to certain comments that were received and recent changes to government policy and legislation – namely changes in the Use Classes Order which affect policies on employment land. The final set of Main Modifications is attached as Appendix 2 to this report.

Next steps

Now that the Councils have received a final report on the legal compliance and soundness of the Section 1 Plan, Officers recommend that the Planning Policy and Local Plan Committee endorse the Inspector's final Main Modifications and their incorporation into the Section 1 Local Plan, and that the modified version of the plan be forwarded to Full Council and recommended for formal adoption.

The document contained within Appendix 3 to this report is a 'tracked change' version of the modified Section 1 Local Plan which highlights the various modifications. A 'clean' version of the modified Section 1 Local Plan (showing how the final adopted plan will appear on publication) was still being prepared at the time of writing and will be forwarded on to the Committee, as soon as possible, once complete.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- a) **notes the findings of the Planning Inspector's 'Report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan received on 10th December 2020 (attached as Appendix 1 to this report) and his final 'Schedule of Recommended Main Modifications' (attached as Appendix 2); and**
- b) **recommends, to Full Council, the formal adoption of the 'Modified North Essex Authorities' Shared Strategic Section 1 Plan' (attached as Appendix 3 to this report as a 'tracked change' version but to be followed by a 'clean version') i.e. the new Section 1 Local Plan incorporating the Inspector's recommended main modifications in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004.**

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 adoption of the Section 1 Plan following the Inspector's findings and the incorporation of his recommended main modifications will enable all three authorities to proceed to confirm their housing and employment requirements which provide a strong foundation for proceeding to the examination to their respective Section 2 Local Plans and maintaining a five-year housing supply. It will also enable work to proceed on a Development Plan Document (DPD) for the Tendring Colchester Borders Garden Community, jointly between Tendring District Council and Colchester Borough Council.

RESOURCES AND RISK

There is a risk of legal challenge following the adoption of the Section 1 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. With the Inspector recommending the removal of the Colchester Braintree Borders Garden Community and the West of Braintree Garden Community from the Section 1 Plan, a legal challenge is now more likely to come from aggrieved landowners and developers that had been promoting those schemes, as opposed to local campaign groups or residents – but any party has the right to apply for a legal challenge if they so wish. In the event that a legal challenge were lodged (within 6 six weeks from the date of adoption), it would not affect the status of the Section 1 Plan or the Council's decision to adopt the plan unless and until such time that a court ruled that the decision should be quashed. There are however no obvious grounds that would appear to justify such a challenge.

The Section 1 Plan was individually submitted by the North Essex Authorities but applies equally to all three Councils, therefore it is important that all three Councils take a consistent course of action and agree to formally adopt the plan, as modified. 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 and Council decisions for Braintree and Colchester, and any resulting implications, will be reported to Members as appropriate.

LEGAL

The planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the new 2019 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, as amended, (“2004 Act”) 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 important to progress the emerging Local Plan through the remaining 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 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 Inspector has concluded through the examination process and in his final report that the relevant authorities have met with this legal duty.

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 under Section 20 of the 2004 Act.

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 purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues. The Inspector has concluded through the examination process and in his final report that the requirement for Sustainability Appraisal has been met and that the content of the plan and its proposed modifications has been suitably informed by its findings. 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 Inspector has confirmed that legal and procedural requirements have been met but that the Section 1 Plan, in its current form, is not sound. The Inspector has concluded that the Section 1 Plan will be made sound

by incorporating his recommended main modifications, the Council must adopt Section 1 with the main modifications in accordance with Section 23(3) of the 2004 Act.

Following receipt of the Inspector's report, it is for the Councils to decide whether and when to adopt the Section 1 Plan, including whether or not to adopt it in advance of their Section 2 Plan.

The terms of reference of the Planning Policy and Local Plan Committee includes the exercise of the Council's functions, powers and duties in relation to the preparation of the District Council's Local Plan, including ensuring that it meets the "tests of soundness" set out in the NPPF. In accordance with Section 23 of the 2004 Act, the Section 1 Plan, with the main modifications, is adopted by resolution of Full Council and the Committee is invited to make that recommendation.

On adoption, in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Councils will be required to give notice of adoption through the publication of an 'Adoption Statement' that would be published on the website. In addition, the adopted plan itself, the Sustainability Appraisal and details of where the plan is available for inspection have to be published. A copy of the Adoption Statement has to be sent to everyone on the Councils' databases who had been asked to be notified of adoption and a copy has to be sent to the Secretary of State.

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: Section 1 of the Local Plan has now progressed through all of the necessary stages of public consultation and engagement and the Inspector's final recommended Main Modifications can be endorsed by the Councils without the need to carry out further consultation. The Inspector's amendments to the Modifications are not significant enough to warrant further consultation.

There will however be further public engagement and consultation in due course in relation to preparing a Development Plan Document for the Tendring Colchester Borders Garden Community and there may be further consultation requirements in respect of Section 2 of the Local Plan depending on any modifications required for that part of the plan.

PART 3 – SUPPORTING INFORMATION

Background

Section 1 of the emerging Local Plan ('the Section 1 Plan') was designed to 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 plan originally included proposals for three new cross-boundary ‘Garden Communities’ along the A120 corridor. 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. Following the necessary stages of consultation, the Local Plans were submitted to the Secretary of State in 2017 to begin the process of independent examination.

The Secretary of State appointed an experienced Planning Inspector, Mr. Roger Clews, to undertake the examination for Section 1 of the plan. The purpose of the examination was for the Inspector to ensure the Councils had followed relevant legal and procedural requirements and to test the plan for its ‘soundness’ - including its consistency with national planning policy.

Following the original examination hearings that took place in 2018, the Inspector wrote to the Councils to say that the evidence provided to support the Garden Communities was lacking in a number of respects – including in relation to transport infrastructure, housing delivery, employment provision, viability, delivery mechanisms and the sustainability appraisal. The Inspector also identified concerns about the viability and deliverability of the Garden Communities and the way in which the authorities had selected those proposals over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Plan as being sound and instead provided the authorities with options for how to progress a Local Plan towards adoption. The Councils selected the option of producing additional evidence aimed at addressing the Inspector’s specific concerns, including an additional sustainability appraisal and studies on viability, transport and housebuilding rates. The various documents were endorsed by Members of all three Council’s in June and July 2019 and were subsequently published for consultation in Summer 2019 to allow third parties the opportunity to consider the additional evidence and make any comments.

Further examination hearings took place in January 2020 which focussed on the additional documentation and whether it addressed the Inspector’s initial concerns. On 15 May 2020, the NEAs received the Inspector’s letter setting out his further post-examination conclusions – which were reported to the Committee in July 2020. The main conclusion was that two of the three proposed Garden Communities i.e. the West of Braintree and Braintree Colchester Borders Garden Community were neither viable nor deliverable and, as a consequence, the Section 1 Local Plan did not meet the tests of soundness set out in the National Planning Policy Framework (NPPF). However the Inspector concluded that the Tendring Colchester Borders Garden Community was deliverable and that there could be a way of progressing the Local Plan towards adoption and he offered the authorities two options for how to proceed; i.e. to either propose and consult on main modifications to remove the Colchester / Braintree Borders and West of Braintree GC proposals from the Plan; or to withdraw the Plan from examination.

The authorities agreed to consult on the Inspector’s recommended main modifications which, in summary, included:

- Removal of the West of Braintree and Colchester Braintree Borders Garden Communities from the policies and associated maps and diagrams in the Section 1 Plan and any other references to those developments in the text of the plan.
- A new policy SP1A on 'Recreation disturbance Avoidance and Mitigation Strategy' (RAMS) setting out how the impacts of new development on internationally important wildlife sites will be avoided and mitigated in line with the European Habitat Regulations.
- Modifications to Policy SP2 'Spatial Strategy for North Essex' to refer to just one Garden Community – the Tendring Colchester Borders Garden Community.
- Modifications to Policy SP4 'Providing for Employment' to update the employment land requirements for each of the three Councils to reflect the latest evidence, including the requirement for Tendring for between 12 and 20 hectares of new employment land in the plan period to 2033.
- Modifications to Policy SP5 to refer specifically to the 'Tendring Colchester Borders Garden Community' and to include a new section (E) aimed at ensuring there is sufficient capacity in the water supply and waste water infrastructure to serve the development.
- Modifications to Policy SP6 'Place-shaping Principles' to include specific requirements in regard to the protection of internationally important wildlife sites which, depending on the findings of ongoing survey work, might include the creation of a new habitat to offset and mitigate any impacts arising as a result of the development.
- Modifications to Policy SP7 to refer specifically to the 'Development and Delivery of a New Garden Community in North Essex' (as opposed to three) and to state specifically that the Tendring Colchester Borders Garden Community will deliver between 2,200 and 2,500 homes and 7 hectares of employment land within the plan period to 2033 (as part of an expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033) and provision for Gypsies and Travellers.
- Further modifications to Policy SP7 to explain that a Development Plan Document (DPD) will be prepared for the garden community containing policies setting out how the new community will be designed, developed and delivered in phases; and that no planning consent for any development forming part of the garden community will be granted until the DPD has been adopted.
- Modifications to Policy SP8 'Tendring / Colchester Borders Garden Community' to state that the adoption of the DPD will be contingent on the completion of a 'Heritage Impact Assessment' carried out in accordance with Historic England, which will inform the content of the DPD.

- Modifications to Policy SP8 to explain how housing delivery for the garden community, irrespective of its actual location, will be distributed equally between Tendring District Council and Colchester Borough Council when it comes to counting house completions and monitoring delivery against each of the Councils' housing targets.
- Modifications to Policy SP8 also requiring that the planning consent and funding approval for the A120-133 link road and Route 1 of the rapid transit system are secured before planning approval is granted for any development forming part of the garden community.
- Other modifications to Policy SP8 emphasising the need for development at the garden community to achieve an efficient use of water, manage flood risk, avoid adverse impacts on internationally important wildlife sites arising from sewerage treatment and discharge, conserve and enhance heritage assets and their settings, and to minimise adverse impacts on sites of international, national and local importance for ecology.
- Finally, modifications to Policy SP8 to require the allocation of land within the garden community to accommodate expansion of the University of Essex.

The consultation on Main Modifications took place between 28th August and 9th October 2020. A total of 382 consultation responses were received from across North Essex to the main modifications, from 117 individuals or groups. This included local residents and Parish/Town Councils, land owners and agents and statutory consultees such as Historic England and Natural England. 66 of the comments were made to the modifications in general (and not necessarily commenting on any particular modification) and Policies SP7 Garden Communities and SP8 Tendring Colchester Borders Garden Community (policies not being proposed for removal by the Inspector) were the areas which attracted the most number of comments. A further 6 comments were received in respect of the amended Habitats Regulation Assessment and 15 comments were received to the amended Sustainability Appraisal. The comments were collected by the NEAs and forwarded on to the Inspector for consideration. They can be viewed on the Braintree District Council website following this link: [Braintree District Council - Section 1 Proposed Main Modifications \(objective.co.uk\)](https://www.braintree.gov.uk/objective.co.uk)

The Inspector also invited participants in the examination to comment on the very latest 2018-based household projections that had been published by the Office for National Statistics in 2020 to help determine whether or not they represented a meaningful change that might justify alterations to the housing targets in Policy SP3 of the Local Plan (including the Tendring figure of 550 dwellings per annum). 59 comments were received which can be viewed on the Braintree District Council website following this link: [Responses to Consultation on 2018-based Household Projections – Section 1 examination – Braintree District Council](https://www.braintree.gov.uk/Responses%20to%20Consultation%20on%202018-based%20Household%20Projections%20-%20Section%201%20examination%20-%20Braintree%20District%20Council)

Inspector's Final Report under Section 20 of the 2004 Act

Following the Inspector's consideration and assessment of all the comments received, the NEAs on 10th December 2020 received his final report entitled 'Report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan' which is attached, in full, as Appendix 1 to this report.

The non-technical summary from the Inspector's report provides a clear overview of his conclusions and is therefore replicated below:

"This report concludes that the North Essex Authorities' [NEAs] Shared Strategic Section 1 Plan provides an appropriate basis for the planning of the NEAs' area, provided that a number of main modifications [MMs] are made to it. The NEAs have specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the NEAs prepared schedules of the proposed MMs, carried out sustainability appraisal [SA] of them, and updated the Habitats Regulations Assessment [HRA] to take account of them. The MMs were subject to public consultation over a six-week period. In some cases I have adjusted their detailed wording and made consequential adjustments where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and Habitats Regulations Assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- *Deletion from the Plan of the proposed Colchester / Braintree Borders garden community and the proposed West of Braintree garden community;*
- *Modifications to the policies for the Tendring / Colchester Borders garden community, to ensure that the Plan provides a justified and effective policy framework for its development;*
- *Modifications to the policy on housing requirements to ensure that the Plan effectively sets out how those requirements are to be met;*
- *Modifications to the policy for employment land to ensure that its requirements are soundly based and that it sets out effectively how they will be met; and*
- *Modifications to ensure that the Plan's Vision, strategic objectives and spatial strategy, and its policies on the presumption in favour of sustainable development, infrastructure and connectivity, and place-shaping principles, are justified, effective and consistent with national policy."*

Essentially the Inspector has concluded that, subject to the incorporation of his final set of Main Modifications (which are attached as Appendix 2 to this report), the Section 1 Plan will meet the required tests which enable it to proceed to formal adoption. The recommended Main Modifications are mostly unchanged from those published for consultation with the exception of a number of minor 'adjustments' which are explained in his report.

Legal compliance

The main body of the report reiterates the Inspector's conclusion that the plan meets with the various legal and procedural requirements including the Equalities Act, the legal Duty to Cooperate, Sustainability Appraisal, Habitats Regulation Assessment, Climate Change obligations and compliance with the Statements of Community Involvement.

Soundness

The report then contains the Inspector's detailed conclusions on the soundness of the plan, focusing on five main issues:

Main issue 1 – Are the housing requirement figures set out in Plan policy SP3 soundly based, and does the Plan effectively set out how its housing requirements are to be met, in accordance with national policy?

Main Issue 2 – Are the employment land requirement figures set out in policy SP4 soundly based, and does the policy effectively set out how those requirements are to be met?

Main Issue 3 – Are the Plan's proposals for the development of three garden communities in North Essex justified and deliverable, and does the Plan provide a justified and effective policy framework for their development, in accordance with national policy?

Main Issue 4 – Are the Plan's Vision, strategic objectives and spatial strategy justified, effective and consistent with national policy, and is the Plan period appropriately and correctly identified?

Main Issue 5 – Are the Plan's policies on the presumption in favour of sustainable development (SP1), on infrastructure and connectivity (SP5), and on place-shaping principles (SP6), sound?

In respect of main issue 1 and the housing requirements, Officers are pleased to report that the Inspector has confirmed his earlier conclusions on the soundness of each of the three authorities' housing requirements, even having considered the implications of the 2018-based household projections. This confirms the housing figures of 716 dwellings per annum (dpa) for Braintree, 920dpa for Colchester and 550dpa for Tendring as being soundly based. The examination of the three authorities' individual Section 2 Local Plans will determine whether or not sufficient land has been identified to meet those requirements.

For issue 2 on employment land, the Inspector has recommended some adjustments to his original main modifications to reflect government's recent changes to the Use Classes Order which incorporate the old B1 'business' class into a new class 'E' that now includes other commercial uses including retail. To ensure Policy SP4 responds to this change, the adjusted modifications spell out the type of employment use that employment land will be identified for, rather than relying on the use class codes (such as 'B1' which no longer exists). The main conclusion however is that the modified employment land requirements set out in the Inspector's original modifications are confirmed as sound including the requirement of between 12 and 20 hectares of employment land in Tendring up to 2033.

For issue 3 on Garden Communities, the Inspector has confirmed his earlier conclusion that two of the three Garden Communities are not viable nor deliverable and that they need to be removed from the Local Plan for it to be sound. The Inspector's recommended modifications to the plan deal with the removal of the Colchester Braintree Borders and West of Braintree Garden Communities and improvements to the policies specifically relating to the single remaining Garden Community on the Tendring Colchester border.

For issue 4 on the plan's vision, strategic objectives and spatial strategy, again the Inspector has confirmed his earlier conclusions that, subject to the recommended modifications, the strategy set out in the plan is sound. Furthermore, the Inspector has concluded that there is no need to extend the timeframe of the plan beyond 2033 so that it covers a full 15-year period post adoption (as preferred by the guidance in the NPPF) as it would unnecessarily delay the progress of the plan and, in any event, a review of the plan within five years would be required which could bring forward additional sites, as necessary, to meet development needs in the longer-term,

For issue 5 on policies on the presumption of sustainable development, infrastructure and connectivity and place-shaping principles, the Inspector has confirmed his earlier conclusions that modifications to the wording are required to make the plan sound.

Paragraphs 127 and 128 set out the Inspector's overall conclusion and recommendation and these are replicated as follows:

"The Section 1 Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

The North Essex Authorities requested that I recommend main modifications to make the Section 1 Plan sound and legally compliant, and thus capable of adoption. I conclude that the duty to cooperate has been met and that, with the recommended main modifications set out in the Appendix, the North Essex Authorities' Shared Strategic Section 1 Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound."

Recommended Main Modifications

The Inspector's recommended Main Modifications to the Section 1 Local Plan are set out in full in Appendix 2 to this report and are, in the majority, unchanged from those published for consultation. The Inspector has however made a number of minor 'adjustments' to some of the modifications in response to comments received and changes in national policy – namely the change to the Use Classes Order in respect of B1 business use (as explained above). The adjustments are all minor in nature and do not require any further consultation.

The 'modified' version of the Section 1 Plan attached as Appendix 3 to this report and, at present, is a 'tracked change' version that highlights the Inspector's final Main Modifications and other minor consequential modifications that the Officers of the three authorities have agreed to make to

supporting paragraphs to ensure the wording of the plan overall is consistent and properly reflects the more significant changes to the policies. A 'clean' version of the modified Section 1 Local Plan (showing how the final adopted plan will appear on publication) was still being prepared at the time of writing and will be forwarded on to the Committee, as soon as possible, once complete.

Adoption

The authorities now have the confirmation from the Inspector that the modified version of the Section 1 Plan is sound and can therefore proceed to adoption. The choice of whether it is adopted independently of the three Councils' Section 2 Local Plans or adopted as three whole plans following the completion of the Section 2 examinations lies with the Councils. The Inspector's advice, contained within paragraph 9 of his report is *"Following their receipt of this report, in accordance with section 23 of the 2004 Act it will be for each of the NEAs to decide whether and when to adopt the Section 1 Plan, including whether or not to adopt it in advance of their Section 2 Plan."*

Officers recommend the adoption of the modified Section 1 Plan as soon as possible in order to:

- 1) formalise the housing requirement of 550 dwellings per annum and thus confirm the Council's ability to demonstrate a five-year supply of housing sites – strengthening the Council's defence against unwanted and speculative housing development proposals (on current calculations, the Council would be able to demonstrate a comfortable 6.5 year housing supply);
- 2) set the policy framework for progressing work in partnership with Colchester Borough Council, a more detailed 'Development Plan Document' for the Tendring Colchester Borders Garden Community; and
- 3) provide a strong foundation for the Council to proceed to the Examination of Section 2 of the Local Plan in the knowledge that sufficient sites can be identified to meet both the District's housing and employment land requirements up to 2033 without the need for additional sites.

The Planning Policy and Local Plan Committee is therefore asked to recommend the modified Section 1 Local Plan to Full Council for adoption in advance of the Section 2 Plan.

APPENDICES

Appendix 1 – Report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan (10 December 2020).

Appendix 2 – North Essex Authorities' Shared Strategic Section 1 Plan – Schedule of Recommended Main Modifications (10 December 2020).

[Appendix 3 – The modified Section 1 Local Plan for North Essex (showing tracked changes) – NOT INCLUDED IN THE COUNCIL BOOK]

[NEW Appendix 3 – The modified Section 1 Local Plan for North Essex ('clean' version – prepared in accordance with the decision of the Planning Policy & Local Plan Committee on 11 January 2021) – INCLUDED IN THE COUNCIL BOOK]



The Planning Inspectorate

Report to Braintree District Council, Colchester Borough Council and Tendring District Council

by Roger Clews BA MSc DipEd DipTP MRTPI
an Inspector appointed by the Secretary of State

Date: 10 December 2020

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan

The Plan was submitted for examination on 9 October 2017

The examination hearings were held between 16 & 25 January 2018, on 9 May 2018,
and between 14 & 30 January 2020.

File Ref: PINS/A1530/429/9

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Attachments

Inspector's post-hearings letter, 8 June 2018 [IED/011]
 Inspector's supplementary post-hearings letter, 27 June 2018 [IED/012]
 Inspector's post-hearings letter, 15 May 2020 [IED/022]

Appendix

Schedule of Recommended Main Modifications

Abbreviations used in this report

The 2004 Act	The <i>Planning and Compulsory Purchase Act 2004</i> (as amended)
dpa	Dwellings per annum
DPD	Development Plan Document
GC	Garden community
HRA	Habitats Regulations Assessment
LPA	Local Planning Authority
MM	Main modification
NEAs	North Essex Authorities
NPPF	National Planning Policy Framework
ONS	The Office for National Statistics
The Plan	The North Essex Authorities' Shared Strategic Section 1 Plan
PPG	Planning Practice Guidance
The Regulations	The <i>Town and Country Planning (Local Planning) (England) Regulations 2012</i> (as amended)
SA	Sustainability appraisal
The Section 1 Plan	The North Essex Authorities' Shared Strategic Section 1 Plan
UPC	Unattributable population change

Non-Technical Summary

This report concludes that the North Essex Authorities' [NEAs] Shared Strategic Section 1 Plan provides an appropriate basis for the planning of the NEAs' area, provided that a number of main modifications [MMs] are made to it. The NEAs have specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the NEAs prepared schedules of the proposed MMs, carried out sustainability appraisal [SA] of them, and updated the Habitats Regulations Assessment [HRA] to take account of them. The MMs were subject to public consultation over a six-week period. In some cases I have adjusted their detailed wording and made consequential adjustments where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and Habitats Regulations Assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Deletion from the Plan of the proposed Colchester / Braintree Borders garden community and the proposed West of Braintree garden community;
- Modifications to the policies for the Tendring / Colchester Borders garden community, to ensure that the Plan provides a justified and effective policy framework for its development;
- Modifications to the policy on housing requirements to ensure that the Plan effectively sets out how those requirements are to be met;
- Modifications to the policy for employment land to ensure that its requirements are soundly based and that it sets out effectively how they will be met; and
- Modifications to ensure that the Plan's Vision, strategic objectives and spatial strategy, and its policies on the presumption in favour of sustainable development, infrastructure and connectivity, and place-shaping principles, are justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the North Essex Authorities'¹ Shared Strategic Section 1 Plan in terms of Section 20(5) of *the Planning and Compulsory Purchase Act 2004* (as amended) [the 2004 Act]. It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. At paragraph 182, the National Planning Policy Framework [NPPF], published in March 2012, makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised version of the NPPF was published in July 2018 and was further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF apply. Similarly, where the national Planning Practice Guidance [PPG] has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the North Essex Authorities [NEAs] have submitted what they consider to be a sound plan. The Publication Draft of the NEAs' Shared Strategic Section 1 Plan, submitted for examination in October 2017, is the basis for my examination. It is the same document as was published for representations in June 2017.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the NEAs requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and legally non-compliant, and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the form **MM1**, **MM2**, etc when they first appear in the report, and are set out in full in the Appendix.
5. Following the examination hearings, the NEAs prepared a schedule of proposed MMs, carried out sustainability appraisal [SA] of them, and updated the Habitats Regulations Assessment [HRA] to take account of them. The schedule of proposed MMs and the accompanying SA and HRA reports were subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report, and in this light I have made some adjustments to the detailed wording of the MMs. None of those adjustments significantly alters the content of the MMs as published for consultation, or undermines the participatory processes, the SA or the HRA that have been undertaken. Where necessary, I explain the adjustments in the report.

¹ The North Essex Authorities are: Braintree District Council, Colchester Borough Council, and Tendring District Council.

Policies Map

6. Local planning authorities [LPAs] must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, LPAs are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. For Braintree District Council, the submission policies map consists of all the "Proposal Maps" following page 209 in their submitted Publication Draft Local Plan, and for Colchester Borough Council, it comprises the separately-bound set of "Policies Maps" which accompanied their submitted Publication Draft Local Plan.
7. The submission policies maps for Braintree and Colchester include geographic illustrations of the broad locations of the proposed Colchester / Braintree Borders and West of Braintree garden communities [GCs], which are the subject of submitted Plan policies SP7, SP9 and SP10. However, I am recommending MMs which remove those two proposed GCs from the Plan². Consequently, when the Plan is adopted, the geographic illustrations of those two proposed GCs on Braintree's and Colchester's submission policies maps should not be carried forward to their adopted policies maps.
8. The Plan proposes a third GC, the Tendring / Colchester Borders GC, which is the subject of policies SP7 and SP8. I am not recommending the removal of this GC from the Plan. Accordingly, the geographic illustrations of its broad location on Colchester's and Tendring's submission policies maps will need to be carried forward to their adopted policies maps.

Context of the Plan

9. The NEAs' shared strategic Section 1 Plan [hereafter referred to as "the Section 1 Plan" or "the Plan"] was produced collaboratively by Braintree District Council, Colchester Borough Council and Tendring District Council in order to address strategic planning matters across their areas. The Section 1 Plan, which is the subject of this report, forms an identical part of each of the three NEAs' submitted local plans. Also as part of their local plans, each of the NEAs has submitted a Section 2 Plan, which is different for each authority. The Section 2 Plans are being examined separately. Following their receipt of this report, in accordance with section 23 of the 2004 Act it will be for each of the NEAs to decide whether and when to adopt the Section 1 Plan, including whether or not to adopt it in advance of their Section 2 Plan.
10. At an early stage in the examination, in a letter to the NEAs [IED/001]³, I identified the role of the Section 1 Plan, as submitted, as being to:
 - Set out how the NEAs will apply the presumption in favour of sustainable development (policy SP1);
 - Define the spatial strategy for North Essex (policy SP2);

² See main issue 3 in the Assessment of Soundness below.

³ All references in this report in the format [XYZ/123] are to documents which are available on the Section 1 Plan examination website, hosted by Braintree District Council.

- Set the housing and employment land requirements for North Essex as a whole and for each of the three 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).
11. In this report I consider whether the Section 1 Plan's policies, and the Section 1 Plan as a whole, are sound and legally compliant. Consequently, my report does not deal with matters which are the province of the NEAs' Section 2 Plans. It does not consider, for example, whether the housing and employment land requirements for each authority are likely to be met over the plan period, or whether each authority is able to demonstrate a five-year supply of housing land, because most of the site allocations intended to meet those requirements are made in the three Section 2 Plans.
12. As part of the examination, I held hearing sessions in January and May 2018, after which I wrote a post-hearings letter [IED/011] and a supplementary post-hearings letter to the NEAs [IED/012]. Following further correspondence with the NEAs, the examination was paused to allow the NEAs to carry out further work on the evidence base and the Sustainability Appraisal. After consultation on that further work had taken place, I held further hearing sessions in January 2020. I then wrote a further post-hearings letter to the NEAs [IED/022].
13. My three post-hearings letters, IED/011, IED/012 and IED/022 are attached to this report. They set out my detailed findings on many aspects of the Plan's soundness and legal compliance. To avoid unnecessary repetition, sections of those letters are to be read as integral parts of this report. In the sections below dealing with the duty to co-operate, other aspects of legal compliance, and the soundness of the Plan, I indicate which specific paragraphs of those letters form integral parts of this report.

Public Sector Equality Duty

14. I have had due regard to the aims expressed in S149(1) of the *Equality Act 2010*, including when considering the Plan's provisions to achieve inclusive access (policy SP5) and to meet the accommodation needs of older people and of gypsies and travellers (policy SP7).

Assessment of Duty to Co-operate

15. Section 20(5)(c) of the 2004 Act requires that I consider whether the NEAs complied with any duty imposed on them by section 33A in respect of the Plan's preparation. I consider this matter in IED/011, and conclude that each of the NEAs met the duty to co-operate in the preparation of the Section 1 Plan. Paragraphs 7 to 16 inclusive of IED/011 (attached below), which form an integral part of this report, set out my reasons for reaching that conclusion.

16. There has been no subsequent evidence that leads me to alter the conclusion I reached in IED/011. Accordingly, I am satisfied that where necessary the NEAs engaged constructively, actively and on an on-going basis in the preparation of the Plan, and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

Sustainability appraisal

17. The NEAs carried out a sustainability appraisal [SA] of the Plan, prepared a report of its findings, and published the report [SD/001] along with the Plan and other submission documents, in accordance with Regulation 19 of the *Town and Country Planning (Local Planning) (England) Regulations 2012* [the 2012 Regulations]. In IED/011 I identified a number of shortcomings in SD/001, and in response the NEAs prepared and published an additional SA report [SD/001b], which was also the subject of public consultation.
18. I consider that the additional SA report rectifies the shortcomings I identified in the original report. Paragraphs 60-110 inclusive of IED/022 (attached below), which form an integral part of this report, set out my reasons for taking that view, and there has been no subsequent evidence which alters that view. In particular, I consider that in EXD/094 the NEAs provide an effective response to the argument made in EXD/091 that the SA fails to take adequate account of the 2015 Paris Agreement on climate change or the *Climate Change Act 2008*.
19. SA of the Plan as modified by the proposed MMs was subsequently carried out and the report [SD/001c] was published for public consultation. In assessing the soundness of the Plan below, I have taken account of the findings of the SA reports, the responses to public consultation on them, and the comments of the NEAs' consultants on the responses to SD/001c [NEA/021a].

Habitats Regulations Assessment

20. An updated Habitats Regulations Assessment [HRA] report (July 2019) [EB/083] was prepared for the Plan by the NEAs' consultants, following comments I made in IED/011 on the original HRA report. The screening stage of EB/083 finds a number of likely significant effects on European sites. Following appropriate assessment, EB/083 concludes that provided its key recommendations and mitigation requirements are adopted and implemented, the Plan will not result in adverse effects on the integrity of any European site, either alone or in combination. In paragraphs 48 to 59 inclusive of IED/022 (attached below), which form an integral part of this report, I explain why I consider that conclusion is justified.
21. **MM5, MM6, MM15, MM17, MM22, MM36 and MM39**, which set out measures to protect water quality and to mitigate the effects of increased recreational disturbance and any loss of off-site habitat, are needed to ensure that all EB/083's key recommendations and mitigation requirements are incorporated into the Plan. I have adjusted the wording of MM22 and MM36 to remove the references to "associated sewer connections" in the versions published for consultation, as those references would unnecessarily duplicate

other legislative requirements. Subject to this adjustment, the MMs reflect statements of common ground between the NEAs, Natural England, the Environment Agency and Anglian Water. Proposed **MM37**, as published for consultation, is, however, unnecessary for soundness as it merely duplicates the wording of MM36, and I have therefore excluded it from the schedule of recommended MMs.

22. A further update of the HRA report [EB/083a] assesses the submitted version of the Section 1 Local Plan as proposed to be amended by the MMs, and confirms the conclusions of EB/083. Having considered the responses to consultation on EB/083a, and the comments of the NEAs' consultants on the responses [NEA/021b], I am satisfied that those conclusions are well-founded. Subject to the MMs, the Plan is therefore capable of being adopted in compliance with the *Conservation of Habitats and Species Regulations 2017*.

Climate change

23. Policies in the Plan provide for growth to be focussed principally on existing settlements, and seek to achieve changes in travel behaviour by improving, and increasing opportunities for, sustainable modes of transport. They also seek to ensure that residents of the Tendring / Colchester Borders garden community can meet most of their day-to-day needs on site; that a package of measures, including a rapid transit system, is introduced to encourage their use of sustainable transport; and that measures are taken to promote water efficiency and re-use and to manage flood risk. Policies in the NEAs' submitted Section 2 Plans set out the approach to coastal flood risk, energy conservation and renewable energy schemes.
24. Each of the NEAs' development plans, taken as a whole, therefore, includes policies designed to secure that the development and use of land in the LPA's area contribute to the mitigation of, and adaptation to, climate change, as section 19(1A) of the 2004 Act requires. The Plan does not need to make specific reference to the Paris Agreement or the *Climate Change Act 2008* in order for that requirement to be met.

Other legal compliance matters

25. The Plan has been prepared in accordance with the NEAs' Local Development Schemes.
26. Consultation on the Plan and the MMs was carried out in compliance with the NEAs' Statements of Community Involvement. In paragraphs 17 to 25 inclusive of IED/011 (attached below), which form an integral part of this report, I consider the NEAs' failure to register the representations submitted by five respondents at Regulation 19 stage, and the steps that were taken to overcome its consequences. I conclude there that effective arrangements were put in place to minimise the effects of that failure, and that no substantial prejudice to any party resulted from it. There has been no subsequent evidence which leads me to a different conclusion.
27. Each of the NEAs' development plans, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.

28. Regulation 8(3) of the 2012 Regulations requires that where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. As submitted, the Plan fails to comply with this requirement, but the failure is rectified by **MM3 and MM46**.
29. The Plan complies with all other relevant legal requirements, including those in the 2004 Act and the 2012 Regulations.

Assessment of Soundness

Main Issues

30. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified five main issues upon which the soundness of the Plan depends. This report deals with those main issues. It does not respond to every point or issue raised by representors.

Main issue 1 – Are the housing requirement figures set out in Plan policy SP3 soundly based, and does the Plan effectively set out how its housing requirements are to be met, in accordance with national policy?

31. Submitted Plan policy SP3 sets out housing requirement figures for the Plan period (2013-2033) for each of the NEAs. The principal evidence base document supporting those figures is the *Objectively Assessed Housing Need Study*, November 2016 Update [EB/018].
32. In IED/012 (written in June 2018) I conclude that those requirement figures are soundly based. In IED/022 (written in May 2020) I conclude that there has been no meaningful change in the housing situation that I considered in IED/012, and that the requirement figures remain soundly based. Paragraphs 4 to 33 inclusive and 35 to 37 inclusive of IED/012, and paragraphs 33 to 47 inclusive of IED/022 (both attached below), which form an integral part of this report, set out my reasons for reaching those conclusions.
33. In June 2020, the Office for National Statistics [ONS] published their 2018-based household projections. I invited representations on whether or not this represented a meaningful change in the housing situation from the situation that existed when I produced IED/012, and if so, what the implications would be for the soundness of the housing requirement figures in the submitted Plan.
34. Many individuals and organisations submitted representations in response, and the NEAs submitted two letters [NEA/018 & NEA/020] on the topic, together with a report from their consultants, Stantec [NEA/018a], and a note on the methodology used to produce the alternative household projection referenced in that report [NEA/020a]. I have taken all this submitted material into account.
35. By virtue of the transitional arrangement set out in paragraph 214 of the 2019 NPPF, the guidance on determining housing need in the 2019 NPPF does not apply to the Plan: instead the relevant guidance is contained in the 2012 NPPF and the corresponding PPG on Housing and economic needs assessment. The PPG advises that:

The government's official population and household projections are generally updated every 2 years to take account of the latest demographic trends. [...]

Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued⁴.

36. In the paragraphs below, I consider whether or not the housing requirement figures in the submitted Plan remain sound, in the light of the 2018-based household projections, and of any other changes in the housing situation that are not already considered in IED/012 or IED/022. I also explain the reasons for the MMs I am recommending to submitted policies SP3 and SP8, taking account of responses to consultation on the proposed MMs.

Do the Plan's submitted housing requirement figures remain sound?

37. Paragraph 015 of the relevant PPG⁵ advises that official household projections should provide the starting-point estimate of overall housing need. Accordingly, the latest official projections then available, the 2014-based projections, were used as the starting-point for the housing needs assessment which underpins the housing requirements in submitted policy SP3. The 2014-based projections show household growth between 2013 and 2037⁶ of around 14,500 in Braintree, 19,900 in Colchester, and 15,000 in Tendring. The corresponding household growth figures in the 2018-based projections are around 8,600 in Braintree, 20,400 in Colchester, and 16,700 in Tendring.
38. It is clear that the biggest change is in projected household growth in **Braintree**: a fall of around 40% between the two sets of projections. In NEA/018a Stantec investigated the factors that caused this change. They found that changes in household formation rates do not appear to be responsible: there is only a marginal difference between the household formation rates for Braintree that were used in the 2014-based and 2018-based projections.
39. Instead, the fall in Braintree's projected household growth is explained by lower projected population growth, in which the two main factors are lower internal migration rates (that is, reduced net in-migration from the rest of the UK), and lower life expectancy leading to increased mortality rates. Other factors have only a marginal influence on the difference between the 2014-based and 2018-based household projections.
40. In assessing the significance of the changes in internal migration rates, account needs to be taken of the base periods used to calculate them. In the 2014-based projections, a five-year base period was used (2009-2014). But in the 2018-based projections, the base period was only two years (2016-2018). As Figure 3.4 in NEA/018a shows, net internal migration is subject to

⁴ PPG Reference ID: 2a-016-20150227

⁵ PPG Reference ID: 2a-015-20140306

⁶ 2013 to 2037 is the study period that was used to calculate the demographic starting-point for assessing housing need in North Essex: see EB/018, para 1.1.

substantial fluctuation from one year to the next, such that a two-year base period is unlikely to give an accurate picture of longer-term migration trends.

41. Moreover, Figure 3.4 shows that the annual net internal in-migration figures for Braintree between 2009 and 2018 were consistently and substantially lower than those in the preceding six years (2003 to 2008). A very similar pattern is reflected in the figures for new housebuilding in Braintree, set out in Figure 2.1 in NEA/018a. Indeed, in the first five years of the Plan period (2013 to 2018), on average 379 new dwellings were built each year: only a little over half the submitted Plan's requirement figure of 716 dwellings a year.
42. On this basis, Stantec conclude that the main reason for the fall in projected household growth in Braintree between the 2014- and 2018-based projections is that since the base date of the submitted Plan (2013), housing need has not been met. Not enough new homes have been built to meet the housing requirement, with the result that fewer people have been able to move into the district. As a result, in-migration trend figures have reduced, and have fed through into lower population and household projections.
43. I agree with that analysis. In my view it would be both contrary to the evidence, and inconsistent with the NPPF's guidance that assessed housing needs should be met in full, to accept that the under-supply of housing in Braintree in recent years should lead to a reduction in the district's future housing requirements.
44. For all these reasons, therefore, I consider that the 2018-based household projections do not provide a reliable basis for assessing Braintree's housing requirements. I consider that the alternative NMSS projection for Braintree, included in the Stantec report, should not be relied upon either, because it too is based on recent migration trends. Although it uses a more stable five-year trend period (2014-19) than the two years used in the official projections, in-migration over that five-year period has also been affected by the under-supply of housing in the district.
45. Turning to higher mortality rates, Stantec show that these account for an annual average of 92 fewer additional households⁷ in the 2018-based projections for Braintree, compared with the 2014-based projections. They are a considerably smaller factor in the overall reduction in projected households than internal migration rates, discussed above, which account for 178 fewer additional households annually.
46. Moreover, in considering their significance, it is necessary to take account of the wider context of the plan-making process. The Plan has been in examination for over three years. On submission its policy SP3 housing requirements were based on the latest available official household projections, as national policy and guidance require. The transitional arrangement in the 2019 NPPF allowed the Plan to continue to be examined against the policies of the 2012 NPPF and the corresponding PPG. In this way it helped to overcome the delay to plan-making that would have arisen if the Plan's housing

⁷ Stantec's annual average figures are also based on the period 2013 to 2037: see footnote 6.

requirement had had to be recalculated based on the 2019 NPPF's standard method for assessing housing need.

47. But if the housing requirement for Braintree were now to be reviewed and altered, the result would be considerable further delay not only to this examination, but very likely to the examination of Braintree's Section 2 Plan as well. That would conflict with the advice in the NPPF that planning should be genuinely plan-led and that plans should be kept up to date.
48. Against that background, the figure of 92 fewer additional households per annum represents between one-sixth and one-seventh of the 606 additional households per annum forecast for Braintree in the 2014-based household projections. In my judgment, such a reduction would not lead to an excessive or unreasonable disparity between the submitted housing requirement and the future need for housing in Braintree. I do not regard it as a sufficiently meaningful change to justify the considerable delay to plan-making that would occur if the housing requirement were to be reviewed.
49. There is evidence that the affordability of housing in Braintree has worsened during the period in which the Plan has been in examination. But as with the increase in mortality rates, I do not consider that this would justify delaying the Plan in order to review the housing requirement, given that the requirement already includes a substantial affordability uplift of 15% on top of the demographic starting-point figure⁸.
50. For **Colchester**, the Stantec report shows that the 2018-based household projections forecast an increase of 849 households per annum, only 18 households per annum more than the 2014-based projections. I do not regard that change, of around 2%, as sufficiently meaningful to justify reviewing the policy SP3 requirement for Colchester. Nor have I seen any locally-specific evidence to demonstrate that the household formation rates used in the 2018-based projections have caused Colchester's housing needs to be underestimated.
51. Compared with national trends, there may be some evidence of worsening affordability and suppressed household formation in Colchester since the start of the Plan period. But compensation for such effects will be provided by the uplift of around 6% on the demographic starting-point figure that is included in Colchester's housing requirement in order to cater for expected employment growth.
52. The policy SP3 housing requirement for **Tendring** is not derived from the official household projections, due to the distorting effect on those projections of errors that gave rise to exceptionally large unattributable population change [UPC] in the district between the 2001 and 2011 Censuses. Consequently, the change between the 2014-based and 2018-based household projections for Tendring has no material effect on the way the requirement is calculated. In IED/012 and IED/022 I set out my reasons for endorsing the alternative approach used to derive the demographic starting-point for Tendring, which in turn underpins the housing requirement figure.

⁸ The demographic starting-point figure, as calculated in EB/018, is the projected annual average increase in households, plus an adjustment figure for vacant dwellings.

53. That starting-point figure was originally arrived at by taking an annual average of the highest number of dwellings delivered in Tendring over a five-year period. However, as I explain in IED/011, it was subsequently corroborated by a detailed analysis of the inaccuracies in migration flow data which were a major contributing factor to UPC. In the light of that corroborating analysis, I see no justification for reviewing Tendring's demographic starting-point figure on the basis of more recent housing delivery figures.
54. As with Colchester, there may be some evidence of worsening affordability in Tendring, relative to national trends, since the start of the Plan period. To counter this, the housing requirement for Tendring includes a substantial 15% affordability uplift to the demographic starting-point figure with the explicit purpose of improving affordability.
55. It is true that, over the past six and four years respectively, housing delivery in both Colchester and Tendring has exceeded their respective housing requirement figures in policy SP3. But I have seen no evidence to support the view that a discernible improvement in affordability should have occurred as a result over that relatively short period, particularly when one takes into account that in preceding years housing delivery in both districts was significantly below the policy SP3 requirement figures⁹. Adoption of the NEAs' local plans will provide the basis for a sustained period of delivery at or above the requirement rates, and will allow the effect of that level of provision on affordability to be fully assessed.
56. Taking all these points into account, I find that there has been no sufficiently meaningful change in the housing situation in Colchester or Tendring to justify delaying the Section 1 Plan further in order to review the policy SP3 housing requirement for either district.
57. Based on forecasts prepared by the Greater London Authority in 2013, I found in IED/012 that any increase in net migration from London to the NEAs would be very limited. There has been no subsequent evidence which leads me to a different view. The new London Plan has yet to be published in its final form, and no request has been made for the NEAs to accommodate any of London's unmet housing need. Consequently, I see no basis for altering the housing requirements in policy SP3 to take account of in-migration from London.
58. For the foregoing reasons, therefore, I conclude that the housing requirement figures set out in Plan policy SP3 are soundly based.

Does the Plan effectively set out how its housing requirements are to be met, in accordance with national policy?

59. The NEAs' Section 2 Plans will identify the vast majority of the housing land supply needed to meet their housing requirements¹⁰. Accordingly, one of the purposes of policy SP3 in the Section 1 Plan is to provide the framework for this. The NPPF advises at paragraph 47 that local planning authorities should meet their housing needs by identifying specific deliverable sites for a five-year period (plus an appropriate buffer brought forward from later in the plan

⁹ See EB/018, Figures 5.23 & 5.27, and EB/095, Table 6.

¹⁰ Apart from the housing that is planned at the Tendring / Colchester Borders Garden Community: see main issue 3 below.

period), together with specific developable sites or broad locations for subsequent years. To ensure that the first two sentences of policy SP3 are consistent with this advice, the omission from the submitted policy of references to developable sites and to the buffer needs to be corrected.

