

Hearing Statement

Babergh and Mid Suffolk Local Plan: Examination in Public

Matter 1a

Richard Brown Planning Limited on behalf of

Landbridge Property LLP

Relating to land at Stowmarket Road Great Blakenham (the “site”)

June 2021

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1. Introduction

1.1 This Hearing Statement has been prepared by Richard Brown Planning Limited, on behalf of Landbridge Property LLP, relating to land at Stowmarket Road Great Blakenham, who submitted representations in September 2019 and also representations in December 2020 to the Babergh and Mid Suffolk Local Plan Regulation 19 Consultation.

1.2 This Hearing Statement responds to the following matter:

Matter 1 – 1.4-1.6

2. Matter 1a: Legal Compliance

Sustainability Appraisal

- 1.4 *Does the Sustainability Appraisal (SA) provide a comprehensive and robust basis to inform the strategy and contents of the plan, particularly in terms of:*
- (a) its assessment of the likely effects of the plan's policies and allocations?*
 - (b) its consideration of reasonable alternatives, including the nine spatial strategy options?*
- 1.5 *Does the plan include policies designed to ensure that the development and use of land in Babergh and Mid Suffolk contributes to the mitigation of, and adaptation to, climate change?*
- 1.6 *Does the plan include policies to address the strategic priorities for the development and use of land in Babergh and Mid Suffolk?*

Response

- 2.1 The JAM Consult Ltd Sustainability Appraisal Report June 2021 is attached at A1. This Report provides a review of the Sustainability Appraisal process in relation to the site, which has not been considered in the Local Plan and the Inspector's Matters 1 and 4.
- 2.2 The review of the Sustainability Appraisal process has shown that the SA is completely deficient, particularly in respect of the assessment of 'reasonable alternatives' available as well as substantial flaws in the application of the SA methodology itself. The SA process has failed to include an assessment of all reasonable alternatives in relation to the Spatial Strategy, the Site Allocations (e.g. Land at Stowmarket Road) and the Strategic Policies (e.g. SP01 Housing Needs).

2.3. The requirement to identify and evaluate alternatives to the Plan, including reasonable alternatives to the specific policies contained within the Plan, is also well established in case law, for example:

- **Save Historic Newmarket Ltd v. Forest Heath DC [2011] EWHC 606 (Admin) 25 March 2016**, the housing policies in the Forest Heath Core Strategy were quashed on the basis that there had not been SEA of the reasonable alternatives to the allocation of a particular site for residential development.
- **Heard v Broadland DC [2012] EWHC 344 (Admin) 24 Feb 2012**, the Broadland Joint Core Strategy was found unlawful because the reasonable alternatives to a proposed urban extension north-east of Norwich had not been assessed in accordance with the SEA Directive.
- **Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2015] EWCA Civ 681**, the Wealden District Core Strategy Local Plan was quashed by the Court of Appeal, in part in respect of the policy introduced at a late stage to limit development within certain distances of the Ashdown Forest SPA and SAC and which had not been the subject of assessment, including reasonable alternatives.

2.4 The SA process fails to demonstrate that reasonable alternatives have been properly considered or assessed in relation to the chosen spatial strategy, site allocations and strategic policies. The findings are therefore not considered credible, justified or robust. As a consequence, the SA is not legally compliant and the Local Plan can therefore not be considered sound.

Richard Brown

From: BMSDC Local Plan <localplan@baberghmidsuffolk.gov.uk>
Sent: 07 December 2020 15:30
To: BMSDC Local Plan
Subject: IMPORTANT - Babergh and Mid Suffolk Joint Local Plan

Good Afternoon,

RE: BABERGH AND MID SUFFOLK PRE SUBMISSION (REGULATION 19) JOINT LOCAL PLAN.

The purpose of this correspondence is to ensure your engagement in the publication of the Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Regulation 19) document which is out to consultation until 12:00 (midday) on 24th December 2020.

You are being contacted because you have / or are acting on behalf of someone who has a land interest which is currently proposed for allocation in the Plan.

As you will be aware from previous correspondence National Planning Policy Guidance encourages site promoters and land owners to engage in plan making, and we advise you to take this opportunity to engage with us through the current consultation to safeguard the proposed allocations in the Plan through the Examination process. **As set out in our previous correspondence, if we do not have the necessary up to date information to support and demonstrate deliverability and viability of the proposed allocations, the Councils will need to reconsider whether allocations as proposed shall continue to be supported through the Examination process or whether modifications will be required.**

Please ensure your representations are duly made in accordance with the [Statement of Representations Procedures](#) and received by the Councils prior to 12:00 (midday) on 24th December 2020. Representations received after this deadline will not be considered.

The Joint Local Plan Pre-Submission document and comprehensive evidence base library to support the policies and allocations is available at:

www.babergh.gov.uk/jointlocalplan or www.midsuffolk.gov.uk/jointlocalplan

If you have any queries on the information requested, please do not hesitate to contact the Planning Policy team at Localplan@baberghmidsuffolk.gov.uk or 0300 1234 000 Option 5 and then Option 4.

Kind regards,

Robert Hobbs

Corporate Manager – Strategic Planning

Babergh District Council & Mid Suffolk District Council – Working Together

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Babergh District Council and Mid Suffolk District Council (BMSDC) will be Data Controllers of the information you are providing. As required by the Data Protection Act 2018 the information will be kept safe, secure, processed and only shared for those purposes or where it is allowed by law. In some circumstances however we may need to disclose your personal details to a third party so that they can provide a service you have requested, or fulfil a request for information. Any information about you that we pass to a third party will be held securely by that party, in accordance with the Data Protection Act 2018 and used only to provide the services or information you have requested.

For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website.

1.1 The Promoter and their professional team have considered the Babergh & Mid Suffolk Plan Viability & CIL Review Study (“PVCRS”) prepared by Aspinall Verdi and published in June 2019. The PVCRS considers the viability of the proposed planning policies within the plan through investigation of a number of different development site typologies.

1.2 The most relevant site typology to Stowmarket Road, Great Blakenham is the Greenfield Typology (125 dwellings). We have reviewed the appraisal input assumptions contained in the PVCRS for the Greenfield Typology (125 dwellings) and consider them to be reasonable. We have therefore adopted them in an appraisal to consider the viability of this Local Plan Promotion site at Stowmarket Road.

1.3 The following table presents a summary development appraisal for the Proposed Allocation:

SUMMARY DEVELOPMENT APPRAISAL (35% AFFORDABLE HOUSING)

TOTAL DWELLINGS	120
NET DEVELOPABLE AREA	3.11 Hectares
DENSITY (DPH)	38.5
TOTAL REVENUE (GDV)	£30 Million
TOTAL DEVELOPMENT COSTS	£27.1 Million
SUB TOTALS	
SITE ABNORMALS	£0.35 Million
CONSTRUCTION (incl. Local Plan specification enhancements, professional fees, general contingency	£17.2 Million
S106 & CIL	£2.0 Million
ACQUISITION, SALES & MARKETING COSTS	£1.05 Million
FINANCE COSTS	£1.25 Million
DEVELOPER RETURN (Blended 17.5%)	£5.25 Million

RESIDUAL LAND VALUE (RLV)	£2.9 Million
RLV (Per net developable hectare)	£932,475

1.4 Using the Local Plan viability evidence base methodology this Local Plan Promotion site would generate a residual land value of £932,475 per net developable hectare. This is above the value of £352,000 per net developable hectare set as the threshold land value within the PVCRS for this size of Greenfield residential development site.

1.5 The above analysis confirms that the land at Stowmarket Road, Great Blakenham would be viable and therefore deliverable as it generates competitive returns for both developer (i.e. an appropriate level of profit) and landowner (i.e. an appropriate land value).

Appendix A



Land at Stowmarket Road Great Blakenham

Babergh and Mid Suffolk
Joint Local Plan

EXAMINATION IN PUBLIC MATTERS 1 + 4 SUSTAINABILITY APPRAISAL

Representations on behalf of
LANDBRIDGE PROPERTY LLP

June 2021

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Executive Summary

- ES.1 This document has been prepared by **Jam Consult Ltd** on behalf of **Landbridge Property LLP** with regards to **Land at Stowmarket Road, Great Blakenham (the Site)**. This report provides a review of the Sustainability Appraisal process in relation to the Client's site, which has not been considered in the Local Plan and the Inspector's **Matters 1 and 4**.
- ES.2 Sustainability Appraisal (SA) is mandatory for new or revised Development Plan Documents (DPDs), which includes the Joint Local Plan under section **19(5) of the Planning and Compulsory Purchase Act 2004**. When conducting an SA of DPDs an environmental assessment must also be conducted in accordance with the requirements of **European Directive 2001/42/EC** (The Strategic Environmental Assessment Directive), transposed into the UK legislation by the **Environmental Assessment of Plans and Programmes Regulations 2004, Section 12 (Regulations)**.
- ES.3 The Councils have previously consulted on the following SA documents, which have also been considered in this review, as it is necessary to look at the SA as a whole, given the iterative nature of the process:
- Scoping Report, January 2017 (BMSDC) **[BO1]**
 - Sustainability Appraisal, August 2017 (BMSDC) **[BO3]**
 - Scoping Report, April 2019 (Place Services) **[BO4]**
 - Sustainability Appraisal (Reg.18) Non-Technical Summary **[BO6]**
 - Sustainability Appraisal (Reg.18), June 2019 (Place Services) **[BO7]**
 - Sustainability Appraisal (Reg. 18) Addendum, July 2019 (Place Services) **[BO8]**
 - Scoping Report, March 2020 (LUC) **[B10]**
 - Sustainability Appraisal, October 2020 (LUC) Non-Technical Summary **[AO2]**
 - Sustainability Appraisal, October 2020 (LUC) **[AO3]**
 - Sustainability Appraisal Appendices, October 2020 (LUC) **[AO4]**
- ES.4 The review of the SA process has shown that the SA is completely deficient, particularly in respect of the assessment of '**reasonable alternatives**' available as well as substantial flaws in the application of the SA methodology itself. The SA process has failed to include an assessment of all reasonable alternatives in relation to the Spatial Strategy, the Site Allocations (e.g. Land at Stowmarket Road) and the Strategic Policies (e.g. SP01 Housing Needs).

Spatial Strategy

- ES.5 Whilst nine options have been subjected to further review and assessment within **Chapter 5** of the SA 2020, it is not clear which elements of the options considered are included within the preferred approach. **Para 5.19 (p48)** states:
- “The preferred spatial strategy is likely to be a combination of two or more of the spatial strategy options listed above.”
- ES.6 It is acknowledged that **Option 2 - Focussing Development at the Market Town and Urban Areas** - is marginally better than the other options but will not be able to deliver the objectively assessed housing need and, therefore, elements of the other options will need to be included. The SA should have tested alternatives which comprised different elements of the nine different options to identify the preferred approach. It is not clear what the preferred approach is and it has not been tested against the other reasonable alternatives in the same level of detail **[NPPG para 18]**.
- ES.7 The Council’s **Topic Paper Spatial Housing approach, March 2021 [EP03]** also provides no further explanation for the reasons behind the selection of the preferred approach.
- ES.8 An outline of the reasons the options have been selected and rejected should be provided including the reasons for selecting the preferred approach in the light of the alternatives **[Regs. Sch 2(8); NPPG para 18]**.

Site Allocations

- ES.9 The Site was submitted as a potential site to the Council in September 2019. Representations were made regarding the site in response to the Regulation 18 (September 2019) and Regulation 19 (December 2020) versions of the Local Plan and SA (see Appendices to Hearing Statement). Furthermore, an email was received from the Council on **7 December 2020**, requesting further information regarding the viability and deliverability of the site. An email was sent in response to the request and further information supplied within the representations (see Representations 2020).
- ES.10 The Site has not been included or appraised as a potential site in the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2020. As a consequence, the Site has also not been considered within the SA 2020 and has resulted in a failure to consider all reasonable alternatives. Furthermore, the SHELAA 2019 is not available on the Council’s website and cannot be checked to see if the site was considered at that stage.

ES.11 In the Council's response to the Inspector's Pre-Examination queries **[GB01]** the reasons for the selection of sites is set out as follows **[para 4.02]**

"Paragraph 09.08 of the JLP (Document A01) broadly describes how the selection of sites has been approached in the Plan making process:

"09.08 The new development locations have been identified with consideration to consultation responses, the availability and deliverability of sites, the preferred spatial distribution pattern, the sensitivities and constraints of the area (eg. flood zones, heritage features and landscape designations etc) and the infrastructure capacity and opportunities (eg. schools and healthcare etc). Sites judged to perform best overall against the above criteria and evidence base outcomes have been proposed in this document."

