

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

Braintree District Council, Tendring District Council and Colchester Borough Council, have each published their own Publication Draft Local Plan for consultation. Section 1 is common to each plan. This response form can be used to respond to any part of the 3 Plans. It is important to specify which.

The 3 Plans have been published in order for representations to be made prior to submission of the documents to the Planning Inspectorate for examination. All representations will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

Each Local Plan has two parts:

Publication Draft Local Plan Section 1 - A set of strategic policies constructed in partnership between the three authorities and Essex

County Council. This means that the Section 1 policies are intended to apply across all three Local Authorities. These policies include those relating to Garden Communities, housing supply, employment, shopping and the environment. You can send your response to any one of the authorities as all responses to Section 1 will be collated. Only 1 response to the 3 authorities is required.

Publication Draft Local Plan Section 2 - relates to the specific district, contains more detailed policies and is used to determine planning applications. If you wish to comment on the Braintree Publication Draft Local Plan Section 2 you should send your comments to Braintree District Council.

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planningpolicy@braintree.gov.uk or by phone on 01376 552525 and ask for Planning Policy.

Part A - Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Council's websites and included as part of the Publication Draft Local Plan submissions to the Inspector. Address and contact details will be removed from published responses. (Village/town shown).

The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

Part B - Representation

Please specify which section of the Publication Draft Local Plan your comments relate to, by choosing one of the following;

Section 1 A response to this section will be reported to all 3 authorities.

Section 2 Colchester
Section 2 Tendring
Section 2 Braintree } These plans are specific to each authority.

Which part of the plan are you responding to (please use one form per submission):

Paragraph: for a representation on wording or paragraph content

Policy: for a representation on the wording or inclusion or omission of a policy

Other: for example a map inset number, site reference or the wording or content of tables or appendices

Legal Compliance and Duty to Co-operate

If commenting on how the Publication Draft Local Plan has been prepared, it is likely that your comments will relate to a matter of legal compliance.

The Inspector will check that the Plan meets the legal requirements

You should consider the following before making a representation on legal compliance:

- The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed.
- The process of community involvement for the Plan in question should be in general accordance with the Statement of Community Involvement (SCI).
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations; making them available on its website and at its principal offices. It must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA must provide a Sustainability Appraisal Report. This should identify the process by which it has been carried out, baseline information used to inform the process and the outcomes of that process.
- LPAs will be expected to provide evidence of how they have complied with the Duty to Co-operate.
- Non-compliance with the duty to cooperate cannot be rectified after the Plan's submission. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

Soundness

Soundness is explained in National Planning Policy Framework (NPPF) paragraph 182. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

More details and further guidance on what is meant by the term 'soundness' can be found below and at; www.planningportal.gov.uk

Positively prepared

This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate, robust and credible evidence base.

Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, sound infrastructure delivery planning and no regulatory or national planning barriers. It should be flexible to changing circumstances

Consistent with national policy

The Plan should be consistent with national policy. Departure must be clearly justified.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered, how is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

Using the spaces provided please give details of why you think the Publication Draft Local Plan is not 'sound' having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. **If your representation is over 100 words please include a summary of its main points in the box provided.**

It will be helpful if you also say precisely **how** you think the Plan should be modified. Representations should cover succinctly all information, evidence and supporting information necessary to support/justify the representation and suggested modification, as there will not normally be a further opportunity to make submissions based on the original representation made at publication.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

All the formal representations received during this stage will be submitted to and considered by the appointed independent Planning Inspector at the public examination on the Plan. The process is likely to include public hearings. The Inspector will determine the most appropriate procedure to adopt to hear those who choose to participate at this stage. If you would like to appear and speak at the hearings, please state this and explain in the space provided why you consider it is necessary that you participate.

Representations can be sent:

- Via the Council's online consultation portal: www.braintree.gov.uk/publicationdraftLP
- Via a representation form which can be downloaded from the website and returned via email to localplan@braintree.gov.uk
- or by post to:
**Planning Policy,
Braintree District Council
Causeway House
Braintree
CM7 9HB**

For internal Use only	ID:	Rep No:	

Draft Local Plan RESPONSE FORM

Responses are encouraged via the council’s online consultation system available on the website, see www.braintree.gov.uk/newlp However, this form can be returned electronically to **localplan@braintree.gov.uk** or in hard copy if necessary to:

Planning Policy, Braintree district Council, Causeway House, Bocking End, braintree, CM7 9HB
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

This form has two parts:
Part A - Personal Details and Part B - Your comments

PART A

1. Personal Details

Title

First Name

Last Name

Organisation
(Where relevant)

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

2. Agent’s Details (if applicable)

Title

First Name

Last Name

Organisation

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

PART B

REPRESENTATION FORM

Please Note: If your representation relates to Section One of the North Essex Strategic Plan / Garden Communities you only need to respond to one of the Local Authorities. All representations received by Braintree, Colchester and Tendring relating to Section One of the Plan(s) will be submitted together.

You do not need to return this form if you have completed a response using any of the Council's online systems for this consultation. Duplicates will not be considered

Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

If you do not consider the Local Plan is sound, please specify on what grounds:

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Continue onto next page

If your representation is more than 100 words, please provide a brief summary here:

Please specify the changes needed to be made to make the Plan sound / legally compliant

Do you wish to participate at the oral part of the examination?

Yes No

If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

- When the document is submitted for independent examination?
- When the Inspectors Report is published?
- When document is adopted?

Braintree & Tendring: Return by 5pm 28th July 2017
(responses to section 2 Braintree and Tendring will not be accepted after this date. After this date responses to Section 1 should be sent to Colchester Borough Council)

Colchester: Return by 5pm 11th August 2017

Representations Tendring District Publication (Regulation 19) Draft Local Plan

Our reference: Supporting Statement SP-SO01

By Strutt and Parker LLP on behalf of The Sargent Family, in respect of the Tendring District Publication (Regulation 19) Draft Local Plan and in relation to land at St. Osyth Priory.

Background and overview

1. This Accompanying Statement pertains to representations made by Strutt and Parker LLP on behalf of The Sargent Family in respect of Policy SPL2 (in relation to the proposed settlement boundary for St. Osyth) and paragraph 7.9 of the Publication Draft Local Plan (DLP), Policy PPL2, and the accompanying Policies Map for St. Osyth. Whilst separate aspects of the PDLP, our concerns in respect of the soundness of the PDLP set out within this representation and these policies interrelate.
2. The Sargent Family are owners of the St. Osyth Priory Estate (a plan of which is provided as **Appendix 1**), which comprises a number of buildings that together form a nationally important group, including 16 separate listed structures (Grade I, Grade II* and Grade II; consolidated from 22 in 2014, Scheduled Monument, a 95-hectare Registered Park & Garden (Grade II) and forms the largest single part of the St Osyth Conservation Area (CA).
3. The Priory is historically and architecturally highly significant, as reflected in its national designations. However, many of the buildings and the Park are in a poor state of repair. A number of the structures have required the erection of structural scaffolding and the Priory buildings are on the Buildings at Risk register. Historic England lists it as being within poor condition, priority category C – slow decay; no solution agreed.
4. The Heritage at Risk register also identifies St. Osyth Conservation Area as a heritage asset at risk. Condition: poor; trend: deteriorating. St Osyth Priory Grade II registered Park and Garden makes up sixty percent of the Conservation Area and therefore its restoration would have a significant positive impact on the Conservation Area.

5. The Sargeant Family's ambition is to bring forward a strategic plan to conserve the historic legacy of the Estate in a condition that will not place an even greater burden on the next generation and so that further historic buildings will not need to be lost.
6. Over the past 16 years the Sargeant Family have obtained a number of consents to convert and restore the main buildings within the Priory Precinct. These consents are intended to give the individual heritage assets long term viable uses; however, there is a significant conservation deficit at the Priory and a solution to generate the funds required to enable the conversion and restoration needs to be found.
7. A package of enabling development proposals which sought to generate the necessary funds to conserve St. Osyth Priory Estate and better reveal the significance of this historic Estate in line with the latest government guidance were submitted to the Local Planning Authority for consideration in 2011. The application site comprised approximately 200 hectares in total and included the St. Osyth Priory complex and Park, West Field, and land to the north east of the Park on the opposite side of Colchester Road known as Wellwick. The package of applications proposed to put the Estate into a position whereby key elements are self-sustaining.
8. As part of this enabling development, applications for 72 dwellings on the western part of the Estate and 17 dwellings on the northern part of the Estate (application references 16/00656/FUL and 16/00671/FUL, respectively) were approved in 2016.
9. However, further enabling development is still required and my clients are in discussions with the Council in respect of the best way to make up the conservation deficit. A package of measures is proposed, including commercialisation of existing development as well as delivery of new development. A copy of the latest masterplan for the Estate is provided as **Appendix 2**.

Policy SPL2 – Settlement Development Boundaries

District level

10. The NPPF stresses the need for Local Plans to be based on a strategy which seeks to meet development needs in full. It also states that, in order to be sound, Local Plans should look at opportunities to meet the unmet development needs of neighbouring authorities.
11. Policy SP2 of the PDLP states that the objectively assessed housing need for Tendring District is 550 dwellings per annum; and that, accordingly, the Local Plan will need to provide a minimum of 11,000 new homes between 2013 and 2033. The settlement development boundaries proposed through the PDLP, and the allocation of additional land for development, are predicated on the requirement to meet this purported level of housing need.
12. However, it should be recognised that there are substantial concerns as to whether 11,000 new homes between 2013 and 2033 represents the true extent of need. As set out within other representations, the approach to calculating this figure is contrary to guidance and results in a figure that is below official projections – there is a considerable risk that objectively assessed development needs are currently being understated within the PDLP.
13. Furthermore, it is noted that other Authorities have raised concerns that the PDLP fails to consider opportunities to accommodate a proportion of South Essex’s unmet development needs, which paragraph 182 of the NPPF requires the Local Plan to do in order to be considered sound.
14. Having regard to the above, it is considered that the settlement boundaries as currently drawn will act to prevent objectively assessed development needs from being met in full; and fail to consider opportunities to meet the unmet development needs from neighbouring authorities. As a result, the PDLP is currently contrary to national policy and is not positively prepared. Accordingly, it is currently unsound.

St Osyth's settlement development boundary

15. St. Osyth has a population of 4,277 (2011 Census) and is home to a number of services and facilities including post office, primary school, convenience stores, restaurants, public houses, community facilities, places of worship and retail uses. Its range of facilities reflects the fact that, whilst the permanent residents number 4,277, as a tourist destination homes to a number of holiday parks, the population swells to approaching 30,000 in summer months, making it well-placed to accommodate additional housing growth which would be able to benefit from such services and facilities year-round.
16. It is located on the B1027 and is approximately 5 and 12 miles from the larger centres of Clacton-on-Sea and Colchester, respectively.
17. The PDLP identifies Great Bentley as one of seven Rural Service Centres in the District. At paragraph 3.2.1.3.1, the PDLP states that such settlements are suitable to accommodate a modest increase in housing stock, where appropriate, within the plan period. At paragraph 1.38 it suggests that Rural Service Centres are expected to accommodate around 1,500 new homes over the plan period.
18. The NPPF makes clear that additional housing growth should be directed to rural settlements such as St. Osyth. At paragraph 55 of the NPPF, it states that housing should be located where it will enhance or maintain the vitality of rural communities, in order to promote sustainable development in rural areas.
19. Further to the requirements of the NPPF, the National Planning Practice Guidance (NPPG) explains how Local Planning Authorities should support sustainable rural communities. This states (at paragraph: 001 Reference ID: 50-001-20160519) the following:

“It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements.”

And

“A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. **Rural housing is essential** to ensure viable use of these local facilities” (emphasis added).

20. Having regard to the above, it is clear that the Local Plan should support the village economy and contribute towards local housing need if it is to be consistent with national policy. This should include amendments to the settlement boundary of St. Osyth to ensure the sustainable growth of the village, and to provide an effective strategy to manage such growth.
21. However, notwithstanding the above, the PDLP currently proposes that the settlement boundary of St Osyth be drawn tightly around the existing built form of the village, and would act as a barrier to the sustainable growth of the settlement. It even ignores the granting of recent planning permissions for development: the 72 dwellings approved on the western part of the St. Osyth Priory Estate, and 17 dwellings approved on the northern part of the estate (application references 16/00656/FUL and 16/00671/FUL, respectively) are both located outside of the settlement development boundary proposed through the PDLP.
22. The existing village centre is located on the western edge of the settlement boundary. Mindful of the need to ensure housing in rural areas be located where it will enhance or maintain the vitality of rural communities (NPPF 55) – and given the other sustainability benefits of ensuring facilities and services are accessible to residents by alternatives to the private car – expansion of the settlement to the west is considered the most appropriate approach. In addition, this would have the added benefit of supporting enabling development in respect of required works to the important heritage asset of St. Osyth Priory, as set out within this representation.
23. The current proposed extent of the settlement development boundary for St. Osyth fails to ensure the sustainable growth of this rural community, as required by the NPPF; and fails to provide an effective strategy to support the vitality of the village.

St Osyth's settlement development boundary and the St. Osyth Priory estate

24. The proposed settlement development boundary for St. Osyth excludes the St. Osyth Priory Estate (including land within it which has already been granted planning permission for residential development, as discussed above).
25. Land at St. Osyth Priory is not subject to any physical constraints that would prohibit its development. Development can be accommodated within Flood Zone 1 (land at low risk of fluvial or tidal flooding, and as per the Technical Guidance that accompanies the NPPF, suitable for any type of development, from a flood risk perspective); and is not subject to any ecological designations that suggest it should not be developed.
26. In addition, this land would form a logical and sustainable extension to the settlement of St. Osyth, well-located in relation to the existing centre and accessible to shops and services.
27. The site represents a suitable and sustainable site for allocation for residential development.
28. The site is being actively promoted for development and is not subject to any achievability of availability constraints. It is very much deliverable for development.
29. It is relevant to note that planning permission has already been granted for residential development on parts of the Estate, confirming the suitability of this location for housing.
30. Representations were made to Tendring District Council earlier in the plan-making process, setting out how the allocation of land at St. Osyth Priory estate to enable the necessary works to the St. Osyth Priory heritage assets. However, the PDLP does not support the site's development for such purposes and there is no evidence that the issues raised in our representations have been given due consideration.
31. The NPPF (paragraph 182) requires the Local Plan to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
32. Further, the Environmental Assessment of Plans and Programmes Regulations (2004) (the SEA Regulations) impose a number of requirements on Local Authorities in the preparation of

Local Plans. These include the requirement that all reasonable alternatives be considered and assessed to the same level of detail as the preferred approach; and that the reasons for the selection of preferred alternative, and the rejection of others, be set out. The NPPF states (paragraph 165) that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process.

33. Having regard to the above, the rejection of potential options (such as the allocation of land at the St. Osyth Priory estate) should be justified by the Sustainability Appraisal / Strategic Environment Assessment (SA/SEA) which accompanies the PDLP, and the reasons for its rejection are required to be made clear within this.
34. The St. Osyth Priory estate has been assessed as a development option through the SA/SEA that accompanies the PDLP, under site reference SO4.
35. The SA/SEA found that site SO4 would result in positive effects in relation to a number of SA objectives, including in relation to housing growth; housing design / density; public transport; distance to primary school; distance to GP; open space; historic environment; accessible natural green space; Ancient Woodland, Protected Lanes, TPOs; groundwater; fluvial flood risk; and surface water flood risk.
36. The SA/SEA also found that the site would result in some negative effects. However, no justification is provided as to why these purported negative impacts a) could not be mitigated; and b) outweigh the positive impacts of the allocation of the site.
37. Furthermore, it is noted that whilst the SA/SEA has assessed site SO4 as having a positive impact on the historic environment, it is given the same score against this SA objective as other potential options within St. Osyth – no consideration appears to have been given to the site's unique potential to enable the conservation of a significant heritage asset.
38. The rejection of land at St. Osyth Priory Estate for development through the Local Plan is not justified.

St Martins Farm

39. In addition to the land at St. Osyth Priory Estate, land at St. Martins Farm (a site plan of which is provided as **Appendix 3**) offers a suitable location for enabling development that would contribute funds towards the restoration and conservation of the neighbouring St Osyth Priory; and at the same time contribute towards meeting the District's development needs.
40. It is situated approximately 1 mile to the north-west of St. Osyth. The site is 9.1 Hectares in size and is a former query site, which benefits from a CLUED under reference (ESS/06/04/TEN) and is therefore previously developed land. The NPPF encourages (at paragraph 17) the effective use of land by reusing land that has previously developed (brownfield land). Development of the site to assist in enabling conservation of a significant heritage asset is considered to be an effective use of the site.
41. The site is a former gravel workings and extraction site on the banks of Flag Creek north of St Osyth. The site includes machinery, conveyors, a jetty and site buildings. The northern part of the site is bounded by earth and gravel banking. A number of lagoons/ sludge ponds extend along the creek within the southern site area.
42. The former quarry workings have introduced incongruent structures, including silos and conveyors that interrupt the skyline and the backdrop by the coastal slopes to the east. Redevelopment of the site provided an opportunity to remove these detracting elements from the landscape and reinstate the views across the site.
43. Re-development of the site would introduce benefits associated with the reclamation of the site, removal of piles of aggregate and improving the wildlife value of the lagoons and improving public access to the waterside, linking with the surrounding Public Rights of Way network and access land at Martins Farm Country park.
44. The key constraints relating to the site are its environmental value in ecological and landscape terms and its risk of flooding.
45. In order to assess the deliverability of the site the Sargeant Family have commissioned a number of feasibility surveys; including Landscape, ecology, and highways. All of these have demonstrated that development can be realistically delivered on the site.

46. It is understood that the inclusion of the site within Flood Zone 3, is a constraint but not an absolute constraint. The NPPF is clear that development may occur in Flood Zone 3 subject to the sequent and exceptions tests being met.
47. The overarching intension of the redevelopment of Martins Farm is to support the restoration and conservation of the Priory. As such, a number of uses have been explored that will either generate funds and/or support the wider vision for the Priory. The most appropriate uses are considered to be: residential; specialist elderly and care; and holiday and entertainment.
48. As a result of the initial assessments residential development is considered to have the most benefits, by both minimising the environmental impacts and generating the most funds towards the Priory. It is also felt that a combination of use may offer substantial benefits to the Priory.
49. Tourism uses are well supported at a local level and the principle/precedent for these type of uses have already been established with the adjacent caravan parks. This type of use could also be assisted with provision for a restaurant/shop/entertainment venue, which would also provide a facility for the other caravan parks in the area.
50. Land at St. Martins Farm was submitted to Tendring District Council in response to consultation on the Local Plan at the Regulation 18 stage. However, notwithstanding this, we have been unable to identify any evidence that the Council has considered this potential alternative through the plan-making process; and the site does not appear to have been assessed as part of the SA/SEA. Furthermore, the reasons for the rejection of the site have not been set out.
51. As such, the rejection of St. Martins Farm is considered to be unjustified. Furthermore, by failing to support development of this previously developed land to help conserve a significant heritage asset, the PDLP is contrary to national policy.

SPL2 overview

52. The failure of the Local Plan – as currently drafted through the PDLP – to propose settlement development boundaries of Rural Service Centres such as St. Osyth are sufficient to ensure the

sustainable growth of these rural communities renders the plan contrary to national policy, and ineffective in relation to the need to support such growth. Furthermore, within the context of the failure to propose a strategy that will meet objectively assessed housing needs in full, it contributes towards the plan not being positively prepared.

53. The rejection of land at St. Osyth Priory Estate for residential development is unjustified.
54. The Local Plan should be amended to:
 - Provide effective policies to ensure sustainable growth of St. Osyth, in order to sustain this rural community;
 - Revise the settlement development boundary to facilitate sustainable growth of St. Osyth by including the sustainable and deliverable land for housing development at St. Osyth Priory Estate; and
 - Ensure allocation / policies to support development of land at St. Martins Farm as part of measures to help conserve the heritage asset of St. Osyth Priory.

Paragraph 7.9 – Enabling Development

55. Paragraph 7.9 of the PDLP simply read “Enabling Development” and appears to be a heading for a section which could reasonably be expected to address the issue of enabling development. However, no text or policies are provided in the PDLP under this heading.
56. It is unclear if this is an error in the PDLP or if the Council has purposefully not included any text or any policies on the issue. The SA/SEA of the PDLP suggests it is the latter, reporting that the inclusion of a policy on enabling development in the PDLP has been rejected.
57. The NPPF states the following at paragraph 126:

“Local planning authorities should set out in their Local Plan a **positive strategy** for the conservation and enjoyment of the historic environment, **including heritage assets most at risk** through neglect, decay or other threats” (emphasis added).
58. The PDLP currently lacks such a positive strategy in respect of St. Osyth Priory and is therefore contrary to national policy and unsound.

59. The Preferred Options iteration of the Local Plan published for consultation under Regulation 18 had set out a proposed approach to enabling development. It explained that enabling development is development which is proposed specifically to ensure the retention and future preservation of a listed building of particular significance, by generating funds for that purpose which could not be raised in another way. It further stated that any case for enabling development will be considered on its merits, having particular regard to the heritage asset, rather than the circumstances of the owner/s.
60. Policy PPL 10 of the Local Plan Preferred Options Document set out the criteria for 'Enabling Development' which stated the following:

Proposals for 'enabling development' may be permitted, where it can be demonstrated that the benefits of allowing such development to secure the future conservation of heritage asset outweigh the disbenefits of departing from other planning policies.

Any planning application for 'enabling development' should be made in full and include:

- a. details of necessary conservation works and associated costs which have arisen from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid; and*
- b. consideration and evaluation of all alternative options for conservation of the heritage asset concerned, including other funding sources.*

Where the future conservation of the heritage asset could not be secured by means of planning conditions attached to any planning permission for 'enabling development', a Planning Obligation will be required. The Obligation should include details of the timed release of any conservation funds which are so required, including any associated phasing of 'enabling development' and timing of the completion of the identified conservation works.

61. We previously submitted representations on behalf of our clients in respect of this proposed policy in the Local Plan Preferred Options, stating that Local Plan policies relating to enabling development should be consistent with Paragraph 140 of the NPPF which provides that:

"Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure

the future conservation of a heritage asset outweigh the disbenefits of departing from those policies.”

62. We agreed that the proposed Policy PPL10 in the Local Plan Preferred Options was generally consistent with NPPF paragraph 140, as both state that enabling development should “secure the future conservation of a heritage asset”. However, we suggested clarification was required as to what constitutes a “Heritage Asset”. The preferred options document states that “Enabling development would not normally be considered appropriate for heritage assets which have been allowed to deteriorate significantly, or have been destroyed, or are listed Grade II.” In this regard the proposed policy was inconsistent with the NPPF. A “Heritage asset” is clearly defined in the glossary of the NPPF as follows:

“A building, monument, site, place, area or landscape identified as have a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”

63. Thus, paragraph 140 refers to ‘individual heritage assets’ including Grade II and locally listed and therefore it is not appropriate to disregard Grade II listed buildings when considering enabling development.

64. The current adopted Development Plan includes a policy on enabling development (Policy EN27) which states:

Enabling development will not be permitted, unless it satisfies all of the following criteria:

Part 1:

- a. The enabling development will not materially detract from the archaeological, architectural, historic or landscape interest of the heritage asset, or materially harm its setting;*
- b. It has been clearly demonstrated that all alternative options have been fully evaluated;*
- c. The proposal avoids detrimental fragmentation of management of the heritage asset;*
- d. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a purpose that reflects the character of the asset;*
- e. The need for the enabling development arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;*

f. Financial assistance is not available from any other source consistent with the preservation or enhancement of the heritage asset;

g. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset; and

h. The value, or benefit, of the survival or enhancement of the heritage asset outweighs any harm to the

Part 2: Subject to the proposed enabling development meeting the criteria listed in Part 1 above, planning permission will be granted where:

a. the impact of the development is precisely defined at the outset, through the submission of full rather than outline applications;

b. with reference to the guidance contained in Circular 1/97, Planning Obligations, the objective of the preservation of the historic asset is securely linked to the planning permission; and

c. the historic asset is restored to an agreed standard, or funds made available to secure this aim, prior to the commencement of the use of the enabling development.

65. The policy in the adopted Development Plan, as we noted in our representation on the Local Plan Preferred Options, is inconsistent with the wording of paragraph 140 of the NPPF which requires the benefits of departing from relevant policies to be weighed against any harm.
66. We note that the Preferred Options Local Plan had dispensed with the criteria-based approach in Policy EN27. We felt that this was appropriate and addressed the aforementioned inconsistencies between the policy in the adopted Development Plan and the NPPF
67. It is also relevant to note that the current adopted Development Plan (the 2007 Local Plan) includes a policy which specifically relates to St. Osyth Priory and enabling development.
68. Policy EN27a of the 2007 Local Plan states:

The Council is committed to the conservation, preservation and restoration of St. Osyth Priory and to that end, will work in conjunction with the landowner and English Heritage. Any application for enabling development will be judged against the criteria set out in Policy EN27.

69. The Local Plan Inspector in the case of the 2007 Local Plan was of the view that:

“The scale of important heritage assets at St Osyth Priory is such that a site-specific policy can be justified providing the additional policy in no way undermines that sound basis set out in policy EN25.”

And that

“...a site-specific policy and associated supporting text is valuable for various reasons. These include the recognition that this gives of the national importance of the Priory and its grounds, the clarity that it provides of the Council’s position to the wider public and to the landowner, and the framework that it provides for the way in which progress in protecting the longer-term future of this very significant heritage asset can be achieved.”

70. Considering that the scale of important heritage assets at St Osyth Priory has not changed and that enabling development is still required to secure the longer-term future, it would not be justified or effective to fail to carry forward an equivalent policy into the new Local Plan.

71. The SA/SEA seeks to justify the rejection of an enabling development, citing the following reasons for its rejection:

“Such development is often considered unacceptable, often by virtue of its harm to the setting of the heritage asset it is intended to preserve. Enabling development would not normally be considered appropriate for heritage assets which have been allowed to deteriorate significantly, or have been destroyed, or are listed Grade II. For these reasons the policy’s reintroduction into the Plan at this stage is rejected”.