60. In order for housing delivery to be maintained in the NEAs' area, as national policy requires, there needs to be sufficient flexibility in the supply of land in the event that some sites may not come forward as expected. Policy SP3 therefore needs to make it clear that additional provision will be made in order to ensure flexibility, choice and competition. It also needs to make it clear that the housing needs of the wider area will be taken into account, in accordance with national policy, when the requirement figures are reviewed.
61. The table in policy SP3 sets out the housing requirements for all three NEAs, both as total figures for the Plan period and as annual average figures. To avoid any future misunderstandings when the policy is used in applications and appeals, it is necessary to specify that the annual average figure for each authority will form the basis for assessing its five-year housing land supply, subject to adjustment to take account of any under-supply since the start of the Plan period¹¹. It is also necessary to clarify the terminology used in the policy and the table, to ensure that it is consistent and unambiguous, and thereby effective.
62. **MM8** makes all these necessary changes to policy SP3. As published for consultation, MM8 also proposed to delete the word "minimum" from the heading to the column in the table which gives the total housing requirement for each NEA over the Plan period. But having considered the responses to the consultation, I agree that the deletion is unnecessary for soundness, and could be seen as conflicting with the reference in MM8 to additional provision to ensure flexibility, choice and competition. Other changes introduced by MM8 and summarised above will provide clear guidance on how the policy is to be used when assessing five-year housing land supply.
63. However, the submitted Plan does not provide sufficient clarity on how housing delivery at the cross-boundary Tendring / Colchester Borders GC will be allocated to the two LPAs for monitoring purposes and for assessing five-year housing land supply. The arrangements set out in submitted paragraph 8.15 are both unduly complex and incomplete, relying on future discussions to resolve certain issues. As a result the Plan is ineffective, as it fails to provide clear guidance for future decision-makers.
64. These shortcomings are overcome by **MM30**, which clarifies the submitted Plan's intentions by amending policy SP8 so as to specify that housing delivery from the GC over the Plan period will be distributed equally between Colchester Borough Council and Tendring District Council, irrespective of its actual location within the GC. This is a straightforward and effective policy provision which reflects the commitment of the NEAs to a shared strategic plan which addresses development needs on a cross-boundary basis. There is nothing in legislation or national policy to prevent such an arrangement being made.

¹¹ In accordance with paragraph 73 of the 2019 NPPF and the PPG on Housing supply and delivery.

65. To guard against double-counting, MM30 also provides the necessary clarification that neither LPA may use the other's share of housing delivery at the GC to make up a shortfall in delivery against its own housing requirement. It would not be appropriate, however, for this Plan to seek to determine how housing delivery from the GC should be allocated after the end of the Plan period.
66. Legislation and national policy include clear requirements for and guidance on reviewing local plans, including in circumstances where local housing need has changed, or is expected to change, significantly. Accordingly, I see no need for a modification requiring policy SP3 or the Plan as a whole to be reviewed within a specified period.
67. With the changes made by MM8 and MM30, therefore, I conclude that the Plan effectively sets out how its housing requirements are to be met, in accordance with national policy.

Main Issue 2 – Are the employment land requirement figures set out in policy SP4 soundly based, and does the policy effectively set out how those requirements are to be met?

68. Submitted Plan policy SP4 sets out employment land requirement figures for the Plan period for each of the NEAs. In IED/011 I consider these and find that the baseline requirement figure for Braintree needs to be corrected for an arithmetical error; that the higher-growth scenario requirement figure for Colchester is unrealistically high and needs to be replaced by a lower figure of about 30ha derived from the *Colchester Employment Land Needs Assessment*; and that for Tendring both the baseline and higher-growth scenario requirement figures need to be replaced, the former by a credible figure based on the Experian economic forecasting model, and the latter to correct a misinterpretation of the relevant study. Subject to these amendments, I conclude that the requirement figures reflect the supporting evidence.
69. Paragraphs 135 to 141 inclusive of IED/011 (attached below), which form an integral part of this report, set out my reasons for reaching those conclusions. There has been no subsequent evidence which leads me to alter them. In particular, it is too soon to judge what long-term implications the coronavirus pandemic may have for employment patterns and the need for employment land. In any event, the fact that the employment land requirements are expressed as a range will provide an appropriate degree of flexibility in applying the policy. Accordingly, **MM9** makes the amendments to the requirement figures that are necessary to reflect the supporting evidence, in order to ensure that the requirements are justified.
70. As submitted, most of the text of policy SP4 is explanatory in nature and, contrary to national policy, provides no clear indication of how a decision maker should react to a development proposal. MM9 therefore removes the explanatory text from the policy. MM9 also introduces a new sentence to clarify how the policy's requirements will be met, principally through land allocations in Section 2 of each NEA's local plan¹². For consistency, MM9 also deletes the words "and Retail" from the title of policy SP4 (since the policy

¹² Some employment land will also be allocated at the Tendring / Colchester Borders GC: see main issue 3 below.

does not deal with retail floorspace requirements), and amends the reference to "Councils" to "local planning authorities". These changes are needed to make the policy effective.

71. Both policy SP4, as submitted, and MM9, as published for consultation, refer to employment land as being required for "B" class employment uses. This shorthand terminology reflects the supporting evidence, which assessed the need for land for office, research and development, industrial, and storage and distribution development in the NEAs' area. Until recently, all those uses were comprised in use classes B1, B2 and B8 of the *Town and Country Planning (Use Classes) Order 1987*, as amended.
72. Since MM9 was published for consultation, however, amendments to the Use Classes Order have come into effect¹³. One of those amendments has the effect of absorbing into new use class E those employment uses that previously fell within use class B1. This means that the shorthand references in submitted policy SP4 and published MM9 to "B" class uses are no longer justified or effective, as they would exclude the former B1 uses.
73. I have therefore adjusted those references so that they set out in full the types of use for which employment land is required by the policy. For the same reasons, I have made corresponding adjustments to **MM32**, which is also discussed under main issue 3 below. In each case the adjusted wording continues to reflect the supporting evidence, as it simply replaces the shorthand reference to the "B" class uses with a list of the employment uses that were formerly covered by that term. Accordingly, I consider that no prejudice will be caused by these adjustments.
74. With the changes made by recommended MM9, I conclude that the employment land requirement figures set out in policy SP4 are soundly based, and that the policy effectively sets out how those requirements are to be met.

Main Issue 3 – Are the Plan's proposals for the development of three garden communities in North Essex justified and deliverable, and does the Plan provide a justified and effective policy framework for their development, in accordance with national policy?

75. Plan policies SP7, SP8, SP9 and SP10, as submitted, propose the development of three garden communities [GCs] in North Essex. In IED/022 I consider the soundness of those proposals in detail and find that development of the proposed Tendring / Colchester Borders GC would enable the delivery of sustainable development in accordance with the NPPF's policies, but that the proposed Colchester / Braintree Borders and West of Braintree GCs are not justified or deliverable.
76. Paragraphs 10 to 20 inclusive, 23 to 31 inclusive, and 60 to 266 inclusive of IED/022 (attached below) form an integral part of this report. They set out my reasons for reaching those findings. In the following paragraphs I provide further reasoning that is needed to take account of responses to consultation on the proposed MMs, and to explain the MMs I am recommending to

¹³ The *Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020*.

submitted policies SP7, SP8, SP9 and SP10, including the deletion of SP9 and SP10.

The proposed Colchester / Braintree Borders and West of Braintree GCs

77. As part of my assessment of the GCs' financial viability, in IED/022 I consider all the available evidence on housing delivery rates, including a topic paper produced by the NEAs, reports by consultants Lichfields and by the Homes and Communities Agency, and the Letwin *Independent Review of Build-Out Rates*. Based on that evidence I conclude that it would be imprudent to base viability appraisal of the proposed GCs on an average delivery rate of more than 250 dwellings per annum.
78. In reaching that view, I acknowledge in IED/022 that some large housing sites are capable of delivering at higher rates in individual years, and in some cases for a number of years in succession. Examples were provided as part of the evidence I consider in IED/022 and in some of the responses to the main modifications consultation. But equally, the evidence contains examples of large housing sites delivering at lower annual rates. In IED/022 I give full reasons for concluding that the evidence does not support the view that the proposed GC sites would be capable of delivering more than 250pa consistently throughout the peaks and troughs of the business cycle, over the many decades it would take to build them. There has been no later evidence which leads me to alter that conclusion.
79. One of the viability assessments I consider in IED/022 [EXD/085] was submitted by the promoters of the Colchester / Braintree Borders GC and is said to be based on a 17,000-dwelling scheme at an average delivery rate of 250dpa. As I point out in IED/022, at an average rate of 250dpa, a 17,000-dwelling development should take about 68 years to build out, whereas the spreadsheets in EXD/085 appear to show the build programme completed in under 57 years. I appreciate that within an average delivery rate, actual delivery rates will fluctuate from year to year. Nonetheless, 17,000 dwellings over 57 years would represent an average annual delivery rate of almost 300dpa, not 250dpa.
80. In addition, in IED/022 I find no evidence to support the assumption in EXD/085 that a reduction in the annual delivery rate from 354dpa to 250dpa would lead to a 5% increase in sales values due to a reduction in the supply of homes to the market. For these reasons, I remain of the view that EXD/085 does not provide a reliable indication of the viability of the Colchester / Braintree Borders GC, whether or not there is scope to reassign some of its assumed profit or land costs to offset an increase in the contingency allowance to 40%.
81. Responses to the main modifications consultation queried other specific aspects of my findings on viability. I acknowledge that viability assessment involves an element of professional judgment, and that different views may legitimately be taken when exercising that judgment. Accordingly, in IED/022 I give full reasons for the view I take on each aspect of viability, including on those aspects where my view differs from other participants'. Those reasons lead to my finding that neither the proposed Colchester / Braintree Borders GC nor the proposed West of Braintree GC is deliverable, because the former

would not achieve a viable land price and the latter is below, or at best is at the very margin of, financial viability.

82. In IED/022 I also find, for separate reasons, that neither Route 3 nor Route 4 of the proposed rapid transit system for North Essex has been shown to be deliverable. Because of this, it has not been shown that the necessary public transport connections are capable of being provided from either the proposed West of Braintree GC (which would depend on Route 3 for public transport links to destinations outside the GC, and on Route 4 for links to places east of Braintree), or from the proposed Colchester / Braintree Borders GC (which would depend on Route 4 for public transport links westwards to Braintree). The lack of necessary public transport connections would directly conflict with the NPPF's advice that the transport system needs to be balanced in favour of sustainable transport modes. Nothing in the main modifications responses leads me to reconsider these findings.
83. For the reasons given in paragraphs 10 to 20 inclusive, 23 to 31 inclusive, and 60 to 266 inclusive of IED/022 and in paragraphs 77 to 82 above, therefore, I conclude that the proposed Colchester / Braintree Borders and West of Braintree GCs are not justified or deliverable, and that as a result they are unsound. Consequently, it is necessary for the proposals for these two GCs to be removed from the Plan. This is achieved by **MM41 and MM42**, which delete the whole of policies SP9 and SP10, by **MM18 and MM24**, which delete references to the two GCs from policy SP7, and by **MM43, MM44 and MM45**, which delete the two GCs from the Key Diagram¹⁴. Necessary consequential changes to delete references to the two GCs from other policies are provided by other MMs. Consequential changes to the reasoned justification may be made by the NEAs as additional modifications.

The proposed Tendring / Colchester Borders GC

84. There has been no subsequent evidence to alter the view I reached in IED/022, that development of the proposed Tendring / Colchester Borders GC would enable the delivery of sustainable development in accordance with the NPPF's policies. However, the submitted Plan requires modification in order to provide a justified and effective policy framework for the development of the GC.
85. The NEAs' intention, set out in Colchester's and Tendring's Local Development Schemes, is that a Development Plan Document [DPD] will be prepared to provide more specific policies on the development of the GC, and that masterplans and other documents will provide further detailed guidance on layout and design. In view of the large scale of the GC, the long-term nature of the build programme, and the justifiably high aspirations of the NEAs for the quality of development, this is an appropriate approach to ensure that the GC delivers sustainable development in accordance with national policy.
86. Accordingly, the role of policies SP7 and SP8, as part of the strategic Section 1 Plan, is to set out the broad location and overall scale of development at the GC, and the principles and key policy requirements which will govern its development, and to define the role to be played by the DPD. As submitted,

¹⁴ I am able to recommend MMs to the Key Diagram as it is part of the Plan, and not part of the policies map.

however, policies SP7 and SP8 would be ineffective in playing that role, for the following reasons:

- They do not clearly define the broad location of the GC;
 - They do not provide guidance on the scale of provision for employment development at the GC;
 - They do not define sufficiently clearly the purpose of the DPD, its relationship with the Plan, and the role of each in governing development at the GC;
 - They do not make sufficiently clear the status of the principles and policy requirements which they contain; and
 - To some extent they duplicate one other.
87. These shortcomings are rectified by **MM18, MM27, MM28, MM29 and MM32**, together with **MM43, MM44 and MM45**. These modifications restructure the opening and closing paragraphs of SP7 and the opening paragraph of SP8 in order to eliminate duplication; ensure that Section 1 of each NEA's adopted local plan contains an accurate map of the GC's broad location; define the amount of employment development provision¹⁵, provide a clear definition of the purpose of the DPD; and make it clear that phased delivery of the GC will be planned on a comprehensive basis. I have adjusted the wording of MM32, as it was originally published for consultation, for the reasons given in paragraphs 71 to 73 above.
88. MM18 further clarifies that the policies of the DPD, and development at the GC, will accord with the principles set out in policy SP7, and that planning permission for development of the GC will not be granted until the DPD has been adopted. This is necessary because the DPD will provide detailed policies to govern development at the GC. MM29 also makes it clear that the requirements of policy SP8 also form part of the policy framework for the GC's development.
89. MM29 further specifies that adoption of the DPD will be contingent on the completion of a Heritage Impact Assessment, which will inform the appropriate extent and capacity of development at the GC and establish any necessary mitigation measures. This change, based on advice from Historic England, is necessary for the reasons given in paragraphs 96 to 102 of IED/022 (attached below), which form an integral part of this report. In summary, while I found it appropriate for the SA of the Plan to assess heritage impacts using a proximity-based approach, in order to comply with national policy a detailed assessment in accordance with Historic England guidance will be needed to inform the development proposals in the DPD. The change also necessitates the insertion of the word "expected" in MM18, to reflect that the Heritage Impact Assessment will help to determine the overall amount of development to be accommodated at the GC.

¹⁵ Paragraphs 178-186 inclusive of IED/022 (attached below), which form an integral part of this report, explain the evidential justification for the employment land requirement figures in MM18 and MM32.

90. **MM38 and MM39** are necessary to ensure that the approach to heritage and biodiversity assets set out in policy SP8 is consistent with national policy, and that appropriate account is taken of heritage assets and biodiversity assets, both within and near the GC¹⁶.
91. As submitted, policies SP7 and SP8 include differently-worded requirements for masterplans and other design documents to guide development at the GC, rendering those requirements confusing and ineffective. **MM21 and MM31** overcome this problem by deleting the requirement from SP7 and making the requirement in SP8 more precise. The requirements in SP7 and SP8, as submitted, for planning applications at the GC to be consistent with the DPD, masterplans and design guidance, are unjustified, as those documents have not been prepared, examined or adopted. The requirements are therefore deleted by MM21 and MM31.
92. As submitted, policy SP7 expects 2,500 dwellings to be delivered at the GC in the Plan period, but in order to reflect the latest available evidence in EXD/070 and my findings on delivery rates in paragraphs 157 to 175 of IED/022 (attached below), which form an integral part of this report, MM18 amends this figure to a range from 2,200 to 2,500 dwellings in order to ensure that the policy is justified. The requirement for provision for Gypsies and Travellers at the GC contained in MM18 and MM32 is not a new requirement¹⁷: it is simply moved from submitted policy SP8 to policy SP7 as part of the restructuring of those policies described above.
93. In order to secure sustainable development in accordance with national policy, it is necessary for the Plan to set clear strategic guidance on infrastructure requirements for the GC and on the timing and funding of their provision. As submitted, the Plan provides insufficient guidance on these matters and is therefore ineffective. Accordingly, **MM11** inserts a new section A into policy SP5, setting out the means by which the DPD's policies, in combination with the policies in the Plan, will ensure provision of the necessary infrastructure at the right time to meet the needs of the GC.
94. Because of the central importance of transport infrastructure to the sustainability of the GC, **MM11 and MM33** also make it clear that planning permission for development will not be granted until planning consent and funding approval have been secured for the new A120-A133 link road and the rapid transit system serving the GC, and that sustainable transport measures will be provided from first occupation of the GC. While choices have yet to be made from the options for some sections of the rapid transit system's route, MM11 defines the route's parameters with sufficient precision at this stage of planning.
95. To ensure that the policy is effective, MM33 also clarifies the requirements of policy SP8 for other necessary transport infrastructure, and removes an inappropriately specific requirement for public transport priority measures; **MM20** makes it clear that where appropriate, as part of the process of

¹⁶ As the NPPF's Glossary makes clear, the term "heritage assets" includes both designated and non-designated assets. Similarly, the term "biodiversity assets" in policy SP8 encompasses internationally-, nationally- and locally-designated sites.

¹⁷ The evidence to support the requirement is set out in the *Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment* [EB/021].

securing the necessary infrastructure provision, developer contributions will be sought towards infrastructure, including the new link road, that is also supported by public funds; and **MM34** sets out the process by which other necessary road improvements will be secured through the DPD and masterplanning process.

96. A series of further changes to policies SP7 and SP8, for which I give reasons below, are necessary to ensure that the policies are justified, effective and consistent with national policy.
97. The participation of the local community in planning, designing and delivering the GC will be important if it is to meet the principles of the North Essex Garden Communities Charter. **MM19** therefore amends policy SP7 so that it requires such participation (rather than the inaccurate term "empowerment") from the outset, while **MM29** amends policy SP8 to include a requirement for the DPD to be produced in consultation with the local community. The detailed means by which participation and consultation are arranged is, however, a matter to be resolved by the NEAs and the local community, not by the Plan.
98. The deletion by **MM20** of the reference in policy SP7 to "sharing risk and reward" is necessary for the reasons given in paragraph 91 of IED/011 (attached below), which forms an integral part of this report. The requirement in submitted policy SP7 for "new models of delivery" to be deployed as a matter of principle is unjustified, as there is no evidence to show that they are necessary to achieve the policy's objectives. **MM20** therefore qualifies the requirement by inserting the words "where appropriate". This will enable planning judgments to be made, as proposals come forward, on the most appropriate means of delivering the GC. **MM1** makes corresponding amendments to the Plan's Vision.
99. The inclusion by **MM23** of a reference in principle (v) of policy SP7 to provision for Gypsies and Travellers (see paragraph 92 above) is necessary to ensure that all accommodation needs are taken into account in planning the GC. **MM25**, based on advice from Historic England, makes it clear that comprehensive assessments of the surrounding environment will be required in order to support policy SP7's aspiration for development which celebrates the natural and historic environment.
100. **MM26 and MM36**, which reflect a statement of common ground between the NEAs, Anglian Water and the Environment Agency, are needed to ensure that, in accordance with national policy, effective measures to safeguard against flood risk and to promote the efficient use of water will be taken when planning and developing the GC. **MM35**, which reflects a statement of common ground between the NEAs and local NHS healthcare providers and commissioners, is necessary to ensure that policy SP8 is realistically flexible in the way it requires healthcare provision for the GC to be made.
101. In paragraph 263 of IED/022 (attached below), which forms an integral part of this report, I identify access to employment opportunities at the adjacent University of Essex and its associated Knowledge Gateway as one of the factors contributing to the ability of the GC to deliver sustainable development. Moreover, national policy encourages LPAs to plan positively for

the expansion of knowledge-based business and employment. But while provision for expansion is made in the adopted Colchester Site Allocations DPD, it is not reflected in the Plan. **MM40**, based on a statement of common ground between the NEAs and the University, is therefore required to rectify this omission and ensure that the Plan makes the necessary provision.

102. Many of the responses to consultation on the MMs asked for the Plan to give more specific guidance on various aspects of the Tendring / Colchester Borders GC. For example, to define the areas where different types of development will take place and the areas to be reserved as landscape buffers, to define the required tenure split for the affordable housing, or to define transport modal share targets to be achieved within a given timescale. But in my view this would go beyond what it is necessary, or indeed possible, for the Plan to do at this stage.
103. As modified, policies SP7 and SP8 will achieve the Plan's purpose of allocating a strategic area for the development of the GC, and setting out policy requirements for its development and delivery. More detailed planning for the GC will be necessary, including on matters such as those identified in the previous paragraph, but the Plan makes provision for this by requiring that the DPD is prepared, in consultation with the local community and stakeholders, and adopted before any planning permission for the GC is granted. The DPD is the appropriate means by which detailed planning of the GC will take place.
104. Subject to all the MMs described above, therefore, I conclude that the Plan will provide a justified and effective policy framework for the development of the Tendring / Colchester Borders GC, enabling the delivery of sustainable development in accordance with national policy.

Main Issue 4 – Are the Plan's Vision, strategic objectives and spatial strategy justified, effective and consistent with national policy, and is the Plan period appropriately and correctly identified?

105. Plan policy SP2, which sets out the Plan's spatial strategy, makes it clear that existing settlements will be the principal focus for growth in North Essex during the Plan period. As submitted, however, the Plan's Vision places greater emphasis on its GC proposals and says comparatively little about existing settlements. This unjustified imbalance is rectified by **MM1**, which expands on and clarifies the NEAs' vision for the future of their existing settlements, including that development should conserve and enhance the natural and historic environment, the undeveloped countryside and settlement character, and should enable healthy and active lifestyles. As this is a broad vision for the future of the area, it is appropriate that it should reflect the thrust of national policy rather than its specific requirements.
106. **MM1** also reflects the deletion by **MM41** and **MM42** of two of the proposed GCs from the Plan, and amends the Vision in respect of the Tendring / Colchester Borders GC to align it with recommended MMs to policies SP5, SP7 and SP8. In order to avoid appearing to place unjustified constraints on the design of houses at the GC, **MM1** deletes the word "contemporary" from the relevant sentence of the Vision.
107. **MM2**, which I have adjusted in the light of the consultation response from Historic England, amends the Plan's strategic objectives to make it clear that

not all new development, at any scale, is capable of promoting sustainable transport opportunities, and to ensure that the objectives adequately reflect national policy towards the historic environment and the significance of heritage assets. These changes are needed to ensure that the strategic objectives provide a justified and effective basis for the Plan's policies.

108. **MM7** amends policy SP2 so that it accurately defines the spatial coverage of the Plan, provides greater clarity on how the distinctive character of existing settlements will be maintained, and makes it clear that it is in their Section 2 Plans that each of the NEAs will define their spatial hierarchies. It also makes amendments to reflect the deletion of two of the proposed GCs, to ensure that the policy correctly identifies the broad location of the Tendring / Colchester Borders GC, and to eliminate potentially confusing duplication of the requirements of other policies.
109. With those amendments, I consider that policy SP2 provides a sound and effective spatial strategy for the development that will come forward through the NEAs' Section 2 plans, as well as at the Tendring / Colchester Borders GC. The policy makes it clear that existing settlements will be the principal focus for development, and requires development to be accommodated at those settlements according to their scale, sustainability and existing role. It is then for each of the NEAs, in their Section 2 Plans, to identify a hierarchy of settlements and to allocate development to them in accordance with those principles. Apart from the proposed GCs, it is not part of the Section 1 Plan's identified role to identify land for development, whether or not any additional land may be needed to make up for the development that would have taken place at the two deleted GCs.
110. The Tendring / Colchester Borders GC is expected to provide up to 2,500 (around 6%) of the 43,700 dwellings required by the Plan in the period to 2033, and 7ha (some 8% to 13%) of the 55ha to 93ha of employment land. I see no real danger that this will unbalance the pattern of development in such a way as to disrupt the principal focus on existing settlements sought by policy SP2.
111. It is true that, while substantial development is planned beyond the Plan period at the Tendring / Colchester Borders GC, it will be considerably less than that which would have occurred at all three GCs proposed in the submitted Plan. But if this examination were to seek to replace the deleted GCs with alternative proposals, whether on new sites or on parts of the original sites, this would entail a long delay while evidence on the merits of different potential sites was evaluated and compared, including through further SA and HRA. Replacement sites could not simply be slotted in without going through such a process of evaluation and comparison.
112. Accordingly, to introduce substantial further delay into an examination that has already lasted more than three years, in order to provide for development which will meet needs beyond the Plan period, would in my view be a disproportionate and harmful response to the deletion of two of the proposed GCs. The objectives of the plan-led system would be better served by allowing the NEAs to bring forward development proposals to meet future needs in future reviews of their plans.

113. At paragraph 157 the NPPF advises that local plans should be drawn up over an appropriate timescale. While it gives 15 years as the preferred period, this is not mandatory. It is likely that when the Plan is adopted its end date of 2033 will be around 12 years away. Taking into account the statutory requirement for local plans to be reviewed every five years, in my view such a timeframe will provide sufficient certainty about the requirements and strategy for development in the NEAs' area. By contrast, seeking to extend the Plan's end date at this late stage would delay the Plan's adoption and lead to a longer period of uncertainty.
114. **MM47** is necessary to correct an error in the dates on the front cover of the submitted Publication Draft of the Colchester Borough Local Plan, so that they are consistent with the plan period identified in policy SP3.
115. Subject to the MMs described above, therefore, I conclude that the Plan's Vision, strategic objectives and spatial strategy are justified, effective and consistent with national policy, and that the Plan period is appropriately and correctly identified.

Main Issue 5 – Are the Plan's policies on the presumption in favour of sustainable development (SP1), on infrastructure and connectivity (SP5), and on place-shaping principles (SP6), sound?

116. As submitted, parts of the first two paragraphs of policy SP1 are not fully consistent with the policy on the presumption in favour of sustainable development and the guidance on decision-taking in both the 2012 NPPF and 2019 NPPF, while the rest of the policy summarises national policy in a way that could lead to misunderstandings. Accordingly, **MM4** deletes those parts of the policy which are inconsistent with national policy or are potentially misleading. The deletions do not weaken the Plan's contribution to the achievement of sustainable development, which the NPPF identifies as the purpose of the planning system, because sustainable development principles are embedded in the Plan's Vision and strategic objectives, and in each of its policies.
117. My reasons for recommending MM11, which inserts new section A into policy SP5, are set out under main issue 3 above. That section of SP5 applies to the Tendring / Colchester Borders GC only, whereas the rest of the policy applies to the NEAs' area as a whole. **MM10** is necessary to make this clear, and also to clarify the wording of the policy's introductory sentence, so that the policy is effective.
118. As submitted, the Transport section of policy SP5 is ineffective, as it fails to distinguish between its objectives and the means of achieving those objectives, and because its list of requirements is not clearly structured and is somewhat repetitive. **MM12** substantially restructures the section, while retaining all its original objectives, so as to overcome these deficiencies. As the A120-A133 link road is a requirement of new section A in policy SP5, there is no need to reiterate the requirement in this section.
119. **MM13** changes the title of the submitted Education section of policy SP5 to "Social Infrastructure", to reflect the fact that this section also includes infrastructure requirements necessary to support health and well-being. It

inserts a new introductory sentence into the policy, and rewords its bullet points, in order to clarify how the objectives of the policy will be achieved.

120. MM13 also clarifies that education and childcare provision will be phased with new development, and adds a bullet point setting out requirements for laying out new development in such a way as to create the conditions for a healthy community. Without these changes, the policy would be ineffective in achieving its aims.
121. Since this part of policy SP5 is intended to cover developments of all scales and types, it is not possible or necessary for it to set "trigger" points at which the provision of new schools will be required, or to specify where new school places will be provided. Those are matters to be considered at a more detailed stage of planning.
122. **MM14** is needed to bring the submitted section of policy SP5 on digital connectivity up to date, in terms of both its requirements and its terminology, and thus to make it effective. **MM15** introduces a new section E to the policy, setting out requirements for water and waste water infrastructure provision. This new section, which is based on a statement of common ground between the NEAs, Anglian Water and the Environment Agency, is necessary to rectify an omission in the submitted policy, which would have made it ineffective and inconsistent with national policy.
123. As submitted, the requirement in policy SP6 for all new development to meet the "highest" standards of design is unreasonable and therefore unjustified: **MM16** accordingly replaces "highest" with "high". MM16 also inserts the words "where applicable" to make it clear that not all the place-shaping principles identified in the policy will apply to every development; and it clarifies the circumstances in which policy SP6 requires development frameworks, masterplans, design codes and other design guidance documents to be prepared. These changes are necessary to make the policy effective.
124. Changes also need to be made by MM16 to the list of place-shaping principles in submitted policy SP6 to ensure that the requirements of the policy are justified and will be effective. In the first bullet point, replacement of "communities" with "places" is necessary to clarify the policy requirement to preserve and enhance quality. The new fourth bullet point, and amendments to the penultimate and antepenultimate bullet points, are needed to bring the policy into line with the national policy requirement to minimise impacts on biodiversity and provide net gains in biodiversity where possible. These changes reflect statements of common ground between the NEAs, Historic England, the Environment Agency, and Anglian Water.
125. Finally, MM16 inserts the word "overbearing" into the last bullet point of policy SP6, to ensure that the policy provides effective protection for residential amenity.
126. Subject to the MMs outlined above, I conclude that the Plan's policies on the presumption in favour of sustainable development, on infrastructure and connectivity, and on place-shaping principles, are sound.

Overall Conclusion and Recommendation

127. The Section 1 Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

128. The North Essex Authorities requested that I recommend main modifications to make the Section 1 Plan sound and legally compliant, and thus capable of adoption. I conclude that the duty to cooperate has been met and that, with the recommended main modifications set out in the Appendix, the North Essex Authorities' Shared Strategic Section 1 Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Roger Clews

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Attached below are the following documents:

Inspector's post-hearings letter, 8 June 2018 [IED/011]

Inspector's supplementary post-hearings letter, 27 June 2018 [IED/012]

Inspector's post-hearings letter, 15 May 2020 [IED/022]

Certain paragraphs of these attached documents form integral parts of the Inspector's report. They are identified in the main body of the report above.

**NORTH ESSEX AUTHORITIES
Strategic (Section 1) Plan****Inspector:** Mr Roger Clews**Programme Officer:** Andrea Copsey

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

8 June 2018

Dear Ms Goodings, Ms Syrett and Mr Guiver

**EXAMINATION OF THE STRATEGIC SECTION 1 PLAN
ADVICE ON THE NEXT STEPS IN THE EXAMINATION**

1. Now that the hearing sessions have concluded I am able to advise you about the further steps that I consider are necessary in order for the Section 1 Plan to be made sound and legally-compliant. I shall also deal, as far as I can, with your question as to whether the Section 1 Plan [hereafter, "the Plan"] could be adopted by each of the three North Essex Authorities [NEAs]¹⁸, separately from and in advance of their Section 2 Plans.
2. My letter focusses on those aspects of the Plan and its evidence base which I consider require significant further work on the part of the NEAs. It also advises on specific changes that are needed to some of the Plan's policies. More detailed matters, and aspects of the Plan that do not require significant further work at this stage, are not dealt with here but may be considered in the report I will produce at the end of the examination.
3. At this point my letter does not deal with chapter 4 and policy SP3, which cover the Plan's housing requirements. I will write separately about this topic once I have considered any implications the recently-published 2016-based sub-national population projections may have for the issue of Unattributable Population Change [UPC] in Tendring.
4. In document SD002a¹⁹, the NEAs have suggested modifications to address some of the issues of soundness that have been identified during the examination. However, it will be clear from this letter that further main modifications will need to be made in order for the Plan to be capable of adoption. All the main modifications that are eventually proposed will of

¹⁸ The three NEAs in the context of this letter are Braintree District Council [BDC], Colchester Borough Council [CBC], and Tendring District Council [TDC]

¹⁹ *Suggested Modifications to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section One* (Feb 2018)

course be subject to full public consultation, and I will consider all the consultation responses before I produce my report.

5. I should make it clear that the views expressed in this letter are based on the evidence currently before me. I reserve the right to modify these views in the light of any further evidence that may come forward before the examination ends.
6. My letter deals first with legal compliance matters, then with Plan chapter 8 on the proposed Garden Communities [GCs], followed by chapters 5 and 6 dealing with employment and infrastructure provision, and then more briefly with the rest of the Plan.

Legal compliance, including compliance with the duty to co-operate

Duty to co-operate

7. Each of the NEAs has published a Duty to Co-operate [DtC] Statement setting out the steps taken to fulfil the duty in the preparation of the Plan. The DtC Statements are supported by Statements of Common Ground with neighbouring LPAs, infrastructure providers, statutory consultees and others.
8. It is apparent from the DtC Statements that substantial and effective co-operation took place, both between the NEAs themselves and with neighbouring authorities and other prescribed bodies, during the preparation of the Plan. This co-operation involved meetings, memoranda of co-operation and joint evidence preparation. The strategic, cross-boundary matters addressed included assessments of need for housing, gypsy and traveller accommodation and employment land; strategic infrastructure, including improvements to the trunk and local road networks and the railway network, education, healthcare and broadband provision; and the environmental and other cross-boundary impacts of the Plan's proposals.
9. Given the distance between the administrative area of Basildon Council and those of the NEAs, it would be unrealistic to expect the latter to play any significant role in accommodating unmet need for gypsy and traveller sites in Basildon. I find no failure of the DtC in this respect.
10. Failure of the DtC was also alleged over the NEAs', and more specifically BDC's, handling of the proposals by Lightwood Strategic for a GC at Pattiswick, to be known as "Monks Wood". It seems that the first proposal for this site, in the context of the Plan, was made to BDC by Swords on 9 March 2016. I have no reason to disbelieve the NEAs' account that it was made known to CBC, TDC and Essex County Council [ECC] the following day. BDC then responded to Swords on 11 March 2016 advising that an earlier call for sites period was closed but that the Pattiswick site could be considered as an objection to the Preferred Options Plan, consultation on which was due to begin in June 2016.

11. Given the stage of preparation that the Preferred Options Plan had reached by March 2016, I consider that was a reasonable position for BDC to take. The alternative would have been to assess the new site in the same way as the other proposed GC sites had already been assessed, before publishing the Preferred Options Plan. But that would have delayed the Plan preparation process, with no guarantee that other sites would not then have come forward, creating further delays. Cut-off dates have to be set if the planning process is to move forward.
12. In August 2016 Lightwood Strategic made representations on the Preferred Options Plan, enclosing a site submission form for the Monks Wood site along with supporting material. In due course, Concept Feasibility Studies for Colchester Metro Town²⁰ (April 2017) and Monks Wood (May 2017) were prepared by the NEAs' consultants, AECOM, along similar lines to those already published in June 2016 for other potential GC sites. The latter included another rejected alternative at North Colchester as well as the three allocated sites.
13. North Colchester, the Metro Town proposals and the Monks Wood site were also assessed as alternatives to the allocated GCs in the Sustainability Appraisal [SA] for the Publication Draft Plan, published in June 2017. (I consider the SA separately below.) All this is evidence of effective co-operation between the NEAs in the assessment of alternative sites for GCs, including Monks Wood.
14. I see no great significance in the fact that the BDC Local Plan Sub-Committee resolved on 31 October 2016 to agree a Vision for its Local Plan that included GCs west of Braintree and west of Colchester, but not at Monks Wood. The relevant recommendation contained a clear caveat to the effect that any subsequent changes to the spatial strategy would be reflected in the Vision. That reflected the fact that consideration by the NEAs of the spatial strategy – of which the GCs are a major component – was still continuing. No final decisions on the Section 1 Plan, its spatial strategy and the GCs allocated in it were taken until the NEAs formally approved the Publication Draft Plan for consultation beginning in June 2017, and then resolved to submit the Plan for examination in October 2017.
15. I see nothing in legislation or national guidance to indicate that the DtC requires local planning authorities to co-operate with prescribed bodies over the potential cross-boundary impacts of sites that are considered, but rejected, for inclusion in a plan. Consequently, I see no reason to conclude that the DtC required co-operation between BDC (or the NEAs) and other external bodies in respect of Monks Wood and the other rejected GC sites. That is also the view of the NEAs and of Chelmsford Borough and Uttlesford

²⁰ Prepared by CAUSE in 2015 as a potential alternative strategy for growth in North Essex

District Councils, which adjoin the BDC area. The cross-boundary impacts of the Plan as a whole were the subject of effective co-operation, as paragraph 8 above makes clear.

16. None of the evidence I heard and read pointed to a failure in any other respect on the part of the NEAs to co-operate with each other or with prescribed bodies on any strategic matter. I find that each of the NEAs met the duty to co-operate in the preparation of the Section 1 Plan.

Failure to register representations

17. Through an unfortunate error, the NEAs failed to register the representations submitted by five respondents at Regulation 19 stage. The representations from one of those respondents, Lightwood Strategic, also contained a request to appear before and be heard by the Inspector under section 20(6) of the 2004 Act. Document IED008 sets out, at question 7(a), the elements of legislation that were breached as a result of that failure.
18. The failure to register the five sets of representations did not come to my or the NEAs' attention until Thursday 18 January 2018, the third day of the originally-scheduled hearing sessions. The missing representations were provided to me and published on the consultation portal the next day. Arrangements were made for Lightwood to submit statements to and appear at the fourth, fifth and sixth hearing days, dealing with Matters 6, 7 and 8, the following week.
19. Lightwood would also have been entitled to appear at the Matter 1 hearing session, which had already taken place when their representations came to light. Consequently an additional hearing session for Matter 1 was held on Wednesday 9 May 2018. Lightwood were invited to submit statements to and attend that additional session, together with all the invitees to the original Matter 1 hearing session, and representatives of parish councils and community organisations in the area affected by Lightwood's proposals for a GC at Pattiswick.
20. Lightwood consider that, notwithstanding the steps that were taken to overcome the consequences of the NEAs' failure to register their representations, they and others are subject to prejudice in the following respects:
 - They had only a few days to prepare for the Matters 6, 7 & 8 sessions, placing them at a material disadvantage compared to the other participants;
 - Their not attending the original Matter 1 hearing session meant that I heard contributions without Lightwood being able to respond to, rebut or reinforce those comments, and without them being supported by others in their own submissions;

- The NEAs' failure to submit an accurate statement of representations and to submit all representations to the SoS led to the examination proceeding and being framed and formulated by myself without reference to or benefitting from Lightwood's case and evidence;
 - The failure to make all representations publicly available prevented fellow objectors from formulating their cases and representations with reference to or benefitting from Lightwood's case and evidence.
21. Lightwood maintain that a failure to comply with Regulation 22 cannot be cured subsequently. It is not possible after the event, they say, to gauge how the examination, evidence and representations would have altered as a result of their representations being available or how parties would have conducted themselves. Lightwood contend that the Plan should therefore return to the stage before the breach.
22. Evidently the NEAs' failure to register the five sets of representations was a regrettable error, for which they have apologised. The question for me is whether Lightwood's interests, or those of any other party, have been prejudiced as a result.
23. In this regard, steps were taken to ensure that Lightwood were able to appear and be heard before me on all the Matters to which their representations related. Those steps included arranging an additional hearing session for Matter 1, as explained above. While it is true that Lightwood had only a short time to prepare for the Matters 6, 7 and 8 hearing sessions, it was they who originally suggested that they should attend those hearings²¹. Their suggestion, which I accepted, was extremely helpful in minimising delay to the examination. Lightwood were able to prepare brief hearing statements for Matters 6, 7 and 8, and I and the other participants had the opportunity to read and consider all their representations in advance of the hearing sessions.
24. As a result of all the steps taken, my view is that Lightwood and the other participants were provided with adequate opportunities to appear before and be heard by the Inspector, as the legislation requires. I consider it unlikely that any significant additional matters, issues and questions would have been discussed at the hearings had Lightwood's representations, and the other unregistered representations, been before me at the outset of the examination. Taking all this into account, I am satisfied that the hearing sessions enabled me gain a full understanding of the views of all participants, including on Matters 1, 6, 7 & 8.
25. Overall, therefore, I find that that effective arrangements were put in place to minimise the effects of the failure to register certain representations at the right time, and that no substantial prejudice to any party resulted from that failure.

²¹ Email from Richard Walker of Lightwood to the Programme Officer, 18 January 2018

Habitats Regulations Assessment [HRA]

26. On 12 April 2018 the Court of Justice of the European Union [CJEU] issued a judgment²² which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment [AA], and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.
27. The HRA report on the pre-submission Plan contained both a screening stage assessment and an AA. The NEAs will need to ensure that the screening stage assessment of that report, and any future HRA reports, is compatible with the CJEU's judgment.

Other legal issues

28. I find no evidence that the NEAs failed to consult on the Plan in accordance with their Statements of Community Involvement, as required by section 19(3) of the 2004 Act. I shall consider any relevant implications of the legislation on state aid and compulsory purchase in the next section dealing with the GCs.

Cross-Boundary Garden Communities (chapter 8)

29. Three proposed GCs, providing between 29,000 and 43,000 homes in total, are a central element in the Plan's spatial strategy for North Essex. I have no doubt that the NEAs are sincere in their aspirations for three high-quality, sustainable communities, based on the principles outlined in their *Garden Communities Charter* [the NEGC Charter]. Their proposed approach is innovative and ambitious, and 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.
30. The GCs are identified as broad locations on the submission policies map. But it is clear from the content of policies SP7, 8, 9, & 10 [hereafter: "the GC policies"] that the submitted Section 1 Plan, if adopted, would establish both the in-principle acceptability of, and many of the specific requirements for, the proposed GC developments. Follow-on plans²³ are intended to set out the principles of design, development and phasing for each GC, but it is this examination which must determine whether or not the GC proposals are properly justified and realistically developable. This is of more than usual importance given the large scale and long-term nature of the GC proposals,

²² *People over Wind, Peter Sweetman v Coillte Teoranta* [CJEU Case C-323/17]

²³ Referred to in the Plan as Development Plan Documents or DPDs

two of which will take around 30 years to complete and the other at least 40 years.

31. In my view the evidence provided to support the GC policies in the submitted Plan is lacking in a number of respects. I consider the main shortcomings in turn below. References to the individual GCs are as follows: CBBGC: Colchester/Braintree Borders GC; TCBGC: Tendring/Colchester Borders GC; WoBGC: West of Braintree GC.

Transport infrastructure

Trunk road improvements

32. Policy SP5 includes two major trunk road schemes in its list of strategic infrastructure priorities: the A12 Chelmsford to A120 widening scheme which is included as a committed scheme in Highways England's RIS1 programme, and the A120 Braintree to A12 dualling scheme which is currently under consideration for inclusion in RIS2. Both schemes are intended to relieve existing congestion problems and support economic growth in North Essex.
33. In this context, the scale of the GC proposals means that they could not be developed in full without the additional strategic road capacity provided by these schemes. In particular, WoBGC would be reliant on the A120 for eastward strategic road connections to Colchester and beyond, and both the A120 and A12 (which currently meet at Marks Tey) would provide essential strategic highway links for CBBGC.
34. I understand that decisions on what is included in the RIS2 programme are due to be made in 2019. No firm view on the feasibility of either WoBGC or CBBGC can be taken until it is known whether or not the A120 dualling scheme is included in that programme (or can be otherwise fully funded). While the GCs would contribute to the cost of the scheme, I have seen no evidence that it could be fully funded if it is not included in RIS2. It may be possible to devise interim solutions to accommodate a proportion of the generated traffic, and thereby enable early phases of one or both GCs to proceed, but that would not justify an in-principle endorsement of the GC proposals as a whole.
35. Moreover, the two alternative alignments currently under consideration for the widened A12 in the Marks Tey area are not compatible with the proposed layout of CBBGC as set out in the Concept Framework. In order to avoid having an unacceptable severance effect, the improved A12 would need to take a line some distance to the south-east of those existing alternatives. The NEAs have made a bid to Government for funds to facilitate that further alternative alignment, but the outcome is not yet known.

36. In addition, a decision has yet to be made on the alignment for the dualled A120. The alternative alignments still being considered have quite different implications for the A120's relationship with CBBGC.
37. I appreciate that the NEAs, ECC and Highways England are working together constructively to resolve these issues. Nonetheless, greater certainty over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey is necessary to demonstrate that the GC proposals are deliverable in full.

Rapid transit system

38. A rapid transit system [RTS] for North Essex is an integral part of the GC proposals. Policy SP7 requires the new communities to be planned around a "step change" in integrated and sustainable transport systems. The Concept Frameworks for each GC all include a RTS as a key element of the movement and access framework. And the Jacobs *Movement and Access Study* [MAS] sets a target for 30% of all journeys to, from and within the GCs to be made by rapid transit, rising to 38% for journeys with an external origin or destination.
39. It is unlikely that those extremely ambitious targets would be achieved or even approached unless rapid transit services to key destinations are available early on in the lifetime of the GCs. That is evident from section 1.3 of the MAS, which advises that the priority is to provide high-quality infrastructure for active modes and rapid transit that is integrated with immediate and future land use. It must have a directness, journey time and convenience benefit over the private car from the very beginning to realise this potential.
40. However, planning of the proposed RTS has reached only a very early stage. The *North Essex Rapid Transit Study* [NERTS] is a high-level assessment of the costs and benefits of a RTS. It assesses demand, and outlines route options and a range of costs, for an extensive network linking the three GCs to Colchester, Braintree and Stansted. But it is not a feasibility study which investigates whether such a network could actually be delivered on the ground. Nor does it recommend which of the modal options (bus, guided bus, tram, etc) should be taken forward, or identify a timescale for delivery.
41. The cost of the RTS, even in broad terms, cannot be determined until these decisions have been made. While the Technical Note on bus rapid transport prepared by Icen Projects provides alternative indicative costings it does not resolve these points. Further work is needed before it can be shown in both practical and financial terms that a RTS could be delivered.
42. In order to demonstrate that the RTS is deliverable at the time it is needed, further work needs to be done:

- to determine which modal option is to be used and its capital cost implications;
 - to establish the feasibility and capital cost of its route(s) on the ground, including its alignment outside the GCs themselves;
 - to refine passenger and revenue forecasts; and
 - to establish a timescale for its delivery in stages.
43. On the basis of this work, both a realistic range of costs for the RTS, and the sources from which those costs will be met, need to be identified. Discussions also need to be held with potential operators so that they are involved in the process of developing the proposals.

