

Tendring *District Council*



TENDRING DISTRICT COUNCIL

Planning Department

Regulation 20 Consultation Report

A report of representations received in response to the Council's Local Plan: Proposed Submission Draft (November 2012) and how these have been considered in the preparation of a series of 'Pre-Submission Focussed Changes' to the Local Plan

January 2014

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1. Introduction

- 1.1 This document sets out the representations received during the Regulation 20 public consultation period on the Tendring District Local Plan: Proposed Submission Draft (2012) between November 2012 and January 2013 and how they have been considered to inform the preparation of a series of 'pre-submission focussed changes' to the Local Plan.
- 1.2 These 'focussed changes' are aimed at resolving issues that were raised during the public consultation period and ensuring the plan is up to date and meets the requirements of latest national planning policy. It is important to address these issues before the Local Plan is submitted to the Secretary of State to be examined by a Planning Inspector, hence the term 'pre-submission focussed changes'.
- 1.3 The 'pre-submission focussed changes' are presented as three documents: one setting out the 'Major Changes' to the Written Statement, another setting out the 'Minor Changes' to the Written Statement and one setting out changes to the Policies Maps.
- 1.4 It is the Council's intention that the policies and proposals in the Local Plan, as amended by these pre-submission focussed changes, will eventually supersede, in full, all of the policies and proposals in the Tendring District Local Plan that was formally adopted in December 2007.
- 1.5 This document is arranged in the same chapter order as the 2012 Draft Local Plan, with representations arranged in policy order. Each response contains summaries of all the representations received arranged under the following four respondent types: comments from technical stakeholders, comments from landowners, developers and businesses, comments from community representatives (District, Parish & Town Councillors and Community Groups) and comments from members of the public. This is then followed by the Council's consideration of the representations and what changes to the Local Plan are proposed. Each change proposed includes a reference to the specific minor, major or Policies Map change (i.e. MAJ1.1, MIN1.1 or PM1.1).
- 1.6 Please note that some of the responses have been summarised in order to ensure this report remains as succinct as possible. Copies of all the original comments submitted can be viewed on the Council's website.

Chapter 1: Introduction

Introduction – Introductory Paragraphs

(Pages 11 and 12 – including paragraphs 1.1 to 1.6)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

Whilst no specific comments were raised in relation to paragraphs 1.1 to 1.6, the Council proposes a major change to the time frame of the Local Plan from a 10 year period (2011-2021) to a 15 year period (2014-2029) in response to a number of objections to Policies PEO1 and PEO2 and to ensure the Local Plan meets the requirements of the National Planning Policy Framework.

The first time the plan period is mentioned in the Local Plan is paragraph 1.4 and the change from a 10 year period to a 15 year period is the first of the ‘major changes’ proposed by the Council (MAJ1.1) and arguably the most significant of all the pre-submission focussed changes.

Paragraph 1.5 requires a minor change as a consequence.

Outcome

The following **major change** to paragraph 1.4 (MAJ1.1) is proposed (additions shown as highlighted and deletions shown as struck through):

1.4 Our Local Plan will be the statutory development plan for Tendring over the ~~ten-year~~ fifteen-year period between ~~2011 and 2021~~ 2014 and 2029. Planning law requires all Local Planning Authorities in England and Wales to prepare a Local Plan and ensure it is kept up to date. Without an up-to-date plan, the Council would have limited power to influence the scale, location and quality of new development in the district, making it difficult to bring about the positive changes that the area needs and difficult to resist inappropriate development proposals that will have a detrimental affect on our area.

The following **minor change** (MIN1.1) to paragraph 1.5 is also proposed (additions shown as highlighted and deletions shown as struck through):

1.5 This document identifies some of the main characteristics of our district and the difficult challenges we face both now and in the future and then sets out a vision for Tendring in ~~2029~~ 2024. To address these challenges and deliver the vision, the plan identifies 'strategic priorities' for achieving sustainable development and planning for economic growth, meeting the social needs of a growing population and protecting the places that make Tendring an attractive place to live, work and visit.

Preparing the Local Plan

(Pages 12 to 15 – including paragraphs 1.7 and 1.8)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mersea Homes Ltd (represented by ADP LTD): Stage 3 is entitled "Consultation on LDF Core Strategy and Development Plan policies (21st October 2010 to 6th December 2010)". The supporting text describes the consultation document as containing "broad brush proposals for the distribution of new development for the period up to 2031".

In reality this document was a Regulation 27 publication of the Core Strategy and as a consequence gave the public no opportunity to express views on the proposals or any alternative suggestions; there was no opportunity for the public to influence the contents of the plan during its formation. It was a significantly different local plan to the one currently being published; the current submission draft local plan contains a different plan period, a new housing distribution strategy and previously un-consulted site allocations.

The Council's stage 4 consultation (September 2011 to 31st October 2011) simply asked local people for their personal opinion on the number of houses needed over a longer plan period, and for suggestions of where they should go. The results cannot reasonably be considered as being 'objectively assessed development and infrastructure requirements' as sought throughout the NPPF, and specifically in its paragraph 182's 'soundness tests'.

Whilst expressing subjective opinions local people were not given the opportunity to comment on consequent decisions before they became enshrined in the submission draft plan. The consultation's results have been recently published by the Council and showed that most responses came from people living in Clacton indicating a preference that housing should be located somewhere else. In locations where there were no previous allocations only a few representations were made. The Plan is not justified on the grounds that the community have not had a proper opportunity to bring forward reasonable alternatives to the new plan proposals.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): We are told in the introduction to the Local Plan that of the plan must be 'Effective', i.e. deliverable. It is presumably due to this that

the current draft covers a 10 year period to 2021 rather than the longer 20 year time period of the earlier Core Strategy. However, the plan is still dependent to a very large extent on the delivery of the Bathside Bay Container Port development and there is still no contingency against that project's potential non-delivery. This appears to be a serious flaw in the Plan and an omission, to which I object.

On page 298 of the '2010 Core Strategy Regulation 27 Consultation Report' it is stated that the council disagrees with previous comments about the lack of contingency, but that this is one reason why the length of time covered by the new draft Local Plan has been shortened. It seems the Council is not expecting the port project, consented in 2006 (which consent expires if the work on-site is not started before 2016 and which on-site work is not permitted to start prior to various other works having either taken place, or been agreed and financially committed) will be delivered. The statement states that if it is delivered before 2021 that will be the contingency. I object to the idea that a contingency against the possible non-delivery of a project can be the earlier delivery of that project. To expect Bathside Bay's delivery beyond 2021 is actually to prejudge the application to extend the life of that IROPI consent. To base the plan on the assumption that an application, currently the subject of an open Pilot case at the European Commission, will be approved is also impractical and illogical.

Comments from members of the public

Mr and Mrs. J. Noble: We are told in the introduction to the Local Plan that the plan must be 'Effective', i.e. deliverable. It is presumably due to this that the current draft covers a 10 year period to 2021 rather than the longer 20 year time period of the earlier Core Strategy. However, the plan is still dependent to a very large extent on the delivery of the Bathside Bay Container Port development and there is still no contingency against that project's potential non-delivery. This appears to be a serious flaw in the Plan and an omission, to which I object.

On page 298 of the '2010 Core Strategy Regulation 27 Consultation Report' it is stated that the council disagrees with previous comments about the lack of contingency, but that this is one reason why the length of time covered by the new draft Local Plan has been shortened. It seems the Council is not expecting the port project, consented in 2006 (which consent expires if the work on-site is not started before 2016 and which on-site work is not permitted to start prior to various other works having either taken place, or been agreed and financially committed) will be delivered. The statement states that if it is delivered before 2021 that will be the contingency. I object to the idea that a contingency against the possible non-delivery of a project can be the earlier delivery of that project. To expect Bathside Bay's delivery beyond 2021 is actually to prejudge the application to extend the life of that IROPI consent. To base the plan on the assumption that an application, currently the subject of an open Pilot case at the European Commission, will be approved is also impractical and illogical.

Council consideration

In response to Mersea Homes Ltd, it is considered that there have been a number of opportunities for representations to be made to the emerging Local Plan, including opportunities for alternative sites for development to be put forward. Indeed, during the initial preparation stages of the plan between 2007 and 2011, the Council has undertaken extensive public consultations, in line with the relevant planning regulations and national planning policies in place at the time; including a consultation on LDF Issues and Possible Options (2009, Regulation 25); a consultation on LDF Core Strategy and Development Policies (2010, Regulation 27); and a consultation on Housing Issues (2011). A 'Call for Sites' exercise was also undertaken to enable third party landowners and developers to make suggestions for possible housing and mixed-use development sites. These sites were appraised and assessed within the Council's Sustainability Appraisal of Sites and the

Strategic Housing Land Availability Assessment and were also subject to consultation as part of the Housing Issues Consultation in 2011 before a consideration was made as to which sites should be brought forward into the draft Local Plan as the most suitable and sustainable sites for development.

The comments made by Mersea Homes Ltd relate to the promotion of a large area of land in the west of the district immediately east of neighbouring Colchester. Through proposed changes to the Local Plan (MAJ2.1 and MAJ2.2) the Council accepts the concept of a strategic development in this location and identifies West Tendring/Colchester Fringe as a broad location for longer-term growth. We trust that Mersea Homes Ltd will be able to support the revisions to the Local Plan and withdraw these objections.

The content the draft Local Plan does mark a radical change in approach from the proposals in the Core Strategy and Development Policies Document that was published earlier for consultation, however the Council believes this Local Plan not only reflects the current government's wish to see localism and community engagement at the heart of decision making, it also addresses public concerns about matching housing development with jobs; seeking to distribute housing growth more fairly across the different parts of our district and includes innovative policies for ensuring future housing developments deliver the type and quality of homes that current and future generations of Tendring residents will aspire to live in. Indeed, some of these changes have been made in direct response to some of the comments received during past consultations.

Whilst it is true that the consultation on Housing Issues (2011) showed that the majority of the responses came from people living in Clacton, the Council made efforts to involve as many people across the District as possible during each consultation event, in line with the Council's adopted Statement of Community Involvement (SCI). The Council used a number of different consultation methods to raise awareness of these consultations, including staffed exhibitions, newspaper articles, Town and Parish Council meetings and during some consultations other forms of media coverage such as radio advertisements were also utilised. The Council is committed to increasing community involvement and the effectiveness of these consultation methods are reviewed for each consultation. Whilst some consultation methods prove to be more successful than others, there will always be difficulties in involving all sectors and areas of the community. On balance however, the Council considers that stakeholders have had numerous opportunities to bring forward reasonable alternatives to the new plan proposals and have had an influence on the content of the plan during its formation.

In response to both POSITIVE (Public Open Space In Tendring Is Vital for Everyone) and Mr and Mrs. J. Noble, it is true that the proposed 10-year plan period within the Draft Local Plan was introduced to ensure the deliverability of the policies and proposals contained within the Local Plan. The 2010 Core Strategy plan period was originally set to a 20-year period to allow sufficient time for major comprehensive developments proposed for Clacton to be delivered and for port expansion at Bathside Bay to be realised. However public consultation revealed that large comprehensive development proposals in Clacton were not supported by local residents; many were sceptical about the likely delivery of port expansion and people were also concerned about the potential imbalance between the provision of housing and the provision of jobs given the prevailing state of the economy. Therefore the draft Local Plan proposed a shorter 10-year plan period up to 2021. It was considered that a shorter plan-period would enable the overall housing growth target to be reduced and allow for economic growth to be monitored carefully without committing to thousands of additional homes. It was envisaged that this would also provide more scope for longer-term decisions on growth to be taken once more was known about, for example, the economy, the housing market and the plans of our neighbouring authorities Colchester and Babergh.

However, as explained in more detail in the Council's Consideration of Policies PEO1 and PEO2, it is now considered that the length of the plan period should be extended from 2011-2021 to 2014-

2029. This longer 15-year plan period should then help to ensure that the development proposed for Tendring is more achievable. Respondents are referred to the Council's consideration of Policies PEO1 and PEO2 for more information.

Whilst the Plan does still support the proposed port expansion at Bathside Bay, the Council recognises that this is unlikely to come forward during the short-term (see responses to Policy PRO11) and as such the draft plan was written so as not to depend on the delivery of the Bathside Bay Container Port development within the plan period. Instead, it was anticipated that the proposed port expansion would be considered in more detail in the next Local Plan. In January 2013, Hutchinson Ports were officially granted a 10-year extension within which to start work at Bathside Bay, giving the company up until 2023 to start the development. Respondents are referred to the Council's Consideration of Policy PRO11 for the Council's consideration of comments relating to the proposed port expansion at Bathside Bay.

Some minor consequential changes to paragraphs 1.7 and 1.8 are proposed and the section setting out stages 1-8 be updated prior to the Local Plan being adopted to ensure they reflect the full process that the document will have gone through by that time.

Outcome

The following **minor changes** to paragraphs 1.7 and 1.8 (**MIN1.2 and MIN1.3**) are proposed (additions shown as **highlighted** and deletions shown as **struck through**):

1.7 The Council ~~has~~ developed and refined the content of this Local Plan over a number of years having prepared and gathered a substantial amount of technical evidence, working in partnership with other bodies and organisations and having undertaken extensive public consultation. The initial preparation of the plan between 2007 and 2011 was undertaken in line with the relevant planning regulations and national planning policies that were in place at that time. They required Councils to prepare a 'Local Development Framework' (LDF) containing a series of planning documents that, together, would form the plan for the area. However, following the government's introduction of the new National Planning Policy Framework and revisions to the planning regulations in 2012, the Council ~~has chosen~~ to proceed with a single 'Local Plan' in line with current requirements. **The main stages that were involved in preparing the Local Plan are explained in more detail below:**

~~**1.8** The main stages of preparing the plan are explained in more detail below, including those stages that have already been undertaken and the future stages that the plan will need to go through before it can be formally adopted by the Council:~~

Sections setting out stages 1 to 8 of the plan making process to be updated prior to the Local Plan's adoption (see **MIN1.4**).

Context

(Pages 15 to 21 – including paragraph 1.9)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Page 19, List of Technical Studies – should also include the Frinton and Walton Conservation Area Management Plan and the Manningtree and Mistley Conservation Area Management Plan.

