

COGGESHALL PARISH COUNCIL

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CPC response to Section 1 Examination 2019 Public consultation

Please find the following comments and concerns from Coggeshall Parish Council (CPC) regarding the current open public consultation on documents submitted by to the Inspector for Section 1 and their subsequent examination

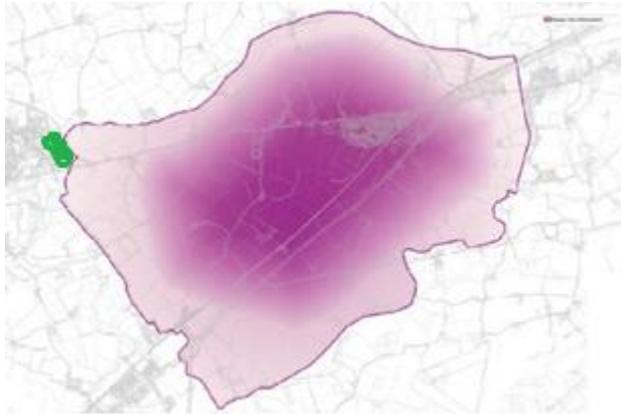
Coggeshall Parish Council understands that a long process is required to develop a Local Plan. This is necessary in order to seek the appropriate and thorough evidence, carry out consultations, undertake full assessments and ensure that what is delivered will provide the housing that is required for the next 15 years.

However, CPC is concerned that a single-minded approach to the direction of the Plan has led to delays that have been exploited by developers.

Had there been a Local Plan in place, it is doubtful that so many speculative developments (of which, a number go against Braintree District Council's (BDC) planning principles and law) would have been granted. Indeed, existing commitments and allocations in Section 2 of the Local Plan already make up 98% of the total housing required to be delivered within the plan period.

1 Background

Coggeshall is one of the small village communities that will be severely impacted by one of the new towns, namely Colchester Braintree Borders, commonly known as West Tey. Whilst the exact planning is not fully known at the time of writing, the outline maps below shows West Tey abutting the village boundaries and consequently dramatically changing the nature of this historic village.



Coggeshall is a historic village with over 200 listed buildings. A significant proportion of them are listed at grade 1. The village will be engulfed by West Tey, having a drastic impact on the heritage of the area that cannot be mitigated. We are already seeing this as the recent permission granted for the 'Bovis' site on Colchester road (shown in green) was originally a green buffer but has now had permission granted for some 300 houses as BDC could not reasonably defend the application without a local plan!

Our responses are based mainly on the inspector's initial report that found the first version of the local plan unsound as this seems to us to provide a strong guide as to what is required in response to these findings

2 Inspector's initial response

By way of background we will talk about various options and sections in this response, as such, the following clarification may prove useful

- Section 1 is the Local Plan, as submitted that includes the Garden Communities / New Towns
- Section 2 is the part of the above Local Plan, yet not inspected, but does NOT include the New Towns but does meet only the BDC housing needs to 2033 (the Plan period)
- Option 1 is the Inspector's first option and suggests proceeding with Section 2 (above) and therefore protects BDC against speculative development and can be implemented quicker
- Option 2 is the inspector's second option and addresses proceeding with Section 1 along with the addition work required to make Section 1 sound (it is currently unsound) and exposes BDC to speculative development until Sept 2021 and beyond. Additionally, option 2 requires Section 2 to be inspected post the adoption of Section 1 further delaying the implementation of a local plan

Whilst the inspector did not make an actual recommendation, he included some warnings that, in our opinion, really telegraph the option that should be used, i.e. Option 1. These '**facit recommendations**' are being ignored, at severe risk to our communities and our countryside, and do not reflect the constituents - so they are ignored at peril.

He warns that the '*North Essex Authority (NEA) local plan would be substantially delayed under Option 2 compared with Option 1*' (para 155) and will give rise to continuity problems for all participants in the examinations of the plans. We are already seeing this and it has been confirmed that the Local Plan will not be in place before 2021 at the earliest!

