



Colchester Local Plan Section 2

Examination Hearing Statement

Main Matter 9 (Supplementary Statement)

Prepared by Strutt & Parker on behalf of Bloor Homes

April 2021

1. Introduction

- 1.1 Strutt & Parker made representations on the Colchester Local Plan Publication (Regulation 19) Draft, including on matters relevant to the Local Plan Section 2 (LPS2) on behalf of Bloor Homes.
- 1.2 These representations ('the Regulation 19 representations') (Comment ID 7285, 7286, 7287 and 7288) were duly made.
- 1.3 Bloor Homes' interests in respect of the LPS2 includes land at Maldon Road, Tiptree ('the Site'). This Site is commensurate with sites reference TIP01 / TIP09 / TIP27 in the Council's plan-making process.
- 1.4 In response to the LPS2 Examination Matters, Issues and Questions, Strutt & Parker submitted hearing statements on behalf of Bloor Homes by the deadline of 6 April 2021. This included a hearing statement on Main Matter 9 (Sustainable Settlements (Policies SS1 to SS16)).
- 1.5 Colchester Borough Council also submitted a hearing statement on Main Matter 9 by the 6 April deadline. The Council's Main Matter 9 hearing statement in respect of Policy SS14 specifically, suggested it may need to make modifications to this policy and the accompanying Policies Map. However, rather than provide details within the hearing statement itself, it was stated that this would be provided within an as yet unpublished topic paper (Topic Paper 6). At 9.16.4 of the Council's Main Matter 9 Hearing Statement, the Council made clear the need for this Topic Paper to be read in conjunction with its Main Matter 9 hearing statement, confirming the importance of Topic Paper 6 in understanding the Council's position on Policy SS14. Despite this, Topic Paper 6 was not made available at the same time as the hearing statement, nor was there any indication as to when it would be made available.
- 1.6 Topic Paper 6 was subsequently published on 14 April 2021 – less than one week before the start of hearing sessions; over three-and-a-half years after the Council has submitted its plan for examination. Topic Paper 6 provides new evidence, includes a new transport review, and suggest modifications to Policy SS14, including a revised spatial strategy for Tiptree.
- 1.7 Strutt & Parker wrote to the Examination Inspector (via the Programme Officer) expressing concerns with the provision of new material at such a late stage, particularly given its fundamental importance to the consideration of Policy SS14 through the Examination.

Further to this, Strutt & Parker (on behalf of Bloor Homes) has been permitted to provide a supplementary response to its original Main Matter 9 hearing statement. This statement constitutes this supplementary response.

- 1.8 This supplementary statement is provided in addition to Regulation 19 representations and hearing statements, and should be read in conjunction with these.
- 1.9 The LPS2 is being examined in relation to the NPPF 2012, as per the NPPF 2019 transitional arrangements. Consequently, unless stated otherwise, reference to the NPPF in this statement is to the NPPF 2012. Likewise, reference to PPG is to that which accompanied the NPPF 2012 unless otherwise stated.

2. Background

- 2.1 In light of the new material submitted by the Council through Topic Paper 6, it is considered pertinent to set out further detail regarding the background to the Site and plan-making in respect of Tiptree, and the chronology of these.
- 2.2 On 9 July 2016, the Council published the Preferred Options (Regulation 18) iteration of its Local Plan ('Preferred Options').
- 2.3 The Preferred Options addressed Tiptree through Policy SS15. This identified broad areas of growth for Tiptree, within which it proposed the Neighbourhood Plan would identify specific sites. This included an arrow on the accompanying draft Policies Map which showed a broad area of growth to the south-west of Tiptree, projecting north-westwards, and commensurate with the Site.
- 2.4 The proposed policy made clear that development outside the broad areas of growth would not be supported.
- 2.5 This Preferred Options was supported by Sustainability Appraisal, and was subject to consultation and community involvement.
- 2.6 On 16 June 2017, the Publication Draft (Regulation 19 iteration) Local Plan ('Publication Draft') was published for consultation. The approach to Tiptree was set out in proposed Policy SS14. As with the Preferred Options, the Publication Draft identified broad areas of growth within which the Neighbourhood Plan would identify specific sites. The Publication Draft Policies Map maintained a broad area of growth to the south-west of Tiptree, projecting north-westwards, and commensurate with the Site, as per the Preferred Options iteration.
- 2.7 As in the Preferred Options, the Publication Draft made clear that development outside of the broad areas of growth and the settlement boundary would not be supported.
- 2.8 Consultees that responded to the Publication Draft included Essex Wildlife Trust; Essex County Council (including in relation to landscape) (reference 6207); Natural England (including in relation to both natural assets and landscape) (reference 6878); Historic England (including in relation to landscape) (reference 6948 / 6950); and Tiptree Parish Council (reference 7389).
- 2.9 The Council submitted its Local Plan (including LPS2) for examination on 9 October 2017. No changes were proposed to the broad area of growth identified for Tiptree, being as

proposed in the Publication Draft. An extract from the submitted LPS2 showing the Tiptree Policies Map is shown overleaf.