72. However, the above purported reason for rejection simply describes a potential concern in respect of the implementation of an enabling development policy; one that can be addressed through policy wording and through the development management process. It does not constitute robust justification for failing to include a policy on the matter.

73. As noted elsewhere within this representation, St Osyth Priory is identified within Historic England’s heritage at risk register. Historic England lists it as being within poor condition, priority category C – slow decay; no solution agreed. It should be noted that whilst there are over 960 Listed Buildings in the District, only four are listed as being at risk in the Heritage at

Risk Register. One of which is St. Osyth Priory, which in addition to being at risk is also referred to within the PDLP as follows:

“The District’s most important single group of listed buildings at St Osyth’s Priory and its Registered Historic Park and Garden”.

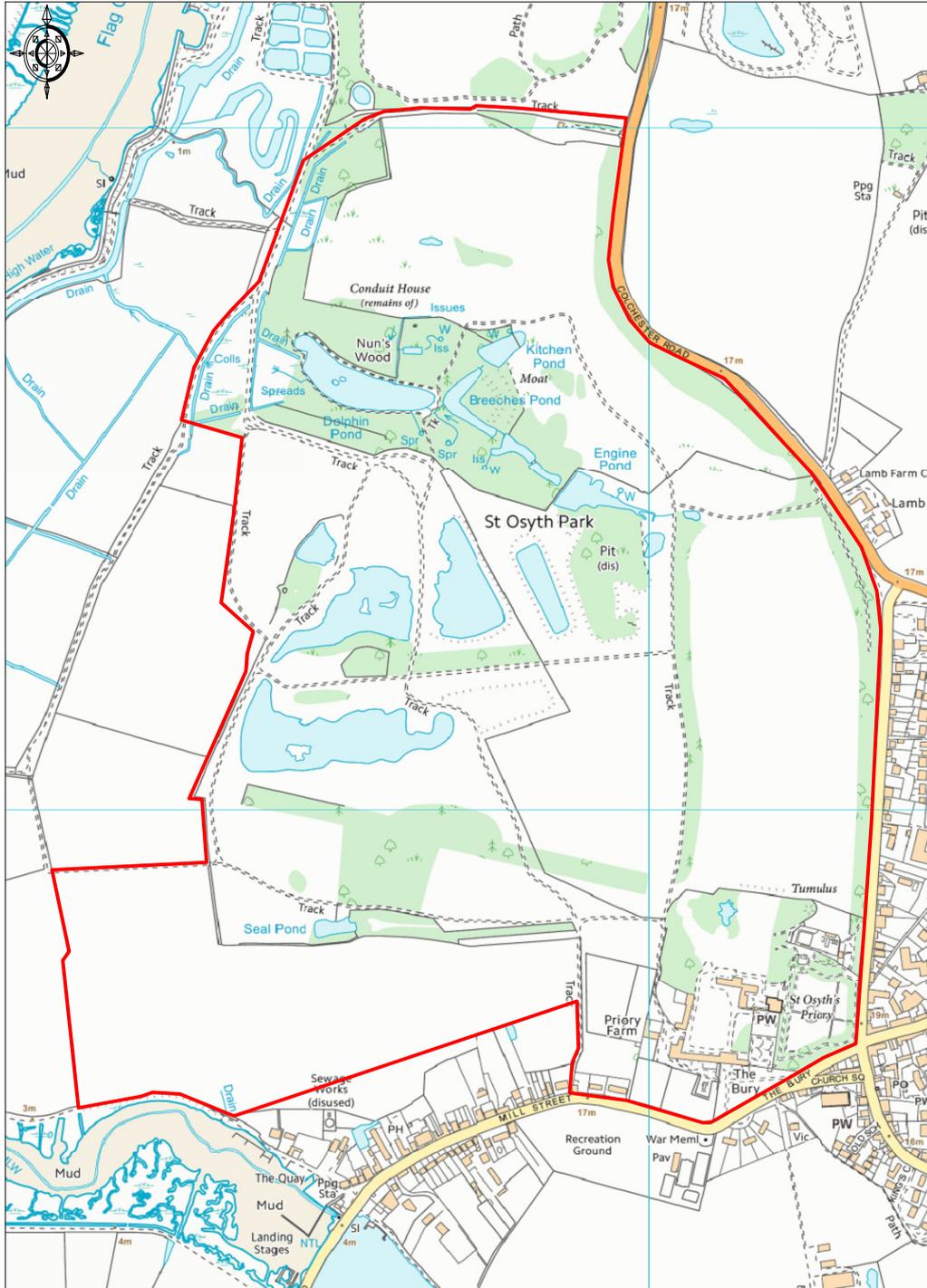
74. The PDLP’s failure to propose a policy to set out a policy on enabling development and a positive strategy to address the conservation of heritage assets at risk is contrary to national policy.
75. The Local Plan’s failure to put in place policies to guide decisions in respect of proposals for enabling development render it ineffective.
76. The lack of a specific policy addressing St. Osyth Priory is ineffective and unjustified, particularly within the context of the existing Development Plan.
77. A proposed policy was set out within the Preferred Options Local Plan. The reasons for its deletion between this iteration and the PDLP is not justified.
78. The SA/SEA purported reason for rejecting the inclusion of an enabling development policy fails to justify such an approach.
79. In order to be sound, a policy which supports enabling development that will assist in the conservation of St. Osyth Priory should be included in the Local Plan. We suggest this is based upon that which was included within the Preferred Option Local Plan, but amended as per the above to ensure compliance with the NPPF and that it addresses St. Osyth Priory, as the current Development Plan does.

PPL2 – Coastal Protection Belt

80. Policy PPL2 proposes a Coastal Protection Belt, within which development will be restricted in the interest of protecting the undeveloped character of the coastline. We do not object to the principle of such a policy, however there are concerns as to the soundness of the proposed extent of the Coastal Protection Belt to the west of St. Osyth, and how this relates to existing development.

81. The Coastal Protection Belt includes existing ribbon development that extends west of the main settlement, along Mill Street.
82. It also includes land which has extant planning permission (reference 16/00656/FUL) for 72 dwellings.
83. As such, the Coastal Protection Belt as current proposed is not considered to be justified and we would also question the effectiveness of including areas of residential development and the St. Osyth Priory Estate within such an allocation.
84. In order to be sound, the extent of the Coastal Protection Belt should be amended to reflect the above points.

St.Osyth Priory, St. Osyth

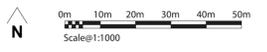


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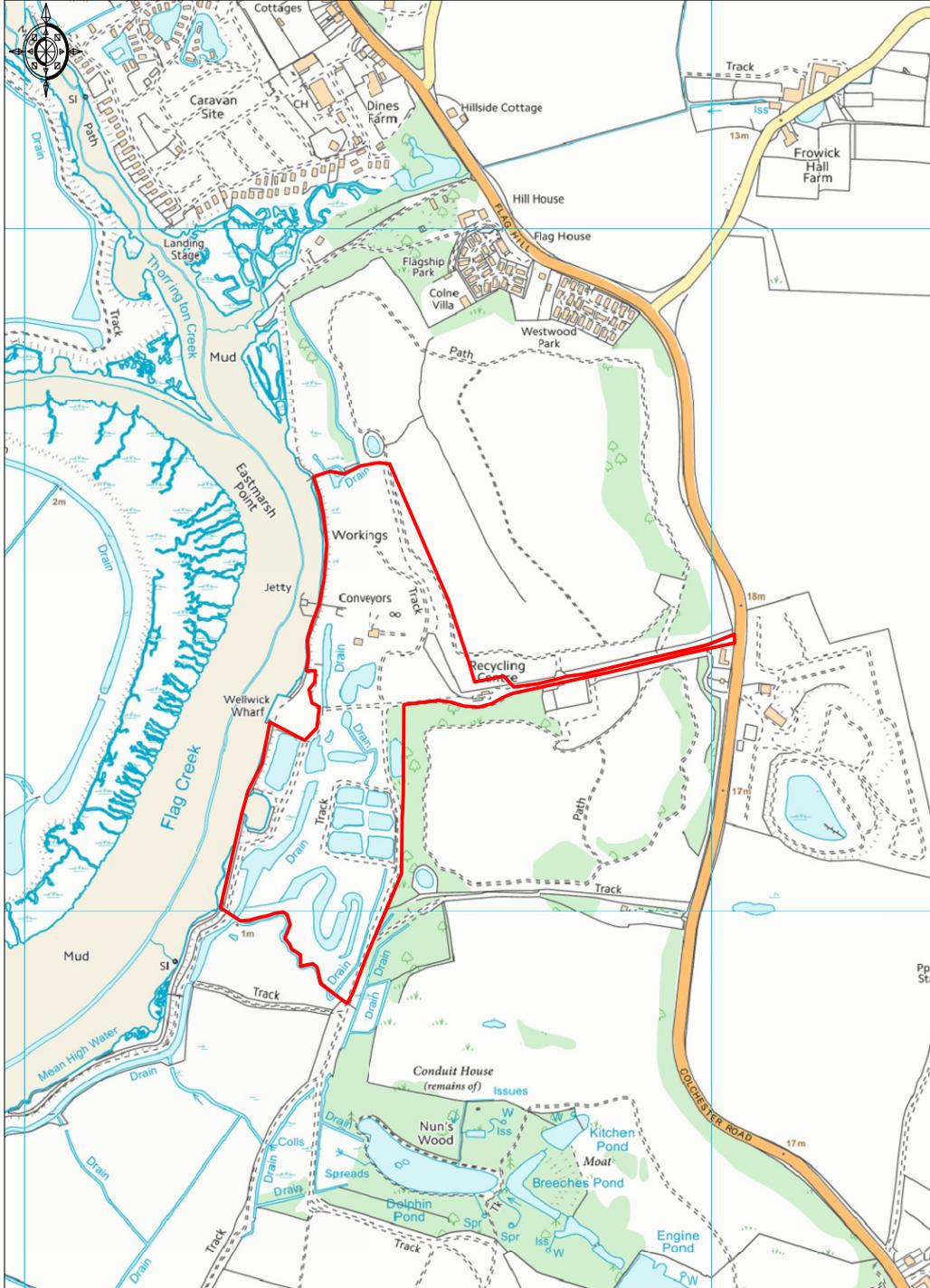
- Existing Trees
- Proposed Tree Planting
- Existing Waterbodies
- Existing Grassland
- Proposed Orchard
- Proposed Development



Project St Osyth Priory
 Drawing Title Landscape Strategy Plan
 Scale N.T.S @ A1
 Drawing No. 10873/LP300b
 Date June 2017
 Checked MFRH



St. Martin's Farm, St. Osyth



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GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

Braintree District Council, Tendring District Council and Colchester Borough Council, have each published their own Publication Draft Local Plan for consultation. Section 1 is common to each plan. This response form can be used to respond to any part of the 3 Plans. It is important to specify which.

The 3 Plans have been published in order for representations to be made prior to submission of the documents to the Planning Inspectorate for examination. All representations will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

Each Local Plan has two parts:

Publication Draft Local Plan Section 1 - A set of strategic policies constructed in partnership between the three authorities and Essex

County Council. This means that the Section 1 policies are intended to apply across all three Local Authorities. These policies include those relating to Garden Communities, housing supply, employment, shopping and the environment. You can send your response to any one of the authorities as all responses to Section 1 will be collated. Only 1 response to the 3 authorities is required.

Publication Draft Local Plan Section 2 - relates to the specific district, contains more detailed policies and is used to determine planning applications. If you wish to comment on the Braintree Publication Draft Local Plan Section 2 you should send your comments to Braintree District Council.

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planningpolicy@braintree.gov.uk or by phone on 01376 552525 and ask for Planning Policy.

Part A - Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Council's websites and included as part of the Publication Draft Local Plan submissions to the Inspector. Address and contact details will be removed from published responses. (Village/town shown).

The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

Part B - Representation

Please specify which section of the Publication Draft Local Plan your comments relate to, by choosing one of the following;

Section 1 A response to this section will be reported to all 3 authorities.

Section 2 Colchester
Section 2 Tendring
Section 2 Braintree } These plans are specific to each authority.

Which part of the plan are you responding to (please use one form per submission):

Paragraph: for a representation on wording or paragraph content

Policy: for a representation on the wording or inclusion or omission of a policy

Other: for example a map inset number, site reference or the wording or content of tables or appendices

Legal Compliance and Duty to Co-operate

If commenting on how the Publication Draft Local Plan has been prepared, it is likely that your comments will relate to a matter of legal compliance.

The Inspector will check that the Plan meets the legal requirements

You should consider the following before making a representation on legal compliance:

- The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed.
- The process of community involvement for the Plan in question should be in general accordance with the Statement of Community Involvement (SCI).
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations; making them available on its website and at its principal offices. It must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA must provide a Sustainability Appraisal Report. This should identify the process by which it has been carried out, baseline information used to inform the process and the outcomes of that process.
- LPAs will be expected to provide evidence of how they have complied with the Duty to Co-operate.
- Non-compliance with the duty to cooperate cannot be rectified after the Plan's submission. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

Soundness

Soundness is explained in National Planning Policy Framework (NPPF) paragraph 182. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

More details and further guidance on what is meant by the term 'soundness' can be found below and at; www.planningportal.gov.uk

Positively prepared

This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate, robust and credible evidence base.

Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, sound infrastructure delivery planning and no regulatory or national planning barriers. It should be flexible to changing circumstances

Consistent with national policy

The Plan should be consistent with national policy. Departure must be clearly justified.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered, how is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

Using the spaces provided please give details of why you think the Publication Draft Local Plan is not 'sound' having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. **If your representation is over 100 words please include a summary of its main points in the box provided.**

It will be helpful if you also say precisely **how** you think the Plan should be modified. Representations should cover succinctly all information, evidence and supporting information necessary to support/justify the representation and suggested modification, as there will not normally be a further opportunity to make submissions based on the original representation made at publication.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

All the formal representations received during this stage will be submitted to and considered by the appointed independent Planning Inspector at the public examination on the Plan. The process is likely to include public hearings. The Inspector will determine the most appropriate procedure to adopt to hear those who choose to participate at this stage. If you would like to appear and speak at the hearings, please state this and explain in the space provided why you consider it is necessary that you participate.

Representations can be sent:

- Via the Council's online consultation portal: www.braintree.gov.uk/publicationdraftLP
- Via a representation form which can be downloaded from the website and returned via email to localplan@braintree.gov.uk
- or by post to:
**Planning Policy,
Braintree District Council
Causeway House
Braintree
CM7 9HB**

For internal Use only	ID:	Rep No:	

Draft Local Plan RESPONSE FORM

Responses are encouraged via the council’s online consultation system available on the website, see www.braintree.gov.uk/newlp However, this form can be returned electronically to **localplan@braintree.gov.uk** or in hard copy if necessary to:

Planning Policy, Braintree district Council, Causeway House, Bocking End, braintree, CM7 9HB
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

This form has two parts:
Part A - Personal Details and Part B - Your comments

PART A

1. Personal Details

Title

First Name

Last Name

Organisation
(Where relevant)

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

2. Agent’s Details (if applicable)

Title

First Name

Last Name

Organisation

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

PART B

REPRESENTATION FORM

Please Note: If your representation relates to Section One of the North Essex Strategic Plan / Garden Communities you only need to respond to one of the Local Authorities. All representations received by Braintree, Colchester and Tendring relating to Section One of the Plan(s) will be submitted together.

You do not need to return this form if you have completed a response using any of the Council's online systems for this consultation. Duplicates will not be considered

Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

If you do not consider the Local Plan is sound, please specify on what grounds:

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Continue onto next page

If your representation is more than 100 words, please provide a brief summary here:

Please specify the changes needed to be made to make the Plan sound / legally compliant

Do you wish to participate at the oral part of the examination?

Yes No

If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

- When the document is submitted for independent examination?
- When the Inspectors Report is published?
- When document is adopted?

Braintree & Tendring: Return by 5pm 28th July 2017
(responses to section 2 Braintree and Tendring will not be accepted after this date. After this date responses to Section 1 should be sent to Colchester Borough Council)

Colchester: Return by 5pm 11th August 2017

Representations Tending District Publication (Regulation 19) Draft Local Plan

Our reference: Supporting Statement SP-CC-GB01

By Strutt and Parker LLP on behalf of City & Country, in respect of the Tending District Publication (Regulation 19) Draft Local Plan and three sites at Great Bentley which are considered suitable for residential development: Land West of Plough Road; Land North of Thorrington Road; and Land South of Thorrington Road.

Background and overview

1. This Accompanying Statement accompanies one of two representations submitted by Strutt and Parker LLP on behalf of City & Country in respect of land at Great Bentley. City & Country are actively promoting the residential development of three sites in Great Bentley. These sites and the Draft Publication SA references are as follows:
 - Land South of Thorrington Road (GB6).
 - Land North of Thorrington Road (GB7); and
 - Land West of Plough Road (GB8);
2. Representations in respect of all of these site were made in response to consultation on the previous iteration of the Local Plan – the Tending District Draft Local Plan (2016) (Regulation 18).
3. All three sites have been the subject of recent planning applications.
4. Land West of Plough Road was subject to an outline planning application (reference 16/02127/OUT) for the erection of up to 75 with associated infrastructure and landscaping. The application was refused on 4 April 2017 and is subject of an appeal on which a decision has yet to be made. A revised outline application for up to 75 dwellings with associated landscaping, public open space and infrastructure is currently under consideration (reference 17/01097/OUT).
5. Land North of Thorrington Road was subject to an outline planning application for 75 dwellings with associated infrastructure, landscaping and public open space (reference 16/02125/OUT) which was refused on 4 April 2017. The application is currently subject of an

appeal on which a decision has yet to be made. The site is currently subject to a revised outline planning application for erection of up to 75 dwellings with associated public open space, landscaping and infrastructure 17/01096/OUT.

6. Land South of Thorrington Road is currently subject to an outline planning application for a Health Centre, up to 40 dwellings, additional land for Great Bentley Primary School and associated foul pumping station, infrastructure and public open space (reference 17/01098/OUT). This application is currently under consideration.
7. All three sites are considered to be sustainable and deliverable locations to help meet the District's development needs. However, as currently worded, the Local Plan does not propose allocation of any of the three sites for development.
8. This Accompanying Statement relates to Policy SP2 of the Tendring District Publication (Regulation 19) Draft Local Plan (PDLP) and provides further details as to why this policy as currently worded renders the Local Plan unsound. It also sets out actions to be taken to help ensure issues are addressed and that the Local Plan can be made sound.

Policy SP2 and why it is currently unsound

9. The NPPF is clear that Local Plans should seek to meet objectively assessed housing needs in full.
10. Policy SP2 of the PDLP states that the objectively assessed housing need for Tendring District is 550 dwellings per annum; and that, accordingly, the Local Plan will need to provide a minimum of 11,000 new homes between 2013 and 2033.
11. The concept that the Local Plan should be based on a strategy which treat objectively assessed housing need as a minimum figure to be met over the plan period is supported. However, the identification of 550 dwellings per annum as the objectively assessed need for the period 2013-2033 is not supported.
12. It is considered that the objectively assessed housing need is greater than 550 dwellings per annum.

13. The PDLP explains (paragraph 5.1.3) that the figure of 550 dwellings per annum is taken from the Objectively Assesses Housing Needs Study that was produced for Colchester Borough Council, Braintree District Council and Chelmsford City Council in 2015 and most recently updated in November 2016.
14. It should be noted that November 2016 study (the OAHNS 2016) confirms at paragraph 8.35 that a range of between 500 and 600 dwellings per annum was identified as being the objectively assessed need for Tendring District. Prior to this, the 2015 study had identified a housing need range of between 597 and 705 dwellings per annum for the period 2013-2037.
15. Given that the NPPF calls for the full, objectively assessed housing needs for market and affordable housing to be met, where an objectively assesses housing need range has been identified as being between 500 and 600, it is submitted that 600 should be used for the purposes of plan-making if the Local Plan is to be consistent with national policy and positively prepared.
16. There are a number of further concerns with the approach to determining objectively assessed housing need for the Local Plan.
17. Government guidance confirms¹ that the starting point for determining objectively assessed needs is the sub-national household projections (SNHP) – the household projections published by the Department for Communities and Local Government.
18. Government guidance explains that, as household projections do not reflect unmet housing need, whilst official projections should be used as a starting point the consequences of past under delivery should be accounted for.
19. Notwithstanding the above guidance, Tendring District Council have not used official projections as a starting point in the calculation of objectively assessed housing need. Instead, the Council has identified an alternative ‘demographic starting point’, and applied a market uplift to this figure.
20. The alternative ‘demographic starting point’ identified by the Council is 480 dwellings per annum for the period 2013-2037. This is considerably lower than the starting point if one

¹ The Planning Practice Guidance (PPG) Paragraph: 015 Reference ID: 2a-015-20140306

were to use the official projections, with the sub-national household projections suggesting 625 additional households per year in the District over the same time period.

21. Government does not suggest that the official projections can be ignored in determining objectively assessed need, but does state that sensitivity testing may be applied to official projections to account for local circumstances. Firstly, however, in respect of Tendring District Council it is not the case that the official projections have been adjusted to reflect local circumstances; rather, the official projections have been disregarded. Secondly, and in any case, the PPG makes clear that where adjustments are applied to official projections to account for local circumstances these must be justified and based on established sources of robust evidence. In the case of this second point, there is considered uncertainty as to whether the figure of 480 dwellings per annum as a ‘demographic starting point’ (and consequently the objectively assessed need derived from this) is robust. Within the OAHNS (2016) itself it is stated that the revised demographic starting point:

“Should be treated with **great caution** because the size of the UPC made all demographic analysis potentially **subject to large error**”. (Paragraph 8.34. Emphasis added).

And:

“For now, our analysis of the latest demographic data suggests that the correct ‘demographic starting point’ remains 480 dpa, with a **large potential error**.” (Paragraph 8.37. Emphasis added).

22. It is clear that there is substantial doubt as to whether the revised ‘demographic starting point’ of 480 dwellings is appropriate.
23. Given this uncertainty, the fact that the approach taken departs from Government guidance, and that it results in a substantially lower figure than the official projections suggest at a time where the NPPF calls for needs to be met in full and for there to be a significant boost in housing land supply, it is considered wholly inappropriate to use a figure of 480 dwellings per annum as the demographic starting point.

24. In the absence of an alternative figure, and having regard to Government guidance, the most appropriate figure to use as a starting point for the assessment of housing need would be 625 dwellings per annum – based on the sub-national household projections.
25. Government guidance states that a record of under delivery may suppress household projections. In the case of Tendring District there has been a consistent record of under-delivery over a number of years, by the Council’s own admission. Annualised completions have often fallen considerably short of targets. It should also be noted that Government guidance recognises that changes in house prices is a potential indicator of imbalance between housing need and supply. Tendring District has experienced a 70% increase in house prices between 2002 and 2012, as reported in the OAHNS (2016) – the joint highest increase in Essex. The Council has previously been advised by its consultants (see **Appendix 1**) that a market uplift of between 10% and 20% should be applied to account for market circumstances. If such an uplift is applied to the sub-national population projections for Tendring District, this would result in an objectively assessed housing need of between 688 and 750 dwellings per annum.
26. A robust assessment of the District’s objectively assessed housing need has been undertaken by Lichfields, the results of which are appended to this representation as **Appendix 2**. This demonstrates that the objectively assessed need is considerably higher than the number the PDLP currently plans for, and equates to a need of 761 and 775 dwellings per annum.
27. For the reasons set out above, Policy SP2 fails to meet objectively assessed housing need. As a result, the policy as currently worded is not consistent with national planning policy and would not result in a Local Plan that is positively prepared. The policy must be amended if the Local Plan is to be sound.

Policy SP2 – changes required

28. It is recognised that there is uncertainty surrounding the true scale of housing need in Tendring District. However, given this uncertainty – combined with the requirement to significantly boost housing land supply, and the social and economic importance of ensuring adequate housing land supply, it is considered wholly inappropriate for the Local Plan to aim at a lower end of a potential range of housing need.

29. For the reasons set out above, the objectively assessed need set out in Policy SP2 should be revisited having regard to the sub-national household projections and with a market uplift applied.

LOCAL PLAN COMMITTEE

21 JANUARY 2016

REPORT OF THE HEAD OF PLANNING

A.1 LOCAL PLAN EVIDENCE UPDATE

(Report prepared by Simon Meecham)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide an update to the Local Plan Committee on the progress of the evidence that is necessary to underpin the content of the new Local Plan; and
To seek the Committee's approval of the evidence and recommendations, as derived from the Objectively Assessed housing Needs evidence December 2015, in relation to the housing target range of 500-600 dwellings per annum and the annualised target for both Local Plan and Development Management purposes of 550 dwellings per annum.

EXECUTIVE SUMMARY

The National Planning Policy Framework (NPPF) requires Local Plans to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. The Council's evidence is well developed and this report provides a further update on the latest work and most critically the Objectively Assessed housing Needs.

Objectively Assessed Housing Needs Study (July and December update 2015)

As previously reported to this Committee, the Objectively Assessed housing Needs (OAN) figure for Tendring was set by a joint study for the Housing Market Area¹ partners in July 2015. The OAN was set at 597 dwellings per annum (dpa) for Tendering.

The July 2015 report was prepared by Peter Brett Associates (PBA) and was informed by demographic projections undertaken by Edge Analytics and economic projections by Oxford Economics. Demographic and economic projections require an accurate view of the population and its age structure and how this has changed over time. This is because both the demographic and economic models are reliant (to differing degrees²) on projecting forward past trends. In Tendring this is complicated by an error in the official population statistics prepared by the Office of National Statistics (ONS). This error is called 'un-attributable population change' (UPC). It arises because the ONS cannot reconcile population flow estimates, i.e. their estimate of how the population is moving round the UK³ with the recorded Census population.

¹ Braintree, Chelmsford, Colchester & Tendring

² This much more the case for demography; in line with Government Guidance demography is based on a projection of past. The economic models are forecasts and so do not necessarily repeat the past.