Marks Tey station

44. The existing Marks Tey railway station, on the Great Eastern Main Line [GEML] between London and Norwich, is within, but close to the eastern edge of, the indicative boundary of CBBGC. In principle, the station would be a considerable asset for CBBGC. However, its current peripheral position would integrate poorly with the structure of the GC. The CBBGC Concept Framework proposes its relocation some 2km to the south-west, where it would form part of a transport interchange in the new town centre.
45. Discussions with the railway infrastructure providers on this proposal are at an early stage, and no firm commitments to it have been made. Moreover, at present there are no clear proposals on how to maintain interchange between the GEML and the Sudbury branch line, which currently occurs at Marks Tey. Adequate interchange arrangements would be essential to the acceptability of the relocation scheme.
46. Both the Concept Framework and policy SP9 make it clear that they do not see the relocation of Marks Tey station as essential to the success of the GC. Nonetheless it would be a significant missed opportunity, in my view, if a GC on the scale currently proposed in this area were to proceed with the station on its periphery. As the Concept Framework points out, a station in a town centre generates a focus of activity, supporting higher density development and helping to create an active and vibrant centre.
47. The Hvas viability appraisal for CBBGC allows £50M towards the cost of relocating the station. While work will need to be done to refine that figure and to identify other sources of funding, it is a reasonable allowance to make at this stage. However, it appears in the spreadsheet in 2057/58, 30 years into the proposed build period. That is far too late to enable the station to be integrated into the planning of the new town centre, and for it to have the beneficial effects envisaged by the Concept Framework. If the relocation of Marks Tey station is to form part of a proposed GC, the allocation of funding for it must be made much earlier in the build period.

Delivery of market and affordable housing

48. The NEAs' own publications²⁴ envisage each of the three proposed GCs starting to deliver housing in 2023/24. WoBGC is expected to deliver 250 dwellings in that first year and in each subsequent year to the end of the Plan period (2033). The other two GCs would build up more gradually to rates of 300 dwellings per annum [dpa] for TCBGC from 2027/28 onwards and 350dpa for CBBGC from 2031/32 onwards. The Hyas appraisal envisages slightly different delivery rates.
49. Credible research by NLP²⁵ indicates that sites over 2,000 dwellings take an average of around seven years from the submission of the first planning application to the delivery of the first dwellings on site. However, it also shows that planning approval for greenfield sites tends to take somewhat less time than for brownfield. Moreover, the work already done by the NEAs and others to develop concept frameworks and masterplans for each GC would help shorten that time further.
50. On this basis I consider it reasonable to assume that the planning approval process would allow housing delivery at any GC(s) to start within four or five years from the adoption date of the plan (or plan revision) which establishes the GC(s) in principle. However, that timescale could alter depending on how long it takes to put the necessary infrastructure in place, as discussed above.
51. The NLP research found that greenfield sites providing more than 2,000 dwellings deliver around 170dpa on average, with substantial variation around that mean figure. Factors supporting a higher delivery rate include the market strength of the area, the size of the site, public sector involvement in infrastructure provision, and the proportion of affordable housing.
52. All these factors suggest that GCs in North Essex could achieve build-out rates higher than the NLP average. Nonetheless, out of the 13 sites in this category NLP identified only one large site which achieved average delivery of more than 300dpa, and the data for that site cover a period of only three years. Moreover, their analysis of the few sites for which data is available over 10 years or more revealed pronounced peaks and troughs in the annual delivery figures.
53. All this leads me to the view that, while it is not impossible that one or more of the GCs could deliver at rates of around 300dpa, it would be more prudent to plan, and carry out viability appraisal, on the basis of an annual average of 250dpa.
54. The way in which the numbers of dwellings delivered at the GCs would be allocated to the individual NEAs for monitoring purposes is set out in Plan

²⁴ See document EB/065 for references

²⁵ *Start to Finish – How Quickly do Large-scale Housing Sites Deliver?* (Nov 2016)

paragraph 8.15. I find nothing to indicate any in-principle conflicts between the proposed approach and national policy or guidance. However, the Plan also needs to make it clear how the allocation would be carried out in the event of a shortfall in planned delivery – the current approach of deferring that question to a future memorandum of understanding is not an effective one.

55. The GC policies seek 30% affordable housing as part of the overall housing provision in each GC. Achieving that proportion is necessary both to meet the demonstrated need for affordable housing in the Plan area and to achieve the NEGC Charter's goal of creating mixed and balanced communities. Because of the shortcomings in the Hyas viability assessment outlined below, its conclusions over the deliverability of affordable housing at each of the three allocated GCs cannot be relied upon. The further viability work that needs to be undertaken to correct those shortcomings will, therefore, also need to demonstrate that 30% affordable housing can be delivered at any GC that may be proposed.

Employment provision

56. The NEGC Charter's Principle 3 seeks to provide access to one job per household within each new GC or within a short distance by public transport. It states that the employment function will be a key component of creating character and identity and sustainable communities. Policy SP7 describes the GCs as incorporating a range of homes, employment and other facilities, thereby reducing the need for outward commuting.
57. In this context, it is surprising that the GC policies contain no specific figures for the amount of employment land or floorspace to be provided at each of the GCs. Instead there are only general requirements to provide and promote opportunities for employment and a wide range of jobs, skills and training opportunities, and suggested locations for different types of employment use. This is in contrast to the figures (expressed as a range) in each policy setting out the expected level of housing development.
58. I recognise that setting employment land requirements for different uses and allocating land to meet them is a complex process, involving forecasts of market demand across different employment sectors. If the sites provided do not match the demands of the market, the jobs will not come. To that extent I agree with the NEAs that it is not possible to predict accurately the exact mix of employment space that will be required this far in advance of development. But that would not preclude setting indicative requirements for the overall amount of employment land or floorspace at each GC.
59. It would be inappropriate to delegate this role to the individual DPDs, as the NEAs suggest. The role of the DPDs is to take forward the design, development and phasing of the GCs based on the principles established in

this Plan. It is difficult to see how they could perform that role without an indication of the amount of employment the GCs are expected to provide. Setting indicative requirements in this Plan would not prevent them changing in future: indeed they should be reviewed each time the Plan itself is reviewed, to ensure that they continue to reflect economic realities.

60. Section 5 of the report *North Essex GCs Employment & Demographic Studies* [E&DS] sets a range of future employment estimates and associated floorspace requirements for each GC. These are derived from a series of demographic and employment projections based on analysis of existing local conditions and potential future scenarios.
61. However, both the Hyas report and the Concept Frameworks that have been developed for each GC include alternative employment land and floorspace allocations which are apparently more ambitious than those based on the E&DS scenarios. If the NEAs wish to set indicative requirements for the GCs at those levels, they would need to be supported by evidence at least as robust as that provided in the ED&S.

Viability

62. The most recent assessment of the GCs' financial viability before me is the April 2017 Viability Assessment by Hyas ["the Hyas report"]²⁶. The assessment was conducted at a strategic level, appropriate to the relatively early stage of evolution of the GC proposals. It follows the residual valuation method, in which all the costs of undertaking the development – apart from the land cost – are subtracted from the development's total sale value. The resulting figure is the residual value. If the residual value is at least equal to the cost of acquiring the land needed for the development, then the development can be said to be viable.
63. For reliance to be placed on the outcome of the assessment, well-founded assumptions need to have been made about both the likely costs and value of the development, and about the cost of acquiring the land.
64. In terms of costs and value, the Hyas report makes generally reasonable assumptions about development mix and value, and about land preparation, construction and utilities costs, and developer profit. However, as explained below it does not deal adequately with transport infrastructure costs, land purchase and interest, or contingency allowances.

Transport infrastructure costs

65. The evidence provided to support the Hyas report – including additional information from the AECOM Social Infrastructure Model – shows that costings

²⁶ At least one other viability appraisal has been carried out on behalf of GC promoters, but as it was not disclosed to the examination I cannot place reliance upon it.

for most items of infrastructure were arrived at in a consistent and logical manner and are generally reasonable.

66. However, as noted above the proposals for a rapid transit system, the provision of which is essential to the successful development of the GCs, are still at a very early stage. According to the NERTS, the capital costs of the scheme range between £249m and £1,672m (including a prudent 64% optimism bias allowance) depending on which option is eventually chosen. The direct and indirect RTS contributions allowed for in Hyas's baseline appraisals for the three GCs appear unlikely to meet even the lowest of those figures. Nor has any clear evidence been provided to show that the balance of the RTS's capital costs could be funded from other sources.
67. Consequently, it is by no means clear that adequate allowances for the costs of necessary transport infrastructure have been built into the viability assessment. To ensure that the viability assessment reflects the actual cost as closely as possible, the relevant figures should be reviewed when the rapid transit system proposal is further advanced and more accurate information is available on its likely cost.
68. If any additional contributions from the GCs, apart from those already included, are expected towards the A12 widening or the A120 dualling scheme, they would also need to be allowed for in the viability appraisal.

Land purchase and interest

69. The Hyas report uses a financial model, developed by ATLAS²⁷, based on a "master-developer" model of delivery. In this model the master developer acquires the development land and undertakes strategic investment in enabling works and strategic infrastructure, before selling on the serviced plots to individual housebuilders or commercial developers to build them out. Interest on borrowing to fund the strategic investment, and a financial return to the master developer on that investment, are built into Hyas's viability assessment.
70. It is unclear whether the 6% interest figure assumed for strategic investment borrowing is justified, having regard to the legislation on state aid as highlighted in the advice to the NEAs by PwC²⁸. Further clarification on this point is necessary.
71. More importantly, however, no allowance is made in the Hyas appraisal for interest on borrowing to fund land purchase by the master developer. The Harman report *Viability Testing Local Plans* (June 2012) specifically warns against overlooking interest costs on land purchase. Given the scale and duration of the GC development programme, those costs will be substantial.

²⁷ *The Garden Cities and Large Sites Financial Model*

²⁸ PwC, *North Essex Garden Communities Final Report* (14 Dec 2016)

In their response to Government on the *New Towns Act 1981 (Local Authority Oversight) Regulations*, the NEAs themselves refer to "significant land costs which will be largely debt-funded in advance of land receipts".

72. In order to take account of land purchase interest costs, the residual values shown in Hyas's summary tables 5.3.1, 6.3.1 and 7.3.1 would need to be discounted by an appropriate amount. That would require assumptions to be made about the timing of land purchase and disposal. For example, the earlier GC viability work by AECOM assumed that land would be purchased in tranches two years before it was required for development.
73. Until Hyas's residual values have been adjusted to take account of the substantial cost of interest on land purchase, no reliance can be placed on them as an indication of the viability of the proposed GCs.

Contingencies and sensitivity testing

74. The Hyas report modelled a range of different scenarios for each GC. The variables used were: various proportions of market and affordable housing and starter homes; uplifts of 0%, 5% and 10% on overall infrastructure costs; and uplifts of 0%, 5% and 10% on development value (to reflect a "Garden Community premium").
75. 10% would be an unusually low figure if it was intended to represent the sole contingency allowance on infrastructure costs. The NEAs produced further evidence²⁹ setting out what they claimed amounted to a total 42% contingency allowance for CBBGC, as an example of the approach taken for all three GCs. Over a third of that amount, however, is the 15% profit allowance intended as an incentive to perform the master-developer role referred to above.
76. A 15% profit allowance is not excessive given that, as the NEAs accept, the Plan needs to be neutral as to whether the master-developer role is played by a public or private sector body³⁰. Even if the oversight role is retained in the public sector, it is quite possible that many of the master-developer functions would need to be outsourced. Consequently, the master-developer profit allowance should not be counted as part of the overall contingency allowance.
77. The other additional element which the NEAs identified as part of the total contingency allowance was what they termed "in-built contingency" of around 24% on certain capital sums for infrastructure. Tracing these figures back to their source documents shows that most do indeed represent an uplift of around 20% on the minimum cost identified for each item. However, as was demonstrated at the hearing sessions, 20% or 24% is a low contingency figure for major capital projects. A contingency allowance of at least 40%

²⁹ EB/13(2/2a)

³⁰ See the next section on delivery mechanisms

would align better with the approach taken, for example, by Highways England when costing large-scale infrastructure schemes.

78. I recommend therefore that alongside the generic cost uplift figure of up to 10% used in the Hyas report, sensitivity appraisals are carried out based on additional contingency allowances of 20% and 40% on relevant infrastructure schemes for each GC, such as road improvements, park-and-ride and rapid transit. That would give an adequate range of possible costs to inform the overall viability assessment.
79. On the income side, my comments above on the likely rate of housing delivery at the GCs will need to be taken into account when calculating receipts from development value. It is important also that realistic assumptions are made about the income generated by commercial floorspace. I have commented above on the discrepancies between the employment land and floorspace allocations used in the Hyas report and those identified elsewhere in the evidence base.
80. I recognise that the aim of bringing forward homes rapidly at the GCs may conflict with the ability to achieve a GC premium on house prices. That does not mean that Hyas were unjustified in sensitivity-testing a 5% and 10% premium, in order to appraise a range of possible outcomes. However, it is inconsistent with this approach to regard the £3,000 per unit uplift applied to site preparation and enabling costs as a contingency allowance, as identified in EB/13(2/2a). Given that the avowed purpose of the uplift is to create a high-quality public realm and sense of place, it would seem to be essential if any GC price premium is to be achieved.
81. I share the NEAs' view that it would not be helpful to attempt to include an allowance for inflation in the residual valuation appraisal. Predicting movements in house prices in particular would be difficult over such a long period, and allowing for cost inflation would be meaningless without a corresponding adjustment for development value.

Price of land

82. There is a difference between the headline value paid for a fully-serviced development site, and the net value which takes account of the costs of enabling works and strategic infrastructure, and of policy requirements such as the provision of affordable housing. The net land value is the appropriate comparator with the residual value that emerges from a valuation model such as that used by Hyas. In other words, it is quite appropriate to take account of up-front enabling and infrastructure costs (which in the Hyas/ATLAS model are incurred by the master developer) and policy requirements, when negotiating to purchase land for development.
83. However, as the Harman report points out, what ultimately matters for housing delivery is whether the value received by the landowner is sufficient

to persuade him or her to sell the land for development. I consider it unlikely that most landowners would sell their land for development without at least a reasonable uplift on its existing use value. This has clear implications for the deliverability of the GCs.

84. That does not necessarily mean that a price of £100k per acre would need to be paid, as is suggested in Volume 3 of the GC Concept Feasibility Study. Ultimately, of course, the actual land price will emerge from negotiations with individual landowners. But in order to demonstrate that the GC proposals can be delivered, the NEAs will need to show through viability assessment that a reasonable uplift on current use values can be achieved.
85. Alternatively, if the NEAs intend to use compulsory purchase or other powers to acquire development land at a lower value than could be achieved through negotiation, clear evidence would need to be provided that such a course of action is capable of achieving that outcome (and is also compatible with human rights legislation). That has not been demonstrated by the evidence currently before me.

Conclusions on viability

86. For the foregoing reasons, it has not been demonstrated that the GCs proposed in the submitted Plan are financially viable. Further viability assessment, taking account of all the points above, will need to be carried out on any GC proposals that the NEAs bring forward. Because of the GCs' long development timescales, it would be advantageous for the residual valuation appraisal to be supplemented with a discounted cashflow assessment in order to provide a more complete analysis.

Delivery mechanisms

87. The NEGC Charter envisages that Local Delivery Vehicle(s) [LDVs], accountable to the NEAs with both private and public sector representation, will be responsible for delivering the GCs. Three LDVs together with a holding company called NEGC Ltd have been incorporated in readiness to perform this role. Subsequently, in response to consultation on the proposed *New Towns Act 1981 [Local Authority Oversight] Regulations*, the NEAs have indicated an interest in the formation of a locally-led development corporation, overseen by the NEAs, to deliver the GCs.
88. The Charter also envisages a private-public sector partnership funding arrangement for the GCs involving the sharing of project risk and reward. Public sector investment in the funding and delivery process, it is said, will help to facilitate the timely and co-ordinated provision of infrastructure and services.
89. The Hyas report envisages that the LDVs will perform the role of master developer for each GC. Similarly, the NEAs' response to consultation on the

draft *Local Authority Oversight Regulations* suggests that the locally-led development corporation would act as master developer. As the Charter makes clear, there are likely to be advantages in terms of public engagement, long-term democratic oversight and access to public financial support if the master developer is a public-sector entity. However, this is not a legal or practical requirement. In principle the role could also be performed by a private-sector body.

90. In its paragraph (ii), policy SP7 seeks to encapsulate the principles that the delivery model for the GCs should follow and the objectives it should seek to achieve. The requirements it places on landowners and promoters to secure high-quality place-making, to fund the infrastructure necessary to address the impacts of development, and to manage and maintain the on-site infrastructure are generally compatible with relevant guidance in the NPPF and PPG. The final sentence of the paragraph defines the tasks the delivery model will need to perform, taking an appropriately neutral stance on who will perform them.
91. However, the specific reference in the first sentence to "sharing risk and reward" between the public and private sector conflicts with the long-established legal principle that revenue or profit may not be appropriated by a public-sector body without explicit Parliamentary sanction³¹. The reference may have been intended by the NEAs as a statement of aspiration, but its inclusion in SP7 as one of the principles with which the GCs "will conform" makes it an unlawful policy requirement. It is therefore necessary to remove it from the policy, as the NEAs now propose.
92. In the same sentence, it is also necessary for soundness to remove the reference to "deploying new models of delivery" as a policy requirement. It may be a legitimate aspiration of the NEAs but there is no substantial evidence to show that only (unspecified) new models of delivery are capable of achieving the policy's objectives.

Sustainability Appraisal

93. SA of the Section 1 Plan was carried out by ECC's Place Services at both the Preferred Options and the Draft Publication stage. The resulting reports were published for consultation alongside the Plan in June 2016 and June 2017 respectively.
94. The 2016 SA report contains an assessment of the preferred spatial strategy and four alternatives to it, and an assessment of eleven GC options, of which three were selected for inclusion in the Preferred Options version of the Plan. By comparison, the 2017 report assesses six alternatives to the chosen spatial strategy, and thirteen GC options. In the later report there is also an

³¹ See, for example, *Attorney-General v Wilts United Dairies Ltd* [1921] 37 TLR 884, and *Congreve v Home Secretary* [1977] 2 WLR 291

appraisal of three different approaches to strategic growth, and an assessment of the cumulative impacts of the three allocated GCs and of nine alternative combinations. The significantly wider scope and content of the 2017 report is evidence that account was taken of the responses to consultation in 2016.

95. It may be that the NEAs had decided, before the 2016 report was complete, which GCs they wished to include in the Preferred Options version of the Plan. That in itself is not unlawful, provided that the SA is approached with an open mind, and that its results and the consultation responses on it are taken into account in the ongoing preparation of the Plan. Similarly, the fact that the spatial strategy and the three allocated GCs remained essentially unchanged between the Preferred Options and the submitted versions of the Plan is not necessarily evidence of a closed-minded approach to plan preparation. The important question is whether the SA and the related plan preparation processes were carried out lawfully and with due regard to national policy and guidance.
96. In my view there are three principal shortcomings in these respects concerning, first, the objectivity of the assessment of the chosen spatial strategy and the alternatives to it, secondly, the clarity of the descriptions of those alternatives and of the reasons for selecting them, and thirdly, the selection of alternative GCs and combinations of GCs for assessment. I shall consider each in turn.

Objectivity of assessment

97. As noted above, four alternatives to the chosen spatial strategy were assessed in the 2016 report, and six alternatives in the 2017 report. In both reports the short- and medium-term results are identical for the chosen spatial strategy (which includes the three allocated GCs) and all the alternatives. That is to be expected, since there would be no substantial development at the GCs until later in the Plan period. The key comparison is of the long-term results, which are intended to show effects in the latter stages of the Plan period and, where relevant, beyond.
98. In the long term the chosen spatial strategy is assessed in the 2017 report as having a strong prospect of significant positive impacts on six sustainability objectives relating to: housing, health, vitality and viability of centres, the economy, sustainable travel behaviour, and accessibility and infrastructure provision. By contrast, Alternative 4, which involves growth at existing settlements without the allocation of any GCs, is assessed as having strong or minor negative effects on all those objectives except for sustainable travel behaviour, where its effects are said to be uncertain.
99. Taking into account my findings above on the GC proposals, it is not possible to see the objective basis for many of the widely divergent assessments of

- these two scenarios. Without more evidence to show that the necessary transport infrastructure for the GCs could be provided viably and in a timely fashion, the strong positive scores for the chosen strategy in respect of sustainable travel behaviour and accessibility are unwarranted. The lack of any quantitative employment land or floorspace requirements for the GCs undermines the strong positive score given to its economic benefits. There is no substantial evidence to show that the chosen spatial strategy would have strong benefits in terms of health and the vitality and viability of centres, or that Alternative 4 would detract from these objectives.
100. The narrative on page 83 of the 2017 report explains the reasons for rejecting Alternative 4. It says that if no GCs were to be allocated, existing settlements would have to respond to the need for growth by allowing higher densities and the development of more marginal peripheral land. This could lead to the over-expansion of some settlements and would not offer a sustainable distribution across the wider area. While this goes some way towards explaining the negative score given to Alternative 4 in terms of its landscape impact, it does not account for the strong negative impact it is seen as having on the objective of housing provision.
101. Similar comments apply to the analysis at pages 171-184 of the 2017 report, where the GC approach to strategic scale growth is compared with what are described as "New Towns" and "Traditional Approaches". Traditional Approaches appear from their description to correspond quite closely to Alternative 4 as described above.
102. In this analysis, Traditional Approaches receive negative scores for their ability to provide well designed and sustainable housing, for their effects on designated nature conservation sites, and for their ability to provide for adequate school places, recreational facilities and open space, without any clear evidential basis for these judgments. GCs again receive positive scores for sustainable transport provision, employment opportunities, and the viability of existing centres, which I regard as unwarranted for the reasons given above.
103. As a result, I consider that in assessing the chosen spatial strategy against alternatives that do not include GCs, the authors of the SA report have generally made optimistic assumptions about the benefits of GCs, 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.

Clarity of descriptions of alternatives and reasons for selection

104. Two of the alternatives to the chosen spatial strategy are described in the 2017 SA report as follows: *A focus on allocating all of the explored Garden*

Community options proposed in the Strategic Area at smaller individual scales, and A focus on stimulating infrastructure and investment opportunities across the Strategic Area. In response to my questions at the 9 May hearing session, the NEAs explained that the first of these involved the allocation of five GC options for 2,500 dwellings each within the Plan period, and that the second involved the allocation of three GCs in areas where there was an evidenced need for regeneration.

105. However, it would have been difficult to understand from the descriptions given in the report that this is what they involved. Indeed, the reference to "smaller individual scales" in the first option is actually misleading, since the three GCs in the chosen spatial strategy are also intended to deliver 2,500 dwellings each within the Plan period. And the lack of reference to GCs in the second option obscures the fact that it involves allocating three of them.
106. There is a similar lack of clarity in the reasons given for selecting the alternatives for assessment. The paragraphs on pages 79-80 of the 2017 SA report which introduce the alternatives do little more than provide descriptions of them. There is no substantial account of the rationale for choosing those particular alternatives.
107. I appreciate that a somewhat fuller description is given of the "New Towns" and "Traditional Approaches" which are assessed as alternatives to GCs on pages 171-184 of the 2017 SA report, and of the reasons for their selection. But that is a different level of analysis, assessing the relative benefits of GCs in general terms. It is the analysis at pages 76-84 which is intended to appraise the particular spatial strategy proposed in the Plan and reasonable alternatives to it, as the legislation requires.
108. Reasons are given on page 82 of the SA report for rejecting Alternatives 2 and 3, involving the allocation of one or two GCs only. It is apparent from the reasons given that the assessment was conducted on the basis that, in each of these alternatives, the GC(s) were assumed to provide all the 7,500 dwellings within the Plan period that would be provided by the three GCs in the chosen spatial strategy. But that is not explained clearly in the description of Alternatives 2 and 3. Nor is it explained why these alternatives could not also have been assessed on the more reasonable basis that each GC would provide 2,500 dwellings in the Plan period, with the rest of the 7,500 dwellings provided at or around existing settlements in a similar fashion to Alternative 4.
109. I consider that the lack of clarity I have identified in the descriptions of some of the alternatives to the chosen spatial strategy, and in the reasons for selecting them, is likely to breach the legal requirements for the SA report to provide an outline of the reasons for selecting the alternatives dealt with, and for the public to be given an effective opportunity to express their opinion on the report before the plan is adopted.

Selection of GCs and combinations for assessment

110. The thirteen GC options assessed in Appendix 1 of the 2017 SA report include the original eleven from the 2016 report plus the Colchester Metro Plan proposed by CAUSE and Lightwood's proposed Monks Wood site.
111. There is some confusion over the basis on which Monks Wood was assessed as a GC option. On pages 188-199 of the 2017 SA report it is stated that it was assessed as providing up to 15,000 dwellings, including 5,151 in the Plan period. That figure of 15,000 is at odds with the published AECOM evaluation of Monks Wood (May 2017) which on page 32 refers to its development capacity as 5,151 dwellings in total.
112. The source for the 15,000 dwellings figure used in the SA report appears to be a March 2017 draft of the AECOM assessment. It is unclear how that figure was derived, but it is not reflected in any of the material submitted by Sworders or Lightwood in support of their proposals for Monks Wood. Lightwood did assess options providing up to 13,600 dwellings in a study provided to BDC on 31 March 2017. However, their position now is that its maximum capacity is 7,000 dwellings.
113. No blame necessarily attaches to the authors of the SA report for assessing Monks Wood on the basis of 15,000 dwellings, as it seems they were working with the figure given to them by AECOM at the time. That is consistent with the approach they took to the other alternative GC sites. However, as there is no clear evidence to support that figure, the assessment cannot be relied upon. I do not accept that it would have made no difference if Monks Wood had been assessed on the basis of 7,000 or 5,000 dwellings rather than 15,000. It is clear from the assessments of the other GC options that there are some variations in scoring that can only be explained by similar differences in scale.
114. The assessment of alternative combinations of GC sites is at pages 226-244 of the 2017 SA report. The NEAs' explanation that the results of the assessment of Option 5 (WoBGC, Monks Wood & CBBGC) also justify rejection of a combination of Monks Wood, CBBGC & TCBGC is unconvincing given the very different relationships between the three locations in each of those scenarios. It is difficult to see the logic of assessing Monks Wood as an alternative to CBBGC and to TCBGC, but not to WoBGC, when appraising combinations of three GCs. Moreover, the Option 5 assessment is likely to have been influenced by an inaccurate understanding of the scale of the Monks Wood scheme, as already discussed.
115. In order to demonstrate that all the alternatives had been assessed on an equivalent basis, Monks Wood would need to have been assessed as a GC option at a scale of around 5,000 dwellings corresponding to the published AECOM evaluation, and an additional three-GC combination of Monks Wood,

CBBGC & TCBGC would need to have been assessed. The absence of such assessments is a further shortcoming of the SA.

Other SA points

116. On page 185 the SA makes it clear that a minimum threshold of 5,000 dwellings was set when selecting GC options for assessment. That is substantially higher than the minimum size of 1,500 dwellings set by the Government for garden village proposals. It is also higher than the thresholds of 3,000 houses or 4,000 dwellings (houses and flats) requiring a new secondary school, according to ECC's *Developers Guide to Infrastructure Contributions* (2016). However, the latter thresholds would support only a four-form entry secondary school, the minimum size that ECC regard as financially viable.
117. In setting the GC threshold it was legitimate, in my view, for the NEAs to take account of the increased financial viability, curriculum choice and range of facilities that a larger secondary school could provide. It was logical also to take into account the greater range of employment opportunities, healthcare and other community facilities that could be supported by a GC of 5,000 dwellings compared with a smaller settlement.
118. It is not feasible to test every possible option through SA. Reasonable planning judgments 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. In my view the SA report provides adequate reasons for setting a threshold of 5,000 dwellings for the GC options.

Conclusions on SA

119. I have considered the SA at length as it is the principal evidence document that seeks to justify the NEAs' choice of a spatial strategy involving three GCs, and their choice of the three allocated GCs themselves. Because of the shortcomings I have identified, I consider that the SA fails to justify those choices. As a result, 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.
120. It may be helpful for me to set out some suggestions as to how the shortcomings in the SA might be rectified. I stress that these are suggestions only, and are intended to provide no more than an outline of the further work required. I would be happy to consider any alternative SA proposals the NEAs might wish to make, provided they address the shortcomings I have identified. In either case it would be advisable if I were to agree the proposals before the SA work is begun.
121. In making these suggestions I rely on the principle that deficiencies in SA may be rectified, or "cured", by later SA work, established in the *Cogent Land* case

and restated by the Court of Appeal in *No Adastral New Town Ltd*³². I do not agree that the other caselaw drawn to my attention indicates that the scale of the GC proposals would preclude such an approach here. My suggestions also assume that the NEAs will wish to continue to include GCs among the options in any future SA work.

122. Before embarking on further SA work the NEAs will need to re-examine the evidence base for any GC 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.
123. The first stage in the further SA work should then be an objective comparison of individual GC site options at a range of different sizes. My comments above on the way that GC sites were selected for assessment in the 2017 SA report should be taken into account at this stage. In particular, if Monks Wood is included as an option it would be sensible – unless further evidence to the contrary emerges – to assess it on the basis of both 7,000 dwellings, as now favoured by Lightwood, and 5,000 dwellings as in the published AECOM report. If WoBGC is included, account should be taken of the effects on it of overflying aircraft to and from Stansted airport, and of its impact on the Andrewsfield airfield, in order to address legitimate concerns raised at the Matter 8 hearing.
124. Adequate reasons will need to be given for taking forward or rejecting each of the GC options assessed. Assessing the GC options first, with the benefit of an updated evidence base and before the spatial strategy options, should help to ensure that the assessment of the latter is appropriately realistic.
125. The second stage of the further work should be an assessment of alternative spatial strategies for the Plan area. The alternatives considered, and the reasons for selecting them, will need to be set out more clearly than the alternatives on pages 79-80 of the 2017 SA report. I suggest that the alternatives should include, as a minimum, the following:
- 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)
126. Explicit assumptions should be made about the amount of development each option would involve, both at GCs and elsewhere, and the broad locations for that development. For the options involving GCs, each of the individual site options that survives the first-stage assessment, and each feasible combination of those surviving site options, should be assessed. To address

³² *Cogent Land LLP v Rochford DC* [2012] EWHC 2542 (Admin) and *No Adastral New Town Ltd v Suffolk Coastal DC & SSCLG* [2015] EWCA Civ 88

my point above on Alternatives 2 and 3, options including one or two GCs should also include appropriate corresponding levels of proportionate growth at existing settlements. 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 GC site options where necessary.

127. Provided that the alternative spatial strategies are assessed objectively and with due regard to the evidence base, the second stage assessment should provide a sound basis for the selection of a preferred spatial strategy for the Plan (which may or may not include GCs).
128. While it is for the NEAs to decide who should carry out the further SA work, it might be advisable to consider appointing different consultants from those who conducted the 2016 and 2017 SA reports. This would help ensure that the further work is free from any earlier influence and is therefore fully objective.
129. The NEAs will also need to give consideration to the relationship between SA of their Section 1 and Section 2 Plans, to ensure that between them they provide an adequate basis for the SA adoption statement that will be required for each of their Local Plans.

Conclusions on Cross-Boundary Garden Communities

130. It will be evident from the foregoing discussion that I consider that the Garden Community proposals contained in the Plan are not adequately justified and have not been shown to have a reasonable prospect of being viably developed. As submitted, they are therefore unsound. I consider the resulting implications for the examination of the Section 1 and Section 2 Plans towards the end of this letter.
131. However, this is not to say that GCs may not have a role to play in meeting development needs in North Essex. I recognise that substantial time, effort and resources have already been invested in developing the GC proposals, not only by the NEAs but also by the Government, landowners, potential developers, infrastructure providers and others. It is possible that when the necessary additional work I have outlined is completed, it will provide justification for proceeding with one or more GC proposals – although any such justification would of course be subject to further testing at examination.
132. Having said that, on the basis of the evidence I have considered so far I would advise that simultaneously bringing forward three GCs on the scale proposed in the submitted Plan is likely to be difficult to justify. This is mainly because of the difficulty of co-ordinating the provision of infrastructure, particularly large-scale transport infrastructure, with the development of the GCs. In particular it is very unlikely, in my view, that the whole of the rapid transit system as proposed in the NERTS could be provided quickly enough to support commencement of development at all three GCs in the timescale

envisaged in the submitted Plan. A more workable way of proceeding would be to lay out the rapid transit system in discrete stages, with the development of any proposed GC(s) taking place sequentially alongside it.

133. On this point I would endorse the advice in the *North Essex Garden Communities Peer Review*, led by Lord Kerslake [the Kerslake Review], that the NEAs should be prepared to differentiate their delivery strategy and timetable for each of the proposed GC locations, and need to be clear on the phasing of the infrastructure necessary to unlock the development potential at each location. When they have carried out the additional work outlined above, the NEAs should be in a position to set out a clear strategy and timetable for delivering any GCs that are proposed, in step with the major road and public transport infrastructure that is needed to support them.
134. My view that any GC proposals must be clearly shown to be financially viable also reflects advice in the Kerslake Review. 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.

Providing for Employment (chapter 5)

135. Drawing on studies carried out for each council area, policy SP4 sets out employment land requirements for the Plan period. These are expressed as a range between a baseline figure and a higher-growth scenario figure. That is an appropriate approach, reflecting the inherent uncertainty in economic forecasting and the consequent need for flexibility.
136. For Braintree, the requirements are derived from the East of England economic forecasting model [EEFM], with adjustments made for local factors and drivers of economic change. The resulting figures in submitted policy SP4 reasonably reflect likely future economic conditions in the district, subject to the modification proposed in SD002a which corrects an arithmetical error in the baseline figure.
137. I saw no clear explanation for the baseline figure for Tendring set out in the submitted policy. However, a credible baseline figure has now been derived based on the Experian economic forecasting model, and is proposed in SD002a as a modification to the policy. The submitted higher-growth scenario figure was based on a misinterpretation of the relevant study, and a further modification is suggested to correct it. Provided that the modified figures in SD002a are adopted, policy SP4 will reflect the evidence on likely future demand for employment land in Tendring.
138. As submitted, the range of requirements for Colchester is derived from the *Colchester Employment Land Needs Assessment* [ELNA]. That study

developed four scenarios for employment growth based respectively on EEFM forecasts, past completion rates between 2006 and 2011 (actual and adjusted), and labour supply based on population projections. The labour supply scenario provides an appropriate baseline figure for policy SP4.

139. Actual past completion rates are assessed by ELNA as a negative figure, largely due to the relocation of a single firm which resulted in the loss of 120k sqm of industrial floorspace. It seems clear that this single event skewed the completion figures, and that this effect was especially strong in view of the relatively short trend period over which they were assessed. However, ELNA's compensatory adjustment has the effect of transforming a net annual loss of some 10,500sqm of industrial floorspace into a net gain of around 6,500sqm. That is an unusually big adjustment and it results in an industrial land requirement which is nearly four times that of the EEFM-based scenario, and some seven times greater than the scenario based on labour supply. Such a level of industrial demand is also much greater than anything revealed in the studies for Braintree and Tendring.
140. ELNA itself advises that its scenarios based on past completion rates provide a less robust basis for understanding need than its other two scenarios. It is surprising, therefore, that the adjusted "higher past completion rate" scenario provides the basis for the policy SP4 higher-growth scenario requirement figure for Colchester. In my view the latter is unrealistically high and needs to be replaced.
141. I advise replacing it with the requirement figure of about 30ha derived from ELNA's EEFM-based scenario. In my view the latter is a robustly-justified figure which would allow adequate headroom for future economic growth. According to ELNA, it would imply growth of 341 jobs per annum in Colchester over the Plan period, an increase of around 25% on both the annual average growth rate from 1991-2014 and on the rate implied by the policy SP4 baseline figure.
142. Alternatively, the NEAs may wish to undertake further work to derive a robust higher-growth scenario for Colchester, which would require further testing at examination.

Infrastructure and Connectivity (chapter 6)

143. Policy SP5 lists what are said to be strategic priorities for infrastructure in North Essex. As submitted, however, the list contains only a small number of specific infrastructure schemes. Most of the items in it read as policy objectives or statements of intent, rather than as identifiable projects. Modifications proposed by the NEAs go a little way towards addressing this shortcoming, by identifying that particular major road improvements and a rapid transit scheme are required for the GCs. However, the reference to the

rapid transit scheme is still couched in general terms, no doubt reflecting the early stage of development that the scheme has reached.

144. The further work outlined above on transport infrastructure provision, particularly of the rapid transport scheme, should make it possible to refine policy SP5 and the related provisions of the GC policies in order to provide a clear strategy for delivering any GCs that are proposed in step with the necessary supporting infrastructure.

Remainder of the Plan: chapters 1, 2, 3, 7 & 9

145. The modifications proposed by the NEAs to these chapters of the Plan and the policies they contain largely address the issues of unsoundness that had previously been identified. However, it is likely that further modifications to some of them will need to be made in the light of my conclusions on the GC policies. This applies especially to policy SP2 (Spatial Strategy).

Adoption of the Section 1 Plan in advance of Section 2?

146. The Section 1 Plan was not prepared as a joint local development document under section 28 of the 2004 Act. Instead, each of the NEAs submitted a separate Local Plan, containing a Section 1 and a Section 2, for examination – albeit that the content of Section 1 is identical in each Local Plan.
147. I can see nothing in the relevant legislation that would allow part of a submitted Local Plan to be adopted separately from the rest of it. However, I am not qualified to give a legal opinion on the point, and moreover section 23 of the 2004 Act makes it clear that the decision whether or not to adopt a Local Plan is one that the LPAs must make themselves. I would therefore recommend that the NEAs seek their own legal advice on this question.
148. Nonetheless, it may be helpful for me to set out the options available to the NEAs, as I see them, on the assumption that Section 1 cannot be adopted in advance of Section 2. In deciding how to proceed the NEAs will evidently need to take into account my views, as set out above, on the scope of the main modifications and further work that are needed to make the Section 1 Plan sound and legally-compliant. Essentially it seems to me that they have three main options.
149. **Option 1** would be for the NEAs to agree to remove the GC proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time, for example within two or three years. This would involve drawing up main modifications to remove the current GC proposals and address the other soundness issues identified above. The NEAs would also need to amend their Local Development Schemes [LDS] to include the proposed partial revision to Section 1.

150. These steps should enable the Section 2 examinations to proceed, and subject to the findings of those examinations and to consultation on the main modifications to Section 1 and (potentially) to Section 2, each Local Plan should then be able to proceed to adoption. In preparing for the Section 2 examinations the NEAs would, of course, need to consider any implications of the removal of the current GC proposals – and any implications of my forthcoming findings on policy SP3 – for housing land supply in each NEA in the years before the partial revision comes forward.
151. Following the Section 2 examinations, under Option 1 the NEAs would then carry out further work on the evidence base and Sustainability Appraisal, as outlined in my comments above on the GC proposals. That further work would provide the basis for revised strategic proposals to be brought forward for examination as a partial revision to the Section 1 Plan, within the timescale identified in the revised LDS. The revised strategic proposals could in principle include one or more GC(s), if justified by the further evidence and SA work.
152. **Option 2** would involve the NEAs carrying out the necessary further work on the evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. Due to the considerable length of time this is likely to take, it would be necessary to suspend the examination of Section 1 while the work is carried out and consultation on the SA and any revised strategic proposals takes place. Following the suspension, further Section 1 hearings would need to be held to consider the revised strategic proposals.
153. It seems to me that in this option the Section 2 examinations could not sensibly proceed before the additional Section 1 hearings had taken place and the Inspector's initial views on the revised proposals were known, as any significant revisions to Section 1 would have consequences for the examination of Section 2.
154. It is also possible under Option 2 that other parts of the evidence base for both Section 1 and Section 2 might become out of date or overtaken by changes in national policy. Should this occur, there would be a risk of additional delay to the examination of both parts of the Plan while the relevant evidence is updated and any necessary modifications are brought forward.
155. All this means that even in the most favourable circumstances the adoption of the NEAs' Local Plans would be substantially delayed under Option 2, compared with Option 1. In turn this could give rise to continuity problems for all participants in the examinations of the plans.
156. **Option 3** would be to withdraw the Section 1 and Section 2 Plans from examination and to resubmit them with any necessary revisions, after

carrying out the required further work on the evidence base and SA, and the relevant consultation and other procedures required by legislation.

Concluding remarks

157. I expect that this letter will come as a disappointment to the NEAs after all the hard work and resources they have committed to bringing the Section 1 Plan forward for examination. Nonetheless, I hope it will be appreciated that my findings do not necessarily represent a rejection of their commendable ambitions for high-quality, strategic-scale development in North Essex. Equally, however, the scale of those ambitions, and the long timescale over which any GC proposals would come forward, require that adequate time and care are taken now to ensure that any proposals are realistic and robust.
158. I am not inviting comments on the contents of this letter. But I will assist the NEAs with any queries, and with any further advice they may need on taking forward the necessary further work and changes to the Plan I have identified. I would appreciate it if you would let me know, as soon as you are able to, which of the options outlined in paragraphs 148 to 156 above, or any alternative course of action, the NEAs wish to pursue. This will enable an outline timescale for the remainder of the examination to be devised. Please contact me through the Programme Officer, with a copy to the PINS case officer.

Yours sincerely

Roger Clews

Inspector

**NORTH ESSEX AUTHORITIES
Strategic (Section 1) Plan****Inspector:** Mr Roger Clews**Programme Officer:** Andrea Copsey

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

27 June 2018

Dear Ms Goodings, Ms Syrett and Mr Guiver

**EXAMINATION OF THE STRATEGIC SECTION 1 PLAN
Meeting the Need for New Homes (Plan chapter 4)**

1. As indicated in my letter of 8 June 2018 (*Advice on the Next Steps in the Examination*), I am now writing to give my views on chapter 4 and policy SP3 of the Section 1 Plan ["the Plan"], which cover the Plan's housing requirements. I am not inviting comments on this letter, but please contact me via the Programme Officer if you have any queries on it.
2. This letter should be read in conjunction with my letter of 8 June. The views expressed in it are based on the evidence currently before me. I reserve the right to modify these views in the light of any further evidence that may come forward before the examination ends.
3. As noted in my letter of 8 June, in document SD002a³³ the NEAs have suggested modifications to address some of the issues of soundness that have been identified during the examination. These include modifications to policy SP3 and its reasoned justification. Accordingly, the main purpose of this letter is to consider whether the housing requirement figures contained in submitted policy SP3 are soundly based.

Housing need in North Essex

4. Submitted policy SP3 sets out housing requirement figures for the Plan period for each of the NEAs³⁴. They equate to the objectively-assessed housing need [OAHN] for each NEA as calculated by the *Objectively Assessed Housing Need Study, November 2016 Update* [the OAHN Study]. The OAHN Study covers a housing market area [HMA] that includes the three NEAs plus Chelmsford.

³³ *Suggested Modifications to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section One* (Feb 2018)

³⁴ The three NEAs in the context of this letter are Braintree District Council, Colchester Borough Council, and Tendring District Council.

While consideration of a HMA also including Maldon would have been valid too, the exclusion of Maldon makes no practical difference to the conclusions of the study for the NEAs.

5. The Government intend to introduce a new standard method for calculating housing need. However, it has not yet been introduced and the current national guidance on assessing housing need is contained in national *Planning Practice Guidance* [PPG].
6. PPG recommends using the latest official national household projections as the starting-point for assessing housing need. For Braintree and Colchester the OAHN Study takes the latest 2014-based projections as its starting-point. Having considered the thorough analysis contained in the study, and the other relevant evidence presented, I am satisfied that there are no local demographic factors or evidence of suppressed household formation rates that might require adjustments to those projections.
7. For Tendring, however, the OAHN Study takes a different approach to the starting-point figure in order to correct what it sees as an inaccuracy in the official projections originally manifested in Unattributable Population Change [UPC].

UPC in Tendring

Should account be taken of the factors giving rise to UPC?

8. UPC is the term given to the discrepancy between population change between 2001 and 2011 as measured by the Censuses for those years, and population change over the same period as calculated in official Mid-Year Estimates [MYEs]. At a national level the discrepancy is relatively small but locally it can be substantial. Tendring's UPC is a positive figure of around 10,500 and is one of the biggest of any LPA in England.
9. UPC is the result of inaccuracies in the Census, or the MYEs, or both. To the extent that it is due to inaccuracies in the MYEs, those inaccuracies are likely to relate to the way in which migration trends are calculated, since the other components of MYEs – records of births and deaths – are highly reliable. Any inaccuracies in the calculation of migration trends, if uncorrected, may in turn affect the accuracy of the official population and household projections for future years.
10. PPG does not explicitly refer to UPC but it does acknowledge that local changes to the official household projections may be justified by local circumstances if they are supported by robust evidence. Such local circumstances might include factors affecting migration trends such as changes in employment growth, a large employer moving in or out of the area, or a large urban extension in the last five years.

11. Notwithstanding the general position on UPC taken by the Office for National Statistics [ONS] and the Local Plans Expert Group, I see nothing in national planning policy or guidance to prevent local changes to official household projections also being made to take account of the factors that gave rise to UPC. To justify such changes for Tendring would, however, require robust evidence that those factors continue to have a substantial distorting effect on the migration trend rates used in the official population and household projections for the district.

