

# 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.

## 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** 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  City & Country

*(Where relevant)*

Address Line 1  c/o agent

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

### 2. Agent’s Details (if applicable)

Title  Mr

First Name  Sam

Last Name  Hollingworth

Organisation  Strutt & Parker LLP

Address Line 1  Coval Hall

Address Line 2  Rainsford Road

Address Line 3  Chelmsford

Post Code  CM1 2QF

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:**

Please see Supporting Statement SP-CC-GB01

*Continue onto next page*

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

Please see Supporting Statement SP-CC-GB01

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

Please see Supporting Statement SP-CC-GB01

**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**

We represent owners of land which is able to assist in addressing concerns in respect of issues of soundness, and feel would welcome the opportunity to discuss this complex matter - and potential solutions - further as part of the examination process.

**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 confirms<sup>1</sup> 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

---

<sup>1</sup> 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 Area<sup>1</sup> 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 degrees<sup>2</sup>) 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 UK<sup>3</sup> with the recorded Census population.

<sup>1</sup> Braintree, Chelmsford, Colchester & Tendring

<sup>2</sup> 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.

<sup>3</sup> 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 13<sup>th</sup> 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 17<sup>th</sup> 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 projections<sup>1</sup>. Any such adjustments must be properly evidenced and robustly justified<sup>2</sup>.

#### *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 iteration<sup>3</sup> 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 UPC<sup>4</sup> 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.**

---

<sup>1</sup> ID: 2a-015-20140306

<sup>2</sup> ID: 2a-017-20140306

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

<sup>4</sup>ibid

- 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 Plan<sup>5</sup> and the Vale of Aylesbury Plan Strategy<sup>6</sup>.

### *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 OAHN<sup>7</sup>.
- 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 population<sup>8</sup>. 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

---

<sup>5</sup>Eastleigh Borough Local Plan, Inspector's Report, February 2015

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

<sup>7</sup> ID: 2a-017-20140306

<sup>8</sup> 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 allowance<sup>9</sup> for vacant units/second homes. The application of a 15% market signals uplift would raise this figure still further, to 761 dpa

<sup>9</sup>An 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.