³ Including the distribution of international migrations to or from Districts

When preparing the June 2015, Essex Planning Officers Association demographic projections Edge Analytics corrected for this error using the best available data at the time. This corrected data led PBA in July 2015 to recommend an OAN for Tendring of 597 dpa.

However, in September 2015 the ONS released new data. This data provided new information which effectively superseded the UPC correction made in the EPOA report. In turn this meant that the previously established 597 OAN for Tendring needed to be validated in-case it was no longer robust.

Also in September, this Committee requested that officers' further test and clarify the input data in order to establish a revised OAN for Tendring. To these ends, officers' commissioned an independent review of the data leading to the establishment of the OAN for Tendring and any necessary revisions from the new ONS information. Mr John Hollis, one of the UK's leading demographers was appointed.

As part of his review, Mr Hollis noted that the new information released by the ONS suggested that the way the UPC had been corrected by Edge Analytics was now erroneous. In summary, Edge had assumed that the UPC error related solely to international migration but the new ONS data has now made clear that Tendring's errors also relate to domestic flows.

Mr Hollis has used this new data to model the demography with a UPC correction in line with the new ONS evidence. The results have led to a younger age profile than assumed by Edge. This is due to the international migration flows being younger than the domestic flows. The new assumption is that an international migrant moving to Tendring is generally younger than a domestic migrant moving in to Tendring from elsewhere in the UK. In the Edge correction the flow of (younger) international migrants was reduced while the older domestic flow was left unchanged. In Mr Hollis's new projection, both the international and domestic flows are adjusted. Overall this results in an overall younger migration flow.

For the Tendring OAN, this new finding has two important implications:

- firstly younger households tend to be larger, so fewer new homes are needed to house the total population; and secondly
- a younger population is much more likely to be economically active and so fewer people are needed to meet any given job number. This casts doubt on the robustness of the former projections for Tendring and the rationale that 597 dpa are needed to meet economic growth.

Mr Hollis's review has confirmed that the 480 dpa remains a sound 'demographic starting point' for assessing housing needs in Tendring and that it can be used in place of the Sub-National Population Projections (CLG 2012 based household projections).

The younger age profile of the corrected population means that fewer new homes should be

needed to secure an economically active workforce. This however needs to be evidenced and to achieve this, Tendring has commissioned an independent review from Experian Economics. The results of which will be available in the New Year and an update provided by officers' to this Committee.

Other matters required by the Planning Policy Guidance (PPG) to produce a robust OAN include the testing of market signals and meeting the affordable housing need. In terms of market signals, PBA has extended the research to include Babergh (at the request of this Committee). However the overall conclusion remains that the house price spikes in Tendring indicate a suppression of housing land availability due to a lack of allocated Local Plan sites and a lack of a five year supply of housing. The result of this is an upward lift to the 480 dpa is necessary. In relation to an affordable housing uplift the SHMA2 report (see below) has recommended that Tendring needs to plan for provision of 163 dpa to meet its affordable need. If Tendring follows the SHMA 2 advice an approximate need of 550 dpa will be required in order that affordable housing can be provided within this target. Our SHMA 2 consultants have been asked to confirm this and a verbal update will be provided by officers at this meeting of the Committee.

However PBA raises the prospect of further population projection changes with a 2014 base being released in mid-2016; including international migration. The uncertainty of whether this will increase OAN alongside potential changes to the National Planning Policy Framework (including the definition of affordable housing), leads to the recommendation from PBA that Tendring's housing target range is 500-600, with a core scenario that meets all that it needs to at 550. PBA also suggests we continue to look at evidence to the maximum of 600 dpa to accommodate any future change to the projections. PBA recommends that we use the 550 dpa to assess our five year land supply. This evidence update includes a recommendation to this Committee to work on the Local Plan housing strategy at a target of 550 dpa and range up to 600 dpa.

Mr Hollis's report is attached as Appendix A.

Strategic Housing Market Assessment – Part 2

This study is being prepared by consultants HDH Planning and Development on behalf of Tendring, Colchester, Braintree and Chelmsford Councils. It is primarily designed to calculate how much 'affordable housing' is likely to be required in each area to meet the needs of lower-income households in the future. It also calculates the likely requirements for housing to meet the needs of specific groups in society, in line with the requirements of national planning policy.

The study is currently being finalised and needs to reflect the findings of the OAN updates for Tendring as outlined above. A verbal update will be provided by officers at this meeting of the Committee.

Transport Junction Modelling

The Council, working with Essex County Council as the Highways Authority, have commissioned specialist transport consultants Jacobs to survey Tendring's highway network to work out the

implications of future growth in the district. The consultants have tested several scenarios including no new development, each of the different growth options from the Council's Local Plan Issues and Options Consultation Document and a scenario looking at 30+ years worth of growth.

The full results of this assessment are being written in to a report by Jacobs and will be reported to the Local Plan Committee in due course.

Retail Study

Consultants WYG have been commissioned to update the Council's evidence on retail which will include an assessment of the health of the district's town centres and the projected needs for additional retail floor-space. The results of the study will inform the Council's Local Plan policies on the kinds of activities allowed in town centres and will also help to inform decisions with regards to the need for any more 'out of town' or 'edge-of-town-centre' retail parks.

This study needs to reflect the population projections that have been subject to the OAN review before it can be finalised. The full results of this study will be reported to the Local Plan Committee in due course.

Employment Land Review

Consultants Aspinall Verdi have been commissioned to undertake a more detailed assessment of potential employment sites across the district with a view to identifying the factors that have resulted in low levels of industrial development in the district in recent years, despite there being many sites allocated for employment use in the adopted Local Plan. The study will also re-assess different locations across the district (including along the A120 corridor) for potential employment development and, for specific sites, identify the barriers (including infrastructure or environmental constraints and commercial factors) that would need to be overcome to enable development to take place.

This study needs to reflect the economic and population projections that have been subject to the OAN review and are subject to the Experian review before it can be finalised. The full results of this study will be reported to the Local Plan Committee in due course.

Traveller Needs Definition Review

The government has changed the definition of Travellers; it has removed the words "or permanently" from the definition of "travellers" in Annex 1 of Planning Policy for Traveller Sites. Basically meaning that those families that are permanently non-travelling should be assessed as part of wider housing needs rather than a specific need. Basildon Council has taken counsel advice on its position following the definition change and one of the implications is that an update is required to be able to divide the local traveller population into the two status categories of non-travelling and travelling. This affects the joint study by ORS commissioned by EPOA and an update has been commissioned. The results of this update will be reported to the Local Plan Committee in

due course.

Sustainability Appraisal

Place Services have been commissioned to carry out a Sustainability Appraisal (SA) of the recent Issues and options consultation, to advise the Council on taking forward the next stages of the SA and to carry out a SA to support the Preferred Options consultation on the Local Plan expected in mid-2016.

RECOMMENDATION

That the Local Plan Committee:

- a) notes the latest progress on the evidence base for the Local Plan;
- b) approves that the range of Objectively Assessed Needs for Tendring District Council is 500-600 dwellings per annum; that the mid-point of 550 dwellings per annum is used as the Council's provisional housing target for the Local Plan and that officers consider options up to 600 dwellings per annum as the Local Plan refines through its next consultation stage and new data is assessed; and
- c) approves for Development Management purposes that the Objectively Assessed Needs be set at the level needed to meet the district's affordable housing in full which is 550 dwellings per annum.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Achieving affordable excellence: The right level of new housing in the right locations will generate funding for the provision of public services and new and improved infrastructure through increasing the authority's Council Tax base and through the receipt of New Homes Bonus and Community Infrastructure Levy (CIL) or s106 planning obligations. In addition, based on the recommendations in the Economic Development Strategy, housing development in the right locations could support growth in the economy and the creation of new jobs, helping to address deprivation and increase revenue to the Council, including through retention of business rates. Provision of employment land and the right level of retail and leisure development in the right location will help to foster a healthy economy, as will having a transport system that is able to accommodate increases in travel likely to result from future development.

Improving public perception and reputation: Ensuring the new Local Plan is based on robust, proportionate and justified evidence will maximise its chances of progressing smoothly to adoption through the examination process. The sooner the Local Plan can be adopted, the stronger position the Council will be in to manage growth in the district and defend the area against unwanted and speculative development proposals.

Helping children and young people to achieve their full potential: The right level of housing development in the right places will help ensure the housing needs of future generations of young people are catered for, taking into account the effects of overall population growth, migration and people generally living longer and healthier lives. Provision of employment land and the right level of retail and leisure development in the right location will help to foster a healthy economy for the benefit of future generations, as will having a transport system that is able to accommodate increases in travel likely to result from future development.

Addressing deprivation: According to the Council's Economic Development Strategy, the right level of housing development in the right locations will support economic growth and job creation by generating more demand for goods and services, delivering new infrastructure including educational, health and leisure facilities and by unlocking new employment opportunities. Provision of employment land and the right level of retail and leisure development in the right location will help to foster a healthy economy for the benefit of future generations, as will having a transport system that is able to accommodate increases in travel likely to result from future development.

Local housing for local people: The right level of housing development will increase the scope to deliver housing in different locations that will meet the needs of different sectors of the population including current and future generations of local people.

Coastal opportunities and protection: Having a transport system that is able to accommodate increases in travel likely to result from future development will be key to promoting tourism in our coastal towns.

RESOURCES AND RISK

Resources: The Objectively Assessed Housing Needs Study was prepared by consultants Peter Brett Associates (PBA) and the updates by Mr Hollis, Experian and PBA. The Strategic Housing Market Assessment Part 2 is being carried out by consultants HDH Planning and Development. The Retail study is being carried out by consultants WYG, the Employment Land Review by Aspinall Verdi, The Traveller definition update by ORS and the Sustainability Appraisal by Place Services. The Transport Junction Modelling is being carried out by Jacobs. Tendring District Council's contribution toward the cost of these studies has been met through the agreed 'LDF Budget'.

Risks: For the Local Plan to be found "sound" by a Planning Inspector through the examination process, its needs to be based on a strategy that seeks to meet 'objectively assessed' development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with the aim of achieving sustainable development (NPPF, paragraph 182). In this respect, the Objectively Assessed Housing Needs Study identifies, as updated, the anticipated requirements for housing across four authorities. If the Council chooses to deviate from this requirement of national policy and the findings of the new study without robust justification or fails to cooperate with neighbouring authorities on matters of unmet housing supply, it will increase, significantly the risk of the Local Plan being declared

“unsound” and being rejected by the Planning Inspector.

LEGAL

Legislation: Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise.

Section 33A of the Planning and Compulsory Purchase Act (2004), as amended by Section 110 of the Localism Act 2011 places a duty upon local authorities and other public bodies to cooperate on strategic matters of cross-boundary significance, which includes housing supply.

The National Planning Policy Framework (NPPF) requires Local Plans to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. The NPPF requires that local planning authorities identify objectively assessed housing need (the OAN), and that Local Plans translate those needs into land provision targets. The process is guided by the national Planning Practice Guidance. The Courts have recently considered the requirements of the relevant NPPF paragraphs and the mandatory approach to be followed when determining the housing assessment and the full, objectively assessed needs for market and affordable housing in the market area; the judgements provide strong enforcement that the evidence base are key. The content of this report and exercises undertaken are in accordance with the NPPF and case-law.

OTHER IMPLICATIONS

Crime and Disorder: The right level of housing and commercial development in the right locations should, based on the recommendations of the Objectively Assessed Housing Needs Study, Strategic Housing Market Assessment Part 2, Economic Development Strategy, Transport Junction Modelling, Retail Study, GTAA and Employment Land Review, support economic growth and job creation in the district and help tackle some of the deprivation that leads to crime and disorder.

Equality and Diversity: The Strategic Housing Market Assessment Part 2 will assess the future housing needs of different groups in the community including families with children, older people, people with disabilities and service families. The needs of gypsies and travellers have been assessed through a separate Essex-wide study that was considered by the Local Plan Committee at its meeting in October 2014; an update to take account to the revised definition of Traveller is underway through EPOA.

Health Inequalities: The right level of housing and commercial development will increase the scope to deliver housing in different locations that will meet the needs of different sectors of the population including people that are currently living in unsuitable property that might be causing or

exacerbating poor health. Through the policies and proposals in the Local Plan and through cooperation with our partners in the NHS, County Council and other bodies, housing development in the district will need to be accompanied by job opportunities, improved health services, green spaces and other infrastructure to ensure a good quality of health for our current and future residents.

Area or Ward affected: All wards.

Consultation/Public Engagement: The conclusions of the Objectively Assessed Housing Needs Study were reflected in revisions to the Issues and Options consultation document that was the subject of public consultation until 13th October 2015. Further consultation will take place through The Local Plan: Preferred Options Document, which will be published for consultation in 2016.

PART 3 – SUPPORTING INFORMATION

OBJECTIVELY ASSESSED HOUSING NEEDS STUDY (JULY – and December updates 2015)

Local Plan Committee received a presentation on the 17th December 2015 from Mr John Hollis and from PBA, represented by Mr Richard Pestal

The two slides below summarise their conclusions and these support the recommendations in this report:

Conclusions

- New evidence shows the EPOA reports wrongly adjusted for UPC
- New data shows 480 dpa is a reasonable 'starting point'
- New data also suggests (TBC) that the need for a economic uplift is reduced
 - The migration flow is younger and so fewer new homes needed to secure the labour supply
- But there is evidence of some market pressure
 - +10% or 20% depending on professional judgement
 - PBA thinks 10% is defensible
- But need to consider meeting affordable need
 - Until policy changes
- Suggests you need to try to find land for around 550 dpa
- To meet affordable housing need in full

Peter Brett Associates LLP

Appendix 1 provides a background paper for the OAN by John Hollis.

Conclusions (2)

- We say ‘around’ because a huge amount of uncertainty
 - Don’t pretend this is a science
 - It is not
- 550 dpa is defensible today
 - Meets tend base migration, economic need and affordable need
 - Suggest new economic work to re-enforce this
 - Double check the job alignment
- However, it will change
 - Affordable housing is changing
 - New projections will keep emerging
 - Likely to be higher as international migration estimates increase
- Suggest you consult on a range
 - Unlikely to fall below the 480 dpa
 - Unlikely to exceed the old EPOA 597 dpa number
 - So a range between 500 – 600 dpa looks sensible
 - Or 480 – 600

Peter Brett Associates LLP

Please note the following correction to the November 12 2015 Local Plan Committee, Evidence Update:

Page 8 – second paragraph. The ~~B1027~~ **B1033 at Kirby Cross**

Page 13 – Bullet 3. Tendring (between 705 and -230 ~~1,015~~ **935**)

APPENDICES

OAN Validation

Draft Tendring District Local Plan: 2013-2033 and Beyond – Policy SP3: Meeting Housing Needs

Issued July 2017

1.0 Introduction

1.1 Policy SP3: *Meeting Housing Needs*, identifies the level of housing growth that Tendring District Council [TDC] considers is necessary to meet the District’s objectively assessed housing needs [OAHN]. This is identified in the Policy as 550 dwellings per annum [dpa], with the total minimum housing supply in the 20-year Plan Period (2013-2033) equating to 11,000. The 550 dpa target is underpinned by housing evidence produced by a variety of consultants since 2015, with the most recent OAHN evidence contained within Peter Brett Associate’s [PBA’s] *“Objectively Assessed Housing Needs Study Update”* (November 2016).

2.0 Consideration of Policy SP3

2.1 The National Planning Policy Framework [NPPF, §47] is clear that local authorities should use their evidence base to ensure that their Local Plans meet the full, objectively assessed needs for market and affordable housing in the housing market area. Furthermore, the scale, mix and range of tenures identified should take into account up-to-date household and population projections, factoring in migration and demographic change [§159].

2.2 TDC’s most recent OAHN report, dated November 2016, provides an assessment of housing need for Braintree, Chelmsford, Colchester and Tendring. It updates previous OAHN studies and concludes that:

“The 2014-based official projection sets a ‘demographic starting point’ for Tendring of 675 dpa. This is very close to the 705 in the same version of the projections. Our technical audit shows that the 2014 projections are affected by the same errors as the 2012 ones, and hence they overstate housing need in the same way. The ONS is currently reviewing mid-year population estimates for the years since the 2011 Census, in order to eliminate these systematic errors. But the results will only become available in 2017.

For now, our analysis of the latest demographic data suggests that the correct ‘demographic starting point’ remains 480 dpa, with a large potential error. Our analysis of past provision and market signals shows that Tendring’s position has not changed, so we still consider that a market signals uplift to 550 dpa is justified. As before, Experian’s analysis suggests that there is no need for ‘future jobs’ uplift.

2.3 *In summary, our best assessment of housing need for Tendring over the plan period remains 550 dpa.”* [paragraphs 8.36-8.38]

2.4 City & Country has serious concerns with the methodology adopted by the Council and their consultants, and ultimately the justification behind the 550 dpa housing target. We reserve the right to provide further evidence at the EiP stage by preparing an independent assessment of housing needs.

- 2.5 At this time we raise the following initial concerns regarding the robustness of the Council's 550 dpa housing target.

Evolution of the OAHN and the demographic starting point

- 2.6 The process by which Tendring District Council's OAHN has been derived is unorthodox and does not robustly align with either the NPPF or the Planning Practice Guidance [PPG] on the subject. In particular, the PPG states that the household projections prepared by CLG (and based upon ONS's SNPP) should form the starting point for estimating of housing needs, but that these may require adjustment to reflect future changes and local demographic factors that are not captured in the projections¹. Any such adjustments must be properly evidenced and robustly justified².

Unattributable Population Change

- 2.7 The Council's OAHN evidence fails to accord with the PPG methodology as it does not use the SNPP/SNHP as a baseline position. Instead, PBA applies an adjusted 10 year migration trend that makes a very substantial adjustment for Unattributable Population Change [UPC].
- 2.8 UPC is the result of either misrecording of the total population at the 2001 and/or 2011 censuses, misrecording of migration, or a combination of these factors. The definitive source is unknown, and ONS excluded this from both the 2012-based SNPP and the subsequent 2014-based iteration³ on the grounds that it could not be demonstrated that UPC measured a bias in the trend data that would continue in the future.
- 2.9 The 2014-based SNPP is based on trends (in births, deaths and migration) observed over the 5-6 preceding years. ONS's report on UPC⁴ states that migration errors are likely to have a bigger impact in the early 2000s due to improvements in estimating migration over time. Hence, although UPC between the 2001 and 2011 Censuses was relatively large in Tendring District, the 2014-based SNPP draws trends from a period where methods of estimation were improved (rather than the early 2000s) and are likely to remain a robust and suitable starting point for projecting population growth.
- 2.10 Furthermore, the Council's evidence also makes an error of judgement when it seeks to place all of the blame for the population discrepancy on international and internal migration. The ONS's UPC data tool (published in July 2015) indicates that rolling forward the population estimates from the 2001 Census was at least partly to blame for the discrepancy in the Mid-Year Population Estimates [MYE].
- 2.11 **Given the significant uncertainties concerning what caused the UPC error in the first place; when it occurred between 2001 and 2011; and whether it is still happening in the future (for which there is no robust evidence), it is entirely inappropriate to base the District's Local Plan housing strategy on this scenario. Moreover, unless this is done on a consistent basis within and between HMAs, such UPC adjustments will lead to significant unintended consequences.**

¹ ID: 2a-015-20140306

² ID: 2a-017-20140306

³ONS (January 2014): 2012-based SNPP: Report on Unattributable Population Change

⁴ibid

- 2.12 It should be noted that adjustments for UPC have previously been considered by Local Plan Inspectors, and the notion of adjusting or correcting migration to address UPC has been comprehensively rejected for both the Eastleigh Local Plan⁵ and the Vale of Aylesbury Plan Strategy⁶.

Recent Population Growth

- 2.13 The Council's housing consultants consider that for Tendring District the official ONS SNPP and CLG SNHP are not robust and over-state levels of growth due to UPC mis-recording net migration. The passage of time since the SNPP base date means that new MYE data is now available by which the SNPP can be verified and updated to reflect the actual population. The PPG requires this information to be taken into consideration when adjusting household projection-based estimates of OAHN⁷.
- 2.14 The 2016 MYE indicate that the total population of Tendring District was approximately 1,400 higher than projected by both the 2012-based and 2014-based SNPPs. Furthermore, the rate of growth between 2013 and 2016 has been significantly higher than either of the SNPPs projected, whilst the contribution of net migration to population growth has been between c.1,610 and c.1,980 higher than the SNPPs projected.
- 2.15 This not only provides justification for applying a level of growth that is above that anticipated by either the 2012- or 2014-based SNPPs (since these projections have already been significantly exceeded in the first three years); it also very clearly demonstrates that **the SNPPs have not over-estimated potential population growth and that no downward adjustment is therefore required to take account of UPC.**

Household Formation Rates

- 2.16 Lower levels of household formation rates between 2001 and 2011 (which informed both the 2014- and 2012-based SNHPs) are likely to reflect recent constraints on housing availability and affordability (both through supply-side factors such as house building and demand-side factors such as mortgage availability and household incomes) which have unduly suppressed household formation. Any rate of household formation which continues to perpetuate such suppressed household formation rates is essentially suppressing a household's ability to form in the future (thereby reducing estimates of need).
- 2.17 This has not been taken into account by the Council's housing consultants in their OAHN modelling. **Future scenarios should seek to accelerate headship rate formation to better reflect longer term trends, particularly for younger age groups.**

Realistic Assessment of Job Growth

- 2.18 The PPG requires an assessment of likely job growth to be undertaken, looking at past trends in job growth and/or economic forecasts, whilst also considering growth in the working age population⁸. We have significant concerns regarding the robustness of the approach used to help justify the 550 dpa, and particularly the extent to which a bespoke Experian projection relies on Hollis's UPC-modified data inputs to generate a much younger age profile. We are also

⁵Eastleigh Borough Local Plan, Inspector's Report, February 2015

⁶Vale of Aylesbury Plan Strategy Examination, Inspector's Report on DtC and Soundness Tests, January 2014

⁷ ID: 2a-017-20140306

⁸ ID: 2a-018-20140306

concerned about the increasing reliance on unusual assumptions concerning unemployment and economic activity and the resultant peculiarities in the resultant Experian modelling. **All of these points risk under-estimating the number of new homes required to align with future employment growth in Tendring.**

Meeting London's Unmet Needs

- 2.19 The London Plan has an unmet need of between 9,000 and 20,000 homes per annum. This unmet need may manifest itself in Local Authority areas accessible to London, such as Tendring. Recognising this, the NPPF requires such needs to be met in accordance with the duty to cooperate, with surrounding areas having to meet London's unmet needs.
- 2.20 PBA makes no addition to Tendring's OAHN to meet any of London's unmet needs. Based on relative migration and commuting analysis, **TDC should be accepting a suitable proportion of London's unmet housing needs in addition to the District's own OAHN.**

Affordable Housing Needs

- 2.21 An understanding of the level of affordable housing need that exists in a local area represents an important element in the assessment of the OAHN. City & Country has significant concerns regarding the robustness of some of the SHMA's assumptions underpinning the resultant need of 163 affordable units annually in Tendring, including the decision to remove all single person households aged under 35 from the revised calculation of affordable housing need if they can afford the LHA shared room rate. **This and other non-standard adjustments risk under-estimating the true level of affordable housing need, which could necessitate an uplift to the 550 dpa.**

Summary

- 2.22 In summary, against the requirements of The Framework, City & Country considers that the Council's assessment of objectively assessed need is flawed and fails to cater fully for demand. TDC's housing consultants have failed to correctly use the latest SNHP as the starting point in assessing housing needs; they have made erroneous adjustments to past migration trends to address UPC (around which there is considerable uncertainty); more recent population estimates and accelerated headship rates suggest that the SNHP could actually be under-estimating future household growth; and there are no suitable adjustments for addressing affordable housing need, economic growth or the wider unmet needs of Greater London.
- 2.23 Much of the work done by TDC's housing consultants since the 2015 Edge Analytics report has simply been to back-fill and retrospectively justify the 480 dpa figure (with a 15% uplift for market signals to get to 550 dpa) by using a supply-led approach. We consider that this approach does not accord with the PPG or recent High Court Judgements on the matter.
- 2.24 The 550 dpa target in Policy SP3 falls well short of the demographic starting point of 614 hpa between 2013 and 2033 (625 hpa between 2013 and 2037), which would rise to 662 dpa (674 dpa to 2037) following the application of a suitable allowance⁹ for vacant units/second homes. The application of a 15% market signals uplift would raise this figure still further, to 761 dpa

⁹An overall vacancy rate of 7.2% for Tendring District was used by Edge Analytics in their work on the OAHN calculation in *The Greater Essex Demographic Forecasts 2013-2037 Phase 7 Main Report (2015)*

(775 dpa to 2037). This is 38% higher than the Council's adjusted housing target before any of the other suggested adjustments are made for accelerated headship rates, economic growth needs, affordable housing requirements, London Plan unmet need contributions and so forth.

3.0 Recommended Changes

- 3.1 In order to address the conflicts above and ensure that the policy criteria set out within Policy SP3 are sound, it is requested that TDC:
- 1 Updates its housing evidence to meet objectively assessed development requirements. There is a need to undertake a more robust, evidence-based, approach to assessing the need for housing in TDC over the period 2013-2033, using the CLG's latest household projections as the starting point.
 - 2 Amends Policy SP3 to ensure the delivery of sufficient levels of housing to meet demand in the LPA area.
- 3.2 City & Country reserves the right to provide more detailed representations (including an independent assessment of housing needs) on Tendring District Council's OAHN during the next stage of the Local Plan.

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

Braintree District Council, Tendring District Council and Colchester Borough Council, have each published their own Publication Draft Local Plan for consultation. Section 1 is common to each plan. This response form can be used to respond to any part of the 3 Plans. It is important to specify which.