Comments from landowners, developers and businesses

Mersea Homes Ltd (represented by ADPLTD): In the schedule of technical evidence many are out of date, unsound or missing. The following is needed:

- A statement showing how the Council fulfilled its duty to co-operate as set out in section 110 of the Localism Act with particular reference to the following strategic issues (the current and potential impact of Essex University's £2,000,000 annual economy on Colchester and Tendring; the high level of existing outward commuting from Tendring to Colchester; the implications for Colchester Borough Council if Tendring District Council fails to provide for, or deliver, sufficient housing to meet need within its boundary; the impact on Infrastructure provision in Colchester necessary to deal with work related commuting out from Tendring; the Essex County Council's Integrated County Strategy; and development of the Colchester Fringe advocated in the Council's Employment Study Part 1).
- An economic strategy to replace the 2008 regional strategy and deliver growth in the district as required by the NPPF.
- An up-to-date SHMA detailing objectively assessed housing need reflecting the most recent Office for National Statistics [ONS] projections.
- Evidence to demonstrate whether a 5% or 20% surplus is required for the 5-year land supply.
- Up to date evidence of a 5-year land supply setting out which sites are included, their anticipated annual housing delivery rate and their viability assessment.
- Evidence to show why a full 15 year plan period is not possible to achieve.
- Details of housing which has been, or will, be built in the years since the end of the last plan and the adoption of the new one to indicate if they are categorised as windfall sites or land allocated in the last plan but not completed within it.
- An up to date strategic housing land availability assessment [SHLAA] with a detailed annualised trajectory showing each site's contribution. If an economic recovery has been assumed in order to increase delivery rates achieved since 2009, then evidence to justify this assumption should be given.
- Details of the backlog of affordable housing need referred to within the 2011 Annual Monitoring Report [AMR] page 9, which refers to an "overwhelming need for affordable housing in Tendring as identified in the strategic Housing Market Assessment [SHMA] 2008 and update in 2009.
- Viability appraisals of both the full plan including infrastructure provision and for each individual site allocation.

If the Council produces further evidence it would be necessary for the public to have an opportunity to comment on it during a focussed consultation period. In respect of an inadequate evidence base the plan in its current form is unsound on the grounds that it is not justified, not consistent with national policy and not effective on the basis of the absence of appropriate joint working with neighbouring councils. For the plan to be made sound further evidence should be submitted and consulted on prior to the Examination in Public. A focussed change consultation is also required to allow proper consultation of new strategies and land releases now proposed. See more detailed comments made against chapter 4.

Rose Properties Ltd (represented by ADPLTD): In the schedule of technical evidence many are out of date, unsound or missing. See more detailed comments made against chapter 4.

Park Resorts Ltd (represented by GVA): We welcome and support the inclusion of the Holiday Park Sector Overview (2009) in the supporting technical reports. However, we object to the Draft Local Plan on the grounds that the Plan has not been positively prepared in that it does not entirely follow the recommendations of this supporting report. The draft Local Plan needs to be amended to

reflect the recommendations of the 2009 Report and make it possible for Park Resorts' holiday parks to expand. We also welcome the findings of the Council's Employment Study Part 1 (2009) which suggests that a significant proportion of new jobs in the district could come from tourism if the right action is taken by providing an appropriate range of tourist attractions and holiday accommodation.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The main comments submitted to this part of the Local Plan were from Mersea Homes Ltd who listed a number of areas where it was considered that the plan and the evidence base were deficient. Each of these areas is addressed below:

- A significant new section of text, with a key diagram, is proposed for inclusion in Chapter 2 of the Local Plan (major changes **MAJ2.1** and **MAJ2.2**) which should address Mersea Homes Ltd's comments about duty to cooperate and the opportunity for growth around the Colchester Fringe and Essex University.
- A new Economic Development Strategy was prepared in 2013 which acknowledged the potential for growth on the Colchester Fringe linked to the University. This should address Mersea Homes Ltd's concerns about the lack of such a strategy.
- An update to the Strategic Housing Market Assessment (SHMA) was prepared in 2013 which took into account the most recent ONS projections and provided evidence of the affordable housing backlog, as requested by Mersea Homes Ltd.
- A new Strategic Housing Land Availability Assessment (SHLAA) was also prepared in 2013 which explored how the requirements for a 5 year supply of housing plus a 20% flexibility buffer might apply in Tendring given some of the physical, environment, economic and infrastructure constraints affecting many of the district's potential housing sites. It also deals with the issue of previous completions and windfall sites and provides a detailed housing trajectory. This study acknowledges the potential for a strategic development around the Colchester Fringe and should therefore address Mersea Homes Ltd's concerns.
- It is proposed that the plan period be changed from a 10 year period (2011-2021) to a 15 year period (2014-2029) (see major change **MAJ1.1**) which should address Mersea Homes Ltd's concerns about the time-scale of the plan.
- A Viability Testing study was prepared in 2013 to test the requirements of the plan, especially for housing development. This study has resulted in a number of proposed changes to certain policies. This should address Mersea Homes Ltd's concerns about viability.

Rose Properties Ltd raised similar concerns (represented by the same agent) to Mersea Homes Ltd which, as explained above, have all been addressed.

Essex County Council's suggestion to update the list of evidence is noted however it is proposed that this exercise be undertaken before the Local Plan is adopted to ensure it refers, accurately, to the full list of studies and other documents in place at that time (see minor change [MIN1.7](#)).

The comments made by Park Resorts Ltd are noted but readers are directed to the Council's consideration of responses made to Policy PRO9: Holiday Parks, which explains in detail the Council's approach to the expansion of existing holiday parks, subject to adequate screening and landscaping and satisfying flood risk issues.

In reviewing the 'Context' section of Chapter 1, the Council has taken the opportunity to either make minor changes or indicate where changes may be required, prior to the adoption of the Local Plan.

Outcome

The following **minor changes** to the 'Context' section of Chapter 1 are proposed:

Paragraph 1.9 ([MIN1.5](#)) (additions shown as highlighted and deletions shown as struck through):

1.9 For the Local Plan to be fit for purpose, it neededs to be consistent with a wide range of other policies, guidance, strategies and plans that have had been produced not only by the Council but also by central government, neighbouring authorities and other public bodies. Through the Localism Act there is also now a legal 'duty to cooperate' with other organisations and neighbouring authorities in the preparation of Local Plans. The following section identifies other policies, guidance, strategies and plans that have informed the content of this Local Plan along with the key national and local partnerships that will be involved in delivering of positive changes in the area over the 40-year plan period.

Section on Local Plan Theme Groups considered unnecessary and is proposed for deletion (see [MIN1.6](#)):

Local Plan Theme Groups

~~To ensure relevant organisations and partners were involved in the preparation of the Core Strategy from an early stage (with a view to avoiding any major problems arising in later stages of consultation and examination), officers of the Council set up a series off 'Theme Groups' in 2007 containing representatives of different services within the Council and other organisations with an interest in the development plan and covering different disciplines. The Theme Groups initially covered the following topics:~~

- ~~• Housing;~~
- ~~• Employment & Regeneration;~~
- ~~• Infrastructure;~~
- ~~• Environment; and~~
- ~~• Transport.~~

~~The purpose of the Theme Groups, which have tended to meet every 6-8 weeks or less frequent (depending on workloads), was to:~~

- ~~• scope the issues facing the district from different perspectives;~~
- ~~• ensure understanding and accordance with the various national/(then) regional planning policies and legislation;~~
- ~~• identify areas of technical evidence required to inform the content of the development plan;~~
- ~~• manage the preparation of the technical evidence and discuss and interpret any draft findings; and~~

~~comment on and influence any draft proposals or policies suggested by officers in preparing the development plan.~~

Sections on 'Tendring District Council Strategies' and 'Technical Evidence' to be updated prior to the Local Plan's adoption (see [MIN1.7](#)).

Third paragraph of the section on 'Colchester Borough Council' to be amended as follows ([MIN1.8](#)) (additions shown as highlighted and deletions shown as struck through):

Colchester Borough Council undertook a minor review of its Local Development Framework in 2013 to ensure its compatibility with the new National Planning Policy Framework but is looking to commence a longer-term review of its plan in 2014 to ~~and~~ extend its time period to at least 2030 to ensure an up-to-date supply of housing and employment sites for an extended period. This longer-term review may require Tendring District Council and Colchester Borough Council to work together to explore the possibility of a strategic employment and infrastructure-led development close to the Colchester/Tendring border.

First paragraph of the section on 'Babergh District Council' to be amended as follows ([MIN1.9](#)) (additions shown as highlighted and deletions shown as struck through):

Babergh District Council: The Babergh district lies to the north of both Tendring and Colchester in the County of Suffolk. At the time of writing, Babergh District Council ~~had an adopted Local Plan containing development proposals and planning policies for the period up to 2013~~ but was in the process of preparing a Core Strategy for the area (as the first part of a new Local Plan) with proposals for the period up to 2031 aimed at delivering around 9,700 jobs and just under 6,000 new homes. The examination of the Core Strategy took place in 2013 and the Council was awaiting the Inspector's decision.

Characteristics of Tendring

(Pages 21 to 23 – including paragraph 1.10)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: Under "Environment" the majority of designated sites have been accurately captured. However, we recommend that Local Geological Sites (LoGS), which complement Local Wildlife Sites, should also be included. These sites were previously known as Regionally Important

Geological/Geomorphological Sites or RIGS. As previously advised, we suggest that the Council contacts Essex County Council, regarding their revised inventory of LoGS for the county.

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): I have compared page 22's section: 'Economy' with page 53's section: 'Tourism', specifically, on p. 22: 'Largest employment sectors: ...Retail (18%); Hotel & restaurant (9%)' with the second sentence in para. 3.33: "Many of our district's jobs are related in some way to tourism, whether that be directly in hotels..... or indirectly in shops, cafes & restaurants". By the time you have made allowance for 'home-grown' consumption of the combined percentages of retail and restaurant at 27%, the remaining figure is unlikely to merit the phrase '*Many* of our district's jobs'.

Dedham Vale and Suffolk Coast and Heaths AONB: Support but suggests the 'Environment' section should be re-worded as follows: 'Landscape: Approximately 25% of district is classed as high landscape sensitivity. Notable examples include part of the Dedham Vale Area of Outstanding Natural Beauty (AONB), the southern shores of the Stour Estuary, an area proposed for inclusion in an extension of the Suffolk Coast and Heaths AONB boundary extension. Views into and from these protected landscapes are important to protect for the purposes of conserving and enhancing their natural beauty as well as long distance views to and from the coast.'

Stour and Orwell Peninsula Habitat Protection UK (represented by Jenni Meredith): On page 23 the paragraph detailing habitats of international Importance does not mention the potential Marine Conservation Zones, which will likely be firm designations before the end of the ten years. I would suggest including that at this stage as that additional layer of protection could impact on some activities, (leisure pursuits and maintenance activities, as well as development proposals), within these areas.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): On page 23 the paragraph detailing habitats of international Importance does not mention the potential Marine Conservation Zones, which will likely be firm designations before the end of the ten years. I would suggest including that at this stage as that additional layer of protection could impact on some activities, (leisure pursuits and maintenance activities, as well as development proposals), within these areas.

Comments from members of the public

Mr and Mrs. J. Noble: On page 23 the paragraph detailing habitats of international Importance does not mention the potential Marine Conservation Zones, which will likely be firm designations before the end of the ten years. I would suggest including that at this stage as that additional layer of protection could impact on some activities, (leisure pursuits and maintenance activities, as well as development proposals), within these areas.

Council consideration

The Council acknowledges the comments made by Natural England and agree that reference should be made to Local Geological Sites (LoGS) within the 'Environment' section of the 'Characteristics of Tendring' section to provide a full picture of the important environmental sites found within the Tendring District. A minor change (MIN1.12) is proposed.

The suggested re-wording of the 'Landscape' section within the 'Environment' section as recommended by the Dedham Vale and Suffolk Coast and Heaths AONB is also accepted as it would better articulate how views to and from protected landscapes should be protected. A minor change (MIN1.13) is proposed.

In response to comments received from the Stour and Orwell Peninsula Habitat Protection UK, POSITIVE (Public Open Space In Tendring Is Vital for Everyone) and Mr and Mrs. J. Noble the Council acknowledges that Marine Conservation Zones are likely to become important designations in the future. Marine Conservation Zones are a type of marine protected area, which will exist alongside European marine sites (Special Areas of Conservation (SACs) and Special Protected Areas (SPAs)), SSSIs and Ramsar sites to form an ecologically coherent network of marine protected areas. The designation of Marine Conservation Zones in English inshore and English and Welsh offshore waters is currently under consultation and so whilst the Council accepts they will become important designations once they are finalised, proposals for site designation are still subject to change. We therefore feel it is inappropriate to list Marine Conservation Zones within the Local Plan at present. However, we will continue to monitor their status and include them as designated sites within the Plan as part of any subsequent review.

Comments regarding the importance of tourism to the economy of Tendring, made by the Frinton and Walton Heritage Trust, are best dealt with within the Council's Consideration of responses received to Policy PRO7: Tourism. Readers are therefore directed to this section of the report for a more detailed response on the role of tourism in the District. However, the Council's Tourism Strategy (2010-2016) estimates that the tourism industry is responsible for over 6,000 jobs-equivalent to 13% of the District's employment, which we would argue is a significant proportion of jobs within the District.

The Council acknowledges that certain statistics within the 'Characteristics of Tendring' section will have changes and will continue to change before the Local Plan is finally adopted. For this reason, it is proposed that the sections on 'Housing' and 'Economy' are updated with the latest statistics prior to adoption.

Outcome

Following consideration of the above comments it is recommended the following **minor changes** are made to the sections under 'Environment' on Local Wildlife Sites (MIN1.12) and Landscape Sensitivity (MIN1.13) (additions shown as highlighted and deletions shown as struck through):

- **Local Wildlife and Geological Sites:** More than 100 smaller sites throughout the district are designated as Local Wildlife and Geological Sites in recognition of their biodiversity value that include over 50 individual areas of ancient woodland
- **Landscape Sensitivity:** Approximately 25% of district is classed as high landscape sensitivity. Notable examples include part of the Dedham Vale Area of Outstanding Natural Beauty (AONB), the southern shores of the Stour Estuary, an area proposed for ~~(recognised locally as an area with the potential for inclusion in an extension of the Suffolk Coast and Heaths AONB)~~ boundary extension. Views into and from these protected landscapes are important to protect for the purposes of conserving and enhancing natural

beauty as well as ~~and the undeveloped portions of our coastline which offer~~ long-distance views to and from the coast.

Sections on 'Housing' and 'Economy' to be updated prior to the Local Plan's adoption (MIN1.10 and MIN1.11).

Future Challenges

(Pages 23 to 26 – including paragraph 1.11)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We welcome the recognition of the importance of “protecting and enhancing our attractive environment” in this section. We agree with the statement that the “protection and enhancement of these assets in the face of major growth is a significant challenge for the district”.