ES.12 The SA has not shown how the consultation responses have been taken into account. Some responses to the 2019 consultation are included in **Appendix A Table A.2 (PDF page 9) [AO4 SA Appendices 2020]**, however, there is no reference to the representations made by Richard Brown Planning Ltd in 2019 relation to the site.

ES.13 The site is available and deliverable, is within the top tier of the settlement hierarchy (Ipswich fringe) and has no constraints or sensitivities that cannot be addressed with suitable mitigation measures. An assessment of the site against the Site appraisal criteria from the SHELAA and the SA Framework is provided at **Appendices 1-5** of this report.

Strategic Policies

ES.14 Flaws have also been identified in the assessment of the Strategic Policies. No alternatives have been assessed for SPO1 Housing Need. The SA states **(page 226-227)**:

"No alternative options are put forward at this stage, as there is no evidence to suggest that the housing requirement should be set at any level other than the local housing need figure."

ES.15 The assessment matrix **(SA p227)** shows that the only impact identified against the 16 Sustainability Objectives of the SA Framework is against **SAO 4 Housing**, which cannot be correct. Furthermore, the assessment has not tested other reasonable alternatives to the housing need, including the identified 20% buffer required to address the under delivery of housing and lack of a 5 year housing supply.

- ES.16 **SPO3 Settlement Hierarchy** – identifies Ipswich Fringe as the highest tier of settlement for growth, however, this appears to be contradicted by **SPO4 Spatial Distribution**, which only allocates 14% to the Ipswich Fringe but 31% to the Market Towns and Urban areas, 38% for Core Villages and 10% in the Villages.
- ES.17 **SA para 7.80** also refers to:
“Further optioneering work by BMSDC on the outstanding spatial distribution has therefore concentrated on options which can be expected to perform as genuinely distinct. This left the following SA spatial options from which reasonable alternatives could be considered:
- Option 1 – Ipswich Fringe focus (one further option identified).
 - Option 2 – Focusing development at Market Towns and Urban Areas (two further options identified).
 - Option 4 – Proportionate growth (one further option identified).
 - Option 9 – Focus on least environmentally constrained areas (no reasonable options identified).
- ES.18 The further optioneering work identified above has not been found in the Council’s evidence base on the website, nor an assessment of these options within the SA report. This provides further confirmation that the assessment of reasonable alternatives has not been carried out in a robust and transparent manner.
- ES.19 Owing to the errors identified in the assessment of reasonable alternatives for the spatial options, site allocations and strategic policies, the cumulative impact assessment is also inaccurate. The inaccuracy particularly relates to the failure to consider the potential in-combination impact of different spatial options, including the preferred approach which has not been carried out.
- ES.20 **Paragraph 018** of the National Planning Practice Guidance sets out how the SA should assess alternatives and identify likely significant effects. The SA has failed to carry out the assessment according to the regulations and guidance, particularly in respect of the following:
- The failure to consider all reasonable alternatives for the spatial strategy, site allocations and strategic policies, including the failure to consider Land at Stowmarket Road
 - Lack of appropriate discussion on how the preferred options were selected
 - Inadequate prediction and evaluation of the effects of the preferred approach and reasonable alternatives
 - The assumptions used in assessing the significance of the effects have not been properly explained, particularly the issues which were a matter of planning judgment

- The assessment fails to include the significance criteria as set out in **Schedule 1(2)** and **2(6)** of the Regulations including short, medium and long-term effects, permanent and temporary effects, secondary, cumulative and synergistic effects.
- There is no comprehensive outline of the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in the light of the alternatives including conclusions on their overall sustainability
- Information on the viability and deliverability of sites is not provided, despite the request for information from the Council
- The in-combination and cumulative effects of the alternative options for the spatial strategy, site allocations or strategic policies have not been assessed appropriately
- The SA has failed to demonstrate how it has informed the Local Plan and the selection, refinement and publication of the proposals
- The SA does not demonstrate a transparent or robust process.

ES.21 Attention is drawn to the findings of the Inspector, Roger Clews, for the North Essex Authorities' Strategic Plan (8/6/18) (**see Appendix 6**) which identifies similar failings in the production of the SA and resulted in the withdrawal of substantial parts of the plan. In particular, the Inspector raised three principal shortcomings:

1. The objectivity of the assessment of the chosen spatial strategy and the alternatives to it, including a lack of evidence to support the assumptions made.
2. The clarity of the descriptions of those alternatives and of the reasons for selecting them.
3. Selection of alternatives and combinations of alternative assessments.

ES.22 The requirement to identify and evaluate alternatives to the Plan, including reasonable alternatives to the specific policies contained within the Plan, is also well established in case law, for example:

- **Save Historic Newmarket Ltd v. Forest Heath DC [2011] EWHC 606 (Admin) 25 March 2016**, the housing policies in the Forest Heath Core Strategy were quashed on the basis that there had not been SEA of the reasonable alternatives to the allocation of a particular site for residential development.
- **Heard v Broadland DC [2012] EWHC 344 (Admin) 24 Feb 2012**, the Broadland Joint Core Strategy was found unlawful because the reasonable alternatives to a proposed urban extension north-east of Norwich had not been assessed in accordance with the SEA Directive.

- **Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2015] EWCA Civ 681**, the Wealden District Core Strategy Local Plan was quashed by the Court of Appeal, in part in respect of the policy introduced at a late stage to limit development within certain distances of the Ashdown Forest SPA and SAC and which had not been the subject of assessment, including reasonable alternatives.

ES.23 The SA process fails to demonstrate that reasonable alternatives have been properly considered or assessed in relation to the chosen spatial strategy, site allocations and strategic policies. The findings are therefore not considered credible, justified or robust. As a consequence, the SA is not legally compliant and the Local Plan can therefore not be considered sound.

1.0 Introduction

- 1.1 This document has been prepared by **Jam Consult Ltd** on behalf of **Landbridge Property LLP** with regards to **Land at Stowmarket Road, Great Blakenham (the Site)**. This report provides a review of the Sustainability Appraisal process in relation to the Client's site, which has been omitted from the Local Plan.
- 1.2 Sustainability Appraisal (SA) is mandatory for new or revised Development Plan Documents (DPDs), which includes the Joint Spatial Plan under section **19(5) of the Planning and Compulsory Purchase Act 2004**. When conducting a SA of DPDs an environmental assessment must also be conducted in accordance with the requirements of **European Directive 2001/42/EC** (The Strategic Environmental Assessment Directive), transposed into the UK legislation by the **Environmental Assessment of Plans and Programmes Regulations 2004, Section 12**.
- 1.3 The Councils have previously consulted on the following SA documents, which have also been considered in this review, as it is necessary to look at the SA as a whole, given the iterative nature of the process:
- Scoping Report, January 2017 (BMSDC) **[BO1]**
 - Sustainability Appraisal, August 2017 (BMSDC) **[BO3]**
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 - Sustainability Appraisal, October 2020 (LUC) **[AO3]**
 - Sustainability Appraisal Appendices, October 2020 (LUC) **[AO4]**
- 1.4 Sustainability Appraisals should be carried out in accordance with Government Guidance 'National Planning Practice Guidance' and the 'National Planning Policy Framework, 2012 (updated 2019)'. Sustainability Appraisal, as defined under the Planning and Compulsory Purchase Act, fully incorporates the requirements of the SEA directive.

2.0 The SA Process

- 2.0.1 The review of the SA process has shown that the SA is completely deficient, particularly in respect of the assessment of ‘**reasonable alternatives**’ available as well as substantial flaws in the application of the SA methodology itself. The SA process has failed to include an assessment of all reasonable alternatives in relation to the Spatial Strategy, the Site Allocations (e.g. Land at Stowmarket Road) and the Strategic Policies (e.g. SP01).

2.1 SA Methodology

- 2.1.1 The SA methodology set out in the Scoping Report March 2020, **Appendix B** is different to the methodology set out in the SA Report 2020, **Appendix C – Table C.1 Residential Site Assessment Criteria and Assumptions**, which has added significance scoring criteria for each sustainability objective. An explanation is not provided on why the assessment method has changed since the scoping report and has not been consulted upon.
- 2.1.2 The site assessment criteria and assumptions are overly complex, inconsistent and inappropriate. The additional significance scoring criteria are extremely difficult to follow and vary between the different objectives. Best practice also advises against the use of scoring systems and the need to complement any scoring with planners’ expert knowledge to address different levels of importance or weighting between criteria [**RTPI SEA/SA Practice Advice 2018**]. The scoring system totals and then averages the scores, which removes the subtlety of the assessment of effects and the ability to attach different weight to certain issues.
- 2.1.3 The assessment of the sites is summarised in **Chapter 6** of the SA and the detailed assessments are provided in **Appendix E**. The conclusions of the site assessments re-affirm the concerns regarding the assessment process. For example, at **para 6.117 (page 142)**:
“Given the number of sites, it can be difficult to identify patterns or trends regarding how different sites perform. Our analysis suggests that, when looking across all the SA Objectives, **if each SA Objective is given equal weight....**” (**emphasis added**)
- 2.1.4 The nature of Sustainability Appraisal work, covering a broad range of complex issues, means that in practice the likelihood of ‘equal weight’ being an appropriate approach is remote, which is why the need for planning judgment in the decision making process is needed rather than a reliance on scoring.

2.1.5 The SA goes on to state at **para 6.119 (p142)**:

“In some instances, the sites that are allocated perform more strongly against the SA Objectives when each SA Objective is given equal weight. In other instances, the sites that are not allocated appear to perform more strongly against the SA Objectives than the sites that have been allocated.”

2.1.6 The rationale for the above approach is not explained and demonstrates an unsatisfactory methodology. The assessment also fails to include the significance criteria as set out in **Schedule 1(2) and 2(6)** of the Regulations including short, medium and long-term effects, permanent and temporary effects, secondary, cumulative and synergistic effects.

2.2 Spatial Strategy

2.2.1 Nine options have been subjected to further review and assessment within **Chapter 5** of the SA 2020.

1. Focusing development at the Ipswich Fringe.
2. Focusing development at the Market Towns/Urban Areas.
3. Focusing development at the Core Villages.
4. Proportionate growth – all settlements increase in size in proportion to current population.
5. Hierarchical growth – distributing development according to the settlement hierarchy.
6. Focusing development along sustainable transport corridors.
7. Focusing development at one or more new settlements.
8. Focusing development at the main concentrations of employment.
9. Focusing development in the least environmentally constrained areas.

2.2.2 However, it is not clear which elements of the options considered above are included within the preferred approach. **Para 5.19 (SA p48)** states:

“The preferred spatial strategy is likely to be a combination of two or more of the spatial strategy options listed above.”

2.2.3 It is acknowledged that **Option 2 - Focussing Development at the Market Town and Urban Areas** - is marginally better than the other options but will not be able to deliver the objectively assessed housing need and, therefore, elements of the other options will need to be included. The SA should have tested alternatives which comprised different elements of the nine different options, to identify the preferred approach. It is not clear what the 'preferred approach' is and it has not been tested against the other reasonable alternatives in the same level of detail **[NPPG para 18]**.

2.2.4 The Council's **Topic Paper Spatial Housing approach, March 2021 [EP03]** also provides no further explanation for the reasons behind the selection of the preferred approach.

2.2.5 The NPPG 2019 is clear on how to assess reasonable alternatives and is referred to by LUC in the SA report **[p44]**

"The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004;
- as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;
- provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives."

NPPG para 18 Reference ID: 11-018-20140306

2.2.6 The conclusions to the assessment of the spatial strategy options are provided at **SA paras 5.31-34:**

“In overall terms, a spatial strategy that focuses development on the Market Towns and Urban Areas, also being the major employment locations, is likely to prove the most sustainable across the full range of SA Objectives. However, there are only five Market Towns in the two Districts, and the part of the urban area of Ipswich that lies within the Babergh Mid Suffolk Plan area is relatively small.

It is recognised that it would be neither practical nor sustainable for all development to be located at the Market Towns and Urban Areas, given that these only comprise around a quarter of the 2018 housing stock in the Plan area, and that the scope for developing within the part of the Ipswich urban area lying within the Plan area is very limited.