The inspector further warned that if Option 2 was adhered to (i.e. this consultation) and as a result of the inevitable delay '*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, commenting, 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*' **exposing all our communities to more speculative development.**

In his follow up letter, he states that (Spatial Policy 3 (SP3) is sound therefore the BDC element (objectively assessed at 716 per year=14,320 to the end of the plan period) is also acceptable and could be easily adopted for Section 2 enabling Option 1 to progress;- This contradicts BDC's position assessment but is acceptable to the inspector.

2.1 Current position with regard to housing numbers

The BDC housing requirements to 2033 is 14320 and is 98% met with existing local plan Section 2 (Option 1). Consequently, whatever happens with Section 1, we believe Section 2 should be therefore be 'worked up' and adopted as soon as possible to avoid further years of uncontrolled development and especially as, at the time of writing, the housing supply is at 5.15 years.

The Inspector makes clear that if Option 1 (Section 2) is adopted '*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 on the Garden Community 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 Land Delivery Scheme. The revised strategic proposals could, in principle, include one or more Garden Communities, if justified by the further evidence and SA work.*

It is irresponsible and reckless to take anything other than this approach. CPC was one of the 25 residents' groups and parish councils supporting a motion at Braintree District Council to focus on Section 2 and we maintain that this would be a better route to housing for the district.

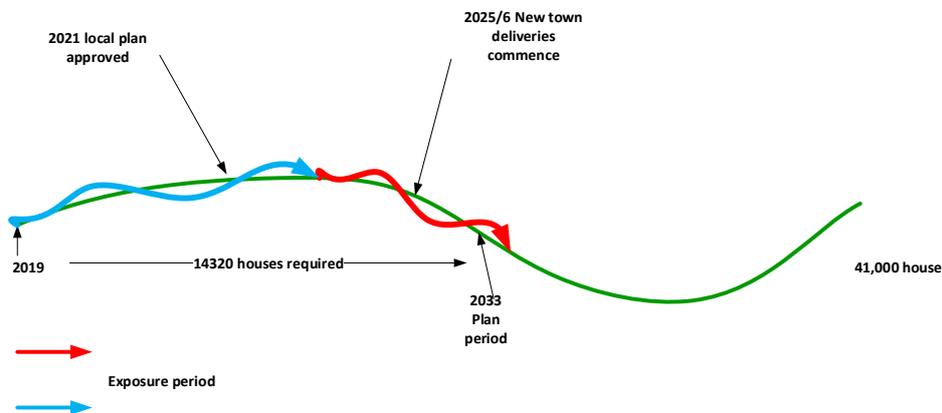
2.2 Timescales

While there is an argument for an approach that would help to avoid unplanned growth of key villages, the garden communities are of a size that is far beyond the requirements needed locally.

It has been confirmed that the local plan is likely to be implemented around Sept 2021, leaving the district exposed to speculative development until this point. Furthermore, the garden communities cannot be implemented until this point and Section 2 is approved so the first houses only become available 4 or 5 years after 2023. Questioning how Section 1 will actually meet its target of 14320 houses by 2033 given that it will only have some 6 or 7 years to do this. This raises real questions of deliverability, something which is a requirement under the NPPF soundness tests.

Section 2 does, however, meet the housing needs within the timescales required.

The simple diagram below shows the overall impact with risks to speculative development shown on red and blue despite the local plan whereas Section 2 halts this and delivers the required housing.



The size of the garden communities also becomes questionable as Braintree keeps getting closer to its housing target for 2033, largely thanks to the speculative developments that have arisen from their own delays.

3 Submission

We note that the documents provided are only suggested changes and there is no obligation for their inclusion by the Inspector. However, this has not been made clear and all the publicity assumes that this will be found sound.

In addition, it has not been made clear that Section 2 must then go for inspection post Section 1. Therefore, all the local villages and communities allocated sites will come forward. CPC request that this is clarified as it is misleading with some communities believing that if they support new towns little or no development will occur (e.g. Halstead).

4 Rapid transit system

The preliminary plans for the Rapid Transport System show it going through East and West Street in Coggeshall as shown in the images taken from the latest report submitted. This would be highly impractical and destructive. There is not enough space on either of these roads and congestion already causes issues due to parked cars often dominating one side of the roads. It would also travel through the medieval heart of Coggeshall, interrupting all main routes in the village.

So now we actually have a bus going through Coggeshall and Bradwell and no provision in any trunk road (A12 or A120) development to accommodate any of the options suggested.