Evidence on the factors giving rise to UPC

12. Evidence on the factors that gave rise to UPC has evolved over time. Consequently it would no longer be appropriate to view the 2016 OAHN Study as providing the principal justification for the NEAs' view that 480 dwellings per annum [dpa] should be taken the demographic starting-point for assessing housing need in Tendring, rather than the officially-projected growth figure of around 670dpa³⁵. It is necessary to engage with more recent evidence that is before the examination, including evidence produced originally for two planning inquiries in 2017³⁶, and papers dealing with the implications of the 2016-based sub-national population projections [SNPP]³⁷.
13. In July 2017, inquiry evidence by consultant Neil McDonald concluded that adjusting the latest (2014-based) household projections to correct for the inaccuracies in the migration flow data suggested a demographic housing need of between 420dpa and 540dpa. Those figures correspond to a range of between 60% and 40% of UPC in Tendring being attributable to inaccuracies in estimating migration. Advice from ONS indicates that some 47%-57% of the UPC figure for Tendring is attributable to inaccuracies in migration trend rates. Mr McDonald's evidence demonstrates that the NEAs' starting-point figure of 480dpa – which lies at the middle of his range – is consistent with the ONS advice.
14. In reaching his conclusions Mr McDonald considered a suggestion that the errors in migration flow estimates were likely to have been concentrated in the early part of the decade 2001-11, and therefore to have had little or no effect on the latest household projections³⁸. However, he demonstrated convincingly, both through a detailed analysis of migration flows between 2001 and 2016, and subsequently by comparing household growth as indicated by MYEs with the actual number of dwellings added to the housing stock, that in Tendring's case that suggestion is not borne out.

³⁵ The 2014-based household projections give a figure of 625 households per annum, which translates to almost 670dpa with an allowance for vacancies and second homes.

³⁶ PINS references APP/P1560/W/17/3169220 and APP/P1560/W/17/3183678, 3183626 & 3183695

³⁷ EXD/037 & EXD/038

³⁸ Since ONS's migration trend rates are based on the previous five years (for migration within the UK) or six years (for international migration).

15. ONS introduced improvements to estimates of international migration and foreign armed forces dependants when preparing the base data for the 2016-based SNPP. But those factors make a much smaller contribution to population and household change in Tendring than internal (within-UK) migration, estimates of which are not affected by the ONS improvements. Having considered all the conflicting evidence on this point, I consider it is highly likely that errors in migration trend rates continue to affect the official household projections for Tendring in the way that Mr McDonald indicates. As the 2016-based SNPP will also have been affected by those errors, they provide no basis for taking a different view.
16. Indeed, later evidence from Mr McDonald suggests that errors in migration flow estimates may have an even greater distorting effect on household projections, and that when taken together with adjustments to mortality rates made by ONS, they mean that Tendring's demographic starting-point should be within a range from 380dpa to 460dpa. However, the NEAs prudently propose no change to their original figure of 480dpa.
17. Rebasing the household projections to reflect the 2016 MYEs, as was also suggested, would be inappropriate as it would ignore the persuasive evidence that the errors that gave rise to UPC continue to distort migration trend rates for Tendring. Nor do I agree that household formation rates should be adjusted from those used in the latest official household projections, notwithstanding that this has been done in other plan examinations. A number of cogent studies now indicate that household formation rates lower than those experienced before 2008 are not a temporary phenomenon but reflect longer-term changes in economic and social circumstances³⁹. There is no substantial evidence to show that Tendring is an exception to those changes.

Conclusions on the factors giving rise to UPC

18. Drawing all these points together, I find that the evidence before me supports the NEAs' position that 480dpa is the appropriate demographic starting-point for assessing housing need in Tendring. A departure from the official projections is justified in this case by both the scale of the difference between this figure and the figure derived from the official household projections, and the robustness of the evidence that the difference is due to the continuing effect of factors that gave rise to UPC.
19. UPC in Chelmsford and Braintree was very small: less than one-tenth of that experienced in Tendring, on a percentage basis. It was more significant in Colchester (though still much lower than in Tendring), but as in Tendring it was negative, making it highly unlikely that UPC involved misallocating part of

³⁹ See, for example, Simpson, *Whither Household Projections?* in *Town and Country Planning* Dec 2014, and McDonald & Whitehead, *New Estimates of Housing Requirements in England 2012 to 2037*, TCPA, Nov 2015..

Colchester's population to Tendring. I therefore see no cause for concern that adjusting for factors that gave rise to UPC in Tendring only would increase housing need in other parts of the HMA.

Employment trends

20. The OAHN Study compares two economic forecasts of job growth and associated dwelling requirements for Braintree and Colchester. In each case the higher of the two dwelling requirement forecasts (from the East of England Forecasting Model) indicates that an increase in the starting-point figure for housing need is required if labour supply and economic growth are not to be constrained. The respective increased figures are 702dpa for Braintree (against a starting-point of 623dpa) and 920dpa for Colchester (starting-point 866dpa). Sense-checks indicate that trends implied by the model for factors such as unemployment, economic activity rates, double-jobbing and commuting are realistic.
21. For Tendring the OAHN Study takes the view that a standard economic forecast would not be reliable because of the distortions introduced by UPC, as discussed above. A bespoke forecast commissioned from Experian, however, indicates that housing provision of 550dpa would meet future labour demand in full. Moreover, Experian's forecast growth figure of 490 jobs per annum is significantly higher than past trends would suggest. While scenarios drawn up on a different basis suggest that higher levels of housing provision would be needed to sustain lower rates of job growth, I find nothing to indicate that they are more robust than the Experian forecast.
22. The evidence before me therefore gives no cause for concern that economic growth in North Essex will be hampered by lack of housing. Having said that, the interrelationship between housing and job growth is complex and I would recommend that the NEAs monitor it carefully during the Plan period, not just in Tendring but in all three districts.

Market signals

23. As advised by PPG, the OAHN Study analyses trends in housing delivery, house prices and rents, and affordability for each of the NEAs. While it focusses on absolute levels when considering those indicators, an alternative analysis of rates of change does not reveal any marked differences in their relationship to national and regional trends. In broad terms, affordability issues are greatest in Braintree, while Tendring shows evidence of significant past under-delivery. In Colchester, on the other hand, affordability indicators are generally below the regional average, and past delivery has generally met plan targets.
24. On that basis the OAHN Study recommends an upwards market signals adjustment of 15% to the starting-point figures for housing need in Braintree and Tendring. No market signals adjustment is recommended for Colchester.

The recommended uplifts for Braintree and Tendring are substantial in both percentage and absolute terms, and in my view can be reasonably expected to improve affordability and housing delivery in those two areas. A suggested alternative approach, using uplift factors derived from national studies on the need for housing growth, does not reflect PPG's emphasis on how market signals adjustments will affect the local housing market.

Need arising in London and elsewhere

25. The analysis in the OAHN Study indicates that any increase in net migration to the NEAs based on forecasts prepared by the Greater London Authority [GLA] in 2013 would be very limited. The other evidence before me does not justify any additional adjustment to the housing need figures for North Essex to account for need arising in London, and no such adjustment has been requested by the GLA. No meaningful conclusions can be drawn from the evidence being prepared for the forthcoming examination of the new London Plan until that examination has concluded. There is no evidence of any unmet need arising elsewhere that ought to be met in North Essex.

Affordable housing need

26. Affordable housing need in North Essex is calculated in accordance with PPG in the *Strategic Housing Market Assessment Update* December 2015 [SHMA]. The resulting figures are 212dpa for Braintree, 267dpa for Colchester and 151dpa for Tendring. These figures represent, respectively, around 30%, 29% and 27% of the overall housing requirement for each district as recommended in the OAHN Study.
27. The SHMA assumes that households are not regarded as needing affordable housing unless the cost to them of renting (or buying) in the private market would exceed 35% of gross household income. That 35% threshold reflects the existing situation in the housing market area, as demonstrated by evidence from household surveys and letting agents. However, it is relatively high in a national context, as evidence from other examinations shows. Thresholds of 25% to 30% are more common unless there is local evidence to show that a higher threshold is appropriate.
28. An appropriate measure is to compare the residual income available to lower-quartile income households when different thresholds are applied. Income levels in Braintree and Colchester are significantly higher than the national average. On the 2015 figures shown in Figure 2.9 of the SHMA, lower-quartile income households spending 35% of their gross household income on rent would be left with a residual income of £11,825 in Braintree and £11,017 in Colchester. At a national (England and Wales) level, those levels of residual income would equate, respectively, to expenditure of 24% and 29% of gross household income on rent. Against that national comparison, I consider that the local evidence supports a 35% threshold in Braintree and Colchester.

29. By contrast, income levels in Tendring are significantly lower than the national average. On the same 2015 figures, spending 35% of their gross household income on rent here would leave a lower-quartile income household with a residual income of only £8,582, some £1,500 below the corresponding figure for England and Wales. I consider that this discrepancy justifies use of a lower threshold of 30%, consistent with national benchmarks, for market housing affordability in Tendring. In view of existing local market conditions it would be unrealistic to set a lower threshold. This adjustment has the effect of increasing affordable housing need in Tendring to 278dpa⁴⁰.
30. Policies in the Section 1 and Section 2 plans set affordable housing requirements of 30%-40% in Braintree, and 30% in Colchester, Tendring and at the proposed GCs. Some additional affordable housing is likely to come forward on exception sites, or directly from affordable housing providers. On this basis there is a good prospect that affordable housing need will be met over the Plan period in Braintree and Colchester if their overall housing requirements are met in full, even after allowing for the fact that a proportion of sites will be exempt from the policy requirements.
31. In Tendring, however, affordable housing need of 278dpa represents around half the objectively-assessed need figure of 550dpa. Even after allowing for other sources of provision, that will not be delivered by an affordable housing requirement of 30%, and there is no evidence to show that a higher percentage requirement would be viable. In these circumstances PPG advises that an increase in the overall housing requirement should be considered where it could help deliver the required number of affordable homes.
32. However, Tendring's OAHN of 550dpa already requires annual housing delivery to more than double from the annual delivery rates experienced between 2010 and 2016. The need to make up the large shortfall in provision since the start of the Plan period will produce a substantial further increase in the required annual delivery rate, at least in the early years of the Plan period. Meeting that higher delivery rate will itself increase affordable housing provision significantly above that which would be derived from the OAHN alone. Moreover, given the scale of the uplift in delivery already required, it seems very unlikely that there would be effective demand for an even higher level of overall housing provision.
33. In these circumstances I consider that increasing the housing requirement for Tendring above 550dpa would be both unnecessary and ineffective in securing additional affordable housing provision in the foreseeable future. However, the need for such an increase should be considered again at the Plan's next review, based on up-to-date evidence of affordable need and an analysis of market and affordable housing delivery in the early years of the Plan period.

⁴⁰ SHMA, Table A7.1d

Review and recovery mechanisms

34. In view of my conclusions on the proposed GCs, it would be premature to reach any conclusions at this stage on whether review and recovery mechanisms need to be built into the Plan to deal with any future delays or shortfall in housing delivery.

Conclusions on housing need and requirements

35. The OAHN Study concludes that housing need for Braintree and Colchester is 716dpa and 920dpa respectively. For Braintree, 716dpa represents a 15% market signals uplift on its starting-point figure. As this exceeds the housing need figure of 702dpa derived from the EEFM, the OAHN Study assumes, correctly, that no additional adjustment is needed. The market signals uplift will itself provide enough dwellings to meet future labour demand. For Colchester, 920dpa is the figure derived from the EEFM economic model, with no further market signals adjustment required. I endorse those figures as representing the objectively-assessed housing need for Braintree and Colchester.
36. I have concluded above that 480dpa should be taken as the starting-point for assessing Tendring's housing need. Applying the 15% market signals adjustment recommended in the OAHN Study produces a round figure of 550dpa, which I conclude is the objectively-assessed housing need for Tendring. For the reasons given above I find no need to increase that figure to meet future labour demand or help deliver a higher proportion of the affordable housing need, although the need for such an increase should be reconsidered when the Plan is reviewed.
37. The housing requirement figures for each of the NEAs set out in submitted policy SP3 are the same as the figures which I have concluded represent their respective objectively-assessed housing needs. Accordingly, submitted policy SP3's housing requirements are soundly based.

Yours sincerely

Roger Clews

Inspector

**NORTH ESSEX AUTHORITIES
Shared Strategic (Section 1) Plan****Inspector:** Mr Roger Clews**Programme Officer:** Mrs Andrea Copsey

To:

Emma Goodings, Head of Planning and Economic Growth, Braintree District Council

Karen Syrett, Planning and Housing Manager, Colchester Borough Council

Gary Guiver, Planning Manager, Tendring District Council

15 May 2020

Dear Ms Goodings, Ms Syrett and Mr Guiver

EXAMINATION OF THE SHARED STRATEGIC SECTION 1 PLAN**Introduction*****Purpose of this letter***

1. My letter to the North Essex Authorities [NEAs]⁴¹ of 8 June 2018 [examination document IED/011] set out the shortcomings which, on the evidence available to me at that time, I had identified in the submitted Section 1 Plan and its evidence base. My letter went on to outline the significant further work which I considered the NEAs would need to undertake in order to address those shortcomings, and to set out three options for taking the examination forward.
2. The NEAs decided to pursue Option 2, which involved them producing and commissioning a number of additional evidence base documents with the aim of overcoming the deficiencies I had identified. The examination of the Section 1 Plan was paused from December 2018 until the end of September 2019 while this further work was carried out and public consultation on the additional evidence took place. I read all the responses to the public consultation, and held further hearing sessions in January 2020 focussing mainly on the additional evidence base documents and the responses to them.
3. I am now in a position to advise the NEAs of my findings, based on the evidence currently before me, on the legal compliance and soundness of

⁴¹ The three NEAs in the context of this letter are Braintree District Council, Colchester Borough Council, and Tendring District Council.

the Section 1 Plan, and on the options available to them as a result. In giving this advice, I have taken into account all the written and oral evidence and representations that have been submitted to the examination since it began in October 2017.

4. The examination has now been in progress for two-and-a-half years. It would be in no-one's interests for uncertainty to be prolonged any further. My advice in this letter is therefore given on the basis that it is desirable for the examination of the Section 1 Plan to be brought to a conclusion as soon as possible.
5. This letter focusses on the matters that I consider critical to the outcome of the examination, and sets out my views on those matters. My formal recommendations and the full reasons for them will be given in my report to the NEAs at the end of the examination.
6. This letter should be read in conjunction with IED/011 and also with my supplementary letter to the NEAs of 27 June 2018 [IED/012], in which I gave my views, based on the evidence available to me at that time, on the housing requirements set out in policy SP3 of the Section 1 Plan.
7. The Programme Officer recently forwarded to the NEAs a paper entitled *Relevance of Heathrow Court of Appeal Decision for Section 1 North Essex Authorities Local Plan* [EXD/091], submitted by Mrs Pearson of CAUSE and Mr O'Connell. I would be grateful if the NEAs would provide a response to that paper along with their response to this letter. When I have the NEAs' response I will consider whether any further action is needed on this matter.

Context

8. Before addressing the critical matters I have identified, it is necessary to set the context by considering the overall structure and purpose of the Section 1 Plan. Although it was produced by the three NEAs and covers the whole of the Braintree, Colchester and Tendring local authority areas, it was not produced as a joint plan under the provisions of section 28 of the *Town and Country Planning Act 2004*, as amended ["the 2004 Act"]. Instead, it is intended that the Section 1 Plan (with identical content and wording) will form an integral part of each NEA's individual Local Plan, alongside a Section 2 Plan which each NEA has prepared independently. Because the Section 1 Plan is common to all three NEAs, it is being examined as a single entity, separately from and in advance of the three Part 2 plans.
9. The Section 1 and Section 2 Plans have distinct and complementary roles. Section 1 deals with cross-boundary issues: it provides a spatial portrait of

and a strategic vision for the North Essex area, sets out the requirements for housing and employment growth for each of the three districts, and highlights key strategic growth locations across the area⁴². The Section 2 Plans are intended to operate at individual local authority level, providing the strategy for the distribution of, and identifying sites for, most of the new development which each NEA proposes to accommodate in its district.

10. Most significantly, the Section 1 Plan proposes the development of three garden communities [GCs] in North Essex. Two would occupy cross-boundary sites, at Tendring / Colchester Borders and Colchester / Braintree Borders, to the east and west of Colchester respectively. The third would be to the West of Braintree, next to the border with Uttlesford district.
11. The broad locations identified for the three GCs amount to over 2,000 hectares in total, and the Plan, as submitted, expects them to provide up to 43,000 dwellings altogether. Because of their scale, only a relatively small proportion of the development they are proposed to contain would be completed by the end of the plan period in 2033, with the rest coming forward over several decades into the future. Indeed, it is envisaged that the largest of the proposed GCs would not be completed until around the end of this century.
12. The NEAs have appropriately high aspirations for the quality of development at the proposed GCs. A *North Essex Garden Communities Charter*, based on the Town & Country Planning Association's Garden City Principles, but adapted for the North Essex context, sets out 10 place-making principles that articulate the Councils' ambitions for the GCs. In accordance with those principles, the Plan itself expects the GCs to exhibit "the highest quality of planning, design and management of the built and public realm"; to "provide for a truly balanced and inclusive community and meet the housing needs of local people ... including 30% affordable housing at each GC"; to "provide and promote opportunities for employment within each new community and within sustainable commuting distance of it"; and to be planned "around a step change in integrated and sustainable transport networks ... that put walking, cycling and rapid public transit networks and connections at the heart of growth in the area"⁴³.
13. These policy requirements appropriately reflect the advice at paragraph 150 of the 2012 NPPF that Local Plans are the key to delivering sustainable development which reflects the vision and aspirations of local communities. More specifically, NPPF paragraph 52 advises that

The supply of new homes can sometimes best be achieved through planning for larger scale development, such as new settlements ... that follow the principles of

⁴² See the Section 1 Plan, para 1.13.

⁴³ Submitted Plan policy SP7

Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development.

In reflecting garden city principles, therefore, the Plan's policies for the GCs are consistent with the NPPF's guidance on the way in which sustainable development can be achieved through the development of garden communities.

14. The Section 1 Plan identifies broad locations for the proposed GCs and contains strategic policies to govern their development. After it has been adopted the NEAs intend to bring forward Strategic Growth Development Plan Documents [DPDs] to define specific areas within the broad locations where development will take place, and to set more detailed requirements for the development of the GCs. The NEAs also envisage that masterplans, and other planning and design guidance, will be prepared for each GC.

My role

15. My role is to examine the Section 1 Plan [hereafter referred to for brevity as "the Plan"] in order to determine whether or not it meets the relevant legal requirements and is sound⁴⁴. In determining its soundness I must have regard to national policy in the *National Planning Policy Framework* [NPPF] as published in March 2012. (The March 2012 version of the NPPF, rather than the current version, applies in this examination because the Plan was submitted for examination before the date specified in relevant transitional provisions⁴⁵.) If I find that the Plan is not legally-compliant or sound, I am empowered to recommend main modifications to make it so, if the NEAs ask me to.
16. It is this Plan which will establish whether or not the proposed GCs are acceptable in principle. In considering the soundness of the Plan I have been mindful of the need not to stray into matters of detail that would be more appropriately dealt with in the Strategic Growth DPDs or masterplans. I have also paid careful attention to the support given in national planning policy for the development of settlements that follow Garden City principles⁴⁶, and to the fact that the Government has provided direct support for the North Essex GC proposals through its Garden Communities Programme.
17. My examination of the Plan has been informed by a great deal of detailed evidence, both supportive of and critical of the Plan's proposals. Although

⁴⁴ The 2004 Act, section 20(5)

⁴⁵ 2019 NPPF, para 214. Any previous national Planning Practice Guidance which has been superseded since the new NPPF was first published in July 2018 also continues to apply.

⁴⁶ 2012 NPPF, para 52

it is not possible or indeed necessary for me to refer to every point that was raised in the evidence, I am grateful to everyone who has invested their time and effort in contributing to the examination so far.

The proposed West of Braintree GC and the former emerging Uttlesford Local Plan

18. The former emerging Uttlesford Local Plan, which was under examination until 30 April 2020, contained a proposal to identify land in Uttlesford district to form a cross-boundary GC in combination with the proposed West of Braintree GC in North Essex. Land in Uttlesford district cannot be identified or allocated for development by the NEAs, and so it is not for me in this examination to determine whether or not any such proposal is sound.
19. In January 2020 the Inspectors examining the former emerging Uttlesford Local Plan wrote to the Council expressing significant concerns about the soundness of that plan, and indicating that in their view withdrawal of the plan from examination was likely to be the most appropriate option. In paragraph 2 of their letter, they said

In particular, we are not persuaded that there is sufficient evidence to demonstrate that the Garden Communities⁴⁷, and thus the overall spatial strategy, have been justified. We therefore cannot conclude that these fundamental aspects of the plan are sound.

20. On 1 May 2020 Uttlesford District Council wrote to notify the Planning Inspectorate of their decision to withdraw the plan. In the light of that decision, and of the examining Inspectors' comments above, no assumption can be made that any of the GC proposals in the former emerging Uttlesford Local Plan will be included, and found sound, in any future version of that plan. I take this into account when considering the Plan as a whole, and the proposed West of Braintree GC in particular.

Legal compliance

21. In IED/011 I concluded that each of the NEAs had met the duty to co-operate in the preparation of the Section 1 Plan, and that they had met the relevant procedural requirements with regard to consultation and submission. There has been no subsequent evidence which alters those conclusions. Nor do I find any evidence that anyone's interests were materially prejudiced by the way in which consultation was publicised and carried out in August and September 2019 on the additional evidence prepared by the NEAs.

⁴⁷ Three GCs were proposed in the former emerging Uttlesford Local Plan, namely West of Braintree, Easton Park, and North Uttlesford.

22. There are legal obligations on the NEAs to prepare and submit a Habitats Regulations Assessment and a Sustainability Appraisal of the Plan. I consider these below.

Soundness

23. At paragraph 182 the 2012 NPPF advises that the soundness of plans is to be examined by reference to four criteria. The Plan undoubtedly meets the first of these. It has been **positively prepared** with the aim of identifying development and infrastructure requirements for the plan period, and it includes the proposed GCs which are intended to make a substantial contribution to meeting those requirements, both in the plan period and beyond.
24. When considering whether or not the Plan is **justified** – that is, whether it is the most appropriate strategy when considered against the reasonable alternatives – the principal evidence base document before me is the Sustainability Appraisal [SA]. I therefore consider the SA in detail below.
25. The NEAs' purpose in producing the Section 1 Plan was to work across local authority boundaries in order to meet strategic priorities. The key question in deciding whether or not the Plan is **effective**, therefore, is whether it is deliverable.
26. There was some discussion at the hearing sessions about the meaning of the word "deliverable" in this context, and I was assisted by further representations, including legal submissions, on the point. In my view the straightforward meaning of the word, ie "able to be delivered", is to be preferred⁴⁸. But that then raises the question of what it is that must be able to be delivered.
27. The relevant sentence of NPPF paragraph 182 says that the plan should be deliverable. It seems to me that, in this context, the term "the plan" has to be taken to include the policies and proposals in the plan. It would not make sense only to require that the plan document itself is deliverable, if the policies and proposals it contains are not.
28. The sentence also includes the qualification "over [the plan's] period". It was suggested that this means that I need not consider whether the GC proposals in the Plan are deliverable beyond the end date of the Plan in 2033. But, as will be seen when I consider the SA below, the advantage which the SA identifies for the Plan's strategy is that "it provides clear direction for strategic development over many decades to come". In my

⁴⁸ The definition of deliverable sites at footnote 11 in the 2012 NPPF is given in the context of the guidance in NPPF para 47 on the five-year housing land supply, not in the context of the para 182 test.

view, the Plan could not be considered to be sound if I were to find that the proposed GCs were justified having regard to their ability to provide for strategic development over many decades to come, but reached no finding on whether or not they were deliverable beyond 2033.

29. The 2012 NPPF advises at paragraph 177 that it is important to ensure that there is a reasonable prospect that planned infrastructure is delivered in a timely fashion. The Plan's policies include a comprehensive set of infrastructure requirements for the GCs, which (in accordance with national policy) appropriately reflect the garden city principles that underpin them⁴⁹. In considering whether the GCs are deliverable, therefore, it is also necessary to take into account whether or not the infrastructure necessary to support them is deliverable.
30. Below I consider in detail the deliverability of the necessary supporting infrastructure and of the proposed GCs themselves.
31. The NPPF's fourth soundness criterion is that the Plan is **consistent with national policy**, that is, it enables the delivery of sustainable development in accordance with the NPPF's policies. I consider whether or not the Plan meets this criterion in my overall conclusions on soundness.
32. In considering the soundness of the Plan it is also necessary to review, in the light of current circumstances, the conclusions I reached in IED/011 on the housing requirement figures in the Plan. I deal with that matter first.

The housing requirement figures in the Plan

33. By virtue of the transitional provisions referred to at paragraph 15 above, the guidance on determining housing need at paragraph 60 of the 2019 NPPF does not apply to the Plan: instead the assessment of housing need was appropriately carried out based on guidance in the 2012 NPPF and the corresponding PPG. In IED/011 I concluded that the housing requirement figures for each of the NEAs, as set out in submitted policy SP3, represent their respective objectively-assessed housing needs, and accordingly that the Plan's housing requirements are soundly based.
34. NPPF paragraph 158 requires plans to be based on up-to-date evidence. Given the time that has elapsed since June 2018, it is therefore necessary to consider whether there has been a meaningful change in the situation regarding housing need⁵⁰ in North Essex, which would justify a reconsideration of the Plan's housing requirements.

⁴⁹ See paras 12-13 above.

⁵⁰ See PPG ID Ref 2a-016-20150227

35. Factors that might indicate a meaningful change in housing need include population and household projections and employment forecasts published since June 2018, and any changes in market signals.

Population and household projections

36. The official 2016-based household projections, published in September 2018, show higher household growth for Colchester borough and Tendring district over the 2013-37 period than the corresponding 2014-based projections. However, for Braintree district they show the opposite, such that the additional growth in Colchester is effectively matched by lower growth in Braintree. Since Braintree and Colchester are part of the same housing market area, redistribution of household growth from one to the other does not constitute a meaningful change in housing need overall.
37. For Tendring district the evidence from recent population and household projections has to be considered in the context of my finding in IED/011 that the NEAs were justified in not using official household projections as the basis for assessing housing need in the district. My full reasons for reaching that finding are given in IED/011, but to summarise briefly, Tendring has one of the highest rates of Unattributable Population Change [UPC]⁵¹ in the country. The evidence before me in June 2018 showed that this was due in substantial part to errors in the migration trend rates used to produce the official population projections, and that it was highly likely that those errors were continuing to distort the official household projections for Tendring, to the extent that the NEAs were justified in using a different basis for assessing future housing need.
38. The official 2016-based sub-national population projections [SNPP] were before me when I considered the issue of UPC in Tendring in IED/011. They form the basis for the 2016-based household projections. Consequently, the publication of the 2016-based household projections does not alter my conclusions on that issue.
39. Since June 2018 the official 2017 and 2018 mid-year population estimates [MYE] have also been published. The fact that the 2018 MYE figure for Tendring closely matches the 2018 population predicted by the 2016-based SNPP is in itself no indication of a meaningful change in the housing situation, since both are informed by the same migration trend rates. I note that the Quality Indicators published alongside the MYEs estimate that there is a relatively low proportion of hard-to-estimate groups (including internal migrants) in Tendring. However, I have seen no evidence that

⁵¹ UPC is the term for the unexplained difference between the population change between 2001 and 2011 as estimated by the Censuses in those years, and the population change over the same period as predicted by official projections.

since June 2018 the Office for National Statistics has addressed the specific errors in migration trend rates that gave rise to a substantial part of the exceptional UPC for Tendring.

40. The increasing proportion of older people in the North Essex population may affect the type of housing that needs to be provided, but has no impact on the overall number of dwellings required, as it is accounted for in the population and household projections. Policies on housing type are a matter for the Section 2 Plans.

Employment forecasts

41. In calculating objectively-assessed housing needs, account was taken of two 2016 economic forecasts of job growth and associated dwelling requirements over the Plan period. The housing requirements for Braintree and Colchester meet the higher of the dwelling requirements from those two forecasts, from the East of England Forecasting Model [EEFM]. A bespoke economic forecast for Tendring similarly showed that its housing requirement would meet future labour demand in full. As a result, in IED/011 I found that economic growth in North Essex would not be hampered by any lack of housing.
42. Since June 2018 a more recent, 2017 forecast from the EEFM has been published. Compared with the 2016 forecast, it shows a reduction of 96 dwellings per annum [dpa] in the dwelling requirements for Braintree, and an increase of 202dpa for Colchester. For Tendring there is no significant change. On the face of it, these results might appear to indicate a potential increase in housing need for North Essex as a whole.
43. However, whereas the 2016 EEFM forecast for Colchester predicted growth of 928 jobs per annum and a corresponding dwelling requirement of 920dpa, in EEFM's 2017 forecast the jobs per annum figure fell to 724 while the dwelling requirement increased to 1,122dpa. This is a dramatic and apparently anomalous change from EEFM's 2016 figures, and it diverges to an even greater extent from the 2016 forecast by Experian (1,109 jobs per annum, 866dpa).
44. Since I was given no explanation for this apparent anomaly, I consider that substantially less weight should be given to EEFM's 2017 forecast than to the two 2016 forecasts, when assessing housing need. In my experience, economic forecasts can show significant variations from one year to the next, and without corroboration it would be unwise to place reliance on a single set of results. Consequently, I find that the EEFM 2017 forecast does not indicate a need to increase the Plan's housing requirements in order to meet labour demand.

Market signals

45. Evidence of market signals since June 2018 tends to indicate worsening affordability across North Essex in respect of both house prices and rents, relative to England and Wales as a whole. However, worsening affordability trends were already apparent when the objectively-assessed housing needs were assessed in 2016, and were taken into account in uplifting the housing requirement for each of the three NEAs' areas by at least 15% compared with the demographic starting-point.
46. As a result, the Plan already makes substantial provision to improve affordability over the Plan period. It would be unrealistic to expect any turn-around in affordability trends to have occurred in the past one or two years, especially since the Plan has not yet been adopted. No meaningful assessment of the Plan's impact on affordability can be made after such a short time. As a result, recent market signals evidence does not indicate that the Plan's housing requirements need to be reviewed.

Conclusion on the housing requirement figures

47. For these reasons, I conclude that neither the population and household projections and employment forecasts published since June 2018 nor recent evidence from market signals indicate that there has been a meaningful change in the housing situation that I considered in IED/011. Consequently, the Plan's housing requirement figures remain soundly based.

Habitats Regulations Assessment [HRA]

48. In IED/011 I referred to a judgment of the Court of Justice of the European Union [CJEU]⁵² and indicated that the NEAs would need to ensure that the HRA report on the pre-submission Plan was consistent with that judgment. In response, the NEAs commissioned Land Use Consultants [LUC] to produce an updated HRA report on the Plan [EB/083]. The updated report takes account of recent caselaw including the judgment I referred to. It concludes:

... providing that key recommendations and mitigation requirements are adopted and implemented, the [Plan] will not result in adverse effects on the integrity of European sites either alone or in-combination.

Natural England concur with this conclusion.

⁵² *People over Wind, Peter Sweetman v Coillte Teoranta* [CJEU Case C-323/17]

49. The NEAs consider that the Habitats Regulations⁵³ do not require an assessment of future growth beyond the Plan period. Nonetheless, both they and LUC made it clear that EB/083 does in fact take account of the implications for European sites of the development beyond 2033 that is proposed in the Plan – ie, future growth at the proposed GCs. In my view that is appropriate, since the Plan's policies envisage that development of the GCs will occur both within the Plan period and for a long period beyond. However, some references in the report appear to indicate that it considers impacts within the Plan period only. The NEAs and LUC should review those references so that the report is consistent on this point.
50. EB/083 follows a sound methodology, beginning with a screening stage to assess the likelihood of significant effects on European sites by the Plan's proposals (alone or in combination). This is followed by an Appropriate Assessment in which any likely significant effects are assessed, in the light of avoidance and mitigation measures, in order to determine whether or not they would result in an adverse effect on the integrity of any European site.
51. I consider that it is reasonable for EB/083 to conclude that main modifications to Plan policies SP5, SP7, SP8, SP9 and SP10, requiring adequate waste water treatment capacity to be provided before dwellings are occupied, will ensure that no adverse impact on any European site will occur as a result of changes in water quality.
52. It is also reasonable for EB/083 to conclude that any adverse impacts arising from loss of offsite habitat⁵⁴ for wintering birds will be avoided provided that mitigation safeguards are incorporated into the Plan through a main modification to policy SP8. Those safeguards include requirements for surveys of the broad location of the Tendring / Colchester Borders GC to identify whether it provides any functionally-linked offsite habitat for relevant bird species, and if necessary, phasing of development and provision of alternative offsite habitat to offset any loss resulting from development.
53. The size of the broad location means that there is no real doubt that alternative habitat could be provided on site, through the DPD and master-planning processes, if it were found to be necessary. Accordingly, it is not necessary for the surveys to take place before the Plan itself is adopted.
54. The other cause of likely significant effects identified by EB/083 is the impact of the recreational activities of future residents on European sites

⁵³ *The Conservation of Habitats and Species Regulations 2017*

⁵⁴ "Offsite habitat" in this context means habitat that is not part of a European site but is functionally linked to it, providing ecological support for the bird populations for which the site was designated.

along the Essex coast and its estuaries. This is also a concern for other local authorities in Essex. In response, an Essex Coast Recreational avoidance and Mitigation Strategy [RAMS], initiated by Natural England, has been adopted by 11 Essex authorities. Its implementation is managed by a steering group on which Natural England is represented.

55. The RAMS, which is to be funded by a per-dwelling tariff on residential development, involves a range of measures including habitat creation, access management, information and consciousness-raising, and enforcement. EB/083 concludes that the RAMS provides a high degree of certainty that recreational pressures will not lead to adverse effects on the integrity of the European sites.
56. In my view, EB/083 has adequately assessed the likelihood of significant effects arising from recreational activities, including by identifying appropriate zones of influence based on visitor surveys. It may be that measures to control airborne activities, such as powered paragliding, are more difficult to enforce than for land- or water-based activities. But airborne activities involve relatively small numbers of people, whom it would be possible to target with information and education campaigns. Indeed I was told that such campaigns are already under way.
57. The current RAMS covers the period 2018 to 2038. However, the NEAs made it clear that they intend the RAMS approach to operate in perpetuity. Plainly, that will be essential if significant development within the zones of influence is to be able to continue beyond 2038, assuming that the Habitats Regulations (or a similar protection regime) remain in force. Funding arrangements to ensure that it occurs are proposed in the current RAMS document. I therefore see little danger that the RAMS approach will cease after 2038.
58. The RAMS includes provision for monitoring its effectiveness, which it is intended will feed back into the mitigation measures in an iterative fashion, enabling adjustments and improvements to be made in response to evidence of how successful the measures are. In my view this is a strength rather than a weakness of the RAMS approach. While there is currently no conclusive evidence that RAMS approaches elsewhere have ensured that no adverse effects on integrity have occurred, that is not because there is evidence that they have failed, but because they have not been operating long enough for definitive conclusions to be drawn.
59. Taking into account the mitigation measures, which as well as the RAMS include the proposed modifications to the Plan's policies, the NEAs are satisfied that there is sufficient certainty that the Plan would not adversely affect the integrity of any European site, alone or in combination. In the

light of all the above points, I consider that they are justified in taking that view.

Justification for the proposed GCs

Sustainability Appraisal

Background

60. In IED/011 I identified a number of shortcomings in the June 2017 SA of the Plan carried out by Essex County Council [ECC]'s Place Services [SD/001], and made a number of specific suggestions as to how those shortcomings might be rectified. In response, the NEAs commissioned external consultants LUC to carry out an Additional Sustainability Appraisal of the Plan [SD/001b, hereafter "the ASA"], which was completed in July 2019.
61. The ASA does not replace the June 2017 SA in its entirety: its purpose is to address my concerns about the approach of that earlier SA document to the assessment of alternative GC options and of alternative spatial strategies. Accordingly, the ASA replaces Appendix 1 of the June 2017 SA, which deals specifically with these matters, and provides further appraisal information relevant to chapters 4 to 7 of the June 2017 SA. In this letter I focus on the ASA, as it is specifically intended to redress the shortcomings I had previously identified.
62. The ASA has a two-stage methodology, which closely follows my suggestions in IED/011. In Stage 1, LUC appraise alternative strategic sites that could form part of the Plan's spatial strategy. In Stage 2, they appraise a range of alternative spatial strategies, including various combinations of the strategic sites that survive the Stage 1 appraisal. The NEAs themselves decided which strategic sites were taken forward from Stage 1, and which spatial strategic alternatives were to be appraised at Stage 2, giving their reasons in Appendix 6. In Appendix 8 the NEAs give their reasons for preferring the spatial strategy in the submitted Plan to any of the alternative strategies.

National policy and guidance

63. Paragraph 165 of the 2012 NPPF advises that:

A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

64. The PPG defines the role of SA as:

... to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are the most appropriate given the reasonable alternatives⁵⁵.

65. The reference to "help[ing] make sure that the proposals in the plan are the most appropriate given the reasonable alternatives" indicates that SA is directly relevant to the assessment of whether the plan meets the "justified" test of soundness. As I noted in paragraph 24 above, in this case the SA (including the ASA) is the principal evidence base document which seeks to show that the Plan meets that test.

Issues to be considered

66. In my view the NEAs have met the relevant statutory requirements for consultation on and submission of the SA and ASA reports. In assessing the likely significant effects on the environment of the GC proposals in the Plan and of the reasonable alternatives to them which it identifies, the ASA deals with all the relevant issues identified in Schedule 2 of the SEA Regulations. In combination with the June 2017 SA, it also meets the Schedule 2 requirements to identify the measures envisaged to prevent, reduce and as fully as possible offset any significant effects on the environment of implementing the Plan, to describe the monitoring measures envisaged, and to provide a non-technical summary.
67. The principal issues that require further consideration are:
- whether reasonable alternatives for the Stage 1 and Stage 2 assessments were properly identified, so that no reasonable alternative was excluded from the assessments;
 - whether adequate reasons were given following the Stage 1 assessment for the selection of alternative strategic sites and alternative spatial strategies to be assessed at Stage 2, and for the rejection of other alternatives;
 - whether the assessment, at both Stage 1 and Stage 2, of the likely effects (including cumulative effects) of the Plan's proposals and of the reasonable alternatives were carried out at the same level of detail, and in sufficient depth to enable a proper evaluation to be made;

⁵⁵ PPG ID Ref 11-001-20140306

- whether the ASA, together with the June 2017 SA, helps to demonstrate that the proposals in the Plan are the most appropriate, given the reasonable alternatives.

Were reasonable alternatives properly identified?

68. Reg 12(2)(b) of the SEA Regulations makes it clear that it requires assessment of the likely significant effects of reasonable alternatives taking into account the objectives of the plan. From what is said in the Section 1 Plan about its purpose⁵⁶, it does not have the objective of providing an overarching strategy to govern the distribution of all development across the North Essex area. Consistent with this is the fact that the shared Section 1 Plan has not been prepared as a joint development plan document under section 28 of the 2004 Act, as one would expect if it were intended to have the role of a joint spatial strategy.
69. The limited role of the Section 1 Plan is explained further in paragraphs 3.1-3.2 of the reasoned justification to policy SP2 (Spatial Strategy for North Essex):
- New homes, jobs, retail and leisure facilities serviced by new and upgraded infrastructure will be accommodated as part of existing settlements according to their scale, sustainability and role, and by the creation of strategic scale new settlements. ... For the majority of settlements these issues are addressed in the second part of the Local Plan dealing with each authority's area.
70. Against this background, in my view it is legitimate for the ASA to confine itself to assessing reasonable options for providing the amount of development which the Section 1 Plan expects the GCs to deliver in the plan period. Policy SP2 makes it clear that this is at least 7,500 dwellings, together with employment development and necessary infrastructure and facilities. That is the relevant objective which the Plan sets for itself. The Plan does not seek to provide, or to set out a strategy for the provision of, all the development needed across the North Essex area. Apart from the GC development proposed in the Plan itself, those tasks are left to the Section 2 plans.
71. Similarly, it is legitimate for the ASA to identify, as reasonable options for the Stage 1 assessment, only strategic sites capable of delivering at least 2,000 dwellings. The relevant Section 1 Plan objective in this context is to identify key strategic growth locations. It is not to identify every possible location for development across North Essex. Given that the largest of the sites proposed for allocation in the Section 2 plans would comprise around 1,700 dwellings, the decision to set a 2,000-dwelling capacity as the cut-off

⁵⁶ See the Introduction to the Plan, in particular para 1.13, and section 3, Spatial Strategy.

point between strategic and other sites was in my view a reasonable planning judgment, appropriately reflecting the respective roles of the Section 1 and Section 2 plans.

72. 23 alternative strategic sites (including the three GC sites in the Plan) were assessed during the Stage 1 assessment, and most of them were assessed at a range of different sizes. They made up an impressively comprehensive list, and I find no evidence that any strategic site that could have been a reasonable alternative was excluded from it.
73. I consider whether or not reasonable alternatives for the Stage 2 assessment were properly identified as part of the next issue.

Were adequate reasons given for the selection of alternative strategic sites and alternative spatial strategies to be assessed at Stage 2, and for the rejection of other alternatives?

74. Appendix 6 to the ASA, which was prepared by the NEAs, sets out how the reasonable spatial strategy alternatives for the Stage 2 assessment were identified, giving reasons for taking forward or discounting the alternative strategic sites assessed at Stage 1. It also describes what each of the spatial strategy alternatives would provide.
75. Over half of the **alternative strategic sites** assessed at Stage 1 were not taken forward into the spatial strategy options assessed at Stage 2, for reasons that are set out in ASA Appendix 6, Table 2. The reasons given in the table make no explicit reference to the Stage 1 ASA. This may reflect the fact that the outcome of the Stage 1c assessment does not show any of the alternative sites to be clearly preferable to the others. Against many of the objectives, all the sites are deemed to have the same or very similar impacts, and for the objectives against which they differ, there is little overall distinction between them when all their positive and negative impacts are taken into account.
76. Instead, broader planning reasons are given for not taking forward the discounted sites from Stage 1. They are summarised in Appendix 6 as follows:

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.

77. For each of the discounted sites, Table 2 then sets out the NEAs' reasons for not taking it forward into Stage 2. These include concerns about

highway capacity and availability of infrastructure and services, impact on landscape character, relationship to existing settlements, and deliverability. It may be that others would have made different planning judgments on some of these points, but nothing I have heard or read indicates that any of the judgments made by the NEAs was unreasonable or irrational. I therefore consider that Table 2 provides adequate reasons for not taking forward the discounted sites.

78. The NEAs' selection of **alternative spatial strategies** to be assessed at Stage 2 was informed by a series of seven principles which they devised in the light of discussions with stakeholders and of my comments in IED/011. As the NEAs correctly note, attempting to assess every possible combination of every site taken forward into Stage 2 would be an unmanageable task. Devising principles to inform the selection of alternative spatial strategies is, therefore, a reasonable way to proceed, providing of course that the principles themselves are sound.
79. Five of the seven principles are that the alternative strategies should be coherent and logical, and reasonable, that they should test the alternative spatial approaches suggested by me in IED/011, that they should deliver social infrastructure, and that any strategic site included in them should deliver a minimum of 2,000 dwellings in the plan period. In my view, and taking into account my comments above on the reasonableness of the 2,000-dwelling threshold for alternative strategic sites, these principles are sound ones.
80. Principle 1 is entitled "Meet the residual housing need within the plan period". Residual housing need is the gap between the Plan's overall housing requirement for North Essex (43,720 dwellings) and the number of dwellings completed, committed, and planned for in the NEAs' Section 2 Plans. Self-evidently, it is a sound principle that this need should be met.
81. When the Plan was submitted in 2017, residual housing need across North Essex was around 4,700 dwellings. The 7,500 dwellings proposed at the GCs would therefore mean that housing supply over the Plan period would exceed the requirement by about 2,800 dwellings, or around 6% of the overall requirement.
82. By the time the ASA was published in July 2019, residual housing need had been reduced to around 2,000 dwellings⁵⁷, meaning that the 7,500 dwellings proposed at the GCs would generate a surplus in supply of about 5,500, or around 13% above the overall requirement.

⁵⁷ See ASA Appendix 6, Table 1. The reduction is apparently due mainly to grants of planning permission on unallocated sites.

