

WEST TEY

**Representations to the Braintree, Colchester and Tendring
Technical Section 1 Examination Consultation**

**SUBMITTED ON BEHALF OF L&Q, CIRRUS LAND LIMITED, AND
GATEWAY 120**

September 2019

Contents

1 Introduction and Exec Summary..... 5

2 Suggested Amendments to Section 1 Local Plan..... 9

3 Sustainability Appraisal 22

4 Infrastructure Planning, Phasing, Costs and Delivery..... 24

5 Modal Share and Rapid Transit System 28

6 Viability Assessment Update 33

7 Build out Rates 34

8 Delivery Mechanisms 36

9 Examination in Public 38

APPENDICES

Appendix A – Phased Delivery Design Brochure

Appendix B – Highways Assessment

Appendix C – Infrastructure Delivery Plan

1 INTRODUCTION AND EXEC SUMMARY

- 1.1 These representations have been prepared by Carter Jonas LLP on behalf of L&Q, Cirrus Land Limited, and Gateway 120, who together form the West Tey Partners behind the majority landholdings within the Colchester Braintree Borders Garden Community (CBBGC) to provide representations to Braintree District Council, Colchester Borough Council and Tendring District Council ('the NEAs' or 'the Councils') Technical Section 1 Examination Consultation.
- 1.2 The West Tey Delivery Partners have been involved throughout the preparation of the new Local Plan, providing duly made representations to each stage of plan-making as well as participating throughout the Examination to-date. Prior to this, G120 has promoted the development potential of the area at 'West Tey' for a new community capable of facilitating and justifying the improvement and upgrade of the A120 for over 20 years. Throughout the promotion the desire to create a sustainable place to live, work and play has been consistent. The West Tey Delivery Partners remain committed to working with the NEAs and 'North Essex Garden Communities Ltd' (NEGC) to see the delivery of a comprehensively planned new garden community at West Tey.
- 1.3 The NEAs have clearly digested and appreciate the significance of the Inspector's letter (Ref: IED011), dated 8 June 2018. The NEAs have taken time to address the deficiencies in the shared Section 1 Local Plan policy wording and evidence supporting this. It is evident by the time taken and length of documentation produced that the NEAs have been diligent in the production of further evidence to support the Section 1 Local Plan including the garden community proposals.
- 1.4 The progression of three garden communities across the three local authorities (broadly equating to one in each) remains the most appropriate strategy to deliver the long term development needs across north Essex.
- 1.5 The ambition of the Councils is commended and is realistic. It reflects that of numerous local authorities¹ across the country who are seeking to enact Government's garden community programme. The aspiration to provide 43,000 homes across three local authority areas broadly equates to an average just over 14,000 dwellings per local authority. The garden communities that the NEAs wish to deliver is in line with the most recent² support for five new garden towns that would provide up to 64,000 dwellings, or 12,800 dwellings per local authority.
- 1.6 We respectfully disagree with the Inspector's comments at paragraph 132 of his 8 June letter that coordinating the delivery of three garden communities will raise difficulty. The projects will be

¹ MHCLG has committed support to 28 garden community schemes including 12 garden towns (10,000+ dwellings).

² <https://www.gov.uk/government/news/37-million-to-fund-5-new-garden-towns-across-the-country>

coordinated across three local authorities, in addition to Essex County Council (ECC) and clear committed support from central Government. Furthermore, in the case of West Tey there is a clear commitment from the private sector³ to play the leading role on the delivery of the site. L&Q houses around 250,000 people in more than 95,000 homes, and last year completed 2,874 new homes and started on site on an additional 6,428 homes. L&Q's development pipeline now stands at 50,400, with 16,000 new homes already on site. In addition, L&Q currently controls land capable of delivering another 46,500 homes, bringing the total number of plots under L&Q's control to 96,900.

- 1.7 L&Q has the expertise and infrastructure in place to provide a leading role in coordinating the planning and delivery of the site, a track record of strategic site delivery incorporating long term stewardship, and has developed a dedicated and productive relationship with the NEAs and NEGC.
- 1.8 The garden communities programme remains a key Government policy drive to build the homes this country needs at pace, in a form that can deliver comprehensively planned infrastructure in conjunction with new housing, whilst providing the flexibility to accommodate new technology and changes to ways of life.
- 1.9 It is important to remember that the Section 1 Local Plans form just part of a wider strategy for each of the Councils, incorporating their Section 2 Local Plans and the proposed growth within them. The proposed delivery yields for the garden communities within the plan period represent just 13.5% of the total housing requirement, with the maximum annual yields of 900 dwellings across the three garden communities comprising just 41% of the total housing need of the NEAs in the longer term⁴.
- 1.10 However, we recognise the significance of the garden community projects and support the scrutiny applied by the Inspector in his Examination. The further evidence and suggested modifications have addressed the key concerns⁵ raised by the Inspector in his 8 June letter, namely:
 - Ensuring the Habitats Regulation Assessment is compliant with judgements laid down by the Court of Justice of the European Union judgement⁶ [27];
 - Expanding on the possible strategy of achieving a step-change modal share which goes far beyond the provision of Rapid Transit System (RTS) [38];
 - Providing greater detail on the modal options, phasing, passenger and revenue forecasts, route options, and capital & operating costs of a potential RTS for North Essex [42];

³ Though noting L&Q comprises a 'third sector' company.

⁴ Subject to variation of Local Housing Need when the Plan is reviewed.

⁵ Brackets [] detail paragraph(s) of Inspector's 8th June letter where issue was discussed.

⁶ People over Wind, Peter Sweetman v Coillte Teoranta [CJEU Case C-323/17] and subsequent cases confirming the judgement.

- Working with Network Rail on whether a new station for West Tey is feasible and desirable, stating the costs of doing so is expected to outweigh the benefits in light of alternatives. We provide further technical evidence to support this conclusion [44-47];
- Providing a detailed analysis to support build out rate assumptions [48-53];
- Setting indicative requirements of employment land space for the garden communities [61];
- Addressing the deficiencies of the sustainability appraisal (SA) of the Section 1 Local Plan, providing a robust, objective assessment of the Plan and reason alternatives to it [93-129];
- Revising employment requirements [141]; and
- Modifications to SP5 to provide identifiable infrastructure projects for delivery [143];
- Addressing viability concerns [62-86]. However, we maintain that the Council's evidence includes unnecessarily burdensome assumptions that paint a less viable position than is the reality of what would be delivered. Supporting these representations is a robust viability assessment undertaken in line with industry standard and in accordance with the delivery of a comprehensive garden community of 17,000 dwellings as promoted by the West Tey Delivery Partners.

1.11 Furthermore, since the issuing of the Inspector's letter significant progress has been made on the strategic road upgrades to the A12 and A120:

- ECC has confirmed its preferred A120 route option to Highways England. Its inclusion within the Department for Transport's Road Investment Strategy 2 (RIS2) is anticipated to be announced alongside the Autumn Statement prior to the reopening of the EiP;
- ECC has submitted a Housing Infrastructure Fund (HIF) bid to MHCLG for the realignment of the A12 in order to avoid "*unacceptable severance*"⁷ at Colchester Braintree Borders Garden Community (CBBGC) for a garden community up to 24,000 dwellings. The West Tey Delivery Partners have identified capacity to deliver a garden community of approximately 17,000 dwellings, in line with the vision set out by the NEAs is possible within the bounds of the existing RIS1 committed A12 upgrade alignments⁸. An announcement on whether the success of the HIF bid is expected prior to the reopening of the EiP.

