

Tiptree NP response to Main Matter 9 (Supplementary Statement) as prepared by Strutt & Parker on behalf of Bloor Homes.

Presented by Jonathan Greenwood, Chairman, Tiptree NP Steering Group

With respect to: Colchester Local Plan Section 2 Examination, April 2021

1. As Chairman of the Tiptree Neighbourhood Plan Steering Committee I would like to assure the Local Plan Inspector that we are totally committed to completing the Tiptree Neighbourhood Plan and providing an appropriate policy framework to deliver the required minimum 600 new homes over the plan period.
2. The members of the Tiptree Neighbourhood Plan Steering Group are passionate about Neighbourhood Planning because it puts the control of development in the hands of the people who have to live with the consequences, namely the community of Tiptree. The community has embraced future development on the understanding that it is plan-led. The plan-led approach uses the opportunities provided by development to shape the community and its infrastructure in a way that allows further development in the future whilst avoiding potential issues accumulating towards unsustainability.
3. It is true to say that the Tiptree Neighbourhood Plan (TNP) has had a bit of a 'rough ride'. This has come as a result of a combination of factors including the size of the village (population approaching 10,000), its location surrounded by potential development land, boundary issues, traffic issues and a not insignificant housing requirement.
4. The TNP was subject to, what was in our view, a less than satisfactory examination in 2020. The Examiner took the view that our supplementary documents did not constitute part of the submission documents and consequently he overlooked many of our evidence base documents. This included a very thorough Strategic Housing Land Availability Assessment (SHLAA) that considered over 40 criteria – half of which were sustainability issues that evidenced both our site selections and the Strategic Environmental Assessment (SEA). The examiner also declined to communicate with either Colchester Borough Council (CBC) or Tiptree Parish Council (TPC) as qualifying body during the examination (contrary to the NPIERS code of conduct for examiners, the panel from which he was selected). Consequently his oversight could not be pointed out until the fact checking stage.
5. This resulted in the Examiner drawing a number of conclusions based on his presumption that the relevant evidence did not exist. CBC and TPC took the opportunity afforded by the fact checking exercise to draw the attention of the Examiner to the overlooked documents. As a result, the Examiner appeared to accept the evidence did exist and his conclusions were revised. The Examiner's main conclusions are summarised in the Examiner's Report paragraph 5.2. This paragraph underwent major revision following the fact check. Viz:
6. **Draft report:** *Overall, I find the evidential basis for the preferred spatial strategy, the lack of option appraisals and some inadequate site selection assessments to represent a fatal flaw in the plan. I consider the SEA process to be flawed, in its treatment of reasonable alternatives and in some of its site appraisals; it is not helpful that it has not been properly consulted upon. Therefore, coupled with the inclusion of a route in an adjoining parish, I conclude that the plan does not meet the Basic Conditions or the legal requirements.*

7. **Final report:** Overall, I find *the dominating reliance on community objectives within the SEA process without proportionate and robust evidence to support the spatial strategy, to be flawed. Therefore, coupled with the inclusion of a route across land in an adjoining parish, I conclude that the plan does not meet the Basic Conditions or the legal requirements.*
8. We note that the Examiner has removed the following elements from his conclusions on core issues in section 5.2:
- Criticism of the lack of option appraisals.
 - His view that site selection assessments were inadequate.
 - His view that the SEA process is flawed in its treatment of reasonable alternatives and some of its site appraisals.
 - His view that the SEA was not consulted upon.
9. We appreciate this revision but remain concerned that these, now withdrawn, conclusions still inform arguments elsewhere in the final report. This leads to inconsistencies that make it unclear what the Examiner's views really are. At the time we were aware that as the Examiner's Report would be published it would therefore be a material evidence document in future plan-making (including the Examination in Public of the Colchester Local Plan Part 2) and could also inform development management/appeal decisions. It was a very unsatisfactory situation and the best we could do was to publish a Joint Examination Response from CBC and TPC in an attempt to clarify the position (this Joint Examination Response is referenced in CBC Topic Paper 6 on Tiptree). Nevertheless this has enabled Strutt & Parker on behalf of Bloor Homes to use some of the inconsistencies within the Examiner's Report in making their argument that the LPP2 policy SS14 is unsound.
10. **In the Main Matter 9 (Supplementary Statement)** issued by Strutt & Parker on behalf of Bloor Homes, attention has been drawn to the apparent conflict between the TNP and emerging Local Plan (eLP) policy SS14 (paragraph 2.13) and to criticism of the SEA (paragraph 2.24). These issues are more fully dealt with in the 'Tiptree Neighbourhood Plan – Examination Statement – December 2020', however I will briefly comment on these issues below.