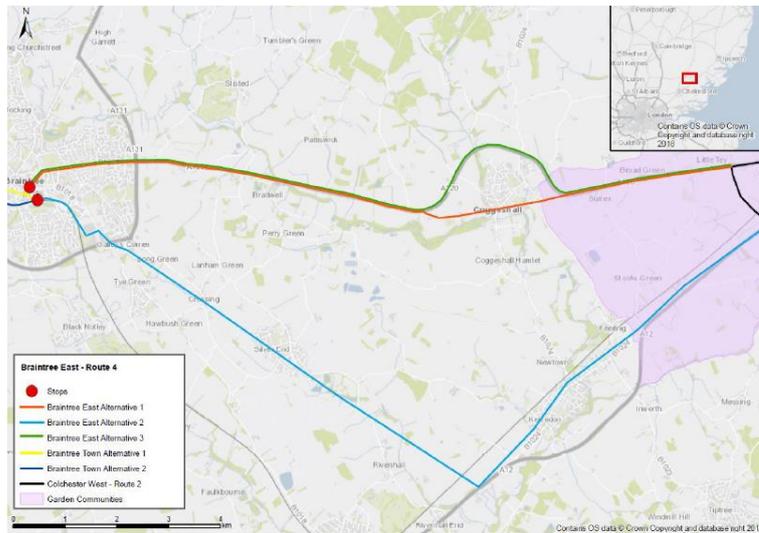
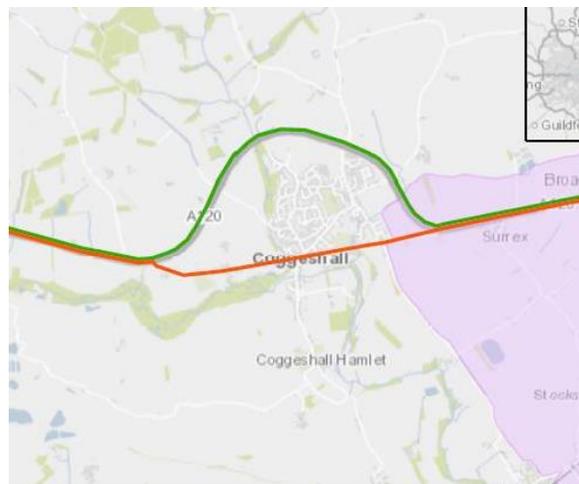