1.12 There remain a number of areas where the evidence of the Delivery Partners is more advanced and technically justified than which has been before the Inspector to date. In particular, the decision (which we consider to be unnecessary and unjustified) to propose the reduction in homes delivered at CBBGC during the Plan period is neither supported by evidence nor justified. Our evidence

⁷ IED011 paragraph 35.

⁸ And the Chancellor recently announcing it will be rolled over for inclusion in RIS 2 - <https://www.transport-network.co.uk/Javid-gives-first-look-at-RIS-2-schemes/16182>

supporting these representations reiterates our messaging throughout the production of the Local Plans; that West Tey is capable of delivering a comprehensively planned garden community in line with the vision set out by the NEAs, Government, and the West Tey Delivery Partners, in the first instance and at pace. The promotion of the site is unique as a consequence of the team it has already in place and the extent of work that has been undertaken to-date. It is the best placed garden community to start delivery and thereafter reach higher delivery rates from an early stage. This remains the case regardless of whichever delivery mechanism is identified to frame its delivery.

1.13 In addition to these representations, we provide the following evidence that verifies this assertion, whilst supporting the conclusions of the NEAs that a sound and legally compliant Section 1 Local Plan can be made:

- Phased Delivery Design Report;
- Highways Assessment; and
- Infrastructure Delivery Plan.

1.14 These representations and supporting evidence should be read in the context of and as supplements all previous submissions of the West Tey Delivery Partners made in relation to the production and Examination of the Section 1 Local Plan.

1.15 As per the transitional arrangements of the 2019 National Planning Policy Framework (NPPF), the Section 1 Local Plan remains to be examined against the policies of the 2012 NPPF. Unless stated, where reference is made to the NPPF, we will be referencing the 2012 NPPF.

2 SUGGESTED AMENDMENTS TO SECTION 1 LOCAL PLAN

- 2.1 We support, in principle, the proposed amendments (Mod) to the Publication Draft Local Plans. We support the decision to continue to pursue Section 1 Local Plan and to maintain of the essence of the Section 1 Local Plan, namely the inclusion of garden communities as part of a sustainable strategy for growth.
- 2.2 We support Mod-8 in clarifying the role of the Section 1 and 2 Local Plans. As we emphasise above, the Section 1 Plans, including the garden communities form just one part of a wider vision for the three local authorities. The extent of growth directed to existing settlements within the Section 2 Plans is testament to the significant development needs facing north Essex. The proposed three garden communities represent the most sustainable and deliverable long term approach for the Councils to control the direction of development in the region. They will also see a coordinated approach to infrastructure delivery alongside housing and employment, whilst controlling growth of its existing settlements.

Policy SP1A

- 2.3 The introduction of Policy SP1A appears to seek to reflect the principles of a Plan-led system, which is defined within both law and national policy. Though not stated, it is effectively seeking to reflect this requirement yet it does not appear to be entirely consistent with their approach.
- 2.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” Annex 1 (paragraph 210) to the NPPF reflects this, stating “*Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.*”
- 2.5 Planning Practice Guidance (PPG) expanded on the point of prematurity, particularly in the context of the presumption in favour of sustainable development. This is now largely reflected within the 2019 NPPF (paragraphs 49 and 50). The PPG states:

“However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

(Planning Practice Guidance Ref ID: 21b-014-20140306)

- 2.6 The West Tey Delivery Partners support the measures to ensure the high standards proposed in the place making principles are met, and a comprehensively planned new garden community within the identified Broad Area for Growth is delivered. However, the policy will need be reviewed to better reflect that of the PPG and national policy.
- 2.7 As a minimum the policy will need to be amended so that the final paragraph states “ *Development that is not in accordance with, or which will prejudice the delivery of, the strategic scale development or the achievement of the place making principles, in this Local Plan will not normally be permitted, **unless material circumstances indicate otherwise.***”
- 2.8 At a wider level the policy seeks to dictate the prematurity of any application against the follow-up site specific Development Plan Documents (DPDs).
- 2.9 The proposed DPDs are to form part of the Local Plan for each of the authorities. The PPG and NPPF detail the circumstances in which prematurity is to be considered, setting a bar for when planning permission would be refused. It is not considered appropriate, or consistent with national policy to include a passing reference to prematurity within Policy SP1A.
- 2.10 If included at all, a rebalancing is required within the policy to better reflect Section 38(6) and the presumption in favour of sustainable development detailed in the NPPF. Accordingly, we propose the following amendment:

Mod 13

“Explanatory Text

*Development that is in accordance with the policies in this Plan will ~~normally~~ be permitted. **unless material circumstances indicate otherwise.***

*The policies in this strategic Section 1 of the Local Plan are common to and important to each North Essex Authority. Accordingly policy SP 1A seeks to make sure that development which would ~~prejudice~~ **run contrary to** the delivery of any of the policies in Section 1 will be refused. Examples of prejudice might include a failure to meet the high standards proposed in the place making principles, **or** a lack of comprehensive development ~~or prematurity.~~*

Policy

*Development that ~~demonstrably contributes to the achievement of~~ **accords with** the policies in this Local Plan (and, where relevant, of policies in neighbourhood plans) will ~~normally~~ be permitted unless material considerations indicate otherwise. Development that is not in accordance with, or which will prejudice the delivery of, the strategic scale development or the achievement of the place making principles, in this Local Plan will not ~~normally~~ be permitted, **unless material circumstances indicate otherwise.**”*

Delivery Mechanisms

- 2.11 The Inspector concluded that policy should remain neutral on potential delivery mechanisms, stating *“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.”* and proposed amendments to policy text to ensure this.
- 2.12 Furthermore, concern was raised to the inclusion of a need for *“sharing risk and reward”* between the public and private sector, with this conflicting with the long established legal principle that revenue or profit may not be appropriated by a public-sector body without explicit Parliamentary sanction.
- 2.13 Accordingly, we support the proposed deletion of *“sharing risk and reward”* within Mod 71. However, the proposed inclusion of *“where appropriate”* does not go far enough in addressing the Inspector’s initial concern that new models of delivery were being unnecessarily favoured by the Councils without any evidential support. The effect of this would be damaging where the alternative proposed by the Delivery Partners is clearly justified, well-funded and experienced upon a development.
- 2.14 The wording is included within policy, a requisite that the merits of any planning application would be tested against. The lead in text prior to the wording of Mod 71 states *“The design, development*

and phased delivery of each new garden community **will conform with the following principles**” (our emphasis).

- 2.15 In the proposed amended form, the policy still provides a default towards the implication of new models of delivery. This flips the burden of proof, placing the onus on any future applicant to show why it would not be appropriate to deploy new models of delivery. As the Inspector previously concluded, there is no substantial evidence to show that only new, unconfirmed models of delivery are capable of achieving the policy’s objectives, and should be the default unless demonstrated otherwise.
- 2.16 We propose the following further amendment to the policy wording:

Mod 71

“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~~ 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. 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 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.”

Policy SP5

- 2.17 We support the stripping back of much of the unnecessary explanatory text supporting Policy SP5. This does not diminish the relevance of the inter urban road network traffic, namely the A12 and A120, nor the Great Eastern Mainline (GEML) to the wider delivery aspirations for the three garden communities as a whole. Each of these contribute towards making north Essex the strategic economic corridor it is, congregating at Marks Tey at its epicentre.
- 2.18 It is important to distinguish between infrastructure goals of the plan-area separately to the requirements arising from the delivery of the garden communities individually. Indeed, it would be appropriate to defer site specific references to relevant garden community policy.
- 2.19 Whilst we support the aspirations of the Council for an RTS for north Essex, we do not agree that this is a prerequisite for justifying the delivery of a sustainable garden community at the garden

communities. This is particularly relevant in the matter of CBBGC where the strong existing public transport network will be improved and enhanced by the garden community. An RTS represents a regional infrastructure project with the potential to link in to the garden communities. Each garden community will provide contributions to help facilitate the delivery of the RTS but its delivery is not intrinsically linked to the garden communities nor will it be entirely funded by them.