TIPTREE **Policy SS14**

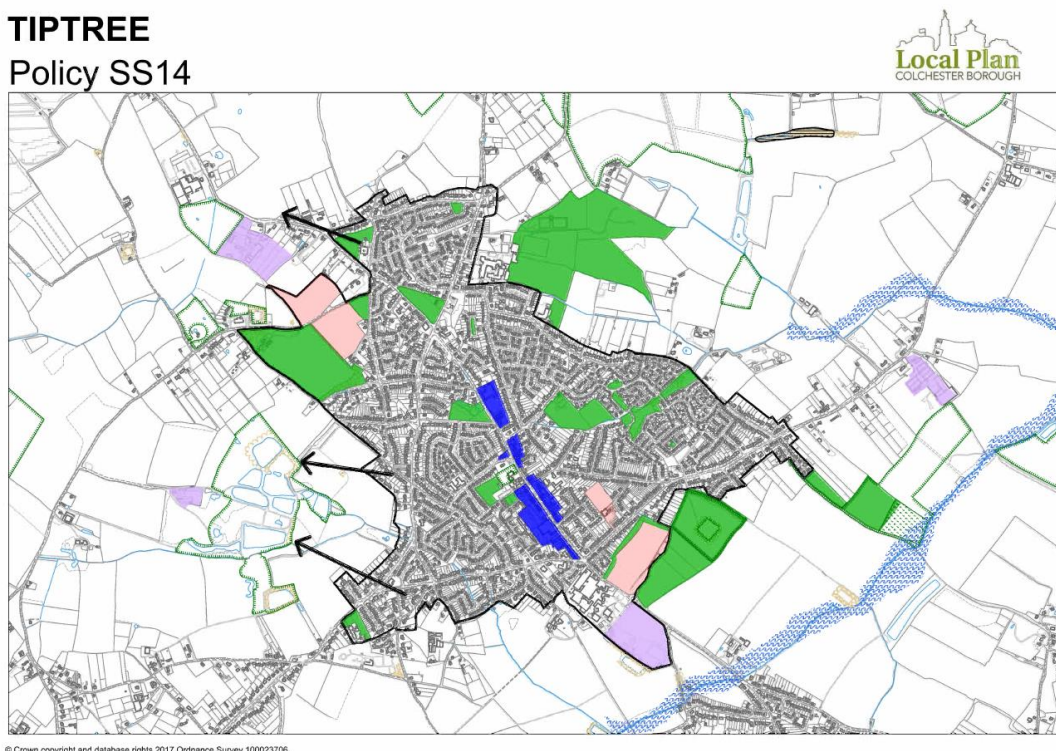


Figure 1

- 2.10 For ease of reference, we have added references to the three broad areas of growth identified, as per below:

TIPTREE **Policy SS14**

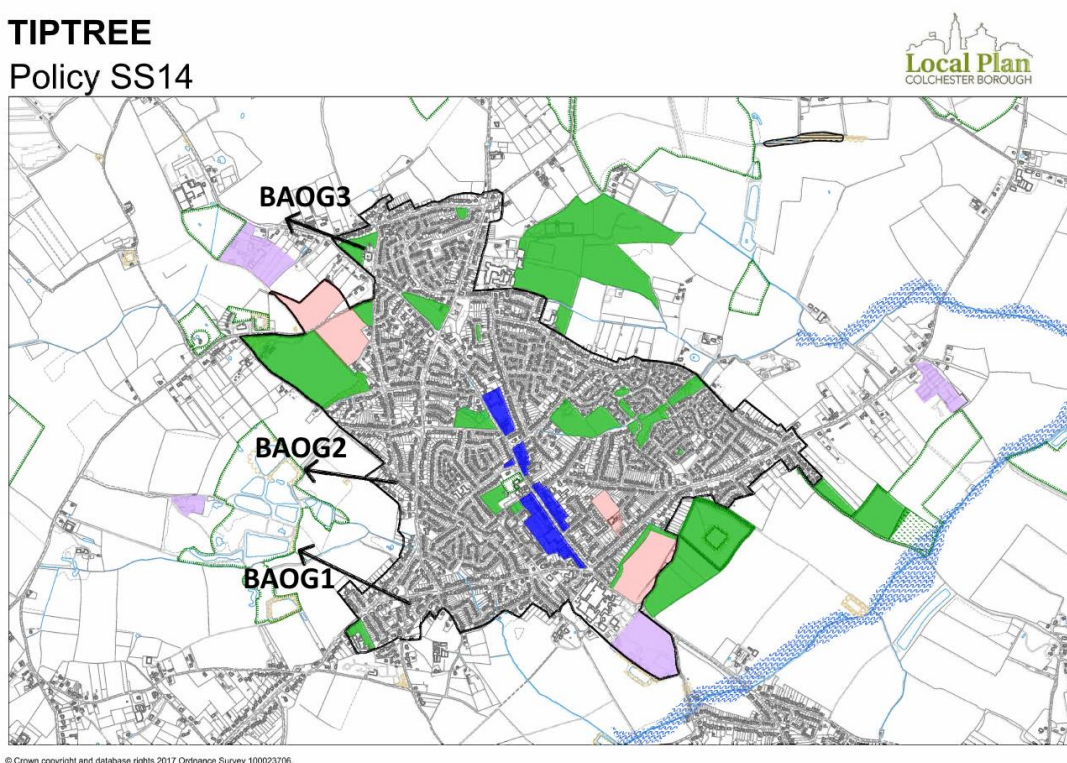


Figure 2

- 2.11 As per Section 20(2) of the Planning and Compulsory Purchase Act (2004), in submitting its Local Plan, the Council confirmed that it considered it, including LPS2, to be sound.
- 2.12 On 31 July 2018, Bloor Homes entered into a Planning Performance Agreement (PPA) with the Council, in respect of the Site and its proposed development, ahead of a planning application.
- 2.13 Whilst a planning application for development of the Site was being prepared, the Tiptree Neighbourhood Plan (TNP) Regulation 14 Pre-Submission Draft was published for consultation from 8 June 2019 and 21 July 2019. A host of defects were identified in respect of this draft TNP, which were set out in a consultation response submitted on behalf of Bloor Homes. These included:
- Conflict with the emerging Local Plan.
 - Lack of evidence to support the proposed strategy.
 - Failure to consider relevant factors in the identification of preferred sites.
 - Lack of transparency regarding the site selection process.
 - Substantial flaws in respect of the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA).
- 2.14 An outline planning application (with all matters reserved other than means of access) for residential development of up to 275 dwellings with associated car parking, landscaping, public open space areas, SuDS, link road and provision of parent drop-off area for Tiptree Heath Primary School was submitted to Colchester Borough Council and registered on 2 August 2019 (reference 192025). The application site corresponded to one of the Broad Areas of Growth identified in the submitted LPS2 (our reference: BAOG1).
- 2.15 The application was subsequently revised such that it proposed up to 255 dwellings.
- 2.16 On 28 January 2020, Strutt & Parker wrote to Colchester Borough Council requesting clarification as to whether it still considered its submitted Local Plan to be sound. This letter went unanswered.
- 2.17 The application was refused on 5 February 2020.
- 2.18 On 28 February 2020, an appeal of the decision to refuse application reference 192025 was submitted (appeal reference APP/A1530/W/20/3248038).

- 2.19 Whilst the appeal was ongoing, the TNP was published for Regulation 16 consultation. It was initially published for consultation on 30 April 2020 but, following concerns regarding the lawfulness of this consultation, was withdrawn and consultation recommenced on 22 June 2020.
- 2.20 Representations were again made on behalf of Bloor Homes. These noted that the TNP had failed to account for fundamental concerns identified at the previous consultation stage, including in relation to SA/SEA and the lack of justification for the proposed strategy.
- 2.21 Examination of the TNP took place in August 2020.
- 2.22 The appeal decision in respect of APP/A1530/W/20/3248038 was issued on 18 August 2020. The appeal was dismissed, but notably the Inspector rejected the majority of the Council's reasons for refusal. The reason for the dismissal of the appeal was the conflict with the Development Plan and, specifically, concerns regarding coalescence of Tiptree and Tiptree Heath that would be engendered by the proposed development. Perhaps of even greater relevance insofar as concerns the LPS2, the appeal decision made clear that such concerns in respect of coalescence were a function of the specific appeal proposal, and were not intrinsic to development within the Publication Draft's broad area of growth identified to the south-west of Tiptree.
- 2.23 Separately, TNP Examination Report was published after the appeal was dismissed. A copy of this Report accompanied our Main Matter 9 hearing statement. The Examination Report is dated 9 October 2020, but was not publicised by the Council until December 2020, with the Council issuing a statement on its website regarding the TNP Examination on 3 December 2020. The reasons for this delay are unknown.
- 2.24 The Examiner's Report confirmed that the submitted TNP was subject to substantial flaws and fundamental defects that could not be readily cured, and it could not proceed to referendum. 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 SA/SEA.
- 2.25 In March 2021, as part of the examination into LPS2, the Council published Topic Paper 1. Part 1 of this considered consequential changes to LPS2 arising from LPS1 and Part 2 considered implications of national legislation / policy on LPS2.
- 2.26 Topic Paper 1 concluded:

“The consequential changes arising from Section 1 affecting Section 2 are considered to be limited in nature and do not generate the need for significant policy modifications to Section 2, nor have any bearing on the soundness of the Local Plan”. (Paragraph 4.1)

- 2.27 Subsequently, the Council published its hearing statement in relation to Main Matter 9; and subsequent to this, Topic Paper 6, as set out in Section 1 of this statement.

3. Main Modifications to a Local Plan

- 3.1 As per Section 20(7) of the Planning and Compulsory Purchase Act (2004), modifications to a submitted Local Plan may *only* be made where they are *necessary* to make the submitted Local Plan sound.
- 3.2 Accordingly, modifications to the LPS2 may now only be made where they address elements of the LPS2 which are unsound.
- 3.3 Separately, the modifications made must result in the LPS2 being sound.
- 3.4 Section 4 of this statement considers whether Policy SS14 of the LPS2 in its submitted form is unsound, and therefore whether it may be subject to modifications at this stage.
- 3.5 Section 5 of this statement considers whether Policy SS14 as proposed to be modified by Topic Paper 6 is sound. However, it should be recognised that whether or not the policy as proposed to be modified is sound is purely academic, if such changes are not *necessary* to make LPS2 sound.

