

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**

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"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation <i>(Where relevant)</i>	<input type="text" value="Trinity College, Cambridge"/>
Address Line 1	<input type="text" value="c/o Sam Metson"/>
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="Sam"/>
Last Name	<input type="text" value="Metson"/>
Organisation	<input type="text" value="Bidwells"/>
Address Line 1	<input type="text" value="Victoria House"/>
Address Line 2	<input type="text" value="Victoria Road"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text" value="CM1 1JR"/>
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:

Policy SPL1 – Managing Growth

My client **supports** this policy, which identifies Brightlingsea as a “Smaller Urban Settlement”, the second tier in the draft Local Plan's settlement hierarchy. This recognises the importance of Brightlingsea as a centre for population, services and employment within the District and its suitability for contributing sites that will help address future housing needs.

Brightlingsea is one of the District's largest and most sustainable settlements. It is also one of the closest and best connected settlements to Colchester, a major sub-regional employment centre which serves a wide hinterland. Brightlingsea benefits from regular bus services to Colchester and other surrounding settlements, including Alresford and Great Bentley which provide regular rail services to London Liverpool Street and other sub-regional centres.

Directing growth to the Smaller Urban Settlements like Brightlingsea would address the pressing need for new housing in the District in a sustainable manner, making best use of existing infrastructure. There are no absolute constraints to development to the north, east or west of Brightlingsea's existing settlement boundary, suggesting that there is no reason why the town should not make a proportionate contribution towards the growth needed in Tendring.

Policy LP1 and Proposals Map B.21/ Policies Map 1

My client **objects** to the current wording of this policy, which fails to fully address objectively assessed housing need (OAN) and artificially restricts the contribution that Brightlingsea could make towards doing so.

Objectively Assessed Need

The Council has assessed the need and demand for new market and affordable housing in the District via its Strategic Housing Market Assessment (SHMA - 2015) and its Objectively Assessed Housing Need Study (OAHN - November 2016 update). The SHMA has established that there could be a need and demand for between 500 and 600 dwellings per annum. At present the Council is only aiming to deliver 550 dwellings per year, which is likely to fall short of the full OAN. This approach is inconsistent with paragraph 47 of the National Planning Policy Framework (the NPPF) which requires local planning authorities to plan positively to meet the full, objectively assessed needs for market and affordable housing as far as is consistent with other policies in the NPPF.

Since the SHMA was published the Government has released the 2014 Subnational Population Projections and the 2014 Household Projections. These suggest that 12,000 new households will form in the Tendring District between 2013 and 2033, or 600 per annum. This evidence highlights the need to update the SHMA and, in the interim, the importance of planning to meet the need for at least 600 new homes per year.

In addition, the capacity of Brightlingsea is being artificially and disproportionately restricted, with only 100 dwellings anticipated to come forward during the Plan period. Trinity College is concerned that the Council's approach in this regard is unjustified by evidence and unsound in approach, and may unnecessarily prevent the Local Plan address the identified housing needs of the District.

Policy SAMU5 refers to the allocation of the Land South of Thorpe Road, Weeley, for mixed use development including at least 280 new homes, 1ha of land for employment and 2.1ha of land for a new primary school. Weeley is identified within the settlement hierarchy as being a Rural Service Centre, where the Local Plan has identified opportunities for smaller scale growth and a modest increase in housing stock, where appropriate. It is therefore unclear why this location has been allocated to accommodate approximately 2.5 times more growth than Brightlingsea, which is defined as a Smaller Urban Settlement within the local plan where there is the opportunity to deliver sustainable housing growth on a larger scale.

Realising the full potential of Brightlingsea

The potential of my client's land at Brightlingsea Hall Farm (SHLAA reference UE4.12) to contribute to housing and other development needs appears to have been discounted. There is no justification given to explain why this approach has been taken. We can only assume that it follows the Council's assessment of the site in the Strategic Housing Land Availability Assessment (2014). This highlighted concerns about impacts of development on wildlife, a conservation area adjoining the site to the north, the 'questionable' sustainability of its location and doubts about the deliverability of infrastructure. In response, we would urge the Council and the appointed Inspector to take the following into account:

- The site is in continual use for intensive arable agricultural production and the vast majority of it is likely to be of little ecological value. Indeed, development for housing, with associated gardens, open spaces and landscaped areas providing new wildlife habitat in addition to retained hedgerows and field boundaries may even enhance biodiversity interest. In any case, there is sufficient land available (over 16 hectares) to ensure that any scheme makes suitable provision for existing protected or priority species. Any concerns about ecological impacts should not therefore be a reason for concluding that the site is unsuitable.
- The presence of a neighbouring conservation area should not put a moratorium on all development. It is entirely feasible that a scheme for redevelopment of part of the land could preserve or enhance the conservation area in accordance with the requirements of the National Planning Policy Framework and the Council's current and emerging Local Plan policies.