- 2.20 Policies SP7-SP10 seek to identify place making principles to create a *“holistically and comprehensively planned new community... 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.”* The Councils’ supporting Modal Share Strategy demonstrates that the creation of high sustainable mode share is about far more than the provision of an RTS.
- 2.21 This is not to say that there is an expectation of complete self-containment. No settlement and particularly not those of the size of the proposed garden community will be capable of achieving complete containment of trips, nor is it considered justified for this to be the goal.
- 2.22 Delivered in line with policy, CBBGC can be expected to achieve sustainable levels comparable to key service centres such as Braintree, Clacton-on-Sea and to a slightly lesser extent Colchester. If the policy is claiming that the delivery of CBBGC is reliant on the *“A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities into the rapid transit network”*, then growth at any settlement across the District should be similarly linked and contributions to the funding for its delivery secured through all forms of development (e.g. CIL/SIF).
- 2.23 In lieu of details or even delivery of an RTS, the garden communities still provide a highly sustainable method for delivering long-term growth, aligning housing, employment and community infrastructure provision together. There are no grounds to any suggestion that West Tey would be an unsustainable location without RTS delivered.
- 2.24 The site can deliver the modal strategy sought by the NEAs, benefits from immediate access to the GEML, and can bring forward alternative forms of public transport modes to enhance connectivity to other key settlements. Indeed, the site lies at the omphalos of the north Essex sub-region, with the A12 and A120 corridor providing opportunity for enhanced public transport corridors to Colchester, Braintree and Chelmsford.
- 2.25 The West Tey Delivery Partners support the principle of infrastructure provision being secured in a timely manner and programmed to keep pace with growth of the garden community. Given the size of the proposals and the significant infrastructure improvements that are proposed alongside them, we also support the phasing of policy in order to provide contingency in the event of non-delivery of infrastructure.

- 2.26 In short, the principle of ensuring sufficient infrastructure delivery is secured to ensure there is not an infrastructure deficit (or demand) arising from the garden communities is practical and deliverable. It is the commercial equivalent of infrastructure first approach without the wasteful and inefficient delivery of “white elephant” infrastructure.
- 2.27 Specifically, supporting these representations is a Phased Design Report, Highways Phasing Report and Infrastructure Delivery Plan that detail the deliverability of a garden community at West Tey at a series of phases that represent the imaginable ‘steps in its delivery’.
- 2.28 The West Tey Delivery Partners are capable of delivering a comprehensive new garden community of up to 17,000 dwellings. Clearly, with such a strategic development the proposals will see a significant period of build-out, meaning a community will need to be formed at an initial stage, evolve but remain sustainable throughout its development.
- 2.29 The phased delivery work has assessed the scales at which particular highways upgrades are required. These can help form the basis for triggers in a similar, but more informed way than the NEAs have sought within the suggested amendments to the Local Plan.
- 2.30 At each scale a comprehensive development, creating a community of distinct character (albeit different in character as it evolves at each stage) can be achieved. Infrastructure can viably be delivered, suitable to the scale of housing and employment proposed.
- 2.31 As stated above, West Tey sits at the heart of the north Essex sub-region. The GEML station alongside either an RTS or alternative public transport strategy will provide the necessary connectivity to larger conurbations that makes the garden community sustainable at each phasing scale.
- 2.32 Accordingly, whilst we can support in principle a review mechanism that links the delivery of the garden communities with funding and route commitments to the A12 and A120 upgrade schemes, there is no need to delay delivery by seeking to artificially constrain it by linking any in-principle delivery at CBBGC to this trigger.
- 2.33 As is detailed within the supporting Highways Phasing Report, the technical evidence demonstrates that over 2,500 dwellings can be accommodated within CBBGC prior to the delivery of the A12 upgrade, with localised road and junction improvements unlocking this capacity. With these measures in place, plus the delivery of the A12 widening (whether through an online widening, offline route under committed RIS funding, or the wider HIF bid alignment), and a link to the A12 from the existing A120, a capacity of 6,500 dwellings can feasibly be delivered. Then, with the extension of the A12-A120 to join at the point of the Coggeshall bypass, a garden community of up to 9,000 dwellings can be delivered, prior to the delivery of a dualled A120. Following the delivery

of the dualling of the A120, it can complete delivery of 17,000 dwellings (or a larger scale envisioned by the NEAs if appropriate).

2.34 Accordingly, we propose further amendments to Policy SP5 that incorporate more bespoke highways improvements to different scales of delivery. An example of potential new wording is detailed below:

Mod 57

“All development must be supported by the provision of infrastructure, services and facilities that are required to serve the needs arising from new development. 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.

If the necessary strategic infrastructure for the Garden Communities as required by Policy SP5 is not committed within a reasonable period of time and phased alongside the delivery of new communities a review of the Plan will be undertaken ~~prior to any consent being implemented, in order that the consequential shortfall in housing delivery does not overburden the infrastructure of existing communities/settlements.~~ The requirements in section A apply to only the Garden Communities area of search whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Area.”

Mod 58

“A. Garden Communities

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

- ***Garden communities will be restricted to the following scales prior to funding and route commitments for the following strategic transport infrastructure projects and delivery of stated local highways improvements*** ~~will need to be secured in advance of the start of the Garden Communities as follows:~~
 - Colchester/ Braintree Borders
 - ***2,500 dwellings: enhancements to Marks Tey, Prince of Wales, and Marks Farm roundabouts, A120 Marks Tey bypass and widening;***

- **6,000 dwellings: A12 widening and junction improvements, A12-A120 link;**
- **9,000 dwellings: Extended A12-A120 link to tie in directly at the Coggeshall bypass;**
- **15,000-24,000: A dualled A120 from Braintree to the A12.**
- *Tendring /Colchester Borders*
 - *A120-A133 Link road.*
- ~~*A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities into the rapid transit network*~~
- *Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by masterplanning.*
- *Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community”*

2.35 We anticipate confirmation of the HIF bid for A12 widening and realignment shortly. Should this confirmation be delayed beyond the Examination, it is important to recognise that the A12 has already consulted on two feasible upgrade routes⁹, as well as committed funding for such routes through RIS 1&2. In the event of a rejection of the HIF bid, Highways England will revert to one of the prior alignments and utilise the existing committed funds.

2.36 In reverting back to the original alignment, it does not appear feasible for a garden community of up to 24,000 dwellings to be deliverable without the severance of the A12 referred to the Inspector as “*unacceptable*”. However, the West Tey Delivery Partners have demonstrated that a garden community of up to 17,000 dwellings is deliverable and viable on the basis of any A12 upgrade alignment. This scale would fall within the development yield bracket currently set out in draft policy; Policies SP7 and SP9 remain effective.

2.37 The design of the garden community would then be determined through the production of the site specific DPDs, planning applications and/or other mechanisms. This process will determine

⁹ A12 Chelmsford to A120 widening public consultation – January 2017

whether the proposed design includes any unacceptable features, whether that involves a garden community of 15,000 dwellings or one of 24,000 dwellings. However, from the evidence available to the Examination, it is clear that a garden community within these policy yields is deliverable.

- 2.38 The evidence of the Delivery Partners confirms that West Tey can deliver 17,000 dwellings with all associated infrastructure (including social and community) as set out in the Infrastructure Delivery Plan.