Apparent conflict between the emerging TNP and the Submission Version of the eLP

11. With regard to the argument presented by Strutt & Parker/Bloor Homes that the TNP was contrary to Policy SS14 of the emerging Colchester Local Plan (eLP), they argue that the TNP did not comply with the 'broad areas of growth' indicated by the SS14 Tiptree policies map. However we argue that the TNP did (and still does) comply with the 'broad areas of growth' within the limits of precision intended by this statement for the following reasons:
- A. The SS14 map was intended to be reflective of the position held by the TNP at the time of submission of the eLP. The 'broad areas of growth' were agreed by TPC and CBC at a very early stage of Neighbourhood Planning when it was anticipated that development should, where possible, seek to avoid creating extra traffic on the main routes through Tiptree, particularly Church Road. However precise areas of growth could not be identified at that time because the Call for Sites data was not available, no SEA or SHLAA assessments had been completed and the community had not been consulted. The now revised 'Broad Areas

of Growth' is simply a reflection of the position first reached by the NP process at Regulation 14 stage and held since.

- B. Paragraph 12.87 of the eLP states that the *Tiptree Neighbourhood Plan will be allocating its own housing sites to meet the identified growth*. Paragraph 14.220 states that the *Tiptree Neighbourhood Plan will allocate the final site boundaries and will include a policy framework to support the delivery of 600 houses up to 2033 and to guide all other planning issues in the village*. Clearly the associated map cannot be considered to be prescriptive with regard to development sites because to do so would be to pre-empt and contradict the above paragraphs.
- C. Following the fact checking exercise the NP examiner added a final sentence to Paragraph 5.3 in his report, namely, *'I conclude that the LPA considers the NP to broadly conform with strategic policy.'*
- D. 'Broad' areas for growth cannot be taken to mean that under no circumstances can growth happen anywhere else other than along the direction of the arrows. Such a view would not represent a reasonable approach and neither the eLP nor the TNP has sought to present evidence to justify such an approach. Growth may have potential elsewhere in Tiptree. In this regard, the Maldon Road appeal decision (APP/A1530/W/20/3248038) is instructive because it provides clear guidance about the scale and location where growth on the south-western edge of Tiptree will start to cause coalescence issues with Tiptree Heath (the main reason that the refusal of planning permission was upheld). In light of this, it *may* be possible that a smaller scheme on the north-eastern part of the site being promoted by Strutt & Parker could represent sustainable growth that does not compromise the main 'broad' areas for growth. However, Strutt & Parker has not suggested such an approach and moreover has restricted its response to the site that was the subject of the above appeal and the quantum of growth associated with development of the whole site (255 dwellings).

Criticism of the SEA

- 12. Strutt & Parker/Bloor Homes argue, *'The Examiner emphatically agreed with Bloor Homes/Strutt & Parker's view (and indeed those of other respondents) that the TNP's spatial strategy was not justified, and that there were fundamental defects in the SEA'* (Supplementary Statement paragraph 2.24). They are presumably referring to paragraph 2.21 of the Examiner's report which simply states, *'A number of the representations submitted by developers outlined significant concerns about the spatial strategy, the SEA process – especially the appraisal of reasonable alternatives (or lack of it) – and the site selection process'*. The Examiner himself states in his report, *'I have some concerns about the SEA, mainly in relation to its treatment of reasonable alternatives and the selection of sites'* (Examiner's report paragraph 2.8). However this is precisely the criticism that he withdrew from his conclusions in paragraph 5.2 as outlined above. Even the remnant of criticism that remained in paragraph 5.2 (as above) citing 'the lack of proportionate and robust evidence' is contradicted by his footnote 1 that admits the evidence does in fact exist – just not in the plan *'itself'* (see also Examiner's report paragraph 4.3). In report paragraph 4.7 it becomes clear that the criticism by the Examiner of the alleged failure to properly consider reasonable alternatives was based on his view (at the time of writing) that the eLP SS14 map *did* offer a reasonable alternative – even though no SEA had been carried out on options for growth indicated by the arrows (see also paragraph 5.1).

13. It should also be noted that the site assessment process which underpinned the TNP SEA (and of which the TNP Examiner withdrew his criticism in his updated Examiner's Report) assessed the full extent of the site at Maldon Road as submitted by Strutt & Parker on behalf of Bloor Homes. The SEA assessment considered that there were reasonable alternatives to deliver the growth required by eLP Policy SS14. This view was supported by the Maldon Road appeal decision – the scale of growth (255 dwellings) on the only site outside a Local Wildlife Site in south west Tiptree would result in unacceptable impacts caused by coalescence with Tiptree Heath. Not only was the previous SEA approach therefore sound but this makes clear that broad growth in the south west of Tiptree does not represent a sustainable option.