The 3 Plans have been published in order for representations to be made prior to submission of the documents to the Planning Inspectorate for examination. All representations will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

Each Local Plan has two parts:

Publication Draft Local Plan Section 1 - A set of strategic policies constructed in partnership between the three authorities and Essex

County Council. This means that the Section 1 policies are intended to apply across all three Local Authorities. These policies include those relating to Garden Communities, housing supply, employment, shopping and the environment. You can send your response to any one of the authorities as all responses to Section 1 will be collated. Only 1 response to the 3 authorities is required.

Publication Draft Local Plan Section 2 - relates to the specific district, contains more detailed policies and is used to determine planning applications. If you wish to comment on the Braintree Publication Draft Local Plan Section 2 you should send your comments to Braintree District Council.

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planningpolicy@braintree.gov.uk or by phone on 01376 552525 and ask for Planning Policy.

Part A - Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Council's websites and included as part of the Publication Draft Local Plan submissions to the Inspector. Address and contact details will be removed from published responses. (Village/town shown).

The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

Part B - Representation

Please specify which section of the Publication Draft Local Plan your comments relate to, by choosing one of the following;

Section 1 A response to this section will be reported to all 3 authorities.

Section 2 Colchester
Section 2 Tendring
Section 2 Braintree } These plans are specific to each authority.

Which part of the plan are you responding to (please use one form per submission):

Paragraph: for a representation on wording or paragraph content

Policy: for a representation on the wording or inclusion or omission of a policy

Other: for example a map inset number, site reference or the wording or content of tables or appendices

Legal Compliance and Duty to Co-operate

If commenting on how the Publication Draft Local Plan has been prepared, it is likely that your comments will relate to a matter of legal compliance.

The Inspector will check that the Plan meets the legal requirements

You should consider the following before making a representation on legal compliance:

- The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed.
- The process of community involvement for the Plan in question should be in general accordance with the Statement of Community Involvement (SCI).
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations; making them available on its website and at its principal offices. It must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA must provide a Sustainability Appraisal Report. This should identify the process by which it has been carried out, baseline information used to inform the process and the outcomes of that process.
- LPAs will be expected to provide evidence of how they have complied with the Duty to Co-operate.
- Non-compliance with the duty to cooperate cannot be rectified after the Plan's submission. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

Soundness

Soundness is explained in National Planning Policy Framework (NPPF) paragraph 182. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

More details and further guidance on what is meant by the term 'soundness' can be found below and at; www.planningportal.gov.uk

Positively prepared

This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate, robust and credible evidence base.

Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, sound infrastructure delivery planning and no regulatory or national planning barriers. It should be flexible to changing circumstances

Consistent with national policy

The Plan should be consistent with national policy. Departure must be clearly justified.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered, how is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

Using the spaces provided please give details of why you think the Publication Draft Local Plan is not 'sound having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. **If your representation is over 100 words please include a summary of its main points in the box provided.**

It will be helpful if you also say precisely **how** you think the Plan should be modified. Representations should cover succinctly all information, evidence and supporting information necessary to support/justify the representation and suggested modification, as there will not normally be a further opportunity to make submissions based on the original representation made at publication.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

All the formal representations received during this stage will be submitted to and considered by the appointed independent Planning Inspector at the public examination on the Plan. The process is likely to include public hearings. The Inspector will determine the most appropriate procedure to adopt to hear those who choose to participate at this stage. If you would like to appear and speak at the hearings, please state this and explain in the space provided why you consider it is necessary that you participate.

Representations can be sent:

- Via the Council's online consultation portal: www.braintree.gov.uk/publicationdraftLP
- Via a representation form which can be downloaded from the website and returned via email to localplan@braintree.gov.uk
- or by post to:
**Planning Policy,
Braintree District Council
Causeway House
Braintree
CM7 9HB**

For internal Use only	ID:	Rep No:	

Draft Local Plan RESPONSE FORM

Responses are encouraged via the council's online consultation system available on the website, see www.braintree.gov.uk/newlp However, this form can be returned electronically to **localplan@braintree.gov.uk** or in hard copy if necessary to:

Planning Policy, Braintree district Council, Causeway House, Bocking End, braintree, CM7 9HB
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

This form has two parts:
Part A - Personal Details and Part B - Your comments

PART A

1. Personal Details

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation <i>(Where relevant)</i>	<input type="text"/>
Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

2. Agent's Details (if applicable)

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation	<input type="text"/>
Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

PART B

REPRESENTATION FORM

Please Note: If your representation relates to Section One of the North Essex Strategic Plan / Garden Communities you only need to respond to one of the Local Authorities. All representations received by Braintree, Colchester and Tendring relating to Section One of the Plan(s) will be submitted together.

You do not need to return this form if you have completed a response using any of the Council's online systems for this consultation. Duplicates will not be considered

Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

If you do not consider the Local Plan is sound, please specify on what grounds:

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Continue onto next page

If your representation is more than 100 words, please provide a brief summary here:

Please specify the changes needed to be made to make the Plan sound / legally compliant

Do you wish to participate at the oral part of the examination?

Yes No

If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

- When the document is submitted for independent examination?
- When the Inspectors Report is published?
- When document is adopted?

Braintree & Tendring: Return by 5pm 28th July 2017
(responses to section 2 Braintree and Tendring will not be accepted after this date. After this date responses to Section 1 should be sent to Colchester Borough Council)

Colchester: Return by 5pm 11th August 2017

Representations Tendring District Publication (Regulation 19) Draft Local Plan

Our reference: Accompanying Statement SP-CC-GB02

By Strutt and Parker LLP on behalf of City & Country, in respect of the Tendring District Publication (Regulation 19) Draft Local Plan and three sites at Great Bentley which are considered suitable for residential development: Land West of Plough Road; Land North of Thorrington Road; and Land South of Thorrington Road.

Background

1. This Accompanying Statement accompanies one of two representations submitted by Strutt and Parker LLP on behalf of City & Country in respect of land at Great Bentley. City & Country are actively promoting the residential development of three sites in Great Bentley. These sites and the Draft Publication SA references are as follows:
 - Land South of Thorrington Road (GB6).
 - Land North of Thorrington Road (GB7); and
 - Land West of Plough Road (GB8);
2. Representations in respect of all of these site were made in response to consultation on the previous iteration of the Local Plan – the Tendring District Draft Local Plan (2016) (Regulation 18).
3. All three sites have been the subject of recent planning applications. All three have been subject to detailed technical studies which have been submitted to the Council and which demonstrate the sites can be delivered for housing sustainably.
4. Land South of Thorrington Road is currently subject to an outline planning application for a Health Centre, up to 40 dwellings, additional land for Great Bentley Primary School and associated foul pumping station, infrastructure and public open space (reference 17/01098/OUT). This application is currently under consideration.
5. Land North of Thorrington Road was subject to an outline planning application for 75 dwellings with associated infrastructure, landscaping and public open space (reference 16/02125/OUT) which was refused on 4 April 2017. The application is currently subject of an

appeal on which a decision has yet to be made. The site is currently subject to a revised outline planning application for erection of up to 75 dwellings with associated public open space, landscaping and infrastructure 17/01096/OUT.

6. Land West of Plough Road was subject to an outline planning application (reference 16/02127/OUT) for the erection of up to 75 with associated infrastructure and landscaping. The application was refused on 4 April 2017 and is subject of an appeal on which a decision has yet to be made. A revised outline application for up to 75 dwellings with associated landscaping, public open space and infrastructure is currently under consideration (reference 17/01097/OUT).
7. All three sites are considered to be sustainable and deliverable locations to help meet the District's development needs. However, as currently worded, the Local Plan does not propose allocation of any of the three sites for development.
8. This Accompanying Statement relates to Policy LP1, Policy SPL1 and Policy SPL2, and the accompanying Policies Map for Great Bentley of the Tendring District Publication (Regulation 19) Draft Local Plan (PDLP). It is detailed within this statement why these policies as currently worded render the Local Plan unsound, and the suggested changes to address issues of soundness.

Policy LP1

9. The NPPF places great emphasis on the need for planning to increase housing land supply, and is clear that Local Plans should seek to meet objectively assessed housing needs in full.
10. As set out within other representations submitted in response to this consultation by Strutt and Parker on behalf of City & Country, the PDLP is not considered to have appropriately acknowledged the extent of objectively assessed housing need in Tendring District.
11. The Council's calculation of objectively assessed need as being 550 dwellings per annum is considered to understate the extent of housing need. Therefore, Policy LP1's proposal to deliver a total of 12,001 new homes in the District by 2033 will not meet the District's housing need. As such, Policy LP1 cannot be considered consistent with national policy and the Local Plan as currently worded is not positively prepared.

12. Regardless of the position vis-à-vis the District and its objectively assessed housing need there is nothing within the NPPF which supports the imposition of limits on the number of new homes to be provided. The NPPF does not support housing growth being unnecessarily restricted, or the rejection of sustainable sites that have the potential to accommodate housing growth without justification. On the contrary, the NPPF calls for there to be a significant boost to housing land supply (paragraph 47); and, not only for every effort to be made to meet the housing, business and other development needs of an area, but also to respond positively to wider opportunities for growth (paragraph 17).
13. Whilst Policy LP1 of the PDLP makes reference to a minimum of 11,000 homes, it also (along with other policies and the Policies Maps within the PDLP, as discussed later this representation) limits growth to 12,001 homes.
14. Such an approach is not considered to be consistent with national planning policy, nor does it help achieve a positively prepared Local Plan.
15. In addition, it is noted that Basildon Borough Council has raised objections to the Local Plan on the grounds that it does not assist in meeting unmet need from elsewhere in the County. Having regard to this, it is considered particularly important that the Local Plan does not place arbitrary restrictions on growth.
16. As set out later within this representation, the PDLP has rejected the allocation of sites that are sustainable and deliverable for housing development; and the resultant number of new homes proposed through Policy LP1 reflects this. Accordingly, Policy LP1 is not justified.

Policy SPL1

17. Policy SPL1 is entitled 'Managing Growth' and comprises a list of settlements ordered into a settlement hierarchy.
18. However, Policy SPL1 as currently drafted simply list the settlement hierarchy and does not explain how this policy will be used to direct future development and growth in the District.

19. Policy SPL1 identifies Great Bentley as one of seven Rural Service Centres in the District.
20. It must be recognised that the NPPF notes the important role planning has to play in ensuring village communities are sustained. It states at paragraph 55 that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
21. Further to the requirements of the NPPF, the National Planning Practice Guidance (NPPG) explains how Local Planning Authorities should support sustainable rural communities. This states (at paragraph: 001 Reference ID: 50-001-20160519) the following:

“It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements.”

And

*“A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. **Rural housing is essential to ensure viable use of these local facilities**” (emphasis added).*

22. Having regard to the above, it is clear that the Local Plan should support the village economy and contribute towards local housing need if it is to be consistent with national policy.
23. If Policy SPL1 is intended to be used to distribute housing growth, with greater levels of growth being directed to higher tier settlements, it is important to avoid an overly simplistic approach to the settlement hierarchy and housing distribution, which would fail to direct development to the most sustainable locations. In respect of this, the examining Planning Inspector findings in respect of the 2014 Uttlesford Local Plan Submission document are relevant to note:

“Where it can be justified by relevant economic, social and environmental factors a case can sometimes be made to direct a greater or lesser amount of development to a settlement than

would reflect its strict place in the settlement hierarchy. Some of the factors discussed during the hearing (eg locally identified demographic and other needs, local constraints and opportunities, patterns of bus services, and inter-relationships between particular settlements) can be relevant to such decisions and can be considered in taking the plan forward”.

- 24 In short, the particular characteristics of settlements – and their potential to accommodate additional growth – should be accounted for in decisions regarding housing distribution.
- 25 In this respect, and in consideration of the appropriate level of growth to be directed to Great Bentley, it is necessary to consider the specific characteristics of the village.
- 26 Great Bentley, the village has a population of 2,381 (2011 Census) and is centrally located within the District and approximately 7 miles east of the large centre of Colchester.
- 27 The village benefits from access to pubs, restaurants and takeaways, a convenience store, a primary school, a doctors’ surgery and pharmacy, a sports club and grounds, a village hall and scout hut, Plough Road Business Centre, and accessible public open space, including allotments.
- 28 Great Bentley benefits from a railway station that is situated on the Sunshine Coast Line; a branch of the Great Eastern Main Line. This railway line provides regular connections between the village, Clacton and Colchester. In addition, London Liverpool Street is readily accessible from Colchester, thereby providing commutable access to London. Bus links are also provided within the village that afford opportunities for sustainable travel to the towns of Colchester, Clacton and various settlements in between.
- 29 Great Bentley provides a relatively large amount of employment for a settlement of its size, with the Parish Council reporting that businesses within the village collectively provide approximately 200 jobs.
- 30 The village is a vibrant rural community, home to a large number of community groups and events, including carnival and village show.

- 31 When combining the level of local service provision with the available public transport, it is clear that the settlement is a sustainable location to accommodate additional growth. Further, it will be critical that the Local Plan supports this thriving community and enables it to continue to grow.
- 32 However, notwithstanding Great Bentley's characteristics, its position within the settlement hierarchy and the requirement within the NPPF for rural settlements to be supported, the PDLP does not currently propose any additional housing allocation for the village. Instead, the only growth of the village that the Local Plan is currently seeking to facilitate is that which may occur through infill, intensification or through extant permissions.
- 33 Such an approach is not consistent with national policy. Furthermore, it is particularly problematic within the context of the PDLP not currently ensuring objectively assessed housing need will be met; and concerns raised by other authorities within Essex that the PDLP fails to consider the unmet development needs of South Essex.
- 34 The NPPF (paragraph 182) requires the Local Plan to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 35 Further, the Environmental Assessment of Plans and Programmes Regulations (2004) (the SEA Regulations) impose a number of requirements on Local Authorities in the preparation of Local Plans. These include the requirement that all reasonable alternatives be considered and assessed to the same level of detail as the preferred approach; and that the reasons for the selection of preferred alternative, and the rejection of others, be set out. The NPPF states (paragraph 165) that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process.
- 36 In respect of Policy SPL1, the SA/SEA states that the Settlement Hierarchy focuses the majority of the district's growth within the larger urban settlements (though it is not in fact clear that the policy does state this). Having regard to the above, the SA/SEA which accompanies the PDLP should consider and appraise reasonable alternatives in respect of both the total quantum of dwellings, and its spatial distribution.

37 However, in relation to its assessment of Policy SPL1 it is not clear from the SA/SEA why the alternative of directing a greater quantum of housing to Rural Service Centres, such as Great Bentley, has been rejected in favour of the approach set out in the PDLP. The SEA/SA does not appear to include a comparative assessment of potential housing distribution strategies, with the only alternative considered being to direct a greater quantum of development to Weeley.

38 The failure to direct a greater quantum of development to Great Bentley is not justified.

Policy SPL2, Policies Maps and the rejection of sites GB6, GB7 and GB8

39 For the reasons set out above, it is considered that the PDLP must be amended to: firstly, ensure the provision of a greater number of homes within the District over the plan period; and, secondly, direct a greater number of homes to the settlement of Great Bentley.

40 This section of this representation considers the rejection of three sites in Great Bentley, and whether such a decision is sound. The three sites in question are:

- Land South of Thorrington Road (GB6).
- Land North of Thorrington Road (GB7); and
- Land West of Plough Road (GB8);

41 Policy SPL2 states that outside of settlement development boundaries the Council will consider any planning application in relation to the Settlement Hierarchy and any other relevant policies in this plan. The PDLP also states (paragraph 3.2.3.1) that development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside. In short, the PDLP acts to restrict development of sites that are outside of the settlement boundary. Such sites include GB6, GB7 and GB8.

42 Each of these sites is examined in turn below.

Land South of Thorrington Road (GB6)

- 43 The NPPF and SEA Regulations require plans prepared to be the most appropriate strategy when compared with reasonable alternatives, for the reason for the rejection and selection of alternatives to be made clear, and for reasonable alternatives to be assessed to the same level of detail as preferred option. However, whilst the SA/SEA accompanying the PDLP includes assessment of site GB6, the reasons for the site's rejection are not clear from this.
- 44 Looking at the SA/SEA and its assessment of the site, it finds that its development for housing would have a number of positive impacts in relation to the SA objectives.
- 45 Allocation of GB6 for residential development has been assessed by the SA/SEA as having negative impacts on SA objectives relating to landscape, accessibility, education, and town centres. However, we question these findings.
- 46 The impact of the site in relation to these SA objectives, together with its merits as a residential allocation overall, are considered below.
- 47 The site Land South of Thorrington Road comprises approximately 2 hectares of arable agricultural land, and forms part of a wider field to the south and west. To the north, the site is bounded by Thorrington Road and to the east is a small agricultural holding. The site adjoins the public highway, where access is possible from Thorrington Road, which is subject to a 30mph speed limit.
- 48 The site is situated within Flood Zone 1 (land at low risk of fluvial or tidal flooding, and as per the Technical Guidance that accompanies the NPPF, suitable for any type of development, from a flood risk perspective).
- 49 The site is not constrained by any natural, historic or built designations; however, the site is situated within close proximity to a Conservation Area. As part of any future planning application, it is recognised that due consideration will need to be given to views from the Conservation Area. It is noted that a small cluster of listed buildings are situated within the Conservation Area to the east, including the Grade I listed Church of St Mary, therefore any residential development would also need to give due consideration to these heritage assets.

- 50 As part of the background work undertaken in respect of the planning application (reference 17/01098/OUT) currently under consideration for the development of the site, a Landscape and Visual Assessment was undertaken by Tyler Grange. This notes that the site-specific character of the site is assessed as being of ordinary value and low susceptibility to development of the nature and scale proposed. This results in the local landscape having a low sensitivity to the proposals. The LVA sets out that a suitably scaled development, such as the development proposed sets out that a suitably scaled residential development would be relatively inconspicuous in this location, due to the presence of the existing development to the north and east of the site.
- 51 The site is highly accessible by non-car means to amenities in the settlement the business areas of the town, as well as the centre and its community, leisure and shopping facilities. It is also close to local shops, services and the recreation area and facilities. Great Bentley Railway Station lies within a 5-minute walk, less than 250 metres to the north. A bus stop is also accessible, providing access to other settlements given its position on the 77 bus route.
- 52 Additional development in Great Bentley has the potential to assist in the provision of educational facilities for the community; and the provision of requisite educational facilities should be seen as a matter to be addressed through the Local Plan, rather than as a barrier to growth. In respect of the site's distance from educational facilities, this is an accessibility consideration rather than an education consideration per se.
- 53 The site was assessed as part of the Council's 2014 Strategic Housing Land Availability Assessment (SHLAA) as site RS 2.3. Through this, the Council considered the site to be unavailable for development, and questioned its achievability within the plan period. However, it should be recognised that this assessment was predicated on there being no developer interest. Clearly this situation has now changed, as the site is being actively promoted by an established house-builder. Consequently, in addition to being a suitable site it should also be considered achievable and available, i.e. it is deliverable.
- 54 It is considered that the site could accommodate a development that would be in keeping with its edge of settlement location, and the form and layout of nearby residential areas. Indeed, within the Council's assessment of within the SHLAA, it was determined that the site represents a sensible and logical location for the peripheral expansion of Great Bentley.

Furthermore, within the Landscape and Visual Technical Note, the following conclusion is made:

“The appropriate development of the site that includes the principles as set-out above will ensure that development of the site reflects the character of Great Bentley, whilst also respecting the landscape and visual context within which the settlement sits within the wider landscape... This includes the provision of a development that relates well to the existing settlement pattern, reflects local character and reinforces the landscape structure, including the creation of a boundary edge to Great Bentley through hedgerow and tree planting and sustainable urban drainage features incorporated within an area of public open space, providing a designed soft edge to the settlement”.

- 55 The site also gives rise to the potential for additional community facilities to be provided within Great Bentley. Planning application 17/01098/OUT proposes a new health centre alongside as part of the development of the site, for example.
- 56 The site’s allocation and subsequent The site performs positively against the economic, social and environmental roles set out in the NPPF.
- 57 The site is not only sustainable, but eminently deliverable. It is subject to few constraints that could pose particular delivery challenges; and is of a scale which would make a meaningful contribution towards housing need and supporting the community of Great Bentley, whilst being small enough to deliver in the relatively short-term, contributing towards meeting current housing need.
- 58 The failure of the PDLP to propose allocation of GB6 is not justified, and in overlooking an opportunity to boost housing land supply, help meet development needs, and contribute towards sustainable development, its rejection is contrary to national policy.
- 59 Allocation of site GB6 for residential development would be justified, effective and consistent with national policy. It would also contribute to ensuring the Local Plan is positively prepared.

Land North of Thorrington Road (GB7)

- 60 As is the case with site GB6, whilst the SA/SEA accompanying the PDLP includes assessment of site GB7, the reasons for the site's rejection are not clear from this. As with GB6, the SA/SEA finds that development of site GB7 for housing would have a number of positive impacts including in relation to the SA objectives.
- 61 The SA/SEA finds that it would have negative impacts on SA objectives relating to landscape, accessibility, education, historic environment and town centres. However, as with the assessment of GB6, we question these findings.
- 62 The site to the north of Thorrington Road comprises approximately 3 hectares of arable agricultural land. To the south, the site is situated adjacent to residential development, and to the east, the site is situated adjacent to residential development and a scout hut. To the north and west, the site is adjacent to open fields. The site is bounded, in part, by a hedgerow, including some mature trees. Taking into consideration the above built and natural features, it is considered that the site is relatively well contained.
- 63 The site includes an area of land under our client's control which connects it to Thorrington Road, enabling access to the site from this highway. Other potential additional access options (though not necessary per se for the delivery of the site) also exist, including to the east.
- 64 A Transport Feasibility Assessment was prepared by Vectos and was submitted alongside previous representations on the Local Plan. The report concludes that suitable vehicular and pedestrian access can be provided to the site, and the residential development of the land would have an acceptable impact on the local highway network. This assessment is based on the site delivering 75 to 90 residential unit, which it is considered, is an appropriate density for this edge of settlement location.
- 65 The site is situated within Flood Zone 1 and is not at risk of flooding from rivers or the sea. A residential use of the site would therefore be appropriate from a flood risk perspective. On this basis, it also considered that the site would be sequentially appropriate for residential development.
- 66 The site is not constrained by any natural, historic or built designations; for example, the site is not situated within a Conservation Area. It is noted that two Grade II listed buildings are situated to the south east of the site, therefore any residential development would need to give due

consideration to these heritage assets, but this would not preclude the site's development. Indeed, it should be recognised that this issue was considered through planning application 16/02125/OUT which proposed development of the site. Whilst the application was refused, impact on heritage assets was not a reason for refusal.

67 The built up area of the village adjoins the site on two sides, and the site is also bounded by a hedgerow with some mature trees. Given the context of the existing development at Great Bentley, it is considered that the impact of the residential development of the site on the wider countryside would be minimal, and development of the site would not encroach into the open countryside. It is considered that a development could be provided on the site that would be in keeping with the site's edge of settlement location, and the form and layout of nearby residential areas, which adjoin the site on two sides.

68 Indeed, as part of the survey work for the site, a Landscape and Visual Technical Note was prepared by Tyler Grange and submitted alongside consultation responses to previous iteration of the Local Plan. This concluded:

"The appropriate development of the site that includes the principles as set-out above will ensure that development of the site reflects the character of Great Bentley, whilst also respecting the landscape and visual context within which the settlement sits within the wider landscape... This includes the provision of a development that relates well to the existing settlement pattern, reflects local character and reinforces the landscape structure, including the enhancement of boundaries through additional tree planting and sustainable urban drainage features incorporated within an area of public open space, providing a soft edge to the settlement".

69 As with GB6, GB7 is not only sustainable, but also deliverable. It is subject to few constraints that could pose particular delivery challenges; and is of a scale which would make a meaningful contribution towards housing need and supporting the community of Great Bentley, whilst being small enough to deliver in the relatively short-term, contributing towards meeting current housing need.

70 The failure of the PDLP to propose allocation of GB7 is not justified, and in overlooking an opportunity to boost housing land supply, help meet development needs, and contribute towards sustainable development, its rejection is contrary to national policy.

71 Allocation of site GB7 for residential development would be justified, effective and consistent with national policy. It would also contribute to ensuring the Local Plan is positively prepared.

Land West of Plough Road (GB8)

72 As is the case with site GB6 and GB7, whilst the SA/SEA accompanying the PDLP includes assessment of site GB8, the reasons for the site's rejection are not clear from this. As with GB6 and GB7, the SA/SEA finds that development of site GB8 for housing would have a number of positive impacts including in relation to the SA objectives.

73 Allocation of GB8 for residential development has been assessed by the SA/SEA as having negative impacts on the same SA objectives as GB6, i.e. those relating to landscape, accessibility, education, and town centres. However, we again question these findings.

74 Land West of Plough Road comprises approximately 3 hectares of arable agricultural land, and forms part of a wider field to the south and west. To the north, the site is bounded by a residential property and to the east, the site is bounded by Plough Road. The site adjoins the public highway, where access is possible from Plough Road, which is subject to a 30mph speed limit.

75 A Transport Feasibility Assessment was prepared by Vectos was submitted alongside consultation responses to the previous iteration of the Local Plan. Within this report, it is concluded that suitable vehicular and pedestrian access can be provided to the site, where the residential development of the land would have a minimum impact on the local highway network.

76 The site is particularly well-located in relation to the railway station, located well within potential walking distance to the south of it. Further, the site is also located in close proximity to Plough Road Business Centre, which provide employment opportunities.

77 The site is situated within Flood Zone 1 and is not at risk of flooding from rivers or the sea. A residential use of the site would therefore considered to be appropriate from a flood risk perspective.