Policies SP7 & SP9

- 2.39 The West Tey Delivery Partners support the inclusion of indicative employment land targets. However, we consider the proposed level of 4 hectares within the Plan period to represent a significant underestimate of what could and would be delivered. As a minimum, the policy should include reference to “*minimum*” levels of provision.
- 2.40 We assume the reference within Mod 87 to CBBGC comprising an overall total of between 7,000-9,000 homes is merely a typo and does not appear to be suggested as an amendment.
- 2.41 We oppose the suggested reduction in the housing yield of CBBGC proposed within the Plan period to 1,350 dwellings. This suggests a proposed first completion of 2028/29 for CBBGC, compared to 2023/24 for Tendring Colchester Borders and West of Braintree garden communities¹⁰.
- 2.42 The Council has provided no rationale nor any evidence to support this proposed delay in the delivery of CBBGC. The site has no constraints that prohibits its immediate delivery.
- 2.43 Though not explicitly stated, the delay correlates with first dwellings being delivered following the completion of the A12 and A120 upgrades, as currently timetabled¹¹. However, there is no technical evidence to justify such a delay to delivery and doing so would run entirely contrary to Government aim and policy. Furthermore, our evidence has established that development can come forward in advance of both.
- 2.44 Government’s Garden Community Prospectus that has provided the NEAs with financial support and expertise emphasises how “*[It] will prioritise proposals that offer a strong prospect of early delivery and a significant acceleration of housing delivery.*” MHCLG (at the time DCLG) first provided capacity funding to the NEAs in December 2015, at which point there was a stated timetable to start initial phases on site in 2020/21¹². Whilst some delays are understandable and

¹⁰ As is reflected in the NEA’s viability and build out rates evidence.

¹¹ <http://a120essex.co.uk/timeline/>

¹² North Essex Garden Communities Business Case for Additional Capacity Funding for 2016/17

expected, the NEAs should be seeking all avenues to expedite delivery at each of the garden communities.

2.45 Furthermore, the Kerslake Report stated, inter alia, that:

*“The need to deliver houses at pace as one major reason for undertaking this project and against the background of the current housing agenda, Government’s main interest will be in the **pace of the delivery**. This means it is important that the councils are clear about what it is possible to deliver within the first five years, then each subsequent phase, and crucially, what they need to unlock each phase.”*

North Essex Garden Communities Peer Review January 2017 p.8

2.46 The West Tey Delivery Partners have undertaken the technical work to demonstrate what housing and economic growth is possible to be delivered alongside specific highways and community infrastructure requirements. As is detailed above and within our supporting Highways Phasing Report, there is potential to deliver over 2,500 dwelling phase of a garden community before the widening of the A12 is completed, and up to a 9,000 dwelling garden community before a dualled A120 is delivered.

2.47 In reality, and even incorporating higher build out rates anticipated by the West Tey Delivery Partners, based on a start date of 2022/23 the site would deliver approximately 3,500 dwellings within the Plan period and less than 1,000 dwellings before the completions of strategic road upgrades. This would fall comfortably within the housing yield capacities our highways evidence has shown to be available, subject to the localised road network and junction improvements detailed.

2.48 With the inclusion of the proposed triggers in Policy SP5, that effectively form Grampian conditions, there is no risk that starting the delivery of CBBGC prior to the completion of the A12 and A120 strategic upgrades will result in unacceptable harm to the strategic road network.

2.49 The delivery of the garden community will be capped until funding and route commitments to the A12 and A120 (separately) are committed. Each phase of the development is capable of forming a liveable community in line with the principles sought by the NEAs, whilst building in the flexibility to work within a larger, comprehensively designed garden community of 15,000-24,000 dwellings.

2.50 This principle of being liveable at smaller scales but evolving to the final planned threshold is to be established whether the site delivery would follow a phased approach or a single continuous growth. This is achieved through the principle of creating a series of walkable, linked neighbourhoods, each with a different but complementary character and function.

- 2.51 As per our above comments in regards to Policy SP5, we do not support the inclusion of Mod 91, which states funding and route commitments for the A12 and A120 improvements, as well as a scheme and specification for a phased RTS will be required to be in place in advance of the Colchester/Braintree Borders Garden Community starting.
- 2.52 The RTS comprises a regional project that will provide a benefit to each garden community when/if delivered. An RTS is not a requirement of West Tey and does not form a justification for why it is a sustainable and deliverable site for delivering the long term growth needs of the NEAs.
- 2.53 We have detailed how a key motive for Government's promotion of the garden communities programme is to see the accelerated delivery of housing. The West Tey Delivery Partners remain committed to ensuring that the key principles of place-making and infrastructure delivery alongside housing and economic growth is established from an initial stages of the garden community. Meeting these principles in relation to CBBGC does not need to be compromised by delaying the initial delivery of the site until after 2028/29. There is no technical justification to do so and would create additional risk to programme to a project that has already faced significant delays.
- 2.54 Accordingly, the following further amendments are proposed in order to make the Plan sound:

Mod 70

"The following three new garden communities are proposed in North Essex. Tendring/Colchester Borders, a new garden community will deliver 2,500 homes and 7 hectares of employment land within the Plan period (as part of an overall total of between 7,000-9,000 homes and 25 hectares of employment land to be delivered beyond 2033),

*Colchester/Braintree Borders, a new garden community will deliver **a minimum of 2,500** ~~1,350~~ homes and **a minimum of 4** hectares of employment land within the Plan period (as part of an overall total of between 15,000 – 24,000 homes and 71 hectares of employment land to be delivered beyond 2033).*

West of Braintree in Braintree DC, a new garden community will deliver 2,060 homes and 9 hectares of employment land within the Plan period (as part of an overall total of between 7,000-10,000 homes and 44 hectares of employment land to be delivered beyond 2033).

Each of these will be an holistically and comprehensively planned new community with a distinct identity that responds directly to its context and is of sufficient scale to incorporate a range of homes, employment, education & community facilities, green space and other uses to enable residents to meet the majority of their day to-day needs, reducing the need for outward commuting. Each new garden community will

be comprehensively planned from the outset with delivery being phased as part of that whole and underpinned by a comprehensive package of infrastructure.

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.”

Mod 87

*“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 along with allocations supporting the delivery of B use employment space will be set out in a Strategic Growth Development Plan Document to be prepared jointly between Colchester BC and Braintree DC and which will incorporate ~~around~~ **a minimum of 2,500** ~~4,350~~ dwellings within the Plan period (as part of an overall total of between ~~7,000-9,000~~ **15,000-24,000** homes) and provision for Gypsy and Travellers”*

Mod 91

“A package of measures will be introduced to encourage smarter transport choices to meet the needs of the new community and maximise the opportunities for sustainable travel. As highlighted in Policy SP5, CBBGC will be restricted to the following scales prior to funding and route commitments for the following strategic transport infrastructure projects and delivery of stated local highways:

- **2,500 dwellings: enhancements to Marks Tey, Prince of Wales, and Marks Farm roundabouts, A120 Marks Tey bypass and widening;***
- **6,000 dwellings: A12 widening and junction improvements, A12-A120 link;***
- **9,000 dwellings: Extended A12-A120 link to tie in directly at the Coggeshall bypass;***
- **15,000-24,000: A dualled A120 from Braintree to the A12.***

~~funding and route commitments for the following strategic transport infrastructure will be required to be in place in advance of the Colchester/Braintree Borders Garden Community starting:~~

- ~~• A12 widening and junction improvements~~*
- ~~• A dualled A120 from Braintree to the A12~~*

- ~~• A scheme and specification for a phased rapid transit network and programme for the integration of the Garden Communities into the rapid transit network~~

Additional transport priorities include including the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to access the adjoining area; development of a public rapid transit system connecting this new garden community to the wider Colchester context; development of opportunities to improve accessibility to Marks Tey rail station (or provide for its relocation to a more central location within the garden community); and effective measures to mitigate the transport impacts of the proposed development on the strategic and local road network.”