4. Is Policy SS14 unsound?

- 4.1 It is not expressly clear from the Council's Topic Paper 6 what elements of Policy SS14 it considers to be unsound, which it is seeking to address through the modifications it suggests.
- 4.2 However, one can infer the following from Topic Paper 6 about the Council's reasoning:
1. The Maldon Road appeal decision¹ (paragraph 76) suggests the broad areas of growth arrows, including their intention, are unclear.
 2. The granting of planning permission for up to 200 dwellings at Barbrook Lane necessitates a revision to the Policies Map and to supporting text to show this site as an allocation.
 3. The boundaries of Local Wildlife Sites have been incorrectly drawn on the Policies Map (Inworth Grange (CO10) and Brook Meadows Local Wildlife Site; and Cadgers Wood & Park Lane Nature Reserve (CO32)) and is required to be corrected. In addition a new Local Wildlife Site (Warriors Rest (CO169)) needs to be shown.
 4. As a result of the boundary of the Local Wildlife Site to the west of Tiptree being corrected, it is necessary to delete the Broad Areas of Growth arrows to the west of Tiptree.
 5. Planning appeal decisions have established the importance of west and south-west of Tiptree in terms of landscape setting and impact of coalescence between Tiptree and Tiptree Heath.
 6. Supporting text in LPS2 refers to the Tiptree Neighbourhood Plan being at an early stage of preparation. This needs to be updated to reflect the current position.
- 4.3 This statement looks at each in turn below.

The broad areas of growth arrows, including their intention, are unclear

- 4.4 Paragraph 76 of the Maldon Road appeal decision includes the following:

*"From the wording of draft Policy SS14, it is **clear** that what is intended is that the Tiptree settlement boundary will be redefined in all three broad areas of growth, and that development will take place in each of them. Although the arrows are only indicative, there is little doubt that the development envisaged in the most southerly of these would include at least part of the present appeal site."* (Emphasis highlighted).

¹ APP/A1530/W/20/3248038

- 4.5 Rather than suggest that the intention of the broad areas of growth arrows is unclear, the Maldon Road appeal decision expressly confirms the opposite.
- 4.6 It is evident that no modifications to Policy SS14 are required to provide clarity in this respect.

The granting of planning permission for up to 200 dwellings at Barbrook Lane

- 4.7 We consider that it is necessary for the extent of this site to be included within the settlement boundary to reflect this change in circumstance. As committed development, it does not need to be shown as an allocation.
- 4.8 We note that in Appendix 2 of the Council's Topic Paper 2, in which the housing trajectory the Council seek to rely upon to demonstrate that the LPS2 will meet housing needs, the Barbrook Lane site (reference 182014) is projected to contribute 200 dwellings *in addition to* 600 dwellings projected to be delivered through the Tiptree Neighbourhood Plan by 2034. The trajectory, which the Council relies on to suggest that the LPS2 will meet the Borough's housing needs, anticipates that the Neighbourhood Plan will deliver 600 dwellings on top of those provided by development at Barbrook Lane.

The Local Wildlife Sites' boundaries have been incorrectly drawn on the Policies Map

- 4.9 The Council's Local Wildlife Site Review (2015) Part 1 (document reference EBC 4.7) suggests boundaries for the Local Wildlife Sites CO10 and CO32 were extended in 2015. The Essex Wildlife Trust records corroborates this, with reference to the sites as enlarged both having been submitted in February 2015.
- 4.10 It is clear that the Local Wildlife Sites had been extended prior to submission of LPS2 for examination in 2017. Indeed, they had been extended prior to consultation on the Preferred Options in 2016.
- 4.11 Similarly, the 'new' Local Wildlife Site proposed to be added to the Policies Map (Warriors Rest (CO169)) appears, from the Essex Wildlife Trust records, to have been selected in 2015, and its omission an error that could be deemed to be a soundness issue that requires addressing.

As a result of the boundary of the Local Wildlife Site being corrected, it is necessary to delete the Broad Areas of Growth arrows to the west of Tiptree

