

Tendring *District Council*



Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond'

HEARING STATEMENT FROM THE LOCAL PLANNING AUTHORITY

Matter 9: Connected Places

January 2021

9.1 Sustainable transport and Accessibility (CP1) & Improving transport Network (CP2)

Are the policies justified and consistent with national policy? Are the requirements of the policies clear, and would they be effective?

Are the Council's proposed modifications necessary for soundness?

- 9.1.1 Policy CP1 actively promotes increased access to sustainable modes of transport, which includes walking, cycling and public transport. In line with a paragraph 30 of the NPPF 2012 this will *“support reductions in greenhouse gas emissions and reduce congestion”*.
- 9.1.2 The Council consult with Essex County Council as the Highway Authority on planning matters, this includes utilising the Local Transport Plan and assessing transport evidence submitted with planning applications for major new developments. As such CP1 is justified and is consistent with paragraph 32 of the NPPF (2012) *‘all developments that generate significant amounts of movement should be supported by a Transport Statement’*. Policy CP1 is thus both justified and consistent with national policy.
- 9.1.3 The Council's proposed modifications to this policy add to the strength of the policy rather than being strictly necessary for soundness.
- 9.1.4 CP2 is clear in it's aim to see major development proposals include measure to prioritise both cycling and walking as well as ensuring access to public transport. This is consistent with paragraph 35 of the NPPF (2012) which states that *“Plans should protect and exploit opportunities for the use of sustainable transport modes”* including giving *“priority to pedestrian and cycle movements, and have access to high quality public transport facilities”*.
- 9.1.5 The proposed changes to paragraph 8.2.4 is to reflect the updated position with the Tendring Colchester Borders Garden Community. The first proposed change to Policy CP2 is designed to update the position with the Colchester Tendring Borders Garden Communities as well as reflecting the Council's suggested change in approach to the development of Hartley Gardens, as explained in more detail in [Topic Paper 6](#). The proposal there is to re-designate the area as a 'broad location' for development and to re-assess the detailed transport requirements which may or may not result in a different approach to the link road in North-West Clacton.
- 9.1.6 The second suggested modification is to ensure greater consistency with paragraph 32 of the National Planning Policy Framework and the specific reference to 'severe impacts'. The Council's proposed modifications are considered necessary for soundness as they reflect updated positions and ensure greater consistency with the NPPF.

9.1.7 For information, the Council and Essex County Council as the Highway Authority are currently preparing a Statement of Common Ground that will provide an up to date position on highway and transportation matters. This will include the position on the TDC Local Plan Modelling Support Stage 3 report ([EB8.1.1](#)) when considering the completion of various highway projects, highway mitigation secured through s106 or S278, recent housing delivery and the revised housing trajectory since submission of the Local Plan. The Highway Authority will confirm its position as to whether the scenarios modelled and the conclusions of the modelling work remain relevant.

Improving the Telecommunications Network (CP3)

9.2 Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Is the policy reasonable and have the viability implications of the policy been considered?

9.2.1 The installation of high quality broadband is essential for the economic growth of Tendring. As location becomes less important for certain types of business such as the service sector, it will be important for Tendring to be able to provide modern communications to meet the requirements of residents and attract inward investment. This is in line with NPPF Section 5 (Para.42) which states *‘Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. In preparing Local Plans, local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.’*

9.2.2 The second bullet point of Policy CP3 encourages mast sharing which again is line with NPPF (para. 43) which states that local planning authorities should *‘should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.’*

9.2.3 The Policy is also in conformity to NPPF 2019 (para.112) which emphasises the installation of high quality communication infrastructure in stating that *‘advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is*

expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).'

- 9.2.4 The third bullet point of Policy CP3 is the subject of a specific objection by the House Builder Federation ([RR9](#)) on grounds that the provision of super-fast broadband is not in the control of the developer who requires a third party provider for such infrastructure and that no additional costs have been included in the viability study for such provision. The Council believe the policy is suitably flexible where there are circumstances beyond the developers control where they can demonstrate that it would '*not be possible, practical, or economically viable*' the Council may seek developer contributions towards for off-site works that would enable those properties access to superfast broadband in the future. This policy approach has been supported by Planning Inspectors on appeal.
- 9.2.5 This policy was subject to a viability analysis in the Economic Viability Assessment ([EB9.1.1](#)) which stated (p97) that '*there are no specific viability implications in relation to this policy. The costs for complying with this policy are incorporated within the standard assumptions for development costs and allowances for planning obligations across the majority of sites. Testing assumptions for some case studies include additional allowances for planning obligations and enabling costs and are likely to capture instances where the costs of complying with policy requirements are greater, but this is likely to be determined on a site-by-site basis.*'
- 9.2.6 This above policy approach has been supported by Planning Inspectors on appeal. As such, further changes to the policy are not considered necessary.