We are also pleased to see that climate change is identified as a key issue. However, as we have previously recommended, we would like to see a slight amendment to the wording so instead of just “responding to climate change” i.e. reactively, after change occurs, the wording is changed to “reducing contributions to and responding to climate change”. This would encompass the reactive need, but also encourage proactive action, i.e. by requiring new development to source a percentage of its energy from renewable sources.

We welcome the inclusion of “anticipating flood risk and coastal change” as a key future challenge for the district.

Environment Agency: This section mentions climate change and flood risk in the “main challenges” listing, and identifies Harwich, Walton and Jaywick within the areas expected to be affected most by these challenges. However the magnitude of these challenges appears to have been watered down later in the Plan as one of the key flood risk and climate change adaptive and avoidance measures (the use of the NPPF Sequential Approach and Sequential Test to development and flood risk issues) has not been demonstrated for these communities on the basis that social and economic regenerative needs are overriding issues. We would wish to seek further clarification on how this has been evaluated through the sustainability appraisal and other evidence base areas.

Comments from landowners, developers and businesses

Kevin Britton (represented by Martin Robeson Planning Practice): The significant shortage of housing across the district will be a key challenge during the plan period, particularly in Clacton. As a coastal resort, there are naturally physical constraints to growth within Clacton. This together with a previously tightly defined settlement has reduced the availability of brownfield land for housing development in Clacton. The identification of some greenfield land for development and the prioritisation of committed development sites makes the Local Plan both justified and positively prepared.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): We welcome the Council's identification of these challenges and concur with the assessment. In particular, we welcome the emphasis that is given to addressing the economy; tackling the decline of traditional maritime and tourism industries; dealing with areas of deprivation; and remedying a future shortage of housing. All of these factors militate against a positive social, economic and environmental future for Walton, but all are capable of being remedied through strong leadership and focus. Creating a flexible framework that encourages innovation and creativity on key sites helps to establish a favourable

context for investment. We also welcome the Council's commitment to maximising regeneration and employment opportunities by seeking to address some of the barriers to economic growth; the Council's identification of development opportunities in key locations aimed at boosting vitality and viability; and the acknowledgement in the Plan that there needs to be a balance between protecting the environment and providing much needed jobs and housing.

Comments from community representatives
(District, Parish & Town Councillors and Community Groups)

Cllr. Challinor: Does not support this section of the plan.

Comments from members of the public

Mr. P. S. Scott (Great Bromley): The future challenges contain the admission that Tendring is badly located geographically because of its relatively narrow connection with the mainland and weak transport links. These undermine the whole economy and, for this reason, the scale of housing development proposed in the Local Plan should be curtailed for the immediate future otherwise most new 'working' home dwellers will have to rely on travelling out of the district to work – exacerbating the congestion on the only two road links.

Council consideration

The comments of support and agreement with the future challenges identified for the district in the draft plan are noted and welcomed.

The suggested wording change from Natural England that the Local Plan should encourage proactive action in relation to responding to climate change is agreed and a minor change (MIN1.14) is proposed.

The comments from the Environment Agency concerning how the Local Plan addresses flood risk in areas in need of regeneration are noted. Changes made to Policy PLA1: 'Development and Flood Risk' address these concerns by making it clear that both the sequential test and exception test also apply in these areas. The Council takes flood risk seriously but a pragmatic approach is required in areas that are suffering from deprivation to allow suitable forms of development to come forward without putting people or property at risk of flooding now or in the future. Technical papers will accompany the plan setting out in detail how the plan's approach to managing flood risk and how this important challenge has been reconciled with the equally important objective of reducing deprivation through regeneration in certain parts of the district, and how the plan's policies should be applied.

Mr Scott's observations that the Tendring District has difficulties in relation to transport links relates to wider concerns about further housing growth in the district, which is claimed could exacerbate these difficulties. The issues raised by Mr Scott are addressed in more detail in the consideration of responses to the sections of the plan relating to housing supply. However, in terms of this section of the plan, it is considered that these issues are appropriately acknowledged through the future challenge 'Improving Transport Links', already listed within the draft Local Plan. It is true that the geographic location of Tendring is such that it is bordered by the Stour Estuary to the north, the North Sea to the south and east and the Colne Estuary to the south-west and whilst this poses issues in relation to transport links, it is important to recognise that these unique constraints can also provide opportunities for the district. In particular, this specific peninsula location can, for example, provide opportunities for prosperous maritime and tourism industries when managed correctly.

We are disappointed that Cllr. Challinor does not support this section of the plan but it is designed to provide a snapshot of the main issues that are affecting the district and which the Local Plan ought to tackle.

Whilst not highlighted in any representations, the Council has taken the opportunity to make some minor amendments to paragraph 1.11 remove incorrect references to chapters within the Local Plan.

Outcome

To correct an error in the text, the following **minor change** is made to paragraph 1.11 (MIN1.4) (additions shown as highlighted and deletions shown as struck through):

1.11 In planning for the future of the district, it is important to set out what the Council considers to be the main challenges that will need to be addressed. These issues have been highlighted following consideration of national planning policy and other relevant plans and strategies ~~outlined in Chapter 2 of this document~~, the unique characteristics of the district ~~highlighted in Chapter 3~~ and the results of public consultation.

Following consideration of the above comments it is recommended the following **minor change** (MIN1.15) is made to the section on 'responding to climate change' (additions shown as highlighted and deletions shown as struck through):

Reducing Contributions to and Responding to Climate Change: Whilst climate change is a global issue, coastal areas like Tendring are most likely to be directly affected. Therefore, the district must play its part in reducing carbon emissions to secure a long-term sustainable future.

Positive Vision for the Future

(Pages 26 and 27 – including paragraph 1.12)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): The positive vision for the Tendring District does not pass the test of soundness of effectiveness insofar as it is not deliverable over its plan period of 2013-2021. I think you are seeking to achieve an unrealistic set of ambitions over a maximum of nine years. Given the Council's current and future financial restraints, it is not deliverable. Presumably this vision, and the others in the Draft Plan, will be benchmarked, and progress over the nine years will be measured against these goals.

Surely it would be better to be 'aiming' to achieve some of these targets rather than set hostages to fortune. Could I suggest that some of the vision is scheduled for the given period, and other parts to follow in the next period? After all, what will the Council have left to do in 2021 when the whole District is perfect?

English Heritage (represented by Katharine Fletcher): To accord with the approach in paragraphs 7, 8 and 126 of the NPPF we would like some strengthening of the vision in relation to the historic environment. We recommend the following changes to the Vision:

Paragraph 1, line 3, amend to read '...natural and historic assets, maritime....'

Paragraph 2, line 5, amend to read ‘ ...attractive historic settlements and assets’.

Natural England: We generally welcome the overall Vision for Tendring District, especially the reference to sustainable use of natural assets which we had previously requested. We feel that as it presently stands, the Vision is weighted more heavily towards social and economic considerations, rather than environmental issues. Whilst the Vision makes reference to “unspoilt coast [and] the open countryside” we would like to see a direct reference to “landscape” within the Vision. Similarly, whilst reference is made to people being able to enjoy “a wealth of wildlife areas”, we would like to see the Vision refer directly to conserving and enhancing biodiversity.

Comments from landowners, developers and businesses

Kevin Britton (represented by Martin Robeson Planning Practice): The vision for Tendring is well identified. However, to secure a justified Plan, we recommend the following minor amendments to the section relating to Clacton to encourage the delivery of landmark developments across Clacton and to assist place making. The section should be re-written to read: “...As the largest urban area, the town will have seen its fair share of the district’s growth in new housing and commercial activity and a number of landmark developments in the town. There will be...”

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The Frinton and Walton Heritage Trust are right to identify that this vision should be monitored to ensure that these aspirations are met during the Plan period and as such readers are referred to Chapter 13 of the Draft Local Plan, entitled Implementation and Monitoring, which details how the plan will be monitored to ensure the different aims and aspirations in the plan are achieved. The monitoring process may reveal the need to change certain policies or aspects of the plan when it is reviewed. In addition, the Local Plan must remain consistent with the National Planning Policy Framework (along with any subsequent replacements or amendments) and so will be periodically reviewed to ensure this is the case.

However, as explained in more detail in the Council’s consideration of Policies PEO1 and PEO2, it is now considered that the length of the plan period should be extended from 2011-2021 to 2014-2029. This longer 15-year plan period should then help to ensure that the positive vision outlined for Tendring is more achievable. We hope that this change will help to address the concerns Frinton and Walton Heritage Trust have in relation to the deliverability of this aspect of the plan.

We agree with the minor changes recommended by English Heritage to ensure that the vision accords with the approach in paragraphs 7, 8 and 126 of the National Planning Policy Framework in relation to the historic environment. Adding these references to the vision makes it clear that the Council values the district’s historic character and wishes to see it retained for the future. We also agree with the suggested changes recommended by Natural England which will make it clear that the district’s important landscapes and areas of biodiversity are also valued within the vision.

In response to the comments from Kevin Britton, the typographical error is noted and will be corrected but it is not agreed that the vision for Clacton should be rewritten to ensure the delivery of landmark developments across Clacton to assist place making. Instead, the Council are of a view that the current wording, which seeks to secure landmark developments in the town centre, helps to encourage and focus development of a strong town centre, in line with the recommendations of the National Planning Policy Framework.

Outcome

Following consideration of the above comments and the proposed change to the time-scale of the Local Plan, the following **minor changes** to the first, second, third and fourth paragraphs of the 'Positive Vision for the Tendring District' (MIN1.17, MIN1.18, MIN1.19 and MIN1.20) are proposed (additions shown as highlighted and deletions shown as struck through):

"In ~~2024~~ 2029, Tendring will be a vibrant, healthy and attractive place to live, work and visit. It will have a thriving, resilient and prosperous economy making sustainable use of its natural **and historic** assets, maritime connections and popularity as a visitor destination.

Tendring's residents will have the opportunity to enjoy a safe and healthy quality of life in communities that offer a range of new housing, job opportunities and other important services and facilities, including improved retail provision. They will be able to enjoy **a variety of landscapes including** unspoilt coast, the open countryside with its elements of natural beauty, a wealth of wildlife areas **where biodiversity has been conserved and enhanced** and a diverse range of attractive historic settlements **and assets**. The district will be the home to people of all ages and abilities, providing for the needs of older people and ensuring that children and young people have the opportunity for a good start in life."

Clacton-on-Sea will have seen the greatest change over the last ~~20~~ **15** years having been reinvented as a 21st Century year-round resort. As the largest urban area, the town will have seen its fair share of **the** district's growth in new housing and commercial activity and a number of landmark developments in the town centre. There will be visible signs of regeneration including a quality range of shops, restaurants, hotel accommodation and other services, attractive public spaces and new and improved leisure facilities. There will have been significant investment in new roads, schools and medical facilities and whilst the town will still be popular for retirement, the population structure will be more balanced with younger families able to live and find work in the town.

Harwich and Dovercourt will be enjoying an economic resurgence with a number of major employers operating in the area in anticipation of imminent expansion at the container port and making the most of business opportunities arising from the ongoing manufacture, assembly, transportation and maintenance of wind farm technology. As a result, the housing market will have picked up over the last ~~40~~ **15** years and a number of housing developments will have taken place. The Old Town of Harwich will offer new leisure activities and a number of visitor attractions associated with its maritime history. Dovercourt Town Centre and seafront will have also improved its offer in terms of a year-round shopping and leisure experience.

The following **minor change** is also proposed for paragraph 1.12 (MIN1.16) (additions shown as highlighted and deletions shown as struck through):

1.12 Having considered the unique characteristics of the district and the challenges that it faces, this chapter sets out the future 'vision' for the district that the Council will aim to make reality. This vision for the future underpins many of the projects, policies and proposals in this Local Plan that

the Council will work with partners to implement between now and ~~2024~~ 2029 and it reflects the Council's own corporate priorities.

Strategic Priorities

(Pages 27 and 28 – including paragraphs 1.13 and 1.14)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

English Heritage (represented by Katharine Fletcher): We understand that all the policies in Chapters 2 to 5 are regarded as strategic policies. It would be helpful if paragraph 1.14 could make this clearer. This is important when considering which policies apply to Neighbourhood Plans, should any come forward. We recommend the following change: Amend paragraph 1.14 to clarify which policies in the local plan should be regarded as strategic for the purposes of paragraphs 156 and 184 of the NPPF.

Natural England: We welcome the five strategic priorities set out in the Introduction, particularly the final priority which addresses the natural and historic environment.

Comments from landowners, developers and businesses

Kevin Britton (represented by Martin Robeson Planning Practice): Further clarification of the need for education provision, as appropriate, is necessary as it is not a community facility (see paragraph 70, NPPF). This will enable the Local Plan to be effective and positively prepared. We recommend that the fourth strategic priority be reworded as follows:

- “the provision of health, education, security, community and cultural infrastructure and other local facilities; and...”

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The comments of support and agreement with the Strategic Priorities identified for the District are noted.

The Council accepts English Heritage's suggestion that it should be made clearer which policies within the Plan should be regarded as strategic, with regard to the Strategic Priorities outlined within the National Planning Policy Framework. It is also accepted that it should be made clear which policies in the plan would apply to Neighbourhood Plans, should they come forward.

In response to Kevin Britton's comment that education provision should be specifically listed within the strategic priorities for the area, whilst the priorities are intended to reflect the specific strategic priorities contained in the National Planning Policy Framework, it is agreed that the provision of education in Tendring is an important priority and so it is appropriate to include this within the Local Plan's strategic priorities. This helps to make it clear that the Council takes education seriously and that one of the main aims of the Local Plan is to help improve access to education for all ages in order to help improve the district's economy and the quality of life and well-being of its residents.

Outcome

Following consideration of the above comments it is recommended the following Minor change (MIN1.21) is made to paragraph 1.14 (additions shown as **highlighted** and deletions shown as ~~struck through~~):

1.14 ~~This Local Plan contains policies that address these strategic requirements within each of the following Policies within Chapters 2. Delivering Sustainable Development; 3. Planning for Prosperity; 4. Planning for People; and 5. Planning for Places of this Local Plan specifically address these strategic requirements in accordance with the National Planning Policy Framework. These Strategic Policies will also apply to any Neighbourhood Plans prepared by local communities.~~

Chapter 2: Delivering Sustainable Development

Delivering Sustainable Development – Introductory Paragraphs

(Pages 29 and 30 – including paragraphs 2.1 to 2.6)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No specific comments.

Comments from landowners, developers and businesses

Mr S Dulai (represented by Joseph Greenhow Planning Ltd); Mr J W Thompson (represented by Edward Gittins and Associates): The client puts forward generalised support for Chapter 2 in its entirety and paragraphs 2.3, 2.5 and 2.21.