3 SUSTAINABILITY APPRAISAL

- 3.1 The Inspector identified a number of matters relating to the Sustainability Appraisal (SA) within the letter of 8 June 2018 [Ref: Insp. Paras 93-129]. This culminated in the following main criticisms of the original SA:
- Objectivity – An over optimism applied when assessing GCs and corresponding overly negative assumptions for the alternatives;
 - Alternatives – A lack of clarity of the descriptions of the alternatives chosen and the reasons for selecting them as well as the assessment of combinations assessed including the scales at which different GCs were assessed.
- 3.2 The Additional SA work now presented represents a marked improvement from the Place Services June 2017 Draft SA. Overall, this additional work addresses the deficiencies identified by the Inspector and is considered to sufficiently rectify or “cure” these errors.
- 3.3 Whilst not considered to represent a flaw in the SA process it should be noted that the Delivery Partners had raised at the Scoping stage the rationale for the assessment of West Tey at a range of scales, reflecting the phased approach detailed above within proposed policy amendments.
- 3.4 We support the SA in including ALTGC04, which reflects the land that has been promoted by the Delivery Partners, including at a proposed housing yield of 17,000 dwellings. This reflects the results of the detailed technical capacity studies the team has undertaken. However, our representations also supported intermittent scales to reflect our phased approach and which has varying reliance on the delivery local and strategic infrastructure.
- 3.5 The rationale for this phasing is to demonstrate that a sustainable development in line with the principles set out in policy can viably be delivered at these scales. This can subsequently inform the potential inclusion of triggers to be attached to policy that align the delivery of the Garden Community to that of strategic infrastructure.
- 3.6 The assessment of these different scales would reflect the differing requirement on the delivery of strategic infrastructure, namely the A12 and A120 upgrades. The West Tey Delivery Partners have undertaken the technical work to demonstrate what housing and economic growth is possible to be delivered alongside specific highways and community infrastructure requirements. As is detailed above and within our supporting Highways Phasing Report, there is potential to deliver up a 2,500 dwelling garden community before the widening of the A12 is completed, and up to a 9,000 dwelling garden community before a dualled A120 is delivered.
- 3.7 We maintain that RTS links do not represent a strategic infrastructure requirement for West Tey, at any scale. The RTS comprises a regional project that will provide a benefit to each garden

community when/if delivered. An RTS is not a requirement of West Tey and does not form a justification for why it is a sustainable and deliverable site for delivering the long term growth needs of the NEAs.

- 3.8 In lieu of delivery of an RTS, West Tey will still provide a highly sustainable location for growth and will deliver public transport and place making principles to ensure the new community meets modal share aspirations. It is also the optimal sustainable approach to delivering long-term growth, aligning housing, employment and community infrastructure provision together. There are no grounds to any suggestion that West Tey would be an unsustainable location without RTS delivered.
- 3.9 As stated above, West Tey sits at the heart of the north Essex sub-region. The GEML station alongside either an RTS or alternative public transport strategy will provide the necessary connectivity to larger conurbations that makes the garden community sustainable at each phasing scale.
- 3.10 We still support an assessment that tests these scales in light of the technical evidence available. However, this isn't considered a fundamental flaw of the SA to-date, appreciating that this further technical evidence has only more recently been produced by the West Tey Delivery Partners and the SA needs to set limits on the number of 'reasonable alternatives' tested and at which point this list is finalised.

4 INFRASTRUCTURE PLANNING, PHASING, COSTS AND DELIVERY

- 4.1 The West Tey Delivery Partners are strongly supportive of aligning the delivery of infrastructure alongside that of housing and employment land.
- 4.2 L&Q has a legacy of delivery of large scale development projects, delivering new communities with a range of housing (types and tenures), employment, community and social infrastructure and strategic infrastructure. Being a housing association, L&Q deliver rental properties across a variety of tenures, meaning they remain a key stakeholder in the community for the lifetime of the development, rather than just in its delivery.
- 4.3 Furthermore, we have continuously emphasised the ability of L&Q to access long-term patient funding that allows for the frontloading of investment into community, social and place-making infrastructure, prior to the immediate return of development plot receipts.
- 4.4 The Infrastructure Order of Costs Estimates (EB/087) and the Infrastructure Planning, Phasing and Delivery (EB/088) documents make assumptions regarding the future provision of a infrastructure at both completed CBBGC (stated at 21,000 dwellings), with a first phase of 2,550 dwellings.
- 4.5 In support of these representations is an Infrastructure Delivery Plan produced by Create Consulting, providing a similar role to that of the NEA's Infrastructure Order of Costs Estimate and the Infrastructure Planning, Phasing and Delivery documents.
- 4.6 This confirms that there are no natural, physical or economic constraints which will prevent the infrastructure required for the West Tey Garden Community development from being delivered to provide an attractive sustainable environment in which people will want to live, work and play.
- 4.7 Whilst the broad context and rationale of the Gleeds Order of Costs report is agreed in principle, the phasing of infrastructure delivery places an unjustified and unnecessary burden on CBBGC. It is simply unnecessary to include provision for all of the items costed in the first phase and the Infrastructure Delivery Plan prepared by Create proposes an alternative delivery programme (see Chapter 11). This reflects the normal commercial approach to delivery and is capable of ensuring that there is no infrastructure gap during the life of the development.
- 4.8 Whilst it doesn't seek to preclude elements of infrastructure coming forward early, it clearly demonstrates how West Tey can be delivered in line with the Garden Community Charter, but more efficiently. The output being the ability to deliver high quality development more quickly than planned. In the context of current needs, this aspiration must be supported and the Plan (being positively prepared and justified amongst other matters) should not seek to preclude this.

A12 Upgrade and Road

- 4.9 The NEAs have incorporated a total of £129,300,000 on works relating to the upgrade of the A12 and its linkages into the garden community. The specific works cover:
- £41,300,000 for a southern junction with CBBGC;
 - £62,100,000 for wider realignment of the A12 to accord with the NEA's concept framework and allowing delivery of sufficient land to delivery up to 24,000 dwellings without an unacceptable severance of the A12; and
 - £20,900,000 for A12 capacity improvements around Kelvedon.
- 4.10 The NEAs have committed themselves to delivery of the wider A12 alignment in order to deliver this larger scale of garden community. They also appear to have committed to the delivery of the A12 prior to or at the initial delivery of the garden community.
- 4.11 We address in Section 2 of these representations how there is no technical justification for the delay to the proposed delivery of CBBGC. The Council has provided no rationale nor any evidence to support this proposed delay in the delivery of CBBGC.
- 4.12 The West Tey Delivery Partners have undertaken the technical work to demonstrate what housing and economic growth is possible to be delivered alongside specific highways and community infrastructure requirements. As is detailed within our supporting Highways Phasing Report, there is potential to deliver over 2,500 dwelling garden community before the widening of the A12 is completed.
- 4.13 This means the near entirety of the first phase proposed within the Infrastructure Planning, Phasing and Delivery Report can be accommodated prior to the delivery of a junction to, and the upgraded widening of the A12, in whatever form that takes.
- 4.14 We have detailed how a key motive for Government's promotion of the garden communities programme is to see the accelerated delivery of housing. The West Tey Delivery Partners remain committed to ensuring that the key principles of place-making and infrastructure delivery alongside housing and economic growth is established from an initial stages of the garden community. Meeting these principles in relation to CBBGC does not need to be compromised by delaying the initial delivery of the site until after 2028/29.
- 4.15 A large proportion of this funding relates to the realigning of the A12 in order to facilitate the NEA's desire to see a larger scale garden community, in line with draft policy's maximum potential of 24,000 dwellings. It makes such a development reliant on securing the submitted HIF bid money.
- 4.16 The provision of this road and achievement of a larger garden community is not a requisite of creating a policy compliant garden community. The garden community promoted by the West Tey

Delivery Partners would fall within the policy housing yield bracket¹³ whilst meeting all the place-making, delivery and stewardship principles sought. This would not require the realigned A12 as sought by the HIF bid and can be delivered by either of an online or offline upgraded alignment, already consulted on by Highways England and subject to committed RIS funding.