- 4.12 It would only be necessary to delete proposed broad areas of growth on this basis, if any development within these broad areas would be intrinsically harmful to Local Wildlife Site. This is patently not the case, particularly in the case of BAOG1.
- 4.13 Firstly, as noted above, the Local Wildlife Sites boundaries were amended in 2015 – one year before consultation on the Preferred Options iteration of the LPS2, and 2 years before consultation on the Publication Draft and its subsequent submission for examination. If the extended Local Wildlife Sites gave rise to any concerns regarding the direction of growth proposed, consultees had ample opportunity to comment on it. However, we note that despite both Essex Wildlife Trust and Natural England making representations on the Publication Draft, neither raised any concerns regarding the Broad Areas of Growth identified for Tiptree, nor did Tiptree Parish Council.
- 4.14 Secondly, the LPS2 does not specify specific sites or specific quanta of development for any of the Broad Areas of Growth. The identification of these areas for growth in no way commits any future decision-maker to having to accept development that would impinge upon, or be harmful to, a Local Wildlife Site; and development within these areas (at least in the case of BAOG1) is achievable without causing harm. In the case of BAOG1, for example, it is eminently possible to bring forward development within this broad area which does not impinge on the extended Local Wildlife Site at Inworth Grange (CO10) or is anyway harmful to this Local Wildlife Site. Indeed, this has already been confirmed through an application (Ref 192025) and subsequent appeal (APP/A1530/W/20/3248038) for development within BAOG1, through which no concerns regarding impact on the Local Wildlife Site were identified. This application was supported by an Interim Ecological Impact Assessment (September 2019) which considered the application in relation to the enlarged Local Wildlife Site CO10.
- 4.15 Separately, we note that at paragraph 2.1 of Topic Paper 6 that Land at Maldon Road, Tiptree (subject of application 192025) is described as being “*a Local Wildlife Site*”. This is simply incorrect. The Site is not. The Council’s error in respect of this may, however, explain why it now feels the need to make amendments to the Broad Areas of Growth, but merely further demonstrates that its rationale for doing so is entirely misplaced.
- 4.16 For completeness, a plan showing the Site boundary overlaid with an extract from the proposed Policies Map for Tiptree (including revised proposed Local Wildlife Site boundary) from Topic Paper 6 is provided below:

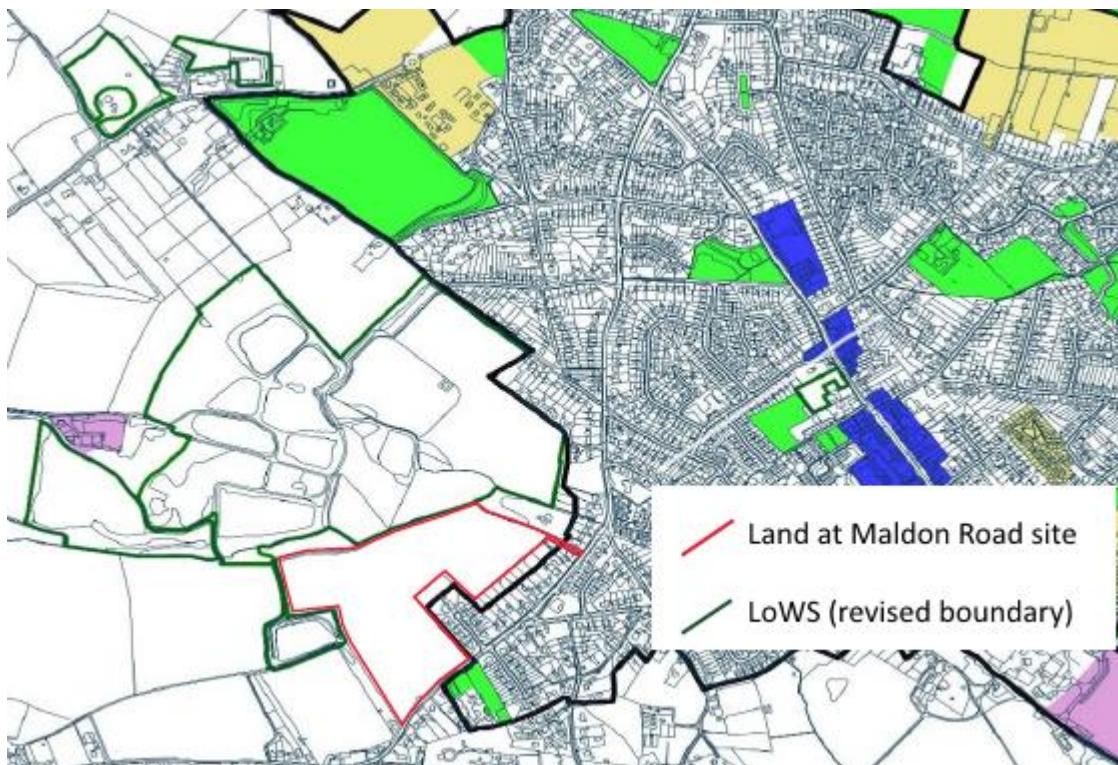


Figure 3

- 4.17 We note that in respect of BAOG2, it may well be more challenging to accommodate development within this Broad Area of Growth that does not impinge upon the enlarged Local Wildlife Site. However, again, it is important to note that the proposed policy does not commit to a specific site or quantum of development within this Broad Area of Growth.
- 4.18 In overview, the enlarged boundary of CO10 does not justify removal of the Broad Areas of Growth, particularly in the case of BAOG1 where it has been demonstrated that development with this location could be suitably accommodate without detriment to any Local Wildlife Site. It is acknowledged that in the case of BAOG2, it may be necessary to provide additional policy text to make clear that any future development within this location would should not harm the Local Wildlife Site. However, it could be argued that such additional text would be superfluous, as there are already policies that seek to protect and enhance ecology.

