



The Rt Hon James Brokenshire MP
Secretary of State for Housing, Communities and Local Government
Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
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Our Ref: ZA50558

15 June 2018

Dear James,

Re: Inspector Roger Clewes, Advice on the next steps in the examination of the strategic (section 1) of the North Essex Authorities Plan (ref: IED011), 8 June 2018

The letter dated 8 June 2018 addressed to Braintree District Council, Colchester Borough Council and Tendring District Council (the 'North Essex Authorities' - NEA) from Planning Inspector Roger Clewes has been published today. The letter details the Inspector's initial assessment of the section of the three Councils' proposed Local Plans, which is a joint Plan covering three Garden Community (GC) proposals.

The document is highly critical of the proposed Local Plan on a number of grounds. As you know, the Government has provided considerable investment and funding to the Councils, specifically through Colchester Borough Council, and it appears as though their approach and the resources provided to them have been ineffectively used given the scale of criticism in the Inspector's letter.

For ease of reference, I have attached a copy of the letter from the Inspector but will also refer to a number of the sections in this letter. I appreciate that you cannot comment on the material nature and substance of the proposed Local Plans themselves given your role in determining them. However, from the perspective of the effective use of the resources that the Government through your Ministry (and predecessor Department) has provided to the Councils, I trust that you can review this matter.

You will note that despite all of the additional financial support and assistance that the Councils have received from central Government the Inspector has stated in the opening that in relation to the evidence base submitted "significant further work on the part of the NEAs" is required (para 2) and that in his "view the evidence provided to support the GC policies in the submitted plan is lacking in a number of respects." (para 31)

In the conclusion he stressed that:

"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." (para 130)

In view of the level of support provided, it is astonishing that these conclusions have been reached and I am concerned as to how effect the Councils have spent the taxpayer funded resources they have received.

Moreover, it is not just the headline conclusion that the Inspector has reached that is concerning. Throughout the letter there are a number of serious points raised which casts severe doubt over the way that the Councils and Colchester Borough Council in particular have acted.

It is extremely noteworthy that the Inspector issued a damning indictment on the Sustainability Appraisal (SA) produced by the Councils. Indeed, his comments bring into question the objectivity of the Councils. In paragraph 96 of the letter the Inspector remarks that there are shortcomings in the SA including the objectivity of the chosen spatial strategy and he alternatives to it. In effect, the manner in which the Councils assessed the evidence base for their favoured option was done in a manner which seem to deliberately disadvantage the analysis of alternative options.

You will note that the Inspector comments:

"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." (para 103)

He then goes on to state that the choice of the three allocated GCs put forward and promoted by the Councils: "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." (para 119)

And he also remarks 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." (para 133)

Of particular concern is that the Inspector questions whether the SA and the approach taken by the Council may have breached legal requirements. You will note that the Inspector states:

"...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." (para 109)

Furthermore, the Councils' failures extend beyond the SA. As you will know from my previous correspondence, the provision of infrastructure, especially transport infrastructure, is key to the delivery of new housing and economic growth in this part of Essex. We have already seen Colchester Borough Council cause delays to the A12 Widening Scheme by their last minute changes to their housing proposals. However, the Inspector has issued a damning opinion on the work that was undertaken on transport issues in the Local Plan proposals.

On the strategic highways the Inspector noted that: "greater certainty over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey is necessary to demonstrate that the GC proposals are deliverable in full."

In relation to the proposed introduction of a rapid transit system, the Inspector was very critical of the proposals stating that: "It is unlikely that those extremely ambitious targets would be achieved or even approached unless rapid transit services to key destinations are available early in the lifetime of the GCs." (para 39). He then adds that the "planning of the proposed RTS has reached only a very early stage" and that the cost is yet to be determined and more work is needed on feasibility of this (para 40).

In respect of rail connectivity and the possible relocation of Marks Tey railway station, the Inspector comments that: "If the relocation of Marks Tey station is to form part of the proposed CG, the allocation of funding for it must be made earlier in the build period" rather than in the mid-2050s, 30 years into the build period. This would, according to the Inspector, be "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." (para 47) He further notes that: "it would be a significant missed opportunity...if a GC on the scale currently proposed in this area were to proceed with the station on its periphery." (para 46)

Later in the Inspector's letter, he also criticises the viability report submitted stating that it "does not deal adequately with transport infrastructure costs, land purchase and interest, or contingency allowances." (para 64)

With transport playing such a crucial role in the delivery of housing, the criticism of the proposals put forward is concerning and reflects badly on the Councils' process in providing this evidence base.

There was also criticism of the market and affordable housing elements of the proposals, with the Inspector noting that there were shortcomings in the viability assessment "over the deliverability of affordable housing at each of the three allocated GCs cannot be relied upon." (para 55).

Additionally, there was criticism of the employment provision with the Inspector stating that: "it is surprising that the GC policies contain no specific figures for the amount of employment land or floorspace to be provided at each of the GCs." (para 57) And that: "It would be inappropriate to delegate this role to the individual DPDs, as the NEAs suggest." (para 59)

It is also important to note, especially within the context of the New Town Regulations and the option to use that approach, that the Inspector raised questions over the delivery mechanisms and vehicles (paras 87-92). He stated that: "there is no substantial evidence to show that only (unspecified) new models of delivery are capable of achieving the policy's objectives."

Crucially, on the issue of viability, the Inspector has concluded overall that: "it has not been demonstrated that CGs proposed in the submitted Plan are financially viable." (para 86)

This is on top of Colchester Borough Council last year trying to prevent people from submitting consultation responses, a matter I raised with your predecessor, and failing to engage effectively with the NHS on health needs. There has also been a serious issue with the promotion of one site - Monks Wood - having their submissions ignored leading to the Inspector convening additional sessions to accommodate them and to reduce the risk of legal challenge.

Given all of these issues, the uncertainty that will now follow, the further delays which will follow to securing a new up to date Local Plan and the impact on the A12 Widening Scheme and potentially the A120 dualling scheme, I would welcome your intervention as a matter of urgency to ensure that there is full accountability and transparency over how public funds have been spent.

Had the funding provided by the Government been spent in an effective and appropriate manner, then the Inspector would not have found so much fault and criticism with the Council's proposals.

I trust you will give this matter your urgent attention and look forward to your reply. I would be glad to meet to discuss this further too.

Yours ever,

with my good wishes


Rt Hon Priti Patel
Member of Parliament for Witham