- 4.17 Whilst we do not oppose in principle this aspiration and will support the NEAs and NEGC in pursuing it, appreciation needs to be had to the range of garden community that is possible within the proposed policy. The Section 1 Plan provides the in-principle acceptability of a garden community within the stated scale. If the acceptability of the high end of that scale is reliant on infrastructure that isn't necessary at the lower end, then the evidence should reflect this.

Utilities

- 4.18 The Infrastructure Delivery Plan supporting these representations has undertaken significant liaison with infrastructure providers, on top of its own technical assessment work. It can conclude with confidence, supported by significant evidence and the backing of statutory providers, that none of the works required to serve the West Tey development would be considered abnormal for a development of this scale, and the introduction of new networks and pipe systems allows an economy of scale to be achieved that would not be possible in an urban extension. There are no items of infrastructure which cannot be provided in time to meet the proposed delivery programme and discussions regarding any reinforcements have already commenced with each of the relevant utilities.
- 4.19 From an initial review of the key services it is clear that an initial phase of up to 1,500 houses could be potentially served by extending the existing services networks in the area, before any major offsite reinforcement works would be required. Where additional infrastructure is required, this opens up an opportunity to design and install new networks which will enable the integration of the latest and most sustainable technology to be introduced. There is a real opportunity at West Tey for commercial energy generation due to the potential growing customer base and the opportunity for introducing new infrastructure. There is a wide range of opportunities including PV, micro wind, energy from waste, AD plants, however, the final solutions will need to be integrated into the development proposals as the masterplan evolves.
- 4.20 There are no natural, physical or economic constraints which will prevent the infrastructure required for the West Tey Garden Community development from being delivered to provide an attractive sustainable environment in which people will want to live, work and play. In this light, we agree with the conclusions of the NEAs evidence on infrastructure provision.

¹³ 17,000 dwellings against the 15,000-24,000 sought by policy.

- 4.21 Minor discrepancies do appear in the infrastructure provision assumptions. With respect to electricity costs, the NEAs have allowed for 104 substations at a cost of £315k per substation, totalling £32.76m. This appears to be significantly over the typical cost of a substation at £75-100k.
- 4.22 The rationale for the significantly higher price appears to be a typo, duplicating the below cell for ring circuits.
- 4.23 The NEAs have also assumed that sewage would be pumped off-site to existing wastewater treatment works, allowing for £13.3m. The West Tey Delivery Partners have engaged extensively with Anglian Water, agreeing in principle the creation of a new wastewater treatment works on the within the site boundary, identifying indicative potential locations. The proposed new works will use the latest treatment methods ensuring that the water quality in the receiving watercourses is not only maintained, but will be significantly improved by enabling Anglian Water to divert some of the flows from smaller older works in the area to the new works. The initial phase of the works will be developer funded, with further expansions as the development progresses being covered by Anglian Waters AMP programme.
- 4.24 In addition, the introduction of a new wastewater treatment works and associated infrastructure will enable a site-wide greywater recycling system to be installed facilitating a dual supply pipe system to each of the dwellings, significantly cutting down potable water supply demand. This is considerably easier to plan and construct on a new settlement proposal compared to an urban extension, where pressures are always being placed to extend the existing network and the problems of trying to improve older sewage treatment works with out-dated technologies.

5 MODAL SHARE AND RAPID TRANSIT SYSTEM

- 5.1 Existing patterns of travel max out at 21% active modes in Colchester, 14% in Braintree and 7% in Marks Tey, with private car use being 61% in Colchester, 74% in Braintree and 78% in Marks Tey. It is important to note that the highways modelling undertaken by the West Tey Delivery Partners has reflected existing modal share patterns to ensure robustness of its findings i.e. these patterns should reflect a worst case scenario.
- 5.2 Five of the key qualities of garden communities detailed with MHCLG's Garden Communities Prospectus comprise:
- Sustainable scale – built at a scale which supports the necessary infrastructure to allow the community to function **self-sufficiently on a day to day basis**, with the capacity for future growth to meet the evolving housing and economic needs of the local area;
 - Well-designed places – with **vibrant mixed use communities** that support a range of local employment types and premises, retail opportunities, recreational and community facilities;
 - Transport –integrated, forward looking and accessible transport options that support economic prosperity and wellbeing for residents. This should include **promotion of public transport, walking, and cycling so that settlements are easy to navigate, and facilitate simple and sustainable access to jobs, education, and services**;
 - Healthy places – **designed to provide the choices and chances for all to live a healthy life**, through taking a whole systems approach to key local health & wellbeing priorities and strategies; and
 - Future proofed – designed to be resilient places that allow for changing demographics, future growth, and the impacts of climate change including flood risk and water availability, with durable landscape and building design planned for generations to come. This should include **anticipation of the opportunities presented by technological change such as driverless cars** and renewable energy measures.
- 5.3 The integration of these qualities intrinsically leads to the creation of a modal share shift when compared to both traditional developments and even in existing settlements.
- 5.4 We support the ambitious targets set out by the NEAs in both the ITP Modal Share Strategy (EB/080) and the earlier Movement and Access Strategy (EB/014) and will support the NEAs in exploring all rational measures for achieving this aim. However, we do not believe the achievement of 30% of all trips as private car use to be a requisite for justifying the garden communities, nor for them to represent a sustainable form of growth of the NEAs.

- 5.5 The report provides a large number of European and UK comparable to show where more favourable modal share is achieved. However, taking a high population estimate for CBBGC of 57,600, only Houten (48,000) and Durham (50,000) are comparable in size, with the next nearest being a population of 100,000 people.
- 5.6 The only conurbations that manage to achieve the modal share targeted by NEGC are for public transport (30%) are London (37%), Oslo (30%), Stockholm (47%) and Warsaw (47%) are all capital cities with complex tram, metro, and subway systems, as well as providing economic centres and a range of services to an extent the GCs cannot expect to reach. Similarly, the only settlements that meet a lower use of private car as sought by NEGC (30%) are Amsterdam (20%), Copenhagen (26%), Freiburg (24%), Odense (28%), and Stockholm (23%). The smallest of these, Odense, is three times the size of CBBGC at its peak and provides a dominant role at a regional level (Copenhagen is a two hour drive and one and half hour train away).
- 5.7 Despite this, we strongly support the evidence produced. The NEAs are entirely correct that high active travel and public transport use is not a means that can't be replicated in the UK. Many of the conditions that encourage active travel and public transport use, such as density, public transport priority, walking and cycling friendly street arrangements and permeability, can be created through the masterplanning process.
- 5.8 Policies SP7-SP10 secure place making principles to create a *“holistically and comprehensively planned new community... 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.”*
- 5.9 The report provides a number of positive strategies that would help achieve such ambitious levels, particularly around walking, cycling and reducing the ease of car ownership within areas that do not require it (i.e. mixed use, urban areas). A number of interventions are stewardship measures rather than necessarily spatial e.g. ticket subsidy, smartcard systems/e-ticketing. The majority relate to street design, prioritising public transport, pedestrian and cycle routes and making car use less convenient e.g. routing out to a ring road whilst cycle route is direct to destination.
- 5.10 This is not to say that there is an expectation of complete self-containment. No settlement and particularly not those of the sized garden community proposed will achieve a complete containment of trips, nor is it considered healthy for this to be the goal.
- 5.11 Delivered in line with policy, CBBGC can be expected to achieve sustainable levels comparable to key service centres such as Braintree, Clacton-on-Sea and to a slightly lesser extent Colchester. If the policy is claiming that the delivery of CBBGC is reliant on *“A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities*

into the rapid transit network”, then growth at any settlement across the District should be similarly linked.