- 78 The site is not constrained by any natural, historic or built designations: it is not subject to any heritage, environmental or ecological designations that could restrict its development for homes.
- 79 The site was assessed as part of the Council's 2014 Strategic Housing Land Availability Assessment (SHLAA) as site RS 2.2. Through this, the Council considered the site to be unavailable for development, and questioned its achievability within the plan period. However, it should be recognised that this assessment was predicated on there being no developer interest. Clearly this situation has now changed, as the site is being actively promoted by an established house-builder. Consequently, in addition to being a suitable site it should also be considered achievable and available, i.e. it is deliverable.
- 80 Additional development in Great Bentley has the potential to assist in the provision of educational facilities for the community; and the provision of requisite educational facilities should be seen as a matter to be addressed through the Local Plan, rather than as a barrier to growth.
- 81 When considering the principle of development on this application site, it is considered important to recognise that application 14/01750/OUT was allowed on appeal in November of 2016, on the land on the opposite side of Plough Road (reference APP/P1560/W/15/3141016). demonstrates that development in this location would be highly sustainable in environmental terms as development would be accessible to services, well served by public transport and not reliant upon use of private motor vehicle.
- 82 It is considered that a residential development could be provided on the site that would be in keeping with its edge of settlement location, and the form and layout of nearby residential areas. Plough Road is already characterised by residential development to the north and east of the site. Through the Council's assessment of site RS 2.2 within the SHLAA, it was found that the site represents a sensible and logical location for the peripheral expansion of Great Bentley. Furthermore, within the Landscape and Visual Technical Note, the following conclusion is made:

“The appropriate development of the site that includes the principles as set-out above will ensure that development of the site reflects the character of Great Bentley, whilst also respecting the landscape and visual context within which the settlement sits within the wider landscape... This includes the provision of a development that relates well to the existing

settlement pattern, reflects local character and reinforces the landscape structure, including the enhancement of boundaries through additional tree planting and sustainable urban drainage features incorporated within an area of public open space, providing a soft edge to the settlement”.

- 83 Within the SHLAA, the Council has considered that the site is neither available nor achievable. This is not correct. The site is available to be developed and with developer interest, the site is also achievable within the short term, to make a demonstrable contribution to the Council’s supply of housing land, including affordable housing. The development, adjacent to the settlement boundary of the village of Great Bentley, would assist in providing a more even distribution of housing growth across the Borough and it would also assist in reducing the reliance on large strategic sites or more environmentally constrained sites, which may not be developable, especially in the short term. The site is sustainable and there are no significant constraints to delivery.
- 84 Land West of Plough Road, Great Bentley represents a sustainable and deliverable site for housing which could contribute towards a sound and sustainable strategy for growth in the District, either alone or in combination with other Great Bentley sites.
- 85 The failure of the PDLP to propose allocation of GB8 is not justified, and in overlooking an opportunity to boost housing land supply, help meet development needs, and contribute towards sustainable development, its rejection is contrary to national policy.
- 86 Allocation of site GB8 for residential development would be justified, effective and consistent with national policy. It would also contribute to ensuring the Local Plan is positively prepared.

Summary

- 87 Policy LP1, SPL1, SPL2 and the accompanying Policies Maps act to limit the number of dwellings to be provided within the District to below that required to meet objectively assessed needs; and fail to consider unmet needs in neighbouring areas.
- 88 Furthermore, these policies act in particular to restrict the sustainable growth of the settlement of Great Bentley.

- 89 The rejection of sites GB6, GB7 and GB8, the allocation of which has the potential to help address the aforementioned concerns, is not justified. These sites are sustainable and deliverable sites for residential development.
- 90 Allocation of Land South of Thorrington Road (GB6); Land North of Thorrington Road (GB7); and Land West of Plough Road (GB8) for residential development would be consistent with national policy, effective, justified, and would contribute towards ensuring the Local Plan is positively prepared.

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

Braintree District Council, Tendring District Council and Colchester Borough Council, have each published their own Publication Draft Local Plan for consultation. Section 1 is common to each plan. This response form can be used to respond to any part of the 3 Plans. It is important to specify which.

The 3 Plans have been published in order for representations to be made prior to submission of the documents to the Planning Inspectorate for examination. All representations will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

Each Local Plan has two parts:

Publication Draft Local Plan Section 1 - A set of strategic policies constructed in partnership between the three authorities and Essex

County Council. This means that the Section 1 policies are intended to apply across all three Local Authorities. These policies include those relating to Garden Communities, housing supply, employment, shopping and the environment. You can send your response to any one of the authorities as all responses to Section 1 will be collated. Only 1 response to the 3 authorities is required.

Publication Draft Local Plan Section 2 - relates to the specific district, contains more detailed policies and is used to determine planning applications. If you wish to comment on the Braintree Publication Draft Local Plan Section 2 you should send your comments to Braintree District Council.

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planningpolicy@braintree.gov.uk or by phone on 01376 552525 and ask for Planning Policy.

Part A - Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Council's websites and included as part of the Publication Draft Local Plan submissions to the Inspector. Address and contact details will be removed from published responses. (Village/town shown).

The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

Part B - Representation

Please specify which section of the Publication Draft Local Plan your comments relate to, by choosing one of the following;

Section 1 A response to this section will be reported to all 3 authorities.

Section 2 Colchester
Section 2 Tendring
Section 2 Braintree } These plans are specific to each authority.

Which part of the plan are you responding to (please use one form per submission):

Paragraph: for a representation on wording or paragraph content

Policy: for a representation on the wording or inclusion or omission of a policy

Other: for example a map inset number, site reference or the wording or content of tables or appendices

Legal Compliance and Duty to Co-operate

If commenting on how the Publication Draft Local Plan has been prepared, it is likely that your comments will relate to a matter of legal compliance.

The Inspector will check that the Plan meets the legal requirements

You should consider the following before making a representation on legal compliance:

- The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed.
- The process of community involvement for the Plan in question should be in general accordance with the Statement of Community Involvement (SCI).
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations; making them available on its website and at its principal offices. It must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA must provide a Sustainability Appraisal Report. This should identify the process by which it has been carried out, baseline information used to inform the process and the outcomes of that process.
- LPAs will be expected to provide evidence of how they have complied with the Duty to Co-operate.
- Non-compliance with the duty to cooperate cannot be rectified after the Plan's submission. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

Soundness

Soundness is explained in National Planning Policy Framework (NPPF) paragraph 182. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

More details and further guidance on what is meant by the term 'soundness' can be found below and at; www.planningportal.gov.uk

Positively prepared

This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate, robust and credible evidence base.

Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, sound infrastructure delivery planning and no regulatory or national planning barriers. It should be flexible to changing circumstances

Consistent with national policy

The Plan should be consistent with national policy. Departure must be clearly justified.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered, how is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

Using the spaces provided please give details of why you think the Publication Draft Local Plan is not 'sound' having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. **If your representation is over 100 words please include a summary of its main points in the box provided.**

It will be helpful if you also say precisely **how** you think the Plan should be modified. Representations should cover succinctly all information, evidence and supporting information necessary to support/justify the representation and suggested modification, as there will not normally be a further opportunity to make submissions based on the original representation made at publication.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

All the formal representations received during this stage will be submitted to and considered by the appointed independent Planning Inspector at the public examination on the Plan. The process is likely to include public hearings. The Inspector will determine the most appropriate procedure to adopt to hear those who choose to participate at this stage. If you would like to appear and speak at the hearings, please state this and explain in the space provided why you consider it is necessary that you participate.

Representations can be sent:

- Via the Council's online consultation portal: www.braintree.gov.uk/publicationdraftLP
- Via a representation form which can be downloaded from the website and returned via email to localplan@braintree.gov.uk
- or by post to:
**Planning Policy,
Braintree District Council
Causeway House
Braintree
CM7 9HB**

For internal Use only	ID:	Rep No:	

Draft Local Plan RESPONSE FORM

Responses are encouraged via the council’s online consultation system available on the website, see www.braintree.gov.uk/newlp However, this form can be returned electronically to **localplan@braintree.gov.uk** or in hard copy if necessary to:

Planning Policy, Braintree district Council, Causeway House, Bocking End, braintree, CM7 9HB
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

This form has two parts:
Part A - Personal Details and Part B - Your comments

PART A

1. Personal Details

Title

First Name

Last Name

Organisation
(Where relevant)

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

2. Agent’s Details (if applicable)

Title

First Name

Last Name

Organisation

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

PART B

REPRESENTATION FORM

Please Note: If your representation relates to Section One of the North Essex Strategic Plan / Garden Communities you only need to respond to one of the Local Authorities. All representations received by Braintree, Colchester and Tendring relating to Section One of the Plan(s) will be submitted together.

You do not need to return this form if you have completed a response using any of the Council's online systems for this consultation. Duplicates will not be considered

Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

If you do not consider the Local Plan is sound, please specify on what grounds:

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Continue onto next page

If your representation is more than 100 words, please provide a brief summary here:

Please specify the changes needed to be made to make the Plan sound / legally compliant

Do you wish to participate at the oral part of the examination?

Yes No

If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

- When the document is submitted for independent examination?
- When the Inspectors Report is published?
- When document is adopted?

Braintree & Tendring: Return by 5pm 28th July 2017
(responses to section 2 Braintree and Tendring will not be accepted after this date. After this date responses to Section 1 should be sent to Colchester Borough Council)

Colchester: Return by 5pm 11th August 2017

Representations Tendring District Publication (Regulation 19) Draft Local Plan

Our reference: Supporting Statement SP-GH-PDLP01

By Strutt and Parker LLP on behalf of Greenwich Hospital

Background and overview

1. This Accompanying Statement accompanies one of two representations submitted by Strutt and Parker LLP on behalf of Greenwich Hospital in relation to the Tendring District Publication (Regulation 19) Draft Local Plan (PDLP).
2. Greenwich Hospital own extensive areas of land to the north of Clacton and south of Little Clacton. A plan showing land owned by Greenwich Hospital is provided as **Appendix 1** to this representation.
3. This Accompanying Statement relates to Policy SP2 of the PDMP and why we consider that, in its present form, it is unsound.
4. This Accompanying Statement also sets out proposed amendments to the PDLP to correct issues in respect of the soundness of the Local Plan.

Policy SP2 - soundness

5. The NPPF is clear that Local Plans should seek to meet objectively assessed housing needs in full, and attaches great importance to this issue, making it clear that Local Plan must seek to do this in order to be sound.
6. Policy SP2 of the PDLP states that the Local Plan will seek to deliver a minimum of 11,000 new homes between 2013 and 2033 in Tendring District. This figure is predicated on there being an objectively assessed housing need for the District over this period equating to 550 dwellings per annum.
7. The concept that the Local Plan should be based on a strategy which treat objectively assessed housing need as a minimum figure to be met over the plan period is supported.

8. However, the identification of 550 dwellings per annum as the objectively assessed need for the period 2013-2033 is not supported.
9. It is considered that the Local Plan and its supporting evidence fails to robustly demonstrate that the need is as low as this, and that in fact the objectively assessed housing need is greater than 550 dwellings per annum.
10. The PDLP explains (paragraph 5.1.3) that the figure of 550 dwellings per annum is taken from the Objectively Assesses Housing Needs Study that was produced for Colchester Borough Council, Braintree District Council and Chelmsford City Council in 2015, and most recently updated in November 2016.
11. The November 2016 study (the OAHNS 2016) confirms at paragraph 8.35 that a range of between 500 and 600 dwellings per annum was identified as being the objectively assessed need for Tendring District.
12. Given that the NPPF calls for the full, objectively assessed housing needs for market and affordable housing to be met, where an objectively assessed housing need range has been identified as being between 500 and 600, it is considered that 600 should be used for the purposes of plan-making. This is necessary to ensure the Local Plan is consistent with national policy and positively prepared.
13. Of further concern is that the approach to calculating the objectively assessed need departs from Government guidance.
14. The starting point for determining objectively assessed needs, states the Planning Practice Guidance (PPG), is the sub-national household projections (SNHP) – the official projections published by the Department for Communities and Local Government. These official projections are the only statistically robust and entirely objective figures available.
15. Notwithstanding this guidance, the figure taken as the objectively assessed housing need for use in the PDLP has been derived from an alternative approach. The Council has identified an alternative ‘demographic starting point’, to which a market uplift has then been applied.

16. The alternative 'demographic starting point' identified by the Council is 480 dwellings per annum for the period 2013-2037. This is considerably lower than the starting point if one were to use the official projections, with the sub-national household projections suggesting 625 additional households per year in the District over the same time period.
17. Government guidance states that sensitivity testing may be applied to official projections to account for local circumstances.
18. However, in respect of Tendring District Council it is not the case that the official projections have been adjusted to reflect local circumstances; rather, the official projections have been disregarded.
19. Furthermore, the guidance makes clear that where adjustments are applied to official projections to account for local circumstances these must be justified and based on established sources of robust evidence. In the case of Tendring's calculation, there is considered uncertainty as to whether the figure of 480 dwellings per annum as a 'demographic starting point' (and consequently the objectively assessed need derived from this) is robust. For example, within the OAHNS (2016) itself it is stated that the revised demographic starting point:

"Should be treated with **great caution** because the size of the UPC made all demographic analysis potentially **subject to large error**". (Paragraph 8.34. Emphasis added).

And:

"For now, our analysis of the latest demographic data suggests that the correct 'demographic starting point' remains 480 dpa, with a **large potential error**." (Paragraph 8.37. Emphasis added).

20. It is clear that there is substantial doubt as to whether the revised 'demographic starting point' of 480 dwellings is appropriate.

21. Given this doubt, in the absence of an alternative figure, and having regard to Government guidance, the most appropriate figure to use as a starting point for the assessment of housing need would be 625 dwellings per annum as per the sub-national household projections.
22. Government guidance states that a record of under delivery may suppress household projections. In the case of Tendring District there has been a consistent record of under-delivery over a number of years, by the Council's own admission. Annualised completions have often fallen considerably short of targets.
23. It should also be noted that Government guidance recognises that changes in house prices is a potential indicator of imbalance between housing need and supply. Tendring District has experienced a 70% increase in house prices between 2002 and 2012, as reported in the OAHNS (2016) – the joint highest increase in Essex.
24. Further to the above, it is considered that a market uplift should be applied to the official projections. Indeed, the Council has already acknowledged this by applying a market uplift to its revised 'demographic starting point' to determine objectively assessed housing need. As such, the objectively assessed housing need for which the Local Plan should provide a strategy to deliver is greater than 625 dwellings per annum.
25. For the reasons set out above, Policy SP2 fails to meet objectively assessed housing need. As a result, the policy as currently worded is not consistent with national planning policy and would not result in a Local Plan that is positively prepared. Objectively assessed housing need should be reviewed and calculated having regard to Government guidance and official projections. Policy SP2 must be amended to seek to ensure this revised objectively assessed housing need if the Local Plan is to be sound.

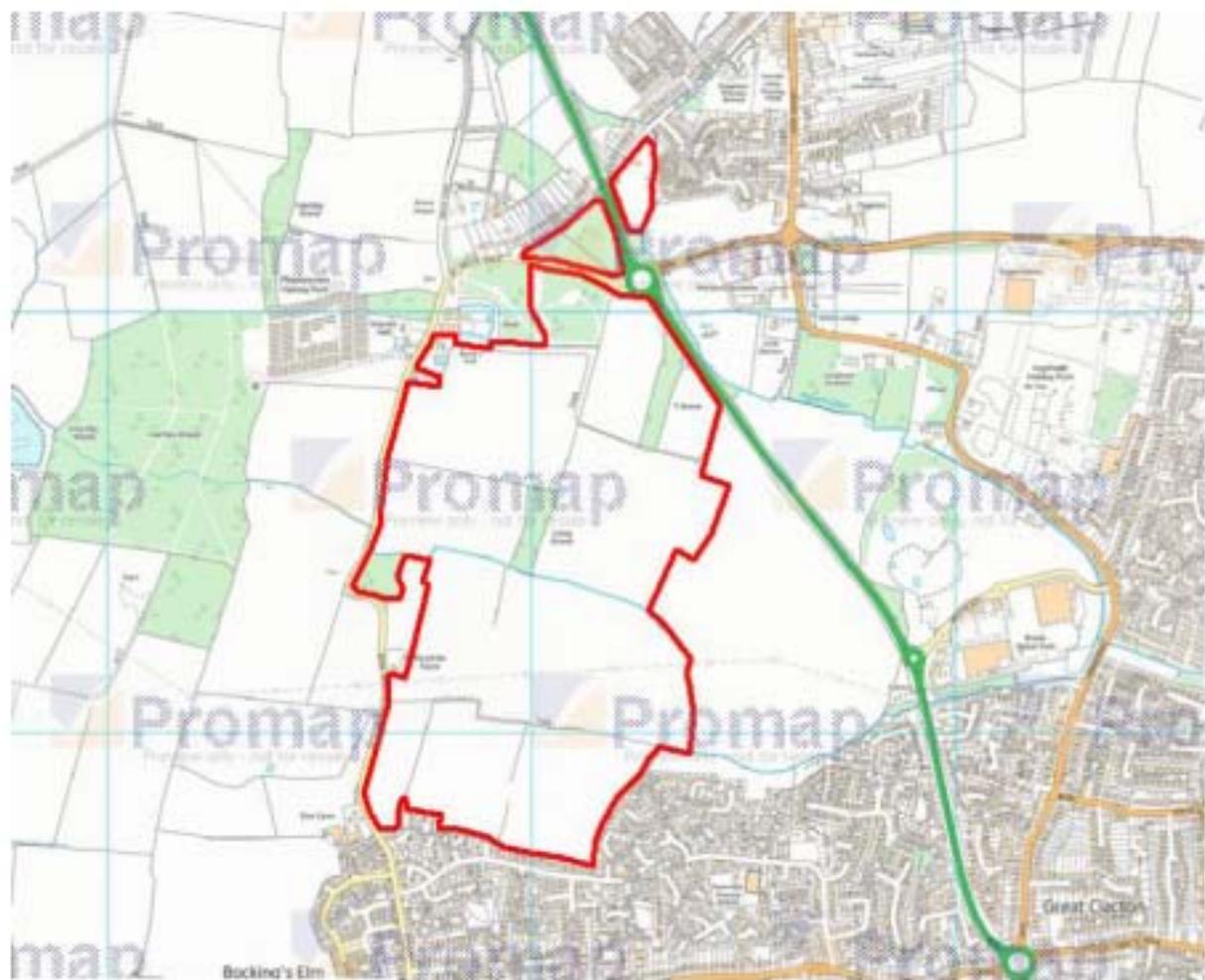
Policy SP2 – changes required

26. It is recognised that there is uncertainty surrounding the true scale of housing need in Tendring District. However, given this uncertainty – combined with the requirement to significantly boost housing land supply, and the social and economic importance of ensuring adequate housing land supply – it is considered wholly inappropriate for the Local Plan to seek to meet the lower end of the identified range.

27. For the reasons set out above, the objectively assessed need set out in Policy SP2 should be revisited having regard to the sub-national household projections and with a provision of a market uplift.
28. The above changes will necessitate the identification of additional land to that proposed through the PDLP to be allocated in order to meet the revised housing need.
29. Our clients, Greenwich Hospital, own land to the north of and adjoining Clacton; and to the south of and adjoining Little Clacton. An extent of this land is proposed to be allocated for mixed use development through Policy SAMU2 of the PDLP. However, additional land which is also sustainable and deliverable for residential development could be utilised to help address the current housing shortfall.
30. Clacton is a sustainable location to direct housing growth towards. The PDLP identifies it as a strategic urban settlement, which sits at the top of the District's settlement hierarchy. The PDLP describes such settlements as the most sustainable location for growth in the District. They benefit from a wide range of existing infrastructure and facilities; provide better opportunities for utilising alternatives to the private car; and have greater employment opportunities than lower tier settlements.
31. Growth to the north of Clacton is sustainable. The location has already been identified through the plan-making process as being sustainable for residential development, culminating in its proposed allocation in the PDLP, and justified by the accompanying Sustainability Appraisal / Strategic Environmental Assessment. Additional land within this location is available and can be utilised to help address the housing shortfall within the PDLP.
32. Alternatively, or in indeed potentially in addition to additional growth for Clacton, additional development to the south of Little Clacton also represents a sustainable option to address the housing shortfall. Little Clacton is an established Rural Service Centre – one of seven in the District. Such settlements are considered sustainable to accommodate a proportionate level of growth, albeit at lower levels to that which the higher tier settlements can accommodate. It is important that some housing growth is directed to rural settlements such a Little Clacton, to ensure their vitality is sustained and enhanced, as recognised by national policy at paragraph 55 of the NPPF.

33. Additional land owned by Greenwich hospital is not subject to any environmental, ecological or heritage constraints that suggest its development would be prohibited.

34. In light of the need to identify additional land in order to meet objectively assessed need, and to ensure the Local Plan is justified (that it is the most appropriate strategy, when considered against the reasonable alternatives, as per the requirements of paragraph 182 of the NPPF) the Council should consider the additional land shown within Appendix 1 of this representation as part of the plan-making process, for allocation for residential development through the Local Plan.



Our Ref: 1371/MR/PS/LT20170728

28th July 2017

Gary Guiver
Tendring District Council
Town Hall
Station Road
Clacton-on-Sea
Essex, CO15 1SE

MRPP

**MARTIN ROBESON
PLANNING PRACTICE**

*Town Planning Consultants
Development Advocacy*

21 BUCKINGHAM STREET
LONDON WC2N 6EF
TELEPHONE: 020 7930 0007
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By Email

Dear Sir/Madam,

RE: DRAFT REPRESENTATIONS TO THE TENDRING DISTRICT LOCAL PLAN (2013 – 2033) AND BEYOND (JUNE 2017)

On behalf of our client Britton Properties Ltd and its associated businesses, we submit representations to the above emerging Development Plan Document.

Our client is a highly active development company focused in the Tendring area where it has been active over the last three decades. As well as a developer with two recent major housing/mixed use schemes on the periphery of Clacton, it owns a significant employment estate providing accommodation for small to medium sized businesses.

Our client also holds a substantial stock of freehold and other land and interests across the District.

As a planning consultancy, we and our predecessor business have made representations to various Local Plan documents produced by Tendring District Council from the 1990's onwards.

One of our client's most significant developments is the Brook Retail Park on the outskirts of Clacton, as part of the development our client provided the adjacent Country Park.

Having acted for Britton Properties and related businesses for many years, we have a very good understanding of the social, economic and environmental issues affecting the District.

PART ONE

1.6 Vision for the Strategic Area

We have reservations in respect of the manner in which the Vision has been expressed. Whilst there may be "*constraints in many existing urban areas*" across North Essex, these are not so significant as to frustrate the greater proportion of future development needs that the respective districts face, in particular, in Tendring.

Martin Robeson Planning Practice is a trading division of Martin Robeson & Partners Ltd
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Indeed, at paragraph 1.41 and 1.42 the focus on growth is very fairly put in the context of “*the urban area of Colchester*” and in “*Clacton and Harwich with Dovercourt are classified by Strategic Urban Settlements and...will accommodate around 5,000 new homes*”.

Indeed, Policy SP2 whilst recognising that the garden communities will be “*part of the sustainable strategy for growth*” it explains that they will accommodate around 7,500 additional homes within the plan period. In the context of the growth that existing settlements will be tasked with accommodating, this is a relatively modest proportion.

The Vision therefore needs to better articulate the manner by which the existing urban areas will meet these challenges going forward. Such a challenge is recognised in respect of the garden communities, for example later at paragraph 1.83 but that and the challenge for the existing urban areas could be better articulated as part of the Vision.

In particular, the Vision needs to reflect the particular challenges and issues for delivery wherever development is to be located (see the reference at 1.30 in terms of providing growth in sustainable forms and at 1.83 where the garden communities will face particular “*challenges*”).

The Vision also fails to address the needs to have secured economic success across the District particularly in light of the strategic objectives at paragraph 1.31 explaining the need to “*foster economic development*” which is defined as including the need to “*strengthen and diversify local economies...*”.

Policy SP1: Presumption in Favour of Sustainable Development

Whilst this is largely a reproduction of the relevant policy text in the NPPF, we note that paragraphs 1.36 and 1.37 are inappropriately casted. Paragraph 1.36 is written on the basis that there are “*no policies relevant to (note the typographical error here) the application or relevant policies are out of date...*”, yet in the following paragraph at 1.37 the decision maker is asked to have regard to “*...the Plan...*” in terms of whether it “*indicates that development should be restricted*”. This is clearly a non sequitur and should be amended in order to be consistent with National Policy.

Policy SP2: Spatial Strategy for North Essex

We generally support the approach set out in this policy but would recommend that the first sentence of the second paragraph includes reference to the “*improvement*” of existing settlements through future growths. The Plan would thus be more positively prepared.

In addition, the Plan appears to limit itself unnecessarily to explaining how sustainable development principles can be best applied to achieving the spatial strategy by giving only one such example i.e. through ensuring that development locations are “*accessible by a choice of means of travel*”. Ensuring sustainable growth and development has a number of other important principles that can usefully be expressed within such an important policy, for example improving the conditions in which people live, work, travel and take leisure.

Whilst not part of the policy text, we are very concerned that at paragraph 1.38 there is a reference to “*The countryside will be protected...*”. The NPPF/NPPG specifies the

extent to which the natural environment should be conserved and highlights the importance of protecting and enhancing valued landscapes, best agricultural land, AONB's and wildlife, it however does not state that the countryside should not be protected for its own sake. We consider that designations providing protection across rural areas need to be focused on achieving a particular task. This approach is, in fact properly put at paragraph 1.23 of the Plan where it refers to protection of "*natural and historic landscapes, areas of importance for nature conservation and heritage assets*". This is an important point because the approach to protection in the countryside is picked up by part 2 policies later and it is important that the part 1 approach is consistent with National Policy and properly justified.

Policy SP4: Providing for Employment and Retail

The reasoned justification focuses (e.g. at paragraph 1.50 on the Plan providing for "*more jobs*" and achieving a "*better balance between their location i.e. with housing*". However, the Plan should make clear that the focus should also be on making the relevant districts attractive to inward investment, in that regard and in other respects securing economic success and performance across diverse sectors. These important facets appear to be missing and in order for the Plan to be properly articulated in terms of the Plan being positively prepared, justified, effective and consistent with National Policy.

In terms of the requirements for Employment Land it is wholly unacceptable that the future of these three districts are being planned on the basis of such wide differentials between the two scenarios for example nearly up to 154%. This does not make for effective plan making because of the uncertainty that will result. For example, if the higher growth scenario is adopted there could be considerable amounts of land identified for employment development that does not then come forward and could constrain sites that are otherwise suitable for development from being able to provide for housing, retail or for other purposes.