- The SHLAA incorrectly prejudged the conclusions of the Sustainability Appraisal that underpins the Publication Draft Local Plan regarding the relative sustainability merits of the various options for development in Brightlingsea. There are no overriding policy restrictions, physical problems or limitations, potential impacts or environmental constraints that suggest that the site should be considered unsuitable for development. It is the job of the Sustainability Appraisal to ensure that the Local Plan takes forward the most sustainable options for development, not the SHLAA. Our representations in response to the assessment of the site within the Sustainability Appraisal are detailed separately below.
- The size of the site would suggest that it has ample capacity to provide the 'critical mass' of development required to deliver necessary infrastructure. Indeed, the site is considerably larger than the Council's preferred site at Robinson Road and there is no reason to believe that it is any less well placed to deliver the infrastructure required to support its development.
- Trinity College Cambridge can confirm that there are no overriding housing market, cost, ownership or delivery factors that would prevent the site coming forward for residential development during the emerging Local Plan period if it were allocated as such. This is a greenfield site with few constraints and development costs should be relatively low, particularly in comparison to other sites where achievability has not been questioned by the Council.

Development in this location would also have a number of sustainability benefits:

- Unlike much of the land to the south, east and west of Brightlingsea, the majority of the site is not identified to be at risk from flooding and is not subject to any statutory or non-statutory nature conservation designations.
- The site can be accessed directly from the B1029, which serves as the only public and private transport corridor into and out of the town. As such, development on this site would be well connected to existing public transport services and link directly to the rail connections available within three miles at Alresford and Great Bentley.
- Developing this site as opposed to further land to the east of the town, which can only be accessed through existing residential areas, would considerably reduce the impact of traffic generation and congestion on the existing urban area. Indeed, given its location adjacent to the B1029, development of this site has the potential to relieve congestion through the provision of enhanced transport infrastructure.
- The site is located within walking and cycling distance of the town's primary school and secondary school, the Morses Lane employment area and the main Parish Church (All Saints). Indeed, the site is situated far more favourably in relation to these key centres than the proposed growth area south of Robinson Road.
- The land at Brightlingsea Hall Farm adjoins the Morses Lane industrial area and could form part of a comprehensive mixed use development that would complement the Morses Lane scheme in the most accessible area of the town. We would strongly urge the Council to consider the benefits of such a scheme.
- It also adjoins existing residential development to the east on Church Road and to the south on Sampson's Road. It would be suitable for smaller scale incremental development if the local planning authority continues to resist proposals for a larger, comprehensive scheme during the current Plan period. Allowing all or some of my client's land to come forward for development would allow a more flexible approach to be taken and ensure that sufficient new housing is developed in Brightlingsea and the wider District to respond to identified needs.

Sustainability Appraisal

My client *strongly objects* to the assessment of the site within the Sustainability Appraisal and as such the reason for selection of the site at Robinson Road, Brightlingsea as the sole allocation for residential growth in Brightlingsea.

Distance from Primary School

Firstly, the assessment of the land at Brightlingsea Hall Farm within the sustainability appraisal is considered misleading, particularly in relation to assessment of the distance from primary school which is currently shown to have a potentially significant negative impact.

The 'Home to school travel and transport guidance' published in July 2014 by the Department for Education provides statutory guidance for Local Authorities in relation to home to school travel and transport and sustainable travel. Within this document, statutory walking distance is stated as being two miles and under for pupils below the age of 8, and three miles and under for pupils ages 8-16. These distances are also in accordance with Essex County Council's Education Transport Policy.