Housing Allocation

14. The supplementary statement suggests that the 200 houses at Barbrook Lane should be considered in addition to the 600 homes allocated to the NP (paragraph 4.8). This is contrary to the NP Examiners assertion, *'It is clear that the strategic housing target of 600 is unaffected; the development simply reduces the total by up to 200 homes'* (Examiners Report paragraph 6.9).
15. Tiptree is considered to be a sustainable settlement suitable for the scale of growth proposed during the plan period. It is well provided for with four primary schools, one secondary school, a leisure centre, three supermarkets, a community centre, a health centre and a wide range of independent shops, cafes and restaurants. It was agreed that 600 new homes represented sustainable growth and the infrastructure requirements and comments from providers are based on that figure. There are already serious pressure points – our health centre is over-subscribed and it is generally not possible for new residents to register with a dentist in the village. There are issues regarding the provision of open space, the adequacy of public transport, of water supply and sewerage. Our main shopping street is a main route through the village. Many improvements in infrastructure only tend to follow development. It is important over the plan period that the growth of the village is planned in a manner that enables improvements to infrastructure to keep pace whilst preserving the character and village 'feel' that the residents so highly value.
16. **Healthcare:** The GP surgeries, North-East Essex capacity spreadsheet provided by CBC (TNP Document B) ranks Tiptree Health Centre as third out of 59 surgeries in terms of its projected floor space deficit in 2021. The cost of making up this deficit is estimated as £933,627. This is without considering any increase beyond 2021. Using the Office of National Statistics (ONS) figures for 2019, the average number of people per household was 3.47, 600 new homes we are looking at a population increase of 2082 people (that's a 23% increase in population compared to a population of 9220 in 2017) and a similar number of new patients.
17. In their response to the planning application by Bloor Homes for 200 homes on the land in Maldon Road, the N E Essex Clinical Commissioning Group (CCG) concluded, *'This GP practice does not have capacity for the additional growth resulting from this development.'* They went on to add, *'A developer contribution will be required to mitigate the impacts of this proposal. N E Essex CCG calculates the level of contribution required in this instance to be £162,221'.* Unfortunately this contribution will not automatically result in increased Health Centre capacity as there are other fundamental issues of funding and location. Furthermore in an email to Karen Syrett at CBC dated 11th May 2020 Jane Taylor, Senior Estates Development Manager, N E Essex Clinical Commissioning Group, states, 'there remains concerns by partners at the practice regarding increasing capacity and

the existing premise currently stands at requiring an additional 490m² of space just for the current anticipated growth. Therefore, **the CCG would object to any additional housing over and above that captured in the Neighbourhood plan of 600 homes.** It should be noted that the need to plan for new medical capacity in a sustainable location is a key priority for the TNP.

18. **Transport:** There is a regular bus service between Maldon and Colchester that is considered 'adequate' by most although the service no longer extends into the evening; however most respondents to the TNP questionnaire consider the service to Kelvedon and Witham (including the railway stations) to be inadequate. For these reasons (and others) Tiptree residents are very car-dependent. Community consultation revealed an average of 1.77 cars per Tiptree household in 2016. 600 new homes could result in an additional 1,062 cars in the village which is why the creation of alternative road routes towards the main destinations to disperse traffic away from the existing main routes through Tiptree was a priority for the TNP. However there is no such mitigation required by the consented development at Barbrook Lane or proposed by Bloor Homes on its site. The latter, if developed, would result in a further 434 cars and the only exit from the proposed estate would be onto an already busy through route close to a bend and a primary school.
19. One of the complexities we have faced in Tiptree is that there have been over 60 sites submitted for development around Tiptree which together could accommodate over 3,800 houses. All of these sites have been subject to a vigorous SHLAA assessment (comparable to the CBC site assessment process and cross checked by CBC) to assess the suitability of each site for development. Clearly the consideration of alternatives is all part of the TNP process and not all land being promoted can be accommodated even where an assessment may not find a site to be a show stopper. It is precisely the role of the TNP to assess alternatives and plan for growth based on a sound evidence base and the local vision and objectives derived from thorough consultation and community engagement. It is to choose the *sustainable* outcome when considered against *reasonable alternatives*.
20. The issue is whether development in Tiptree will be plan-led or piecemeal. Strutt & Parker may try to criticise our consideration of alternatives but Neighbourhood Planning is objective and can truly consider all the alternatives in order to achieve the most appropriate, sustainable outcome for the community.
21. To conclude we consider that the eLP Policy SS14 in respect of Tiptree is sound. The Tiptree NP Steering Group is committed to completing the TNP and delivering at least 600 new homes in Tiptree over the plan period. The TNP examiner's comments have been taken on-board, we have a timetable to complete the Regulation 14 and 16 consultations and examination of the TNP by the end of 2021 and an SEA project brief has been issued for tender this week. We are grateful for the support we have received from CBC and from all those – community, landowners, developers - that have worked with us to achieve the aims of the TNP. We are also grateful for the thousands of man-hours that have gone into the TNP process and desperately hope it has not been in vain.

Jonathan Greenwood

28th April 2021