Whilst the policy relates to the provision for Employment and Retail, nowhere in the policy are retail needs considered, assessed or planned for. This is a fundamental flaw in the drafting of the Development Plan which as a result is ineffective, inconsistent with National Policy (the NPPF at paragraph 20 requiring Local Authorities to plan proactively to help achieve economic growth) and fails to be positively prepared.

Policy SP6: Place Shaping Principles

We are concerned that the policy starts by requiring that all new development "*must meet the highest standards of urban and architectural design*". The use of the superlative is inappropriate bearing in mind, for instance, paragraphs 50 and 57 of the NPPF requires "*high quality*" and paragraph 56 refers to "*good design*". Whilst our client always strives to ensure that development that is carried out is of such quality, the Development Plan must reflect National Policy i.e. in terms of consistency.

We note that the Vision for the Strategic Area refers only to "*residents will live in high quality...homes...*" and that in the garden communities there is a recognition that and in what we understand to be Policy SP8 (Tendring/Colchester Borders Garden Community) the "*placemaking and design quality policy refers also to, "...high*

standards of design and layout". The policy should be amended to replace 'highest' with 'high'.

PART TWO

2.1 Vision for Tendring District

We support the general principles, structure and content of the Vision. It will be challenging to secure this and it is thus important that the ensuing policies focus on the necessary delivery to achieve this. We are not content that in several respects such policies do have the necessary focus and content to do this.

We note in particular the improvements necessary to enhance Clacton-on-Sea to make its economy a success through investment in sectors including retail, leisure, hospitality and health.

We also note and support that the smaller towns and larger villages will have secured *"modest levels of new housing and employment development"* for the latter settlements, the reasoning i.e. *"to support local shops and services, address local issues, provide for local needs..."* is a worthy and necessary ambition.

2.2 Objectives for the Plan

We have concern regarding how the Employment/Commercial and Retail Development objectives are cast.

Objective Two: Employment/Commercial

The objective focuses solely on using the provision of employment land to secure employment opportunities albeit it recognises that this should *"support a diversity of employment opportunities"*. We identify later in respect of the specific policy that non-traditional i.e. B Class employment is not addressed and the objective should ensure that the nature of these opportunities to be created are widely cast. That would be consistent with the Vision for the District for example within its paragraph 3 where Clacton principle urban settlement is seen as accommodating a significant resurgence in its economy with job opportunities in the retail, leisure, hospitality and health sectors too.

Thus, the objective should not limit itself to the development of *"Employment Land"*, such jobs will be created through a variety of mechanisms and the objective should also recognise the need to foster economic success through inward investment.

By way of example the Plan at paragraph 3.1.2.6 recognises that the visitor and tourism sector is worth more than £353m per annum to the economy and is estimated to provide 7,900 jobs across the District and that the majority of these are located in and around Clacton.

Objective Three: Retail Development

The objective is severely limited and will not be able to meet the stated Vision. The NPPF explains that the promotion of the vitality and viability of town centres is predicated against the provision of *"customer choice and a diverse retail offer"*. There is considerable leakage of expenditure, primarily in comparison goods, to Colchester. Clacton town centre is identified as a major town centre in the hierarchy above Harwich and Dovercourt and thus is the focus for retail and related development across the

District. In order to achieve the aims set out in the Vision the relevant objective here needs to be more widely cast in terms of how the centre can improve its competitiveness and attraction for its very broad catchment area which extends across much of the District and including its major towns.

Objective Six: Sustainability

This objective is too limited in its intent. Tendring District has a population of 141,000 (2015) and its main settlements are expected to provide a wide range of facilities for many of those residents, be it in terms of employment, shopping, education and otherwise.

However, the objective is limited to satisfying “*day-to-day*” needs in these respects and that is clearly inconsistent with the designated role and function of not only Clacton-on-Sea but also Harwich and Dovercourt. The objective as cast will not be able to achieve the Vision in terms of delivering the “*significant resurgence*” in retail, leisure and other sectors.

As a consequence of change to the objective and other text in the Plan for example at paragraph 3.0.1 will need to be amended and for information the 2011 census population approximately 138,100 and the number of households 62,105 which is equivalent to the size of Cambridge.

Objective Ten: Tourism Promotion

The objective is too limited. It focuses solely on the ability on the Council to work with relevant partners to provide an enhanced environment for tourism. The tourism sector can be developed in accordance with the Vision by the private sector playing a key role in delivery new leisure and hospitality facilities. The objective thus needs to be more widely cast in order to capture the need for qualitative change to improve facilities and make Tendring a more attractive destination. The value of tourism in Tendring is highlighted in paragraph 3.1.2.6 of the Plan with the sector worth £353m per annum and providing 7,900 jobs across the District.

3.1 Spatial Portrait

The underplaying of the task being faced by the Council is also apparent in its approach to new retail development e.g. at paragraphs 3.1.2.7 to 3.1.2.9. This focuses solely on quantitative requirement for floorspace i.e. in terms of continuing the status quo relationship between household expenditure and existing floorspace. It has no regard to the need to improve the quality of existing floorspace and, make the District a “*Sustainable Place*”. Such is to enhance reliance on local facilities and reduce the need to visit larger centres such as Colchester. Indeed, the evidence base accepts that there is a need to improve the quality of retail floorspace across the District.

The approach should draw from the explanation put at paragraph 3.2.1.1.1 explaining that the Strategic Urban Settlements are “...*the most sustainable locations for growth as well as providing locations where*” “...*significant number of additional new jobs...and housing growth on a larger scale*” will be achievable. We consider that the objective is ineffective and not positively prepared.

Policy SPL 1: Settlement Hierarchy

We support the approach set out to the settlement hierarchy.

Policy SPL 2: Settlement Development Boundaries

We support the three-tier approach to development within settlement boundaries as predicated by the policy and explained in the text at paragraph 3.2.3.1.

However, the text at paragraph 3.2.3.2 is not well cast. It needs to be more clearly written in order to be effective. What we understand it is seeking to say is that any new residential development outside Settlement Development Boundary will be limited to small infill sites in villages. The paragraph cannot be interpreted as relating to settlements that have their own Development Boundaries. The policy has therefore not been positively prepared.

Policy SPL 3: Sustainable Design

Whilst we generally support the broad content of this policy, there would seem to be elements of it that could sensibly be delegated to a Supplementary Planning Document.

Policy HP3: Green Infrastructure

The policy explains that such Infrastructure is identified on the Policy Map. This map includes a resource locally referred to as the Pickers Ditch Walkway. This skirts much of the existing Clacton Urban Area from Holland-on-Sea in the east to Jaywick in the west. However, considerable lengths of the original initiative were never completed. Our client secured planning permission (16/0125/OUT) for a mixed-use development on a site known as Brook Park West, which provided a significant enhancement to this Green Infrastructure and this is shortly to be dedicated to the Local Authority. The Proposals Map relating to Clacton will thus need to be amended to reflect this extended area.

Policy HP5: Open Space, Sports and Recreation Facilities

Whilst we have no specific concern with the content of this policy, the detail and its explanation might be more appropriately put in related Standards or a SPD.

The development industry will, however, be focused on how new residential development should provide appropriate open space. That is dealt with in two paragraphs on page 106. However, there is no heading to these two paragraphs of text.

The policy text needs to recognise that as well as the exceptional cases where provision might be best met off-site, there can be circumstances where adjacent recent urban development has, for whatever reason, over provided public open space and thus there is a local net excess arising from recent development that can be applied to new planning applications. This would ensure that land is used sustainably and effectively whilst appropriate open space in accessible locations is provided. We therefore consider that this part of the Policy is not justified.

Policy LP4: Housing Layout

The criteria (e and f) are not well expressed. Indeed, there is confusion when they are read together. It would seem to be wholly unsustainable for development within the urban area of Tendring's towns to be at densities "*in keeping with the semi-rural nature*" of much of the District. Indeed, criterion (f) appears to accept that the density

of new development within settlement boundaries should be *“in keeping with the urban nature”* of the District.

The two criteria need to be recast to make them effective and consistent with National Policy.

Policy LP5: Affordable and Council Housing

The Council have added a reference to viability testing in the second paragraph of this policy but it needs to be made clear that the Council is not anticipating that planning applications proposing less than 30% as affordable or Council housing. The text needs to clarify that development providing a lesser quantum can be acceptable subject to a viability appraisal demonstrating that 30% is not economic.

The alternative of providing a minimum of 10% of new dwellings to the Council or its nominated partner likewise also needs, in relevant circumstances to be subject to viability testing. The 10% provision (often at nominal cost to the recipient), will not always be financially viable yet the wider development will be desirable. Thus, reference must be made to the need for viability testing for schemes that provide less than 10% of new dwellings.

In the fourth paragraph of the policy there is a reference that the design of affordable and market housing should have *“no noticeable difference”*. This would appear to create an unnecessarily constraining influence on the work of relevant designers. The relevant products can quite subtly appear different and indeed meet with the objectives of Sustainable Design. The policy should encourage good design, whatever the product and refer back to the criteria (whether in policy text or delegated to Standards, the content at policy SPL3).

Section 6: Prosperous Places

We have already raised concerns with the casting of the strategic objectives relating to Employment/Commercial and our concern needs to be repeated in the opening text of chapter 6 sets out only that objective which is based upon the provision of *“Employment Land”* which we understand (notwithstanding the lack of any definition in the Glossary as meaning the land to be used for B Class purposes (consistent with the requirement identified in the evidence base and referred to at paragraph 6.5.9 of the Plan). That then translates into the opening text at policy PP 6: Employment Sites.

Whilst the Plan deals with retail and tourism it fails to address the real *“diversity of employment opportunities”* that the District needs to foster. This is recognised in the Vision in terms of a significant resurgence of the economy *“with new job opportunities in the retail, leisure, hospitality and health sectors”*. However, there is little, if any analysis of the scale, role and function of jobs in terms of jobs in non-B Class sectors. This seems to be a fundamental deficiency in the preparation of the Plan through the various evidence basis. This is notwithstanding the reference to the Council having undertaken *“extensive consultation with residents and businesses”* from whom it is said to be *“...clear that delivering a strong economy that provides more jobs for local people is a high priority...”* see paragraph 6.0.3.

Policy PP 1: New Retail Development

We object to this policy since it is not well justified and unlikely to be effective. The opening paragraph of the policy seeks to maintain the existing market share between centres. Yet it is clear including from the WYG evidence base that there is a need to rebalance the relationship between the District's Main Town Centre, Clacton and the draw that residents of the District have towards, in particular, Colchester. Indeed the WYG 2016 Retail Study at paragraph 7.31 – *“this shows there is a qualitative need to improve the existing facilities in the District to attract residents to shop locally”*. Indeed, the evidence explains that *“if no improvements are secured then this expenditure leakage could increase to £237.6m by 2020, this is comparable to the level of money that is currently retained within the District to 2015, demonstrating the scale and magnitude of the expenditure leakage currently occurring”*.

Furthermore, the policy refers only to the quantitative needs assessed by WYG not the qualitative requirements that come from deficiencies in the nature of existing floorspace in the existing towns as well as from the need to address the leakage of trade out of the area to higher order centres.

The policy is therefore wholly unbalanced in terms of referring only to quantitative need and not encouraging the need for qualitative enhancements to improve consumer choice and competition.

The final part of the policy relates to development being restricted in *“scale”*. The concept of control over scale was removed from Government Policy prior to the publication of the NPPF. In the November 2010 version of PPS4.

In light of the above we consider this policy is not effective, justified or consistent with National Policy.

Policy PP 2: Retail Hierarchy

We have no objection to the specific hierarchy set out at Policy PP 2 but object to reference to *“scale”* in its paragraph 2 (see representations to Policy PP1).

We are very concerned at the drafting of paragraph 6.2.16. National Policy does not state *“avoid out of centre retail (and similar) developments”* even on the basis that they might bring *“positive economic growth and not impact negatively on nearby centres”*. Government Policy is clear at paragraphs 23 – 27 of the NPPF. The approach is that identified needs (whether quantitative or qualitative should be met) and that whilst preference should be given to accommodating them within defined centres, the impact and sequential tests operate to accommodate such development through a series of preferences – edge of centre and out of centre – unless there is significant harm to the impact test or a breach of the sequential approach. Paragraph 6.2.16 should be redrafted to be in accordance with Government Policy.

At paragraph 6.12, we would support Clacton being continued to be classified as a Major Town Centre but the Local Plan can helpfully serve to define what is expected of its role and function. In this regard, we have already drawn attention to its role being substantially greater than serving *“day to day needs”* as inappropriately set out within Objective 6 to the Plan i.e. with regard to Healthy and Sustainable Places. Indeed, the WYG Retail Study considers that Clacton performs well in terms of National Planning Policy Guidance health check indicators and is a vital and viable centre.

We refer to paragraph 6.3.6 where the test of impact is set out correctly.

Policy PP 4

We object to this policy. The NPPF Default Impact Threshold is 2,500 m² gross. This is a carefully considered threshold which is proportionate in terms of the relationship to most likely scenarios. However, a threshold of 929 m² for the District's one and only Major Town Centre is wholly inappropriate.

Whilst centres lower down the hierarchy i.e. those defined as "*Town Centres*" might benefit from having an impact threshold of lower than 2,500 m² there is a logic in their being treated consistent with their status in the hierarchy. Thus, the five Town Centres ought to have the same threshold which reflects their role and function. Indeed, adopting that approach would lend further support to Clacton's threshold being at the default level so that it is distinguished from Frinton, which the Plan suggests should share its impact threshold. We therefore consider that Policy PP4 is not justified.

Policy PP 5: Town Centre Uses

It is noted that Primary and Secondary Shopping Frontages are defined on the Policy Maps. The Primary and Secondary Shopping Frontage boundary to Clacton town centre has been drawn too widely. The Primary area should be focused on the trading core of the centre as represented by main multiple retailers. The Secondary frontage extends to include a wider diversity of uses but which are nevertheless functionally related to the Primary area. The existing Waterglade Retail Park is functionally separate from the town centre and located beyond 300 meters from what ought to be considered a reasonable edge of the primary shopping area. That is the defining factor for the consideration of sites that would then be regarded as "*out of centre*".

It is noted that there has been no attempt to draft a policy dealing with sequential assessment. It is accepted that this is unnecessary because the policy as set out in the NPPF at paragraph 24 is wholly adequate. However, if the Council wish to import in to the Local Plan (that policy as it is drafted) we would have no objection.

Policy PP 6: Employment Sites

This policy seeks to protect all existing employment sites and presumably these will be defined on the Policies' Map. However, it is noted that the sites are described as being "*set out in the Council's current Employment Land Review*" it is wholly inappropriate for policy wording to refer to the identification of sites within an evidence base, rather than with the content of the Plan itself.

The five criteria for assessing whether such sites can be used for other purposes all need to be met. The criteria when combined clearly go well beyond the test set out at paragraph 22. That relies upon the decision taker having regard to market signals (i.e. the supply of land and demand for it) as well as the need for the alternative use to come forward in order to meet sustainable development needs.

The criteria therefore need to be considerably simplified and refer to whether the loss of the site or premises is justified in terms of the available stock (in quantitative and qualitative terms) of other existing floorspace and allocated land and the market take up of that supply. Whilst the Plan may well be informed by an evidence base dated May 2016 the relationship between supply and demand for employment land and

premises will vary over the length of the plan period to 2033 and beyond and thus there should be a recognition that the needs identified in 2016 will not be likely to remain those required throughout the plan period.

Whilst some of the criteria e.g. C and D are relevant in terms of providing considerations that might be used to tip the balance in cases where the relationship between demand and supply is close the approach at paragraph 22 of the NPPF is preferred i.e. where the benefits of the alternative land use are fully taken into account.

It is also wholly inappropriate for the Development Plan to require “*evidence of prolonged marketing*” before a vacant building can be re-used for some other beneficial purpose. It is for the Local Plan to determine whether there is enough land and premises in business use and for appropriate action to be taken according to that research. The Council have an evidence base that indicates that additional land is required and it is in contrast not for the Development Plan to defer decisions on the re-use of vacant (or indeed other buildings) to some future date but to use the Plan itself as the tool that will make decisions.

The purpose of the Development Plan is to determine how much stock whether a premises or land, is required and to enable decisions to be made without delay (paragraph 14). A lengthy marketing programme is therefore wholly contrary to the approach set out in the NPPF at paragraph 14 such an approach is also contrary to the NPPF’s approach at paragraphs 186 – 187).

There is no need for the policy to refer to retail and town centre use proposals needing to be subject to other policies in the Plan.

Policy PP 8: Tourism

We support this policy. The need to attract visitors to Tendring in order to reinforce the District’s economic growth is particularly important. In that regard the second initiative to support “*major new tourists’ attractions with good access to the A133 or A120, is supported*”.

Policy PPL 6: Strategic Green Gap

We object to this policy which should be deleted.

The Strategic Green Gap does not serve any purpose in terms of countryside protection. The single purpose of this policy is to maintain physical separation between settlements, however the Settlement Development Boundaries themselves provide policy protection against extending beyond the built limits. The needs for the various developments have been objectively assessed and the boundaries of the defined Settlement Development Boundaries throughout the district have been drawn to accommodate future growth throughout the planning period. As such the settlement boundaries already provide sufficient protection to prevent encroachment beyond the limits of these boundaries

Furthermore, we consider that there is no support for other designations outside those defined in the NPPF (see at paragraphs 109-117) and NPPG and as such the designation of Strategic Green Gaps are not consistent with national policy. Indeed, the Plan acknowledges at para 3.1.4.5 that the natural environment, including Local Wildlife Sites, meadowland, grasslands and ancient woodlands are already protected

by planning policy and accordingly there is no requirement for an additional policy designation which does not serve a necessary planning purpose.

In addition, the Vision for Tendring District at paragraph 2.1 refers to a variety of important countryside designations in the district including wildlife areas and a diverse range of attractive historic settlements and landscapes and protected wildlife which will be conserved and enhanced. However, the Strategic Green Gaps are not part of the tools necessary to secure or to the need for a specific policy to prevent the physical separation of settlements.

On the basis of the above, we contend that the Strategic Green Gap policy is neither justified nor effective is inconsistent with national policy and is not positively prepared. The policy should be deleted.

Policy PPL 7: Archaeology

We consider that this policy is unduly onerous and where applications are submitted on sites where information indicates that there may be archaeological remains that a written scheme of investigation can be submitted following the grant of planning permission.

The policy could be reworded to state 'where the development is permitted on sites which may contain archaeological remains, any planning permission would be subject to a condition requiring a written scheme of investigation'.

Policy SAMU 2: Development at Hartley Gardens, Clacton

Our client owns land to the west of the mixed-use allocation shown on the Policies Map, a large part of which is now a commitment having been granted planning permission for mixed-use development including retail, leisure, business uses together with 200 residential dwellings and substantial enhancements to the Pickers Ditch recreational open space/route. The land owned by our client is defined in terms of the field to the east of that mixed-use allocation but remaining within the defined settlement boundary which is coterminous with the A133, Little Clacton bypass. As such the Policies Map correctly identifies the mixed-use allocation which is SAMU 2 to which policy SAMU 2 refers. Policy SAMU 2 cannot therefore relate to the balance of the land including the recently committed development. Importantly we note that the 2016 Employment Land Study in Figure 6.16 shows our client's site excluded from the wider allocation. Any land within our client's ownership that is outside the area now committed for development has been planned to be accessible from the existing commitment particularly in terms of transport and related infrastructure. Our client understands that any land additional to the commitment is thus a site defined by paragraph 3.2.1 as an "*...other suitable site within the Settlement Development Boundaries*" rather than a site that is "*specifically allocated or housing or mixed/use development*".

Indeed, our clients also own land to the west of the Oakwood Park mixed-use allocation which is subject to Policy SAMU 3 (see below). This land controlled by our client is described at paragraph 9.3.1 of the that policy and explains that the mixed-use allocation is an "*extension of a committed development site*". Thus, the relationship between land owned by a developer that is in large part committed for development and thus not requiring to be the subject of a future allocation has been

correctly described within the text to Policy SAMU3 and the map relating to this in the Development Plan document correctly defines the area to be subject to the ensuing policy (SAMU 3). The same approach needs to be taken to Map SAMU 2 – Hartley Gardens i.e. the boundary of the map area needs to follow the field boundary which is in fact already identified by the eastern extent of the blue coloured Mixed-Use Allocation shown there on the Policies Map. We have attached an extract of Map SAMU 2 showing the area to be excluded from the allocation.

It is clear that the mixed-use allocations relate to sites where there is intent by the developer(s) to deliver a site. The NPPF states that to be considered deliverable sites should be available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that site is viable.

On the basis that we have read the draft Development Plan correctly and that it is accepted that a minor change is made to the relevant boundary shown on map SAMU 2 (to be consistent with similar circumstances as shown on Map SAMU 3) then we do not object to Policy SAMU 2. However, we must reserve our right to make such objections should this minor change not be accepted which correctly defines the committed development proposals.

Policy SAMU 3: Development at Oakwood Park, Clacton

Our client owns land to the immediate west of the defined policy area which is the subject of a planning permission referred to at paragraph 9.3.1. Negotiations are currently taking place with a housebuilder to take that site forward for the provision of 250 homes.

Our client has no objection to the mixed-use proposal on land to the east and has already provided the new roundabout access infrastructure referred to in criterion (i) of the Policy.

We are willing to discuss the content of any of these representations in order to assist the Local Authority in the submission of the Plan to the Secretary of State and would like to reserve the right to appear at the Local Plan Examination.

Yours sincerely,

Martin Robeson

martinrobeson@mrpp.co.uk

For internal Use only	ID:		Rep No:	

Draft Local Plan

RESPONSE FORM

Responses are encouraged via the council's online consultation system available on the website, see <http://tendring-consult.objective.co.uk/portal> However, this form can be returned electronically to planning.policy@tendringdc.gov.uk or in hard copy if necessary to:

Planning Policy, Tendring District Council, Thorpe Road, Weeley, Essex, CO16 9AJ
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

This form has two parts:

Part A - Personal Details and Part B - Your comments

PART A

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Paul"/>
Last Name	<input type="text" value="Webster"/>
Organisation <i>(Where relevant)</i>	<input type="text" value="Scott Properties"/>
Address Line 1	<input type="text" value="Suite 5, Oyster House"/>
Address Line 2	<input type="text" value="Severalls Lane"/>
Address Line 3	<input type="text" value="Colchester"/>
Post Code	<input type="text" value="CO4 9PD"/>
E-mail Address	<input type="text" value="pwebster@mscott.co.uk"/>
Telephone Number	<input type="text" value="01206 913540"/>

2. Agent's Details (if applicable)

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation	<input type="text"/>
Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

PART B

REPRESENTATION FORM

Please Note: If your representation relates to Section One of the North Essex Strategic Plan / Garden Communities you only need to respond to one of the Local Authorities. All representations received by Braintree, Colchester and Tendring relating to Section One of the Plan(s) will be submitted together.

You do not need to return this form if you have completed a response using any of the Council's online systems for this consultation. Duplicates will not be considered

Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

If you do not consider the Local Plan is sound, please specify on what grounds:

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Please refer to separate statement for full details, but in summary - Policy SAMU3 incorporates an inaccurate reference to site area. Moreover, in terms of the proposed breakdown of land uses it is too prescriptive to be responsive to demand.

Continue onto next page

[Empty rectangular box for representation]

If your representation is more than 100 words, please provide a brief summary here:

[Empty rectangular box for summary]

Please specify the changes needed to be made to make the Plan sound / legally compliant

Policy SAMU3 should be amended such that it refers to 32.6ha of land for new homes (rather than 21.1ha as currently drafted). The policy should also be less prescriptive, and more flexible, in terms of the extent of land allocated to other land uses.

Do you wish to participate at the oral part of the examination?

Yes No

If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

When the document is submitted for independent examination?

When the Inspectors Report is published?

When document is adopted?

Braintree & Tendring: Return by 5pm 28th July 2017

(responses to section 2 Braintree and Tendring will not be accepted after this date. After this date responses to Section 1 should be sent to Colchester Borough Council)

Colchester: Return by 5pm 11th August 2017

Ref: MSP/Proj / 025

Your Ref:

Date 11th July 2017



Planning Policy
Tendring District Council
Thorpe Road
Weeley
Essex
CO16 9AJ

Dear Sir/Madam

Tendring District Council Publication Draft Local Plan Consultation – Policy SAMU3

We write in order to make representations pursuant to the current consultation on the emerging Tendring District Local Plan.

These representations specifically concern Policy SAMU3 of the Tendring District Local Plan – Publication Draft. Said policy allocates land to the north of Clacton-on-Sea, between Holland Road and the Oakwood Business Park, for a strategic scale mixed use development.

Notwithstanding the representations that follow, enclosed is our latest indicative masterplan for the site. Please note that in the schedule incorporated within Policy SAMU3 there appear to be some discrepancies. The primary one being that the extent of land for new homes is actually 32.6 hectares, rather than 21.1 hectares as currently presented.

Despite this drafting discrepancy, we wholeheartedly support allocation of the site in this manner. It is a sustainable location to facilitate a meaningful quantum of the housing, social and economic development needs of the District to 2033.

That said, the policy as drafted is incredibly prescriptive as to how the site should be developed. It states, by way of example, that the site shall accommodate:

- 21.1 hectares of new homes;
- 3.3 hectares of public open space;
- 2.1 hectares of land for a new primary school;
- 2.04 hectares of land for care and extra care facilities;
- 1.93 hectares of land for a local centre; and
- 1.0 hectares of land for health care facilities.

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Ref: MSP/Proj / 025

Your Ref:

Date 11th July 2017

It is clearly a laudable and legitimate planning aim to secure comprehensive development to meet the housing, economic, social and healthcare needs of existing and future residents. However, there are components of the use schedule above where provision will, to a degree, be market driven.

For instance, whether a care or extra care use could be realised will be entirely driven by market demand for such. Moreover there are a wide variety of types, form and scale of care and extra care uses, all with differing site/building requirements. A prescriptive requirement for 2.04 hectares for this element of the allocation might not align with what there is actually a demand and a desire for at the point of delivery.