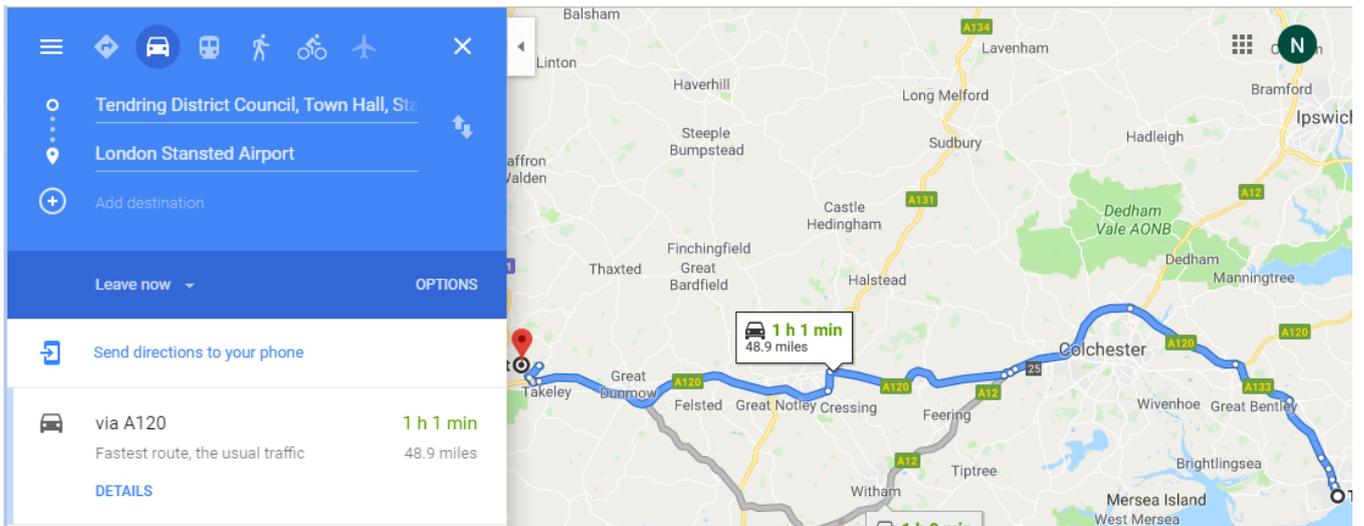
Figure 3-16: Route 4 options



The Viability is based on 'Per Km costs' of previous projects, and revenue forecasts are based on predicted demands assuming full build out. What this analysis does not allow for is actual cumulative occupancy rates over the period of the GC's (IE working from a position of available passengers based on the completed housing plan), effectively hiding the level of investment or 'front end loading' required to deliver the RTS.

The Inspector stated clearly that the RTS 'must be better than the car' and looking at the table below we can see that it takes 155 minutes to get from Tendring to Stansted whereas it currently takes 61 minutes to get from Tendring Council offices to Stansted airport

Full route capital costs (£m, current prices)	Lower investment		Higher investment	
	Capital cost	End-to-end AM peak journey time	Capital cost	End-to-end AM peak journey time
Route 1: TCBGC - Colchester North P&R via Colchester town	£38.4m - £55.4m	37 mins	£46.8m - £65.1m	27 mins
Route 2: Colchester Town - CBBGC	£45.1m - £62.2m	29 mins	£58.9m - £82m	23 mins
Route 3: Stansted - Braintree via WoBGC	£51m - £70.8m ^g	56 mins	£87.1m - £122.7m	44 mins
Route 4: Braintree - CBBGC	£37m - £53.3m ^g	33 mins	£37m - £53.3m ^{**}	33 mins
Total for all routes by 2051	£171.5m - £241.7m	155 mins	£229.8m - £323.1m	126 mins



The RTS report does not accommodate or differentiate between short medium and long journeys within each community but focuses on transport between communities and this is not representative.

We also note that in the RTS report it is stated that 'No actual business case is provided' so we are unsure as to how the overall viability has been established. Consequently, we are also extremely concerned that the viability of the RTS is in question, having received no support in the recent Housing Infrastructure Bids (HIF).

In addition, the RTS ploughs through open countryside with significant portions of the journey being made without stops, limiting the connectivity.

Effectively the geography of the Essex countryside and the dispersion of the communities is totally against a practical RTS.

5 Existing Travel Infrastructure

When the planning inspector previously reviewed the draft Local Plan and garden communities, he stated that if this route was maintained then more justification was required around sustainability. This included more detail on infrastructure funding and particularly transport.

The plans for much of the infrastructure appear to still be uncertain or planned to come once the houses have been built. This does risks causing severe issues and adding to the pressures that many local services are already facing. Peak trains on local train lines are already packed, parking is difficult, and the roads quickly get jammed up.

Once the residents of the garden communities are in their new homes, this would simply escalate.

The Inspector is clear that the scale of the New Towns proposals means that they could not be developed in full without the additional strategic road capacity provided by these schemes (A12 A120). Based on discussions and comments made at recent A12 and A120 liaison meetings this simply is not the case.

These meetings confirm 2023 at the earliest for the A12 improvements and the re-routing of the A120 is estimated to be no earlier than 2025, with the RIS2 not secured. The Inspector states: *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

The Inspector further expresses his concern 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 New Town proposals are deliverable in full.

More information has not been forthcoming, even though the Inspector specifically asked for information with regard to delivery, commenting 'Nor does it (the Rapid transport report) recommend which of the modal options and which network can be delivered (bus, guided bus, tram, etc), should be taken forward, or identify a timescale for delivery'.

Very early in his letter the Inspector is clear that "the scale of the New Town proposals means that they could not be developed in full without the additional strategic road capacity provided by these schemes (A12 A120)". Essex County Council at recent meetings has confirmed that bus paths, guided trams and cycle ways etc have not been included in the recent proposals to widen the A12 or on the new A120 route.