83. Despite this, the NEAs still believe it is right to test spatial strategy alternatives with the potential to deliver 7,500 dwellings in the remainder of the Plan period to 2033. In Appendix 6, they justify this by saying that delivery of 7,500 dwellings on strategic sites would provide "a healthy level of over-allocation", thereby ensuring that the Plan's housing requirement would be met even if some of the sites allocated in the Section 2 plans fail to come forward.
84. No evidence appears to have been provided at the time to show why 7,500 dwellings, rather than some lower figure, would produce an appropriate level of over-allocation. Moreover, the latest evidence from the NEAs is that, excluding any dwellings proposed in the Section 1 Plan, there is no longer any residual housing requirement for the Plan period⁵⁸. On that basis, the addition of the 7,500 dwellings sought under Principle 1 of the ASA would represent an over-allocation of around 18%, not 13% as was the case when ASA Appendix 6 was drawn up.
85. The ASA's authors cannot be criticised for proceeding on the basis of the figures that were current at the time when it was produced. And, in my view, it is reasonable for the Plan to identify more land than may be needed to meet the NEAs' housing requirements, to help ensure that the requirements are met in the event that some of the expected provision does not come forward. The scale of any such over-allocation is a matter of planning judgment. An over-allocation of 18% against the Plan's overall housing requirement for the period would provide an even healthier level of reassurance than one of 13%. Consequently, I see no reason to find that the ASA is unsound in seeking alternative spatial strategies to deliver at least 7,500 dwellings over the Plan period.
86. Principle 3 is entitled "Reflect relative housing and commuting patterns in any alternative strategy". In explaining the principle, the NEAs say that housing need is greater in the western part of North Essex (the area west of Colchester) than in the eastern part. That is generally borne out by the respective housing requirements of the three NEAs, and by the breakdown of residual housing need across the three NEAs at the time when Appendix 6 was prepared. Differences in commuting relationships⁵⁹ and transport links between the areas to the west and east of Colchester also justify considering the two areas separately.
87. It is logical, therefore, that in accordance with Principle 3 alternative strategies were selected to deliver a greater proportion of housing to the

⁵⁸ See the NEAs' Matter 8 Further Hearing Statement, December 2019, Table 1b. In fact the figures in the table show a small surplus of 377 dwellings.

⁵⁹ See EB/018, pp9-11.

west of Colchester than to the east, broadly reflecting the residual requirements which applied in July 2019.

88. Based on the NEAs' seven principles, Appendix 6 identifies 11 alternative spatial strategies for the area to the west of Colchester, and six alternative strategies for the area to the east, giving clear reasons for each. They include strategies to distribute housing growth proportionately to settlements across North Essex, alongside various combinations of the alternative strategic sites taken forward from Stage 1 of the ASA. The alternatives are sufficiently distinct from one another to enable meaningful comparisons to be made.
89. Taken as a whole, the alternative strategies represent an appropriate range of different ways of delivering the amount of development that is sought, taking appropriate account of my suggestions in IED/011, and I see no basis on which to conclude that any reasonable alternative was excluded from the assessment.

Was the assessment of the Plan's proposals and the reasonable alternatives carried out at the same level of detail?

90. Stage 1 of the ASA is scrupulously fair in considering the broad locations for the proposed GCs and the reasonable alternative strategic sites at the same level of detail. The 23 strategic sites are assessed against a common set of criteria which appropriately reflect the Plan's objectives and the full range of considerations relevant to SA, and the results are clearly presented in tabular format. The assessment shows no sign of bias in favour of or against any of the sites.
91. The same applies to the assessment of the 17 alternative spatial strategies considered at Stage 2. I find no evidence that there was a failure to assess potential cumulative effects at either stage.

Was the assessment of the Plan's proposals and the reasonable alternatives carried out in sufficient depth?

92. Stage 1 consists of two sequential steps. Stage 1a appraises the location of each of the 23 strategic sites in relation to existing key services, facilities, employment locations, transport links, and environmental assets and constraints without considering what the development itself might deliver. These spatial tests were carried out using a geographical information system.
93. Stage 1c (which replaces a previous Stage 1b) then takes into account how the accessibility of each site to the key services, facilities, employment locations and transport links identified at Stage 1a would be modified by what is likely to be provided by development coming forward on each site,

at different scales. In other words, each site was assumed to provide education, community, health and retail facilities, employment space and public transport services in proportion to its size.

94. In assessing what is likely to be provided, account was taken of site-specific information drafted by the NEAs and confirmed with the site promoters and with CAUSE⁶⁰. The Stage 1 assessments in turn informed the assessment of the alternative strategic sites at Stage 2. Provision of rapid transit services was excluded from the Stage 1c assessment, but was taken into account for the relevant spatial strategy alternatives at Stage 2.
95. The ASA was criticised for taking at face value the site-specific information on the forms drafted by the NEAs. But a great deal of additional work would have been required to interrogate that information, for example to ascertain whether or not each of the alternative sites is financially capable of delivering all the facilities attributed to it. Such detailed scrutiny is appropriate when assessing the soundness of a preferred option, but would have been disproportionate at this stage of the SA process. Asking the site promoters and CAUSE to confirm the information drafted by the NEAs ensured that sufficient information for Stage 1c was provided, on an equivalent basis for each site.
96. A broader criticism of the Stage 1 ASA was that its proximity-based approach is too crude, and so fails to make a proper assessment of each alternative site's accessibility to facilities and services, and of its environmental impacts. It is true that at Stage 1a more detailed assessment could have differentiated the quality of facilities and services accessible from each site, for example, the range of employment opportunities or the frequency of public transport. However, that would have made little difference to the outcome of the assessment, since no sites were excluded at Stage 1a. At Stage 1c the provision of facilities and services as part of the development of each site was more decisive in the appraisal of accessibility than proximity to existing facilities.
97. In assessing environmental impacts, however, in most cases a similar (albeit not necessarily identical) proximity-based approach to that used at Stage 1a was employed at Stage 1c. For example, effects on heritage assets are assessed based on whether 5% or more of each site lies within a certain distance of a designated heritage asset. In fact, every site assessed at Stage 1c is deemed to have a "significant negative effect with uncertainty", reflecting the fact that all of them lie within 500m of at least one designated heritage asset.

⁶⁰ CAUSE are a group with an alternative Local Plan strategy, known as Metro Town.

98. The ASA's approach was criticised by, among others, Historic England, who argue that the lack of detailed evidence on the likely effects of the alternative strategic sites on the **historic environment** has led to over-simplification and inadequate differentiation between them. They consider that a high-level Heritage Impact Assessment [HIA] of each site should have been undertaken to inform the ASA. In the absence of adequate assessment, Historic England say, there can be no confidence that the GC sites proposed in the Plan are capable of accommodating the proposed number of dwellings without adversely impacting on the historic environment.
99. Historic England also draw attention to the facts that the ASA does not identify (or fully identify) some of the designated heritage assets in and around the proposed GC sites, does not consider the effects of alternative sites on non-designated heritage assets, and uses a distance-based approach contrary to Historic England's published advice⁶¹.
100. There can be little doubt that a more detailed assessment of the likely effects of the alternative strategic sites on the historic environment would have enabled the ASA to differentiate more clearly between them. But I am not persuaded that the absence of such assessment is a fatal defect in the ASA. This is mainly because the Section 1 Plan does not make specific site allocations for the proposed GCs: instead it identifies broad locations, within which it is intended that the Strategic Growth DPDs will identify specific locations for development. In this context, it appears to me that Historic England's advice on site allocations is more applicable to the future DPDs than to the Section 1 Plan.
101. In taking a proximity-based approach to impacts on heritage assets, the ASA is consistent with the approach it takes to other environmental impacts. Were it to use more detailed evidence to assess impacts on one type of environmental asset, but not the others, this could run the risk of unbalancing the overall assessment. It is unfortunate that the ASA does not identify all the designated heritage assets potentially affected. But had it done so, it is highly unlikely that the outcome of the Stage 1 assessment would have been any different, since all the alternative sites (and indeed all the spatial strategy options assessed at Stage 2) are already deemed to have significant negative effects, with uncertainty, on heritage assets.
102. That said, I share Historic England's concern that, without a detailed Heritage Impact Assessment, there can be no certainty that any of the GCs proposed in the Plan are capable of accommodating the amount of development which the Plan attributes to them, without unacceptable

⁶¹ In *The Historic Environment and Site Allocations in Local Plans* – Historic England Advice Note 3

adverse impacts on the historic environment. Given the size of the broad locations proposed for the GCs, I consider it is reasonable at this stage to assume for the purposes of the ASA that they are capable of doing so. But appropriate policy safeguards need to be included in the Plan in the event that, in future, evidence shows this not to be the case. This could be achieved by main modifications to the relevant Plan policies.

103. On the face of it, it appears surprising that the ASA finds only uncertain minor negative effects on **air quality** for some of the strategic site alternatives, and no significant effects for the majority of the spatial strategy alternatives. However, the ASA advises that without traffic modelling of each strategic site alternative, its assessment needs to be treated with a great deal of caution.
104. While I acknowledge the severe effects of air pollution on human health, I am also mindful of the need for a proportionate approach to gathering evidence for SA⁶². It would be disproportionate to require traffic modelling of each of the 23 strategic site alternatives, and all 17 alternative spatial strategies, when only three strategic sites are actually proposed in the Plan.
105. The ASA appropriately acknowledges the difficulties in compiling the information needed to assess impacts on air quality. Any differences it finds between the alternatives on this issue are so small as to make it highly unlikely that they affect the overall outcome of the assessment. For these reasons I consider that the ASA's approach to the issue is adequate at this stage.
106. The ASA finds no significant effects on **water quality** in respect of any of the strategic sites assessed, while acknowledging a degree of uncertainty given that not all scales of growth for all the sites have been covered in the Water Cycle Studies and because specific waste water infrastructure requirements will only be finalised at planning application stage. Those are reasonable findings at this stage of planning, taking into account that, with main modifications, Plan policies are capable of requiring adequate water supply and waste water treatment capacity to be provided before any dwellings are occupied.
107. At Appendix 5, paragraph 3.1173, the ASA says that the potential **noise effects** from Stansted airport flight-paths on future residents of the proposed West of Braintree GC are judged to be negligible. However, based on the assessment of the potential effects of operations at the adjacent Andrewsfield airfield, the Stage 1c scoring chart for the West of Braintree GC site [NEAGC1] shows an overall "uncertain minor negative effect" score against the noise nuisance criterion.

⁶² See PPG Ref ID 11-009-20140306

108. Taking into account all the evidence before me, including noise contour plans supplied by the airport operator, evidence on the number of flights passing over the West of Braintree site at 7,000 ft or lower, and existing and emerging Government guidance on aircraft noise, I consider that even if a finding of "negligible effect" from Stansted airport flight-paths on NEAGC1 is not within the range of reasonable planning judgment, a finding of "uncertain minor negative effect" would be. Moreover, I note that in summarising and concluding on the findings of the Stage 1c assessment on noise pollution, the ASA makes no distinction between sites with minor negative effects (uncertain or otherwise) and those with negligible effects. Therefore, it appears that even if the finding of "negligible effect" is unjustified in respect of the noise effects of Stansted flight-paths, it has not materially affected the ASA's conclusions.
109. The ASA is justified in finding that, since the West of Braintree GC as proposed in the submitted Plan does not overlap with the Andrewsfield airfield site, development of the former would not directly lead to loss of flight operation facilities, community facilities, or historic assets forming part of the latter. The impact on Andrewsfield of the West of Braintree proposal in the former emerging Uttlesford Local Plan is not a matter for this examination.
110. Taking all the above points into account, I conclude that the assessment of the Plan's proposals and of the reasonable alternatives was carried out in sufficient depth to enable a proper evaluation to be made.

Does the ASA help to demonstrate that the proposals in the Plan are the most appropriate, given the reasonable alternatives?

111. From the ASA, LUC conclude that the spatial strategies that rely solely on proportionate growth at existing settlements are the poorest performing, but that for the others, the differences are much more finely balanced. They say that 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 strategy in the submitted Section 1 Plan, according to LUC, is that it provides clear direction to accommodate strategic development over many decades to come, and therefore more certainty in terms of coherence and investment. However, some of the alternatives offer opportunities to deliver similar benefits.
112. In my view it is reasonable to draw those conclusions from the ASA.

113. In Appendix 8 to the ASA the NEAs set out their reasons for proceeding with the spatial strategy in the submitted Plan, that is to say, the three proposed GCs, rather than any of the alternatives. They say that

a number of sites and spatial strategy options perform similarly against the sustainability objectives, but nothing arises from the [ASA] to suggest that the spatial strategy in the submitted Plan is wrong or that there are any obviously stronger-performing alternatives ...

114. To the west of Colchester, the NEAs say, the proposed West of Braintree and Colchester / Braintree Borders GCs have the genuine advantages of providing for long-term strategic growth. West of Braintree has direct access to the A120 and the proposed rapid transit system [RTS], and is well-located to Stansted airport which is a centre of employment and provides opportunities for new business growth. Colchester / Braintree Borders is close to Marks Tey station which has regular services to London, Colchester and beyond, is well located at the intersection of the A12 and A120 with good opportunities for integration with other transport modes, including the RTS, and has opportunities for sustainable travel into Colchester which is a regional centre for employment and has major health, shopping and cultural facilities.

115. To the east of Colchester, the NEAs consider that the Tendring / Colchester Borders GC offers benefits to Colchester and Tendring in terms of housing delivery, improved accessibility through rapid transit and the A120/A133 link road, and unlocking the economic potential for expansion of the University of Essex and the Knowledge Gateway.

116. It is clear from this that, apart from any specific locational advantages, many of the benefits which the NEAs ascribe to the proposed GCs depend on the delivery of strategic transport infrastructure, for example the RTS and the A120/A133 link road. Similarly, the advantages which the proposed GCs offer in providing for long-term strategic growth would only be realised if the GCs are actually capable of being delivered over the long term. Accordingly, deliverability is critical to the justification of the Plan's spatial strategy, including the proposed GCs. I consider the issue of deliverability in the next section.

Deliverability of the proposed GCs

Infrastructure needed to support the proposed GCs

Trunk road improvements

117. In IED/011 I said that "greater certainty over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey is necessary to demonstrate that the GC proposals are deliverable in full".

118. Since June 2018 trunk road schemes in North Essex have moved forward as follows:

- A preferred route for the A120 dualling scheme has been established, and development work on the scheme is included in the Department for Transport's Roads Infrastructure Strategy 2 [RIS2] for 2020-25.
- This means that the scheme is in the "pipeline" for RIS3 (2025-30), but currently there is no commitment to the construction of the scheme. The RIS2 document says

New proposals need to consider a wide range of impacts: not only what can be promised with certainty, but also where a proposal has the potential to support wider and more ambitious local plans for development. ... We also expect that where a proposal enables significant development nearby, the developer will contribute to the cost of delivering the scheme. There is also potential for funding from other sources to support a developing proposal. Funding contributions will make a significant difference to the likelihood of government choosing to bring forward a proposal to the next stage, and ultimately to commit it as part of the next RIS.

- Widening of the A12 between junctions 19 and 25 is included in the RIS2 programme.
- The Spring 2020 Budget statement announced a £272M grant from the Housing Infrastructure Fund. According to the Treasury's East of England Factsheet, this funding "will be used to realign the eastern section of the A12 between Junctions 24 and 25 in order to unlock up to 20,931 homes as part of the North Essex Garden Community". In late 2019 Highways England consulted on alternative options for the realignment, the aim of which is to overcome the severance effect on the Colchester / Braintree Borders GC of the A12's existing alignment.

119. The publication of RIS2 and the Spring 2020 budget mean that it is now reasonable to assume that the A12 widening scheme will go ahead, including the realignment between junctions 24 and 25, with a good prospect of completion by Highways England's expected date of 2028.

120. On the other hand, notwithstanding its inclusion in the RIS3 pipeline, there is still no certainty on whether or not the A120 dualling scheme will go ahead. However, the fact that it would support development at two of the three proposed GCs, and that contributions towards it are expected from the GC developers, are strong factors in its favour. If funding for the scheme is confirmed, there is a good prospect that it will also be completed by 2028.
121. The implications for the two GCs to the west of Colchester are as follows.
122. Both Highways England and ECC consider that completion of the A120 dualling scheme is necessary to support the full build-out of 10,000 dwellings at the West of Braintree GC⁶³. However, partial build-out in advance of the A120 scheme could be achieved without severe detriment to the road network, when account is taken of other committed road improvements, including those to M11 junction 8, the A131 between Braintree and Chelmsford, and the A120 / B1018 junction at Braintree.
123. At the Matter 6 hearing session, the NEAs' representative indicated that at least 2,000 dwellings could come forward at the West of Braintree GC in advance of the A120 scheme, but that the scheme would become necessary at some point between the completion of 2,000 and 10,000 dwellings. I do not read ECC's application to the National Productivity Investment Fund for funding for road improvements at Braintree as contradicting that view.
124. Promoters of the West of Braintree GC contend on the basis of census data that only a small proportion of journey-to-work trips to and from the West of Braintree GC would use the A120 to the east of Braintree, and consequently that the feasibility and deliverability of the GC does not rely on delivery of the A120 dualling scheme. However, in the absence of detailed modelling to support that conclusion, I give more weight to the views of Highways England and the local highway authority.
125. Taking into account likely future improvements to M11 junction 8, I see no reason to consider that development at the proposed West of Braintree GC would be constrained by capacity issues on the A120 to the west.
126. Turning to the Colchester / Braintree Borders GC, there is no substantial evidence to contradict the NEAs' position that completion of both the A12 widening scheme, including one of the alternative route options between

⁶³ While submitted Plan policies SP7 & SP10 propose an overall total of between 7,000 and 10,000 dwellings, the NEAs' viability appraisal assumes a total of 10,000.

junctions 24 and 25, and of the A120 dualling scheme are needed to support the full build-out of 21,000 dwellings at the GC⁶⁴.

127. Consequently, notwithstanding the decision to proceed with the A12 widening as part of RIS2, full build-out of the Colchester / Braintree Borders GC is dependent on confirmation of funding for the A120 scheme.
128. The promoters of the Colchester / Braintree Borders GC say that their technical evidence demonstrates that it would be possible to build up to about 2,500 dwellings without the need for either the A12 widening or the A120 dualling scheme. However, a 2,500-dwelling development at Colchester / Braintree Borders would be very different from the GC proposal in the Plan. If funding for the A120 scheme were to be confirmed, it might in principle be appropriate to allow some development to proceed before the A12 and A120 schemes are complete. But for the reasons given in paragraphs 28 and 116 above, it would be entirely inappropriate to find that the proposed GC is deliverable if the available infrastructure would allow only a small fraction of it to be built.

A120-A133 link road

129. ECC have secured £65 million [M] from the Housing Infrastructure Fund [HIF] to build a dual-carriageway link road between the A120 and A133 to the east of Colchester⁶⁵. The cost breakdown provided by ECC [in EXD/082] indicates that £65M would cover all the costs of the road and would include a contingency allowance of around 21%. Other participants provided alternative costings, but I have no reason to consider that the figures prepared by the local highway authority, ECC, which were subject to scrutiny through the HIF bid process, are unreasonable. Having said that, a contingency allowance of 21% appears low at this stage of planning, especially when compared with the 44% contingency allowance which ECC considered appropriate for the RTS (see below).
130. ECC undertook consultation on route options in Autumn 2019. Each route option is located towards the eastern edge of the broad location for the proposed Tendring / Colchester Borders GC. They vary in the extent to which they impinge on the potential development areas within the broad location. While at least one of the options appears likely to have a significant severance effect within the broad location, the range of options available means that there is the opportunity to minimise any such effect. However, it will also be important to ensure that there is adequate access,

⁶⁴ Full build-out at Colchester / Braintree Borders is now considered by the NEAs to comprise 21,000 dwellings, and viability appraisal has been carried out on that basis, notwithstanding that submitted Plan policies SP7 & SP9 propose a total of between 15,000 and 24,000 dwellings.

⁶⁵ The HIF funding also includes £35M for Route 1 of the RTS: see below.

including for pedestrians and cyclists, from the proposed GC across the link road into the countryside to the east. It is unclear to what extent that requirement has been taken into account in the costings.

131. The A12 widening scheme, discussed above, would provide capacity for the additional traffic on the A12 resulting from the provision of the link road. Funding for complementary local road improvements, including to the Greenstead roundabout in Colchester, would be sought from the developers of the Tendring / Colchester Borders GC. An allowance for that funding is made in the NEAs' viability assessment. The NEAs consider that, in combination, all the proposed road improvements would provide adequate mitigation for the impacts of traffic from the GC. I concur with that view. That is not to say, however, that increased congestion will not occur when all sources of traffic growth, including from the proposed GC, are taken into account.

Rapid transit system

132. Plan policy SP7 requires the new communities to be planned around a "step change" in integrated and sustainable transport systems. To fulfil that requirement, it is necessary for it to be shown that high-quality public transport services linking each of the proposed GCs to key destinations are capable of being provided. Without that, the GCs would not comply with NPPF's advice that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice over how they travel⁶⁶. Moreover, in order to meet that advice and the Plan's policy aspirations, the service must be available from early on in the life of the GCs, both to provide transport for residents without a car, and to influence the travel choices of residents with cars.

133. The NEAs' intention is that the RTS will be the primary public transport service for the proposed GCs. Since June 2018 planning for the RTS has continued, and in July 2019 ECC and their consultants published their report *Rapid Transit System For North Essex – From vision to plan* [EB/079] [hereafter, "Vision to Plan"]. The report firms up a number of issues that had been left open in the previous RTS report⁶⁷ which I considered in 2018:

- For the foreseeable future, the RTS will use high-quality buses. The options of using trams or guided buses have been discarded. The possibility of trackless trams (a technology currently on trial in China) being used at an undefined point in the future is contemplated, but the Plan does not rely on this.

⁶⁶ 2012 NPPF, para 29

⁶⁷ The *North Essex Rapid Transit Study* [EB/066]

- Four RTS routes have been devised, respectively linking the Tendring / Colchester Borders GC to Colchester town centre and the Park and Ride site north of Colchester (Route 1); linking the Colchester / Braintree Borders GC to Colchester town centre and providing connections to Route 1 (Route 2); linking the West of Braintree GC eastwards to Braintree and westwards to Stansted airport (Route 3); and linking Colchester / Braintree Borders GC to Braintree, thereby joining up Routes 2 & 3 (Route 4).
- Options for the four routes have been developed, identifying alternative alignments for, and the degree of segregation of, each route section.
- Capital costs and passenger and revenue forecasts for each route have been developed, and proposed timescales for the introduction of each route have been established.
- Capital funding for RTS Route 1 has been secured from the Housing Infrastructure Fund.

134. Notwithstanding concerns expressed about the feasibility of some of the proposed alignments and their effects (including on other road users, on-street parking and residential amenity), I consider that the route section options have been worked up in sufficient detail to demonstrate that a bus-based RTS with priority over other traffic for much of its length could, in principle, be provided along the routes proposed in Vision to Plan. However, important questions remain about three central aspects of the RTS proposals, which I consider in turn below.

135. **Capital cost estimates** were developed for each RTS route for both "lower-investment" and "higher-investment" scenarios, using standard assumptions based on section lengths and degree of segregation from other traffic. For Routes 1, 2 & 3, Table 5-1 in Vision to Plan shows that the lower-investment scenario produces RTS end-to-end journey times between 26% and 37% longer than journey times in the higher-investment scenario. Section 5.5 of Vision to Plan comments that the greater capital investment in the higher-investment scenario would deliver higher patronage, higher revenue, lower operating costs, and higher mode shares for RTS both on and off the GCs, compared with the lower-investment option.

136. I agree with that analysis. Even in the higher-investment scenario, it is by no means clear that the forecast end-to-end journey times for the RTS routes would offer any significant advantage over car journey times in current peak traffic conditions, while in current off-peak conditions the car would almost certainly be quicker for many journeys. In the lower-investment scenario, it is likely that the RTS would be considerably slower

than the car for most if not all journeys, at all times of day. In this context, I consider that only in the higher-investment scenario would the RTS have any prospect of meeting Plan policy SP5's aspiration for sustainable modes of transport that can compete effectively with private vehicles, and of giving people a real choice over how they travel, as the NPPF advises.

137. Vision to Plan gives higher- and lower-bound capital costs for the higher-investment scenario, with the lower bound representing the base cost and the higher bound representing the base cost plus a 44% contingency allowance. When benchmarking the capital costs of the RTS routes against two similar schemes elsewhere, Vision to Plan used the midpoint between the lower and higher bounds. The corrected table in the NEAs' post-hearing note [EXD/082] indicates that, for the higher-investment scenario, those midpoint costs are comparable with the £4.6M/km out-turn costs for the Bristol Metrobus scheme, but significantly lower than the £5.5M/km out-turn costs for the Leigh-Salford busway.
138. This benchmarking exercise does not present the full picture, however, because Vision to Plan's out-turn costs for the comparator schemes do not allow for inflation since those schemes were completed, meaning that they do not provide a like-for-like comparison at current cost levels. Credible figures based on an assumed civil engineering inflation figure of 3.5% per annum produce inflation-adjusted out-turn costs of £5.3M/km for Bristol and £6.6M/km for Leigh-Salford, both substantially higher than the mid-point costs of the North Essex higher-investment scenario.
139. In hearing statements reference was made by way of comparison to other RTS schemes, including Fastrack in Kent, Fastway in Sussex and the Belfast Glider system. In some cases these indicate higher per-km costs than for the comparator schemes in Vision to Plan, and other cases lower costs. Taken as whole, these references indicate that the inflation-adjusted out-turn costs of the comparator schemes used in Vision to Plan provide a reasonable sense-check for the RTS cost estimates.
140. Moreover, the costs given for the RTS schemes do not include the cost of structures such as a bridge over the railway at the Colchester / Braintree Borders GC, or the cost of any necessary land acquisition.
141. All these points lead me to the view that the capital costs given for the RTS in Vision to Plan need to be treated with caution. At the very least, the upper-bound costs for the higher-investment scenario should be used in carrying out viability assessment. Those upper-bound costs, rather than the mid-point costs, represent a realistic comparison with the inflation-

adjusted costs of the comparator schemes used in Vision to Plan⁶⁸. Even then, it may well be that for Routes 2 and 3 they underestimate the likely capital cost of the RTS, given that they exclude the costs of structures and land acquisition, and I have no clear evidence on what proportions of the comparator scheme out-turn costs relate to structures and land acquisition.

142. Somewhat different considerations apply to Route 1, since the capital costs for that route were subject to further refinement during the preparation of ECC's HIF bid. As a result, I have a reasonable degree of confidence that the upper bound of the higher-investment scenario is likely to reflect the full capital cost of Route 1.
143. As regards **timing of provision**, Vision to Plan envisages that the RTS routes will be developed on a phased basis. That is a realistic approach, given the scale of the project and the fact that the timing of expected development varies at each GC.
144. However, although Table 5-6 in Vision to Plan indicates that RTS Route 4 will be developed between 2034 and 2051, no capital funding for Route 4 is identified in the NEAs' viability appraisals, and there is no specific evidence that it is available from other sources. Consequently, it has not been shown that Route 4 is deliverable.
145. **Commercial viability** is considered in sections 5.2 to 5.4 of Vision to Plan. Section 5.3 makes generally reasonable assumptions about operating costs, including service frequencies and leasing costs for high-quality vehicles to operate the services.
146. Section 5.2 derives revenue estimates for each route, based on demand forecasts which in turn are based on the outputs from a multi-modal transport model. It is likely that a more refined model using more up-to-date survey data would have produced more accurate results. Nonetheless, I consider that the method used has produced demand forecasts that are adequate for the purposes of demonstrating commercial viability at this stage of planning for the RTS.
147. However, I have concerns about the assumptions on the level of investment in the RTS which inform the revenue estimates. As the NEAs' response to my clarification question 3 in EXD/075 makes clear, in section 5.2 the "higher-investment" revenue forecasts for 2033 are based on an "aspirational" level of capital spending: only the "lower-investment" forecasts reflect the expected level of investment by 2033.

⁶⁸ Per-km upper-bound costs for the higher-investment scenario are given in EXD/082, Table 2.

148. The NEAs go on to say in EXD/075 that "the extent of investment in Routes 1, 2 and 3 is likely to lie between those two levels". But no clear evidence is given to support that statement. It would be imprudent to rely, for example, on the prospect of Government grant funding without specific evidence that it is likely to be forthcoming.
149. Of greater concern is that the revenue forecasts for Route 3 are based on the assumption that a significant proportion of demand will come from proposed developments in the former emerging Uttlesford Local Plan: the Easton Park GC and the part of West of Braintree GC in Uttlesford district⁶⁹. For the reasons given in paragraphs 18-20 above, this is not a reliable assumption. As a result, I can have no confidence that Route 3 is deliverable.
150. In section 5.4.1, Vision to Plan makes it clear that an element of "pump-priming" should be assumed to be necessary, both to support the RTS services when they are first introduced, and to subsidise traditional bus services at the very early stage of GC development. Although a modest annual allowance is made for "investment in early phase public transport" in the NEAs' viability appraisals for each of the GCs, I have seen no clear evidence that it is sufficient to meet those purposes.
151. Drawing all these points together, I find that there is sufficient evidence to demonstrate that construction of the RTS is physically feasible. However, it has not been demonstrated that Routes 3 and 4 are deliverable in financial terms. It may well be that even the upper-bound estimates in Vision to Plan's higher-investment scenario underestimate the likely capital costs of Routes 2, 3 and 4, and there is some uncertainty over the revenue forecasts for Routes 1 and 2. There is no clear evidence to show that the NEAs' viability appraisals make adequate provision for "pump-priming".
152. I consider the consequences of these findings in the section on viability below.

Marks Tey station

153. The NEAs have investigated the possibility of relocating Marks Tey railway station to a more central position in the proposed Colchester / Braintree Borders GC. However, Network Rail advised them in July 2019 that, in view of the very high costs that would be involved in relocating the station, enhanced access and improvements to the existing station should be explored and developed. An appropriate allowance for this purpose has been made in the viability appraisal for the GC.

⁶⁹ See EXD/089.

Water supply and waste water infrastructure

154. The North Essex Integrated Water Management Strategy follows a staged approach to planning for water supply and waste water treatment for the proposed GCs. The existing Stage 1 identifies a series of options, which would then be refined in Stage 2 to determine specific solutions for each GC. This is a conventional approach and I see no reason to consider that it is inappropriate here.
155. In a statement of common ground, the NEAs, Anglian Water and the Environment Agency agree that modifications to Plan policies are needed to require the necessary water supply and waste water treatment capacity to be provided before any dwellings are occupied at the proposed GCs. However, in order to show that the proposed GCs are deliverable, it is also necessary to establish whether or not that provision is capable of being funded.
156. There are statutory responsibilities on the water supply companies (Anglian Water and Affinity Water) to plan to meet future growth in demand, and on Anglian Water to provide waste water treatment capacity. Allocations are made in the NEAs' viability assessment to fund connecting infrastructure at each of the proposed GCs. However, those allocations are inevitably subject to a degree of uncertainty given that specific solutions have yet to be identified. I consider the consequences of this in the section on viability below.

Deliverability of the proposed GCs

Housing build-out rates

157. In IED/011 I reviewed the evidence then before me on housing build-out rates and concluded that, while it is not impossible that one or more of the GCs could deliver at rates of around 300 dwellings per annum [dpa], it would be more prudent to plan, and carry out viability appraisal, on the basis of an annual average of 250dpa.
158. The NEAs subsequently prepared the topic paper *Build out rates in the Garden Communities*, July 2019 [EB/082], which concludes that adopting that 250dpa figure would be overly cautious based on the evidence available and the context and attributes of the Garden Communities themselves. In the NEAs' view, what they regard as an achievable, albeit conservative, build-out rate of 300dpa is appropriate for the purposes of modelling, although they consider that this figure could be substantially increased over time.

159. From the literature review of other reports on build-out rates, EB/082 identifies a number of factors which promote higher delivery rates. These include the size of the development (bigger sites tend to achieve higher delivery rates), the ability to diversify the type, size and tenure of the dwellings provided, and the strength of the local housing market. I agree that all these factors would tend to promote higher delivery rates at the proposed GCs.
160. An important section of EB/082 focusses on the NLP report *Start to Finish* (November 2016), which I considered in IED/011. *Start to Finish* is the most comprehensive study of actual, achieved build-out rates available to me. It found that the 10 greenfield sites providing more than 2,000 dwellings that were studied delivered around 170dpa on average, with substantial variation around that mean figure.
161. EB/082 points out that the delivery periods for most of the sites studied in *Start to Finish* include the period of deep economic recession which began in 2007/08. The recession led to a steep decline in housebuilding nationally from which it took several years for significant recovery to begin. It is reasonable to infer that the average build-out rates identified in *Start to Finish* might have been affected by these events, which went well beyond the normal fluctuations of the business cycle.
162. However, NLP have carried out further analysis of build-out rates excluding the five years from 2008 to 2013, thereby effectively excluding the effects of the recession. (It is reasonable to regard fluctuations outside this exceptional period as typical of the normal business cycle.) NLP's analysis showed that the average build-out rate on the same 10 greenfield sites of 2,000 dwellings or more was 184dpa. That is still well below the 250dpa rate which I recommended in IED/011 as a prudent basis for planning, let alone the 300dpa rate which the NEAs now regard as a conservative figure.
163. NLP also analysed the pre-recession period. Only two greenfield sites of more than 2,000 dwellings were available to inform that analysis: too small a sample from which to draw any reliable conclusions. For all sites of 500 dwellings or more, however, the average pre-recession delivery rate was 116dpa, compared with 109dpa for the whole period including the recession and post-recession.
164. NLP's further analysis, therefore, demonstrates that while the recession and its aftermath had some effect on build-out rates, the effect was not that great. Average build-out rates on comparable sites increase only a little if the effects of the recession are excluded.
165. The Homes & Communities Agency [HCA] *Notes on Build out rates from Strategic Sites*, which is also referenced in EB/082, claims that "forecast

trajectories for the very largest sites (say 4,000 units+) may be in the range of 300-500[dpa]". However, the evidential basis for this claim is unclear, despite the fact that the report is based on actual build-out rates. Only one of the four developments of 4,000 dwellings or more for which average figures are given achieved an average delivery rate of more than 300dpa (in fact, 321dpa), with the other three ranging between 205dpa and 281dpa.

166. The HCA report also gives average actual build-out figures for eight developments of between 2,000 and 4,000 dwellings. According to those figures, only one of the eight achieved an average delivery rate of more than 300dpa. The next highest figure was 234dpa, while at the other end of the scale, four delivered less than 100dpa on average. Taking all this into account, I consider that the findings of the HCA report do not contradict those of the more recent NLP analysis, nor do they support an average delivery rate of 300dpa at the proposed GCs.
167. EB/082 also includes a table taken from the Letwin *Independent Review of Build Out* (June / October 2018), showing average build-out rates on 15 sites ranging between 572 and 86 dpa. However, unlike *Start to Finish*, these averages combine actual and forecast delivery rates. Examination of the detailed annual delivery figures for 12 of those 15 sites⁷⁰ shows that there are more than twice as many years for which forecast rates are given, than years for which actual build-out rates are given.
168. Three of those 12 sites are high-density brownfield developments in London, very different in character from the proposed GCs. On the other nine, there were more than twice as many years in which actual delivery levels fell below 250dpa, than years in which they exceeded 300dpa. Even after allowing for some inaccuracy in the Letwin figures, for example at the Great Kneighton site, they show that, for the relevant sites studied, build-out rates of 250dpa or less have been achieved considerably less often than rates of 300dpa or more.
169. EB/082 suggests that the three sites on the Bicester ring road which were assessed by Letwin should be viewed as phases of a single, larger development for the purposes of calculating build-out rates. But only two of those sites are close to one another: the other is on the opposite side of the town. Moreover, I have no clear evidence on the extent to which the three sites have delivered housing simultaneously, and the only one for which actual delivery figures are given by Letwin has achieved an average rate of only about 140dpa.

⁷⁰ The Letwin *Independent Review of Build Out Rates, Draft Analysis* (June 2018), pp AX38-AX49. Letwin does not provide annual delivery figures for the other three sites.

170. The two adjacent sites in Colchester referenced in EB/082 have delivered some 260-270dpa, but over a period of only two years. Examples of other developments given by other participants, including at Chelmsford, Aylesbury and Didcot, provide no clear evidence that average delivery rates of more than 250dpa can be sustained over a long period. Nor is there any robust evidence before me to demonstrate that the use of modern methods of construction significantly boosts delivery rates.
171. EB/082 draws on examples of build-out rates at other strategic-scale developments in Milton Keynes, at Otterpool Park in Kent and at Harlow and Gilston Garden Town. Most of these are expected to achieve build-out rates of 300dpa or more, and in some cases considerably more. However, almost all those figures are future projections rather than actual build-out rates. The Milton Keynes projections, which were endorsed by the Local Plan Inspector, extend only over the next 10 years, in contrast to the much longer timescales of the proposed GCs.
172. This is not to suggest that projected delivery figures on sites elsewhere should be disregarded when assessing the likely rate of delivery at the proposed GCs. But in my view they carry considerably less weight than evidence of actual achieved delivery, when considering the GCs' delivery prospects and their financial viability. It would be unwise to embark on these very long-term projects on the basis of delivery assumptions that have not been shown to be achievable in practice.
173. EB/082 draws attention to the significantly higher average housing delivery rate in Milton Keynes achieved by the Development Corporation [MKDC] from 1971 to 1992, compared with the average rate since its dissolution. But, given the very different social, economic and institutional arrangements prevailing at that time, it would be misleading to assume that the past achievements of MKDC and other development corporations would be replicated at the proposed GCs. Nor is there yet any clear evidence that the Ebbsfleet Development Corporation, established by the government in 2015, will be successful in achieving the high delivery rates projected for it.
174. In conclusion, evidence shows that some large housing sites are capable of delivering 300 dwellings or more in a single year, and in some cases for a number of years in succession. But I find that there is no evidence to support the view that the proposed GC sites are capable of delivering at that annual level consistently, throughout the normal peaks and troughs of the business cycle, over the decades that it will take to build them. Over that timescale, the best evidence on likely delivery rates at the proposed GCs remains *Start to Finish's* annual average figure (adjusted to exclude the effects of the 2007/08 recession) of under 200dpa for greenfield sites of more than 2,000 dwellings.

175. It is appropriate to adjust that figure upwards to 250dpa to take account of the fact that the GCs meet most of the factors identified in EB/082 which promote higher delivery rates. But it would be imprudent to base the Plan's housing trajectory, or the viability appraisal of the proposed GCs, on any higher figure.

Lead-in times

176. None of the evidence I have seen or heard since June 2018 leads me to alter my view, set out with reasons in IED/011, that, in general terms, it is reasonable to assume that the planning approval process would allow housing delivery at any GC to start within four or five years from the adoption date of the plan (or plan revision) which establishes the GC in principle. The NEAs' latest housing trajectory [EXD/070], which shows housing delivery at the Tendring / Colchester Borders and West of Braintree GCs beginning in 2024, is broadly consistent with this finding, albeit that the trajectory will need to be kept under review.

177. However, I advised in IED/011 that the four- to five-year timescale could alter depending on how long it takes to put the necessary infrastructure in place. In this context the NEAs' trajectory now anticipates that delivery of housing at the Colchester / Braintree Borders GC will start in 2029, after completion of the A12 widening and A120 dualling schemes (assuming the latter is included in RIS3).

Employment provision

178. Policy SP7(vi) requires that each proposed GC should provide and promote opportunities for employment within each new community and within sustainable commuting distance of it. In that context I observed in IED/011 that it is surprising that the GC policies contain no specific figures for the amount of employment land or floorspace to be provided at each of the GCs. I acknowledged the difficulty of predicting requirements for employment land and floorspace at this early stage of planning, but advised that indicative requirement figures could be set which could then be reviewed each time the Plan itself is reviewed.

179. In response, the NEAs commissioned Cebr to produce the report *Employment provision for the North Essex Garden Communities* [EB/081]. It sets out estimates of employment floorspace and employment land requirements for each GC. At my request, Cebr subsequently provided adjusted requirement figures for the West of Braintree GC that are commensurate with the GC land within Braintree district only⁷¹.

⁷¹ For the reasons given in paras 18 to 20 above

180. EB/081 forecasts employment numbers at each GC for three future dates – 2033, 2050 and at completion of construction, estimates the breakdown of those numbers by employment sector, and then follows HCA guidance on employment densities to convert them into floorspace and finally employment land requirements. In principle this is a sound methodology, as long as the forecasts of employment numbers and the sectoral breakdown estimates are themselves sound.
181. The employment number forecasts are based on two scenarios, which produce almost identical results. In the “reference case” scenario, total employment at each GC is assumed to be exactly equal to the number of completed dwellings at each forecast date. This is a highly ambitious assumption, which exceeds both the requirements of policy SP7(ii) and the more demanding goal of the NEGC Charter’s Principle 3 to provide access to one job per household within each new GC or within a short distance by public transport.
182. The “investment case” scenario draws on work in an earlier report by Cebr, *Economic Vision and Strategy for the North Essex Sub-Region* (August 2018), commissioned by NEGC Ltd. In this scenario, the employment-to-population ratio in North Essex as a whole (including at each GC) gradually increases so that by 2036 it converges on the ratio for a set of comparator areas, and remains constant thereafter.
183. The comparator areas are all located in what Cebr describe as an “arc of prosperity” to the north, west and south-west of London. Both employment-to-population ratio and GVA per capita in North Essex are currently well below the average for the comparator areas. Cebr’s investment case scenario therefore essentially depends on the success of an ambitious economic development programme to raise North Essex’s economic performance to match that of the comparator areas.
184. Cebr’s projected employment figures for the GCs are similar to, and indeed in some cases somewhat lower than, those in the upper end of the range estimated in a report by Cambridge Econometrics and SQW: *North Essex Garden Communities Employment & Demographic Studies* [EB/009], published in April 2017. Having said that, EB/009’s upper-end estimates are based on similarly ambitious assumptions as regards economic development, and I was shown no evidence of any development programmes that have achieved that degree of improvement in economic performance.
185. Economic forecasting is notoriously difficult, and especially so over the long development timescales of the proposed GCs. The ambitions for economic growth that inform the Cebr forecasts may or may not be realised in

practice. But in my view it would be wrong, particularly at this early planning stage, to constrain the potential for achieving that level of growth by limiting the availability of employment land. Consequently, I consider that it would be appropriate to use the figures in EB/081⁷² as the basis for setting employment land requirements for the GCs in the Plan, with the proviso that the requirements for all the GCs are reviewed each time the Plan and/or the Strategic Growth DPDs are reviewed, to ensure that they continue to reflect up-to-date evidence.

186. In reaching that view I have had regard to the representations about the way in which Cebr arrived at their sectoral breakdown of the employment numbers for each GC. While in most cases the sectoral shares at the GCs reflect those for the comparator areas, there are a few apparent anomalies, most notably the 30% share for information and communication activities forecast for the Tendring / Colchester Borders GC. But any such anomalies have only a small effect on the calculation of the overall employment land requirements for each GC.

Delivery mechanisms

187. The NEAs' intention is that the Plan should be "delivery model-blind": that is to say, it should make no specific requirements about whether development of the proposed GCs is led by the public sector, the private sector, or a partnership between the two. In principle that is a sound position which allows for appropriate flexibility at this early stage of planning the GCs.

188. In IED/011 I advised that submitted Plan policy SP7 should be modified to remove the reference to "sharing risk and reward". That does not mean that I consider it would be unlawful for the public and private sectors voluntarily to enter into an arrangement in which they would share the risks and rewards of development. However, for the reasons I gave in IED/011, it would be inappropriate and potentially unlawful to make that a policy requirement.

189. The *North Essex Garden Communities Charter* envisages that Local Delivery Vehicle(s) [LDVs], accountable to the NEAs with both private and public sector representation, will be responsible for leading the delivery of the proposed GCs. Three LDVs, together with a holding company known as NEGC Ltd, have been incorporated in readiness to perform this role. Subsequently, in response to consultation on the *New Towns Act 1981 [Local Authority Oversight] Regulations*, the NEAs indicated an interest in

⁷² Subject to the West of Braintree adjustment discussed above.

the formation of a locally-led new town development corporation, overseen by the NEAs, to perform the lead role.

190. At the hearings the NEAs explained that the LDVs (or a future locally-led development corporation) are in effect being held in reserve to lead the delivery of the GCs, should it become apparent through the planning application process that the private sector is unable to do so in accordance with the Plan's policies.
191. The role of the Plan is to set out policies and criteria to guide the further planning of the proposed GCs, and to provide part of the framework against which planning applications to develop the GCs would be assessed. Provided that there is evidence that the GC proposals are justified and are capable of being delivered, it is not necessary for the Plan to specify that any particular delivery model must be followed.

Viability

National policy and guidance

192. At paragraph 173 the 2012 NPPF advises that, to ensure viability, the costs of any requirements likely to be applied to development should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer. It also cautions that the sites and scale of development in the plan should not be subject to such a scale of policy obligations and policy burdens that their ability to be developed viably is threatened.
193. The PPG on viability makes it clear that understanding Local Plan viability is critical to the overall assessment of deliverability. The plan's vision for the area should be presented in the context of local economic conditions and market realities. This should not undermine ambition for high-quality design and wider social and environmental benefit, but such ambition should be tested against the realistic likelihood of delivery. Viability assessment should not compromise the quality of development but should ensure that the vision and policies are realistic and provide high-level assurance that plan policies are viable⁷³.
194. As has been seen in the foregoing sections, the GC proposals in the Plan are predicated on their meeting policy requirements which reflect garden city principles. In this way the Plan seeks to achieve sustainable development in accordance with national planning policy⁷⁴. The ASA – which provides the principal justification for the inclusion of the GCs in the

⁷³ PPG Ref ID 10-001-20140306 & 10-005-20140306

⁷⁴ See paras 12-13 above.

Plan's spatial strategy – is based on the assumption that the Plan's policy requirements for the facilities and infrastructure needed to support them will be met. Demonstrating that the GCs can be viably delivered in accordance with the Plan's policies is, therefore, critical to establishing their overall deliverability.

195. The PPG also advises that there is no single approach for assessing viability, and sets out a number of principles that viability assessments should follow, including evidence-based judgment, collaboration, transparency and consistency. Plan-makers should not plan to the margin of viability, but instead should allow for a buffer to respond to changing markets and to avoid the need for frequent plan updating⁷⁵.