In a similar vein, the form and extent of the local centre will be driven by market forces. If 1.93 hectares of local centre is unlikely to be viable then retail operators will simply not be interested. Conversely, should there be a swell of demand for local centre uses associated with the wider allocation, then there could be market interest in a larger amount of land than the prescriptive 1.93 hectares as currently required.

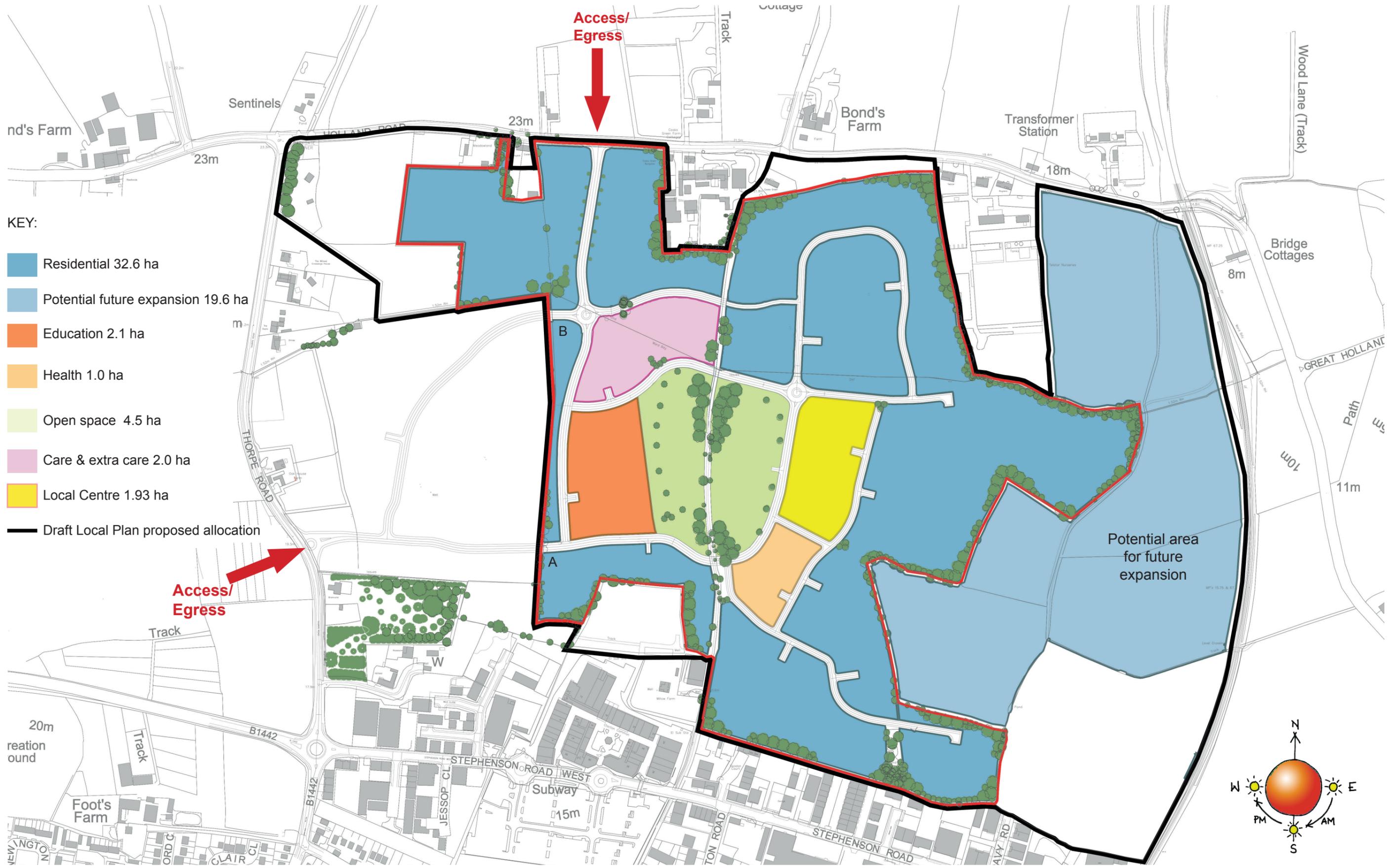
These are specific examples, utilised to demonstrate that Policy SAMU3 could benefit from incorporating a little more flexibility as to the split between the uses sought by virtue of the allocation. In consequence it is respectfully suggested that the policy wording be amended accordingly.

We hope that this clarifies matters but should you require any additional information in respect of the site then please do not hesitate to contact us.

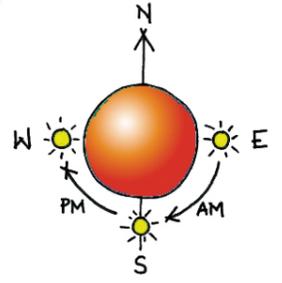
Yours faithfully,

Paul Webster
Director





- KEY:**
- Residential 32.6 ha
 - Potential future expansion 19.6 ha
 - Education 2.1 ha
 - Health 1.0 ha
 - Open space 4.5 ha
 - Care & extra care 2.0 ha
 - Local Centre 1.93 ha
 - Draft Local Plan proposed allocation



CLIENT Scott Properties	SCALE 1:5000 @ A3	DRAWN JO	REV NOTE D revised road layout, northern roundabout altered moved.	DRN JO	DATE 2017.05.10
PROJECT Oakwood Park Garden Suburb	DATE 04/07/2015	CHECKED IM	E Areas checked	JO	2017.07.07
DRAWING TITLE Revised Concept plan , Allocated areas	DRAWING NUMBER 6250_SK017	REVISION E			

PRELIMINARY



Ref: MSP/Proj / 027
Your Ref:
Date 11th July 2017



Planning Policy
Tendring District Council
Thorpe Road
Weeley
Essex
CO16 9AJ

Dear Sir/Madam

Tendring District Council Publication Draft Local Plan Consultation – Policies LP6 and LP10

We write in order to make representations pursuant to the current consultation on the emerging Tendring District Local Plan.

Paragraph 5.10.1 of the Tendring District Local Plan – Publication Draft Final recognises that by 2033 around 60% of residents of the District will be over the age of 65. Paragraph 5.10.2 states that the Local Plan encourages the development of care, independent and assisted living homes in appropriate locations.

Notwithstanding the foregoing, Policy LP10 which follows the preceding text relates only to care homes and extra care housing. It encourages the provision of such within settlement boundaries and/or as a component of the strategic site allocations. It further suggests that new care homes might be appropriate outside of settlement boundaries.

The policy position is somewhat at odds with the aspiration that precedes it. Care homes and extra care housing do not represent the whole spectrum of housing need for older people. Moreover, the policy is actually restrictive of any forms of older persons housing other than care homes.

Sites allocated in a Local Plan and/or within a development boundary are likely to command a premium land value (relatively speaking). To make a residential development of an allocated site viable it is invariably necessary to work to higher densities.

However, a distinct area of housing need for older people is in the form of bungalows (age-restricted), which:

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www.mscott.co.uk

Ref: MSP/Proj / 027

Your Ref:

Date 11th July 2017

1. Address a specific area of demographic need, in a District where that need is particularly pronounced;
2. Facilitate independent living for longer (thus reducing burdens on adult social care);
3. Provide opportunities for downsizing; and
4. Free up family housing.

Bungalow developments, though, are 'land hungry' and without exception operate at lower densities. The consequence of this is that the development of bungalows on allocated or urban sites can rarely be economically viable. Instead, such development must be delivered on lower value sites, which are generally Greenfield in nature, and located on the edge of settlements.

In recognition of this, and in order to address the overriding housing needs of the over 65's, Policy LP10 should be amended so as to be permissive of age-restricted, or mobility-restricted bungalow developments, on edge of settlement sites; where there is a proven local need.

As an alternative, Policy LP6 outlines the circumstances where residential development is acceptable outside of the defined settlement boundaries. It states that council housing and other forms of affordable housing may be permitted on sites adjoining settlement boundaries, where there is evidence of a local need which is not otherwise being met.

For the reasons outlined above, and in order to more comprehensively address the increasing housing needs of the over 65's, Policy LP6 could be amended so as to be permissive of age-restricted or mobility restricted bungalows on edge of settlement sites (where there is a proven local need) – in addition to the council housing and affordable housing that it already relates to.

We hope that this helps but should you require any additional information then please do not hesitate to contact us.

Yours faithfully,

Paul Webster
Director



GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

Braintree District Council, Tendring District Council and Colchester Borough Council, have each published their own Publication Draft Local Plan for consultation. Section 1 is common to each plan. This response form can be used to respond to any part of the 3 Plans. It is important to specify which.

The 3 Plans have been published in order for representations to be made prior to submission of the documents to the Planning Inspectorate for examination. All representations will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

Each Local Plan has two parts:

Publication Draft Local Plan Section 1 - A set of strategic policies constructed in partnership between the three authorities and Essex

County Council. This means that the Section 1 policies are intended to apply across all three Local Authorities. These policies include those relating to Garden Communities, housing supply, employment, shopping and the environment. You can send your response to any one of the authorities as all responses to Section 1 will be collated. Only 1 response to the 3 authorities is required.

Publication Draft Local Plan Section 2 - relates to the specific district, contains more detailed policies and is used to determine planning applications. If you wish to comment on the Tendring Publication Draft Local Plan Section 2 you should send your comments to Tendring District Council.

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planning.policy@tendringdc.gov.uk or by phone on 01255686177 and ask for Planning Policy.

Part A - Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Council's websites and included as part of the Publication Draft Local Plan submissions to the Inspector. Address and contact details will be removed from published responses. (Village/town shown).

The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

Part B - Representation

Please specify which section of the Publication Draft Local Plan your comments relate to, by choosing one of the following;

Section 1 A response to this section will be reported to all 3 authorities.

Section 2 Colchester
Section 2 Tendring
Section 2 Braintree

} These plans are specific to each authority.

Which part of the plan are you responding to (please use one form per submission):

Paragraph: for a representation on wording or paragraph content

Policy: for a representation on the wording or inclusion or omission of a policy

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- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations; making them available on its website and at its principal offices. It must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA must provide a Sustainability Appraisal Report. This should identify the process by which it has been carried out, baseline information used to inform the process and the outcomes of that process.
- LPAs will be expected to provide evidence of how they have complied with the Duty to

Co-operate.

- Non-compliance with the duty to cooperate cannot be rectified after the Plan's

submission. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

Soundness

Soundness is explained in National Planning Policy Framework (NPPF) paragraph 182. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

More details and further guidance on what is meant by the term 'soundness' can be found below and at; www.planningportal.gov.uk

Positively prepared

This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate, robust and credible evidence base.

Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, sound infrastructure delivery planning and no regulatory or national planning barriers. It should be flexible to changing circumstances

Consistent with national policy

The Plan should be consistent with national policy. Departure must be clearly justified.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered, how is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

Using the spaces provided please give details of why you think the Publication Draft Local Plan is not 'sound' having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. **If your representation is over 100 words please include a summary of its main points in the box provided.**

It will be helpful if you also say precisely **how** you think the Plan should be modified. Representations should cover succinctly all information, evidence and supporting information necessary to support/justify the representation and suggested modification, as there will not normally be a further opportunity to make submissions based on the original representation made at publication.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

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Representations can be sent:

- Via the Council's online consultation portal: <http://tendring-consult.objective.co.uk/portal>
- Via a representation form which can be downloaded from the website and returned via email to planning.policy@tendringdc.gov.uk
- or by post to:
Planning Policy,
Tendring District Council
Thorpe Road
Weeley
Essex
CO16 9AJ

For internal Use only	ID:	Rep No:	

Draft Local Plan

RESPONSE FORM

Responses are encouraged via the council's online consultation system available on the website, see <http://tendring-consult.objective.co.uk/portal> However, this form can be returned electronically to planning.policy@tendringdc.gov.uk or in hard copy if necessary to:

Planning Policy, Tendring District Council, Thorpe Road, Weeley, Essex, CO16 9AJ
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

This form has two parts:
 Part A - Personal Details and Part B - Your comments

PART A

1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Will"/>
Last Name	<input type="text" value="Vote"/>
Organisation <i>(Where relevant)</i>	<input type="text" value="Rose Builders"/>
Address Line 1	<input type="text" value="Riverside House"/>
Address Line 2	<input type="text" value="Riverside Avenue East"/>
Address Line 3	<input type="text" value="Manningtree"/>
Post Code	<input type="text" value="CO11 1US"/>
E-mail Address	<input type="text" value="WVote@rosebuilders.co.uk"/>
Telephone Number	<input type="text" value="01206 392613"/>

2. Agent's Details (if applicable)

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation	<input type="text"/>
Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

PART B

REPRESENTATION FORM

Please Note: If your representation relates to Section One of the North Essex Strategic Plan / Garden Communities you only need to respond to one of the Local Authorities. All representations received by Braintree, Colchester and Tendring relating to Section One of the Plan(s) will be submitted together.

You do not need to return this form if you have completed a response using any of the Council's online systems for this consultation. Duplicates will not be considered

Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Policy SAMU5

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

If you do not consider the Local Plan is sound, please specify on what grounds:

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

We strongly support the inclusion of the land for development shown in Policy SAMU5 (Development South of Thorpe Road, Weeley). This site remains as the only allocated site for Weeley and is not only the most sustainable but also deliverable. On behalf of the landowners, we are finalising the preparation of technical reports to support a planning application for the site. The reports are wide ranging and cover all aspects, including ecology reports and surveys, as well as highway/transport studies and a Landscape Visual Impact Assessment. Draft copies can be provided upon request. None of the technical reports indicate any barriers to development of the site and good design and planning will mitigate any minor issues where required.

We have engaged positively throughout the pre-application process in tandem with the plan preparation process, working with Tendring District Council, Essex County Council, Network Rail and Anglian Water, as well as drawing upon the expertise of independent, specialist ecologists, historians, archaeologists, highway, civil and structural engineers, landscape architects, architects and planners. Issues identified by members of the public have also been addressed by the proposals, such as matters of potential landscape and heritage impact. The net result is a mixed use development that is technically coherent as well as meeting the requirements of Policy SAMU5, delivering not only residential development, but also land for employment, public open space and a new primary school.

From discussions with the Council it is understood that the reference to “cycles” in criterion “h” of the Policy is a typo and should be omitted. The correction of this typo is supported by ourselves.

We have previously promoted other sites along Crow Lane in Weeley for allocation. We still believe that these are sustainable and easily deliverable should further allocations of housing be required in the future.

The recent completion of 20 dwellings at the “Barleyfields” site at the front of the site (TDC Ref: 14/00082/OUT) helps to demonstrate the deliverability of the allocated site. This relatively smaller project provides important commercial information on forecasted sales prices proving viability and deliverability. It also includes a recently constructed vehicular access point, which will also serve the allocated site. The Barleyfields project also demonstrates our commitment to high quality design.

If your representation is more than 100 words, please provide a brief summary here:

We strongly support the mixed use development set out in Policy SAMU5. Technical reports, pre-application discussions and the site characteristics reveal a sustainable and deliverable project that will help meet the Council’s housing target. Evidence of the our commitment to the site can be seen in the recently completed “Barleyfields” development for 20 dwellings at the front of the site.

Please specify the changes needed to be made to make the Plan sound / legally compliant

Do you wish to participate at the oral part of the examination?

Yes No

If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

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When the Inspectors Report is published?

When document is adopted?

Braintree & Tendring: Return by 5pm 28th July 2017

(responses to section 2 Braintree and Tendring will not be accepted after this date. After this date responses to Section 1 should be sent to Colchester Borough Council)

Colchester: Return by 5pm 11th August 2017

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

Braintree District Council, Tendring District Council and Colchester Borough Council, have each published their own Publication Draft Local Plan for consultation. Section 1 is common to each plan. This response form can be used to respond to any part of the 3 Plans. It is important to specify which.

The 3 Plans have been published in order for representations to be made prior to submission of the documents to the Planning Inspectorate for examination. All representations will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

Each Local Plan has two parts:

Publication Draft Local Plan Section 1 - A set of strategic policies constructed in partnership between the three authorities and Essex

County Council. This means that the Section 1 policies are intended to apply across all three Local Authorities. These policies include those relating to Garden Communities, housing supply, employment, shopping and the environment. You can send your response to any one of the authorities as all responses to Section 1 will be collated. Only 1 response to the 3 authorities is required.

Publication Draft Local Plan Section 2 - relates to the specific district, contains more detailed policies and is used to determine planning applications. If you wish to comment on the Tendring Publication Draft Local Plan Section 2 you should send your comments to Tendring District Council.

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planning.policy@tendringdc.gov.uk or by phone on 01255686177 and ask for Planning Policy.

Tendring
District Council



Local Plan
COLCHESTER BOROUGH



Part A - Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Council's websites and included as part of the Publication Draft Local Plan submissions to the Inspector. Address and contact details will be removed from published responses. (Village/town shown).

The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

Part B - Representation

Please specify which section of the Publication Draft Local Plan your comments relate to, by choosing one of the following;

Section 1 A response to this section will be reported to all 3 authorities.

Section 2 Colchester
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Section 2 Braintree } These plans are specific to each authority.

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Essex
CO16 9AJ**

For internal Use only	ID:		Rep No:	

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e.g. Paragraph/Policy/Map/Other

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Enter your full representation here:

Continue onto next page

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Colchester: Return by 5pm 11th August 2017

**Tendring District Publication Draft Local Plan Consultation –
Representations in respect of allocation for housing on land off
Springhill Close, Great Bromley, CO7 7HU**

July 2017

The Courtyard
9A East Street
Coggeshall
Essex
CO6 1SH

T 01376 538532
M 07825 633575
E ian.coward@collinscoward.co.uk
W www.collinscoward.co.uk

1. We seek a Local Plan allocation for a small-scale housing scheme (in the region of 2 to 3 dwellings) on a portion of land in the southern part of Great Bromley located to the west of Springhill Close and east of Brook Street (B1029) as shown outline in red on the screenshot below:



2. We object to the Plan for the non-inclusion of this site for housing; seek the deletion of the current safeguarded local green space designation and a contemporaneous allocation as a housing site. This will confirm the soundness of the Plan.

3. This objection concerns Section 2 of the plan only as this is a local level matter of a relatively small scale.
4. However, as a matter of context we refer to the overall housing need. Under the heading of “North Essex Authorities” it is noted that North Essex will be an area of significant growth over the Plan period to 2033 and beyond. Paragraph 1.31 of the Local Plan sets the key objectives of which the first is “Providing sufficient new homes”.
5. Policy SP1 sets out the presumption in favour of sustainable development and whether or not this representation represents a sustainable form of development is a focus of these representations.
6. In respect of policy SP2 this reads as follows, again with our emphasis for context:

Policy SP2

Spatial Strategy for North Essex

Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

7. We note that the local planning authority is proposing a new garden community to provide a significant contribution towards housing numbers. Again this key allocation is a matter of context as we consider the role to be taken by the smaller settlements where small scale development is dispersed across the District as an addition to the garden community. A sensible and modest dispersal across a variety of settlements is seen as a sustainable pattern of development which will make its own contribution towards housing figures.

8. Great Bromley is defined as a smaller rural settlement as per policy SPL1 entitled "Managing Growth".
9. Policy SPL2 confirms settlement boundaries within which the application site lies.
10. In terms of the specific site which is proposed for allocation as a housing site, it lies in the southern portion of Great Bromley which is a small but sustainable settlement with a church; school; small scale institutional use and an active parish council.
11. The land in question is private and in respect of planning history there are two elements of note.
12. The first is a temporary and subsequently permanent TPO (first issued in June 2013). This creates a woodland order across the entirety of the site and this is described as mainly oak, ash, willow, sycamore, and field maple.
13. The second is a refusal of an application for planning permission pursuant to 13/00577/FUL of a scheme for the erection of 4 x three-bedroom properties. This was refused on 30th July 2013 and was not subsequently appealed.
14. We note that the site was not previously the subject of a TPO and this was added as a land charge as the application was progressed and this is reflected in the relevant date namely the issuing of the temporary TPO on 17th June 2013 and the final refusal of planning permission at the end of July, 2013. We point to this as it confirms that the site was not previously seen to have amenity value in respect of trees and was a reactive addition of planning control on the site.
15. We promote the site for housing and whilst the Local Plan representation is not an appropriate forum for development control specifics we promote it for in the region of 2 to 3 dwellings having regard to the relevant flooding issues, biodiversity, and the protected trees. It is the objectors' view that the site can appropriately cater for a small-scale housing scheme therefore contributing towards the housing figures conferred upon the local planning authority whilst retaining a significant amount of tree cover, being safe in terms of flooding and enhancing the biodiversity.

16. The site is currently allocated as “safeguarded local green spaces” as per the screenshot below; for ease of reference it is the most central area of green shading, just south of the primary school:



17. The provisions of policies HP3 and more specifically HP4 are therefore relevant and which read as follows:

Policy HP 3

GREEN INFRASTRUCTURE

Green Infrastructure will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access. All new development must be designed to include and protect and enhance existing Green Infrastructure in the local area, as appropriate.

Green Infrastructure as identified on the Policy Map, will be protected, managed and where necessary enhanced by:

- a. managing development to secure a net gain in green infrastructure;*
- b. supporting investment priority projects set out in the Green Infrastructure Delivery Plan;*
- c. not permitting development that compromises the integrity of the overall Green Infrastructure networks;*
- d. investing in enhancement and restoration where opportunities exist; and*
- e. using developer contributions to facilitate improvements to their quality and accessibility.*

The Council will work with all sectors and interest groups to help deliver Green Infrastructure projects. Developers should use the guiding principles set out in the Green Infrastructure Delivery Plan to influence all development proposals from an early stage in the design process. Any new Green Infrastructure proposed must be accompanied by a plan for the long-term sustainable maintenance and management of these assets, as well as phasing plans to demonstrate how they are to be delivered. New Green Infrastructure should incorporate semi-natural habitats and provide net gains in biodiversity wherever possible. The long-term management of assets should include biodiversity recording/monitoring to verify/ensure the ecological integrity of GI networks. Green Infrastructure should, where appropriate, include access for the widest range of user groups.

18. And:

Policy HP 4

SAFEGUARDED LOCAL GREENSPACE

Development that would result in the loss of the whole or part of areas designated as Safeguarded Local Greenspaces, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:

- a. the provision of new site replaces the site at least equal in quality and size and accessible to the community, which the existing site serves;*
- b. it is demonstrated that there is no longer a demand for the existing site;*
- c. the site is not appropriate for other open space functions; and*
- d. the development of the site would not result in the loss of an area important to visual amenity.*

Land is also allocated for the future expansion of the Wesley Crematorium, the Burrs Road Cemetery (Clacton), Dover court Cemetery and the Kirby

Cross Cemetery as shown on the various Policies Maps and Local Maps for these areas. New cemeteries and other burial places may be permitted

19. With these policies in mind and in respect of the principle of development we make a number of points.
20. The first is that the site is private.
21. There is no permissible public access and therefore it is not a resource that can be used by the local population. It is therefore not a recreational site and makes no contribution in this regard.
22. It is accepted that it fulfils a role in creating an attractive backdrop as one drives into Great Bromley. However, that role would not change with a modest development. The site is more than capable of retaining the key peripheral trees pursuant to an appropriate residential scheme. In addition, Great Bromley has large swathes of open space the majority of which is within defined settlement limits and some with a limited amount outwith (we are referring to that around the church). Great Bromley is clearly not an urban settlement with limit amounts of open space: it is particularly well provided for specially in proportion to the local population.
23. There is no housing allocated within Great Bromley as part of the emerging Local Plan.
24. The local planning authority has had difficulty in recent years in demonstrating a five-year housing land supply.
25. Whether it has one now will be a matter to be debated within the context of the Local Plan enquiry but a previous shortfall over many years is a relevant matter. Subject to the development control points which have been briefly outlined in this submission the site can accommodate 2 to 3 homes and they will contribute towards Great Bromley as a sustainable settlement. It would be a logical development on the opposite side of Springhill Close and introduce a modest additional population to become part of the established local community.

26. It is of course accepted that Great Bromley cannot accommodate a significant amount of additional housing but a small, sustainable addition on the representation site is a matter which meets the relevant dimensions to sustainable development. As set out above it is not appropriate to set out all the detailed development control matters at this stage however as a matter of principle a low key residential use within the context of peripheral landscaping, with a defined residential curtilage and area for bio-diversity enhancement would assimilate the scheme successfully into the local environment. It is the adoption of these principles over which the local planning authority would have complete control at application stage that will ensure a successful development.
27. Whilst these representations seek the allocation for housing and the deletion of the local green space designation we nonetheless briefly address policy HP4 to support our view that the harm that this policy is in place to avoid will not in fact take place on this site in this instance. We note that HP3 would be met by the retention of a significant amount of peripheral landscaping.
28. The allocation would of course result in loss of part of the open space nature of the site but about the relevant criteria we comment as follows:
- a. the site is replaced by the provision of new site at least equal in quality and size and accessible to the community, which the existing site serves;***
29. This would not occur but in this case the land is private with no permissive public access. There is a role in terms of a green environment but this would be safeguarded by the retention of peripheral planting as a scheme would need to adhere to the TPO and other restrictions that are relevant.
- b. it is demonstrated that there is no longer a demand for the existing site;***
30. Great Bromley has a large area which is the subject of the same designation; it is also a settlement which is surrounded by open countryside. It is not short of open space; reiterating again that this is private land

c. the site is not appropriate for other open space functions; and

31. The site is small and private, with little potential for such functions.

d. the development of the site would not result in the loss of an area important to visual amenity.

32. Whether this land is important to visual amenity is questionable, however, any visual amenity function that the site has could be retained for the reasons as set out above. It was for this reason that we refer to the refusal back in 203 as efforts were made to create a habitat area to encourage ecology. A lower quantum of development is envisaged to the previous refusal.