Knight Developments (represented by Phase 2 Planning and Development Ltd): The draft Local Plan's approach to distribution is not justified as it neither founded on a robust and credible evidence base nor is it the most appropriate strategy when considered against the reasonable alternatives. The Council has not provided evidence to support this approach. For reasons explored above, a growth strategy that is "fair" and "meaningful" falls short of the NPPF requirement to meet objectively assessed housing needs. Further, it fails to locate growth to the most sustainable locations. A "standard" approach to distribution does not take into account the relative sustainability merits of each village in terms of its accessibility to higher order settlements, jobs, means of transport other than the private car, or the capacity of the existing social and physical infrastructure to accommodate the level of growth. The Council's approach is therefore fundamentally flawed.

Brian Crook (Represented by Edward Gittins & Associates); Brian Kidby (represented by Edward Gittins and Associates); Mr R Mayes (represented by Edward Gittins and Associates); Trustees of the Winsley's Charity (represented by Edward Gittins and Associates): We support Section 2 of the PSD in its entirety and welcome the broad overarching aim to deliver sustainable development, thereby reflecting national guidance in the NPPF. We particularly welcome the clear application of this approach to the District as set out in paragraph 2.3. The reference to "*a fair distribution of growth...*" presages the innovative approach put forward in paragraph 2.5. The proposed distribution of a 6% increase in housing stock for all settlements in the District represents a balanced strategy.

NNC Homes (represented by Edward Gittins & Associates): We support the inclusion of land at Steam Mill Road, Bradfield, within the Bradfield Settlement Development Boundary for housing development. We also support Section 2 of the draft plan in its entirety and welcome the broad overarching aim to deliver sustainable development and its component parts relating to an economic role, a social role, and an environmental role, thereby reflecting national guidance in the NPPF. We particularly welcome the clear application of this approach to the District as set out in paragraph 2.3.

With regard to the application of sustainable development within Tendring District, we lend our particular support to the third bullet point in paragraph 2.3. The reference to "a fair distribution of growth across the district in both our rural and urban communities" presages the innovative approach put forward in paragraph 2.5. The proposed "across the board" distribution of a 6% increase in housing stock for all settlements in the District represents a balanced and equitable strategy which should be particularly welcome in those rural settlements which have, in our opinion, been overly constrained from absorbing any significant growth in recent years. We have long argued that carefully controlled growth for both large and small villages should be allowed in order to make a positive contribution to choice in terms of location and environment for those

seeking homes within the available housing stock. At the same time, such an approach will assist with the on-going campaign to retain if not improve rural facilities and services and help maintain vibrant rural communities.

Applying a universal 6% uplift in housing stock for each settlement has the great virtue of ensuring that growth levels will be generally commensurate with the size and function of each settlement whilst maintaining a strong proportional emphasis on growth within the more sustainable Urban Settlements which provide accessibility to higher level facilities and services. This therefore appears to us to be a sensible and sustainable District-wide strategy.

We also support the Settlement Classification in Policies SD2, SD3 and SD4. We believe this Settlement Classification provides clear delineation between the relative scale and function of each settlement and a sound basis for 'Managing Growth' addressed in Policy SD5.

Amperswick Ltd (represented by GVA Hotels and Leisure): These comments relate to our request that the Firs Caravan park should be allowed to extend eastwards by extending the Holiday Park notation and removing the Proposed Strategic Green Gap notation on an area of land to the east of the existing caravan park. First, we welcome the reference to the need to achieve prosperity and to help bring vitality to tourist attractions.

Comments from community representatives
(District, Parish & Town Councillors and Community Groups)

No specific comments

Comments from members of the public

Richard Naylor (Walton): The translation of the NPPF definition of Sustainable Development is badly written and does not match or fulfil or particularly follow the 'golden thread' provided by the NPPF. The policy could be more clearly written, using the three NPPF headings.

Of the draft items, which should be indexed for ease of reference, say 1 - 5:
Items 1 and 3 are two aspects of the same thing - economic activity;
Items 4 and 5 are both aspects of environmental considerations;
Social provision includes health, education, leisure, accessibility and services (both private and public) as well as housing.

Also, no direct reference to climate change: is Tending not on Earth, then? I haven't read the whole draft, by any means, but some of the words and phrases used are indefinite, inappropriate and sometimes, simply, not fit for purpose.

R. Dodds (Clacton): Please ensure sustainability means not damaging the planet but endeavouring to improve and support the environment for all the flora and fauna and making sure this is built into the plan at all levels. For example, much more planting of mixed woodlands and other areas suitable for increasing biodiversity.

Mrs. S. Woodman (Ardleigh): I support the Council's definition of 'sustainable development' with particular reference to meeting the needs of future generations aspiring to live, work and boost the economy within the district; also the desire to achieve a fair distribution of growth across the district in both urban and rural locations. In addition, I firmly support comments around future development minimising energy consumption as far as possible.

Council consideration

These paragraphs of the Draft Local Plan firstly explain what is meant by 'sustainable development', both nationally and locally, and then set out the 'spatial strategy' for distributing growth in new jobs and housing across the different parts of the district. The comments raised in relation to this section of the plan should also be read alongside comments on policies SD1, SD2, SD3 and SD4.

The numerous representations of support from landowners and comments by residents are welcomed and the concerns raised by Knight Developments are considered in more detail in relation to policies SD2, SD3 and SD4. It is hoped that the proposal to include land at Church Road, Elmstead Market in the Local Plan for a mixed-use development in revised Policy KEY2 and Policies Map Inset 8 (major change MAJ11.3 and policies map change PM8.1) will address most, if not all, of Knight Developments' objections to the Local Plan.

The comments from Mr. Naylor question the way in which the local definition of sustainable development is worded, however no-one else has raised such concerns and we are content that the wording is appropriate and reflects the aspirations of the Council. Mr. Naylor also criticises the lack of reference to climate change, however the definition does talk about minimising energy consumption, and the ever increasing risk of coastal erosion and flooding. No changes are considered necessary in response to Mr. Naylor's comments.

Notwithstanding the comments raised above being generally supportive, this section of the Local Plan is proposed for substantial change, mainly to reflect the proposed increase in the length of the plan period from 10 years (2011-2021) to 15 years (2014-2029) and the longer-term implications for growth in the district (including the potential for growth close to the border with Colchester) as well as the concerns raised over the rigid 6% increase in housing for all settlements. These changes are set out below.

Outcome

The following new text is proposed to be inserted between paragraphs 2.5 and 2.6 on page 30 (to be shown as paragraphs 2.5a, 2.5b, 2.5c, 2.5d and 2.5e) as a major change (MAJ2.1):

2.5a The spatial strategy for growth has been informed by the requirements of the National Planning Policy Framework, the findings of a range of technical evidence and survey work and the comments and suggestions of local residents compiled during four public consultation exercises undertaken in 2009, 2010, 2011 and 2012. In essence, the spatial strategy in this Local Plan aims to meet objectively assessed needs for development and support growth in the economy as far as is practical and realistic by distributing growth between all of the district's urban and rural settlements in a sustainable, fair and proportionate way – taking various physical, environmental and infrastructure constraints into account.

2.5b For the first 10 years of the plan period (2014 to 2024) each of the district's urban settlements will accommodate an increase in housing stock that is sustainable, fair and broadly proportionate to the existing size of the settlement. This equates roughly to a 6% increase in housing stock for most settlements over that period. Sites allocated for development in these areas will deliver the majority of the housing growth proposed for the district. Urban settlements will also be the focus for economic growth through the identification of new employment sites, investment in town centres, tourist attractions and key infrastructure and/or the regeneration of deprived neighbourhoods.

2.5c The district's rural settlements will also accommodate a sustainable, fair and proportionate increase in housing stock to help address local housing needs, support village economies and provide a flexible range of development opportunities. Development in larger key rural service

centres will be delivered on sites allocated in this Local Plan and development in smaller rural settlements will be delivered on small-scale 'infill' sites within defined settlement boundaries. For most rural settlements this is also expected to result in a housing stock increase of around 6% over 10 years.

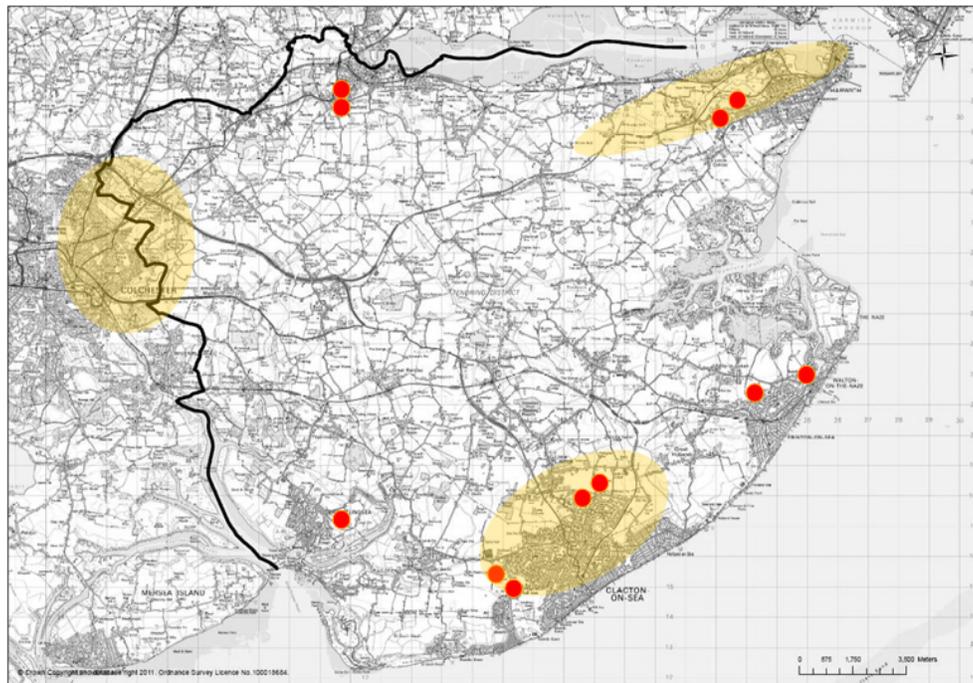
2.5d For the final 5 years of the plan period (2024 to 2029) and beyond, some of the district's settlements are expected to have reached sensible limits for accommodating additional development. The strategy for any significant longer-term development may therefore need to be more focussed, larger-scale developments in the areas of the district that are best placed to support continued economic growth and attract major investment in new job opportunities, infrastructure and housing. This follows the objectives set out in the Council's Economic Development Strategy. Such developments are likely to require considerable up-front planning, investment in infrastructure and partnership working and are more likely to be delivered in stronger economic conditions. To explore the potential for longer-term strategic growth and to put more detailed plans in place, the Council will undertake an evidence-based review of the Local Plan (either in whole or in part) at the appropriate time in consultation with local residents and other stakeholders, including neighbouring authorities.

2.5e This review will 'roll forward' the time-scale of the Local Plan to cover an extended period and explore, in greater detail, the potential for development in and around the district's settlements with a particular focus on the broad areas most capable of delivering larger scale development in jobs, infrastructure and/or housing. Based on the evidence contained within the Council's Economic Development Strategy and Strategic Housing Land Availability Assessment (SHLAA) these broad areas are likely to include land on the edge of Clacton, sites in and around Harwich (particular around Harwich International Port, Bathside Bay and the A120) and land in West Tendring/Colchester Fringe and the University of Essex, where it would be necessary for the Council to work in partnership with Colchester Borough Council, the University and other partners.

The following new 'key diagram' is proposed to be inserted after new paragraph 2.5e as a **major change** (MAJ2.2):

Please see diagram overleaf.

Spatial Strategy Key Diagram



Key:

- Location of main housing & mixed-use developments 2014-2024 (schemes involving 100 homes or more and subject of specific sites allocated in this Local Plan).
- Broad areas for possible longer-term growth post 2024 (to be considered in more detail, along with other areas, through a review of the Local Plan).

The following **minor changes** (MIN2.1 and MIN2.2) to paragraphs 2.4 and 2.5 are also proposed (additions shown as **highlighted** and deletions shown as **struck through**):

2.4 All of the policies and proposals in this Local Plan have been written to contribute toward delivering both the vision for the future and achieving sustainable development in line with the statement above. The Implementation and Monitoring Chapter (Chapter 13) of this Local Plan explains how the Council will monitor development in the district ~~over the 10-year~~ **throughout the** plan period to ensure that sustainable development is being achieved.

2.5 To ensure a sustainable pattern of growth in the district, the 'spatial strategy' of this Local Plan sets out the overall approach for delivering new jobs and housing between ~~2014~~ **2014** and ~~2029~~ **2024**, along with the necessary infrastructure and community facilities needed to support that growth. The strategy for future growth in Tendring aims to deliver ~~around 4,000~~ **6,345** new homes and 5,000 new jobs opportunities ~~by and a 6% increase in housing stock across all the district's settlements (which equates to approximately 4,000 new homes)~~ within the 40-year plan period.

No changes to paragraphs 2.1, 2.2, 2.3 or 2.6 are proposed.

Policy SD1 – Presumption in Favour of Sustainable Development

(Pages 30 and 31 – including paragraph 2.7)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No specific comments.

Comments from landowners, developers and businesses

Park Resorts Ltd (represented by GVA): We support this proposed Policy as it is clearly in accordance with the NPPF.

Kelsworth Ltd (represented by Roger Sargent): As a key component of the Local Plan, Kelsworth Ltd welcomes and supports the presumption in favour of sustainable development and in particular how this is set out in Policies SD1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT, SD2: URBAN SETTLEMENTS and SD5: MANAGING GROWTH.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): We welcome the positive approach to development that is demonstrated in the Council's decision to incorporate in the Plan the Planning Inspectorate's recommended policy relating to the presumption in favour of sustainable development. This is in line with the provisions of the National Planning Policy Statement and recognises the need to balance the three strands of sustainability (economic, social and environmental). The stated intention to work proactively with applicants for planning permission, jointly to find solutions, demonstrates the Council's willingness to create a positive future for the District.

National Grid Property Limited (represented by Nathaniel Lichfield & Partners): **supports** this policy as it is consistent with the NPPF in terms of working positively and proactively to find solutions to enable applications to be approved where possible and is therefore 'sound'.

Kevin Britton (represented by Martin Robeson Planning Practice): To ensure consistency with national policy, (paragraph 187, NPPF), the following changes are necessary:

~~"# The Council will always work proactively with applicants jointly to find solutions, which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. The Council will seek to approve applications for sustainable development where possible."~~

(Additional text underlined, deleted text struck through).