There will be local needs outside the Market Towns and Urban Areas that need to be provided for, and support for the jobs, services and facilities that they provide. There is therefore a good case in sustainability terms to allow for a reasonable proportion of development to be provided at the Core Villages and the Ipswich Fringe (which together account for around 40% of the 2018 housing stock), particularly in Sustainable Transport Corridors, all of which performed similarly across the SA Objectives taken as a whole. However, a large volume of dispersed development across the smaller settlements should be avoided.”

2.2.7 An outline of the reasons the options have been selected and rejected should be provided including the reasons for selecting the preferred approach in the light of the alternatives **[Regs. Sch 2(8); NPPG para 18]**. The SA has therefore failed to comply with both the regulations and guidance regarding the assessment of reasonable alternatives and cannot be considered legally compliant.

2.2.8 Attention is drawn to the findings of the Inspector, Roger Clews, for the North Essex Authorities’ Strategic Plan (8/6/18) **(see Appendix 6)** which identifies similar failings in the production of the SA and resulted in the withdrawal of substantial parts of the plan. In particular, the Inspector raised three principal shortcomings:

1. The objectivity of the assessment of the chosen spatial strategy and the alternatives to it, including a lack of evidence to support the assumptions made.
2. The clarity of the descriptions of those alternatives and of the reasons for selecting them.
3. Selection of alternatives and combinations of alternative assessments.

2.2.9 The requirement to identify and evaluate alternatives to the Plan, including reasonable alternatives to the specific policies contained within the Plan, is also well established in case law, for example:

- **Save Historic Newmarket Ltd v. Forest Heath DC [2011] EWHC 606 (Admin) 25 March 2016**, the housing policies in the Forest Heath Core Strategy were quashed on the basis that there had not been SEA of the reasonable alternatives to the allocation of a particular site for residential development.
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- **Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2015] EWCA Civ 681**, the Wealden District Core Strategy Local Plan was quashed by the Court of Appeal, in part in respect of the policy introduced at a late stage to limit development within certain distances of the Ashdown Forest SPA and SAC and which had not been the subject of assessment, including reasonable alternatives.

2.3 Site Allocations

2.3.1 The SA of Reasonable Alternative Sites is set out in **Chapter 6** of the SA report and **Appendices E-G**. The SA sets out at **para 6.2 (page 60) and 6.6 (page 61)**:

“In order to be considered reasonable sites, all potential sites were assessed by BMSDC to determine whether they are likely to be deliverable or developable. Deliverable sites are sites which are suitable, available now and achievable within five years. Developable sites are sites which are suitable with a reasonable prospect they could be available and achievable within the Plan period. The SHELAA considered a number of land sources:

- Existing housing and economic development allocations which are unimplemented.
- Outstanding planning permissions (unimplemented or under construction) for housing and economic development.
- Local authority owned land.
- Redundant public sector land.
- Vacant, derelict and underused land and buildings.
- Land and premises for sale
- Land submitted through ‘Call for sites’”

“6.6 The sites that met the suitability, availability and achievability tests were considered to be ‘reasonable’ sites for the purposes of SA.

2.3.2 The Site was submitted as a potential site to the Council in 2019. Representations were made regarding the site in response to the Regulation 18 and Regulation 19 versions of the Local Plan and SA ((see Appendices to Hearing Statement)). Furthermore, an email was received from the Council on **7 December 2020**, requesting further information regarding the viability and deliverability of the site, to which a response was sent and further information supplied within the representations (see Representations 2020).

2.3.3 The Site has not been included or appraised as a potential site in the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2020. As a consequence, the Site has also not been considered within the SA 2020 and has resulted in a failure to consider all reasonable alternatives. Furthermore, the SHELAA 2019 is not available on the Council's website and cannot be checked to see if the site was considered at that stage.

2.3.4 In the Council's response to the Inspector's Pre-Examination queries **[GB01]** the reasons for the selection of sites are set out as follows **[para 4.02]**

"Paragraph 09.08 of the JLP (Document A01) broadly describes how the selection of sites has been approached in the Plan making process:

"09.08 The new development locations have been identified with consideration to consultation responses, the availability and deliverability of sites, the preferred spatial distribution pattern, the sensitivities and constraints of the area (eg. flood zones, heritage features and landscape designations etc) and the infrastructure capacity and opportunities (eg. schools and healthcare etc). Sites judged to perform best overall against the above criteria and evidence base outcomes have been proposed in this document."

2.3.5 The SA has not shown how the consultation responses have been taken into account. Some responses to the 2019 consultation are included in **Appendix A Table A.2 (PDF page 9) [AO4 SA Appendices 2020]**, however, there is no reference to the representations made by Richard Brown Planning Ltd in relation to the site.

2.3.6 The site is available and deliverable, is within the top tier of the settlement hierarchy (Ipswich Fringe) and has no constraints or sensitivities that cannot be addressed with suitable mitigation measures.

- 2.3.7 Owing to the lack of assessment in the SHELAA and SA an assessment of the Site has been undertaken against the Suitability Assessment Criteria set out in **Appendix A of the SHELAA 2020** and **SA Framework in Appendix C of the SA 2020** at **Appendices 1- 5** of this report.
- 2.3.8 The results confirm that the site scores positively in the Site Suitability Assessment. Only one ‘amber’ result is identified with regards to the site constraints and a combination of ‘amber’ and ‘green’ results are given for the likely impacts. No ‘red’ results are identified, which means that the site should have been considered within the SA as it is clearly suitable, available and achievable. The site also scores more favourably than the allocated site (**SS0654**) in Great Blakenham
- 2.3.9 The SA results are also favourable, further demonstrating that the site is suitable, available and achievable. Owing to the difficulties identified with the SA methodology (**see section 2.1**) the assessment has been carried out against the Sustainability Objectives and sub-objectives only but provides a suitable demonstration of the likely effects, none of which are major negative and can be further improved with mitigation measures.
- 2.3.10 The Council requested further information on the viability and deliverability of sites in December 2020. However, it is not clear why this information was requested if the assessment of deliverability had already been undertaken by Council officers, to inform the SA. If the Council did not have up to date information on the viability and deliverability of the sites when the SA was undertaken in October 2020, then the site assessments cannot be relied upon.
- 2.3.11 No further information on the viability and deliverability of sites, post December 2020 has been provided on the Council’s website in response to the request for information. The SA has also not been updated since October 2020.
- 2.3.12 The SA does not show that the chosen approach for site allocations is justified as it has not considered all reasonable alternatives. The SA report clearly states:
“All site options and policies have been re-appraised in this SA Report.” **SA Appendix A – Table A.2 (page 9 PDF)**
The above statement is incorrect as the Site has not been included or appraised in the SA report. The SA has not assessed all reasonable alternatives.

2.4 Strategic Policies

- 2.4.1 **SPO1 Housing Need** - Flaws have also been identified in the assessment of the Strategic Policies. No alternatives have been assessed for SPO1 Housing Need. The SA states (page 226-227):
- “No alternative options are put forward at this stage, as there is no evidence to suggest that the housing requirement should be set at any level other than the local housing need figure.”
- “7.40 Policy SP01 (Housing) sets out the housing requirement for Mid Suffolk District, as identified in the Ipswich Housing Market Area and using the government's standard methodology for calculation of housing need. The policy seeks to deliver 10,165 dwellings (535 dwellings per annum) over the plan period within Mid Suffolk District. This is a considerable amount of housing and according to Policy SP01, the mix, type and size of new housing development should reflect established needs. Therefore, a significant positive effect is expected against SA Objective 4 (Housing).
- 2.4.2 The assessment matrix (SA p227) shows that the only impact identified against the 16 Sustainability Objectives of the SA Framework is against **SAO 4 Housing**. It cannot be correct that no significant impacts have been identified, in relation to building over 10,000 homes, against any of the other objectives. Furthermore, the assessment has not tested other reasonable alternatives to the housing need, including the identified 20% buffer required to address the under delivery of housing and lack of a 5 year housing supply.
- 2.4.3 **SPO3 Settlement Hierarchy** – identifies Ipswich Fringe as the highest tier of settlement for growth:
- “7.54..... settlements higher up the hierarchy (Ipswich Fringe, Market Towns and Core Villages) are those with the most services and facilities and jobs (taking into account the proximity of the Ipswich Fringe to the regional hub of Ipswich), and where larger scale housing development is most likely to be achievable, also helping to deliver affordable housing.”
- 2.4.4 **SPO4 Spatial Distribution** - The above statement appears to be contradicted in SPO4, which only allocates 14% to the Ipswich Fringe, 31% to the Market Towns and Urban areas, 38% for Core Villages and 10% in the Villages.

2.4.5 SA **para 7.80** also refers to:

“Further optioneering work by BMSDC on the outstanding spatial distribution has therefore concentrated on options which can be expected to perform as genuinely distinct. This left the following SA spatial options from which reasonable alternatives could be considered:

- Option 1 – Ipswich Fringe focus (one further option identified).
- Option 2 – Focusing development at Market Towns and Urban Areas (two further options identified).
- Option 4 – Proportionate growth (one further option identified).
- Option 9 – Focus on least environmentally constrained areas (no reasonable options identified).

2.4.6 The further optioneering work identified above has not been found in the Council’s evidence base on the website, nor an assessment of these options within the SA report. This provides further confirmation that the assessment of reasonable alternatives has not been carried out in a robust and transparent manner.

2.5 Cumulative Effects

2.5.1 Owing to the errors identified in the assessment of reasonable alternatives for the spatial options, site allocations and strategic policies, the cumulative impact assessment is therefore also inaccurate. The inaccuracy particularly relates to the failure to consider the potential in-combination impact of different spatial options, including the preferred approach which has not been carried out.

3.0 Conclusions

- 3.1.1 This document has been prepared by **Jam Consult Ltd** on behalf of **Landbridge Property LLP** with regards to **Land at Stowmarket Road, Great Blakenham (the Site)**. This report provides a review of the Sustainability Appraisal process in relation to the Client's site, which has not been considered in the Local Plan and the Inspector's **Matters 1 and 4**.
- 3.1.2 The review of the SA process has shown that the SA is completely deficient, particularly in respect of the assessment of '**reasonable alternatives**' available as well as substantial flaws in the application of the SA methodology itself. The SA process has failed to include an assessment of all reasonable alternatives in relation to the Spatial Strategy, the Site Allocations (e.g. Land at Stowmarket Road) and the Strategic Policies (e.g. SP01 Housing Needs).

Spatial Strategy

- 3.1.3 Whilst nine options have been subjected to further review and assessment within **Chapter 5** of the SA 2020, it is not clear which elements of the options considered are included within the preferred approach. **Para 5.19 (p48)** states:
"The preferred spatial strategy is likely to be a combination of two or more of the spatial strategy options listed above."
- 3.1.4 It is acknowledged that **Option 2 - Focussing Development at the Market Town and Urban Areas** - is marginally better than the other options but will not be able to deliver the objectively assessed housing need and, therefore, elements of the other options will need to be included. The SA should have tested alternatives which comprised different elements of the nine different options to identify the preferred approach. It is not clear what is the preferred approach and it has not been tested against the other reasonable alternatives in the same level of detail [**NPPG para 18**].
- 3.1.5 The Council's **Topic Paper Spatial Housing approach, March 2021 [EP03]** also provides no further explanation for the reasons behind the selection of the preferred approach.
- 3.1.6 An outline of the reasons the options have been selected and rejected should be provided including the reasons for selecting the preferred approach in the light of the alternatives [**Regs. Sch 2(8); NPPG para 18**].

Site Allocations

- 3.1.7 The Site was submitted as a potential site to the Council in 2019. Representations were made regarding the site in response to the Regulation 18 (September 2019) and Regulation 19 (December 2020) versions of the Local Plan and SA (see Appendices to Hearing Statement). Furthermore, an email was received from the Council on **7 December 2020**, requesting further information regarding the viability and deliverability of the site. An email was sent in response to the request and further information supplied within the representations (see Representations 2020).
- 3.1.8 The Site has not been included or appraised as a potential site in the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2020. As a consequence, the Site has also not been considered within the SA 2020 and has resulted in a failure to consider all reasonable alternatives. Furthermore, the SHELAA 2019 is not available on the Council's website and cannot be checked to see if the site was considered at that stage.
- 3.1.9 In the Council's response to the Inspector's Pre-Examination queries **[GB01]** the reasons for the selection of sites is set out as follows **[para 4.02]**
"Paragraph 09.08 of the JLP (Document A01) broadly describes how the selection of sites has been approached in the Plan making process:
"09.08 The new development locations have been identified with consideration to consultation responses, the availability and deliverability of sites, the preferred spatial distribution pattern, the sensitivities and constraints of the area (eg. flood zones, heritage features and landscape designations etc) and the infrastructure capacity and opportunities (eg. schools and healthcare etc). Sites judged to perform best overall against the above criteria and evidence base outcomes have been proposed in this document."
- 3.1.10 The SA has not shown how the consultation responses have been taken into account. Some responses to the 2019 consultation are included in **Appendix A Table A.2 (PDF page 9) [AO4 SA Appendices 2020]**, however, there is no reference to the representations made by Richard Brown Planning Ltd in relation to the site.