At the time of writing, the A120 route is only a preferred option and may be in the RIS2 bid for 2025 but this is not certain. The A12 widening /relocation works were not in the recent HIF bids and are simply not going to happen so the road infrastructures current position simply does not meet the Inspector's requirements.

In addition, the main line Greater Anglia route is at capacity even with the addition of 12 carriage trains. This is further compounded by the fact that Greater Anglia's new trains being deployed on the London route in winter 2019 will only simply alleviate the existing overcrowding.

6 SA report

We are disappointed that the SA report ignores the workshop that CPC attended in March 2019 and ignores the Proportional Expansion that was discussed. This coupled with a Tier system that weights not only the size of the communities but the availability of the infrastructure. Despite the apparent non-biased approach to assessing 25 alternatives, it is somewhat surprising that the conclusions arrived at the very same three options at exactly the same size.

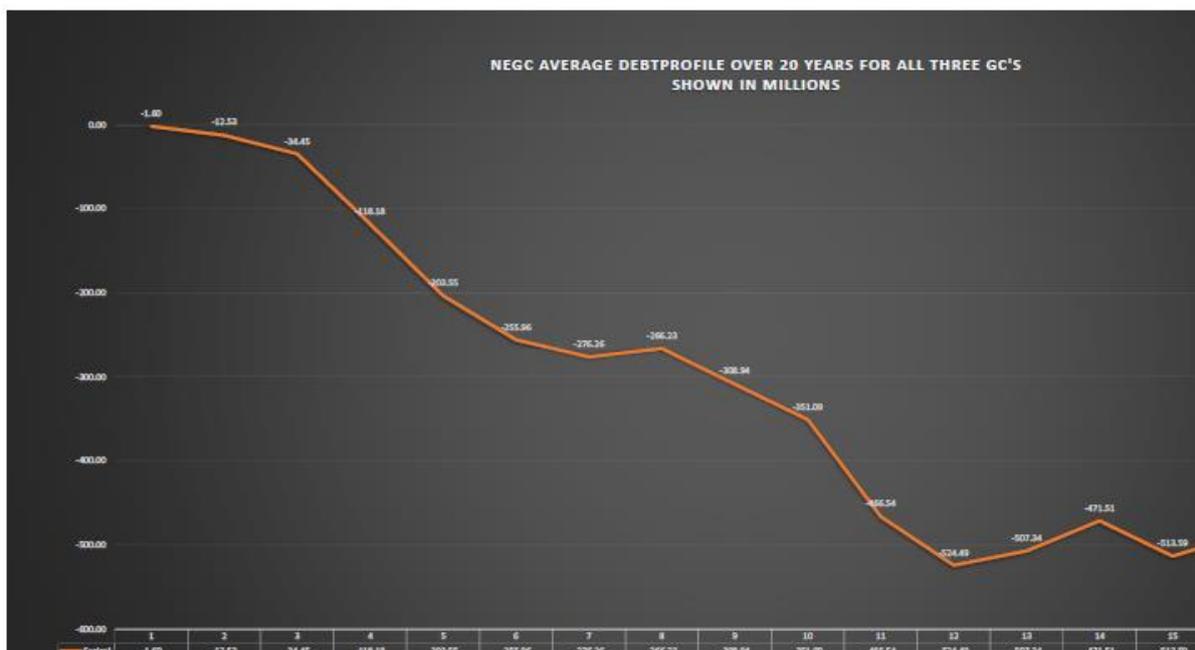
We note that from the SA analysis this would have been acceptable from based on their (LUC) own analysis and from a legislation perspective as well as delivering the required housing in the planned period.

Perhaps this omission was based on the overall brief received by LUC to validate the New Towns themselves rather than find alternatives

7 Funding and Exposure

The inspector asked for clear evidence that Compulsory Purchase Orders (yes these **will** be used) would achieve the land price but asks for a compatibility check with Human Rights. This has not been demonstrated

The inspector couches comments on debt within the Harman report that specifically warns against the interest cost of land purchase, he places no reliance on the HYAS report with the debt profile average at £300M in 10 years and over £500M in 15 years as shown below when all the models are aggregated such that not one is favoured



This ignores the Inspector's concerns on funding **as the NEAs themselves refer to significant land costs which will be largely debt-funded in advance of land receipts**", despite the Harman report referred to in his response.