My client's site (BR5) at its nearest point is some 0.95 miles from the local primary school and 1.4 miles at its furthest point. The allocated site at Robinson Road at its nearest point is some 0.7 miles, extending to in excess of 1 mile at its furthest point. Whilst it is acknowledged that the allocated site is marginally closer to the nearest primary school, my client's site is located well within the statutory walking distance even at its furthest point, and as such we dispute the view that residential development here would have a potentially significant negative impact and suggest that the assessment provides a misleading representation of the site. Furthermore, the route from my client's site at any point is well paved, providing a safe route as required by the ECC Education Transport Policy and the DfE statutory guidance. Due to its siting, the allocation at Robinson Road would require access from the south of the site as Robinson Road itself is a narrow road with no facility for safe pedestrian access, and this would result in a walking route and negotiation of the junction of the B1029, Station Road and Queen Street, where there is currently no assistance for pedestrian crossing.

Reason for selection of allocated site

My client disagrees with the reason for selection of the allocated site, particularly that the site represents a proportional sized development within the area. Within the Sustainability Appraisal it is stated that the reason for selection of the site at Robinson Road, Brightlingsea, is as follows:

"Brightlingsea represents a Smaller Urban Settlement within the District, and a focus of growth in regard to the Spatial Strategies of both Sections One and Two of the Local Plan and the settlement hierarchy (Policy SP1). The principle of growth established, the site represents a proportional sized development within the area, and preferable in this regard to the larger strategic sites proposed (alternative sites BR4, BR5, BR6 and BR7 in this SA – see Appendix 2), or a combination of smaller piecemeal developments within the settlement."

Whilst acknowledging that the principle of growth has been established in Brightlingsea, we dispute the view that this site represents a proportional sized development within the area.

Policy SAMU5 refers to the allocation of the Land South of Thorpe Road, Weeley, for mixed use development including at least 280 new homes, 1ha of land for employment and 2.1ha of land for a new primary school. Weeley is identified within the settlement hierarchy as being a Rural Service Centre, where the Local Plan has identified opportunities for smaller scale growth and a modest increase in housing stock, where appropriate. It is therefore unclear why this location has been allocated to accommodate a significantly greater amount of growth than Brightlingsea, approximately 2.5 times greater than the provision proposed at Brightlingsea, which is defined as a Smaller Urban Settlement within the local plan where there is the opportunity to deliver sustainable housing growth on a large scale. This approach is unjustified and unsound.

If your representation exceeds 100 words, please provide a brief summary here

- Insufficient sites allocated to meet full objectively assessed housing needs.
- Disproportionately low allocation of residential development to Brightlingsea, where more growth could be accommodated
- Unjustified discounting of the development potential of the Land at Brightlingsea Hall Farm for residential development
- Inaccurate assessment of the Land at Brightlingsea Hall Farm (BR5) within the Sustainability Appraisal, leading to an unjustified site selection for growth at Brightlingsea

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

In order for the plan to meet the tests of soundness, namely that the plan is positively prepared, justified and proposes the most appropriate strategy, the allocation of sites for residential development should be reviewed to ensure sufficient sites are allocated to meet full objectively assessed housing needs and a proportionate amount of growth is designated in Brightlingsea.

At present, Brightlingsea is disproportionately represented in its ability to contribute towards the additional housing growth required, and as a smaller urban settlement with existing infrastructure it should accommodate a greater proportion of the proposed housing growth than settlements which feature further down the settlement hierarchy. The land at Brightlingsea Hall Farm provides the opportunity for the District to allocate more residential development in Brightlingsea, a highly sustainable location with existing infrastructure. Further development here and where development would have a less significant impact on the existing population in comparison to larger schemes proposed further down the settlement hierarchy at Weeley, where the impact would be far greater. At present the Plan has not been positively prepared in order to meet full objectively assessed housing needs, achieve sustainable development or provide a balanced spatial strategy.

It is also disputed that the assessment of sites within the Sustainability Appraisal accurately leads to a justified site selection for Brightlingsea, where a disproportionately low allocation has been proposed compared to smaller settlements in the Tendring District. In order for the allocation for the Plan to be considered justified, the Land at Brightlingsea Hall Farm should be reconsidered for allocation, taking account of the comments detailed in the representation above, to enable a greater amount of housing to be provided to meet full objectively assessed housing needs and a more proportionate approach as to the distribution of housing growth across the district.

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