

# 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](mailto:planningpolicy@braintree.gov.uk) or by phone on 01376 552525 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**  
**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](http://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](http://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](mailto: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](http://www.braintree.gov.uk/newlp) However, this form can be returned electronically to [localplan@braintree.gov.uk](mailto: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" value="St John's College"/>
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" value="Mr"/>
First Name	<input type="text" value="Will"/>
Last Name	<input type="text" value="Lusty"/>
Organisation	<input type="text" value="Savills"/>
Address Line 1	<input type="text" value="Unex House"/>
Address Line 2	<input type="text" value="132-134 Hills Road"/>
Address Line 3	<input type="text" value="Cambridge"/>
Post Code	<input type="text" value="CB2 8PA"/>
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:**

We welcome the general approach taken within Policy SPL 1, which sets the Council's settlement hierarchy for the District over the plan period. This approach seeks to manage this growth in such a way that it is proportionate to the services and facilities and accessibility by public transport that can be found in the locations in which it is to take place.

However, we consider there is a need to balance this approach with the need to maintain the social, economic and environmental viability of areas which are less well located in terms of accessibility to services and facilities and public transport, particularly such as the more rural parts of the District, such that development of an appropriate scale takes place in these locations.

We are of this view in light of policy contained within the National Planning Policy Framework (NPPF) at Paragraph 28, which states that:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should: ...

*Continue onto next page*

- Promote the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship”.

In applying this policy to the rural area in Tendring, we consider that a flexible approach should be taken to allow for scales of growth in rural locations, such as Smaller Rural Settlements, which exceeds that which is prescribed by the settlement hierarchy, as currently drafted, in some instances, where this would not be excessive, or be harmful within the context of any site specific considerations.

Dealing specifically with Smaller Rural Settlements, we consider that, in order to make the Plan sound with regard to Section of the NPPF, allowance should be made for small and medium scale development at Smaller Rural Settlements, where this would be appropriate in the circumstances described above.

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

Medium-scale development should be allowed at Smaller Rural Settlements in addition to small-scale development, in order to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development

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

In order to make the Local Plan sound, we propose that the words 'and medium scale' are inserted into the second sentence in paragraph 3.2.1.4.2, after the words 'some smaller scale development'.

**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**