Wivenhoe Park Estate (represented by Strutt and Parker): This policy is considered to be sound as it is positive, justified, effective and consistent with the NPPF. This statement and the accompanying evidence demonstrates that the development of land off Holly Way would be sustainable and secure improvements to the economic, social and environmental conditions in the area in accordance with the requirement of the Plan, overall and Policy KEY2 in particular.

The Burghes Estate (represented by Smiths Gore Planning): These comments are in relation to our land at Turpins Farm that is included as a housing allocation in the draft plan. We support this policy and agree that proposals should be approved wherever possible to secure development that improves the economic, social and environmental conditions in the Tendring area. We are also in agreement that planning applications that accord with the policies in the Local Plan should be approved without delay.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton and north and south of Walton Road, Kirby-le-Soken, for residential development. This policy is considered to be sound and consistent with national planning policy. It sets out the presumption in favour of sustainable development, especially in instances where the Development Plan is not up to date. This approach is supported.

City & Country This policy is one that City & Country agrees with. The Council taking a positive approach that reflects the presumption in favour of sustainable development and a proactive relationship with all applicants can help to deliver the needs of the District and should be adhered to. It is proposed that policy SD1 should include a requirement for Officers to provide evidence to demonstrate that their decision is in line with National Policy (NPPF) and include a statement on every decision letter stating how they have worked with the applicant in a positive and proactive way.

The 6% standard increase should be increased in these service centres as some of the proposed housing increases in the smaller rural settlements (Policy SD4) are not sustainable and would put unnecessary pressure on the surrounding rural road network and facilities. Allowing places with poor services to absorb more housing is contrary to Policy SD1 and Policy SD5 and also contrary to the National Planning Policy Framework.

Amperswick Ltd (represented by GVA Hotels and Leisure): These comments relate to our request that the Firs Caravan park should be allowed to extend eastwards. We support this proposed Policy as it is clearly in accordance with the NPPF.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Oakley Parish Council: Support sustainable development.

Frinton and Walton Town Council: The Town Council would like to see a 'Heritage Centre' at the Naze and a caravan and camp site.

Comments from members of the public

Mr. P. S. Scott (Gt. Bromley): This will need a revolutionary shift of attitude on the part of those in Development Control, both officers and members. Realistically, this is unlikely to happen.

Mr. R. Naylor (Walton-on-the-Naze): The clause: 'Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise' should be changed to "All applicants shall be required to demonstrate that their proposals satisfy the stated conditions for sustainable development (set out above). The material considerations are set out in the Local Plan and the Planning Regulations in force at the time." The clause: 'Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in that Framework indicate that development should be restricted' is contradictory and should be deleted. What is the objective mechanism for judging the first condition? How can there be specific policies if there are no policies relevant to the application?

Ms. T. Osben (St. Osyth): The plan is not positively prepared and is not based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. Tendring district Councils "Core Strategy and Development Policies" Document, which was published for consultation in October 2010 was meticulously prepared by the planning officers, involves assessments of local housing needs and employment opportunities were taken into account. The proposed housing developments afforded the most sustainable options for the district. The core strategy clearly detailed objectively assessed development and infrastructure requirements with elements such as the St. Johns relief road put in place to resolve some of the transport issues that impact the already overdeveloped area of West Clacton. The new plan is clearly not the most appropriate strategy when considered against many of the suggestions previously proposed by the council's own officers. It relies solely on the volume of objections made to the "core Strategy" this cannot be seen as proportionate evidence in planning terms and as such the proposed submission draft cannot be classed as justified.

Council consideration

This policy follows the standard set of wording recommended by the Planning Inspectorate to ensure all Local Plans conform to the thrust of the 'presumption in favour of sustainable development' in the National Planning Policy Framework (NPPF). Whilst a number of parties have objected to the wording and/or raised other concerns, there can be no justification for departing from this recognised approach and therefore no changes are proposed.

Outcome

No change to the Local Plan.

Policy SD2 – Urban Settlements

(Pages 31 and 32 – including paragraphs 2.8 to 2.13)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policies SD2, SD3, SD4, PEO1, and PEO14 - it is unlikely that these policies will deliver sufficient critical mass to effectively mitigate cumulative impacts on community infrastructure, especially Policies SD4 and PEO14 which include specific provision for some developments to be restricted to 10 units or less.

Natural England: We welcome the classification of five settlements as '*Urban Settlements*' in Policy SD2 and the fact that growth in the District will be mainly focused in these locations.

Environment Agency: Paragraph 2.13 and Policy SD2 propose a "fair approach" by proportionally distributing a 6% increase in housing stock in each urban settlement over the Plan period in order to meet target growth for the District. This approach has the potential to discount good "low flood risk" site options in some communities and may leave other communities having to accept a proportional growth allocation where there are no "low flood risk" land options available. We believe that this approach to distributing development conflicts with the general purpose of the NPPF Sequential Approach to delivering development by avoiding areas of flood risk wherever this is practicable and where potentially deliverable lower flood risk land options exist. Sequential Test evidence will need to be submitted along with the evaluation of this approach as part of the sustainability appraisal to ensure the Plan can be considered consistent with national planning policy.

Comments from landowners, developers and businesses

Greenwich Hospital and St Monica's Trust (represented by Strutt and Parker LLP): Raise concern regarding the deliverability, sustainability and viability of small sites sparsely located across the Clacton-on-Sea urban settlement.

Park Resorts Ltd (represented by GVA): Support this policy on the grounds that three of Park Resorts' Parks lie within an urban settlement area (Highfield Grange & Valley Farm in Clacton-on-Sea and Naze Marine in Walton) but object to some of the policies in Chapters 6 and 8 of the Local Plan.

National Grid Property Limited (represented by Nathaniel Lichfield & Partners): Supports the focus of economic growth being in the key urban settlements, which includes Clacton-on-Sea, and considers that this approach is in accordance with the NPPF and is therefore 'sound'.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to directing the majority of growth within Tendring to the urban settlements. This will secure more sustainable growth. However, to help ensure the Local Plan "*meets the full, objectively assessed needs for market and affordable housing*" (paragraph 47, NPPF) and provides the additional buffer required by the NPPF at a minimum of 5%, the housing targets identified should be clarified to be minimum targets. Additional buffers are necessary to ensure choice and competition in the market for land. We would recommend the following revised wording: "*Between 1st April 2011 and 31st March 2021, each of these settlements will accommodate a minimum 6% increase in housing stock*".

Mr. & Mrs. P. Luxford (represented by Bidwells); Trinity College Cambridge (represented by Bidwells): The current wording of the policy fails to clarify that the objective to achieve a 6% increase in housing stock in each of the Urban Settlements during the plan period is a minimum target. The current wording may have the potential to be interpreted as placing an artificial cap on housing growth and the Council may not support proposals on windfall sites that accord with other policies in the plan if they would deliver more than the 6% increase. The policy should be re-worded to read as follows (additions in bold):

*"Between 1st April 2011 and 31st March 2021, each of these settlements will accommodate **at least** a 6% increase in housing stock. This will be achieved through development on sites with outstanding planning permission for new housing and through the identification of other sites within and, where necessary, on the periphery of the built-up area which together are sufficient to achieve **at least** 6% growth."*

Paragraph 2.13 suggests that the increase in housing will only be achieved via existing commitments and sites specifically allocated for development in the Local Plan. This is inconsistent with Policy SD5 which recognises that housing will also come forward on sites within Settlement Development Boundaries that are not specifically allocated for development. The second sentence of this paragraph should be re-worded as follows (additions in bold):

*"The remaining requirement will be delivered on sites that are specifically allocated for housing or mixed-use development **or are included within the Settlement Development Boundaries in this Local Plan.**"*

Peter French (represented by Navigus Planning): There is no evidence to suggest a 6% increase in dwelling stock is a level of housing growth that is fair, achievable and sustainable for each of the settlements concerned and that will make a meaningful contribution toward alleviating future housing demands and local housing needs in those areas, as suggested in paragraph 2.10. The needs within each settlement and its hinterland are different and certainly settlements such as

Clacton and Harwich have more fundamental issues which require addressing than any of the smaller rural settlements. An appropriate approach is to consider the full extent of these needs, by area, along with the potential from deliverable, sustainable development sites in order to derive a housing figure. A simple percentage approach, for which even the 6% figure is not justified, lacks credibility and appears to be contrary to the evidence which is used to underpin the plan.

Taylor Wimpey UK Ltd (representation by Boyer Planning): A proportionate approach based on current settlement size is not considered a sustainable distribution method. Development should be focussed at the Urban Settlements identified in Policy SD2 and the Key Rural Service Centres identified in Policy SD3 and restricted in the Smaller Rural Settlements set out in Policy SD4.

Kelsworth Ltd (represented by Roger Sargent): As a key component of the Local Plan, Kelsworth Ltd welcomes and supports the presumption in favour of sustainable development and in particular how this is set out in Policies SD1, SD2 and SD5. However further site allocations are required for residential development within the "Settlement Development Boundaries". This amendment would provide more certainty that sufficient land has been identified on appropriate sites to deliver the Councils aspirations, rather than relying on unidentified "windfall" sites coming forward within the plan period.

Knight Developments (represented by Phase 2 Planning and Development Ltd) The Smaller Rural Settlements have little in the way of job opportunities, local services, facilities and other infrastructure. Residents of these smaller villages are often reliant on neighbouring towns and villages for work, shopping and other services and frequently need to travel fair distances by private car. Because of this, these smaller villages are considered to be less sustainable locations and are not appropriate locations to accommodate greenfield growth. Accordingly, growth should be focussed towards the most sustainable locations and, as a minimum, greenfield growth should be restricted to the urban settlements and key rural service centres and the 6% quantum of growth identified for these "other smaller villages" should be redistributed to these settlements.

Brian Crook (Represented by Edward Gittins & Associates); Brian Kidby (represented by Edward Gittins and Associates); Mr R Mayes (represented by Edward Gittins and Associates); NNC Homes (represented by Edward Gittins & Associates), Trustees of the Winsley's Charity (represented by Edward Gittins and Associates) We support the Settlement Classification found in Policies SD2: Urban Settlements, SD3: Key Rural Services Centres and SD4: Smaller Rural Settlements. We believe this Settlement Classification provides clear delineation between the relative scale and function of each settlement and a sound basis for 'Managing Growth' addressed in Policy SD5. We lend broad support for the principle of Settlement Development Boundaries (SDBs) and the general presumption in favour of new development within SDBs.

Mr S Dulai (represented by Joseph Greenhow Planning Ltd); Mr J W Thompson (represented by Edward Gittins and Associates): Supports the hierarchy of settlements as defined within policy SD2.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported. The spatial policy of the Plan fully accords with the government's objective for sustainable development. Whilst the distribution of new housing development evenly across the whole district may be considered a little simplistic, if this policy is implemented with common sense, then it will prove successful. More importantly, the allocation of 6% growth to the smaller settlements will ensure that local shops, post offices pubs and bus services etc remain viable.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): We welcome the designation of Frinton, Walton and Kirby Cross as an 'Urban Settlement'.

Lands Improvement Holdings (LIH) (represented by Strutt and Parker): Policy SD2 has failed to acknowledge the Colchester fringe falling within Tendring. In fact there is no mention within the

document of roll that it could play in providing for the growth requirements of the District. This is a significant cause for concern given that the NPPF at paragraph 157 states that Local Planning Authorities have a duty to cooperate and work across boundary, whilst s110 of the Localism Act requires Local Planning Authorities to engage constructively, actively and continuously as part of the process when preparing Local Plans. Colchester is a major town in close proximity to the urban fringe of Tendring providing transport infrastructure and a wide variety of services and facilities, which could serve residents in the fringe locations. It is vital that this resource is considered as part of the plan making process as it provides a sustainable option for delivery of growth in Tendring.

In 2008 the Council published an 'Establishing a Settlement Hierarchy' document which properly considered the Colchester Fringe as an urban settlement so it is not apparent why the fringe area has now been discounted from the draft Local Plan. In fact the Colchester Fringe scored far higher in sustainability terms than some of the locations which have been put forward for allocation within the Local Plan. It is therefore recommended that Policy SD2 should be revised to include the Colchester fringe and that the following changes should be made to the Colchester Fringe Settlement Development Boundary:

- Inclusion of the whole of the Betts Factory site – if our current planning application (12/00885/OUT) is approved then the boundary should be altered. Given the Betts Factory planning application within this location and the Development Brief (2010) which has been ratified by Tendring Officers, the principle of development within this location has already been established and accepted by the Council.
- The boundary should be further extended to include the Orchard Land to provide for growth in line with the recommendation provided above for Policy SD2. Particularly given the key services and infrastructure within Colchester, a main town in close proximity to the Colchester urban fringe that falls within Tendring.

The Council should identify reserve housing sites that are suitable and deliverable to provide the necessary flexibility in housing supply and deal with the current shortfalls and those that may occur over the plan period on the basis of a plan monitor and manage approach. Therefore if the Council are minded not to allocate the site within the current Local Plan, it should be put forward as a reserve site to meet any potential shortfall in delivery over the plan period.

The Burghes Estate (represented by Smiths Gore Planning): We support the identification of Frinton, Walton and Kirby Cross as an urban settlement and the idea that these settlements should be the focus for the majority of the district's growth. However, the method for calculating the growth requirements for each settlement based on a 6% increase in housing stock has completely ignored the findings within the Council's 2008 Strategic Housing Market Assessment (SHMA) and its 2009 update. These suggest that in strong economic conditions, the Frinton area has the second highest demand for housing in the district and, in weaker conditions, has the highest demand.

Also, the number of homes proposed for Frinton, Walton and Kirby Cross in Appendix 1 (567) does not correspond with the total dwellings expected from allocated housing sites in Appendix 3 (345). Therefore, it is proposed that the Turpins Farm site could provide more than 50 dwellings in order to meet the housing requirements for the Frinton area.

We also question the deliverability of allocating a large amount of the housing requirement to Clacton-on-Sea and Harwich (some 68%) as both settlements suffer from issues of unemployment and general deprivation. Arguably, these factors may deter house builders from investing in such areas and as such, may not offer a realistic prospect that such a level of housing will be delivered. We anticipate that house builders will be more attracted to greenfield sites within areas of demand, such as Frinton, and therefore believe Frinton should have a higher level of housing allocated.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): This policy is supported and is considered to be consistent with the NPPF, which advocates the use of a settlement hierarchy. Frinton, Walton and Kirby Cross have correctly been classified as an urban settlement, given their close proximity to each other and their cumulative size. The 6% increase in housing stock provides for what appears to be a fair distribution of housing across the key urban settlements and an effective policy.