- 3.1.11 The site is available and deliverable, is within the top tier of the settlement hierarchy (Ipswich Fringe) and has no constraints or sensitivities that cannot be addressed with suitable mitigation measures. An assessment of the site against the Site Appraisal criteria from the SHELAA and the SA Framework is provided at **Appendices 1-5** of this report.

Strategic Policies

- 3.1.12 Flaws have also been identified in the assessment of the Strategic Policies. No alternatives have been assessed for SPO1 Housing Need. The SA states (**page 226-227**):
- “No alternative options are put forward at this stage, as there is no evidence to suggest that the housing requirement should be set at any level other than the local housing need figure.”
- 3.1.13 The assessment matrix (**SA p227**) shows that the only impact identified against the 16 Sustainability Objectives of the SA Framework is against **SAO 4 Housing**, which cannot be correct. Furthermore, the assessment has not tested other reasonable alternatives to the housing need, including the identified 20% buffer required to address the under delivery of housing and lack of a 5 year housing supply.
- 3.1.14 **SPO3 Settlement Hierarchy** – identifies Ipswich Fringe as the highest tier of settlement for growth, however, this appears to be contradicted by **SPO4 Spatial Distribution**, which only allocates 14% to the Ipswich Fringe but 31% to the Market Towns and Urban areas, 38% for Core Villages and 10% in the Villages.
- 3.1.15 SA **para 7.80** also refers to:
- “Further optioneering work by BMSDC on the outstanding spatial distribution has therefore concentrated on options which can be expected to perform as genuinely distinct. This left the following SA spatial options from which reasonable alternatives could be considered:
- Option 1 – Ipswich Fringe focus (one further option identified).
 - Option 2 – Focusing development at Market Towns and Urban Areas (two further options identified).
 - Option 4 – Proportionate growth (one further option identified).
 - Option 9 – Focus on least environmentally constrained areas (no reasonable options identified).

- 3.1.16 The further optioneering work identified above has not been found in the Council's evidence base on the website, nor an assessment of these options within the SA report. This provides further confirmation that the assessment of reasonable alternatives has not been carried out in a robust and transparent manner.
- 3.1.17 Owing to the errors identified in the assessment of reasonable alternatives for the spatial options, site allocations and strategic policies, the cumulative impact assessment is also inaccurate. The inaccuracy particularly relates to the failure to consider the potential in-combination impact of different spatial options, including the preferred approach which has not been carried out.
- 3.1.18 **Paragraph 018** of the National Planning Practice Guidance sets out how the SA should assess alternatives and identify likely significant effects. The SA has failed to carry out the assessment according to the regulations and guidance, particularly in respect of the following:
- The failure to consider all reasonable alternatives for the spatial strategy, site allocations and strategic policies, including the failure to consider Land at Stowmarket Road
 - Lack of appropriate discussion on how the preferred options were selected
 - Inadequate prediction and evaluation of the effects of the preferred approach and reasonable alternatives
 - The assumptions used in assessing the significance of the effects have not been properly explained, particularly the issues which were a matter of planning judgment
 - The assessment fails to include the significance criteria as set out in **Schedule 1(2)** and **2(6)** of the Regulations including short, medium and long-term effects, permanent and temporary effects, secondary, cumulative and synergistic effects.
 - There is no comprehensive outline of the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in the light of the alternatives including conclusions on their overall sustainability
 - Information on the viability and deliverability of sites is not provided, despite the request for information from the Council
 - The in-combination and cumulative effects of the alternative options for the spatial strategy, site allocations or strategic policies have not been assessed appropriately

- The SA has failed to demonstrate how it has informed the Local Plan and the selection, refinement and publication of the proposals
- The SA does not demonstrate a transparent or robust process.

3.1.19 Attention is drawn to the findings of the Inspector, Roger Clews, for the North Essex Authorities' Strategic Plan (8/6/18) (see Appendix 6) which identifies similar failings in the production of the SA and resulted in the withdrawal of substantial parts of the plan. In particular, the Inspector raised three principal shortcomings:

1. The objectivity of the assessment of the chosen spatial strategy and the alternatives to it, including a lack of evidence to support the assumptions made.
2. The clarity of the descriptions of those alternatives and of the reasons for selecting them.
3. Selection of alternatives and combinations of alternative assessments.

3.1.20 The requirement to identify and evaluate alternatives to the Plan, including reasonable alternatives to the specific policies contained within the Plan, is also well established in case law, for example:

- **Save Historic Newmarket Ltd v. Forest Heath DC [2011] EWHC 606 (Admin) 25 March 2016**, the housing policies in the Forest Heath Core Strategy were quashed on the basis that there had not been SEA of the reasonable alternatives to the allocation of a particular site for residential development.
- **Heard v Broadland DC [2012] EWHC 344 (Admin) 24 Feb 2012**, the Broadland Joint Core Strategy was found unlawful because the reasonable alternatives to a proposed urban extension north-east of Norwich had not been assessed in accordance with the SEA Directive.
- **Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2015] EWCA Civ 681**, the Wealden District Core Strategy Local Plan was quashed by the Court of Appeal, in part in respect of the policy introduced at a late stage to limit development within certain distances of the Ashdown Forest SPA and SAC and which had not been the subject of assessment, including reasonable alternatives.

- 3.1.21 The SA process fails to demonstrate that reasonable alternatives have been properly considered or assessed in relation to the chosen spatial strategy, site allocations and strategic policies. The findings are therefore not considered credible, justified or robust. As a consequence, the SA is not legally compliant and the Local Plan can therefore not be considered sound.



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APPENDIX 1

Summary of Site Suitability Assessments for Great Blakenham (SHELAA October 2020) and Land at Stowmarket Road (NOT INCLUDED IN ASSESSMENT)

SITE DETAILS				CONSTRAINTS								IMPACTS							
Site ref.	Site name	JLP Classification	Yield	Access to Site	Access to wider transport networks	Access to local services & facilities	Infrastructure Capacity	Utilities Infrastructure	Contamination and ground stability	Flood Risk	Market Attractiveness	Landscape, Strategic Gaps & Agricultural land	Townscape	Biodiversity and Geodiversity	Historic Environment	Open Space	Transport and Roads	Compatibility with adjoining uses	
Great Blakenham Parish																			Commentary
SS0654 (p.152)	Land south of Chalk Hill Lane and West of Hood Drive	Ipswich Policy Area	8																Site Allocated Developable in years 6-15. Site located within the Ipswich Fringe and is a relatively small scale development.
SS0864	Land north of Gipping Road	Ipswich Policy Area	20																Site Not Currently Developable Site is no longer available for development during the plan period.
SS0952	Land south of Gipping Road	Ipswich Policy Area	10																Site Not Currently Developable Site is located within a Strategic Employment Zone and would result in the loss of employment land in a strategic location.
SS0174	Land to the rear of Tollgate Farm	Ipswich Policy Area	-																Site Discounted Site has poor connectivity to the existing settlement. Adjoining land uses would be incompatible with the proposed residential development with no scope for mitigation.
SS0381	Land north of Plummers Dell	Ipswich Policy Area	-																Site Discounted Flood Zone 3 affects 50% or more of the site.
SS1009	Land north-east of the Village Hall	Ipswich Policy Area	-																Site Discounted Flood Zone 2 and 3 affects 50% or more of the site.
NOT ASSESSED	Land at Stowmarket Road	Ipswich Policy Area	120																SITE NOT ASSESSED**

* The results are based on the results provided in the SHELAA October 2020. The SHELAA Assessments have not been completed as a matrix that follows the criteria set out in Appendix A – Suitability Assessment Criteria and is therefore an approximation based on the information that has been provided.

** Site assessment carried out by Jam Consult against Appendix A Suitability Assessment Criteria. Full results on page 2 of this report.

APPENDIX 2

Assessment of Land at Stowmarket Road, Great Blakenham against SHELAA Suitability Assessment Criteria, October 2020 -

ASSESSMENT CRITERIA		CRITERIA			LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM	
		RED	AMBER	GREEN	R/A/G	COMMENTARY
CONSTRAINTS	Access to site	No possibility of creating suitable access to the site	There is no identified access to the site or possible access constraints on the site, but these may be overcome through development	Access by all means is possible		Walking and Cycling Accessibility <ul style="list-style-type: none"> Footways are provided on both sides of Stowmarket Road, including along the eastern boundary of the site. The existing footways are considered to be sufficiently wide, with street lighting provided along the western side of the carriageway. These footways continue south and connect the site with the centre of Great Blakenham and onward to Claydon. There is an on-road cycle lane on the southbound side of Stowmarket Road, which begins to the south of the junction with Chalk Hill Lane. This connects with a shared foot / cycle way to the south of Bramford Road, which in turn connects with Claydon and National Cycle Network (NCN) Route 51. NCN 51 passes through Cambridgeshire, Suffolk and Essex, and, on a regional scale, connects Great Blakenham with Claydon and Ipswich to the south and Needham Market to the north. Local Highway Network <ul style="list-style-type: none"> Stowmarket Road forms a section of the B1113, which runs in a general northwest-southeast direction and connects the site with Great Blakenham and Needham Market to the south and Bramford to the north. In the vicinity of the site, the B1113 operates with a speed limit of 30mph. It also provides access to the A14, approximately 1.75km to the south. The A14 is a major route through Suffolk and Cambridge, and provides connections between Ipswich, Bury St Edmunds and Cambridge. Access to the site will be provided from Stowmarket Road.
	Access to wider transport networks	Poor relationship to wider transport network	Adequate relationship to wider transport networks	Good relationship to wider transport network		Local Bus Services <ul style="list-style-type: none"> There are a number of bus stops situated along Stowmarket Road to the immediate east of the site, the nearest of which are located approx. 60m to the south of the southern site boundary. The 88, 88A, 89 and 89A routes typically provide two services and hour Mon-Sat between Ipswich and Stowmarket/Chilton Hall. Additionally, the 87 bus route provides a Sunday service between Stowmarket and Ipswich. These bus stops are also served by the 929 and 987 school bus services, which serves Otley College and Claydon Primary and High Schools respectively. The 88, 88A, 89 and 89A bus routes also connect the site with Needham Market and Ipswich National Rail stations. National Rail Services <ul style="list-style-type: none"> The nearest station to the site is Needham Market, which is approx. 4.5km (approx. 14 mins cycling distance) north of the site. The station is served by an hourly service (Monday to Saturday, every two hours on Sundays) between Cambridge and Ipswich. Ipswich Station is approximately 9km south of the site, but is also accessible from the site via local bust services. In addition to local services, Ipswich Station is also served by inner-city services to Norwich and London Liverpool Street.
	Accessibility to local services and facilities	Poor access to core services and facilities	Average access to core services and facilities	Good access to core services and facilities		Local Amenities <ul style="list-style-type: none"> Local amenities within Great Blakenham include a public house (The Chequers), Great Blakenham Village Hall, and a place of worship (Saint Mary's Church), all of which are located within 750m (approximately 10 minutes walking / two minutes cycling distance) of the site.
	Infrastructure capacity	No available infrastructure capacity and no potential for improvements	No available infrastructure capacity but potential for improvements to facilitate capacity	Sufficient infrastructure capacity available		Transport <ul style="list-style-type: none"> Capacity still needs to be assessed in detail. Mitigation will be identified if necessary. Health Care <ul style="list-style-type: none"> Capacity still needs to be assessed in detail. Mitigation will be identified if necessary. Schools <ul style="list-style-type: none"> Claydon Primary and High Schools are both located within 2.6km (approximately 30 minutes walking/eight minutes cycling distance) of the site, and are also accessible via the direct school bus services which operate from Stowmarket Road.
	Utilities infrastructure	n/a	Utilities infrastructure present on the site that could affect the development potential	No constraints from utilities infrastructure		Utilities <ul style="list-style-type: none"> All services can be connected to the adjoining area and from the adjoining development.