Viability assessments produced for the examination

196. When I conducted the 2018 examination hearings the most recent assessment of the GCs' financial viability before me was the April 2017 Viability Assessment by Hyas ["the 2017 Report"]. In IED/011 I found that it had not demonstrated that the GCs proposed in the submitted Plan were financially viable, and I made a number of points about how any future viability assessment should be carried out.

197. The NEAs commissioned Hyas to carry out further viability work on the GCs, which is reported in the Viability Assessment Update (June 2019, EB/086) ["the 2019 Update"]. This report drew on further work by AECOM and Gleeds [EB/087 & EB/088] to define, and provide phasing and costs for, the infrastructure needed to support the GCs.

198. At my request, Hyas then carried out additional work to take account of two factors:

- Unlike the 2017 Report, the 2019 Update assessed the West of Braintree GC as a cross-boundary site, including land in Uttlesford district. For the reasons given in paragraphs 18-20 above, however, it cannot be assumed that the Uttlesford land would form part of the GC. It was therefore necessary for Hyas to revise their assessment of the West of Braintree GC to exclude the land in Uttlesford district.
- Despite my findings on build-out rates in IED/011, the 2019 Update assessed all three GCs on the basis that they would deliver 300 dwellings a year [dpa] on average. I therefore asked for further appraisals of all three GCs assuming average delivery of 250dpa.

⁷⁵ PPG Ref ID 10-002-20140306, 10-004-20140306 & 10-008-20140306

Hyas's additional work forms Supplementary Information to their 2019 Update (November 2019, EXD/058) ["the 2019 Supplementary Information"].

199. The NEAs now rely principally on the 2019 Update and Supplementary Information to demonstrate the viability of the proposed GCs. Separate viability assessments were submitted by NEGC Ltd, and by promoters of the Colchester / Braintree Borders and West of Braintree GCs. Below I consider, first, the 2019 Update and Supplementary Information, and then the other viability appraisals.
200. In considering the appraisals, I am mindful of the PPG's advice that evidence should be proportionate and should demonstrate viability in a broad sense⁷⁶. While the PPG also calls for greater detail when assessing strategic sites (such as the GCs) which require high infrastructure investment, at this early stage of planning many costs and values cannot be known exactly. What is important is not that the appraisals achieve an unrealistically high degree of precision or certainty, but that they provide a robust indication that the proposed GCs are capable of being viably delivered.

Competitive return to a willing landowner

201. The PPG advises that a competitive return for the landowner is the price at which a reasonable landowner would be willing to sell their land for the development. The price will need to provide an incentive for the landowner to sell in comparison with the other options available, which may include its current use value or its value for a realistic alternative use⁷⁷. Most of the land in each proposed GC's area is currently in agricultural use, with a current use value of around £10,000/acre.
202. Many participants suggested that a price of around £100,000/acre is the minimum needed to provide a competitive return. They included promoters of two of the three GC sites and others with knowledge of the local land market. While there is only limited evidence to support that figure, it appears likely that it is indicative of current market expectations. Care needs to be taken not to base viability assessment on a land price which is too far below such expectations, if landowners are to be persuaded to sell.
203. On the other hand, as a RICS research document⁷⁸ points out, basing land values on comparable evidence without adjustment to reflect policy requirements can lead to developers overpaying for land. This may in turn

⁷⁶ PPG ID Ref 10-005-20140306

⁷⁷ PPG ID Ref 10-015-20140306

⁷⁸ RICS, *Financial Viability Appraisal in Planning Decisions: Theory and Practice*, April 2015

compromise the achievement of the policy requirements, if the developer then seeks to recover the overpayment by seeking a reduction in their planning obligations.

204. Taking these points and the other relevant evidence into account, there seems little doubt that a land price of around £100,000/acre on any of the proposed GC sites would provide sufficient incentive for a landowner to sell. In my view, it is also reasonable to assume that a price below £100,000/acre could be capable of providing a competitive return to a willing landowner, when account is taken of the necessarily substantial requirements of the Plan's policies.
205. In the absence of clear local evidence, it is difficult to estimate the minimum land price that would constitute a competitive return. The price achieved for development land in other places and in other circumstances is unlikely to provide a reliable guide. In my judgment, however, it is extremely doubtful that, for the proposed GCs, a land price below £50,000/acre – half the figure that appears likely to reflect current market expectations – would provide a sufficient incentive to a landowner. The margin of viability is therefore likely to lie somewhere between a price of £50,000 and £100,000 per acre.

Hyas's 2019 Update and Supplementary Information

206. Like Hyas's 2017 Report, the 2019 Update follows the residual valuation method. Its methodology is similar to that of the 2017 Report, but with a number of changes to the inputs and assumptions. It presents summaries and cashflows for three different scenarios:
- Reference scenario (no grant, no inflation) – all three GCs;
 - Grant scenario (including HIF grant) – Colchester / Braintree Borders and Tendring / Colchester Borders GCs;
 - Inflation scenario – all three GCs.
207. Each of these scenarios was subject to sensitivity testing of contingency allowances at 10%, 20% and 40% on certain infrastructure items. The Supplementary Information is presented for the same ranges of scenarios and contingency allowances as the 2019 Update.

Land purchase

208. The 2019 Update and Supplementary Information make appropriate allowances for the cost of interest on land purchase. These were omitted from the 2017 Report.

209. The assumption is made that the land for the GCs is purchased in tranches throughout the development period, each tranche being purchased two years before it is required for development. This is a necessarily simplified assumption for the purposes of viability appraisal, and it may well be that the actual pattern of land purchases is more irregular than this. Nonetheless, the assumption is justified by the evidence that phased draw-down of land is common practice in large-scale development schemes.
210. Accordingly, it is appropriate for the 2019 Update and Supplementary Information to assume that land payments are staged throughout the development period. In the Reference and Grant scenarios those payments are set at current values, consistent with the approach taken to all other costs and returns. I consider the Inflation scenarios separately below.

Infrastructure costs

211. I consider that the base infrastructure costs (exclusive of contingency allowances) that are used in the 2019 Update and Supplementary Information are generally appropriate, except in the case of the RTS.
212. For the reasons given above in my consideration of the RTS, I consider that at the very least the upper-bound costs of the higher-investment scenario in the RTS Vision to Plan document should be used for the purposes of viability assessment. Even those upper-bound costs may well underestimate the likely capital cost of RTS Routes 2, 3 and 4. However, the 2019 Update and Supplementary Information take the lower-bound costs of the higher-investment scenario as the base costs for the RTS, to which contingency allowances of 10%, 20% or 40% are applied, as discussed below.
213. The upper-bound costs for the RTS in Vision to Plan are 44% higher than the lower-bound costs. Consequently, the base costs allowed for the RTS in the 2019 Update and Supplementary Information fall a long way short of the minimum that I consider appropriate, even after taking account of the fact that the costs in Vision to Plan include a 10% allowance for professional fees.

Contingency allowances

214. In the 2019 Update and Supplementary Information's 10% contingency scenarios, a 10% contingency allowance applies to all infrastructure items. In the 20% and 40% contingency scenarios, the higher contingency allowance is applied only to the base costs of those infrastructure items in the Scheme Wide Other Itemised category (transport and utilities), with the contingency allowance on the other items remaining at 10%. This

approach appropriately reflects the fact that it is the items in that category which are most likely to be subject to unknown additional costs.

215. In considering what is an appropriate level of contingency allowance, it is necessary to recognise that the Section 1 Plan represents the initial stage of planning for the proposed GCs, setting out broad parameters and high-level infrastructure requirements for them. The exact amount of development that each GC will contain, and the precise nature and scale of its infrastructure requirements, will be established through Strategic Growth DPDs and masterplans which have yet to be drawn up.
216. In general terms, the level of contingency allowance that is appropriate varies according to the stage of planning that a development project has reached. Costs are likely to be underestimated (a phenomenon known as "optimism bias") if an adequate allowance for contingencies is not made at each stage. In the early stages, when the project is less well-defined and there is greater uncertainty over the factors influencing the eventual outturn costs, a higher level of contingency allowance is usually appropriate. As planning progresses and uncertainties reduce, the level of contingency allowance may be reduced accordingly.
217. The Treasury's *Supplementary Green Book Guidance* on optimism bias (April 2013) advises that an upper-bound optimism bias allowance of 44% for capital expenditure on standard civil engineering projects provides a first starting point and reasonable benchmark. It reflects the average historic optimism bias which research found to occur at the outline business case stage.
218. While the Green Book guidance specifically applies to public-sector commissions, in my view similar considerations apply at the stage of planning that the GCs have reached. At this early stage, and particularly when account is taken of their large scale and very long build periods, it is inevitable that many uncertainties remain over the infrastructure requirements of the proposed GCs. As discussed above⁷⁹, for example, decisions have yet to be made on which of the options for water supply and waste water treatment will be pursued at each GC. Nor has there been any significant analysis of the risks to infrastructure delivery.
219. Moreover, as I have set out above, the base costs allowed for the RTS in the 2019 Update and Supplementary Information fall well below the minimum figure I consider necessary. Adding a 40% contingency allowance to the base costs for the RTS would only bring it up to around that minimum figure, with no significant margin for any additional costs that may well arise, such as for structures or land acquisition. The RTS

⁷⁹ At paras 106 and 154-156

costs represent a substantial proportion of the costs in the Scheme Wide Other Itemised Infrastructure category.

220. For all these reasons, I consider that at this stage of planning it would be reasonable to expect a contingency allowance of at least 40% to be applied to the items in the Scheme Wide Other Itemised category. Any lower figure would, in my view, provide insufficient reassurance that all the necessary infrastructure requirements of the proposed GCs would be met.

Rate of housing delivery

221. In the light of my conclusions on build-out rates in paragraphs 157-175 above, I consider that viability appraisal of the proposed GCs should be carried out on the basis of an average annual housing delivery rate of 250dpa. Basing the appraisal on a higher average rate would not provide a reliable indication of viability.

Interest on strategic investment borrowing

222. As in 2017, the 2019 Update and Supplementary Information assume that all borrowing for land purchase and infrastructure provision is funded at an interest rate of 6%. In my experience this is a fairly common assumption in local plan viability assessments. Having had regard to all the relevant submissions and evidence, I consider there is a good prospect that a master-developer for the proposed GCs would be able to obtain finance at that rate. The NEAs are confident that this would not give rise to any issue of state aid compliance. The state aid complaint that was submitted to the European Commission in February 2020 concerns other aspects of Government funding for the GCs and its outcome is not yet known.

Grant scenarios

223. The Grant scenarios in the 2019 Update and Supplementary Information assume that HIF grants are available to fund transport infrastructure for two of the three proposed GCs: the A120/A133 link road and RTS Route 1 for Tendring / Colchester Borders GC, and the A12 realignment between junctions 24 and 25 for the Colchester / Braintree Borders GC. Both HIF grants have now been confirmed.

Inflation scenarios

224. The 2017 Hyas Report made no allowance for inflation in its modelling, and in IED/011 I endorsed that approach. However, the 2019 Update and Supplementary Information include Inflation scenarios for all three GCs.
225. The assumptions made by Hyas in modelling the Inflation scenarios are that building costs and property sale values increase at an annual rate of 4%,

while strategic infrastructure costs increase at 3.5% annually. This produces a small additional margin year-on-year, but over the GCs' long development periods it results in dramatic increases in residual land values [RLVs], up to 10 or even 20 times the RLVs in the corresponding non-inflation scenarios.

226. The PPG advises that current costs and values should be considered when assessing the viability of plan policy. Policies should be deliverable and should not be based on an expectation of future rises in values for at least the first five years of the plan period. This will help to ensure realism and avoid complicating the assessment with uncertain judgments about the future⁸⁰.
227. The Harman Report *Viability Testing Local Plans*⁸¹, while not Government policy, also provides helpful advice on this topic. It says that the most straightforward way to assess plan policies for the first five years is to work on the basis of current costs and values, and that
- for the period beyond the first five years (ie. the 6-15 year period) a more flexible approach may be taken, recognising the impact of economic cycles and policy changes over time. Forecasting things like house prices or costs is notoriously difficult over the shorter term, and subject to wider inaccuracies over the medium and longer term. The best a council can realistically seek to do is to make some very cautious and transparent assumptions with sensitivity testing of the robustness of those assumptions.
228. Neither the PPG nor the Harman Report consider the approach to assessing viability beyond 15 years. But the latter's advice about the uncertainty and difficulty of forecasting in the 6- to 15-year period applies with even greater force to attempts to forecast price and cost changes over the much longer timeframes of the proposed GC developments. Hyas themselves acknowledge in the Update that there are difficulties inherent in forecasting, especially over such long timeframes, and that there are no potential references or market projections published over such long-term periods.
229. Even if the average annual growth in house prices over the last 20 years is significantly greater than the 4% rate assumed in the Inflation scenarios, that is no guarantee that an average 4% growth rate will be sustained throughout the decades that it would take to build the proposed GCs. Similar uncertainty applies to changes in building and infrastructure costs. Notwithstanding these substantial uncertainties, Hyas did not carry out sensitivity testing of different potential inflation rates as recommended by Harman.

⁸⁰ PPG Ref ID 10-008-20140306

⁸¹ Produced by the Local Housing Delivery Group, June 2012

230. For all these reasons, I consider that the Inflation scenarios do not provide a reliable indication of the viability of the proposed GCs.

Conclusions on the 2019 Update and Supplementary Information

231. For the above reasons, I consider that the Inflation scenarios, the scenarios based on average housing delivery of 300dpa, and the scenarios for the proposed West of Braintree GC including land in Uttlesford district do not provide a reliable indication of the viability of the proposed GCs. It is appropriate to consider the viability of the proposed Tendring / Colchester Borders and Colchester / Braintree Borders GCs based on the Grant scenarios, since their associated HIF grants have been confirmed. The Reference scenario is the appropriate basis for considering the proposed West of Braintree GC. Based on my findings above on contingency allowances, in each of these scenarios a contingency allowance of at least 40% needs to be applied to all the items in the Scheme Wide Other Itemised category

232. As noted above, the 2019 Update and Supplementary Information follows the residual valuation method, in which all the costs of development are subtracted from the value of the development in order to arrive at a residual land value. The costs of development include the infrastructure requirements for the GCs, which (in accordance with national policy) appropriately reflect the garden city principles that underpin them. In order to demonstrate the viability of each proposed GC, the residual land value produced by the appropriate assessment scenario must achieve a competitive return to a willing landowner that is above the margin of viability⁸². Should this not be achieved, the viability of the GC will not have been demonstrated.

233. For the proposed Tendring / Colchester Borders GC, the Grant scenario assessment in the 2019 Supplementary Information, based on average delivery of 250dpa with a 40% contingency allowance, gives a residual land value of over £175,000/acre. That is well above the figure that I consider would constitute a competitive return to a willing landowner. This would allow sufficient financial headroom to overcome any concerns about the contingency allowance for the A120/A133 link road, or any additional costs associated with the link road or with RTS Route 1. I therefore consider that the viability of the Tendring / Colchester Borders GC has been demonstrated.

234. For the Colchester / Braintree Borders GC, on the other hand, the Grant scenario assessment, based on average delivery of 250dpa with a 40% contingency allowance, gives a residual land value of only around

⁸² PPG ID Ref 10-015-20140306 & 10-008-20140306

£24,500/acre. That is well below what I consider to be a competitive return to a willing landowner.

235. For the West of Braintree GC, the Reference scenario, based on delivery of 250dpa with a 40% contingency allowance, produces a residual land value of around £52,000/acre. I consider that this would place the development below or, at best, at the margin of viability.

The NEGC viability assessment

236. The viability appraisal submitted by NEGC Ltd covers all three GCs. Unlike the Hyas assessments and those carried out by site promoters, it is not a residual valuation. Instead the price of land at each GC is an input to the appraisal, and the output is a figure for the rate of return on capital invested. In each case the land price was calculated on the assumption that the land and rights required are to be compulsorily acquired.

237. The per-acre land values used in the appraisal are around £24,000 for the West of Braintree GC, £26,000 for the Colchester / Braintree Borders GC, and £39,000 for the Tendring / Colchester Borders GC. In each case this is well below what I consider to be a competitive return to a willing landowner and accordingly it appears unlikely that land could be purchased by agreement at that price.

238. Compulsory purchase order [CPO] powers are available to the NEAs as local planning authorities, and would also be available to a locally-led new town development corporation, should the NEAs establish one. In either case, one of the matters which the Secretary of State is required to take into account when deciding whether to confirm a CPO is whether the purpose for which the land is being acquired could be achieved by any other means. This may include considering the appropriateness of any alternative development proposals put forward by the owners of the land, or any other persons⁸³.

239. In a situation where there are landowners and developers prepared to develop each of the GC sites, it appears likely that any proposed CPO would be contested, with the potential for considerable delay and uncertainty, and with no guarantee as to the outcome.

240. In the NEGC appraisal, interest rates are assumed to be 2.5% for land purchase and 3.5% for infrastructure borrowing, well below the 6% rate assumed by Hyas. A statement from Homes England indicates that in recent years they have made £2,500M worth of infrastructure loans at

⁸³ MHCLG, *Guidance on Compulsory purchase process and The Crichel Down Rules* (July 2019), paras 106 & 143

similar rates to developers in order to unlock or accelerate the delivery of large-scale housing projects. However, the loan rate is dependent on the potential borrower satisfying certain defined criteria for creditworthiness and collateralisation. I have no clear evidence that those criteria are capable of being satisfied in such a way as to justify a loan rate of 3.5% for each of the GCs.

241. Even if the issues of land purchase and interest rates could be resolved, the NEGC viability appraisals also assume average housing delivery at each of the proposed GCs at rates of 300dpa and 500dpa. I consider these to be unsound assumptions, for the reasons set out above.
242. Moreover, while the NEGC appraisals use infrastructure base costs derived from the same source as Hyas (EB/087), they apply a 44% optimism bias allowance to some transport and utility items, but only 10% to others. For the West of Braintree GC nine items⁸⁴ receive a 44% allowance, for Colchester / Braintree Borders GC three items, and for Tendring / Colchester Borders one item. No explicit rationale for these distinctions is provided, and it is at odds with my finding that it a 40% contingency allowance should be applied to all the items in the Scheme Wide Other Infrastructure category.
243. In the light of these points, I consider that the NEGC appraisals do not provide a reliable indication of the viability of each of the proposed GCs.

The viability assessments submitted by the GC site promoters

244. Some of the assessments submitted by promoters of the GC sites assume average housing delivery rates of 300dpa or above throughout the GCs' development period. For the reasons given above, I consider that reliance cannot be placed on viability assessment based on that assumption.
245. Two viability assessments were, however, provided for average delivery rates of 250dpa. The assessment for the Andrewsfield New Settlement Consortium [ANSC] is for a development including some 8,300 dwellings on land in Braintree district within the broad location of the proposed West of Braintree GC. It includes infrastructure costs based on a per-dwelling figure of around £53,200. There is no detailed explanation of how that figure was arrived at. But when explaining the £51,000 per-dwelling figure used in their earlier appraisal (based on average delivery of 300dpa), the authors of the assessment say that they consider the Hyas infrastructure allowance of £53,000 per dwelling, informed by the Gleeds costs estimates [EB/087] to be reasonable.

⁸⁴ Counting the various phases of the RTS off-site network as one item.

246. The Hyas allowance of £53,000 per dwelling was for a 12,500-dwelling scheme including land in Uttlesford district. When assessing a 10,000-dwelling scheme wholly within Braintree district as proposed in the Plan, Hyas used a figure of £57,000 per dwelling, significantly higher than the circa £53,000 figure in the ANSC assessment. Since the Hyas scheme is also some 1,700 dwellings larger, this means that its total infrastructure allowance, excluding contingencies, is £570M, as against around £442M for the ANSC scheme.
247. While some of this discrepancy can be explained by infrastructure costs (such as education and community facilities) which vary on a per-dwelling basis, there are also substantial fixed costs, including for transport infrastructure such as the RTS. Without a breakdown of how the ANSC infrastructure allowance was arrived at, it seems likely that it is an underestimate.
248. Of even greater concern is that in the ANSC assessment, infrastructure spending is assumed to occur at a constant annual rate throughout the GC's five-decade build programme. That is an unrealistic assumption, at odds with the phasing in EB/087, which more realistically allocates 100% of many of the large transport and utility infrastructure costs to the first one or two phases of the build programme.
249. In addition, the ANSC assessment applies a contingency rate of 10% to all infrastructure costs. In my view that is wholly inadequate for transport and utility infrastructure, for the reasons discussed above.
250. The other viability assessment said to be based on delivery of 250dpa was prepared for the promoters of the larger part of the Colchester / Braintree Borders GC [CBBGC]. It is for a scheme including 17,000 dwellings and includes a per-dwelling infrastructure cost similar that used in the Hyas Grant scenario. (The Grant scenario is the appropriate comparison because it excludes the cost of the A12 realignment, which is unnecessary for the CBBGC promoters' 17,000-dwelling scheme).
251. In the CBBGC assessment the first dwellings are assumed to be delivered in 2023. At an average rate of 250dpa, a 17,000-dwelling scheme should take 68 years to deliver. However, the submitted spreadsheets [EXD/085] appear to show the last dwellings completed in 2079, some 11 or 12 years early. The reason seems to be that, whereas for most of the build period delivery is shown as taking place at the rate of 20 dwellings per month (240dpa), for several years in the middle of the build period a rate of 40 dwellings per month (480dpa) is shown. It is not clear, therefore, that the assessment is in fact based on average delivery of 250dpa as intended.

252. Like the ANSC assessment, the CBBGC appraisal also applies a wholly inadequate 10% contingency rate to transport and utility costs. There is no clear evidence that the 27.5% profit rate which they apply would provide a sufficient safeguard against the substantial uncertainties over those costs at this early stage of planning.
253. The CBBGC appraisal also assumes a housing sale price of £351/sq ft, 5% higher than the price of £334/sq ft (based on their analysis of actual market values) in the earlier CBBGC appraisal based on delivery of 354dpa. This increase is explained by the suggestion that the reduced supply of homes to the market would result in increased sales values. But no substantial evidence was provided to support that suggestion, and I consider it unlikely that a reduction in delivery of around 100dpa at one development would have such an effect, when account is taken of all the other development that is proposed to come forward in the housing market area.
254. In the light of these points, I consider that the assessments submitted by promoters of the GC sites do not provide a reliable indication of the viability of the proposed West of Braintree GC or Colchester / Braintree Borders GC.

Conclusions on soundness

255. The ASA is unable to conclude that any of the spatial strategy options, to the west or east of Colchester, is the most sustainable option. It says that the advantage of the strategy in the submitted Section 1 Plan is that it provides clear direction to accommodate strategic development over many decades to come. For the NEAs, the ability of the proposed GCs to provide for long-term strategic growth is one of the key reasons for pursuing the Section 1 Plan strategy in preference to the alternatives, notwithstanding that the ASA finds that some of the alternative options offer opportunities to deliver similar benefits.
256. Consequently, the Plan's spatial strategy, which includes the three proposed GCs, would only be justified as the most appropriate strategy if it can be shown that each GC is deliverable, not just over the Plan period but over the long term. And in order to meet both the NPPF's guidance on infrastructure provision and the Plan's policy requirements, which in accordance with national policy reflect garden city principles, the infrastructure necessary to support the GC's development must also be shown to be deliverable. An assessment of deliverability is also central to the question of whether or not the Plan is effective.
257. Viability appraisal shows that, with an appropriate 40% contingency allowance on transport and utilities infrastructure, the proposed

Colchester / Braintree Borders GC would not achieve a viable land price, and that the proposed **West of Braintree GC** is below, or at best is at the very margin of, financial viability, contrary to advice in the PPG. On this basis, neither GC is deliverable.

258. For separate reasons, given in paras 143-151 above, neither RTS Route 3 nor RTS Route 4 has been shown to be deliverable. The proposed West of Braintree GC depends on Route 3 for its public transport links to destinations outside the GC, and on Route 4 for links to places east of Braintree. Without those routes, apart from the few journeys that might be possible on foot or bicycle, the car would be the only realistic choice for travel beyond the GC itself.
259. Housing development at the proposed Colchester / Braintree Borders GC is intended to help meet the housing needs of both Colchester borough and Braintree district, and there is a strong commuting relationship between the two local authority areas. Notwithstanding the links to other destinations offered by RTS Route 2 and by rail services from Marks Tey station, the GC would depend on Route 4 for its public transport links westwards to Braintree.
260. In these circumstances, the fact that RTS Routes 3 and 4 have not been shown to be deliverable is entirely at odds with the Plan's aspirations for integrated and sustainable transport networks. Even if the A120 dualling scheme has a good prospect of being delivered as part of the RIS3 programme, not to provide the necessary public transport connections from these two GCs would directly conflict with the NPPF's advice that the transport system needs to be balanced in favour of sustainable transport modes.
261. For the foregoing reasons, therefore, I find that the proposed Colchester / Braintree Borders and West of Braintree GCs are not justified or deliverable. Consequently, the Plan's spatial strategy, and thus the Plan itself as submitted, are unsound.
262. On the other hand, the financial viability of the proposed **Tendring / Colchester Borders GC** is very strong. With an appropriate 40% contingency allowance on transport and utilities infrastructure, it would enable a competitive land price to be paid, while leaving substantial headroom to meet any additional costs that might arise. This provides assurance that the necessary infrastructure, including RTS Route 1, the A120/A133 link road and local highway improvements, are deliverable in the time-frame necessary to support the GC's development. The evidence therefore shows that the GC is deliverable over its lifetime.

263. The broad location for the proposed Tendring / Colchester Borders GC is close to Colchester, the largest town in North Essex, to which it would be connected by RTS Route 1. The GC would have access to the wide range of employment, retail, leisure, healthcare and other facilities in Colchester, in addition to those that would be provided within the GC itself, and to employment opportunities at the adjacent University of Essex and Knowledge Gateway. Tendring district has a very strong commuting relationship with Colchester, and weaker relationships with Braintree and other destinations to the west of Colchester. As a result, the accessibility of the proposed GC is not critically dependent on the delivery of the other RTS routes.
264. Based on the NEAs' current housing trajectory, and taking into account my conclusions on the rate of housing delivery, the Tendring / Colchester Borders GC would deliver over 2,000 dwellings during the Plan period. That would make a worthwhile contribution to meeting the Plan's overall housing requirement. Based on the latest housing supply figures⁸⁵, it would represent an over-allocation of approximately 5% against the overall requirement. Whether that level of over-allocation is sufficient, and whether the other sources of housing supply will come forward as the NEAs expect, are matters to be considered in the Section 2 plan examinations.
265. As I have discussed above, the ASA made separate assessments of alternative spatial strategies for the areas to the west and east of Colchester. For the above reasons, I consider that the evidence supports the NEAs' view that the proposed Tendring / Colchester Borders GC is the most appropriate of the alternative spatial strategies for the area to the east of Colchester.
266. I therefore conclude that development of the Tendring / Colchester Borders GC would enable the delivery of sustainable development in accordance with the NPPF's policies. If the unsound Colchester / Braintree Borders and West of Braintree GC proposals are removed from the Plan, the Plan is capable of being made sound.

Advice on the way forward

267. In the light of this conclusion it appears to me that the NEAs have two main options:
- To propose and consult on main modifications to remove the Colchester / Braintree Borders and West of Braintree GC proposals from the Plan; or

⁸⁵ See para 84 above.

- To withdraw the Plan from examination.

268. If the NEAs wish to pursue the first option, they will need to make a formal request under Section 20(7C) of the 2004 Act, asking me to recommend main modifications that would make the Plan sound and legally-compliant. A schedule of proposed main modifications, based on the list of suggested amendments drafted by the NEAs [EB/091B] would then need to be agreed between myself and the NEAs.

269. As well as modifications to remove the two GC proposals from the Plan, the schedule would contain more detailed modifications to other Plan policies that I consider are likely to be necessary in the light of the representations on the Plan and the discussion at the hearing sessions. Some of these have been discussed above. The main modifications would need to be the subject of full public consultation for a minimum of six weeks, and I would need to consider all the responses to the consultation before producing my report and recommendations.

270. Should the NEAs decide to pursue the first option, they will also need to consider whether it is necessary for further SA and/or SEA work to be carried out and consulted upon. The PPG advises:

It is up to the plan-making body to decide whether the sustainability appraisal report should be amended following proposed changes to an emerging plan ... If the plan-making body assesses that necessary changes are significant, and were not previously subject to sustainability appraisal, then further sustainability appraisal may be required and the sustainability report should be updated and amended accordingly⁸⁶.

271. In deciding which option to pursue, the NEAs may wish to bear in mind that it is possible that the responses to public consultation on the main modifications may give rise to the need for further hearing sessions. On this point, the Planning Inspectorate's *Procedure Guide for Local Plan Examinations* advises at paragraph 6.9:

The Inspector will consider all the representations made on the proposed MMs before finalising the examination report and the schedule of recommended MMs. Further hearing sessions will not usually be held, unless the Inspector considers them essential to deal with substantial issues raised in the representations, or to ensure fairness.

272. In addition, if the official 2018-based household projections are published while the examination is still in progress, consideration will need to be given to any implications the projections may have for the soundness of the housing requirement figures in the Plan.

⁸⁶ PPG Ref ID 11-023-20140306

273. For these reasons, at present it is not possible to give a clear indication of when my report and recommendations on the Plan are likely to be produced, should the NEAs decide to pursue the first option.
274. Apart from my request at paragraph 7 above for a response from the NEAs to EXD/091, I am not inviting comments on the contents of this letter. I will, however, assist with any queries the NEAs may have.
275. It would be helpful if you would let me know, as soon as you are able to, which of the options outlined in paragraph 267 above (or any alternative course of action) the NEAs wish to pursue. This will enable a timescale for the remainder of the examination to be developed, should the NEAs wish to pursue the first option. Please contact me through the Programme Officer.

Yours sincerely

Roger Clews

Inspector

North Essex Authorities' Shared Strategic Section 1 Plan

Schedule of Recommended Main Modifications

Page 197

The modifications set out in this schedule are expressed as follows:

- **Bold text** indicates an addition to the text of the publication draft plan
- ~~Struck-through text~~ indicates a deletion from the text of the publication draft plan
- *Italic text* gives other instructions for modifications to the publication draft plan

The page numbers and paragraph numbering in the schedule refer to the pre-submission version of the plan, and do not take account of the deletion or addition of text.

Please note that there is no MM37 in this schedule of recommended main modifications. A main modification numbered MM37 appeared in the schedule of proposed main modifications which was published for consultation, but the Inspector is not recommending it as a main modification for the reason given in paragraph 21 of his report. To avoid confusion, the subsequent main modifications (MM38 to MM47) have not been renumbered.

Ref N°	Policy / Para N°	Main modification
MM1	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.</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 healthcare facilities enabling healthy and active lifestyles will be planned and provided along with other facilities to support the development of substantial new growth; while the undeveloped countryside and heritage assets the natural and historic environment will be protected conserved 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.</p> <p>At the heart of our strategic vision for North Essex are is a new garden communityies, to be sensitively integrated within the existing historic built and natural environment, the delivery of which is and based on Garden City principles covered by policy SP7.</p> <p>The garden communityies provides an opportunity to create the right balance of jobs, housing and Infrastructure in the right location and 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.</p> <p>Residents will live in high quality, innovatively designed, contemporary homes, 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 existing landscape features and also accommodating safe and attractive routes and space for</p>

Ref N°	Policy / Para N°	Main modification
		<p>sustainable drainage solutions; and leisure and recreation opportunities for both residents and visitors of the garden communities.</p> <p>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, where appropriate, new approaches to delivery and partnership working and sharing of risk and reward for the benefit of the new communities. Central to this will be the comprehensive planning and development of the garden community, and the aligned delivery of homes and supporting infrastructure.</p>
MM2	Para 1.31, Strategic Objectives	<p>Providing New and Improved Transport & Communication Infrastructure – to make efficient use of existing transport infrastructure and to ensure sustainable transport opportunities are promoted in all new development to support new and existing communities. Where additional capacity is required in the form of new or upgraded transport infrastructure to support new development, ensuring that this is delivered in a phased & timely way to minimise the impact of new development. To ensure that enabled communication is provided as part of new developments as enabled communication is essential for modern living, and broadband infrastructure and related services will be essential for business, education and residential properties.</p> <p>Ensuring High Quality Outcomes – to promote greater ambition in planning and delivering high-quality sustainable new communities. Overall, new development must secure high standards of urban design and green infrastructure which create attractive and sustainable places where people want to live and spend time. New development needs to be informed by an understanding of the historic environment resource gained through the preparation of Historic Impact Assessments, and to conserve and enhance the significance of heritage assets, including any contribution to their significance made by their settings.</p>
MM3	Para 1.32	<p>This section includes the Councils' response to the opportunities and challenges facing the wider area, in the form of strategic policies that will help to deliver the vision and objectives. These policies only cover those matters that are of strategic relevance to all three authorities. Policies that address local matters are included in the following section of the Plan. The Plan as a whole, including both Sections 1 and 2, will supersede previous Local Plan policies and allocations upon its adoption. A list of the</p>

Ref N ^o	Policy / Para N ^o	Main modification
		policies superseded by Section 1 and Section 2 of the Plan respectively is included as an appendix to each section.
MM4	Policy SP1	<p>Policy SP1 – Presumption in Favour of Sustainable Development</p> <p>When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Sustainable development in North Essex will demonstrably contribute to the strategic and local vision and objectives and will accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans).</p> <p>Development that complies with the Plan in this regard will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> • any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole or specific policies in that Framework or the Plan that indicate that development should be restricted.
MM5	New paras 2.2-2.7	<p>Recreational disturbance Avoidance and Mitigation Strategy (RAMS)</p> <p>2.2 A Habitats 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>

Ref N ^o	Policy / Para N ^o	Main modification
		<p>2.3 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 any Special Area of Conservation, Special Protection Area or Ramsar site, and are HRA compliant.</p> <p>2.4 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 (see also paragraph 8.4 and Policy SP8 paragraph F.21 below).</p> <p>2.5 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>2.6 Recreation activities can potentially harm Habitats Sites. The 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>2.7 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 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).</p> <p>2.8 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 provide certainty for developers around deliverability and contributions. The Essex Coast RAMS Strategy Document was completed in 2019 and will be supported by a SPD.</p>

Ref N ^o	Policy / Para N ^o	Main modification
MM6	New Policy SP1A to follow after SP1	<p>Policy SP1A – Recreational disturbance Avoidance and Mitigation Strategy (RAMS)</p> <p>Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).</p>
MM7	Policy SP2	<p>Policy SP2 – Spatial Strategy for North Essex</p> <p>Existing settlements will be the principal focus for additional growth across the North Essex Authorities' area within the Local Plan period. Development will be 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.</p> <p>Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.</p> <p>In Section 2 of its Local Plan, Eeach local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.</p> <p>Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.</p> <p>Three new As part of the sustainable strategy for growth, the Tendring / Colchester Borders Garden e Communities will be developed and delivered as part of the sustainable strategy for growth, at the broad locations shown on Map 3.3 10.2 below and on the Colchester and Tendring Local Plans Policies Maps. These new communities will provide a strategic locations for at least 7,500 additional homes and employment within the Plan period in North Essex. Employment development will also be progressed with t The expectation is that substantial additional housing and employment development will</p>

Ref N°	Policy / Para N°	Main modification															
		<p>be delivered in each the Garden eCommunity beyond the current Local Plan periods. They will be planned and developed drawing on Garden City principles, with necessary infrastructure and facilities provided and a high quality of place-making and urban design.</p>															
MM8	Policy SP3	<p>Policy SP3 – Meeting Housing Needs</p> <p>The local planning authorities will identify sufficient deliverable sites, developable sites and/or broad locations for their respective plan period, against to meet the housing requirements in the table below, and will incorporate additional provision to ensure flexibility and choice and competition for land.</p> <p>Each authority will maintain a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer in accordance with national policy, and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan. 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.</p> <p>The authorities will review their housing requirements regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area.</p> <table border="1" data-bbox="555 1026 1993 1345"> <thead> <tr> <th data-bbox="555 1026 1037 1201">Local Authority</th> <th data-bbox="1037 1026 1518 1201">Objectively Assessed Need for Housing requirement per annum</th> <th data-bbox="1518 1026 1993 1201">Total minimum housing supply in requirement for the plan period (2013 – 2033)</th> </tr> </thead> <tbody> <tr> <td data-bbox="555 1201 1037 1238">Braintree</td> <td data-bbox="1037 1201 1518 1238">716</td> <td data-bbox="1518 1201 1993 1238">14,320</td> </tr> <tr> <td data-bbox="555 1238 1037 1275">Colchester</td> <td data-bbox="1037 1238 1518 1275">920</td> <td data-bbox="1518 1238 1993 1275">18,400</td> </tr> <tr> <td data-bbox="555 1275 1037 1311">Tendring</td> <td data-bbox="1037 1275 1518 1311">550</td> <td data-bbox="1518 1275 1993 1311">11,000</td> </tr> <tr> <td data-bbox="555 1311 1037 1345">Total</td> <td data-bbox="1037 1311 1518 1345">2,186</td> <td data-bbox="1518 1311 1993 1345">43,720</td> </tr> </tbody> </table>	Local Authority	Objectively Assessed Need for Housing requirement per annum	Total minimum housing supply in requirement for the plan period (2013 – 2033)	Braintree	716	14,320	Colchester	920	18,400	Tendring	550	11,000	Total	2,186	43,720
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Ref N ^o	Policy / Para N ^o	Main modification						
MM9	Policy SP4	<p data-bbox="539 327 1254 359">Policy SP4 – Providing for Employment and Retail</p> <p data-bbox="539 383 2022 486">A strong, sustainable and diverse economy will be promoted across North Essex with the Councils local planning authorities pursuing a flexible approach to economic sectors showing growth potential across the Plan period.</p> <p data-bbox="539 510 2022 694">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 in the context of reconciling job and housing demand. These figures are set out for the housing market as follows for the period 2013-2037:-</p> <p data-bbox="539 790 840 821">Annual Job Forecast:</p> <table border="1" data-bbox="539 845 1220 965"> <tbody> <tr> <td data-bbox="539 845 884 885">Braintree (EEFM)</td> <td data-bbox="884 845 1220 885">490</td> </tr> <tr> <td data-bbox="539 885 884 925">Colchester (EEFM)</td> <td data-bbox="884 885 1220 925">928</td> </tr> <tr> <td data-bbox="539 925 884 965">Tendring (Experian)</td> <td data-bbox="884 925 1220 965">490</td> </tr> </tbody> </table> <p data-bbox="539 1029 2022 1420">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 below sets out the three authorities'</p>	Braintree (EEFM)	490	Colchester (EEFM)	928	Tendring (Experian)	490
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Tendring (Experian)	490							

Ref N°	Policy / Para N°	Main modification															
		<p>employment land 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.</p> <p>In order to meet the requirements for office, research & development, industrial, storage and distribution uses and to maintain appropriate flexibility in provision to meet the needs of different sectors, Section 2 of each plan will allocate employment land to ensure that provision is made within the ranges set out in the table below.</p> <p>Hectares of B-use employment land required for office, research & development, industrial, storage and distribution uses:</p> <table border="1" data-bbox="696 842 1856 1106"> <thead> <tr> <th></th> <th>Baseline (2012 Based SNPP)</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>55.8 30.0</td> </tr> <tr> <td>Tendring</td> <td>20 12.0</td> <td>38 20.0</td> </tr> <tr> <td>North Essex</td> <td>65 54.9</td> <td>137.4 93.3</td> </tr> </tbody> </table>		Baseline (2012 Based SNPP)	Higher Growth Scenario	Braintree	23 20.9	43.3	Colchester	22.0	55.8 30.0	Tendring	20 12.0	38 20.0	North Essex	65 54.9	137.4 93.3
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Tendring	20 12.0	38 20.0															
North Essex	65 54.9	137.4 93.3															
MM10	Policy SP5 First para	<p>Policy SP5 – Infrastructure and Connectivity</p> <p>All Ddevelopment must be supported by the provision of the infrastructure, services and facilities that are required to serve the needs arising from new the development.</p> <p>The requirements in section A of this policy apply only to the Tendring / Colchester Borders Garden Community, whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Authorities' area.</p> <p>The following are strategic priorities for infrastructure provision or improvements within the strategic area</p>															

Ref N°	Policy / Para N°	Main modification
MM11	Policy SP5 New Section A	<p>A Tendring / Colchester Borders Garden Community</p> <p>1 The Development Plan Document (DPD) for the Tendring / Colchester Borders Garden Community will include:</p> <p>a) An infrastructure delivery strategy and phasing plan that sets out how infrastructure, services and facilities will be provided. Infrastructure delivery will align with each development phase and be supported by suitable mechanisms to deliver the infrastructure both on and off-site;</p> <p>b) Details of the design and delivery of Route 1 of the rapid transit system, and a programme for the integration of the garden community into the system. The route will be designed to accommodate future route enhancements and technology improvements; and</p> <p>c) Target modal shares for each transport mode and details of sustainable transport measures to support their achievement.</p> <p>2 Before any planning approval is granted for development forming part of the Tendring / Colchester Borders Garden Community, the following strategic transport infrastructure must have secured planning consent and funding approval:</p> <p>a) A120–A133 link road; and</p> <p>b) Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).</p> <p>3. Sustainable transport measures will be provided from first occupation at the Tendring / Colchester Borders Garden Community to support the achievement of the target modal shares as defined in the DPD for the garden community.</p>

Ref N°	Policy / Para N°	Main modification
		<p>4. Other strategic infrastructure requirements for the Tendring / Colchester Borders Garden Community are set out in sections D, E and F of Policy SP8, and will be further defined in the DPD for the garden community.</p>
<p>MM12</p>	<p>Policy SP5, Section B</p>	<p>B. Transportation and Travel</p> <p>The local planning 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; • New and improved infrastructure required to support economic growth, strategic and site-specific priorities outlined in the second part of each Local Plan • Substantially improved connectivity by promoting more sustainable travel patterns, introducing urban transport packages to increase transport choice, providing better public transport infrastructure and services, and enhanced 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, and new and innovative ways of providing public transport, 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 community; ○ maximising the use of the local rail network to serve existing communities and locations for large-scale growth;

Ref N°	Policy / Para N°	Main modification
		<ul style="list-style-type: none"> ○ a bus network providing a high-frequency, reliable and efficient service, that is high quality, reliable, simple to use, integrated with other transport modes servicing and offers flexibility to serve areas of new demand; ○ 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 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 business, widen employment opportunities and support growth, specifically: <ul style="list-style-type: none"> ○ Improved access to and capacity of junctions on the A12 and other main roads to reduce congestion and address safety; ○ A dualled A120 between the A12 and from Braintree to the A12. ○ A comprehensive network of segregated walking and cycling routes linking key centres of activity contributing to an attractive, safe, legible and prioritized 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.
MM13	Policy SP5, Section C	<p>C. Social Infrastructure</p> <p>The local planning authorities will work with relevant providers and developers to facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable.</p> <p>Education</p> <ul style="list-style-type: none"> ● Provide Sufficient school places will be provided in the form of expanded or new primary and secondary schools together with early years and childcare facilities that are phased with new development, with larger developments setting aside land and/or contributing to the cost of delivering land for new schools where required.