Planning appeal decisions have established the importance of west and south-west of Tiptree in terms of landscape setting and impact of coalescence between Tiptree and Tiptree Heath

- 4.19 It is important to avoid conflating the merits of a single, specific development proposal considered in relation to one Development Plan, with proposals to identify a new broad area for development as part of the preparation of a new Development Plan.

4.20 An appeal for development of 255 dwellings on Land at Maldon Road, Tiptree (the Site) (APP/A1530/W/20/3248038) was dismissed on 18 April 2020. As confirmed in the appeal decision, the appeal site was located within one of the Broad Areas of Growth identified by LPS2 (BAOG1).

4.21 At paragraph 147 of the appeal decision (the paragraph cited in Topic Paper 6), the Inspector concluded:

“The proposed development would conflict with CS Policy ENV1, due to its location in the countryside, and also due to its adverse impact on the local landscape and townscape in causing coalescence between Tiptree and Tiptree Heath”.

4.22 It is clear from the appeal decision that the concern regarding the appeal proposal was its potential to engender coalescence of Tiptree and Tiptree Heath and *not* to any wider landscape impact concerns. At paragraph 103 of the appeal decision it is stated:

“The appeal site’s landscape quality is no more than average, and its role in the wider landscape is negligible. However, the effective closing of the gap between Tiptree and Tiptree Heath would be highly damaging to the setting of both, and to the rural character and identity of Tiptree Heath in particular”.

4.23 The Inspector also clarified that such concerns related to the specific appeal proposals rather than the proposed Broad Area of Growth:

“There seems no reason why some development could not take place within that Broad Area whilst still maintaining a recognisable gap between settlements.” (Paragraph 97).

4.24 The key point arising from the appeal decision insofar as concerns the soundness of the submitted LPS2, is that there was nothing in the aforementioned appeal decision which suggested development within BAOG1 was inherently unsuitable or unsustainable.

Updates required to the reflect the latest position in respect of the Tiptree Neighbourhood Plan

4.25 Paragraph 14.220 of the submitted LPS2 includes the statement:

“The [Tiptree Neighbourhood] Plan is still at an early stage of development and evidence is still being gathered to support the allocation of sites in Tiptree and development of the document”.

4.26 As set out in our Matter 9 Hearing Statement, the Tiptree Neighbourhood Plan is effectively at an early stage in its preparation again following the outcome of its Examination. Whilst additional text to explain the latest position of the Neighbourhood Plan may be of benefit, we do not consider the inclusion of the above text at paragraph 14.220 of the LPS2 renders the LPS unsound.

4.27 Separately, we note the following in Topic Paper 6, paragraph 2.1:

“Since the submission of the Local Plan in October 2017, the Council have been working closely with Tiptree Parish Council and their Neighbourhood Plan Group to progress a NHP for the area which includes allocations for housing for approximately 600 dwellings. The evidence for the NHP includes a comprehensive housing land availability assessment which demonstrates the potential availability and suitability of land for additional housing development on land around Tiptree”

And, in relation to Land at Maldon Road, subject of application 192025:

“It is outside the allocations made in the draft Neighbourhood Plan which superseded the publication version of the local plan”.

4.28 No weight should be afforded to the version of the TNP that was submitted for examination, or any allocations that happen to have been proposed within this rejected draft. No allocations have been adopted or ‘made’. As noted in our Matter 9 Hearing Statement, the Examination of this version of the TNP confirmed that it was fundamentally flawed, defective beyond repair, with it being “*more than likely*”² that there had been a premature fixing of the spatial strategy, contrary to the Environmental Assessment of Plans and Programmes Regulations (2004).

4.29 The lack of justification for modifications to be made to the Policies Map in relation to its relationship with the TNP is further demonstrated by the lack of any objection by Tiptree Parish Council (the Qualifying Body) to it at the Regulation 19 stage. The Borough Council’s website reports that Tiptree Parish Council’s response (reference 7389) to the Publication Draft was, in full:

² Paragraph 6.4 of the Examiner’s Report

“With the production of the Tiptree Neighbourhood Plan still to be completed, the Parish Council has no comment to make on the Consultation document. However the Council would like clarification of the status of the site of Thurstable School. It appears from the map provided that this site has been removed from the village envelope. This was not the case in previous consultations, is this an error? If the school site has now been removed, could you please provide an explanation to this”

- 4.30 If the Qualifying Body had any objection to the LPS2 and its proposed Broad Areas of Growth, these should have been raised in response to consultation on the Publication Draft, as per Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Overview