ASSESSMENT CRITERIA		CRITERIA			LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM	
		RED	AMBER	GREEN	R/A/G	COMMENTARY
CONSTRAINTS	Contamination and ground stability	n/a	The site is potentially contaminated or has potential ground stability issues that could be mitigated	The site is unlikely to be contaminated and has no known ground stability issues		Contaminated Land <ul style="list-style-type: none"> There are no contaminated land issues.
	Flood risk	Where predicted surface water flooding affects 50% or more of the site	Up to 50% of the site is within Flood Zone 2 or 3 and/or is within an area at high, medium or low risk from surface water flooding	The site is at low risk of flooding (within Zone 1)		Drainage <ul style="list-style-type: none"> Attenuation ponds are required at the front of the site. Flood Zone <ul style="list-style-type: none"> The site is located in flood zone 1, an area with a low probability of flooding. The proposals will follow best practice regarding site drainage to ensure that any surface water runoff from the development is managed by attenuation and controlled discharge, which will ensure flood risk is not increased elsewhere. A variety of Sustainable Drainage Systems (SuDS), including swales, permeable paving and a detention basis, will be utilised to control surface water flows from the site.
	Market attractiveness	The site is in a location not considered to be attractive to the market, and cannot be made so through development	Through development the site may become attractive to the market	The site is in a location considered to be attractive to the market		Settlement Hierarchy <ul style="list-style-type: none"> The site lies within the Ipswich Fringe area. Viability and Deliverability <ul style="list-style-type: none"> The site is considered sustainable, deliverable and viable for development of at least 120 dwellings (including affordable) as demonstrated by the various technical reports produced including: <ul style="list-style-type: none"> Base Map + Redline prepared by Pegasus Group Development Framework Plan prepared by Pegasus Group Illustrative Masterplan prepared by Pegasus Group Design Group prepared by Pegasus Group Landscape and Visual Analysis prepared by Pegasus Group Heritage Note prepared by Pegasus Group Transport Assessment Scoping Report Prepared by Pell Frischmann. The Promoter and their professional team have carried out analysis which confirms that the land at Stowmarket Road, Great Blakenham would be viable and therefore deliverable as it generates competitive returns for both developer (i.e. an appropriate level of profit) and landowner (i.e. an appropriate land value). See Representations including information on viability and deliverability, December 2020.

Land at Stowmarket Road, Great Blakenham

Babergh and Mid Suffolk District Councils (BMSDC) Joint Local Plan

Comparative Assessment of Sustainability Appraisal

ASSESSMENT CRITERIA		CRITERIA			LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM	
		RED	AMBER	GREEN	R/A/G	COMMENTARY
IMPACTS	Landscape, Strategic Gaps and Agricultural Land	Development of the site likely to have a detrimental impact on sensitive or other landscapes which cannot be mitigated	Development of the site may have a detrimental impact on sensitive or other landscapes which may be capable of mitigation	Development of the site would have either a neutral or positive impact, but importantly not have a detrimental impact, on sensitive or other landscapes		Visual Impact <ul style="list-style-type: none"> Development will be restricted to the lower lying area to avoid a negative impact when viewed from adjacent development, local rights of way network and the grounds of Shrubland Hall. Designations <ul style="list-style-type: none"> The site is not the subject of any landscape specific designations, however an extensive part of the landscape between Needham Market and Great Blakenham, also extending along the corridor of the River Gipping (but excluding the site and its immediate context), is designated at a local level as a Special Landscape Area. Shrubland Hall is a Grade 1 Registered Park and Garden situated to the north-east of the site; the closest point of the boundary being ca. 1km to the east but is generally separated by mature trees and woodland along the valley and edges of the parkland. Several listed buildings are present in the local landscape; further north a scheduled monument (roman site) is located close to Baylham. Landscape Character <ul style="list-style-type: none"> National Landscape Character: The site is located in National Character Area (NCA) 86, the South Suffolk and North Essex Clayland (as defined by Natural England). District Landscape Character: The site and its context are located in an area defined by the guidance as the 'Rolling Estate Farmlands' landscape character type. Local Context: The site is situated to the north of the emerging settlement edge of Great Blakenham; although the land immediately south of the site is currently also in agricultural use (with a small area of allotments), this area is subject to an extant permission for residential development that will alter the location of the local landscape character to include an exposed residential edge adjacent to the site. In essence this permission forms part of the landscape and visual baseline. Overall, the site is relatively free from constraints in relation to landscape and visual issues. In terms of any potential landscape and visual impacts there are likely to be limited residual landscape impacts arising from the localised change in character on the settlement edge and some limited visual impacts from the immediate locality. However, mitigation can be integrated into the scheme which would avoid and minimise impacts, and provide a clear rationale for the location, scale and extent of the proposed development. The potential for development on the site, to the scale indicated on the Proposed Illustrative Masterplan is considered to be acceptable in landscape and visual terms and that a masterplan for residential development on the site at Great Blakenham can come forward that can incorporate a positive and successful landscape mitigation strategy as an integral part of the scheme.
	Townscape	Development of the site likely to have a detrimental impact on sensitive or other townscape which cannot be mitigated	Development of the site may have a detrimental impact on sensitive or other townscapes which may be capable of mitigation	Development of the site would have either a neutral or positive impact, but importantly not have a detrimental impact on sensitive or other townscapes		Townscape <ul style="list-style-type: none"> In the context of the emerging settlement edge of Great Blakenham, the site has a strong connection with the wider settlement pattern and remains contained within the overall valley topography.

Land at Stowmarket Road, Great Blakenham

Babergh and Mid Suffolk District Councils (BMSDC) Joint Local Plan

Comparative Assessment of Sustainability Appraisal



ASSESSMENT CRITERIA		CRITERIA			LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM	
		RED	AMBER	GREEN	R/A/G	COMMENTARY
IMPACTS	Biodiversity and Geodiversity	Development of the site likely to have a detrimental impact on designated sites, protected or priority species or ecological networks which cannot be reasonably mitigated or compensated as appropriate	Development of the site may have a detrimental impact on a designated site, protected or priority species, ecological network but the impact may be capable of mitigation	Development of the site would not have a detrimental impact on any designated site, protected or priority species, ecological networks and may include enhancement		Design Principles <ul style="list-style-type: none"> New woodland planting will provide a significant biodiversity net gain for the site. Ecology <ul style="list-style-type: none"> Cotswold Wildlife Surveys have carried out an Ecological Assessment which confirms that the site is of modest wildlife value. The upper slopes of the site can offer ecological benefits and a biodiversity net gain.
	Historic Environment	Development of the site likely to cause substantial harm to a designated or non-designated heritage asset or the setting of a designated or non-designated heritage asset which cannot be reasonably mitigated	Development of the site may have a detrimental impact on a designated or non-designated heritage asset or the setting of a designated or non-designated heritage asset, but the impact may be capable of mitigation	Development of the site would have either a neutral or positive impact, but importantly not have a detrimental impact on any designated or non-designated heritage assets		Listed Buildings <ul style="list-style-type: none"> The setting of Grade II listed Malting Farmhouse (directly opposite the site) will be respected. Only the Grade II Listed Malting Farmhouse is considered to be potentially sensitive to residential development within the site, and only very minor less than substantial harm to this asset is anticipated from the development. Archaeological Potential <ul style="list-style-type: none"> Below ground archaeological potential within the site is suggested by the location of previous findspots and possible cropmarks within the site, although there is no current evidence to suggest that remains of a significance that would represent a major constraint to the development are present within the site. Scheduled Sites <ul style="list-style-type: none"> With regard to the setting of the Scheduled Roman site to the north, this should be reassessed once it has been established if contemporary archaeological remains are present within the site, but any impact on heritage significance of the monument would be minor, and most, and certainly less than substantial.
	Open Space	Development of the site would result in a loss of open space which is either not surplus to requirements or could not be replaced locally	Development of the site would result in a loss of open space which is surplus to requirements or could be replaced locally	Development of the site would not result in loss of any open space		Design Principles <ul style="list-style-type: none"> A village green is proposed as an entrance feature with opportunity to incorporate an equipped play area to benefit new residents and the wider community. Proposals include extending the woodland planting connecting the existing woodland to the south and the north. This could benefit residents with woodland walks, together with filtered views over the wider landscape to the east. The transitional area between the woodland and residential parcels sees the woodland dissipate into a greenway that has the potential to offer high quality public open space incorporating walks and woodland play areas set in rural landscape. Hedgerows form a network of green links that run through the development and offer the majority of plots views over landscape, providing better quality of life for residents. The primary street leading into the site is designed as a tree lined boulevard, to ensure a landscape corridor connects the upper and lower areas of landscaped public open space.

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ASSESSMENT CRITERIA		CRITERIA			LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM	
		RED	AMBER	GREEN	R/A/G	COMMENTARY
	Transport and Roads	Development of the site would have an unacceptable impact on the functioning of trunk roads and/or local roads that cannot be reasonably mitigated	Any potential impact on the functioning of the trunk roads and/or local roads could be reasonably mitigated	Development of the site will not have a detrimental impact on the functioning of trunk roads and/or local roads		Local Highways Network <ul style="list-style-type: none"> Access to the site will be provided from Stowmarket Road. Due to the scale of the proposed development, and the level of traffic flows along Stowmarket Road, it is expected that a ghost-island right turn priority junction will be required. It is proposed to undertake a series of standalone junction capacity assessments within the TA to identify the existing capacity of the highway network and the potential impact of the proposed development. Car and cycle parking for the proposed development will be provided in accordance with the standards provided within the 'Suffolk Guidance for Parking' Technical Guidance (November 2015).
	Compatibility with neighbouring/ adjoining uses	Neighbouring/ adjoining uses to the proposed site would be incompatible with the proposed development type with no scope for mitigation	Development of the site could have issues of compatibility with neighbouring/ adjoining uses; however, these could be reasonably mitigated	Development would be compatible with existing and/or adjoining uses		Site Location <ul style="list-style-type: none"> The site is situated in land adjacent to Stowmarket Road, in the north of the village of Great Blakenham, approximately 7.5km northwest of Ipswich. The site currently comprises arable/unused land. The site maintains a physical connection to the emerging settlement edge and would form a logical and appropriate extension to the existing pattern of Great Blakenham. Existing Dwellings <ul style="list-style-type: none"> An adequate offset is required to the northern boundary to mitigate any negative impact of the development on neighbouring dwellings.

APPENDIX 3

Residential Site Assessment Criteria and Assumptions (BMSDC Sustainability Appraisal Appendices, Table C.1 Appendix C - SA Appendices October 2020)

SA objective	Criteria	Major positive (++)	Minor positive (+)	Negligible (0)	Minor negative (-)	Major negative (--)	Unknown/uncertain (?)	Significance scoring
1. To improve the health and wellbeing of the population overall and reduce health inequalities	1a GP surgeries	<=400m from nearest NHS GP surgery	401-800m from nearest NHS GP surgery	N/A	801-1,200m from nearest GP surgery	>1,200m from nearest NHS GP surgery	N/A	Each criterion 1a to 1c is scored: <ul style="list-style-type: none"> Major positive +3 Minor positive +1 Minor negative -1 Major negative -3 Scores totalled, and then averaged (i.e. total score divided by 3). Overall significance scores as follows: <ul style="list-style-type: none"> Significant positive >=+2 Minor positive >0 to <2 Minor negative <0 to >-2 Significant negative <=-2
	1b Open space, sport and recreation	<=300m from open space, sport, recreation facility, open country and registered common land	301-800m from open space, sport, recreation facility, open country and registered common land	N/A	801-1,200m from open space, sport and recreation facility OR Loss of <25% open space, sport, recreation facility, open country and registered common land	>1,200m from open space, sport and recreation facility OR Loss of >=25% open space, sport, recreation facility, open country and registered common land	N/A	
	1c Public Rights of Way (PRoW)	<=200m from PRoW	201-400m from PRoW	N/A	401-800m from PRoW	>800m from PRoW	Development could result in loss or diversion of PRoW	
2. To maintain and improve levels of education and skills in the population overall	2a Primary schools	<=400m from primary or middle school	401-800m from primary or middle school	N/A	801-1,200m from primary or middle school	>1,200m from primary or middle school	N/A	Each criterion 2a to 2b is scored: <ul style="list-style-type: none"> Major positive +3 Minor positive +1 Minor negative -1 Major negative -3 Scores totalled, and then averaged (i.e. total score divided by 2). Overall significance is scored as follows: <ul style="list-style-type: none"> Significant positive >=+2 Minor positive >0 to <2 Negligible 0 Minor negative <0 to >-2 Significant negative <=-2 Criterion 2c not used for significance scoring as 2a and 2b are main determinants of access to education
	2b Secondary schools	<=500m from secondary school	501-1,000m from secondary school	N/A	1,001-2,000m from secondary school	>2,000m from secondary school	N/A	
	2c Further and higher education facilities	<=500m from Further and higher education facilities	501-1,000m from Further and higher education facilities	N/A	1,001-2,000m from Further and higher education facilities	>2,000m from Further and higher education facilities	N/A	