- 5.12 The site can deliver place-making principles that go into achieving the modal strategy envisioned by the NEAs, benefits from immediate access to the GEML, and can enact alternative forms of public transport modes to enhance connectivity to other key settlements. Indeed, the site lies at the heart of the north Essex sub-region, with the A12 and A120 corridor providing opportunity for enhanced public transport corridors to Colchester, Braintree and Chelmsford.
- 5.13 Achieving lower levels of private car use is matter of providing the right environment to give people an attractive choice. There is no reason why West Tey cannot integrate the best principles from the examples set out in Tables 4-1, 4-2 and 4-3 of the Modal Share Strategy Report, providing higher density, mixed-use communities that prioritise the cycling, pedestrians and public transport.
- 5.14 In providing a comprehensive new community, the provision of jobs within West Tey is paramount. This goes beyond, but incorporates traditional employment land (B Use Classes), with a large number of workers being incorporated within the series of centres, in office space but also retail, F&B, leisure and community facilities.
- 5.15 There is also the opportunity to address the growing trend of home working. Research by Trade Union Congress¹⁴ shows that there has been a 27% increase in home working from 10 years ago, with 7.5% of all 40-59 year olds homeworking. As technology continues to improve, and work places embrace the practice more, this trend should continue to grow. By ensuring high-speed broadband within homes, and providing opportunities for home working space, a higher than average share can be achieved within the garden community. Alongside this, the provision of flexible workspaces within garden community centres, such as shared/informal office space embraces the flexible location movement within work practices.
- 5.16 Our Highways Assessment provides details of priority measures for sustainable transport modes from day 1. Paragraphs 5.27-5.30 detail a first phase cycling strategy that can utilise the existing Marks Tey village with the result that cyclists from the new development could cycle almost directly to the station either via the existing A120 at its junction with Ashbury Drive, or by utilising a new sustainable link direct to the station.
- 5.17 In light of the position from Network Rail confirming it being unfeasible for a second station, and the need to retain the existing station, we support measures for exploring upgrades to Marks Tey station and improving access to it. Paragraphs 5.31-5.36 of the Highways Assessment details the opportunity for an interchange north of the railway line, that allows greater bus, pedestrian and

¹⁴ <https://www.tuc.org.uk/blogs/working-home-rise-why-so-slow>

cycle access to the station from an early stage. This can be implemented alongside measures explored by the NEAs for improvements to the station.

- 5.18 We support the aspirations of the NEAs to achieve an RTS and have integrated designated routes to accommodate such a system (including tram-like modes) within all design work that has been undertaken to-date. The safeguarding and/or delivery, as appropriate, of such routes would be integrated from day 1 of the garden community delivery. However, an RTS represents a regional infrastructure project with the potential to link in to the garden communities. Each garden community will provide contributions to help facilitate the delivery of the RTS but its delivery is not intrinsically linked to the garden communities nor will it be entirely funded by them.
- 5.19 Even in the case of RTS being delivered, to ensure it provides fast, attractive routes between north Essex settlements, it needs to incorporate a limited number of stops within each settlement. A secondary, internal public transport system will need to be integrated into the garden community to link the fringes of the development to its centres, as well as providing connectivity between centres and into the regional RTS.
- 5.20 In lieu of details or even delivery of an RTS, the garden communities still provide a highly sustainable method for delivering long-term growth, aligning housing, employment and community infrastructure provision together. There are no grounds to any suggestion that West Tey would be an unsustainable location without RTS delivered.
- 5.21 As demonstrated in our Phased Highways Report, at an early stage efficient and attractive bus routes can link the new garden community, as well as the existing Marks Tey with the mainline railway station, Braintree, Colchester and Chelmsford. Beyond this, an evolved system with designated lanes and priority signalling can be incorporated throughout the development and utilising the strategic road network, where capacity would be unlocked from proposed interventions and protected by our proposed policy triggers¹⁵. Whether at its envisioned fulfilment of 15,000-24,000, or the smaller phased scales proposed, the garden community will provide for the day-to-day needs of the requisite population sizes, whilst having sufficient linkages to other settlements to align with the principles of well connected towns to permit the easy movement of people and goods within a network¹⁶.
- 5.22 As the Modal Share Strategy report details, the success of public transport use is multi-faceted. Whatever mode the RTS takes, it has to be reliable, comfortable, easy to use, and affordable.

¹⁵ See Section 2 of these representations in relation to proposed amendments to policies SP5 and SP9.

¹⁶ A principle that was established at the outset of the garden city movement and retained in by the TCPA and other research such as the Urbed Submission to the for the 2014 Wolfson Economics Prize.

Whilst a tram-like system would undoubtedly provide this, well planned, well governed traditional methods can similarly achieve these aims.

- 5.23 The West Tey Delivery Partners will continue to work with the NEAs and NEGC to help explore the potential for, and facilitate the delivery of an RTS. However, this should not be seen as a requisite for the justification of the garden communities, particularly at West Tey.

6 VIABILITY ASSESSMENT UPDATE

- 6.1 The Delivery Partners confirmed that the proposals for West Tey are deliverable and viable in response to matters raised in the Examination sessions held in January and May 2018. In confirming the viability of West Tey, a summary of the viability appraisal was submitted and remains within the Examination library.
- 6.2 Work on the matter of viability at West Tey has continued and the full viability assessment for West Tey has been updated and reaches the same fundamental conclusions as before. It has been updated to reflect the changing guidance and circumstances of the site in addition to the review of the information now provided in the form of the HYAS Viability Appraisal and Gleeds Order of Costs Report.
- 6.3 As noted elsewhere, the Delivery Partners wish to maximise delivery from West Tey within the Plan period and the approach to phasing, and consequently viability, reflects this. However, there is common ground between key principles of the work commissioned by the NEAs, NEGC and the Delivery Partners on significant matters relating to inflation, contingency, finance and delivery rates. Furthermore, it is common ground that the conclusions reached by HYAS in Figure 4.3 that the infrastructure costs associated with CBBGC are lower than the comparable costs at West of Braintree and East Colchester. The effect of this is compounded when the approach to comparables taken in the report is reviewed and the values are increased as a consequence.
- 6.4 The Infrastructure Delivery Plan includes an Infrastructure Costs Study which identifies the proposed approach to the phased delivery of infrastructure to support the development of West Tey. This demonstrates how the strategic and non-strategic community and social infrastructure proposed as part of the development should be brought forward to ensure the new community does not create an infrastructure deficit. The assessment of actual proposed delivery arising from the submissions of the Delivery Partners against the NEA evidence base confirms that West Tey is projected to deliver a proportionately greater level of social and community infrastructure (when comparing the proposed delivery from 17,000 dwelling new community at West Tey to the 21,000 dwelling CBBGC community).
- 6.5 Therefore, we do not object to the additional work undertaken by the NEAs.
- 6.6 The full Viability Report produced by the Delivery Partners will be submitted to support the re-opening of the Examination into the Section 1 Local Plan.

7 BUILD OUT RATES

7.1 The Inspector understandably took a cautious approach in concluding that the NEAs should base its viability appraisal on delivery rates of 250 dwellings per annum (dpa). We support the Councils in providing a robust Build Out Rates Topic Paper Report.