The Land and Planning Company Ltd: The settlement hierarchy is supported (policies SD2 and SD3) and there is also support for the broad strategy outlined in paragraph 2.8: that urban settlements provide better opportunities to deliver sustainable housing growth on a larger scale. It is a broadly accepted planning principle that higher order settlements have the ability to provide greater levels of services and facilities. It is seemingly internally inconsistent that settlements are subject to standard rate of growth.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Lawford Parish Council: Agrees that along with Manningtree and Mistley, Lawford is part of an urban settlement.

Little Oakley Parish Council: Supports the 6% approach to increasing housing stock.

Cllr. Tom Howard (TDC Member for Great and Little Oakley Ward): Whilst it is acknowledged that some development in rural areas is currently required, particularly in the affordable or housing association sectors in order to enable the younger generation to remain within the district and the villages that were brought up in, and 6% is sustainable for the next 10 years, it should be noted that this scale of growth cannot be sustained in future Local Plans as it would begin to place too much of a burden on many rural villages and risk merging them into each other or neighbouring urban areas.

Great Holland Residents Association: The Local Plan suggests that whatever housing need there is should be spread across the district by applying a simple mathematical formula and devising a planning policy to suit. This simplistic approach does not amount to a strategic solution. To apply the same formula for adding growth to a small rural settlement as one might do for a town is to ignore the difficulties that growth in small rural settlements presents particularly on its limited and creaking infrastructure as well as the threat to existing rural character of the settlement. The Smaller Rural Settlements should be exempted from this allocation and the rest of the District should absorb the required 280 units (assuming they are needed) and thus go up to 7%, an increase of 1% which could be easily and practically absorbed.

Save Our St. Osyth (SOS): The 2012 Local Plan is unsound as it fails to meet the necessary criteria of being justified or effective. The 2010 Core Strategy Document appeared to be based on sound planning principles, supported by extensive documentary evidence. This sound strategy has now been overturned for reasons of political expediency and based on the results of a biased consultation survey. You cannot rely on the ability of any community to realistically assess the housing allocation required in any other community (see the Housing Development Consultation Document, 2012). We do not accept that the simplistic 6% blanket allocation district wide is based on 'proportionate' evidence and is not justified. We object to the blanket 6% new allocation for the following reasons:

- it is not based on sound planning principles;
- it is not sustainable as it disperses population growth to communities which have inadequate infrastructure. It would mean necessary travel to work, schools and doctors etc;

- the 2010 Core Strategy had valid and cogent reasons for the decision that development within St Osyth would be restricted to windfall or infill sites only until 2031;
- it fails to take into account previous planning history;
- it fails to take into account the lack of employment opportunities; there are no employment proposals for St Osyth;
- it fails to acknowledge the effect of having large holiday camps within the parish of St Osyth sited to the west and south of the central crossroads;
- it attempts to re-designate the communities of St Osyth village and Point Clear as a single Key Rural Service Centre simply to accommodate an additional 50 new houses;
- it allocates a total of 112 new houses to a single field within St Osyth Village, with little separation between the three blocks contrary to the stated maximum of 50 dwellings within a single block;
- the site in St Osyth would create a 'hard development edge' at the eastern approach to the village contrary to current policy;
- St Osyth is being penalised for being pro-active in the past. The system will be cumulative in effect, if established in 2021 pro-active settlements will be penalised again; and
- we do not believe the existing housing stock of the parish of St Osyth has been correctly identified.

The majority of new housing should be situated close to the major population centres, whereby making the best use of existing infrastructure.

Comments from members of the public

Valerie Batchelor (St. Osyth); Stanley Beecham (Elmstead); Mrs. A. M. E. Blockley (St. Osyth); Mr. J. Brett (St. Osyth); Mrs. Patricia Brett (St. Osyth); David Chadbourne (St. Osyth); Mrs. Wendy & Mr. Terence Charles (St. Osyth); Colin Chiswell (St. Osyth); Mr. Peter M. Cobbold (Elmstead); Mrs. J. Cole (St. Osyth); Stephen A. Cole (St. Osyth); David Cooper (St. Osyth); Mr. Crawford (St. Osyth); Tim Cronin (St. Osyth); Mrs. Patricia Cunningham (St. Osyth); Mrs. J. M. Dewing (St. Osyth); Mr. A. Harper (St. Osyth); Mrs. Betty Harper (St. Osyth); Mrs. C. Harper (St. Osyth); Mr. J. Harper (St. Osyth); Frances Hearn (St. Osyth); P. M. Hendy (St. Osyth); Mr. M. T. Joyce (St. Osyth); David & Fiona Lawton (St. Osyth); Beverley Lynn (St. Osyth); Mr. & Mrs. Merrill (St. Osyth); Andrea Newton (St. Osyth); Robert Newton (St. Osyth); Barbara Norris (St. Osyth); Mr. Alfred Norris (St. Osyth); Mrs. P. Osben (St. Osyth); Ms. T. Osben (St. Osyth); Rob & Pam Redding (Elmstead); Mr. D. Smith (St. Osyth); Ms. M. Smith (St. Osyth); William Vaughan (St. Osyth); Mr. C. Westripp (St. Osyth); S. John Wrigley (St. Osyth); Joan I. Wrigley (St. Osyth): The blanket 6% increase in housing stock for all settlements is not justified because:

- it is not based on any planning procedures or theory;
- it is overly-simplistic and not based on evidence;
- it is based entirely on the negative public response to the 2010 Core Strategy which was representative of only a small and biased proportion of the district's population;

- it does not take into consideration the individual needs of each parish's circumstances;
- it does not take into account the relative capacity of different towns and villages to handle development;
- it will not result in a democratic distribution of housing over the Tendring area;
- there is no precedent from other authorities adopting such an approach in their Local Plans or Local Development Frameworks;
- it is an abandonment of a sensible and sustainable 'sequential approach' to identifying housing sites in the most sustainable locations;
- does not take recent development history into account unlike the Council's now abandoned 2010 Core Strategy Document;
- will overload current infrastructure such as doctors, schools and roads in certain areas (which is a particular issue for St. Osyth with its narrow crossroads);
- does not recognise that job opportunities are limited in certain parts of the district;
- does not recognise seasonal population changes in areas like St. Osyth where there are many holiday parks; and
- this system penalises settlements that have been pro-active in accommodating growth in the past and this would continue to be the case if a similar percentage-based strategy were rolled forward into the next plan period.

Mrs. Pauline Hunt (Walton); Nigel Hunt (Walton); Mr. Leslie Mead (Clacton); Mrs. Glenys Thornton (Walton): Support the strategy for growth because:

- it has taken into account residents' views in reducing the impact on Clacton;
- the 6% allocation across the board is a much fairer way forward in many aspects;
- encouraging new buildings in the smaller villages should help keep the village shops, post offices etc in business and maintain the village community feel; and
- the size of development is greatly reduced and is more evenly spread throughout the Tendring District.

Mr. P. Cannons (Thorpe-le-Soken): The proposal for increased growth in the Frinton and Walton area and adjoining villages is not considered to have been positively prepared in that it has not taken into account the effect on increased traffic on the village of Thorpe-le-Soken.

Mr. R. Naylor (Walton-on-the-Naze): The expansion of settlements (by varying settlement boundaries) should be recognised as a highly sensitive issue and requiring full consultation and debate on a case by case basis. Therefore this statement is inappropriate. The expansion of urban settlements means an equivalent area loss of agricultural or leisure environment but a disproportionate loss of sense of undeveloped space. The re-designation of extra-settlement space as settlement space should be resisted and should be subject to rigorous sequential testing. Only

those sites that can demonstrate a need which overrides all alternative possibilities should be permitted for development outside the present settlement boundaries.

Ms. E. Artindale (Brightlingsea); Mr. R. Tabor (Brightlingsea): A 6% increase in every urban settlement is fundamentally flawed in practice whilst seeming to be fair. Brightlingsea is effectively a peninsula bordered on three sides by water and so has finite borders for development. In addition, it has many internationally designated wildlife and conservation sites within the peninsula. To achieve a 6% increase in housing in an area also described in the plan as having limited brownfield land to deliver the low density housing required, the plan is to build the fifth biggest single development in the whole of Tendring on one greenfield site, therefore adversely affecting other stated local plan policies, PLA2, PLA4 and PLA5. So, a 6% increase in Brightlingsea cannot be justified if this is the only way to achieve it.

Brightlingsea is surrounded by sea and wetlands and local, national and international wildlife and conservation designated protection, mathematically it is not the same as increasing a housing population with a continuous surrounding area. Consequently not all settlements in Tendring can have the 6% applied with equal risk. The plan must either take special cases into account or consider case by case basis. This affects stated plan policies PLA2, 4 and 5.

Mrs. T. Boland-Crewe (Alresford); Mr. D. Crewe (Alresford): This strategy does not consider the strengths and weakness of development in certain areas including the infrastructure available to support development, environmental impact and the long term social issues associated with development in rural areas. All good planning policy recognises the benefits of development in urban areas (see Lord Rogers of Riverside's 'Towards an Urban Renaissance'). This plan has been based on politics and not the real needs of the district. This is shameful and a waste of public funds. It is highly likely it will need to be reconsidered after it has been submitted to the inspector.

Council consideration

Policies SD2, SD3 and SD4 set out the Local Plan's 'spatial strategy' for future growth. These policies establish three categories of settlement where different approaches to new development will aim to ensure that the pattern of future growth across the district is sustainable. The key objective underpinning the spatial strategy is to promote a distribution of housing and other development across the district that, as far as is practical:

- meets both the government's and the Council's definition of 'sustainable development', taking into account the results of the Sustainability Appraisal;
- meets objectively assessed development needs as established through robust studies such as the Strategic Housing Market Assessment (SHMA), Strategic Housing Land Availability Assessment (SHLAA) and Employment Land Review (ELR); and
- achieves a 'fair and proportionate' spread of development that does not result in an over-concentration of development in one or two locations, taking into account the views of Tendring residents expressed through consultation exercises undertaken in 2009, 2010, 2011 and, most recently, 2012.

The spatial strategy for growth presented in the Council's 2010 Core Strategy and Development Policies Document (hereafter 'the 2010 Core Strategy') attracted an overwhelming level of public objection that ultimately resulted in that plan having to be abandoned and re-written. Compared to the level and nature of objections received in 2010, the comments in response to the strategy in the 2012 Local Plan - Proposed Submission Draft (hereafter the 2012 Draft Local Plan) were more balanced. Alongside the objections, there were a considerable number of comments in support which suggested that, generally speaking, the new strategy was more appropriate and acceptable to a larger number of people than the 2010 version. The comments in support of the strategy are

welcomed and clearly demonstrate that the Council has taken the views of residents and other stakeholders seriously in reshaping the content of the plan.

In response to other representations particularly with regard to housing supply, the Council proposes a change to the Local Plan's time-span from 2011-2021 to 2014-2029 to bring it in line with the requirements of paragraphs 47 and 157 of the National Planning Policy Framework. This has required consequential changes to Policies SD2, SD3 and SD4 and a number of other policies in the Local Plan which will have affected the way the comments above have been addressed.

Main areas of objection

Many of the objections received in response to Policy SD2 apply equally to Policies SD3 and SD4 because they relate to the overall strategy for growth but some objections relate specifically to elements of Policy SD2. The main objections fall into three categories:

- objections to the application of a blanket 6% increase in housing stock for all towns and villages over a 10 year period;
- objections to how a 6% increase in housing stock has been interpreted into site allocations for certain areas; and
- objections to the 'Colchester Fringe' not being listed as a specific Urban Settlement in Policy SD2.

Lack of Evidence

A number of objectors including Mr. French, who is promoting a site for housing in Mistley, argued that the blanket 6% increase in housing stock for all settlements was not based on a robust assessment of need. The Environment Agency also raised a concern that such an approach is not compatible with the flood risk sequential approach set out in the National Planning Policy Framework (NPPF) and that it could lead to sites of lower risk being omitted from the plan in favour of sites at higher risk, simply to make up the numbers.

In response to this and other similar objections, the Council commissioned an update to its SHMA and updated its SHLAA. The results of these studies, which have had a major bearing on proposed changes to the strategy in the Local Plan, are explained in more detail in relation to Policy PEO1 'Housing Supply' but in essence, these updated assessments have identified practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. These assessments also demonstrate that, for at least the period up to 2024, a strategy that achieves a fair and proportionate approach to housing development across all parts of the district that equates (roughly) to a 6% increase in housing stock is the most appropriate and deliverable.

Whilst the Council is absolutely committed to continuing with a distribution of housing growth that is 'fair and proportionate' and backed up by the pieces of evidence referred to above, it does accept that presenting such a strategy as a simplistic blanket percentage-based increase for all settlements may undermine the credibility of the Local Plan, particularly as it is now evident that the housing numbers proposed in some areas either have to increase or decrease above or below 6% for sound and practical planning reasons.

For this reason, focussed changes to Policy SD2 and its supporting text are proposed to change the emphasis of the strategy from a rigid 6% housing stock increase being applied to all settlements to a 'sustainable, fair and proportionate increase in housing stock' that, for most

settlements (but not all), results in a 6% increase in dwellings over the first 10 years of the revised plan period 2014-2024. For years 11-15 of the revised plan period, growth will be more focussed on the broad locations expected to support longer-term economic growth including Clacton, Harwich and West Tendring/Colchester Fringe – an approach supported by evidence in both the Council's new 2013 Economic Development Strategy and the 2013 SHLAA.

It is hoped that the proposal to include land off Stourview Close, Mistley in the Local Plan for a residential development in proposed Policy MLM5a and Policies Map Inset 4 (major change MAJ9.3 and policies map change PM4.4) will address most, if not all, of Mr. French's objections to the Local Plan.

Impact of the strategy on St. Osyth

Most of the of the objections from members of the public were from St. Osyth residents who disagreed with the rigid 6% housing stock increase for all settlements because it translated into proposals to deliver 112 dwellings in St. Osyth/Point Clear over a 10 year period. This scale of development was more than double that proposed in any other of the district's 'Key Rural Service Centres' and therefore raised a number of local concerns about the potential impact the village's infrastructure, environment and character. In accepting that the spatial strategy should maintain the thrust of a fair and proportionate spread of development but include more flexibility to take local constraints and character into account, the Council has agreed that housing development proposed for St. Osyth should be removed from the Local Plan. More details of these proposed changes are set out in relation to Policy SD3 and we trust that these will result in the majority of these objections, and the objections from 'Save Our St. Osyth' (SOS) being addressed and hopefully withdrawn.