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SA objective	Criteria	Major positive (++)	Minor positive (+)	Negligible (0)	Minor negative (--)	Major negative (--)	Unknown/uncertain (?)	Significance scoring
3. To reduce poverty and social exclusion and ensure access to jobs and services	3a IMD	Site located within one of the 20% most deprived areas within the JLP area	Site located within one of the 20%-50% most deprived areas within the JLP area	All other sites	N/A	N/A	N/A	Each criterion 3a to 3c is scored: <ul style="list-style-type: none"> Major positive +3 Minor positive +1 Negligible 0 Minor Negative -1 Major Negative -3 Scores totalled, and then averaged (i.e. total score divided by 3). Overall significance is scored as follows: <ul style="list-style-type: none"> Significant positive $\geq +2$ Minor positive >0 to <2 Negligible 0 Minor negative <0 to >-2 Significant negative ≤ -2
	3b Settlement hierarchy	Site located within or adjacent to the Ipswich Fringe or Market Towns/Urban Areas	Site located within or adjacent to the Core Villages	N/A	Site located within or adjacent to the Hinterland Villages	All other sites	N/A	
	3c Centres of employment	$\leq 500\text{m}$ from Strategic Employment Site/Enterprise Zone	501-1,000m from Strategic Employment Site/Enterprise Zone	N/A	1,001-2000m from Strategic Employment Site/Enterprise Zone	$>2,000\text{m}$ from Strategic Employment Site/Enterprise Zone	N/A	
4. To meet the housing requirements of the whole community	4a Housing provision	Significantly contributes to the delivery of housing: ≥ 250 dwellings	Contributes to the delivery of housing: <250 dwellings	N/A	N/A	N/A	When based on an assumed density basis	Each criterion 4a to 4b is scored: <ul style="list-style-type: none"> Major positive +3 Minor positive +1 Negligible 0 Minor negative -1 Major negative -3 Scores totalled, and then averaged (i.e. total score divided by 2). Overall significance is scored as follows: <ul style="list-style-type: none"> Significant positive $\geq +2$ Minor positive >0 to <2 Minor negative <0 to >-2 Significant negative ≤ -2
	4b Barriers to housing and services	Site located within one of the 20% most deprived areas within the JLP area ('Overall – Barriers to housing and services' domain of English Indices of Deprivation)	Site located within one of the 20-50% most deprived areas within the JLP area ('Overall – Barriers to housing and services' domain of English Indices of Deprivation).	All other sites	N/A	N/A	N/A	

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SA objective	Criteria	Major positive (++)	Minor positive (+)	Negligible (0)	Minor negative (--)	Major negative (--)	Unknown/uncertain (?)	Significance scoring
5. To conserve and enhance water quality and resources	5a Source Protection Zones	N/A	N/A	All other sites	Site falls within Source Protection Zone 2 or 3.	Site falls within Source Protection Zone 1.	N/A	If any of the criteria score major negative then the score is significant negative. If three or more of criteria 5a to 5d score minor negative, then the score is significant negative. If only one or two of criteria 5a to 5d score minor negative, then the score is minor negative. All other sites score negligible (0).
	5b Water Resources Zones	N/A	N/A	All other sites	Site scores 'Amber' in the Water Supply Network RAG Assessment.	Site scores 'Red' in the Water Supply Network RAG Assessment.	N/A	
	5c WwTW Flow Capacity	N/A	N/A	All other sites	Site scores 'Amber' in the WwTW Flow Capacity RAG Assessment.	Site scores 'Red' in the WwTW Flow Capacity RAG Assessment.	N/A	
	5d Foul Sewerage Network Capacity	N/A	N/A	All other sites	Site scores 'Amber' in the Foul Sewerage Network Capacity RAG Assessment.	Site scores 'Red' in the Foul Sewerage Network Capacity RAG Assessment.	N/A	
6. To maintain and where possible improve air quality and reduce noise pollution	6a AQMAs	N/A	N/A	All other sites	Site located within 25km of an AQMA	Site located within 12.5km of an AQMA	N/A	If any of the criteria score major negative then the score is significant negative. If two or more of criteria 6a to 6c score minor negative, then the score is significant negative.
	6b Noise	N/A	N/A	All other sites	For road and rail noise, sites within: A-weighted equivalent continuous sound level daytime – 16 hour (0700-2300) exceeding 59.9dB	For road and rail noise, sites within: A-weighted equivalent continuous sound level at night (2300-0700) exceeding 54.9dB AND/OR <= 250mm Site Safeguard Area of a waste management facility.	N/A	
	6c Odour	N/A	N/A	All other sites	N/A	Site within the 400m Safeguard Area of a water recycling centre	N/A	

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SA objective	Criteria	Major positive (++)	Minor positive (+)	Negligible (0)	Minor negative (--)	Major negative (--)	Unknown/uncertain (?)	Significance scoring
7. To conserve soil and mineral resources	7a Brownfield/greenfield land	Categorised as brownfield	Categorised as mixed use	N/A	Categorised as mixed-use	Categorised as greenfield	N/A	If criterion 7a is a major positive then site scores significant positive, irrespective of criteria 7b to 7c. If criterion 7a is not major positive, then each criterion 7b to 7c is scored: <ul style="list-style-type: none">Major positive +3Minor positive +1Negligible 0Minor negative -1Major negative -3 Scores totalled, and then averaged (i.e. total score divided by 2). Overall significance is scored as follows: <ul style="list-style-type: none">Significant positive >= +2Minor positive >0 to <2Minor negative <0 to >-2Significant negative <=-2
	7b Agricultural land classification	N/A	N/A	All other sites	Significant proportion (>=25%) of site on Grade 3 agricultural land. OR Site consists partly of Grades 1 and/or 2 agricultural land, but less than 25% of site.	Significant proportion (>=25%) of site on Grade 1 or 2 agricultural land.	N/A	
	7c Minerals Consultation Area, existing, planned or potential mineral extraction sites	N/A	N/A	All other sites	Site is within a Minerals Consultation Area	Site is within 250m of an existing, planned or potential site allocated in the Suffolk Minerals and Waste Local Plan for sand and gravel extraction	N/A	
8. To promote the sustainable management of waste	8a Consumption of minerals and resources	The location of sites is not likely to influence the consumption of materials or resources, volumes of waste produced including the generation of hazardous waste, or the construction/demolition waste going to landfill. Nor is the location of sites likely to have an effect on the recovery, re-use or recycling of waste materials, or the demand for recycled material. These details will be promoted and secured through the detailed design proposals for each site at the planning application stage and strategic policies. Therefore, all sites are likely to have an uncertain effect on this objective.						
	8b Sustainable design and construction techniques	The location of housing and employment sites will not have an effect on sustainable design and construction techniques, as these are decided at the design stage of development. Therefore, the effects of the potential sites on this SA objective will be assumed to be negligible.						

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SA objective	Criteria	Major positive (++)	Minor positive (+)	Negligible (0)	Minor negative (--)	Major negative (--)	Unknown/uncertain (?)	Significance scoring
9. To reduce contribution to climate change	9a Transport links	Sites that perform very well against the following criteria: 1a to 1c 2a to 2c 3b to 3c 16a to 16c	Sites that perform moderately well against the following criteria: 1a to 1c 2a to 2c 3b to 3c 16a to 16c	Sites that have average performance against the following criteria: 1a to 1c 2a to 2c 3b to 3c 16a to 16c	Sites that perform moderately poorly against the following criteria: 1a to 1c 2a to 2c 3b to 3c 16a to 16c	Sites that perform very poorly against the following criteria: 1a to 1c 2a to 2c 3b to 3c 16a to 16c	Relative performance will be determined once the appraisal results are produced for the relevant criteria	Scores for each criterion totalled. Overall significance scored as follows: Significant positive: sites where total score for all criteria added >=11.0 Minor positive: sites where total score for all criteria added > 0 and <11.0 Negligible: sites where total score for all criteria added =0 Minor negative: sites where total score for all criteria added <0 and >-11.0 Significant negative: sites where total score for all criteria added <= -11.0
	9b Energy consumption and potential for renewable energy	The location of housing and employment sites will not have an effect on levels of domestic energy consumption and the potential for renewable energy use. These factors are influenced more by the specific design and construction methods used, and whether renewable energy infrastructure is incorporated into development. Therefore, the effects of the potential sites on this SA objective will be assumed to be negligible. If there are known site-specific factors that allow for the incorporation of viable district heating networks, or combined heat and power, these will score positively in the site assessment.						
10. To reduce vulnerability and increase resilience to extreme weather events and flooding which may be caused by climate change	10a Flood Zones	N/A	N/A	All other sites	>=25% of site within Flood Zone 2	>=25% of site within Flood Zone 3	Site falls within an area benefitting from flood defences	If either criterion 10a or 10b is a major negative, then a significant negative is given. If both criteria are minor negative, then a significant negative is given. If only one criterion scores minor negative and the other scores negligible, then a minor negative is given. All other sites score negligible (0).
	10b Surface water flooding	N/A	N/A	All other sites	Contains land with a 1 in 100 year risk of surface water flooding	Contains land with a 1 in 30 year risk of surface water flooding	N/A	
	10c Sustainable design and construction techniques (including SUDS)	The location of housing and employment sites will not have an effect on sustainable design and construction techniques (including SUDS), as these are decided at the design stage of development. Therefore, the effects of the potential sites on this SA objective will be assumed to be negligible.						

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SA objective	Criteria	Major positive (++)	Minor positive (+)	Negligible (0)	Minor negative (--)	Major negative (--)	Unknown/uncertain (?)	Significance scoring
11. To conserve and enhance biodiversity and geodiversity	11a Internationally and nationally designated biodiversity assets	N/A	N/A	None of the site is within SSSI Impact Risk Zone.	<=25% of the site is within the 'All consultations' SSSI Impact Risk Zone. AND/OR <25% of the site is within the 'Residential' SSSI Impact Risk Zone for the proposed dwelling capacity.	>=25% of the site is within the 'All consultations' SSSI Impact Risk Zone. AND/OR >=25% of the site is within the 'Residential' SSSI Impact Risk Zone for the propose dwelling capacity.	All effects are uncertain depending upon whether potential negative effects can be mitigated.	If any of the criteria score major negative then the score is significant negative. If two or more of criteria 11a to 11c score minor negative, then the score is significant negative. If only one criterion 11a to 11c scores minor negative, then the score is minor negative. All other sites score negligible (0).
	11b Locally designated biodiversity assets, priority habitats and ancient woodland	N/A	N/A	All other sites	Site is 250-750m from a Local Nature Reserve or County Wildlife Site AND/OR Site is 100-250m of priority habitat or ancient woodland.	Site contains or is <= 250m from a Local Nature Reserve or County Wildlife Site AND/OR Site contains or is <= 100m of priority habitat or ancient woodland.	All effects are uncertain depending upon whether potential negative effects can be mitigated.	
	11c Geological sites	N/A	N/A	All other sites	Site is <= 100m of a County Geological Site.	Site contains a County Geological Site.	All effects are uncertain depending upon whether potential negative effects can be mitigated.	
12. To conserve where appropriate enhance areas and assets of historical and archaeological importance and their settings.	12a Nationally and locally designated and non-designated heritage assets	Beneficial effects are challenging to register and only in rare circumstances can a new development make a positive contribution to the significance of a heritage asset – for example, by removing harmful elements of its current setting, to better reveal its character and significance. (Typically, it may only improve the visual and experiential qualities of an asset's context – however, this is a townscape and visual rather than an historic environment consideration.)		Development would not physically change any designated or non-designated heritage assets and would conserve their setting, resulting in no material change to the heritage asset's significance, or the way in which it is perceived or understood.	A minor negative effect occurs where allocation has the potential to cause minor effects to assets of high or medium significance as a consequence of setting change; and/or, where assets of low significance may experience physical or setting change, resulting in any degree of effect (minor to significant).	A significant negative effect occurs where, as result of allocation, assets of medium or high significance are subject to a significant degree of effect, via setting or physical change.	Where archaeological Potential identified, but insufficient information to make a judgement on likely levels of significance. Where effects include potential harm to previously unrecognised archaeological assets, an uncertain effect is added to scores relating to other effects to the historic environment.	Scoring of significance will match the scoring of major, minor and negligible effects.

