

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

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

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

Each Local Plan has two parts:

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

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

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

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

Part A - Personal Details

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

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

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

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

Part B - Representation

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

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

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

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

Paragraph: for a representation on wording or paragraph content

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

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

Legal Compliance and Duty to Co-operate

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

The Inspector will check that the Plan meets the legal requirements

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

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

Soundness

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

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

Positively prepared

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

Justified

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

Effective

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

Consistent with national policy

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

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

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

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

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

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

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

Representations can be sent:

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

For internal Use only	ID:		Rep No:	

Draft Local Plan RESPONSE FORM

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

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

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

PART A

1. Personal Details

Title

First Name

Last Name

Organisation
(Where relevant)

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

2. Agent’s Details (if applicable)

Title

First Name

Last Name

Organisation

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

PART B

REPRESENTATION FORM

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

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

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

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

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

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Please see accompanying Accompanying Statement SP-GH-PDLP02.

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-PDLP02

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 the landowner of a significant element of land proposed to be allocated through Policy SAMU2 we feel we would be well-placed to assist the Inspector in respect of any queries which may arise on this policy, and its deliverability.

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-GH-PDLP02

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 Tending 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 SAMU2. We consider that Policy SAMU2 is justified, effective, consistent with national policy and will contribute towards a positively prepared Local Plan. In short, Policy SAMU2 is sound.

Policy SAMU2

Justified

4. The NPPF (paragraph 182) requires the Local Plan to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
5. Additionally, the NPPF makes clear (at paragraph 165) that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process. The Environmental Assessment of Plans and Programmes Regulations (2004) require that all reasonable alternatives be considered and assessed to the same level of detail as the preferred approach; and that the reasons for the selection of preferred alternative, and the rejection of others, be made set out.

6. It is clear that sustainability appraisal has a fundamental role in determining the appropriate strategy for the Local Plan, and a vehicle through which decisions should be justified.
7. The Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) which accompanies the PDLP includes assessment of SAMU2.
8. The SA/SEA considers the impact of the proposed policies on a number of sustainability objectives, and finds that it has positive impacts in relation to a number of these.
9. Policy SAMU2 was assessed as having a significant positive impacts in relation to:
 - Provision of the homes needed to support the existing and growing population;
 - Provision of more affordable homes across the District;
 - Promotion of regeneration;
 - Enhancement of the vitality and viability of town centres;
 - Reduce the need to travel;
 - Provision of access to education, recreation and community facilities;
10. Policy SAMU2 was also assessed as having minor positive impacts in relation to:
 - Delivery of a mix of housing types to meet the diverse needs of the District;
 - Improving the delivery of a range of employment opportunities to support the growing population;
 - Increasing sustainable modes of transport;
 - Protection of existing open spaces and creation of new open spaces;
 - Improving levels of education attainment;
 - Protection / enhancement of protect of the countryside (including landscape) and coastal environment;
11. The SA/SEA assessment of the site identifies no significant negative impacts as a result of Policy SAMU2, and only two minor negative impacts. The two minor negative impacts identified are the protection and enhancement of listed buildings and sites of archaeological importance; and surface water flooding. In the case of both of these, it is considered that any

potential negative impacts can be mitigated. In the case of the former, through appropriate design and delivery of the development; and through the implementation of an appropriate drainage strategy, in respect of the latter.

12. The SA/SEA clearly considers policy SAMU2 against potential alternatives, and find that it is an appropriate and sustainable option. Furthermore, the reasons for the selection of the policy – and its inclusion within the PDLP – is set out within the SA/SEA, as required.
13. Accordingly, Policy SAMU2 is considered justified.

Effective

14. Our clients own a proportion of land that is proposed to be allocated for mixed use development through Policy SAMU2 of the PDLP, and are committed to working positively with neighbouring landowners to realise the development.
15. We can confirm there are no achievability and availability constraints in respect of the land owned by Greenwich Hospital. Furthermore, we understand there are no such constraints in respect of the other land proposed to be allocated through SAMU2.
16. Accordingly, SAMU2 is considered to deliverable and therefore effective.

Consistent with national policy

17. National policy, in the form of the NPPF, places great emphasis on the need for planning to promote sustainable development. The SA/SEA that accompanies the PDLP confirms that the development proposed through SAMU2 is sustainable.
18. It is considered that Greenwich Hospital's land is particularly well-placed to be able to help meet the housing needs of the District as part of a natural extension of the existing residential area to the south, and as part of this mixed use development. It is acknowledged that supporting uses will need to be provided alongside the new housing to maximise the sustainability of the new development.

19. The NPPF also stresses the need to ensure that the Local Plan seeks to meet development needs in full, and seeks to significantly boost housing land supply. Policy SAMU2 will contribute positively towards this.
20. There are no policies within the NPPF that suggest development of land proposed to be allocated through SAMU2 should be restricted.
21. SAMU2 is considered to be consistent with national policy.

Positively prepared

22. In order to be considered positively prepared, the NPPF requires the Local Plan to be 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.
23. There are concerns as to whether the PDLP will result in a Local Plan that meets these needs in full.
24. Nevertheless, clearly Policy SAMU assists the Local Plan in meeting development needs, and as such should be considered positively prepared.