Impact of the strategy on Brightlingsea

Mr. Tabor and Ms. Artingdale from Brightlingsea have raised concerns about the impact of a 6% increase in housing stock for their town, particularly in relation to the potential environmental impact of the main development on greenfield land proposed for that area. In preparing the Local Plan, the Council has always been very mindful of the physical, environmental and infrastructure constraints facing Brightlingsea and careful to ensure that the scale of development proposed for that area takes these factors into account.

The area of land that has been allocated for a modest urban extension in Brightlingsea is by far the least sensitive location for development and received relatively few objections, despite public exhibitions held by the Town Council being well attended by local people. The Town Council supports this allocation as it provides an opportunity for more traditional spacious properties to be built to bring balance to the market which has been dominated, for some years, by the development of waterside apartments that have failed to sell and where developments have stalled.

We do however share Mr. Tabor and Ms. Artingale concern about any future urban expansion beyond what is shown in the Local Plan and the updated SHLAA concludes that no further expansion onto greenfield land is likely to be appropriate after 2024 due to the area's unique constraints. Consequently, the proposed broad locations for longer-term growth post 2024 (see major changes MAJ2.1 and MAJ2.2) do not include Brightlingsea.

Sustainability of Development in Rural Settlements

A number of objections suggest that development in rural settlements is not sustainable and, as a consequence, the strategy for all settlements to accommodate a 6% increase in housing stock, whether urban or rural, is not sound. Essex County Council, Taylor Wimpey, Knight Developments, Great Holland Residents Association, Mr. Crewe and Mrs. Boland-Crewe from Alresford, Save Our

St. Osyth (SOS) and several residents of St. Osyth and Elmstead Market have raised similar concerns and these are dealt with in more detail in relation to Policies SD3 and SD4, where the Council does propose some changes in response to these concerns.

Public Opinion and Politics

A number of people, in particularly residents of St. Osyth, have suggested that the Council was wrong to abandon the growth strategy in the 2010 Core Strategy purely in response to the level of public objections and that these objections were biased, politically motivated and, in truth, only representative of a small proportion of the population.

The 2010 Core Strategy proposed 4,100 new homes for Clacton over a 20 year period with lesser amounts of development proposed for other urban and rural settlements to deliver a further 2,200 homes. That strategy hinged upon the delivery of two major neighbourhood developments in north-west Clacton and east Clacton for 3,100 and 700 homes respectively. These developments proved to be two of the most controversial proposals and attracted hundreds of public objections followed by aggressive campaigning and petitioning in the run up to the 2011 local elections.

The decision to abandon the Core Strategy rather than submit it to the Secretary of State for examination was ultimately a political one, albeit one that received general support of the majority of District Councillors – particularly in light of the uncertainty about emerging government changes to the planning system and what affect they might have on the appropriateness of the plan, as presented at that time.

Despite the controversy surrounding the decision to abandon the previous strategy and notwithstanding the biased objections and campaigning that motivated that decision, there are sound planning reasons why, in retrospect, it would not have been appropriate to continue with that approach. The Council has updated its SHLAA to reflect the most up-to-date available information and it suggests that both the major neighbourhood development in north-west Clacton and in east Clacton would not be deliverable, at least within the first 10 years of the revised plan period due to the current weak state of the housing market and the significant cost of the transport and utilities infrastructure needed to provide access to these sites. It is telling that some of the landowners that originally promoted those large sites have either chosen not to object to the 2012 Local Plan or have significantly lowered their expectations.

Ultimately, the Council will have needed to re-examine the strategy to ensure it met the requirements of the new National Planning Policy Framework notwithstanding the scale or legitimacy of the previous public objections and, in updating the SHLAA, will have discovered that a strategy promoting a fair and proportionate approach to growth across the district is actually more deliverable. The thrust of the fair and proportionate approach is considered to be sound and based on robust evidence, but the Council does propose some changes, including in the St. Osyth area, to address the comments received.

Longer Term Application of the 6% Strategy

Councillor Howard who represents the Great Oakley and Little Oakley Ward has suggested that whilst he supports the fair and proportionate approach to growth for the proposed plan period, it may not be sustainable or appropriate to continue with such a strategy in future plan periods. This is very sensible comment which reflects Essex County Councils concerns. It is particularly true for rural settlements where the cumulative effect of continuous small scale developments could result in irresolvable infrastructure problems.

For the period up to 2024, the fair and proportionate strategy for growth is considered to be justified and deliverable but beyond 2024, as demonstrated in the updated SHLAA, the Council will have to review the strategy. This is why the Council only proposes to allocate specific housing sites

to meet the requirements for years 1-10 of the revised plan period (2014-2024) with broad locations shown for 11-15 (2024-2029). Paragraph 47 of the NPPF allows this by saying, in the third bullet point, that as well as identifying specific sites for years 1-5, local planning authorities should “*identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15*”.

In the updated SHLAA, the Council demonstrates that it is not possible to identify specific sites for years 11-15 firstly without a better understanding of the state of the economy nearer the time and secondly without pre-determining the longer-term strategy which may or may not require major urban expansions in either Clacton, Harwich or West Tendring/Colchester Fringe. These locations are identified in both the SHLAA and the Council’s 2013 Economic Development Strategy as the areas best placed to deliver longer term housing and economic growth. The identification of specific sites within these broad locations will need to be considered through an evidence-based review of the Local Plan (along with an extensive programme of public consultation) well before 2024.

Treating Development Targets as a Maximum or Minimum

Kevin Britton, Mr. & Mrs. Luxford and Trinity College Cambridge, who are promoting development sites in Clacton, Harwich and Brightlingsea respectively, suggest that the wording of Policy SD2 and supporting text are not fully in accordance with the National Planning Policy Framework and that they must clarify that the 6% increase in housing stock will be treated as a minimum target and not as a cap.

Whilst it was the Council’s intention that the dwelling stock increase in Smaller Rural Settlements (Policy SD4) should be capped at 6%, owing to their more limited scope for sustainable development, it was never the intention to cap development in the Urban Settlements or Key Rural Service Centres. Both parties have made similar suggestions for how the policy wording could be improved to clarify this point and address any soundness issues and these suggestions are considered to be perfectly reasonable.

Mr. & Mrs. Luxford also suggest that the policy and supporting paragraph 2.13 needs to be reworded to make it clear that not whilst specifically allocated sites will deliver the majority of new development, other ‘windfall’ sites within the Settlement Development Boundaries are also likely to make a contribution. This is another perfectly reasonable suggestion. In addressing these comments, the Council proposes focussed changes to Policy SD2 and relevant supporting text (set out below) broadly along the lines suggested and we trust that this will result in the withdrawal of these particular objections.

Colchester Fringe

In the only objection to the list of settlements categorised as ‘urban settlements’ in Policy SD2, Land Improvements Holdings (LIH) has requested that the Colchester Fringe is acknowledged in the policy and that the Settlement Development Boundary, as depicted on Policies Map Inset 6, be extended to include additional land for development. Although LIH has argued that there is no mention anywhere in the Local Plan of the Colchester Fringe, paragraph 2.12 in fact explained the Council’s position regarding growth in and around the Colchester Fringe during the plan period with an acknowledgement that, in the longer term, further growth crossing the district border may be an option for consideration. Proposed major changes **MAJ2.1** and **MAJ2.2** provide more detail as to the longer-term approach to development in West Tendring/Colchester Fringe which we hope LIH will support.

The inclusion of the Colchester Fringe within Policy SD2 in the 2012 Draft Local Plan would have caused complications with the application of the blanket 6% increase in housing stock for all settlements because for Colchester to expand by 6% would have been at odds with Colchester

Borough Council's own plans for the wider settlement, as set out in its adopted LDF documents. However, because the Council proposes changes to the plan period and the spatial strategy to present an evidence-based 'fair and proportionate' approach to growth, rather than referring specifically to a blanket 6% growth for all settlements, it will now be possible to include the Colchester Fringe within Policy SD2, as requested. West Tendring/Colchester Fringe will also be identified as a broad location for longer-term growth post 2024 and we trust that LIH will support this concept.

The Betts Factory site is a previously developed site already within the Settlement Development Boundary that, at the time of writing, was the subject of a yet-to-be-determined planning application 12/00885/OUT for residential development – although the principle of residential development is accepted by both Colchester Borough Council and Tendring District Council through a 2008 Development Brief for the site. This site has been assessed in the Council's updated Strategic Housing Land Availability Assessment (SHLAA) and it is agreed that this will contribute 80 dwellings (see major change MAJ14.2) toward housing growth within years 1-10 of the revised plan period up to 2024.

The Orchard Land, in contrast, is a 5.9 hectare area of greenfield land with the potential to accommodate a development of well over 100 dwellings. Whilst it is accepted in the updated SHLAA that the Betts Factory site could contribute toward housing development in years 1-10 of the revised plan period (as reflected in focussed changes elsewhere in the document), any wider development on the adjoining greenfield land might be longer term, would be dependent on access via the Betts site and would have to be worked up jointly by Colchester Borough Council and Tendring District Council as part of the longer-term strategy for growth.

LIH claims that that the Council has failed to engage constructively, actively and continuously with Colchester Borough Council to cooperate on cross boundary development issues. Again this is not true, the cooperation has been very constructive and the joint Development Brief and pre-application process involved in bringing forward the Betts Site is evidence of this. Whilst Colchester Borough Council objected to the 2012 Draft Local Plan, focussed changes to the plan are proposed that should address its original concerns.

Frinton, Walton and Kirby Cross

The Burghes Estate is promoting land at Turpins Farm, Frinton-on-Sea for residential development and whilst it agrees with the classification of Frinton, Walton and Kirby Cross as an Urban Settlement, it argues that the site has the potential to deliver a much higher number of dwellings than the 50 indicated in the Draft Local Plan. It suggests that the blanket 6% approach to housing growth artificially limits the potential of its site and ignores the findings of the Council's Strategic Housing Market Assessment (SHMA) which identifies the Frinton area as having a high demand for housing (which is confirmed through the 2013 SHMA update).

The Council's updated SHLAA does indeed recognise that this site could, in theory, accommodate more dwellings and, in the 2010 Core Strategy, this area was provisionally earmarked as a broad location to deliver 230 homes. Because the Council proposes changes to the spatial strategy to present an evidence-based 'fair and proportionate' approach to growth, rather than a rigid 6% growth for all settlements, the numbers for this area have been re-evaluated. More detailed consideration is provided in relation to Policy FWK9: Development at Turpins Farm, to which the objector is referred.

Burghes Estate has also questioned the deliverability of allocating around 68% of the housing requirement in the Clacton and Harwich areas. However, through the 2013 SHLAA, the Council considers this to remain broadly appropriate and deliverable. In fact, Essex County Council's concerns about education provision in the Frinton and Walton area (considered in more detail elsewhere) actually support the assumptions the Council has made, in its updated SHLAA, about

the level of development appropriate in different parts of the district up to 2024. No specific changes to Policy SD2 or its supporting text are proposed in response to Burghes Estate's objections, but we trust that the specific changes proposed to Policy FWK9 and the allocation of land at Turpins Farm (see major change [MAJ8.8](#) and policies map change [PM3.3](#)) will address most, if not all of these concerns.

Impact of development on Thorpe-le-Soken

In complete conflict with the suggestions from Burghes Estate to increase the amount of development in the Frinton, Walton and Kirby Cross area, Cllr. Canons of Thorpe-le-Soken Parish Council argues that the level of development already proposed in the Draft Local Plan has not taken into account the increased traffic impact on the village of Thorpe.

Thorpe lies at the crossover of two key routes through the district: the B1033 to Frinton and Walton and the B1414 which connects Clacton to Harwich. The village therefore is affected by considerable levels of traffic, particularly during the rush hour, the school run and during the summer months by people travelling to the seaside. Being a historic village, the road through its centre varies in width and, when cars are parked in the road, there are often issues with vehicles trying to pass each other, which are sometimes exasperated by pedestrians trying to cross the road and buses or large lorries passing through the village. Consequently, at times traffic tends to pass through the village slowly and not particularly smoothly.

Essex County Council is the Highway Authority for the Tendring area and has been a key partner and consultee in the preparation of the new Local Plan. The view of the Highway Authority is that whilst Thorpe does experience considerable amounts of traffic at specific times of the day and through the busier summer months, it is not severe or constant enough to raise any concerns about general capacity – even with the increase in development proposed for nearby Frinton, Walton and Kirby Cross.

To help inform the preparation of the Local Plan and its forerunner (the now abandoned Core Strategy), the Council commissioned consultants Roger Tym and Partners in 2009 to undertake an 'Infrastructure Study' for the Tendring District to look at the capacity of a range of infrastructure including roads. The measure of highway capacity used was the Congestion Reference Flow (CRF), the same measure used by Essex County Council when carrying out its own survey work. Anything up to 0.79 is considered an acceptable level of capacity, anything between 0.8 and 0.99 raises concerns about capacity in the future and anything over 1.0 suggests the road is at capacity and cannot adequately cope with the levels of traffic being experienced.

The study rated the B1033 through Thorpe-le-Soken as being within the 0.00-0.79 range and even with projected growth was considered unlikely to increase above 0.8 within 10 years. The 2013 update to the Infrastructure Study undertaken by Peter Brett Associates confirms that these projections remain sound.

This evidence does not support any justification for reducing the scale of development in Frinton, Walton and Kirby Cross and whilst it is not expected to significantly increase the amount of traffic passing through Thorpe, Cllr. Canon's comments are perfectly understandable because the build up of traffic through the village, at certain times, is so highly visible. No changes to Policy SD2 or its supporting text are considered necessary in response to these comments. With that said, Cllr. Canons may take some comfort in the fact that the Frinton, Walton and Kirby Cross area is not being identified as one of the broad locations for longer term growth post 2024 in the proposed focussed changes to the plan (see major changes [MAJ2.1](#) and [MAJ2.2](#)).

The Justification for any Settlement Expansion

Mr. Naylor from Walton-on-the-Naze suggests that settlement expansion should be resisted, subjected to rigorous sequential testing and only sites that can demonstrate a need which overrides all alternative possibilities should be permitted for development outside the present settlement boundaries.

It is clear that Mr. Naylor objects to the prospect of settlement expansion, as a matter of principle, for perfectly understandable environmental reasons, but his suggestion to take a 'precautionary approach' to development is completely at odds with current government planning policy as set out in the National Planning Policy Framework. This requires the Council and all other Local Planning Authorities in the country to plan positively for growth and "*seek opportunities to meet the development needs of their area*". If the Council were to follow Mr. Naylor's advice to restrict urban expansion, it would immediately fall foul of the national requirements and the Council would not be able to justify such an approach through the rigorous examination that will take place in front of an Independent Planning Inspector. In fact Mr. Naylor will see from a number of objections to the Local Plan (including that of Burghes Estate) that some argue that the Council has been too cautious in its approach to urban expansion.