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SA objective	Criteria	Major positive (++)	Minor positive (+)	Negligible (0)	Minor negative (--)	Major negative (--)	Unknown/uncertain (?)	Significance scoring
13. To conserve and enhance the quality and local distinctiveness of landscapes and townscapes	13a Landscape sensitivity	N/A	Site will result in derelict or degraded land being brought back into beneficial use	Site is of low landscape sensitivity	Site is of moderate or low-moderate landscape sensitivity	Site is of high or moderate-high landscape sensitivity.	N/A	Scoring of significance will match the scoring under criterion 13a (which takes into account effects on AONBs under criterion 13b)
	13b AONB	N/A	N/A	All other sites	Site is within 1km of an AONB	Site is within an AONB	N/A	
14. To achieve sustainable levels of prosperity and economic growth throughout the plan area	14a Employment deprivation	N/A	N/A	All sites	N/A	N/A	N/A	Scoring of significance will match the scoring under criterion 14b Criterion 14a not relevant to residential sites
	14b Employment sites	N/A	N/A	All other sites	Loss of >=25% to <50% of an existing employment area	Loss of >= 50% of an existing employment area	N/A	
15. To revitalise the District's town centres	15a Town and district centres	<=400m from a town centre AND/OR <=200m from district centre	401-800m from a town centre AND/OR 201-400m from district centre	N/A	801-1,200m from a town centre AND/OR 401-800m from district centre	>1,200m from a town centre AND/OR >800m from district centre	N/A	Scoring of significance will match the scoring of major, minor and negligible effects.



SA objective	Criteria	Major positive (++)	Minor positive (+)	Negligible (0)	Minor negative (--)	Major negative (--)	Unknown/uncertain (?)	Significance scoring
16. To enable efficient patterns of movement and modal shift towards sustainable modes of transport	16a Rail	<= 500m of a railway station	501-1,000m of a railway station	N/A	1,001-2,000m of a railway station	>2,000m of a railway station	N/A	If criterion 16a is a major positive then site scores significant positive, irrespective of criteria 16b to 16c. If criterion 16a is not major positive, then each criterion 16a to 16c is scored: <ul style="list-style-type: none">Major positive +3Minor positive +1Minor negative -1Major negative -3 Scores totalled, and then averaged (i.e. total score divided by 3). Overall significance is scored as follows: <ul style="list-style-type: none">Significant positive >= +2Minor positive >0 to <2Minor negative <0 to >-2Significant negative <= -2
	16b Bus	<=300m of a bus stop	301-600m of a bus stop	N/A	601-1,000m of a bus stop	>1,000m of a bus stop	N/A	
	16c Cycling	<= 200m of a cycle way	201-400m of a cycle way	N/A	401-800m of a cycle way	>800m of a cycle way	N/A	

APPENDIX 4
Summary of SA Results (October 2020) Options for Great Blakenham against Land at Stowmarket Road

Site ref.	Site name	JLP Classification	Yield	SA1: Health and Wellbeing	SA2: Education and Skills	SA3: Accessibility	SA4: Housing	SA5: Water	SA6: Air and Noise	SA7: Soils and Minerals	SA8: Waste	SA9: Climate Change Mitigation	SA10: Climate Change Adaptation	SA11: Biodiversity and Geodiversity	SA12: Historic Environment	SA13: Landscape / Townscape	SA14: Economic Growth	SA15: Town Centres	SA16: Sustainable Travel
Great Blakenham Parish																			
SS0654	Land south of Chalk Hill Lane and West of Hood Drive	Ipswich Policy Area	8	++	+	+	+	-	-	-	N/A	-	-	-	-	-	0	-	-
SS0864	Land north of Gipping Road	Ipswich Policy Area	20	+	-	++	++	-	-	++	N/A	+	0	-	0?	0	-	-	-
SS0952	Land south of Gipping Road	Ipswich Policy Area	10	+	-	++	++	-	-	++	N/A	+	0	-	-	0	0	-	-
NOT ASSESSED	Land at Stowmarket Road	Ipswich Policy Area	120	+	?	+	++	?	?	?	+	-	+	++	-	+	+	+	+

Key to SA scoring symbols:

++	Significant/major positive effect likely
++/-	Mixed significant/major positive and minor negative effects likely
+	Minor positive effect
+/-	Mixed minor effects likely
-	Minor negative effect likely
--/+	Mixed significant/major negative and minor positive effects likely
--	Significant/major negative effects likely
0	Negligible effect likely
?	Likely effect uncertain
N/A	Not applicable or relevant

APPENDIX 5

Sustainability Appraisal of Land at Stowmarket Road, Great Blakenham using the BMSDC Sustainability Appraisal Framework, Appendix C, October 2020

Site assessed against key objectives and sub-objectives only. In line with the approach taken by the Council, the SA has taken a policy off, mitigation off assessment. However, potential mitigation has been identified where possible.

	TIMESCALE				LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM, SUFFOLK	
SUSTAINABILITY OBJECTIVES	S	M	L	overall	SUSTAINABILITY APPRAISAL	EVIDENCE
SA1: HEALTH + WELLBEING					<p>GP</p> <ul style="list-style-type: none"> There are two GP practices within 1.6km of the site. Capacity still needs to be assessed in detail. Mitigation will be identified if necessary. <p>Open Space</p> <ul style="list-style-type: none"> A village green is proposed as an entrance feature with opportunity to incorporate an equipped play area to benefit new residents and the wider community. Proposals include extending the woodland planting connecting the existing woodland to the south and the north. This could benefit residents with woodland walks, together with filtered views over the wider landscape to the east. The transitional area between the woodland and residential parcels sees the woodland dissipate into a greenway that has the potential to offer high quality public open space incorporating walks and woodland play areas set in rural landscape. Hedgerows form a network of green links that run through the development and offer the majority of plots views over landscape, providing better quality of life for residents. The primary street leading into the site is designed as a tree lined boulevard, to ensure a landscape corridor connects the upper and lower areas of landscaped public open space. <p>PRoW</p> <ul style="list-style-type: none"> There is no formal access to the site in the form of public rights of way. A public footpath runs immediately adjacent to, but outside of, the southern boundary of the site, connecting Stowmarket Road to a series of PROW routes which cross the plateau of landscape to the west. <p>Summary</p> <ul style="list-style-type: none"> The impact is expected to be NEGLECTIBLE in the short term but will increase to a MINOR POSITIVE IMPACT as the site is built out and makes a positive contribution to improving health and wellbeing. 	<p>Amenities Plan, Representations 2019</p> <p>Illustrative Masterplan, Pegasus Group</p>
SA2: EDUCATION + SKILLS					<p>Education Facilities</p> <ul style="list-style-type: none"> Claydon Primary and High Schools are both located within 2.6km (approximately 30 minutes walking/eight minutes cycling distance) of the site, and are also accessible via the direct school bus services which operate from Stowmarket Road. <p>Summary</p> <ul style="list-style-type: none"> While there is both a primary and secondary school located within 2.6km of the site with good public transport connections, the impact is UNCERTAIN at this stage as capacity of these schools is yet to be identified. 	<p>Transport Assessment Technical Note Prepared by Pell Frischmann.</p>

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SUSTAINABILITY OBJECTIVES	TIMESCALE				LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM, SUFFOLK	
	S	M	L	overall	SUSTAINABILITY APPRAISAL	EVIDENCE
SA3: ACCESSIBILITY					<p>Walking and Cycling Accessibility</p> <ul style="list-style-type: none"> Footways are provided on both sides of Stowmarket Road, including along the eastern boundary of the site. The existing footways are considered to be sufficiently wide, with street lighting provided along the western side of the carriageway. These footways continue south and connect the site with the centre of Great Blakenham and onward to Claydon. There is an on-road cycle lane on the southbound side of Stowmarket Road, which begins to the south of the junction with Chalk Hill Lane. This connects with a shared foot / cycle way to the south of Bramford Road, which in turn connects with Claydon and National Cycle Network (NCN) Route 51. NCN 51 passes through Cambridgeshire, Suffolk and Essex, and, on a regional scale, connects Great Blakenham with Claydon and Ipswich to the south and Needham Market to the north. <p>Local Highway Network</p> <ul style="list-style-type: none"> Stowmarket Road forms a section of the B1113, which runs in a general northwest-southeast direction and connects the site with Great Blakenham and Needham Market to the south and Bramford to the north. In the vicinity of the site, the B1113 operates with a speed limit of 30mph. It also provides access to the A14, approximately 1.75km to the south. The A14 is a major route through Suffolk and Cambridge, and provides connections between Ipswich, Bury St Edmunds and Cambridge. Access to the site will be provided from Stowmarket Road. Due to the scale of the proposed development, and the level of traffic flows along Stowmarket Road, it is expected that a ghost-island right turn priority junction will be required. It is proposed to undertake a series of standalone junction capacity assessments within the TA to identify the existing capacity of the highway network and the potential impact of the proposed development. Car and cycle parking for the proposed development will be provided in accordance with the standards provided within the 'Suffolk Guidance for Parking' Technical Guidance (November 2015). <p>Local Amenities</p> <ul style="list-style-type: none"> Local amenities within Great Blakenham include a public house (The Chequers), Great Blakenham Village Hall, and a place of worship (Saint Mary's Church), all of which are located within 750m (approximately 10 minutes walking / two minutes cycling distance) of the site. <p>Summary</p> <ul style="list-style-type: none"> Owing to the location of the site, which is well connected by public transport, the impact is considered to be MINOR POSITIVE in the medium and long term as the services become established. 	Transport Assessment Scoping, Pell Frischmann
SA4: HOUSING					<p>Settlement Hierarchy</p> <ul style="list-style-type: none"> The site lies within the Ipswich Fringe area. <p>Design</p> <ul style="list-style-type: none"> Best practice standards will be followed such as Building for a Healthy Life, Lifetime Homes and Secured by Design. <p>Viability and Deliverability</p> <ul style="list-style-type: none"> The site is considered sustainable, deliverable and viable for development of at least 120 dwellings (including affordable) <p>Summary</p> <ul style="list-style-type: none"> The impact is expected to be MINOR POSITIVE in the short term but will increase to MAJOR POSITIVE as the site is built out and makes a positive contribution to meeting the borough's housing needs. 	BMSJLP Topic Paper – Settlement Hierarchy Review, November 2020

Land at Stowmarket Road, Great Blakenham

Babergh and Mid Suffolk District Councils (BMSDC) Joint Local Plan

Comparative Assessment of Sustainability Appraisal

SUSTAINABILITY OBJECTIVES	TIMESCALE				LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM, SUFFOLK	
	S	M	L	overall	SUSTAINABILITY APPRAISAL	EVIDENCE
SA5: WATER					Flood Zone <ul style="list-style-type: none"> The site is located in flood zone 1, an area with a low probability of flooding. The proposals will follow best practice regarding site drainage to ensure that any surface water runoff from the development is managed by attenuation and controlled discharge, which will ensure flood risk is not increased elsewhere. A variety of Sustainable Drainage Systems (SuDS), including swales, permeable paving and a detention basis, will be utilised to control surface water flows from the site. Utilities <ul style="list-style-type: none"> All services can be connected to from the adjoining development although detailed studies are yet to be carried out. Liaison will be undertaken with utilities companies as necessary to establish capacity in the systems. Mitigation will be identified as part of detailed proposals. Summary <ul style="list-style-type: none"> The impact is UNCERTAIN as the potential impacts on water quality are to be assessed. 	Environment Agency indicative floodplain map Illustrative Masterplan prepared by Pegasus Group
SA6: AIR + NOISE					Air Quality <ul style="list-style-type: none"> There are five AQMAs designated in neighbouring Ipswich Borough. Additional development within BMSDC has the potential to exacerbate air quality issues at these AQMAs. Similarly there is potential for a cumulative impact of development in neighbouring authorities alongside development in BMSDC in terms of air quality. Noise <ul style="list-style-type: none"> A noise assessment will be undertaken to support the application. Any mitigation or noise control measures considered necessary will be identified and assessed in the noise assessment. Summary <ul style="list-style-type: none"> The impact is considered to be MINOR NEGATIVE in the short term, during construction and therefore of a temporary nature. The likely impact of the development is UNCERTAIN in the medium to long term. 	Babergh and Mid Suffolk District Council JLP Sustainability Appraisal Scoping Report, LUC, March 2020 [p52]
SA7: SOILS + MINERALS					Contaminated Land <ul style="list-style-type: none"> There are no contaminated land issues. Potential impacts during the construction and operation of the development upon soil will be identified as part of the proposals and suitable measures will be identified, where required. The site is classified as grade 2/3 agricultural land. Further analysis is required. Summary <ul style="list-style-type: none"> The impact is UNCERTAIN at this stage and will be clarified during detailed design. 	
SA8: WASTE					<ul style="list-style-type: none"> A waste management strategy which follows the waste hierarchy (reduce, reuse, recycle, recover, disposal) will be developed. Appropriate recycling facilities will be provided on site. The potential for use of local and sustainable materials will be considered. Summary <ul style="list-style-type: none"> It is anticipated that the development will have a MINOR POSITIVE impact in the medium to long term although specifications will be confirmed in the detailed design applications. 	
SA9: CLIMATE CHANGE MITIGATION					Low Carbon Development <ul style="list-style-type: none"> All development will have a negative impact on carbon emissions. However, the development seeks to be as low carbon as possible. All homes will be built to building regulations and will address climate change policies. Development will encourage sustainable travel behaviour reducing emissions from cars. New woodland will be provided. Summary <ul style="list-style-type: none"> All development will result in an increase in greenhouse gas emissions and therefore a MINOR NEGATIVE IMPACT is expected. Mitigation measures will seek to minimise this impact as far as possible. 	