When it comes to financial viability, the HYAS report uses an Internal Rate of Return that adds back profit with interest resulting in an equation with two variables (interest rates and profit) that cannot be solved because they both change and is therefore unreliable.

However, the Inspector's view is **that a discounted cash flow should be used 'In order to provide a more complete analysis' and this has not been done.** The HYAS report totally contradicts the Inspector's requirements **but does confirm that the New Towns are '100% debt funded'**.

Furthermore, this was highlighted by the Kerslake review, 2017 **'The councils are potentially committing to a significant level of exposure and should explore ways to spread their risk that do not sacrifice their ambitions for these communities.'** On current plans, which involve delivering all three communities to the same timescale, it is estimated that peak debt could reach £481m with build starting in 2022 and no net positive position until 2053'.

This **fully** supports the above analysis done by CPC councillors and proves unequivocally that the financial position has not changed substantially since the Kerslake review.

8 Build out numbers

We note the inspector stated in his response that a build out rate of 250 hpa should be used to provide a realistic delivery program. However, the documents submitted uses 300 hpa. We believe that this is because if the authorities 'stick' to the Inspector's suggestion, the New Towns are simply not viable, both in terms of the revenue generated and delivery timescales.

9 Level of Local objection

During the motion presented at BDC on 1st August 2019 to pause Section 1 and adopt Section 2 as per the inspector's guidance the following Parish Councils and action groups endorsed the motion;-

1. **A12VTAG, Alan Stones,**
2. **Urban Designer**
3. **Bardfield Parish Council,**
4. **Bradwell with Pattiswick Parish Council,**
5. **CAUSE,**
6. **Coggeshall Parish Council,**
7. **Colne-Stour Association,**
8. **CPREssex,**
9. **Cressing Parish Council,**
10. **Earls Colne Parish Council,**
11. **Edward Giffins, Chartered Town Planner ,**
12. **Halstead 21st Century Group,**
13. **Kelvedon Feering Heritage Society,**
14. **Kelvedon Parish Council,**
15. **Little Yeldham,**
16. **Tilbury Juxta Clare & Ovington Parish Council,**
17. **Monks Wood Action Group,**
18. **No to Brook Green,**
19. **Rayne Parish Council,**
20. **SERCLE,**
21. **Shalford Parish Council,**
22. **Stanbourne Parish Council,**
23. **Stisted Parish Council,**
24. **The Salings Parish Council,**
25. **Wivenhoe Town Council,**
26. **Castle Heddingham Parish Council**

This is increasing daily with the majority out of the 52 Parish Councils plus two Town Councils having now 'signed up' to support the move to Section 2 and that the Section 1 is simply wrong

9.1 Lack of public engagement

CPC remain deeply concerned with the way in which this consultation and previous consultations have been carried out as they are highly inaccessible to the public.

The portal contains a collection of documents with no navigation, no explanation and it seems designed to discourage responses.

Any consultation should be as user-friendly as possible. We urge Braintree District Council to consider this for future consultations and set out clearly what is being consulted on with some text for every document so they can all be understood.

Furthermore, we note that there are more public consultations being arranged throughout the district by community representations, action groups and Parish Councils (i.e. non BDC) than BDC have managed to arrange themselves. The BDC 'consultation' seems limited to Braintree library and their online portal, severely limiting its effectiveness

In addition, CPC wish to formally comment on the promotional campaign that has been started by NEGC Ltd during the official consultation period. We believe that it is presumptive, wholly inappropriate for what is ostensibly a commercial organisation but with local Councillors as directors, to be promoting the new towns during the official consultation period.