Ref N°	Policy / Para N°	Main modification
		<ul style="list-style-type: none"> Facilitate and support provision of practical vocational training, apprenticeships, and further and higher education will be provided and supported. <p>Health and Wellbeing</p> <ul style="list-style-type: none"> Ensure that essential healthcare infrastructure will be is provided as part of new developments of appropriate scale in the form of expanded or new healthcare facilities including primary and acute care; pharmacies; dental surgeries; opticians; supporting community services including hospices, treatment and counselling centres. Require new development to maximise its positive contribution in creating healthy communities and minimise its negative health impacts, both in avoidance and mitigation, as far as is practicable. The conditions for a healthy community will be provided through the pattern of development, good urban design, access to local services and facilities; green open space and safe places for active play and food growing, and which are all accessible by walking, cycling and public transport.
MM14	Policy SP5, Section D	<p>D. Digital Connectivity</p> <p>Comprehensive digital access to support business and community activity will be delivered through the roll-out of superfast-ultrafast broadband across North Essex to secure the earliest availability for of full fibre connections universal broadband coverage and fastest connection speeds for all existing and new developments (residential and non-residential), where . All new properties will allow for the provision for superultrafast broadband in order to allow connection to that network as and when it is made available.</p>
MM15	Policy SP5 – New Section E	<p>E. Water & Waste water</p> <p>The local planning authorities will work with Anglian Water, Affinity Water, the Environment Agency and developers to ensure that there is sufficient capacity in the water supply and waste water infrastructure to serve new development. Where necessary, improvements to water</p>

Ref N°	Policy / Para N°	Main modification
		<p>infrastructure, waste water treatment and off-site drainage should be made ahead of the occupation of dwellings to ensure compliance with environmental legislation.</p>
<p>MM16</p>	<p>Policy SP6</p>	<p>Policy SP6 – Place-shaping Principles</p> <p>All new development must meet the highest high standards of urban and architectural design. The local authorities encourage the use of dDevelopment frameworks, masterplans, design codes, and other design guidance documents and will be prepared in consultation with stakeholders where they are needed to support this objective. use design codes where appropriate for strategic scale development.</p> <p>All new development should reflect the following place-shaping principles, where applicable:</p> <ul style="list-style-type: none"> • Respond positively to local character and context to preserve and enhance the quality of existing communities places and their environs. • Provide buildings that exhibit individual architectural quality within well- considered public and private realms; • Protect and enhance assets of historical or natural value; • Incorporate biodiversity creation and enhancement measures; • Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car; • Where possible, pProvide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods; • Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place; • Provide streets and spaces that are overlooked and active and promote inclusive access; • Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall;

Ref N°	Policy / Para N°	Main modification
		<ul style="list-style-type: none"> • Provide an integrated and connected network of multi-functional biodiverse public open space and green and blue infrastructure that connects with existing green infrastructure where possible, thereby helping to alleviate recreational pressure on designated sites; • Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and • Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.
MM17	Para 8.4	<p>Loss of off-site habitat – To mitigate for the loss of offsite habitat, the Appropriate Assessment identified the need for wintering bird surveys for the Tendring / Colchester Borders Garden Community as part of any project-level development proposals and masterplanning, to determine the sites of individual importance for golden plover and lapwing and inform mitigation proposals. and a commitment to mitigation and funding of Tendring / Colchester Borders Garden Community is required within the Section 1 Strategic Plan dependent on the findings of bird surveys. Depending on the findings of the wintering bird surveys, development may need to be phased to take into account the cumulative numbers of SPA birds. In the unlikely but possible event that cumulative numbers of SPA birds affected are likely to exceed the threshold of significance (i.e >1% of the associated European Site), appropriate mitigation in the form of habitat creation and management in perpetuity, either on-site or through provision of strategic sites for these species elsewhere, will be required. Where that mitigation requires the creation and management of suitably located habitat, feeding productivity for these SPA species should be maximised, and such mitigatory habitat would need to be provided and fully functional prior to development which would affect significant numbers of SPA birds.</p>
MM18	Policy SP7, First Section	<p>Policy SP7 – Development and Delivery of a New Garden Communityies in North Essex</p> <p>The following three new garden communityies is are proposed in North Essex at the broad location shown on Map 10.2.</p>

Ref N°	Policy / Para N°	Main modification
		<p>Tendring/Colchester Borders, a new garden community which will deliver between 2,200 and 2,500 homes, 7 hectares of employment land and provision for Gypsies and Travellers within the Plan period (as part of an expected overall total of between 7,000 and 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 homes within the Plan period (as part of an overall total of between 15,000 – 24,000 homes to be delivered beyond 2033).</p> <p>West of Braintree in Braintree DC, a new garden community will deliver 2,500 homes within the Plan period (as part of an overall total of between 7,000-10,000 homes to be delivered beyond 2033).</p> <p>Each of these The garden community 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. It will be comprehensively planned from the outset, with Ddelivery of each new community will be phased to achieve the whole development, and will be underpinned by a comprehensive package of infrastructure.</p> <p>A Development Plan Document (DPD) will be prepared for the garden community, containing policies setting out how the new community will be designed, developed and delivered in phases, in accordance with the principles in paragraphs i-xiv below. No planning consent for development forming part of the garden community will be granted until the DPD has been adopted. All development forming part of the garden community will comply with these principles.</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>

Ref N°	Policy / Para N°	Main modification
		The design, development and phased delivery of each new garden community will conform with the following principles
MM19	Policy SP7, principle (i)	Community and stakeholder empowerment participation in the design and delivery of each the garden community from the outset and a long-term community engagement and activation strategy.
MM20	Policy SP7, principle (ii)	The public sector working pro-actively and collaboratively with the private sector to design, and bring forward these garden communities, deploying new models of delivery where appropriate sharing risk and reward and ensuring that the cost of achieving the following is borne by landowners and those promoting the developments: (a) securing a high quality of place-making, (b) ensuring the timely delivery of both on-site and off-site infrastructure required to address the impact of these new communities, and (c) providing and funding a mechanism for future stewardship, management, maintenance and renewal of community infrastructure and assets. Where appropriate, developers will be expected to contribute towards publicly-funded infrastructure, including a contribution towards the A120-A133 link road. Given the scale of and time period for development of these new garden communities, the appropriate model of delivery will need to secure a comprehensive approach to the delivery of each new community in order to achieve the outcomes outlined in points (a) – (c) in this paragraph above, avoid a piecemeal approach to development, provide the funding and phasing of both development and infrastructure, and be sustainable and accountable in the long term.
MM21	Policy SP7, principle (iii)	Promotion and execution of the highest quality of planning, design and management of the built and public realm so that the garden communities are is characterised as a distinctive places that capitalises on local assets, respects its context , and establishes an environments that promotes health, happiness and well-being. This will involve developing a cascade of design guidance based on a robust assessment of historic and natural environmental constraints and opportunities for enhancement. Guidance which may including concept frameworks, detailed masterplans and design codes and other guidance will be put in place to inform and guide development proposals and planning applications. Planning applications and any local development orders or other consenting mechanisms for the garden communities will be expected to be consistent with approved design guidance.

Ref N°	Policy / Para N°	Main modification
MM22	Policy SP7, principle (iv)	Sequencing of development and infrastructure provision (both on-site and off-site) to ensure that the latter is provided ahead of or in tandem with the development it supports to address the impacts of the new garden communities, meet the needs of its residents and establish sustainable travel patterns. To ensure new development does not have an adverse effect on any European Protected or nationally important site and complies with environmental legislation (notably the Water Framework Directive and the Habitats Directive), the required waste water treatment capacity must be available ahead of the occupation of dwellings.
MM23	Policy SP7, principle (v)	Development that provides for a truly balanced and inclusive community and meets the housing needs of local people including a mix of dwelling sizes, tenures and types, including provision for self- and custom-built homes, and provision for the aging population, and provision for Gypsies and Travellers; and that meets the requirements of those most in need including the provision of 30% affordable housing in each the garden community.
MM24	Policy SP7, principles (vi), (vii), (viii) & (xiv)	Change references to 'garden communities' (plural) to 'garden community' (singular).
MM25	Policy SP7, principle (x)	Create distinctive environments which are based on comprehensive assessments of relate to the surrounding environment and which celebrate natural and historic environments and systems, utilise a multi-functional green-grid to create significant networks of new green infrastructure including a new country parks at each the garden community, and provide a high degree of connectivity to existing corridors and networks and enhance biodiversity.
MM26	Policy SP7, principle (xi)	Secure a smart and sustainable approach that fosters climate resilience and a 21st century environment in the design and construction of each the garden community to secure net gains in local biodiversity, highest standards of energy efficiency and innovation in technology to reduce the impact of climate change, the incorporation of innovative water efficiency/ re-use measures (with

Ref N°	Policy / Para N°	Main modification
		the aim of being water neutral in identified areas of serious water stress), and sustainable waste and mineral management.
MM27	Policy SP7, final paragraph	<p>These principles are elaborated upon in the North Essex Garden Community Charter.</p> <p>A Development Plan Document will be developed for each of the garden communities to set out the principles of their design, development and phasing as well as a mechanism to appropriately distribute housing completions to the three Councils and this will be agreed through a Memorandum of Understanding.</p>
MM28	Policy SP8, First para	<p>Policy SP8 – Tendring / Colchester Borders Garden Community</p> <p>The adopted policies map identifies the broad location for the development of a new garden community of which the details and final number of homes will be set out in a Strategic Growth Development Plan Document (DPD) to be prepared jointly between Colchester BC and Tendring DC. and which will incorporate around 2,500 dwellings and within the Plan period (as part of an overall total of between 7,000-9,000 homes) and provision for Gypsy and Travellers.</p>
MM29	Policy SP8, Second para	<p>The Strategic Growth Development Plan Document (DPD) required for the Tendring / Colchester Borders Garden Community by Policy SP7 will define the will set out the nature, form and boundary of the garden community and the amount of development it will contain. The adoption of the DPD will be contingent on the completion of a Heritage Impact Assessment carried out in accordance with Historic England guidance. The Heritage Impact Assessment will assess the impact of proposed allocations upon the historic environment, inform the appropriate extent and capacity of the development and establish any mitigation measures necessary. The document DPD will be produced in consultation with the local community and stakeholders and will include a concept plan showing the disposition and quantity of future land-uses, and give a three-dimensional indication of the urban design and landscape parameters which will be incorporated into any future planning applications; together with a phasing and implementation strategy which sets out how the rate of development will be linked to the provision of the necessary social, physical and environmental infrastructure to ensure that the respective phases of the development do not come forward until the necessary infrastructure has</p>

Ref N ^o	Policy / Para N ^o	Main modification
		<p>been secured. The DPD will provide the framework for the subsequent development of more detailed masterplans and other design and planning guidance for the Tendring / Colchester Borders Garden Community. The DPD and any application for planning permission for development forming part of the garden community must be consistent with the requirements set out in this policy.</p>
MM30	Policy SP8, New third paragraph	<p>For the Plan period up to 2033, housing delivery from the garden community, irrespective of its actual location, will be distributed equally between Colchester Borough Council and Tendring District Council. If, after taking into account its share of delivery from the garden community, either of those authorities has a shortfall in delivery against the housing requirement for its area, it will need to make up the shortfall within its own area. It may not use the other authority's share of delivery from the garden community to make up the shortfall.</p>
MM31	Policy SP8, Para A.2.	<p>Detailed masterplans and design guidance, based on a robust assessment of historic and natural environmental constraints and opportunities for enhancement, will be adopted put in place to inform and guide development proposals and planning applications for the garden community. Planning applications for this garden community will be expected to be consistent with approved DPDs and subsequent masterplans and design and planning guidance.</p>
MM32	Policy SP8, Para C.5.	<p>The garden community will make Pprovision for a wide range of jobs, skills and training opportunities will be created in the garden community. The DPD will allocate about 25 hectares of B use employment land within the garden community. This may include provision for B4 and/or non-B class office, research & development, light industrial and/or other employment generating uses towards the south of the site in proximity to the existing University of Essex and Knowledge Gateway, and provision for B1, B2 and B8 businesses office, research & development, industrial, storage and distribution uses towards the north of the site close to the A120.</p>
MM33	Policy SP8, Para D.7	<p>A package of measures will be introduced to encourage smarter transport choices to meet the needs of the new community and to maximise the opportunities for sustainable travel. Policy SP5 requires planning consent and full funding approval for the A120-</p>

Ref N°	Policy / Para N°	Main modification
		<p>A133 link road and Route 1 of the rapid transit system to have been secured before planning approval is granted for any development at the garden community.</p> <p>Additional transport priorities including the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to access the adjoining areas, development of a public rapid transit system connecting the garden community to Essex University and Colchester town centre park and ride facilities, and other effective integrated measures to mitigate the transport impacts of the proposed development on the strategic and local road network. Longer term transport interventions will need to be carefully designed to minimise the impacts on the strategic and local road transport network and fully mitigate any environmental or traffic impacts arising from the development. These shall include bus (or other public transit provisions) priority measures between the site, University of Essex, Hythe station and Colchester Town Centre;</p>
MM34	Policy SP8, Para D.9	Primary vehicular access to the site will be provided off the A120 and A133. Any other road improvements required to meet needs arising from the garden community will be set out in the DPD and further defined as part of the masterplanning process.
MM35	Policy SP8, Para E.13	Increased primary healthcare facilities capacity will be provided to serve the new development as appropriate. This may be by means of new infrastructure or improvement, reconfiguration, extension or relocation of existing medical facilities.
MM36	Policy SP8, Para F.17	The delivery of smart, innovative and sustainable water efficiency/re-use solutions that fosters climate resilience and a 21st century approach towards water supply, water and waste water treatment and flood risk management. Taking a strategic approach to flood risk through the use of Strategic Flood Risk Assessments and the updated Climate Projections 2019 and identifying opportunities for Natural Flood Risk Management. Provision of improvements to waste water treatment plant including an upgrade to the Colchester Waste Water Treatment Plant and off-site drainage improvements aligned with the phasing of the development within the plan period and that proposed post 2033. To ensure new development does not have an adverse effect on any European Protected or nationally important site and complies with environmental legislation

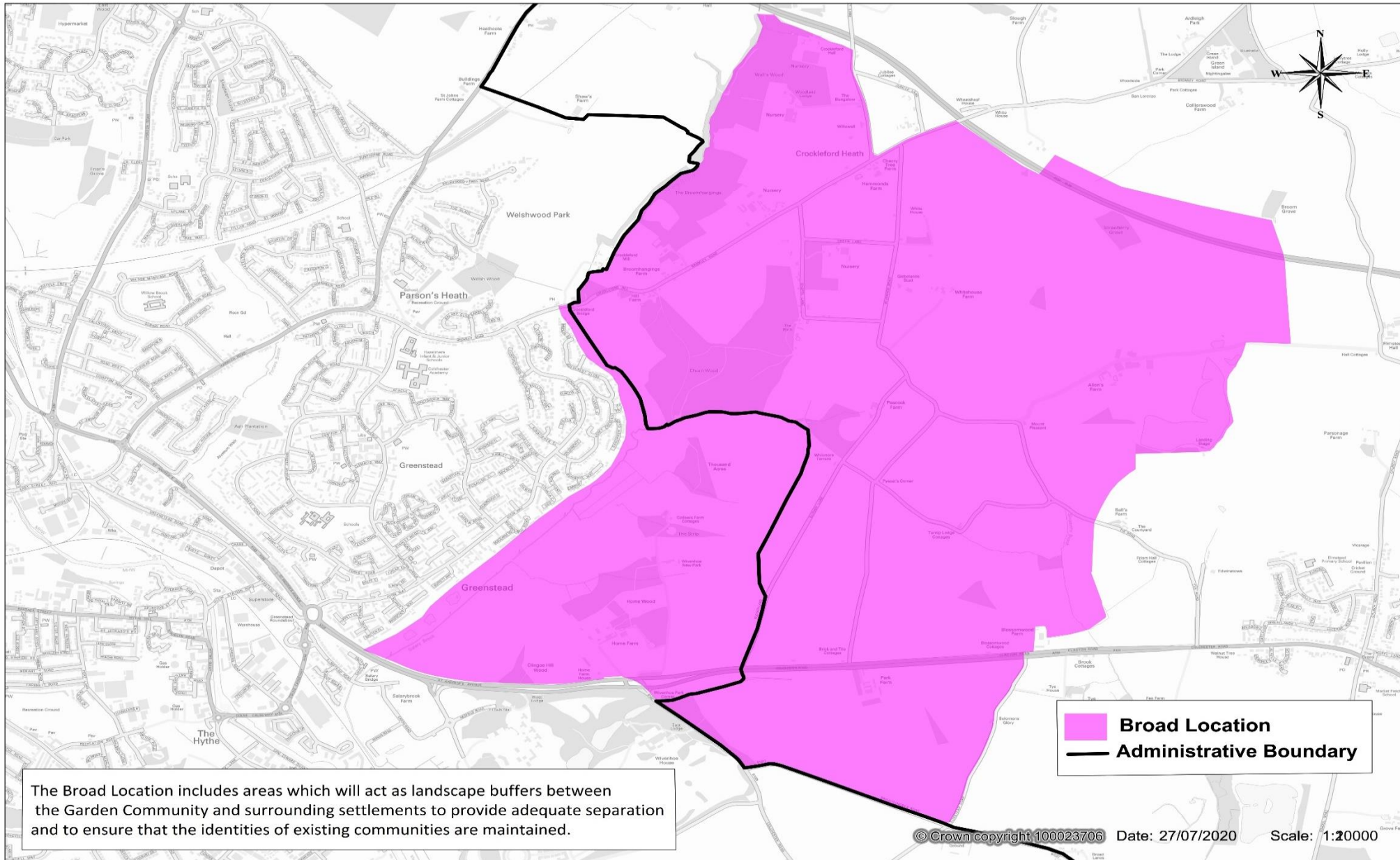
Ref N°	Policy / Para N°	Main modification
		(notably the Water Framework Directive and the Habitats Directive), the required waste water treatment capacity must be available ahead of the occupation of dwellings.
		[Reference number MM37 not used – see page 1 of this Appendix and paragraph 21 of the Inspector's report for explanation.]
MM38	Policy SP8, New Para F.20 <i>(Renumber subsequent paragraphs accordingly)</i>	Conserve, and where appropriate enhance, the significance of heritage assets (including any contribution made by their settings) both within and surrounding the site. Designated heritage assets within the garden community area include the Grade II listed Allen's Farmhouse, Ivy Cottage, Lamberts, and three buildings at Hill Farmhouse. Designated heritage assets nearby include the Grade I listed Church of St Anne and St Lawrence, Elmstead, the Grade II* listed Wivenhoe House, Elmstead Hall and Spring Valley Mill and numerous Grade II listed buildings as well as the Grade II Wivenhoe Registered Park and Garden. Harm to the significance of a designated heritage asset should be avoided in the first instance.
MM39	Policy SP8, Para F.21 (previously F.20)	Avoidance, P rotection and/or enhancement of heritage and biodiversity assets within and surrounding the site; including Bullock Wood SSSI, Ardleigh Gravel Pits SSSI, Wivenhoe Pits SSSI and Upper Colne Marshes SSSI and relevant European protected sites. Contributions will be secured towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy. Wintering bird surveys will be undertaken at the appropriate time of year as part of the DPD preparation to identify any offsite functional habitat. Should any be identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.
MM40	Policy SP8 New Para F. 26 (final paragraph)	Allocation of additional land within the garden community, to accommodate University expansion, which is at least equivalent in size to the allocation in the Colchester Local Development Framework Site Allocations document October 2010.

Ref N°	Policy / Para N°	Main modification
MM41	Policy SP9	Delete the whole of Policy SP9.
MM42	Policy SP10	Delete the whole of Policy SP10.
MM43	Braintree Section 1 Local Plan Chapter 10	<p><u>In the Braintree Section 1 Local Plan Chapter 10 (Appendices & Maps):</u></p> <p>Delete the West of Braintree and Colchester / Braintree Borders Garden Community designations from Map 10.1, change the title of the map to 'Key Diagram', and change the legend for 'Garden Communities' to read 'Garden Community'.</p> <p>Delete Maps 10.2A and 10.3B.</p> <p>Replace Maps 10.4C & 10.5D with new Map 10.2 below entitled 'Tendring Colchester Borders Garden Community – Broad Location'.</p>
MM44	Colchester Section 1 Plan Chapter 10	<p><u>In the Colchester Section 1 Local Plan Chapter 10 (Section One Maps):</u></p> <p>Delete the West of Braintree and Colchester / Braintree Borders Garden Community designations from Map 10.1, and change the legend for 'Garden Communities' to read 'Garden Community'.</p> <p>Following Map 10.1, insert new Map 10.2 below entitled 'Tendring Colchester Borders Garden Community – Broad Location'.</p>
MM45	Tendring Section 1 Plan Maps	<p><u>In the Tendring Section 1 Local Plan:</u></p> <p>Delete the West of Braintree and Colchester / Braintree Borders Garden Community designations from Map 1.</p>

Ref N ^o	Policy / Para N ^o	Main modification
		<p>Delete the West of Braintree and Colchester / Braintree Borders Garden Community designations from Map 2, and change the legend for 'Garden Communities' to read 'Garden Community'. Retitle the map '10.1 Key Diagram', and move it to the end of the Section 1 Plan.</p> <p>Following Map 10.1, insert new Map 10.2 below entitled 'Tendring Colchester Borders Garden Community – Broad Location'.</p> <p>Delete Local Map B.7 Tendring Colchester Borders Garden Community</p>
MM46	At end of Section 1 Plan	Insert Appendix A below entitled 'List of policies superseded by Section 1 of the Plan'.
MM47	Colchester Local Plan Front Cover	The Publication Draft stage of the Colchester Borough Local Plan 2017 2013 -2033

Map 10.2 Tendring / Colchester Borders Garden Community – Broad Location

[on following page]



Appendix A

List of Policies Superseded by the Braintree, Colchester and Tendring Section 1 Local Plan

Section 1 Local Plan Policy		Policies superseded by the Section 1 Local Plan Policy		
Policy number	Policy Title	Braintree District Council 2011 Core Strategy	Colchester Borough Council Adopted Core Strategy 2014 Focused Review	Tendring District Council Adopted 2007 Local Plan
SP1	Presumption in Favour of Sustainable Development	-	-	-
SP1A	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	-	-	-
SP2	Spatial Strategy for North Essex	CS1	H1	QL1
SP3	Meeting Housing Needs	CS3	H1	HG1
SP4	Providing for Employment	CS4	CE1	QL4
SP5	Infrastructure and Connectivity	CS11	SD2	-
SP6	Place Shaping Principles	CS9	-	QL8 / QL9 / QL10 / QL11 (in part)
SP7	Development and Delivery of New Garden Communities in North Essex	-	-	-
SP8	Tendring / Colchester Borders Garden Community	-	-	-

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Publication Draft Braintree, Colchester and Tendring Local Plan:

(Including Main & Minor Amendments)

Section One

January 2021



Shared Strategic Plan

- 1.1** North Essex is a vibrant and attractive place to live and work. It has a rich archaeological, natural and built heritage that continues to influence local character, which is distinguished by its extensive legacy of human habitation from Palaeolithic times onwards. The area has experienced significant population, housing and employment growth in recent years and this is forecast to continue. The local authorities and their partners wish to respond to this opportunity by planning positively for the area as a whole. Working together to address some of the key strategic issues in North Essex will get the best outcomes for current and future communities. In particular, it will deliver sustainable development that respects local environments and provides new jobs and essential infrastructure.
- 1.2** For these reasons Braintree District Council, Colchester Borough Council and Tendring District Council have agreed to work together to address strategic planning matters across their areas. Collectively they are known as the North Essex authorities.
- 1.3** The North Essex local authorities border a large number of other local authorities who will continue to be engaged and involved on an active and ongoing basis on strategic cross border issues. These authorities include Babergh Chelmsford, Maldon Mid Suffolk, St Edmundsbury, South Cambridgeshire, Uttlesford, and Suffolk and Cambridgeshire County Councils.
- 1.4** Essex County Council (ECC) is a key partner in its strategic role for infrastructure and service provision and as the Highway Authority, Lead Local Flood Authority, Local Education Authority and Minerals and Waste Planning Authority.
- 1.5** An initial outcome of this collaboration is this strategic planning chapter, which each of the local planning authorities have included in their Publication Local Plan. The Local Plans together with the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan (prepared by ECC) and any Neighbourhood Plans, form the Development Plan for the respective areas.

The Need for a Strategic Approach

- 1.6** In Essex, as elsewhere, the influences of population and economic growth do not stop at administrative boundaries. Settlement patterns, migration flows, commuting and strategic infrastructure needs all have significant influences within and between local authority areas.
- 1.7** Local Plans are the main vehicle for conveying an area's growth requirements and how these will be accommodated. However, individual local authority boundaries cannot encapsulate the geographies of issues that transcend those boundaries. Through active and on-going collaboration the authorities can jointly plan, manage and review strategic objectives and requirements for the effective implementation of sustainable development (including minerals and waste) and enhanced environments.
- 1.8** The geographic and functional relationship between the authorities' areas is demonstrated by the fact that, with Chelmsford City Council, they form a single Housing Market Area (HMA) for planning purposes; and they are a major part of the Haven Gateway, an established economic partnership. Within this context, the forecast levels of future population growth together with

the geography of North Essex means that considerations for future growth will include options that have clear cross-boundary implications. These include both the expansion of existing towns and villages as well as possible new communities.

- 1.9** Consequently, Braintree, Colchester and Tendring, together referred to in this plan as the North Essex Authorities, have agreed to come together and prepare a common Section 1 Local Plan because of their shared desire to promote a sustainable growth strategy for the longer term; and the particular need to articulate the strategic priorities within the wider area and how these priorities will be addressed. Central to this is the effective delivery of planned strategic growth, particularly housing and employment development, with the necessary supporting infrastructure.
- 1.10** Uttlesford District Council, Maldon District Council as well as other neighbouring authorities, sit within separate housing market areas. However the authorities are actively and continuously engaged to ensure that cross-boundary and strategic issues are dealt with.
- 1.11** The Localism Act 2011 places a Duty to Co-operate on local planning authorities and other public bodies. This requires them to engage constructively, actively and on an on-going basis in the preparation of plans where this involves strategic matters. The National Planning Policy Framework (NPPF) adds to this statutory duty as it expects local planning authorities to demonstrate evidence of having co-operated effectively to plan for issues with cross-boundary impacts.
- 1.12** This strategic Section 1 of the authorities' Local Plans reflects the Duty to Co-operate as it concerns strategic matters with cross-boundary impacts in North Essex. Section 2 of each plan contains policies and allocations addressing authority-specific issues.
- 1.13** Against this background, the main purposes of this strategic chapter of the Local Plan are to:
- Articulate a spatial portrait of the area, including its main settlements and strategic infrastructure, as a framework for accommodating future planned growth;
 - Provide a strategic vision for how planned growth in North Essex will be realised; set strategic objectives and policies for key growth topics;
 - Set out the numbers of additional homes and jobs across the area that will be needed covering the period to 2033. The choices made, particularly in relation to the location of garden communities, will also set the framework for development well beyond the plan period; and
 - Highlight the key strategic growth locations across the area and the necessary new or upgraded infrastructure to support this growth.

Spatial Portrait

- 1.14** Braintree, Colchester and Tendring districts are located to the north of Essex between the east coast ports and London Stansted airport. The principal towns are Braintree, Colchester and Clacton-on-Sea and a number of secondary settlements: Witham, Halstead, Wivenhoe, Tiptree, Brightlingsea, Manningtree, Harwich, Walton and Frinton. Map 10.1 identifies the settlements that link with the main road and/or rail infrastructure.
- 1.15** Beyond these settlements much of the area has a rural character.
- 1.16** The area covered by this strategic planning approach comprises a large part of the Haven Gateway, an established partnership area which is identified in a range of existing strategy and investment documents. The Haven Gateway includes the Essex administrative areas of Braintree, Colchester, Maldon and Tendring Councils and extends northwards into parts of Suffolk.
- 1.17** The area's strategic road and rail network is heavily used, particularly given the proximity to and connectivity with London. The principal roads are the A12 and A120, while the A130, A131, A133 and A414 also form important parts of the strategic road network.
- 1.18** The Great Eastern Main Line provides rail services between London Liverpool Street and the East of England, including Witham, Chelmsford, Colchester and Clacton-on-Sea. It also carries freight traffic to and from the Haven Ports including Harwich International Port, which handles container ships and freight transport to and from the rest of the UK. Harwich is also one of the major UK ports for ferry and cruise departures.
- 1.19** Crossrail is expected to start operating in the first part of this plan period with services commencing just south of Chelmsford in Shenfield. The opportunities that Crossrail will bring in terms of additional capacity and quicker journeys to a wider choice of destinations will be a contributor to the continued attractiveness of north Essex as a place to live and to do business.
- 1.20** The growing demand for the use of airports, including London Stansted, will create additional associated pressures on road and rail infrastructure. The County Council, along with South East Local Enterprise Partnership, local and national agencies and other organisations, will also need to work collaboratively with the Local Planning Authorities to ensure infrastructure meets demand for enhanced economic growth.
- 1.21** Braintree and Colchester are the major centres of employment within the strategic area. While there are high levels of commuting to London, many residents work and live within the area with significant commuting across borough and district boundaries, reflecting a functional economic geography.
- 1.22** The area has a mixed economy focused on the service sector, including wholesale and retail, business services, tourism, health and education, alongside manufacturing, logistics and construction. Due to the extensive rural area outside urban settlements, agriculture and its related industries play an important part in the overall economy.

- 1.23** This rurality also means that there are large areas of open countryside, including protected natural and historic landscapes. Areas of importance for nature conservation are to be found particularly along the coast and river estuaries, while the villages and towns include many built heritage assets.
- 1.24** A more detailed assessment of the characteristics of each area is provided in the second part of this Local Plan.

Key Strategic Issues: Opportunities and Challenges

- 1.25** Due to its strong economic base, proximity to London and attractiveness as a place to live and work, North Essex has seen significant growth over recent years. The area is well-placed and connected to key growth points in the wider region including London, Cambridge and Stansted Airport and as a result is likely to continue to be a successful location for growth. In particular Braintree and Colchester have regularly exceeded planned house building targets and this is expected to continue. Planning for and managing future population growth requires an appropriate response from the local authorities to ensure that sufficient homes, employment premises and land, and supporting social and other infrastructure are provided in a sustainable way.
- 1.26** Notwithstanding its strong economic base and steady growth, the North Essex area faces a range of challenges, notably the need to improve economic and social conditions across the area and reduce health inequalities, pockets of deprivation, infrastructure deficits and low skills; the need to ensure that the infrastructure needed to support continued housing and jobs growth is in place at the right time; and the need to ensure that continued growth continues to conserve and where possible enhance the historic and natural environment including landscape and habitat creation, and will also seek net environmental gains, possibly making use of the Defra biodiversity accounting metric 2.0 to account for possible effects.
- 1.27** The education, health and other service needs of a growing population must be addressed, requiring careful planning to assess future needs such as pupil numbers and further adult education needs. The assessed need must in turn be translated into new or expanded education, health and other facilities which are available to meet the needs of new communities at the appropriate time. The ageing profile of residents also requires a proactive response to provide the right type of homes, including independent living and supporting services; as well as sufficient healthcare facilities to support both older residents and the population as a whole.
- 1.28** New development should be located and designed so that day-to-day needs of residents can be met locally and be accessible by sustainable forms of transport, including walking and cycling, and wherever possible reduce the number of car based trips. Growth will create demand for additional road and rail use with the associated need for new and upgraded infrastructure. Future planned growth provides the opportunity to address some of these infrastructure needs, although growth locations and sites need to be considered carefully with regard to the balance of providing necessary infrastructure and the viability and deliverability of development.
- 1.29** The NPPF expects local authorities to set out the strategic priorities for the area in the Local Plan. Of those listed in the Framework and based on the above key issues, this strategic plan chapter addresses:

- the homes and jobs needed in the area
- the provision of infrastructure for transport and telecommunications
- the provision of education, health, and community infrastructure, and
- conservation and enhancement of the natural and historic environment, including landscape

Vision for the Strategic Area

1.30 It is important that addressing growth at any spatial scale is founded on a clear vision of how and where change should occur. The vision for North Essex sets this out at a strategic level and provides a context for the more detailed vision for the growth of each individual authority's area. The joint vision set out below should be read in conjunction with the vision for each local authority set out in Part 2 of each Local Plan. The high housing need identified for North Essex, constraints in many existing urban areas and the desire to support a sustainable form of development in the long term, as part of the strategy for the development has led to the Local Plans proposing standalone new settlements that follow the principles of Garden Communities.

Vision for North Essex

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.

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.

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 will be planned and provided along with other facilities to support the development of substantial new growth; while the undeveloped countryside and the natural and historic environment will be conserved and enhanced. Key to delivering sustainable development is that new development will address the requirement to protect and enhance the historic environment and settlement character.

At the heart of our strategic vision for North Essex is a new garden community, to be sensitively integrated within the existing historic built and natural environment, and based on Garden City principles.

The garden community provides an opportunity to create the right balance of jobs, housing and Infrastructure in the right locations and 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, homes, 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 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 community.

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 where appropriate, new approaches to delivery and partnership working for the benefit of the new community. Central to this will be the comprehensive planning and development of the garden community, and the aligned delivery of homes and supporting infrastructure.

Strategic Objectives

- 1.31** The following strategic objectives are designed to support the vision for the area and provide a basis for the development of strategic topic-based policies that will help in achieving the vision.
- 1.32** Providing Sufficient New Homes – to provide for a level and quality of new homes to meet the needs of a growing and ageing population in North Essex; to achieve this by ensuring the availability of developable land in appropriate locations and that the market delivers a suitable mix of housing types and tenures.
- 1.33** Fostering Economic Development – to strengthen and diversify local economies to provide more jobs; and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth.
- 1.34** Providing New and Improved Transport & Communication Infrastructure – to make efficient use of existing transport infrastructure and to ensure sustainable transport opportunities are promoted to support new and existing communities. Where additional capacity is required in the form of new or upgraded transport infrastructure to support new development, ensuring that this is delivered in a phased & timely way to minimise the impact of new development. To ensure that enabled communication is provided as part of new developments as enabled communication is essential for modern living and broadband infrastructure and related services will be essential for business, education and residential properties.
- 1.35** Addressing Education and Healthcare Needs – to provide good quality educational opportunities as part of a sustainable growth strategy, including practical vocational training and apprenticeships linked to local job opportunities. To work with partners in the NHS, Public Health and local health partnerships to ensure adequate provision of healthcare facilities to support new and growing communities.
- 1.36** Ensuring High Quality Outcomes – to promote greater ambition in planning and delivering high-quality sustainable new communities. Overall, new development must secure high standards of urban design and green infrastructure which creates attractive and sustainable places where

people want to live and spend time. New development needs to be informed by an understanding of the historic environment resource gained through the preparation of Historic Impact Assessments, and to conserve and enhance the significance of heritage assets including any contribution made to their significance by their settings.

Strategic Issues and Policies

1.37 This section includes the Councils' response to the opportunities and challenges facing the wider area, in the form of strategic policies that will help to deliver the vision and objectives. These policies only cover those matters that are of strategic relevance to all three authorities. Policies that address local matters are included in the following section of the plan. The Plan as a whole, including both Sections 1 and 2, will supersede previous Local Plan Policies and allocations upon its adoption. A list of the policies superseded by Section 1 and Section 2 of the Plan respectively is included as an appendix to each section.

Presumption in Favour of Sustainable Development

2 Presumption in Favour of Sustainable Development

Presumption in Favour of Sustainable Development

- 2.1** The authorities will apply a presumption in favour of sustainable development in accordance with guidance in the National Planning Policy Framework.

Policy SP 1

Presumption in Favour of Sustainable Development

When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Development that complies with the Plan will be approved without delay, unless material considerations indicate otherwise.

- 2.2** A Habitats 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.
- 2.3** 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 any Special Area of Conservation, Special Protection Area or Ramsar site, and are HRA compliant.
- 2.4** 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 (see also paragraph 8.4 and Policy SP8 paragraph F.21 below).
- 2.5** 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.
- 2.6** Recreation activities can potentially harm Habitats Sites. The AA identified disturbance of water birds from people and dogs, and impacts from water sports/watercraft as the key recreational threats to Habitats Sites.

- 2.7** 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 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).
- 2.8** 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 provide certainty for developers around deliverability and contributions. The Essex Coast RAMS Strategy Document was completed in 2019 and will be supported by a SPD.

Policy SP 2

Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).



Spatial Context

3 Spatial Context

- 3.1** Future growth will contribute to maintaining and enhancing a well-connected network of sustainable settlements across North Essex. New homes, jobs, retail and leisure facilities serviced by new and upgraded infrastructure will be accommodated as part of existing settlements according to their scale, sustainability and role, and by the creation of a strategic scale new settlement embracing the principles in the North Essex Garden Community Charter. The countryside will be protected and enhanced.
- 3.2** For the majority of settlements these issues are addressed in the second part of the Local Plan dealing with each authority's area. However, it is relevant here to set out the spatial context of the North Essex Area as it relates to the main settlements and strategic-scale new development.
- 3.3** In Braintree District the growth will be mainly addressed via a mixture of urban extensions and new communities. Braintree town, as the largest service centre in the District, will have a number of new urban extensions. Over 4,000 new homes will be allocated in this area. The other main focus for development will be the A12 corridor with the main town of Witham and service villages of Hatfield Peverel, Kelvedon and Feering with allocations of over 2,000 new homes. Other parts of the District, including the town of Halstead, will have smaller allocations to reflect a more local need and make the best use of brownfield sites, recognising that these areas are not as sustainable. A new strategic scale garden community will be located to the west of Braintree, on the boundary with Uttlesford DC and on the eastern boundary with Colchester BC.
- 3.4** In Colchester Borough, the urban area of Colchester will continue to be a focus for growth due to its pre-eminent role as a centre for jobs, services and transport, with 4,000 new homes expected to be delivered over the Local Plan period. The urban area of Colchester, however, has a limited and diminishing supply of available brownfield sites, so new communities are included in the spatial hierarchy as a sustainable option for further growth of homes and jobs, in locations both to the east and west of Colchester on the borders with Tendring and Braintree Districts. Approximately 1,200 new homes will be allocated in the Rural District Centres of Tiptree, West Mersea and Wivenhoe. Smaller sustainable settlements will receive limited allocations proportionate to their role in the spatial hierarchy.
- 3.5** In Tendring District the spatial hierarchy promotes growth in settlements that are the most accessible to the strategic road network, public transport and offer a range of services. Clacton and Harwich with Dovercourt are classified as strategic urban settlements and will accommodate around 5,000 new homes. A new cross-boundary garden community will be located in the west of the district and to the east of Colchester. The smaller urban settlements of Frinton with Walton and Kirby Cross, Manningtree with Lawford and Mistley, Brightlingsea and Weeley will accommodate between 1,500 and 2,500 new homes. The rural service centres and smaller rural settlements will accommodate around 1,500 new homes including a windfall allowance.
- 3.6** The new Garden Community is identified as new a new settlement in Colchester and Tendring Section 2 settlement hierarchies. Over time the Garden Community will grow to influence the area's spatial hierarchy and will be included in the tiers underneath the sub-regional centre role

played by Colchester. Future reviews of the plans will address this point, but the Garden Community will not grow to a size that will affect the spatial hierarchy within the plan period to 2033.

Policy SP 3

Spatial Strategy for North Essex

Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Development will be 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.

Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

In Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.

Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.

As part of the sustainable strategy for growth, the Tendring / Colchester Borders Garden Community will be developed and delivered at the broad locations shown on Map 10.2 below and on the Colchester and Tendring Local Plans Policies Maps. This new community will provide a strategic location for homes and employment within the Plan period in North Essex. The expectation is that substantial additional housing and employment development will be delivered in the Garden Community beyond the current Local Plan period.



Meeting the need for New Homes

4 Meeting the need for New Homes

- 4.1** Provision of sufficient housing is critical to meet the needs of a growing population and for the effective functioning of local economies.
- 4.2** The North Essex authorities are committed to plan positively for new homes and to significantly boost the supply of housing to meet the needs of the area, including the need to provide a workforce for forecast jobs. To meet the requirements of national policy to establish the number and type of new homes, the authorities commissioned Peter Brett Associates to produce an Objectively Assessed Housing Need Study building on earlier work. This was first published in July 2015 and updated in November 2016. It meets the requirements of the NPPF to prepare a Strategic Housing Market Assessment (SHMA).
- 4.3** Detailed analysis in the report suggests that a Housing Market Area comprising Braintree, Colchester, Chelmsford and Tendring Council areas forms a sound basis for assessing housing need.
- 4.4** Demographic projections are the starting point for assessing how much housing will be required across an area. Based on 2014 national projections covering the period 2013 to 2037, the conclusion reached is that the objectively assessed need across the Housing Market Area is 2,999 new homes a year over the period 2013 – 2037. The total requirement across north Essex, excluding Chelmsford City Council's area, is 2,186 new homes per year.
- 4.5** This figure includes a figure of 550 new homes per year for Tendring. Calculation of housing need in the District is complicated by uncertainty arising from unattributed population change (UPC).
- 4.6** Evidence on overall levels of affordable housing provision elsewhere in the Districts will be set out in more detail within the individual Local Plans and will take account of identified needs. The Tendring Colchester Garden Community needs to be a mixed and balanced community and will be expected to provide 30% affordable housing.
- 4.7** The Garden Community will be expected to provide suitable sites for Gypsies and Travellers. Additional requirements for sites to meet District wide needs will be set out in Section Two of each District/Borough Local Plan.
- 4.8** The North Essex authorities will identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their individual housing requirements set out in Policy SP4 below. Each authority will incorporate an additional buffer as required by national planning policy to ensure choice and competition for land.

Policy SP 4

Meeting Housing Needs

The local planning authorities will identify sufficient deliverable sites, developable sites and/or broad locations for their respective plan period, to meet the housing requirements in the table below, and will incorporate additional provision to ensure flexibility and choice and competition for land.

Each authority will maintain a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer in accordance with national policy, and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan. 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 authorities will review their housing requirements regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area.

Local Authority	Housing requirement per annum	Total minimum housing requirement for the plan period (2013 – 2033)
Braintree	716	14,320
Colchester	920	18,400
Tendring	550	11,000
Total	2,186	43,720



Providing for Employment

5 Providing for Employment

- 5.1** A key objective for the area is to strengthen and diversify local economies to provide more jobs and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth.
- 5.2** Braintree District's employment is relatively focused on industrial-type sectors, including construction and manufacturing. London Stansted airport, in neighbouring Uttlesford, plays a significant role in employing residents of the District and through the indirect economic benefits associated with proximity to such a large employment hub.
- 5.3** Retail is the second largest sector by employment and plays an important role in sustaining the District's three key town centres. The financial and insurance sector, where Braintree District traditionally has a relatively small proportion of employment, has seen some strong growth in recent years. This may be a growth sector in the future.
- 5.4** Colchester is the dominant urban centre within the Essex Haven Gateway. The Borough has developed a strong economy, linked to its "central place" functions and to the town's historic character, cultural activities and the university. Major retail and leisure services are also located both within and adjacent to Colchester town.
- 5.5** Health, education and retail each provide over 10% of employee jobs and collectively contribute 42% to the Borough's total employment. A further six major Groups each account for between 5 – 10% of total jobs: Manufacturing; Construction; Accommodation and Food Services; Professional, Scientific & Technical; Business Administration & Support Services; and Arts, entertainment, recreation, etc.
- 5.6** Tendring District has a diverse economy with local employment across a range of activities. Health, retail and education are the largest sectors in terms of the number of jobs and together represent 45% of the District's total employment.
- 5.7** Within the western part of Tendring district, the economy and labour market of Manningtree is influenced by its relative proximity to Colchester and good transport links to London. The interior of the District is largely rural and is characterised by a high-quality environment, interspersed with small settlements.
- 5.8** Opportunities have been identified for Tendring to develop potential future strengths in offshore wind and the care and assisted living sector.
- 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 in the context of reconciling job and housing demand. The forecast growth figures for the housing area for the period 2013-2037 are as set

out in Policy SP5. 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 SP5 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.

- 5.10** Braintree, Colchester and Tendring commissioned work to explore the employment opportunities associated with the development of innovative Garden Communities based on the likely demographic profile of these new communities and to develop quantified scenarios for future employment growth. The consultants concluded that assuming political commitment and proactive delivery on the part of local authorities, Garden Communities had the potential to deliver one job per household, in line with the Garden Communities charter, and to support employment growth in surrounding areas. The Tendring Colchester Border Garden Community is considered to perform the best in employment terms given the opportunities provided by its location adjacent to the University Essex.
- 5.11** Employment forecasts for the three authorities accordingly factor in the longer-term aspirations for employment growth arising from the positive spin-offs associated with Garden Communities. It is important to note, however, that while job numbers can be expected to grow at a consistent rate, current trends point to overall lower requirements for additional B1 floorspace. This reflects the growth of home working enabled by enhanced digital connectivity; the continuing decline of manufacturing with its need for large floor areas; and the prevalence of 'hot desking' leading to lower requirements for office floorspace.

Policy SP 5

Employment

A strong, sustainable and diverse economy will be promoted across North Essex with the local planning authorities pursuing a flexible approach to economic sectors showing growth potential across the Plan period.

In order to meet the requirements for office, research & development, industrial, storage and distribution uses and to maintain appropriate flexibility in provision to meet the needs of different sectors, Section 2 of each plan will allocate employment land to ensure that provision is made within the ranges set out in the table below.

Hectares of employment land required for office, research & development, industrial, storage and distribution uses:

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

Infrastructure and Connectivity

6 Infrastructure and Connectivity

6.1 A coordinated and integrated approach to infrastructure planning and delivery is required to implement the vision for North Essex. Provision of appropriate and timely infrastructure to support growth will be central to the area's continuing prosperity, attractiveness and sustainability. Section 1 of the Local Plan highlights strategic and cross-boundary infrastructure, identifying the strategic transport infrastructure projects required to underpin delivery of the planned growth in the area including the proposed Garden Community, and sets priorities for other infrastructure requirements such as education, healthcare, digital connectivity, water supply and wastewater infrastructure and treatment. Section 2 of the Local Plan contains the infrastructure requirements for allocations made in that section of the plan. The Infrastructure Delivery Plan (IDP) provides the phasing and costing of infrastructure requirements for the Garden Communities and the Section 2 allocations required within the plan period. The infrastructure planning process will include the identification of funding sources, and may include using appropriate mechanisms of shared public sector delivery financing mechanisms and the implementation of a strategic infrastructure tariff or other suitable mechanisms to apply across North Essex.

A Garden Communities

6.2 The challenge in the Garden Community will be to create a community in which people move in around in a different way to most of the existing towns in North Essex . Networks need to give priority to people for short everyday trips to link people to work, education, retail, leisure, creating an independent safe environment.

6.3 The new garden community will seek to manage travel demand, providing retailing, jobs, services and facilities within the site to help reduce the need to travel, and integrate and connect with the rest of North Essex and beyond through transport infrastructure and measures that promote sustainable travel patterns and reduce adverse impacts on the highway network. The North Essex Garden Communities Charter seeks to ensure that land use planning of the new community maximises the provision and use of sustainable transport internally and connects externally to key urban centres. Given the Charter's commitment to the timely delivery of infrastructure, policies SP8-9 will ensure that key transport projects align with housing and employment delivery.

6.4 To maximise the use of public transport new forms of high quality rapid transit networks will be provided to serve existing urban centres such as Colchester and Braintree; key destinations such as the University of Essex; and key transport interchanges in North Essex. To achieve the desired step change in sustainable transport, policy will require that this infrastructure will be funded and its delivery phased to align with the development phases.