Land at Stowmarket Road, Great Blakenham

Babergh and Mid Suffolk District Councils (BMSDC) Joint Local Plan

Comparative Assessment of Sustainability Appraisal



	TIMESCALE				LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM, SUFFOLK	
SUSTAINABILITY OBJECTIVES	S	M	L	overall	SUSTAINABILITY APPRAISAL	EVIDENCE
SA10: CLIMATE CHANGE ADAPTATION					Drainage <ul style="list-style-type: none"> Attenuation ponds are required at the front of the site. Potential impacts during the construction and operation of the development upon water will be identified as part of the proposals and suitable assessments undertaken. Any necessary mitigation measures will be identified, where required. The potential impacts on groundwater resources and flows in nearby watercourses together with groundwater and surface water quality will be assessed. Summary <ul style="list-style-type: none"> The development is expected to have a MINOR POSITIVE impact as the design of the scheme will incorporate various climate mitigation measures. 	Illustrative Masterplan prepared by Pegasus Group
SA11: BIODIVERSITY + GEODIVERSITY					Design Principles <ul style="list-style-type: none"> New woodland planting will provide a significant biodiversity net gain for the site. Ecology <ul style="list-style-type: none"> Cotswold Wildlife Surveys have carried out an Ecological Assessment which confirms that the site is of modest wildlife value. The upper slopes of the site can offer ecological benefits and a biodiversity net gain. Detailed mitigation and habitat enhancement measures will be embedded in the scheme design to ensure a cohesive and unified approach that will deliver ecological benefits. Summary <ul style="list-style-type: none"> There is likely to be a MINOR POSITIVE impact in the short term but will increase to a MAJOR POSITIVE impact in the medium to long term once the development is complete and the new planting established. 	Development Framework Plan prepared by Pegasus Group
SA12: HISTORIC ENVIRONMENT					Listed Buildings <ul style="list-style-type: none"> The setting of Grade II listed Malting Farmhouse (directly opposite the site) will be respected. Only the Grade II Listed Malting Farmhouse is considered to be potentially sensitive to residential development within the site, and only very minor less than substantial harm to this asset is anticipated from the development. Archaeological Potential <ul style="list-style-type: none"> Below ground archaeological potential within the site is suggested by the location of previous findspots and possible cropmarks within the site, although there is no current evidence to suggest that remains of a significance that would represent a major constraint to the development are present within the site. Scheduled Sites <ul style="list-style-type: none"> With regard to the setting of the Scheduled Roman site to the north, this should be reassessed once it has been established if contemporary archaeological remains are present within the site, but any impact on heritage significance of the monument would be minor, and most, and certainly less than substantial. Summary <ul style="list-style-type: none"> There is likely to be a MINOR NEGATIVE impact on the historic environment. No historical assets will be lost as a result of the development and the setting of Grade II listed Malting Farmhouse will be respected. 	Heritage note, Pegasus Group

Land at Stowmarket Road, Great Blakenham

Babergh and Mid Suffolk District Councils (BMSDC) Joint Local Plan

Comparative Assessment of Sustainability Appraisal



SUSTAINABILITY OBJECTIVES	TIMESCALE				LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM, SUFFOLK	
	S	M	L	overall	SUSTAINABILITY APPRAISAL	EVIDENCE
SA13: LANDSCAPE/TOWNSCAPE					<p>Visual Impact</p> <ul style="list-style-type: none"> Development will be restricted to the lower lying area to avoid a negative impact when viewed from adjacent development, local rights of way network and the grounds of Shrubland Hall. A detailed Landscape Visual Impact Assessment (LVIA) will be undertaken. <p>Designations</p> <ul style="list-style-type: none"> The site is not the subject of any landscape specific designations, however an extensive part of the landscape between Needham Market and Great Blakenham, also extending along the corridor of the River Gipping (but excluding the site and its immediate context), is designated at a local level as a Special Landscape Area. Shrubland Hall is a Grade 1 Registered Park and Garden situated to the north-east of the site; the closest point of the boundary being ca. 1km to the east but is generally separated by mature trees and woodland along the valley and edges of the parkland. Several listed buildings are present in the local landscape; further north a scheduled monument (roman site) is located close to Baylham. <p>Landscape Character</p> <ul style="list-style-type: none"> Overall, the site is relatively free from constraints in relation to landscape and visual issues. In terms of any potential landscape and visual impacts there are likely to be limited residual landscape impacts arising from the localised change in charact on the settlement edge and some limited visual impacts from the immediate locality. However, mitigation can be integrated into the scheme which would avoid and minimise impacts, and provide a clear rationale for the location, scale and extent of the proposed development. The potential for development on the site, to the scale indicated on the Proposed Illustrative Masterplan is considered to be acceptable in landscape and visual terms and that a masterplan for residential development on the site at Great Blakenham can come forward that can incorporate a positive and successful landscape mitigation strategy as an integral part of the scheme. <p>Townscape</p> <ul style="list-style-type: none"> In the context of the emerging settlement edge of Great Blakenham, the site has a strong connection with the wider settlement pattern and remains contained within the overall valley topography. <p>Summary</p> <ul style="list-style-type: none"> The overall impact is likely to be MINOR POSITIVE due to the creation of accessible open space although a landscape strategy is to be prepared at detailed design to determine how the site will be enhanced, managed and protected. 	Landscape and Visual Impact Analysis, Pegasus Group
SA14: ECONOMIC GROWTH					<p>Settlement Hierarchy</p> <ul style="list-style-type: none"> The site lies within the Ipswich Fringe area which has been identified as an area capable of accommodate significant growth. There is a strategic employment site within 5km of the site. The site is close to the Valley Ridge Resort which is likely to generate in excess of 1,750 long-term jobs and 1,800 jobs in construction. <p>Summary</p> <ul style="list-style-type: none"> The impact is likely to be MINOR POSITIVE due to the creation of jobs in the short/medium term during construction. The impacts in the long term are UNCERTAIN. 	BMSJLP Topic Paper – Settlement Hierarchy Review, November 2020
SA15: TOWN CENTRES					<p>Proximity to Town Centres</p> <ul style="list-style-type: none"> The site is situated in land adjacent to Stowmarket Road, in the north of the village of Great Blakenham, approximately 7.5km northwest of Ipswich. <p>Summary</p> <ul style="list-style-type: none"> The overall impact is MINOR POSITIVE as the site maintains a physical connection to the emerging settlement edge and would form a logical and appropriate extension to the existing pattern of Great Blakenham 	Base Map + Redline prepared by Pegasus Group



SUSTAINABILITY OBJECTIVES	TIMESCALE				LAND OFF STOWMARKET ROAD, GREAT BLAKENHAM, SUFFOLK	
	S	M	L	overall	SUSTAINABILITY APPRAISAL	EVIDENCE
SA16: SUSTAINABLE TRAVEL					<p>Local Bus Services</p> <ul style="list-style-type: none">There are a number of bus stops situated along Stowmarket Road to the immediate east of the site, the nearest of which are located approx. 60m to the south of the southern site boundary. The 88, 88A, 89 and 89A routes typically provide two services and hour Mon-Sat between Ipswich and Stowmarket/Chilton Hall. Additionally, the 87 bus route provides a Sunday service between Stowmarket and Ipswich.These bus stops are also served by the 929 and 987 school bus services, which serves Otley College and Claydon Primary and High Schools respectively.The 88, 88A, 89 and 89A bus routes also connect the site with Needham Market and Ipswich National Rail stations. <p>National Rail Services</p> <ul style="list-style-type: none">The nearest station to the site is Needham Market, which is approx. 4.5km (approx. 14 mins cycling distance) north of the site. The station is served by an hourly service (Monday to Saturday, every two hours on Sundays) between Cambridge and Ipswich.Ipswich Station is approximately 9km south of the site, but is also accessible from the site via local bust services. In addition to local services, Ipswich Station is also served by inner-city services to Norwich and London Liverpool Street. <p>Cycle Paths</p> <ul style="list-style-type: none">There is an on-road cycle lane on the southbound side of Stowmarket Road, which begins to the south of the junction with Chalk Hill Lane. This connects with a shared foot / cycle way to the south of Bramford Road, which in turn connects with Claydon and National Cycle Network (NCN) Route 51. NCN 51 passes through Cambridgeshire, Suffolk and Essex, and, on a regional scale, connects Great Blakenham with Claydon and Ipswich to the south and Needham Market to the north. <p>Summary</p> <ul style="list-style-type: none">Owing to the location of the site, which is well connected by public transport and measures to encourage future sustainable transport use, the impact is considered to be MINOR POSITIVE in the medium and long term as the services become established.	Transport Assessment Scoping, Pell Frischmann

APPENDIX 6

North Essex Authorities Strategic (Section 1) Plan, Inspector Roger Clews, October 2018

NORTH ESSEX AUTHORITIES

Strategic (Section 1) Plan

Inspector: Mr Roger Clews

Programme Officer: Andrea Copsey

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To:

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

Karen Syrett, Place Strategy Manager, Colchester Borough Council

Gary Guiver, Planning Manager, Tendring District Council

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]¹, 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

¹ The three NEAs in the context of this letter are Braintree District Council [BDC], Colchester Borough Council [CBC], and Tendring District Council [TDC]

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 SD002a², 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 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,

² *Suggested Modifications to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section One* (Feb 2018)

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 Sworders 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 Sworders 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 Town³ (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

³ Prepared by CAUSE in 2015 as a potential alternative strategy for growth in North Essex

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 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 hearings⁴. 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.

Habitats Regulations Assessment [HRA]

26. On 12 April 2018 the Court of Justice of the European Union [CJEU] issued a judgment⁵ 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.

⁴ Email from Richard Walker of Lightwood to the Programme Officer, 18 January 2018

⁵ *People over Wind, Peter Sweetman v Coillte Teoranta* [CJEU Case C-323/17]

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 plans⁶ 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, 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.

⁶ Referred to in the Plan as Development Plan Documents or DPDs

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 Hyas 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 publications⁷ 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 NLP⁸ 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

⁷ See document EB/065 for references

⁸ *Start to Finish – How Quickly do Large-scale Housing Sites Deliver?* (Nov 2016)

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 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"]⁹. 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.

⁹ 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.

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 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 ATLAS¹⁰, 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

¹⁰ The Garden Cities and Large Sites Financial Model

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 PwC¹¹. 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. 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 evidence¹² 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

¹¹ PwC, *North Essex Garden Communities Final Report* (14 Dec 2016)

¹² EB/13(2/2a)

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 body¹³. 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% 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

¹³ See the next section on delivery mechanisms

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 sanction¹⁴. 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 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

¹⁴ See, for example, *Attorney-General v Wilts United Dairies Ltd* [1921] 37 TLR 884, and *Congreve v Home Secretary* [1977] 2 WLR 291

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*¹⁵. 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

¹⁵ *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

- 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 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