7.2 Since the previous EiP hearings, there has been significant scrutiny on the industry in regards to delivery rates and its relationship with 'land banking'. The Letwin Review was announced at the time of the Budget in Autumn 2017. The purpose of the review was to explore the reasoning behind a significant gap between housing completions and the amount of land allocated or permissioned, and to make recommendations for reducing it. The final report was published on 29 October 2018 with the recommendations focusing primarily on large sites in areas of high housing demand.

7.3 The Review concluded that the primary reason for suppressed delivery on strategic sites was the market absorption rates of new homes. A range of recommendations were made to help mitigate against this, including:

- Adoption of new planning rules on large sites to require a diversity of offerings as well as giving authorities greater control to ensure sites come forward as a coherent single development;
- Give local authorities clear statutory purchasing powers as well as powers to control development through a Local Development Company and/or Local Authority Master Planner;
- Establish a National Expert Committee to advise local authorities on diversifying offerings;
- Provide incentives to diversify offerings such as government funding.

7.4 The principal finding of the Review was that the homogeneity of the types and tenures of the homes on offer on large sites, and the limits on the rate at which the market will absorb such homogenous products, are the fundamental drivers of the slow rate of build out. Factors identified that help increase diversity of offering and are critical to build out rates include:

- Larger sites tend to deliver more units a year;
- The ability to accommodate multiple sales outlets;
- A strong local market leads to greater sales rates;
- Higher density developments sell faster;
- The more affordable housing provided the greater build out rates are and the more resilient to market changes they are;
- Introduction of rental packages and other specialist housing types (self/custom build); and
- The early provision of new infrastructure, such as schools, to support the new community increases both values and sales.

- 7.5 Our supporting “*Absorption rates evidence for West Tey*” paper, appended to the main Viability Report, looked at precedence absorption rates achieved across the south east, assessed supply rates within the Braintree and Colchester, and considered future supply that will compete with West Tey in future.
- 7.6 Whilst there is no direct comparable to West Tey in terms of size, a number of smaller sites have achieved absorption rates around and over 500 dpa.
- 7.7 Given the size and nature of West Tey, providing what is effectively a new town and therefore having less competition of existing home sales, it has the ability to diversify its offering even further. More sales outlets can be created whilst a greater proportion of specialist housing types, including rental, can be delivered. With L&Q as a significant stakeholder, the provision of affordable housing will be at the forefront of delivery in the garden community.
- 7.8 Both Braintree and Colchester represent a moderate affordability at a national level¹⁷. However, they have had a relatively low stock-based growth compared to local authorities in the south east with a similar affordability.
- 7.9 As is detailed in our evidence, Colchester has delivered just a 1.2% stock increase in recent years. If stock was increased to match that of similar markets, at 2-2.5%, 500 dpa on top of existing delivery rates could comfortably be delivered. This suggests the garden community could deliver higher than the 300 dpa suggested by the NEAs’ evidence.
- 7.10 The Delivery Partner’s viability evidence has worked off an assumed average of 350 dpa, with peak years of 500 dpa. This forms a sensible and evidenced baseline for the purposes of the assessment.

¹⁷ Ratio of median house price to median gross annual residence-based earnings for Colchester is 8.83 and Braintree 8.48.

8 DELIVERY MECHANISMS

- 8.1 The Inspector concluded that policy should remain neutral on potential delivery mechanisms, stating *“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.”* and proposed amendments to policy text to ensure this. In Section 2 to these representations we detailed the necessary amendments to ensure policy doesn’t seek to enforce a need for unsubstantiated new models of delivery unless it can be shown otherwise, as was requested by the Inspector.
- 8.2 This does not mean that the West Tey Delivery Partners oppose the exploration of new models of delivery. We recognise that the garden communities projects represent a step-change from even significant traditional urban extensions. The project will require a master developer function that can coordinate and/or deliver onsite infrastructure whilst providing oversight to plot development to ensure the principles established by policy are continuously met and a comprehensive, coordinated development is delivered.
- 8.3 We have continuously emphasised throughout the production of the Local Plan that L&Q has the financial strength, and the incentive of having a long-term stake to provide the patience and scale of funding that will be required during the delivery of the wider garden community. The promotion agreement tying the Delivery Partners together allows the developer to draw down development land when required, with the price paid for the land (after the development account has become cash positive) at market value, taking account of the infrastructure that is prescribed.
- 8.4 L&Q has existing infrastructure in place, such as the L&Q Foundation¹⁸, to invest more than just finance into both existing communities and those that will be created. It has a track record, namely the Barking Riverside Community Interest Company¹⁹, of creating long-term stewardship bodies within their strategic developments, ideally placed to play a significant role in the governance of the community.
- 8.5 Alternatively, the Delivery Partners are not averse to the principle of a Locally-Led New Town Development Corporation (LLNTDC). There are clear structural benefits from the viewpoint of the NEAs, who are committed to having an active involvement beyond the typical oversight functions a local authority would have in a strategic development.

¹⁸ <https://www.lqgroup.org.uk/about/landq-foundation/>

¹⁹ <https://barkingriverside.co.uk/community/>

- 8.6 The Delivery Partners are committed to working closely and productively with the NEAs in whatever composition they take going forward. Creating a single point of contact through a LLNTDC would simplify this relationship, but does not necessitate this relationship to be productive.
- 8.7 Accordingly, there appears to be no need for the NEAs to produce a report on delivery mechanisms, particularly one that principally seeks to justify an LLNTDC approach.
- 8.8 We support paragraph 11 of the Statement in recognising that inserted references in the Local Plan to LLNTDCs does not preclude other options for delivery and there is no reliance on a Development Corporation to deliver the policies. It also appreciates that different models may emerge for each GC, with joint venture or landowner agreements mentioned as possible even under an umbrella LLNTDC.
- 8.9 However, as stated within Section 2 of these representations, further amendments are required to Policy SP7 to remove presumption that new models of delivery will be utilised. In the proposed amended form, the policy still provides a default towards the implication of new models of delivery. This flips the burden of proof, placing the onus on any future applicant to show why it would not be appropriate to deploy new models of delivery. As the Inspector previously concluded, there is no substantial evidence to show that only new, unconfirmed models of delivery are capable of achieving the policy's objectives, and should be the default unless demonstrated otherwise.
- 8.10 Paragraph 12 of the Statement references the potential to purchase the majority of land at agricultural values, utilising the 'no scheme world' under CPO powers. We agree with the principle of this statement for some aspects of the 'Areas of Search' for a new garden community and understand it will form an important mechanism in the delivery of the garden communities, regardless of the overall delivery mechanism employed. However, this does not reflect the latest guidance on CPO powers available to LLNTDCs that states that consideration needs to be had where there are alternative delivery mechanisms²⁰.
- 8.11 As has been emphasised throughout the promotion of West Tey, L&Q represents a viable master developer entity to bring forward a new garden community in line with draft policy. Where land falls within the control of the Delivery Partners, a viable, deliverable alternative to use of CPO powers exists, restricting the ability of the Secretary of State to confirm a compulsory purchase order in relation to this land specifically.

²⁰ See questions 143 and 144 of https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817392/CPO_guidance_-_with_2019_update.pdf

9 EXAMINATION IN PUBLIC

- 9.1 In the context of the significance of the proposals at West Tey to the integrity on the strategy and ultimately the deliverability of the Local Plan, we are seeking representation at all sessions of the re-opened Examination. We will provide written submissions to the Matters and Issues in due course, but as a matter of good administration, we are seeking confirmation that we will be invited to the relevant sessions of the re-opened Examination.