B Transportation and Travel

6.5 North Essex is well placed in the context of connections by road, rail, air and sea to the wider region and beyond, and these connections will need to be strengthened as part of developing sustainable transport networks.

- 6.6** The challenge is to provide North Essex with a sustainable transport system that provides good access to jobs and services, to support economic growth. Growth promoted through the new Local Plans, particularly via large scale new developments where delivery will extend beyond the plan period, provides an opportunity to prioritise, facilitate and deliver larger scale transport infrastructure projects that can significantly improve connectivity across and within the area. A focus on sustainable transport in and around urban areas and the Garden Community will positively alter travel patterns and behaviour to reduce reliance on the private car.
- 6.7** The Local Plans seek to improve transport infrastructure to enable the efficient movement of people, goods and ensure that new development is accessible by sustainable forms of transport. Measures designed to encourage people to make sustainable travel choices such as better public transport provision, car clubs, electric vehicle charging points and provision of cycle links and foot ways will also be required to achieve such a change. It will also help to enhance air quality and improve health and well-being.
- 6.8** Braintree, Colchester and Tendring will continue to work closely with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to better integrate all forms of transport and improve roads and public transport and to promote cycling and walking. Key projects during the plan period will see improvements to the A12, A120, Great Eastern Main Line including rail services, and provision of rapid transit connections in the Garden Community and the adjacent urban areas. An integrated and sustainable transport system will be delivered that supports economic growth and helps deliver the best quality of life.

The Inter-Urban Road Network

- 6.9** The A12 is set to have major improvements as part of the Government's Roads Investment Strategy (RIS1 and RIS), with the aim of improving capacity and relieving congestion. The A12 is being widened between junction 19 (Chelmsford) and junction 25 (A120 interchange) to increase safety, improve journey time reliability, provide a benefit to the local road network, and in doing so support long term sustainable growth. Highways England (HE) has announced its preferred route between junction 19 and 23 (October 2019) and between junction 23 and 25 in August 2020. The A12 J19 to J25 widening scheme will go ahead as part of the Road Investment Strategy 2 (RIS2) programme, and is now a fully funded scheme. It is expected the route will be open for traffic in 2027 – 2028. RIS2 stated that the A12 scheme will need to take account of the evolving proposals for the A120 Braintree to A12 improvements, and any potential future road link to the improvements for the A120 will be incorporated into the A12 scheme.
- 6.10** The A120 is a key east-west corridor across Essex providing access to London Stansted Airport in the west to the Harwich ports in the east and serving the economies of Braintree, Colchester and Tendring, with links to Chelmsford via the A130.
- 6.11** Consultation on A120 route improvement options between Braintree and the A12 ended in March 2017. ECC has identified a favoured route which has been recommended to Highways England and the Department of Transport for inclusion in Road Investment Strategy 2 (RIS2), which is the next funding period for the strategic road network and will run from 2020 to 2025. In addition a series of short term interventions will be delivered along the route to improve safety and relieve congestion. The A120 from the A12 to Harwich is subject to a Highways England

Route Based Strategy and improvements to this section of road are expected over the plan period. ECC and Highways England have progressed work with regards a new and improved A120 between Braintree and the A12. The new A120 is necessary to help address the volume of existing A120 movements which by far exceeds the current standard of carriageway provision. The route will be instrumental in catering for growth in the corridor and will provide a better route for freight traffic, improve safety and relieve existing communities from a range of externalities such as through traffic, noise, severance and poor air quality. ECC has identified its favoured Route D which would join the A12 south of Kelvedon. In March 2020 the government announced its Road Investment Strategy (RIS2) which included a commitment to progressing further development work on the A120 dualling to prepare the scheme for delivery. The A120 dualling scheme will be considered for inclusion in the RIS3 programme (2025 – 2030), and is now considered a pipeline project to be progressed by Highways England.

Rail

- 6.12** The Anglia Route Study prepared by Network Rail (March 2016) shows that while capacity varies along the Great Eastern Main Line, capacity to accommodate growth is limited and is particularly constrained in peak times from Chelmsford to London. Improvements are required along the line to accommodate growth and provide a faster more competitive service across the region.
- 6.13** The Study identifies a package of improvements necessary to respond to the need for increased capacity, which are seen as priorities to enable growth, improve services and journey reliability.
- 6.14** A franchise was awarded to Greater Anglia for passenger services in the region which commenced in 2018 followed by the replacement of the entire fleet of trains to add capacity.

Public Transport, Walking and Cycling

- 6.15** Alternative forms of transport to the private car (public transport, walking, and cycling) to travel to work and other trips are essential in managing congestion and to accommodate sustainable growth. The levels of growth proposed in the Local Plans will require that the consequent need to travel is managed. Travel planning and smarter choices initiatives will be promoted to ensure that all residents have good access to local jobs, services and facilities, preferably by either walking or cycling. For longer trips and in rural areas where there are fewer local services and employment opportunities, public transport will be promoted.
- 6.16** Essex County Council prioritises passenger transport (bus, minibus, taxi and community transport) according to the 'Getting Around in Essex Strategy'. The County Council will work in partnership with stakeholders to improve bus services and their supporting infrastructure to provide a real alternative to the private car. This will be achieved by identifying opportunities for a better bus network (routes, frequency, community based services); integrating school and commercial bus networks; the implementation of travel planning (work, business, school and health); provision of digital information measures; provision of park and ride; and supporting the growth in key commuter and inter urban routes. Conventional local bus services, and in particular improving existing services, will be an important part of promoting sustainable travel across North Essex, and will complement the new high quality rapid transit network.

6.17 Through implementation of the Essex Cycling Strategy (2016), Cycling Action Plans have been prepared in all the NEAs to increase cycle levels; identify safety issues; identify gaps on key routes; identify ways of closing gaps; and create better cycle connectivity to key employment areas, development zones and schools. The provision of continuous cycle routes and a coherent cycle network will encourage people to make short trips by bicycle rather than by car.

Policies and Delivery Mechanisms for Sustainable Transport

6.18 Creating development that is accessible by different modes of transport, especially walking and cycling and the use of public transport is essential to promoting sustainable development as it reduces car dependency. An important policy tool to achieve this is a people orientated transport hierarchy i.e. prioritising walking and providing access for people with mobility impairment; cycling; public transport; cars (for occupiers on site and visitors); powered two wheelers; and commercial vehicles). The modal hierarchy will be used to ensure that if not all modes can be satisfactorily accommodated, those towards the top of the hierarchy are considered first and given greater priority.

6.19 Sustainable transport management will be based on promoting modes which minimise environmental impact and promote social inclusion. It is important that developments are well located in relation to existing walking, cycling and public transport networks, and where appropriate provide enhanced facilities, as this will ensure that there is the maximum potential to use these modes as attractive alternatives to cars.

C Social Infrastructure

Education

6.20 New development must provide for the educational needs of new communities and this is set out in more detail within the Infrastructure Delivery Plan. This will involve the expansion of existing schools where feasible and the construction of new schools, together with provision for special educational needs, early years and childcare places. Education requirements will need to be based on a strong understanding of future pupil numbers, with co-operation between county, district and borough councils. A range of educational opportunities will need to be addressed as part of a sustainable growth strategy, including practical vocational training, apprenticeships, and further and higher education.

6.21 New schools are an important place-making component of Garden Communities where early provision is usually critical in providing core social infrastructure to help a new community thrive, improve social integration and support the creation of sustainable travel patterns and a healthy environment.

Healthcare

6.22 Local authorities have a role in creating a healthy community. The North Essex authorities will work closely with relevant stakeholders such as the NHS, Public Health and local health partnerships, developers and communities to ensure that future development in North Essex takes into account the need to improve health and wellbeing of local residents (and workers) including access to appropriate health and care infrastructure to support new and growing

communities. Requirements are set out in more detail within the Infrastructure Delivery Plan. This will be particularly important given the ageing profile of existing and future residents. There is already a need for more and better quality health care facilities across North Essex with some areas having relatively poor access to health care facilities. The Garden Community will provide the conditions for a healthy community through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and which is accessible by walking and cycling and public transport. Support will be given to meet cross-boundary need for hospice facilities.

D Digital Connectivity

6.23 The NPPF indicates how high quality communications infrastructure is essential for economic growth and social well-being. The availability of high speed and reliable broadband, particularly in rural areas, is a key factor in unlocking new development opportunities and ensuring that people can access services online and work from home. The Government is committed to making gigabit-enabling connectivity available to all premises in the UK by 2025 and the Local Plan can contribute towards achieving this goal by requiring developers to ensure such technology is in place.

6.24 Fast broadband connections and telecommunications are an increasingly important requirement to serve all development. New development should contribute to the creation of a comprehensive and effective network in both urban and rural areas to promote economic competitiveness and to reduce the need to travel. The priority is to secure gigabit-enabling connectivity to all existing and new developments. Developers are encouraged to engage with communication network providers at the earliest opportunity. Where provision is possible preference is indicated for open-access infrastructure, enabling multiple service providers access to end users.

E Water Supply and Wastewater

6.25 The authorities will need to work with Anglian Water, Affinity Water, Environment Agency and developers to ensure sufficient capacity and provision of an adequate water supply and foul drainage and wastewater treatment to support growing communities as outlined in the Integrated Water Management Strategy and Infrastructure Delivery Plan. This will be particularly important as water supplies continue to be threatened by climate change and pressures from continuing growth and development. Water provisions need to be protected and it is essential for adequate water and wastewater infrastructure to be in place to accommodate the demands of growth and development in accordance with the Water Framework Directive and the Habitats Directive. The new Garden Community has the opportunity to minimise demand and wastewater generation, through exploring opportunities at both the strategic and local level.

Policy SP 6

Infrastructure & Connectivity

All development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development.

The requirements in section A of this policy apply only to the Tendring / Colchester Borders Garden Community, whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Authorities area.

A. Tendring / Colchester Borders Garden Community

1. The Development Plan Document (DPD) for the Tendring / Colchester Borders Garden Community will include:

- a) An infrastructure delivery strategy and phasing plan that sets out how infrastructure, services and facilities will be provided. Infrastructure delivery will align with each development phase and be supported by suitable mechanisms to deliver the infrastructure both on and off-site;
- b) Details of the design and delivery of Route 1 of the rapid transit system, and a programme for the integration of the garden community into the system. The route will be designed to accommodate future route enhancements and technology improvements; and
- c) Target modal shares for each transport mode and details of sustainable transport measures to support their achievement.

2. Before any planning approval is granted for development forming part of the Tendring / Colchester Borders Garden Community, the following strategic transport infrastructure must have secured planning consent and funding approval:

- a) A120-A133 link road: and
- b) Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).

3. Sustainable transport measures will be provided from first occupation at the Tendring / Colchester Borders Garden Community to support the achievement of the target modal shares as defined in the DPD for the garden community.

4. Other strategic infrastructure requirements for the Tendring / Colchester Borders Garden Community are set out in sections D, E and F of Policy SP9, and will be further defined in the DPD for the garden community.

B. Transportation and Travel

The local planning 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;
- Improved urban and inter-urban public transport, and new and innovative ways of providing public transport, including:
 - high quality rapid transit networks and connections in and around urban areas with links to the new garden community;
 - 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, reliability and punctuality, and reduced overall journey times by rail;
- New and improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120 and A133, specifically:
 - Improved access to and capacity of junctions on the A12 and other main roads;
 - A dualled A120 from Braintree to the A12.
- 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.

C. Social Infrastructure

The local planning authorities will work with relevant providers and developers to facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable.

Education

- Sufficient school places will be provided in the form of expanded or new primary and secondary schools together with early years and childcare facilities that are phased with new development, with larger developments setting aside land and/or contributing to the cost of delivering land for new schools where required.
- Practical vocational training, apprenticeships, and further and higher education will be provided and supported.

Health and Wellbeing

- Healthcare infrastructure will be provided as part of new developments of appropriate scale in the form of expanded or new facilities including primary and acute care; pharmacies; dental surgeries; opticians; supporting community services including hospices, treatment and counselling centres.
- Require new development to maximise its positive contribution in creating healthy communities and minimise its negative health impacts, both in avoidance and mitigation, as far as is practicable.
- The conditions for a healthy community will be provided through the pattern of development, good urban design, access to local services and facilities; green open space and safe places for active play and food growing, and which are all accessible by walking, cycling and public transport.

D. Digital Connectivity

Comprehensive digital access to support business and community activity will be delivered through the roll-out of ultrafast broadband across North Essex to secure the earliest availability of full fibre connections for all existing and new developments (residential and non-residential). All new properties will allow for the provision for ultrafast broadband in order to allow connection to that network as and when it is made available.

E. Water & Waste water

The local planning authorities will work with Anglian Water, Affinity Water, the Environment Agency and developers to ensure that there is sufficient capacity in the water supply and waste water infrastructure to serve new development. Where necessary, improvements to water infrastructure, waste water treatment and off-site drainage should be made ahead of the occupation of dwellings to ensure compliance with environmental legislation.



Creating Quality Places

7 Creating Quality Places

- 7.1** The North Essex area has a great variety of natural environments, and wonderful towns and villages. It is critical that new development must incorporate high standards of place-making along with urban and architectural design to respect the character of these environments. Major new developments will be planned carefully with the use of masterplans and design codes where appropriate.
- 7.2** Networks of green and blue infrastructure should be provided across new developments, linking new developments within existing networks of open space. These areas can be multi use, providing space for natural species and habitats as well as space for informal recreation, walking, cycling and equestrian links.
- 7.3** This requirement for high design standards will apply across all scales of new development as well as to infrastructure projects. Enhancements to the public realm, landscaping measures and attention to architectural detail will be important features that the authorities will wish to see included in new developments. Strategic scale and more local green infrastructure can make a vital contribution to quality of place, biodiversity gains, alleviating recreational pressure, and health outcomes if properly integrated into the design and delivery of new development. The Defra biodiversity accounting metric 2.0, or future iterations of this, can be used to accurately assess habitat impacts. Sustainable Drainage Systems (SuDS) provide abundant opportunities to introduce wildflower strips and soft landscaping to a development or urban area. This not only brings an attractive feature to the area for people but acts as a wildlife corridor, connecting the rivers, ditches, hedges, verges and gardens, allowing movement of wildlife throughout an area, connecting to the wider environment and therefore greatly enhancing the biodiversity value of the site.

Policy SP 7

Place Shaping Principles

All new development must meet high standards of urban and architectural design. Development frameworks, masterplans, design codes, and other design guidance documents will be prepared in consultation with stakeholders where they are needed to support this objective.

All new development should reflect the following place shaping principles, where applicable:

- Respond positively to local character and context to preserve and enhance the quality of existing places and their environs;
- Provide buildings that exhibit individual architectural quality within well-considered public and private realms;
- Protect and enhance assets of historical or natural value;
- Incorporate biodiversity creation and enhancement measures:
- Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car;
- Provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods;
- Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;
- Provide streets and spaces that are overlooked and active and promote inclusive access;
- Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall;
- Provide an integrated and connected network of biodiverse public open space and green and blue infrastructure, thereby helping to alleviate recreational pressure on designated sites;
- Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and
- Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.



Cross Boundary Garden Communities

8 Cross Boundary Garden Communities

- 8.1** A key element of the spatial growth strategy for North Essex is the development of a new sustainable garden community.
- 8.2** Garden communities were amongst a range of options which were considered by the local authorities to deliver their housing and employment needs. A number of sites of sufficient scale to accommodate a garden community were identified through the Call for Sites, the Strategic Land Availability Assessment (SLAA) and wider evidence gathering processes by each of the local authorities. All these options were evaluated and the assessments can be seen as part of the Sustainability Appraisal.
- 8.3** An Appropriate Assessment has also been completed to consider the effects of proposals in Section 1 on the integrity of the European sites either alone or in combination with other plans and projects. At the Screening Stage the likely significant effects on European Sites, either alone or in combination with other plan and projects, were loss of offsite habitat, recreational impacts and water quality. These issues were further considered through the Appropriate Assessment.
- Loss of off-site habitat - To mitigate for the loss of off-site habitat, the Appropriate Assessment identified the need for wintering bird surveys for the Tendring Colchester Borders Garden Community as part of any project level development proposals and masterplanning, to determine the sites individual importance for golden plover and lapwing and inform mitigation proposals. Depending on the findings of the wintering bird surveys, development may need to be phased to take into account the cumulative numbers of SPA birds. In the unlikely but possible event that cumulative numbers of SPA birds affected are likely to exceed the threshold of significance (i.e >1% of the associated European Site), appropriate mitigation in the form of habitat creation and management in perpetuity, either on-site or through provision of strategic sites for these species elsewhere, will be required. Where that mitigation requires the creation and management of suitably located habitat, feeding productivity for these SPA species should be maximised, and such mitigatory habitat would need to be provided and fully functional prior to development which would affect significant numbers of SPA birds.
 - Recreational Impacts - To mitigate for any increase in recreational pressures at the European sites, the Appropriate Assessment recommended the production for Recreational Avoidance and Mitigation Strategies (RAMS) for the Colne & Blackwater, Stour and Orwell SPAS/Ramsar sites and Essex Estuaries SAC.
 - Water quality – To ensure that the water quality of the European Sites are not adversely affected by growth proposals in Section 1, the Appropriate Assessment recommended the inclusion of policy safeguards to ensure that adequate water treatment capacity exists prior

to developments proceeding and a commitment that the phasing of development would not exceed water and sewage infrastructure capacity and that the necessary infrastructure upgrades would be in place prior to developments coming forward.

- The three authorities are committed to implementing the recommendations in the Section 1 Appropriate Assessment and these will be further progressed through the Strategic Growth DPDs.

- 8.4** Due to the scale of development proposed across North Essex and the infrastructure constraints which exist in many of the existing main settlements, new garden communities were considered the most deliverable and sustainable option, providing a major long-term supply of new homes if they could be delivered to the right standards at the right time. Locations for three new garden communities were selected based on the evidence gathered and assessments undertaken.
- 8.5** These new communities will accommodate a substantial amount of the housing and employment growth planned for North Essex within the plan period and beyond in a sustainable way that meets the vision and strategic objectives, and provides a quality of development and community that would not occur in the absence of a holistic approach to planning and delivery. In the absence of commitment and a policy framework that secures the principles of garden communities development in the identified locations would not be acceptable. Other options for meeting the growth would have to be considered.
- 8.6** The North Essex Garden Community will be a planned new settlements that respond directly to their regional, local and individual site context and opportunities to create developments underpinned by a series of interrelated principles which are based on the Town and Country Planning Association (TCPA) Garden City Principles, adapted for the specific North Essex context as set out in the North Essex Garden Communities Charter.
- 8.7** The Garden Community is located within a Minerals Safeguarding Area. In line with the Essex Minerals Local Plan, the Mineral Planning Authority requires a Minerals Resource Assessment to be undertaken to assess if the sites contain a minerals resource that would require extraction prior to development. Should the viability of extraction be proven, the mineral shall be worked in accordance with the phased delivery of the non-mineral development.

Policy SP 8

Development & Delivery of New Garden Communities in North Essex

The following new garden community is proposed at the broad location shown on Map 10.2.

Tendring/Colchester Borders, a new garden community which will deliver between 2,200 and 2,500 homes, 7 hectares of employment land and provision for Gypsies and Travellers within the Plan period (as part of an expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033).

The garden community will be holistically and comprehensively planned 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. It will be comprehensively planned from the outset, with delivery phased to achieve the whole development, and will be underpinned by a comprehensive package of infrastructure.

A Development Plan Document (DPD) will be prepared for the garden community, containing policies setting out how the new community will be designed, developed and delivered in phases, in accordance with the principles in paragraphs i-xiv below. No planning consent for development forming part of the garden community will be granted until the DPD has been adopted. All development forming part of the garden community will comply with these principles.

- i. Community and stakeholder participation in the design and delivery of the garden community from the outset and a long-term community engagement and activation strategy
- ii. The public sector working pro-actively and collaboratively with the private sector to design, and bring forward the garden community, deploying new models of delivery where appropriate and ensuring that the cost of achieving the following is borne by landowners and those promoting the developments: (a) securing a high-quality of place-making, (b) ensuring the timely delivery of both on-site and off-site infrastructure required to address the impact of the new community, and (c) providing and funding a mechanism for future stewardship, management, maintenance and renewal of community infrastructure and assets. Where appropriate, developers will be expected to contribute towards publicly-funded infrastructure, including a contribution towards the A120-A133 link road. Given the scale of and time period for development of the new garden community, the appropriate model of delivery will need to secure a comprehensive approach to delivery in order to achieve the outcomes outlined in points (a) - (c) in this paragraph, avoid a piecemeal approach to development, provide the funding and phasing of both development and infrastructure, and be sustainable and accountable in the long term.
- iii. Promotion and execution of the highest quality of planning, design and management of the built and public realm so that the Garden Community is characterised as a distinctive place that capitalises on local assets, respects its context, and establishes an environment that promotes health, happiness and well-being.
- iv. Sequencing of development and infrastructure provision (both on-site and off-site) to ensure that the latter is provided ahead of or in tandem with the development it supports to address

- the impacts of the new garden community, meet the needs of its residents and establish sustainable travel patterns. To ensure new development does not have an adverse effect on any European Protected or nationally important sites and complies with environmental legislation (notably the Water Framework Directive and the Habitats Directive), the required waste water treatment capacity must be available ahead of the occupation of dwellings.
- v. Development that provides for a truly balanced and inclusive community and meets the housing needs of local people including a mix of dwelling sizes, tenures and types, provision for self- and custom-built homes, provision for the aging population; and provision for Gypsies and Travellers; and that meets the requirements of those most in need including the provision of 30% affordable housing in the garden community.
 - vi. Provide and promote opportunities for employment within the new community and within sustainable commuting distance of it
 - vii. Plan the new community around 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
 - viii. Structure the new community to create sociable, vibrant and walkable neighbourhoods with equality of access for all to a range of community services and facilities including health, education, retail, culture, community meeting spaces, multi-functional open space, sports and leisure facilities
 - ix. Develop specific garden community parking approaches and standards that help promote the use of sustainable transport and make efficient use of land.
 - x. Create distinctive environments which are based on comprehensive assessments of the surrounding environment and that celebrate natural and historic environments and systems, utilise a multi-functional green-grid to create significant networks of new green infrastructure including a new country park at the garden community, provide a high degree of connectivity to existing corridors and networks and enhance biodiversity
 - xi. Secure a smart and sustainable approach that fosters climate resilience and a 21st century environment in the design and construction of the garden community to secure net gains in local biodiversity, highest standards of energy efficiency and innovation in technology to reduce the impact of climate change, the incorporation of innovative water efficiency/re-use measures (with the aim of being water neutral in areas of serious water stress), and sustainable waste and mineral management
 - xii. Ensure that the costs and benefits of developing a garden community are shared by all landowners, with appropriate measures being put in place to equalise the costs and land contributions
 - xiii. Consideration of potential on-site mineral resources through a Minerals Resource Assessment as required by the Minerals Planning Authority.
 - xiv. Establishment at an early stage in the development of the garden community, of appropriate and sustainable long-term governance and stewardship arrangements for community assets including green space, public realm areas and community and other relevant facilities; such arrangements to be funded by the development and include community representation to ensure residents have a stake in the long term development, stewardship and management of their community.

Policy SP 9

Tendring/Colchester Borders Garden Community

The Development Plan Document (DPD) required for the Tendring / Colchester Borders Garden Community by Policy SP7 will define the boundary of the new community and the amount of development it will contain. The adoption of the DPD will be contingent on the completion of a Heritage Impact Assessment carried out in accordance with Historic England guidance. The Heritage Impact Assessment will assess the impact of proposed allocations upon the historic environment, inform the appropriate extent and capacity of the development and establish any mitigation measures necessary. The DPD will be produced in consultation with the local community and stakeholders and will include a concept plan showing the disposition and quantity of future land-uses, and give a three dimensional indication of the urban design and landscape parameters which will be incorporated into any future planning applications; together with a phasing and implementation strategy which sets out how the rate of development will be linked to the provision of the necessary social, physical and environmental infrastructure to ensure that the respective phases of the development do not come forward until the necessary infrastructure has been secured. The DPD and any application for planning permission for development forming part of the garden community must be consistent with the requirements set out in this policy.

For the Plan period up to 2033, housing delivery from the garden community, irrespective of its actual location, will be distributed equally between Colchester Borough Council and Tendring District Council. If, after taking into account its share of delivery from the garden community, either of those authorities has a shortfall in delivery against the housing requirement for its area, it will need to make up the shortfall within its own area. It may not use the other authority's share of delivery from the garden community to make up the shortfall.

The DPD and any planning application will address the following principles and requirements in the design, development and delivery of the new garden community:

A. Place-Making and Design Quality

1. The development of a new garden community to high standards of design and layout drawing on its context and the considerable assets within its boundaries such as woodland, streams and changes in topography, as well as the opportunities afforded by the proximity of the University of Essex campus to create a new garden community that is innovative, contemporary and technologically enabled, set within a strong green framework with new neighbourhood centres at its heart. It will be designed and developed to have its own identity and be as self-sustaining as possible recognising its location close to the edge of Colchester. It will secure appropriate integration with Colchester and the nearby University of Essex campus by the provision of suitable walking and cycling links and rapid public transport systems and connections to enable residents of the new community to have convenient access to town centre services and facilities in Colchester as well as Elmstead Market. Clear separation will be maintained between the new garden community and the nearby villages of Elmstead Market and Wivenhoe. Safeguarding the important green edge to Colchester

will be essential with a new country park provided along the Salary Brook corridor and incorporating Churn Wood.

2. Detailed masterplans and design guidance, based on a robust assessment of historic and natural environmental constraints and opportunities for enhancement, will be adopted to inform and guide development proposals and planning applications for the garden community.

B. Housing

3. A mix of housing types and tenures including self- and custom-build and starter homes will be provided on the site, including a minimum of 30% affordable housing. The affordable housing will be phased through the development;
4. New residential development will seek to achieve appropriate densities which reflect both context, place-making aspirations and opportunities for increased levels of development around neighbourhood centres and transport hubs.

C. Employment and Jobs

5. The garden community will make provision for a wide range of jobs, skills and training opportunities. The DPD will allocate about 25 hectares of B use employment land within the garden community. This may include provision for office, research & development, light industrial and/or other employment generating uses towards the south of the site in proximity to the existing University of Essex and Knowledge Gateway and provision for office, research & development, industrial, storage and distribution uses towards the north of the site close to the A120;
6. High speed and reliable broadband will be provided and homes will include specific spaces to enable working from home

D. Transportation

7. A package of measures will be introduced to encourage smarter transport choices to meet the needs of the new community and to maximise the opportunities for sustainable travel. Policy SP5 requires planning consent and full funding approval for the A120-A133 link road and Route 1 of the rapid transit system to have been secured before planning approval is granted for any development at the garden community. Additional transport priorities include the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to access and to access the adjoining areas; park and ride facilities and other effective integrated measures to mitigate the transport impacts of the proposed development on the strategic and local road network. Longer term transport interventions will need to be carefully designed to minimise the impacts on the strategic and local transport network and fully mitigate any environmental or traffic impacts arising from the development.
8. Foot and cycle ways shall be provided throughout the development and connecting with the surrounding urban areas and countryside, including seamlessly linking key development areas to the University of Essex, Hythe station and Colchester Town Centre;

9. Primary vehicular access to the site will be provided off the A120 and A133. Any other road improvements required to meet needs arising from the garden community will be set out in the DPD and further defined as part of the masterplanning process.
10. Other specific transport-related infrastructure requirements identified through the Strategic Growth Development Plan Document and masterplans for this garden community will be delivered in a phased manner.

E. Community Infrastructure

11. District and neighbourhood centres of an appropriate scale will be provided to serve the proposed development. The centres will be located where they will be easily accessible by walking, cycling and public transit to the majority of residents in the garden community.
12. Community meeting places will be provided within the local centres.
13. Increased primary healthcare capacity will be provided to serve the new development as appropriate. This may be by means of new infrastructure or improvement, reconfiguration, extension or relocation of existing medical facilities.
14. A secondary school, primary schools and early-years facilities will be provided to serve the new development;
15. A network of multi-functional green infrastructure will be provided within the garden community incorporating key elements of the existing green assets within the site. It will include community parks, allotments, a new country park, the provision of sports areas with associated facilities; and play facilities;
16. Indoor leisure and sports facilities will be provided with the new community, or contributions made to the improvement of off-site leisure facilities to serve the new development

F. Other Requirements

17. The delivery of smart, innovative and sustainable water efficiency/re-use solutions that fosters climate resilience and a 21st century approach towards water supply, water and waste water treatment and flood risk management. Taking a strategic approach to flood risk through the use of Strategic Flood Risk Assessments and the updated Climate Projections 2019 and identifying opportunities for Natural Flood Risk Management. Provision of improvements to waste water treatment plant including an upgrade to the Colchester Waste Water Treatment Plant and off-site drainage improvements aligned with the phasing of the development within the plan period and that proposed post 2033. To ensure new development does not have an adverse effect on any European Protected or nationally important site and complies with environmental legislation (notably the Water Framework Directive and the Habitats Directive), the required waste water treatment capacity must be available ahead of the occupation of dwellings.
18. Landscape buffers between the site and existing development in Colchester, Wivenhoe and Elmstead Market;
19. Conserve and where appropriate enhance the significance of heritage assets (including any contribution made by their settings) both within and surrounding the site. Designated heritage assets within the garden community area include Grade II listed Allen's Farmhouse, Ivy Cottage, Lamberts, and three buildings at Hill farmhouse. Designated heritage assets nearby include the grade I listed Church of St Anne and St Lawrence, grade II* listed Wivenhoe

House, Elmstead Hall and Spring Valley Mill and numerous grade II listed buildings as well as the grade II listed Wivenhoe Registered Park and Garden. Harm to the significance of a designated heritage asset should be avoided in the first instance.

20. Avoidance, protection and/or enhancement of biodiversity assets within and surrounding the site; including Bullock Wood SSSI, Ardleigh Gravel Pits SSSI, Wivenhoe Pits SSSI and Upper Colne Marshes SSSI and relevant European protected sites. Contributions will be secured towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy. Wintering bird surveys will be undertaken at the appropriate time of year as part of the DPD preparation to identify any offsite functional habitat. Should any be identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.
21. Provision of appropriate buffers along strategic road and rail infrastructure to protect new development
22. Provision of appropriate design and infrastructure that incorporates the highest standards of innovation in energy efficiency and technology to reduce impact of climate change, water efficiency (with the aim of being water neutral in areas of serious water stress), and sustainable waste / recycling management facilities.
23. Measures to support the development of the new community including provision of community development support workers (or other provision) for a minimum of ten years from initial occupation of the first homes and appropriate community governance structures
24. Establishment at an early stage in the development of the garden community, of appropriate and sustainable long-term governance and stewardship arrangements for community assets including green space, public realm areas and community and other relevant facilities; such arrangements to be funded by the development and include community representation to ensure residents have a stake in the long term development, stewardship and management of their community.
25. Allocation of additional land within the garden community, to accommodate University expansion, which is at least equivalent in size to the allocation in the Colchester Local Development Framework Site Allocations document October 2010.



Delivery, Implementation & Monitoring

9 Delivery, Implementation & Monitoring

- 9.1** The North Essex authorities will work together to deliver cross-authority strategic proposals contained in section 1 of their plans, including the garden community. This entails consideration of appropriate models for the governance, funding and comprehensive delivery of these innovative large scale and long term growth projects in line with the principles set out in policy SP7. In view of the scale and long term nature of the proposed garden communities, the authorities intend to have a significant role in how the communities are phased and delivered and to ensure that the infrastructure and other supporting measures to support the residents of the new communities are delivered in advance of or at the same time as new homes. This should also help ensure delivery throughout different economic cycles.
- 9.2** The North Essex authorities will monitor these section 1 policies to ensure that they are effective and delivering the intended outcomes, including their collective implications for the area as a whole. Monitoring of Part 1 objectives and outcomes as outlined in the table below will be assessed regularly by the authorities in their annual Authority Monitoring Reports (AMR), in addition to the monitoring of the individual Part 2 of each Local Plan. It should be noted that where there is an unacceptable delay in delivery of development and/or infrastructure occurs, the local authorities will use mechanisms and powers including establishing locally-led Development Corporations and the use of Compulsory Purchase Orders, to intervene.

9.3 Table 1: Monitoring Requirements for Section 1

Part One Objectives	Part One Policies	Targets	Key Indicators in Authority Monitoring Reports
Providing sufficient new homes	SP1 Presumption in favour of Sustainable Development	Delivery of new development in accordance with the Development Plan	Record of planning decisions including appeals
Fostering economic development	SP2 Recreational Disturbance Avoidance and Mitigation Strategy	Secure contributions from development towards mitigation measures for the loss of off-site habitat	Monitor levels of mitigation contributions received
Providing new and improved infrastructure	SP3 Spatial Strategy for North Essex	Deliver a new Garden Community as the most sustainable options for large scale, long term growth	Local authority agreement and delivery of governance, community involvement, stewardship arrangements and funding arrangements for the new Garden Community
Addressing education and healthcare needs	SP4 Meeting Housing Needs	Deliver new housing in line with spatial strategy and Objectively Assessed Need targets	Market and affordable housing completions per annum (net)
Ensuring high quality outcomes	SP5 Employment	Deliver new employment land in line with spatial strategy and evidence base targets	Amount of floorspace development for employment and leisure by type

Part One Objectives	Part One Policies	Targets	Key Indicators in Authority Monitoring Reports
	SP6 Infrastructure and Connectivity	<p>Delivery of identified infrastructure schemes including transport, education, community, healthcare, green/blue infrastructure and environmental protection</p> <p>Increase modal share of non-motorised transport</p>	<p>Identify and monitor progress of strategic infrastructure projects</p> <p>Monitor modal splits and self-containment via Census and measure traffic levels on key routes</p>
	SP7 Place Shaping Principles	<p>Approved DPDs, masterplans & other planning & design guidance prior to the commencement of development of the new Garden Community. Deliver communities that are sensitively integrated into the existing historic built and natural environment</p>	<p>Monitor availability of DPDs and other planning guidance relative to the submission & determination of planning applications for the development it relates to. Planning permissions granted without objection from relevant statutory consultees and local authority specialist advisors</p>
	SP8 Development and Delivery of a New Garden Community in North Essex	<p>Development and delivery of a new Garden Community</p>	<p>Local authority agreement and delivery of governance, community involvement, stewardship arrangements and funding arrangements for new Garden Community</p>

Part One Objectives	Part One Policies	Targets	Key Indicators in Authority Monitoring Reports
	SP9 Tendring/Colchester Borders Garden Community	Deliver a sustainable new community in accordance with guidance as adopted	Delivery rates of all development including supporting infrastructure as documented in housing trajectories and other monitoring data

Monitoring Requirements for Section 1



Appendices & Maps

10 Appendices & Maps

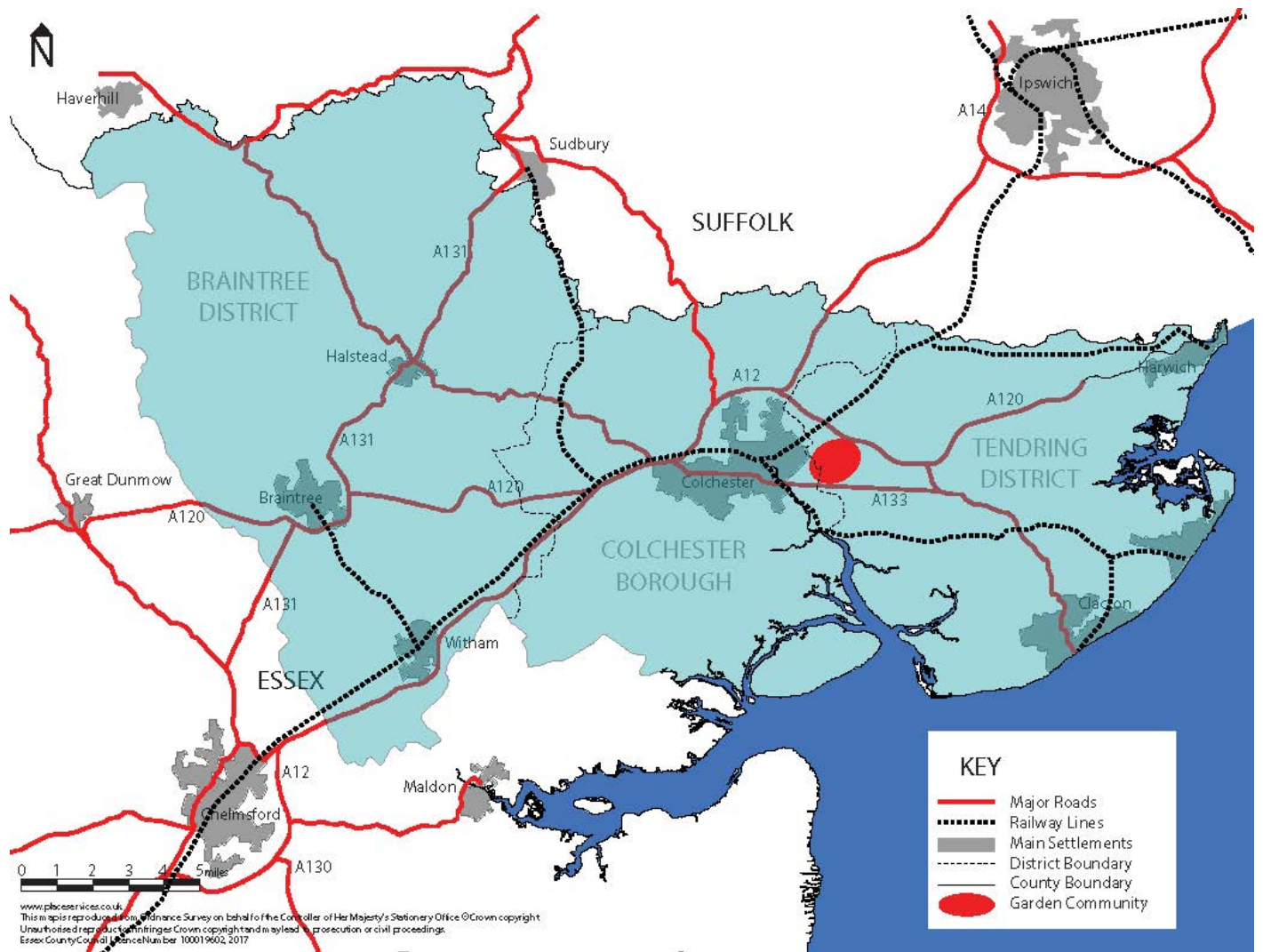
Appendix A: List of policies superseded by Section 1 of the Plan

Section 1 Local Plan Policy		Policies superseded by the Section 1 Local Plan Policy		
Policy Number	Policy Title	Braintree District Council 2011 Core Strategy	Colchester Borough Council Adopted Core Strategy 2014 Focused Review	Tendring District Council Adopted 2007 Local Plan
SP1	Presumption in Favour of Sustainable Development	-	-	-
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	-	-	-
SP3	Spatial Strategy for North Essex	CS1	H1	QL1
SP4	Meeting Housing Needs	CS3	H1	HG1
SP5	Providing for Employment	CS4	CE1	QL4
SP6	Infrastructure and Connectivity	CS11	SD2	-
SP7	Place Shaping Principles	CS9	-	QL8 / QL9 / QL10 / QL11 (in part)
SP8	Development and Delivery of New Garden Communities in North Essex	-	-	-
SP9	Tendring / Colchester Borders Garden Community	-	-	-

Appendix B: Recreational Pressures at Essex/Suffolk European Sites

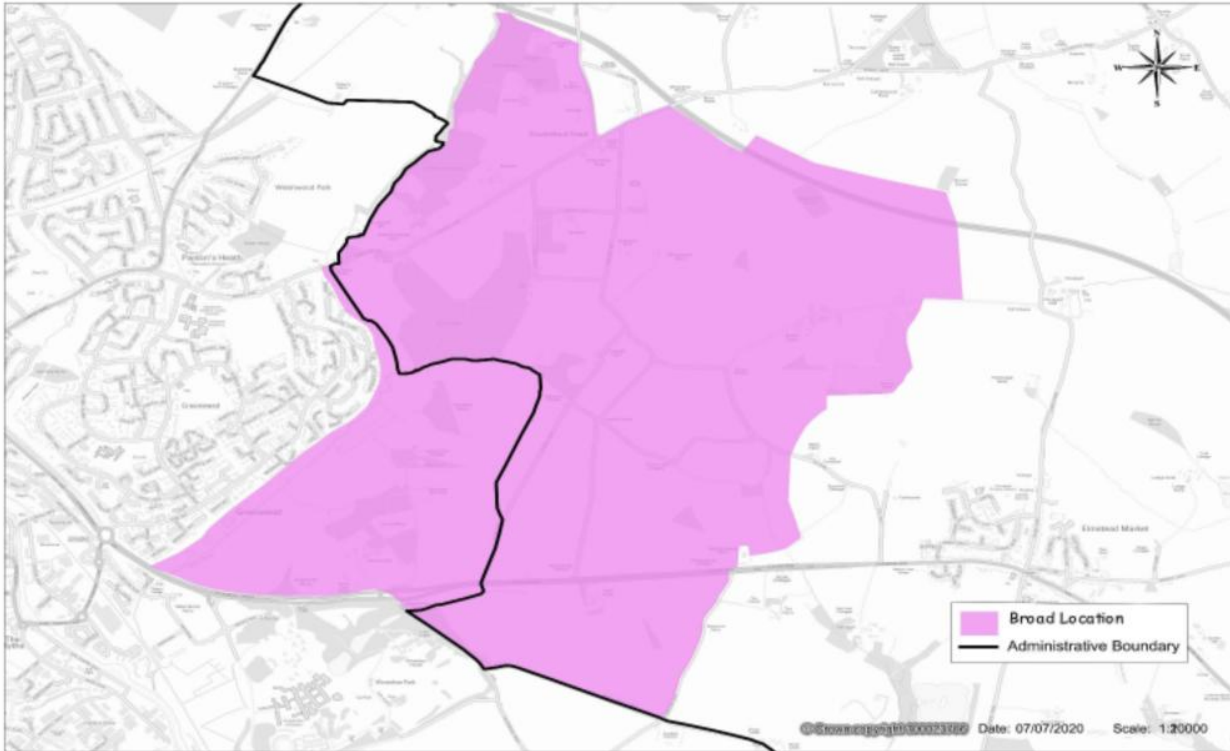
European site	Recreational Pressure
Abberton Reservoir SPA/Ramsar	Recreational disturbance not a threat at this
Blackwater Estuary SPA/Ramsar	The key threat to this site relates primarily to disturbance of water birds from people and dogs, in addition to water sports such as use of jet skis and motorboats.
Colne Estuary SPA/Ramsar	The key threat to this site relates primarily to disturbance of water birds from people and dogs, in addition to water sports such as use of jet skis and motorboats.
Hamford Water SPA/Ramsar	The key recreational threat identified at the screening stage relates primarily to disturbance of water birds from people and dogs in addition to water sports such as use of jet skis and motorboats.
Stour and Orwell Estuaries SPA/Ramsar	Breeding and overwintering waterbirds are susceptible to human disturbance from a range of land and water-based activities, including boating and watersports; walking; bait-digging; fishing; wildfowling, and military overflight training. Some activities, such as powerboating, may produce physical disturbance to habitats.
Essex Estuaries SAC	The SAC is vulnerable to physical damage which can be caused by trampling and erosion associated with terrestrial recreation and wave damage caused by water based recreation. The SAC is also vulnerable to the effects of other negative factors associated with recreation such as littering, fire and vandalism

Recreational Pressures at Essex/Suffolk European Sites



10.1 Key Diagram

Tendring Colchester Borders Garden Community – Broad Location



10.2 Tendring Colchester Borders Garden Community - Broad Location

Tendring
District Council



COUNCIL

26 JANUARY 2021

REPORT OF CHIEF EXECUTIVE

A.2 **CHANGE IN LEADERSHIP OF A POLITICAL GROUP**

(Report prepared by Ian Ford)

I formally advise Council that, on 26 November 2020, Councillors K T King and Colin Winfield served notice on the Council that, with effect from 23 November 2020 and pursuant to Regulation 8(5) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Winfield was henceforth to be treated as the Group Leader of the Holland-on-Sea political group and further that Councillor King was henceforth to be treated as the Deputy Group Leader of the Holland-on-Sea political group.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

26 JANUARY 2021

**BACKGROUND PAPERS LIST FOR
REPORT OF CHIEF EXECUTIVE**

A.2 CHANGE IN LEADERSHIP OF A POLITICAL GROUP

Notice of Change of Group Leader and Deputy Group Leader (Holland-on-Sea) authorised by Councillors King and Winfield and dated 23 November 2020.

COUNCIL

26 JANUARY 2021

REPORT OF CHIEF EXECUTIVE

A.3 **MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leader of the Holland-on-Sea Group and the authority delegated to me, the following appointments have been duly made since the last ordinary meeting of the Council -

Human Resources & Council Tax Committee

Councillor King has been appointed to serve in place of the late Councillor Broderick.

Planning Policy & Local Plan Committee

Councillor Winfield has been appointed to serve in place of the late Councillor Broderick.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

26 JANUARY 2021

**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.3 MEMBERSHIP OF COMMITTEES ETC.

Formal appointment dated 26 November 2020.

By virtue of paragraph(s) 2, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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