- 4.31 It appears that there were errors regarding the boundaries of the Local Wildlife Sites on the submitted Policies Map for Tiptree. These appear to be errors made at the time the Policies Map was drafted, rather than matters that need to be corrected as a result of new evidence becoming available since submission. Stakeholders including Essex Wildlife Trust were consulted on the proposed Local Wildlife Site boundaries as per the submitted LPS2, and raised no objections to those around Tiptree. Nevertheless, and mindful that such stakeholders would be consulted on modifications, there does appear to be justification for modifications in this respect.
- 4.32 There is no evidence that the Broad Areas of Growth identified for Tiptree in the submitted LPS2 are unsound, or in any way unclear. There is no justification for making modifications to these at this post submission stage.
- 4.33 Amendments to the Local Wildlife Site boundaries do not give rise to soundness concerns in respect of BAOG1. The Council's rational for proposing to do so appears based on the entirely incorrect assertion that the Site promoted by Bloor Homes (Land at Maldon Road as per application 192025) is a Local Wildlife Site. None of this Site impinges on the Local Wildlife Site. In any case, this appears to be a case of the Council conflating identification of a broad area of growth to which to direct development, with a specific potential development site within such an area. The two are of course fundamentally different.
- 4.34 Appeal decision APP/A1530/W/20/3248038 does not give rise to soundness concerns in respect of BAOG1. On the contrary, in concluding that the reason for dismissing the appeal was that the specific appeal proposal would engender coalescence between Tiptree and Tiptree Heath, but expressly confirming it would be possible to deliver development within

this Broad Area of Growth which does not result in such concerns, the appeal decision helps demonstrate BAOG1 is sound.

- 4.35 No reliance can be placed on the draft TNP to seek to suggest modifications are required to the LPS2. The submitted TNP was rejected by the Examiner, who identified fundamental issues with this TNP.

5. Is Policy SS14 as proposed to be modified sound?

5.1 At paragraph 1.2, Topic Paper 6, it states that the paper explains the need for ‘minor modifications’ to be made to the Policies Map. We do not consider the modifications to be minor, but rather proposed main modifications.

5.2 Topic Paper 6’s proposed modifications to Policy SS14 can be summarised as follows:

- Enlarged Local Wildlife Site boundaries for CO10, CO32 and addition of Local Wildlife Site CO169.
- Replacement of BAOG1 and BAOG2 with an alternative Broad Area of Growth (BAOG4).
- Requiring the TNP to include a detailed transport assessment with a view to confirming the provision of the first phases of a road between the B1022 and B1023.
- Number of dwellings to be delivered through the Neighbourhood Plan to be expressed as a minimum.

5.3 Each of the above are considered in turn below.

Enlarged Local Wildlife Site boundaries for CO10, CO32 and addition of Local Wildlife Site CO169.

5.4 We consider that additional / amended Local Wildlife Site boundaries to reflect the findings of the Council’s Local Wildlife Site Review (2015) (EB4.7 – EB4.10) and which correspond to those as per the Essex Wildlife Trust records would, in principle, be sound. Clearly the LPS2 Sustainability Appraisal (SA) would be required to be updated to reflect this, which would consider the environmental, economic and social implications of these changes.

Revised Broad Areas of Growth, including new Broad Area of Growth to North/North-East of Tiptree

5.5 As set out in Section 4 of this statement, there is no evidence that the Broad Areas of Growth identified in the submitted LPS2 are unsound. As such, no changes to these can be made at this stage in the plan-making process. The issues as to whether the alternative Broad Area of Growth proposed is therefore academic, but is nevertheless addressed below for completeness.

- 5.6 For ease of reference, we have referenced the proposed modified Broad Areas of Growth as per below.

