

# 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   
*(Where relevant)*

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

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

Title

First Name

Last Name

Organisation

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

## PART B

# REPRESENTATION FORM

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

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

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

Section 1     Section 2 Colchester     Section 2 Tendring     Section 2 Braintree

**Which part of the section are you responding to?**

e.g. Paragraph/Policy/Map/Other

**Do you consider the Local Plan is Legally compliant?**

Yes     No

**Does it comply with the Duty to Co-operate?**

Yes     No

**Do you consider the Local Plan is Sound?**

Yes     No

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

Positively prepared     Justified     Effective     Consistent with National Policy

**Enter your full representation here:**

Please see accompanying Accompanying Statement SP-GH-PDLP01

*Continue onto next page*

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

The Publication Draft Local Plan understates the extent of housing need within Tendring District, and as such as currently worded is unsound. SP2 should be amended to provide for a greater number of dwellings over the plan period. Additional land should be allocated for residential use in order to facilitate this.

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

Please see accompanying Accompanying Statement SP-GH-PDLP01

**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**

As representatives of a major landowner within the District, allocation of which has the potential to help address current defects in the Local Plan, we feel we are well-placed to assist in the examination process and would welcome the opportunity to discuss our concerns and suggested solutions further.

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

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

Yes  No

**If yes which stage**

Issues and Options  Preferred Options

**Do you wish to be notified?**

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

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

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

**Colchester: Return by 5pm 11th August 2017**

## Representations Tendring District Publication (Regulation 19) Draft Local Plan

### Our reference: Supporting Statement SP-GH-PDLP01

By Strutt and Parker LLP on behalf of Greenwich Hospital

#### Background and overview

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

#### Policy SP2 - soundness

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

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

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

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

And:

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

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

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

#### **Policy SP2 – changes required**

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

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

33. Additional land owned by Greenwich hospital is not subject to any environmental, ecological or heritage constraints that suggest its development would be prohibited.
  
34. In light of the need to identify additional land in order to meet objectively assessed need, and to ensure the Local Plan is justified (that it is the most appropriate strategy, when considered against the reasonable alternatives, as per the requirements of paragraph 182 of the NPPF) the Council should consider the additional land shown within Appendix 1 of this representation as part of the plan-making process, for allocation for residential development through the Local Plan.