Land is also allocated for the future expansion of the Weeley Crematorium, the Burrs Road Cemetery (Clacton), Dovercourt Cemetery and the Kirby Cross Cemetery as shown on the various Policies Maps and Local Maps for these areas. New cemeteries and other burial places may be permitted

33. This matter is not relevant.

34. Nothing is currently allocated in Great Bromley for housing and we suspect that very little will come forward via representations to the Local Plan albeit time will tell.

35. In terms of the issue of sustainability a low level residential scheme could come ahead and make its contribution towards the housing figures conferred upon the local planning authority plus also contribute towards Great Bromley as a community (the social dimension to sustainable development) and in economy terms by sustaining services and perhaps encouraging more.

36. For these reasons the Plan is unsound pending the allocation of this site for housing and the deletion of the local green space allocation.

Person ID	ID	Full Name	Organisation Details	Full Name	Organisation Details	Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:	Legally Compliant - Q1) Do you consider the Local Plan is legally compliant?	Soundness - Q2) Do you consider the Local Plan is sound?	If you do not consider the Local Plan is sound, please specify on what grounds:	Duty to Cooperate - Q3) Do you consider the Local Plan complies with the Duty to Cooperate?	Enter your full representation here:	Summary - If your summary is more than 100 words, please provide a brief summary here:	Please specify the changes needed to be sound/legally compliant:	Do you wish to participate at the oral part of the examination?	Do you wish to participate at the oral part of the examination?	If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary	Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan?	If Yes - which stage?	Do you wish to be notified?	Response to representation - Council's response to representation	Number	Recommended Change Required - Recommended Change Required?	Categories	Recommended Change Reason	Recommended Change Reason	Type	Number	Email Address
1105853	LPPuD60	Gan M Lord and Son	Mr Andrew Martin - Planning Limited	Andrew Martin - Planning Limited	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified	Yes	The Council has set a housing target of 11,000 new homes to be provided over the plan period 2013-2033. This is based on an annual housing requirement of 550 homes as advised by Peter Brett Associates in the preparation of a joint Strategic Housing Market Assessment (SHMA) for the local authorities of Tendring, Colchester, Chelmsford and Braintree. The PBA assessment finds that a range of dwellings is required from 550-600 units. We therefore support the policy, which treats the figure of 11,000 as a "minimum" dwelling requirement. Objection is raised to the proposed sources of supply. We submit that overly optimistic assumptions have been made about sites with planning consent (both large and small). There is a lack of evidence to inform the assumption that 6178 homes will come forward on these sites. These unreliable sources comprise 51% of the housing supply over the plan period, and cast considerable doubt about the deliverability of the spatial strategy for growth in Tendring. There is also a failure to demonstrate that the strategic allocations, which include very large developments on the periphery of Clacton, Dovercourt and Weeley, and the Garden Community proposed for the Tendring/Colchester border (3480 units and 29% of the overall supply), can be delivered in the plan period. These are complex schemes that have been the subject of considerable objection as the Local Plan has	Preparation of further evidence base assessment, to confirm that the sources of supply in Policy LP1, can genuinely be delivered in the plan period. The inclusion of a number and range of smaller sustainable sites such as land to the south of Weeley Road in Great Bentley, to improve the flexibility and viability of the plan.	Yes	Yes	To promote additional information and enter the debate on issues relating to the 'soundness' of the plan.	No			When the document is submitted for independent examination?		B.24					Web	B.24		

Person ID	ID	Full Name	Organisation Details	Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:	Legally Compliant - Q1) Do you consider the Local Plan is legally compliant?	Soundness - Q2) Do you consider the Local Plan is sound?	If you do not consider the Local Plan is sound, please specify on what grounds:	Duty to Co-operate - Q3) Do you consider the Local Plan complies with the Duty to Co-operate?	Enter your full representation here:	Summary - Please specify If your summary is more than 100 words, please provide a brief summary here:	Do you wish to participate at the oral part of the examination?	Do you wish to participate at the oral part of the examination?	If Yes - you wish to raise the matter which stage?	Did you raise the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan?	If Yes - which stage?	Do you wish to be notified?	Response to representation - Council's response to representation	Recommended Change - Required - Recommended Change Required?	Categories	Recommended Change Reason	Number	Email Address
1105875	LPPuD69	Williams Group	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	In the NPPF, the sixth bullet point under paragraph 23 states that local planning authorities should "allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres". The paragraph continues and states that 'it is important that needs for retail, office and other main town centre uses are met in full and are not compromised by limited site availability'. Linked to this, paragraph 161 states that local planning authorities should assess 'quantitative and qualitative needs for all foreseeable types of economic activity over the plan period, including for retail and leisure development'. Policy PP1 sets out the quantitative need for additional retail floorspace in the District, but does not allocate sites to accommodate the need identified within the Council's evidence base. The Harwich Valley site already benefits from planning permission for retail and leisure floorspace. There is also further land available for additional development within the site, subject to further planning permissions. Therefore, PBA encourage the Council to allocate the site for retail and leisure uses, consistent with the approach undertaken in the previous draft Plan. Otherwise, the Council has not discharged its duty to allocate the sites to meet its retail needs in full over the Plan	As per full representation	Yes	Yes		Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?						Policy PP 1	
1105875	LPPuD70	Williams Group	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified	Yes	When referring to retail parks, paragraph 6.2.16 states that "The national planning policy is to avoid developments of this nature in the future unless it can be demonstrated that they will bring positive economic growth and not impact negatively on the vitality or viability of nearby centres". This is incorrect. Where such sites are not allocated in the Local Plan, the NPPF allows for such uses subject to the sequential test being met and it being demonstrated that there is not a likelihood of a significant adverse impact on nearby centres. The text ought to be corrected.	As per full representation	Yes	Yes	Due to the need to explore the details of the objection and the important role of the Harwich Valley site as part of the Council's Local Plan		Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?						6.2.16	

1105875	LPPuD71	Williams Group	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	Policy PP2 includes a retail hierarchy. This does not recognise Harwich Valley development within this hierarchy. The permitted mix of retail leisure uses, aligned with the employment and residential permitted, would help establish a new destination that would support the new population in the area. Therefore, it is requested that the site is explicitly allocated for a mix of uses to include retail and leisure uses and included within the retail hierarchy. Given the site has yet to be developed, it is agreed that it does not need to be included as a "centre" in the hierarchy (in NPPF terms).	As per full representation	Yes	Yes	Due to the need to explore the details of the objection and the important role of the Harwich Valley site as part of the Council's Local Plan	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?	Policy PP 2
1105875	LPPuD72	Williams Group	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified	Yes	Policy PP4 sets a local impact threshold of between 250 sqm and 929 sqm, depending on the location within the district. This is significantly lower than the 2,500 sqm threshold within the NPPF (paragraph 26). The justification appears to be based on the presence of small stores within the centres in question, as explained in the Tendring Retail Study (2016), prepared by WYG. It is appreciated that some of the centres have much smaller units where the impact of a small unit might matter for consideration. However, the concern on this point in the evidence is focused on local centres, rather than the major, town and district centres that the policy considers. Therefore, it does not follow there should be an automatically lower threshold. The setting of the threshold also needs to consider the health of the centres and the extent to which a small amount of floorspace will compete with the nearest centre. A further minor point is that 929 sqm figure appears to be surprisingly precise. It is presumably based on an imperial measurement converted to metric. However, it is unclear whether a similar approach has been taken for the other centres. Q+A also have a further concern over the implementation of the policy. In a situation where a site is close to more than one centre, there is a question as to which threshold should be used when referring to a defined town	As per full representation	Yes	Yes	Due to the need to explore the details of the objection and the important role of the Harwich Valley site as part of the Council's Local Plan	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?	Policy PP 4

1105875	LPPuD73	Williams Group	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	This policy concerns existing employment sites, and therefore does not address sites that already have permission but have yet to be developed. It also does not address allocated sites, which are governed by Policy PP7. We support this approach, although the policy should make this clear to avoid any confusion. Whilst we support the recognition that other employment generating uses are appropriate, it is noted that there is a paragraph reference error on paragraph 6.35, where it is presumably 6.1.26. The policy references the current employment land review and it is noted that in the key sites section of this document, the Harwich Valley site is considered. Paragraph 6.32 of this document states: Given the changes in the foodstore sector and the impact on viability it will be important to ensure that the delivery of the employment space is secured. We understand that the Council is seeking to agree with the developer appropriate milestones that need to be achieved in respect of the employment space before other elements of the scheme can be brought forward or completed. For example, we would recommend that the Council require the developer to provide 100% of the start-up units and put in place the infrastructure required (serviced plots) for the industrial/warehouse units by the time 50% of the residential and retail have been completed. This approach is wholly	As per full representation	Yes	Yes	Due to the need to explore the details of the objection and the important role of the Harwich Valley site as part of the Council's Local Plan	Yes	Preferred Options; Issues and Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?	Policy PP 6
1105875	LPPuD74	Williams Group	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	Q+A Planning Ltd behalf of Harding Estates (East Anglia) Limited as planning consultants promoting the Harwich Valley development. The Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014), awarded the Harwich Valley site a draft allocation under Policy HAD4: Development East of Pond Hall Farm for a mix of uses that include employment uses, but also include residential uses and other employment generating uses (such as retail and other commercial uses). On 8th June 2016, the Council granted planning permission (reference 14/01431/OUT) for the following development "Outline approval for development of site to create employment units, caf�/restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space and associated means of access, internal estate roads and car parking. Full approval for the creation of retail shop units, foodstore, petrol filling station, associated highway works and improvements including a new roundabout off the A120 and link road, earthworks, service infrastructure and other associated works and improvements." However, unlike the previous Tendring District Local Plan, it appears that the Local Plan does not include an equivalent policy to Policy	As per full representation	Yes	Yes	Due to the need to explore the details of the objection and the important role of the Harwich Valley site as part of the Council's Local Plan	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?	9

1105875	LPPuD75	Williams Group	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	The NE Tendring policies map includes the Harwich Valley site (land at Pond Hall farm). In respect of the purple allocation this covers employment sites, but this should be revised to include a mix of employment, retail and leisure uses to be consistent with the permitted scheme and the previous allocation. In addition, there is an orange housing allocation to the east of the application site. However, surprisingly, the housing element of the extant permission to the south of our client's land has been omitted from the plan. Given permission has only recently been permitted and has not commenced on site yet, the site should retain its housing allocation in the new plan. This plan is inconsistent with Local Plan B15, which allocates the site as a mixed-use site. Therefore, Q+A request that the plan is amended.	As per full representation	Yes	Yes	Due to the need to explore the details of the objection and the important role of the Harwich Valley site as part of the Council's Local Plan	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?	12.0.5
1105875	LPPuD76	Williams Group	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	The Harwich Valley site is annotated as an area as "mixed use with consent". There is no indication of what this means in policy terms in the remainder of the plan. Whilst we support the site's mixed-use recognition, we see no requirement to qualify that this has consent. The plans policies can outlive any given planning permission, and it is important that the plan is clear on future policies for the site should the existing permission not be capable of implementation. Q+A Planning request that the plan is amended so that the Harwich Valley site has a mixed use allocation.	As per full representation	Yes	Yes	Due to the need to explore the details of the objection and the important role of the Harwich Valley site as part of the Council's Local Plan	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?	B.15

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1105909	LPPuD88	The Burghes Estate	Section 2 Tending	Yes	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	The Plan seeks to deliver housing across the plan area covered by Tending District Council to achieve a housing supply requirement of 550 dwellings per annum over the plan period to 2033. The requirement is given as 11,000 with a residual requirement of 9,626 dwellings after completions of 1,374 dwelling for the period 2013 to 2017 have been taken into account. The housing delivery proposes that 1,250 dwellings are delivered at the Tending/Colchester Borders Garden Community. This proposed development as shown on plan B.7 to the Appendix of the Draft Plan gives an indicative area for the Garden Community. In our view this is clearly a development area related to Colchester and serves Colchester's growth and housing needs. This urban extension is remote from any main areas of urban concentration in Tending District. In our view this, development is applicable to Colchester and should not be related or deducted from Tending District's housing requirement. If the overarching strategy is for Colchester to grow to accommodate more than its housing requirement this should not be at the expense of accommodating Tending's	The 1,250 dwellings in respect of the Colchester Border Garden Community should be redistributed to existing settlements in Tending District including an additional 85 dwellings in an allocation to the west of Frinton on Sea. response und Policy PPL6 refers.	Yes	Yes	To provide the opportunity for the Inspector to further determine the nature of the objection	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?						Web	Policy LP 1	val.coleby@berrys.uk	
1105909	LPPuD90	The Burghes Estate	Section 2 Tending	Yes	No	Consistent with National Policy; Effective; Positively prepared	Yes	We concur that the green gap policy is relevant to the separation of settlements. However, this should only be applied where necessary and not as a blanket approach to prevent much needed housing in areas that can satisfactorily and sustainably accommodate it. Areas should only be protected by Policy PPL6 where their development would genuinely erode the separate identity of settlements. In our view the green gap designation should be rolled back to the north west of Frinton as shown on the attached plan. This area of land due to topography and existing natural screening in the form of a tree belt make no contribution to the separation of the settlements and its development would not compromise the separate identity of settlements. Our client has submitted an application for the development of this site for 85 dwellings referenced 17/00836/OUT. The application is due for determination on 22 August. During the consultation process no objections have been raised (subject to relevant conditions and where relevant S106 contributions) from Essex County Council Archaeology, Anglian Water, NHS England, Essex County Council Education. The application is supported by a LVIA	Alter the settlement boundary of Frinton as shown on Map 15 of the draft Local Plan to include the application site under reference 17/00836/OUT and remove the part of the site proposed for development from the Green Gap notation and allocate the site for 85 dwellings	Yes	Yes	To allow the appoint inspector to further examine the evidence if required.	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?						Web	Policy PPL 6	val.coleby@berrys.uk	

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1105911	LPPuD77	Rosegrade Limited	Section 2 Tendring	No	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	1. Rosegrade are the owners of Thorpe Maltings which they seek, in conjunction with other land, to redevelop for residential purposes. It is important that Emerging Policy does not frustrate this objective. 2. In this regard it is noted the Settlement Development Boundary has been drawn tightly around the existing settlement. However, the 2012 draft Local Plan included within the Settlement Development Boundary an area of land to the north and around the properties known as The Rock, Malting House and Lilac House. It is requested that this land should be reinstated so as to bring it back into the Settlement Development Boundary on the basis that it may be required for residential development to enable the Thorpe Malting development to achieve viability. 3. It is also noted that within the draft Local Plan there was a specific Policy on enabling development (previously policy PPL10) which has now been omitted. There is a section in respect of enabling section which is blank. 4. The removal of the Policy for enabling development is highly undesirable. This Policy is necessary when read together with Policies PPL8 and PPL9 to ensure consistency with National Policy. Without the enabling development Policy, Policies PPL8 and PPL9 are inconsistent with National Policy. Rosegrade therefore seeks two amendments. Firstly, the enlargement of the Settlement Development Boundary for Thorpe Station and Thorpe Maltings and secondly, the reinstatement of Policy PPL 10 "Enabling Development".	Firstly, the enlargement of the Settlement Development Boundary for Thorpe Station and Thorpe Maltings and secondly, the reinstatement of Policy PPL 10 "Enabling Development".	Yes	Yes	to properly represent client	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspector's Report is published?; When the document is adopted?	No	Protected Places; Policies Maps; Local Maps	Web	7.9	mjh@holmes-hills.co.uk				
1105911	LPPuD78	Rosegrade Limited	Section 2 Tendring	No	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	1. Rosegrade are the owners of Thorpe Maltings which they seek, in conjunction with other land, to redevelop for residential purposes. It is important that Emerging Policy does not frustrate this objective. 2. In this regard it is noted the Settlement Development Boundary has been drawn tightly around the existing settlement. However, the 2012 draft Local Plan included within the Settlement Development Boundary an area of land to the north and around the properties known as The Rock, Malting House and Lilac House. It is requested that this land should be reinstated so as to bring it back into the Settlement Development Boundary on the basis that it may be required for residential development to enable the Thorpe Malting development to achieve viability. 3. It is also noted that within the draft Local Plan there was a specific Policy on enabling development (previously policy PPL10) which has now been omitted. There is a section in respect of enabling section which is blank. 4. The removal of the Policy for enabling development is highly undesirable. This Policy is necessary when read together with Policies PPL8 and PPL9 to ensure consistency with National Policy. Without the enabling development Policy, Policies PPL8 and PPL9 are inconsistent with National Policy. Rosegrade therefore seeks two amendments. Firstly, the enlargement of the Settlement Development Boundary for Thorpe Station and Thorpe Maltings and secondly, the reinstatement of Policy PPL 10 "Enabling Development".	Firstly, the enlargement of the Settlement Development Boundary for Thorpe Station and Thorpe Maltings and secondly, the reinstatement of Policy PPL 10 "Enabling Development".	Yes	Yes	to properly represent client	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspector's Report is published?; When the document is adopted?	No	Sustainable Places; Policies Maps; Local Maps	Web	Policy SPL 2	mjh@holmes-hills.co.uk				

1105911	LPPuD51 1	Rosegrade de Limited	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	1. Rosegrade are the owners of Thorpe Maltings which they seek, in conjunction with other land, to redevelop for residential purposes. It is important that Emerging Policy does not frustrate this objective. 2. In this regard it is noted the Settlement Development Boundary has been drawn tightly around the existing settlement. However, the 2012 draft Local Plan included within the Settlement Development Boundary an area of land to the north and around the properties known as The Rock, Malting House and Lilac House. It is requested that this land should be reinstated so as to bring it back into the Settlement Development Boundary on the basis that it may be required for residential development to enable the Thorpe Malting development to achieve viability. 3. It is also noted that within the draft Local Plan there was a specific Policy on enabling development (previously policy PPL10) which has now been omitted. There is a section in respect of enabling section which is blank. 4. The removal of the Policy for enabling development is highly undesirable. This Policy is necessary when read together with Policies PPL8 and PPL9 to ensure consistency with National Policy. Without the enabling development Policy, Policies PPL8 and PPL9 are inconsistent with National Policy. Rosegrade therefore seeks two amendments. Firstly, the enlargement of the Settlement Development Boundary for Thorpe Station and Thorpe Maltings and secondly, the reinstatement of Policy PPL 10 Enabling Development.	Firstly, the enlargement of the Settlement Development Boundary for Thorpe Station and Thorpe Maltings and secondly, the reinstatement of Policy PPL 10 Enabling Development.	Yes	Yes	to properly represent client	Yes	Preferred Options	When the document is submitted for independent examination? When the Inspector's Report is published? When the document is adopted?	Policies Maps; Local Maps	Web	B.26	mjh@holmes-hills.co.uk
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Order	Person ID	ID	Full Name	Organisation Details	Full Name	Organisation Details	Please specify which section of the Publication Draft Local Plan your comments relate to by choosing one of the following:	Legally Compliant (Q1) Do you consider the Local Plan is legally compliant?	Soundness (Q2) Do you consider the Local Plan is sound?	If you do not consider the Local Plan is sound, please specify on what grounds:	Duty to Co-operate (Q3) Do you consider the Local Plan complies with the Duty to Co-operate?	Enter your full representation here:	Summary - Please specify the changes needed to be made to make the Plan sound/legally compliant here:	Do you wish to participate at the oral part of the examination?	Do you wish to participate at the oral part of the examination?	If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:	Did you raise the matter that is the subject of your representation with the LPA earlier in the process of the preparation of the Local Plan?	If Yes - which stage?	Do you wish to be notified?	Response to representation - Council's response to representation	Number	Recommended Change Required?	Categories	Recommended Change Reason	Recommended Change Reason	Number	Email Address
625	1105928	LPPuD83	Lorrimar Investments Ltd	MR LESLIE SHORT	Director Artisan PPS Ltd	Section 2 Tendring	Yes	No	Consistent with National Policy; Effective; Justified; Positively prepared	Yes	We object to the exclusion of Site UE 1.10 (Land off Centenary Way, Clacton) from growth at a scale commensurate with that projected for the Tendring District or with its sustainability status as a Strategic Urban Settlement (Policy SPL 1). Restricting development in higher order settlements such as Clacton in the draft Local Plan is both contrary to the presumptions of para.14 of the Framework and to the whole of the Rural Housing section of the National Planning Practice Guidance which states "Rural housing is essential to ensure viable use of local facilities" and "all settlements can play a role in delivering sustainable development in rural areas" and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence" (National Planning Guidance Paragraph: 001 Reference ID: 50-001-20160519) The Council's site sustainability assessment of Site UE 1.10 could not be more unequivocal or positive. We say that a larger allocation in Clacton is required for the reasons set out in earlier paragraphs and that the site can be delivered and delivered now. The summary site assessment presented to previous meetings of the Council's Local Plans Committee reported by Officers, appears clear and conclusive. There is no sound planning reason why the land should be dropped from the allocations process. The Council's application of its own sustainability appraisal at SHLAA assessment stage and since for the site requires update given the change of occupancy and should be reclassified as a brownfield site to which priority for housing allocation should be given. The allocation of site UE 1.10 would contribute positively to meeting the identified housing needs of Clacton and the site could deliver commensurate levels of infrastructure to support new development in a sustainable way whilst providing greater market choice. At the very least, those already living in Clacton, have every right to expect the Tendring Council to deliver that choice in its land allocations and Local Plan.	Yes	Yes	To facilitate the robust examination of this policy in the context of the representation as submitted.	Yes	Preferred Options	When the document is submitted for independent examination?; When the Inspectors Report is published?; When the document is adopted?	12.0.4		Web	Web	12.0.4					

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

Braintree District Council, Tendring District Council and Colchester Borough Council, have each published their own Publication Draft Local Plan for consultation. Section 1 is common to each plan. This response form can be used to respond to any part of the 3 Plans. It is important to specify which.

The 3 Plans have been published in order for representations to be made prior to submission of the documents to the Planning Inspectorate for examination. All representations will be examined by a Planning Inspector. The purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

Each Local Plan has two parts:

Publication Draft Local Plan Section 1 - A set of strategic policies constructed in partnership between the three authorities and Essex

County Council. This means that the Section 1 policies are intended to apply across all three Local Authorities. These policies include those relating to Garden Communities, housing supply, employment, shopping and the environment. You can send your response to any one of the authorities as all responses to Section 1 will be collated. Only 1 response to the 3 authorities is required.

Publication Draft Local Plan Section 2 - relates to the specific district, contains more detailed policies and is used to determine planning applications. If you wish to comment on the Tendring Publication Draft Local Plan Section 2 you should send your comments to Tendring District Council.

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planning.policy@tendringdc.gov.uk or by phone on 01255686177 and ask for Planning Policy.

Part A - Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Council's websites and included as part of the Publication Draft Local Plan submissions to the Inspector. Address and contact details will be removed from published responses. (Village/town shown).

The Council reserves the right not to publish or take into account any representations which it considers offensive or defamatory.

Please supply an email address if you have one as it will allow us to contact you electronically. Everyone who submits a representation will be added to the relevant consultation database (if not already included) so that we can keep you up to date with the plan. If you do not wish to be contacted in this way please state this clearly on the form.

If an agent or consultant has been engaged to act on your behalf please fill in both sets of details in full. Correspondence will be sent to the agent. If you are a landowner with an agent acting on your behalf, please ensure that your agent knows the site name and reference number which your site has been given.

Part B - Representation

Please specify which section of the Publication Draft Local Plan your comments relate to, by choosing one of the following;

Section 1 A response to this section will be reported to all 3 authorities.

Section 2 Colchester
Section 2 Tendring
Section 2 Braintree

} These plans are specific to each authority.

Which part of the plan are you responding to (please use one form per submission):

Paragraph: for a representation on wording or paragraph content

Policy: for a representation on the wording or inclusion or omission of a policy

Other: for example a map inset number, site reference or the wording or content of tables or appendices

Legal Compliance and Duty to Co-operate

If commenting on how the Publication Draft Local Plan has been prepared, it is likely that your comments will relate to a matter of legal compliance.

The Inspector will check that the Plan meets the legal requirements

You should consider the following before making a representation on legal compliance:

- The Plan should be included in the current Local Development Scheme (LDS) and the key stages should have been followed.
- The process of community involvement for the Plan in question should be in general accordance with the Statement of Community Involvement (SCI).
- The Plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations; making them available on its website and at its principal offices. It must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.
- The LPA must provide a Sustainability Appraisal Report. This should identify the process by which it has been carried out, baseline information used to inform the process and the outcomes of that process.
- LPAs will be expected to provide evidence of how they have complied with the Duty to

Co-operate.

- Non-compliance with the duty to cooperate cannot be rectified after the Plan's

submission. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

Soundness

Soundness is explained in National Planning Policy Framework (NPPF) paragraph 182. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

More details and further guidance on what is meant by the term 'soundness' can be found below and at; www.planningportal.gov.uk

Positively prepared

This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate, robust and credible evidence base.

Effective

The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, sound infrastructure delivery planning and no regulatory or national planning barriers. It should be flexible to changing circumstances

Consistent with national policy

The Plan should be consistent with national policy. Departure must be clearly justified.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered, how is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

Using the spaces provided please give details of why you think the Publication Draft Local Plan is not 'sound having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. **If your representation is over 100 words please include a summary of its main points in the box provided.**

It will be helpful if you also say precisely **how** you think the Plan should be modified. Representations should cover succinctly all information, evidence and supporting information necessary to support/justify the representation and suggested modification, as there will not normally be a further opportunity to make submissions based on the original representation made at publication.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

All the formal representations received during this stage will be submitted to and considered by the appointed independent Planning Inspector at the public examination on the Plan. The process is likely to include public hearings. The Inspector will determine the most appropriate procedure to adopt to hear those who choose to participate at this stage. If you would like to appear and speak at the hearings, please state this and explain in the space provided why you consider it is necessary that you participate.

Representations can be sent:

- Via the Council's online consultation portal: <http://tendring-consult.objective.co.uk/portal>
- Via a representation form which can be downloaded from the website and returned via email to planning.policy@tendringdc.gov.uk
- or by post to:
**Planning Policy,
Tendring District Council
Thorpe Road
Weeley
Essex
CO16 9AJ**