Tiptree Policy SS14

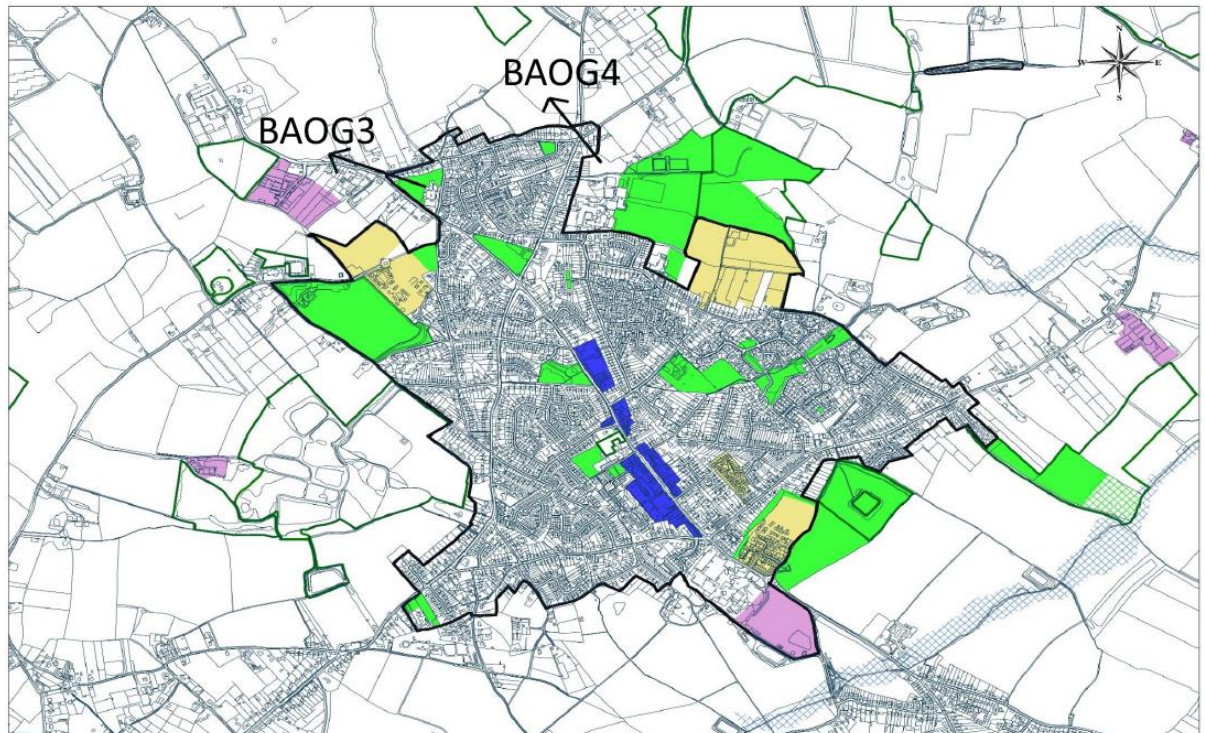


Figure 4

- 5.7 The removal of BAOG1 and BAOG2 would, based on the accompanying wording of the submitted LPS2, actively preclude a future TNP from allocating sites within these general locations. We do not consider there is any justification to exclude these areas from possible allocation through the TNP.
- 5.8 In terms of the justification for BAOG4, Topic Paper 6 simply states at paragraph 2.10 “*The preferred direction of growth is now focussed on the north*”. However, it does not clearly explain why this area has been selected, why it is preferable to reasonable alternatives, how it is considered to be consistent with national policy, or whether directing growth to this broad area would be effective or ensure the LPS2 is positively prepared.
- 5.9 One could infer that this location has been selected as it is commensurate with proposed allocation TIP14 in the rejected TNP. However, simply because a draft Neighbourhood Plan proposed allocation of this site, does not mean that a future, revised TNP should be directed to do likewise. Particularly in an instance where this draft allocation formed part of a draft TNP that was found to be fundamentally flawed in respect of its approach to identifying a proposed spatial strategy.

5.10 One could also infer from Topic Paper 6 and the review of transport issues raised by the TNP (dated January 2021) (provided as Appendix 4 to Topic Paper 6) that transport issues form part of the justification for BAOG4. This transport review has been subject of a review undertaken by specialist consultants at Argent Engineering, which is provided as **Appendix A**.

5.11 Key points to highlight from this review include:

- It is unclear from the Jacobs J24 SATURN modelling work where the additional trips predicted to assign to the B1023 Inworth Road/Kelvedon Road are travelling to/ from, and how many of these would assign to a new northern link road between the B1023 and B1022. Some are likely to be between the A12 and the southern part of Tiptree, with the modelling showing predicted reductions in flows on Braxted Park Road as a result of the new J24, and these would not reassign to the new link road.
- It is unclear what has been assumed in terms of the scale and location of future housing development within Tiptree for the SATURN modelling.
- The Council's review acknowledges further work is required to identify what the benefit of the northern link road would be in terms of the expected reduction in the volume of peak hour traffic from Oak Road and the double mini roundabout.
- If any modifications are to be justified in respect of the new Local Plan based on perceived benefits of a new link road, further work is required, as neither these benefits are unclear.

5.12 In respect of this last point, it is worth bearing in mind the conclusions of the TNP Examiner in relation to rejected TNP at paragraph 8.10 of his report:

"Marden concluded: "We consider that these [matters relating to a proposed new link road to the north of Tiptree] are matters that should already have been addressed within the NP and that they are not for individual planning applications to consider." Bloor Homes (para 3.23 of their reps,) concluded that "... there is no evidence to suggest that the proposed link road is needed, would be of benefit, is deliverable, or represents the optimum route for a new link road." I wholly agree with the points made by Bloor and Marden".

Requiring the TNP to include a detailed transport assessment with a view to confirming the provision of the first phases of a road between the B1022 and B1023.

5.13 We do not consider that evidence has been provided to suggest Policy SS14 is unsound without this modification.

- 5.14 The propose modification presupposes that a new link road between the B1022 and B1023 is needed, would be of benefit, and represents the optimum route for a new link road.
- 5.15 The conclusion of Ardent's review of the Council's transport review which accompanies Topic Paper 6 are pertinent to this issue also.

Number of dwellings to be delivered through the Neighbourhood Plan to be expressed as a minimum

- 5.16 As per our Hearing Statement on Main Matter 9, we consider reference to the number of homes to be provided through the Neighbourhood Plan as a minimum is necessary and sound. Whilst it is acknowledged that the TNP will be required to treat the figure allocated to it by LPS2 as a minimum in any case, it should be noted that Policy SG8 of the LPS2 states:

"In cases where a Neighbourhood Plan fails at any time prior to being made, responsibility for all planning policy matters within that plan area will revert back to the Local Planning Authority".

- 5.17 It is important that the quantum is expressed as a minimum in order to provide clarity to a future decision-maker in the event that the above is engaged.