Furthermore, we must point out that there are more public consultations being arranged throughout the district by community representations, action groups and Parish Councils (i.e. non BDC) than BDC have managed to arrange themselves. The BDC 'consultation' seems limited to Braintree library and their online portal, severely limiting its effectiveness

In addition, CPC wish to formally highlight the following; -

- 1) **A promotional campaign has been started by NEGC Ltd during the official consultation period.**
- 2) **BDC agreed to fund £350,000 for NEGC's current year expenses during the last cabinet meeting on the 9th Sept 2019**
- 3) **NEGC have refused to attend locally organised events maintaining the local plan is the responsibility of the local council' whilst also maintaining 'obtaining adoption of the Local Plan is a major outcome (for NEGC Ltd) in 2019/20 for the project as a whole'**

We believe the first two points are presumptive for what is ostensibly a commercial organisation but with District Councillors as directors and, as such, NEGC should not be advertising the new towns during the official consultation period. Point 3 is contradictory, confusing and misleading along with their general approach being wholly inappropriate and unhelpful despite a mandate from the NEA's giving responsibility to NEGC for Garden Communities.

10 Environmental impact

The inspector's letter comments as follows with regard to the Habitats Regulations Assessment (HRA)

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

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."

This requires

- protective measures intended to avoid or reduce any adverse effects that the project may have on the site, which are considered in the appropriate assessment required by Article 6(3)
- measures that are aimed at compensating for the negative effects of the project on a European site, which are required by Article 6(4)

We note the revised HRA however we do not believe that it meets the above requirements in terms of European law.

11 Monks wood

Monks Wood remains completely opposed by CPC for the same reasons as argued in previous consultations.

The proposed development would coalesce with Coggeshall and would overwhelm the village. Coggeshall should not be subsumed into an extensive conurbation and thereby lose its distinct identity. In addition, it makes no sense to replace West Tey with Monks Wood as it is further from Colchester where most housing is required.

In addition, the same concerns that we have regarding the infrastructure apply to this development. The preferred route the A120 is actually away from the proposed site, has no funding (as mentioned) and the local rail network (Witham, Kelvedon, Marks Tey stations) are at capacity.

We support the argument that it also makes no sense to replace the West of Braintree development with Monks Wood as it is further from Stansted and this is one of the key growth areas.

When considering other sites, CPC does support the conclusion that a 'Greater Coggeshall' (ie VE2) should not be considered as a strategic site.

It seems to us that the entire submission is based on hope

- The hope that the Inspector will include and accept the documents
- The hope that not too much speculative development will occur during its inspection
- The hope that the RTS will be funded
- The hope that the RTS will work
- The hope that the RTS can find a place!
- The hope the debt can be funded
- The hope that additional HIF monies will be made available
- The hope that houses will sell and income will be made
- The hope that it will be found sound in reasonable time frames
- The hope that Section 2 will also be found sound (yet unsubmitted)

It is due to this that we believe this submission is likely either fail or require further work and means that the evidence base may well become out of date and the NEA exposed to legislative changes within the planning system itself. BDC do not appear to have a contingency plan, when a relatively safe option is to adopt Section 2. With the current land supply at 5.15 (as at 12-09-2019) this seems eminently sensible (as suggested by the Inspector) yet this independent professional advice is being ignored.

Furthermore, the way in which this consultation and previous consultations have been carried out is highly inaccessible to the public. The portal contains a collection of documents, with no navigation, no explanation and it seems designed to discourage responses. Any consultation should be as user-friendly as possible. We urge Braintree District Council to consider this for future consultations and set out clearly what is being consulted on with some text for every document so they can all be understood.

If we now put these concerns in terms of both the NPPF and especially the Plan making element we can see that it; -

1. Is not sustainable (does not meet 16a)
2. Is not positive; although whilst being aspirational is not deliverable (does not met 16b)
3. Does not demonstrate effective engagement with local communities. Is not effective and cannot be reliable and economically delivered offer the plan period (does not met 16c)
4. Is not consistent with or contain policies that are clearly written, unambiguous and it is not clear how a decision maker should react to them (does not met 16d)
5. It is not accessible as the BDC portal and response mechanism is troublesome and difficult to use (does not met 16e) as these tools certainly do not assist public involvement

Consequently, and upon review of the new evidence, CPC does not believe that enough has changed since the inspector found the original proposals to be unsound to change this view. There is simply insufficient infrastructure, huge questions around funding and also deep concerns on feasibility and delivery.

Given all the above, Coggeshall Parish Council objects to the draft Local Plan in its current form and urges Braintree District Council to undertake a serious, evidence-based and objective review to avoid going any further with the Plan in its current state and ultimately adopt Section 2.



Parish Clerk

For and on behalf of Coggeshall Parish Council