The assessment of need, for housing, is the SHMA, as updated in 2013. This identifies projected requirements for housing of 10,960 homes between 2013 and 2029 which the Council considers to be far in excess of what is practically achievable through both the re-use of previously developed land and urban extensions onto greenfield land. The evidence contained in the Council's updated SHLAA does take a whole range of physical, environmental and infrastructure constraints into account when coming to this conclusion and a significant number of greenfield sites have not been included in the Local Plan as a result of this evidence.

Conclusion

Focussed changes to Policy SD2 and its supporting paragraphs are proposed to:

- include the Colchester Fringe as an urban settlement;
- reflect the change in emphasis from a rigid 6% increase in housing development to a 'sustainable, fair and proportionate' approach to growth;
- clarify that there will be a minimum dwelling stock increase for all of the settlements in the 10 year period 2014-2024;
- clarify that 'windfall sites' within Settlement Development Boundaries could contribute toward the delivery of housing; and
- reflect the identification of 'broad locations' around Clacton, Harwich and West Tendring/Colchester Fringe where longer-term growth post 2024 will be considered in more detail through a review of the Local Plan.

Outcome

In response to the various comments raised in relation to Policy SD2 and its supporting text and as a consequence of new evidence and other factors, the Council proposes the following **major change (MAJ2.3)** to the policy (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY SD2: URBAN SETTLEMENTS

The following settlements are classed as 'Urban Settlements':

- **Clacton-on-Sea** comprising the following 'sub-areas':
 - Central Clacton;
 - Jaywick;
 - West Clacton;
 - Great Clacton (North); and
 - East Clacton and Holland-on-Sea.
- **Harwich and Dovercourt** (including Parkeston and part of Ramsey);
- **Frinton, Walton and Kirby Cross**;
- **Manningtree, Lawford and Mistley**; and
- **Brightlingsea**; and
- **The Colchester Fringe.**

These settlements will be the focus for the majority of the district's economic growth through the identification of new employment sites, investment in town centres, tourist attractions and key infrastructure and/or the regeneration of deprived neighbourhoods.

~~Between 1st April 2011 and 31st March 2021, each of these settlements will accommodate a 6% increase in housing stock. This will be achieved through development on sites with outstanding planning permission for new housing and through the identification of other sites within, and where necessary, on the periphery of the built-up area which together are sufficient to achieve 6% growth.~~

Between 1st April 2014 and 31st March 2024, these settlements will each accommodate a minimum sustainable, fair and proportionate increase in housing stock, as set out in Policy PEO1: 'Housing Supply' to address, as far as been determined practical, the objectively assessed requirements for future housing. This will be achieved through development on sites specifically allocated for housing or mixed-use development in this Local Plan and sites with outstanding planning permissions for residential development, supplemented by development on other suitable sites within Settlement Development Boundaries.

To plan for longer-term growth beyond 1st April 2024, the Council will work with partners, including Colchester Borough Council, to explore the opportunities for more focussed employment and infrastructure-led development in suitable broad locations in and around Clacton-on-Sea, Harwich and Dovercourt and West Tendring/Colchester Fringe aimed at supporting economic growth, delivering new infrastructure and, where practical, addressing longer-term requirements for housing. The details of longer-term growth in these broad locations and the district's other urban settlements will be determined through an evidence-based review of the Local Plan.

More detailed policies and proposals are set out in Chapters 6 to 10 of this document.

The following **minor changes** ([MIN2.3](#), [MIN2.4](#), [MIN2.5](#), [MIN2.6](#) and [MIN2.7](#)) to paragraphs 2.9, 2.10, 2.11, 2.12 and 2.13 are also proposed (additions shown as highlighted and deletions shown as struck through):

2.9 For Tendring, the settlements that fall within this category are the un-parished area of Clacton-on-Sea (which is further divided into five sub-areas); Harwich and Dovercourt; Frinton, Walton and Kirby Cross; Manningtree, Lawford and Mistley; ~~and Brightlingsea;~~ and the eastern 'fringe' of Colchester. To deliver economic growth in each of these areas, this Local Plan contains proposals for new employment sites, proposals for investment and rejuvenation in town centres and deprived neighbourhoods and improvements to the infrastructure serving some of these areas that will be funded, in part, through developer contributions secured through the Community Infrastructure Levy (CIL).

2.10 In applying a **sustainable, fair and proportionate** approach to the distribution of housing growth, ~~each of the urban settlements will accommodate a standard 6% the largest proportion of the district's increase in housing stock over the first 10 years of the plan period between 1st April 2014 2014 and 31st March 2021 2024, as set out in Policy PEO1: 'Housing Supply' in Chapter 4 of this document. This is a level of housing growth that is fair, achievable and sustainable for each of the settlements concerned, and that will make a meaningful contribution toward alleviating future housing demands and local housing needs in those areas.~~

2.11 Outside of the Tendring District, neighbouring Colchester will be the focus for significant growth in new housing and commercial development over the **first 10 years of the plan period** as already planned for, by Colchester Borough Council, in its adopted Local Development Framework. During previous public consultation exercises, there were a number of suggestions that a large proportion of Tendring's future economic and housing growth should be focused on the eastern **fringes** edge of Colchester to benefit from its greater range of job opportunities, better road connections and general hospital facilities. ~~In the short to medium term, major development in that location is not likely to be deliverable Given the scale of growth that Colchester is already planning for (including some 8,000 homes — an 11% increase in housing stock) and the significant up-front investment in infrastructure that would be needed to support such a strategy, it is not considered appropriate or sustainable to add further development to within this plan period.~~

2.12 ~~For the period after 2021, t~~There may be justification for further growth in the Colchester area in the longer term, especially in the period after 2024. ~~which could require joint working between Colchester Borough Council and Tendring District Council to~~ **could** explore the possibility (and practicality) of planning for growth that crosses the district border. This will be the subject of careful consideration when both Councils come to review their plans to address longer-term requirements. **Clacton and Harwich are also identified as 'broad areas' where longer-term growth is likely to be considered through a review of the Local Plan particularly if further development can be shown to support economic growth and deliver new infrastructure and good quality housing.** ~~For this plan period, the Colchester Fringe is tightly contained within its own Settlement Development Boundary as shown on the relevant Policies Map Inset and any new development will be strictly confined to land within that boundary.~~

2.13 To achieve a **6% sustainable** increase in housing stock for each of Tendring's urban settlements **up to 2024**, a significant number of new homes ~~have either already been built in the 2011/12 financial year or~~ will come forward on sites that, on 1st April ~~2012~~ 2013, already had outstanding planning permission for housing development. The remaining requirement will be delivered on sites that are specifically allocated for housing or mixed-use development, **supplemented by other suitable sites within the Settlement Development Boundaries** in this Local Plan. These **allocated** sites either lie within the established built-up area of the settlement or involve undeveloped land on the edge of the settlement and, where necessary, ~~will be~~ **are** the subject ~~of~~ **of** detailed policies in this plan aimed at achieving the appropriate mix of housing and other uses, the appropriate development density and a high quality of design and layout along with

any specific infrastructure requirements. Alongside the planned developments, it is likely that a number of currently unidentified 'windfall' sites will obtain planning permission for housing in accordance with the policies in this Local Plan during the plan period.

No changes to paragraph 2.8 are proposed.

Policy SD3 – Key Rural Service Centres

(Pages 32 to 34 – including paragraphs 2.14 to 2.17)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policies SD2, SD3, SD4, PEO1, and PEO14 - it is unlikely that these policies will deliver sufficient critical mass to effectively mitigate cumulative impacts on community infrastructure, especially Policies SD4 and PEO14 which include specific provision for some developments to be restricted to 10 units or less.

Comments from landowners, developers and businesses

C F Lumber & Son (represented by Stanfords); David Carter, Mrs. Mary Chamley & Mrs. Pat Kench (represented by Stanfords); Gerald and Brenda Knight (represented by Stanfords): Support the inclusion of Weeley, Little Clacton and St. Osyth (respectively) as Key Rural Service Centres.

Mr. T. A. Tinneveld (represented by Stanfords): Support the inclusion of Alresford as a Key Rural Service Centre and the policy of having a general 6% increase in development.

Bennett Homes (represented by Bidwells): Support the inclusion of Thorpe-le-Soken as a Key Rural Service Centre and its subsequent allocation for growth.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Mr J W Thompson (represented by Edward Gittins and Associates): We broadly support the hierarchy of settlements as defined within policy SD3. We consider the identification of seven Key Rural Service Centres as listed in Policy SD3 provides a good geographic spread for such centres whose role as local service centres and for local employment will be enhanced.

Brian Crook (Represented by Edward Gittins & Associates); Brian Kidby (represented by Edward Gittins and Associates); Mr R Mayes (represented by Edward Gittins and Associates); NNC Homes (represented by Edward Gittins & Associates), Trustees of the Winsley's Charity (represented by Edward Gittins and Associates): We support the Settlement Classification found in Policies SD2: Urban Settlements, SD3: Key Rural Services Centres and SD4: Smaller Rural Settlements. We believe this Settlement Classification provides clear delineation between the relative scale and function of each settlement and a sound basis for 'Managing Growth' addressed in Policy SD5. We lend broad support for the principle of Settlement Development Boundaries (SDBs) and the general presumption in favour of new development within SDBs.

Mr S Dulai (represented by Joseph Greenhow Planning Ltd): We broadly support the hierarchy of settlements as defined within policy SD3.

Wivenhoe Park Estate (represented by Strutt and Parker): The policy is supported and is considered to be sound. It reflects the settlement hierarchy from TDC's Settlement Hierarchy Study (2008). Elmstead is identified as a Key Rural Service Centre for the reasons set out in Section 2.2 of the Statement. The plan identifies opportunities for modest development in these centres,

including the accommodation of a 'standard 6% increase in housing stock' for the plan period. The policy is supported by an explanation at 2.15 as being 'fair, achievable and sustainable for each of the settlements concerned and that will make a meaningful contribution toward alleviating future housing demands, addressing local housing needs and supporting the village economy'. Further background is set out in the Technical Studies and evidence to the plan and, as far as Elmstead is considered, 11.2 of the Draft Local Plan. The policy is considered to be positive, in meeting objectively assessed development and infrastructure requirements, justified, as an appropriate strategy, and effective and consistent with national policy.

The Land and Planning Company Ltd: We support the categorisation of Little Clacton as a Key Rural Service Centre and the role it will play in providing additional housing land. The Settlement Development Boundary as shown on the Policies Map Inset 10 is also supported. We support particularly the following elements of policy:

- that Little Clacton is capable of accommodating a modest amount of sustainable housing growth at a scale related to local needs, compatible with existing local character and deliverable without the need for major infrastructure investment;
- the village is capable of accommodating a small amount of new housing; and
- growth within Little Clacton will take place at a scale that is appropriate to its size, with its character retained.

Land at 84 Harwich Road is contained within the Settlement Development Boundary and as an adventitious development site has the ability to make a contribution to addressing the District housing requirement, subject to the grant of planning permission in due course.

Mystar Homes (represented by Boyer Planning): We support the inclusion of Weeley/Weeley Heath as a Key Rural Service Centre. As a settlement it provides high level of accessibility by public transport (both rail and bus) as well as providing a range of employment facilities. A range of community facilities including playing pitches and primary school are also available to local residents. This relates to the promotion of our site at Woodpeckers/Hilltop Nursery, Weeley Heath, which should be included within the Settlement Development Boundary and allocated for housing.

City & Country: We believe that promoting development within the Key Rural Service Centres such as St Osyth will allow for the opportunity for sustainable growth and creation of much needed new housing.

Strutt and Parker Farms (represented by Strutt and Parker LLP): These comments relate to the promotion of our land east of Landermere Road, Thorpe-le-Soken. We support the inclusion of Thorpe-le-Soken as a Key Rural Service Centre, suitable for a scale of development that reflects the needs and constraints of the village. In relation to the rest of the District the village benefits from a relatively large critical mass with a reasonable range of facilities and services despite its rural location. It benefits from good transportation links including its own railway station. For this reason it is considered that the village able to accommodate a greater number of units and its close proximity to the District's largest centre, Clacton-on-Sea. Additional housing provision in Thorpe-le-Soken to meet the District's housing needs provides an opportunity for residents to live within close proximity to the largest urban area in the district.

Amperswick Ltd (represented by GVA Hotels and Leisure): Support the inclusion of Little Clacton in this settlement category. However, whilst employment needs are mentioned in the policy, there is no reference made to the particular needs of tourism enterprises (and specifically in our case holiday parks) and their need to grow in a similar way to businesses and the local housing stock.

The words “including by tourism enterprises” should be added after “employment-related development” in the first paragraph of this policy.

Park Resorts Ltd (represented by GVA): We welcome and support the inclusion of Weeley/Weeley Heath in this settlement category (and the inclusion of Weeley Bridge Holiday Park within the settlement boundary). Whilst employment needs are mentioned in the Policy, there is no reference made to the particular needs of tourism enterprises (and specifically in our case holiday parks) and their need to grow in a similar way to businesses and the local housing stock.

This need for growth is particularly clear given the findings of the 2009 Holiday Park Sector Overview, the Councils Employment Study (Part 1 – 2009) and the proposed loss of Tendring holiday parks at Martello (400 plots – Draft Policy FWK6) and Southcliffe Trailer Park (36 plots – mentioned at paragraph 8.23 of the Draft Plan).

We consider that in order for us to withdraw our objection, there would need to be an amendment to the Policy in respect of the words “employment-related development” as per the following paraphrased policy (amendment in bold):

POLICY SD3: KEY RURAL SERVICE CENTRES

“The following settlements are classed as ‘Key Rural Service Centres’:

.....

(4) Weeley/Weeley Heath;

.....

These settlements will be the focus for small scale employment-related development including by tourism enterprises that reflects their unique rural character, local housing and employment needs and physical, environmental and infrastructure constraints.

.....

More detailed policies and proposals for these settlements are set out in Chapter 11.”

Secondly, we would request that a set of entirely new policies be created to cover the individual needs of the 7 Key Rural Service Centres in the same way as there is already a suite of policies for the main urban settlements. The new Policy for Weeley/Weeley Heath would then state that there is a need for expansion of existing holiday parks to ensure that these businesses remain viable and continue to benefit the local communities in which they are located.

We note that on page 22 of the Local Plan Introduction, it is stated that around 10% of employment in the district is related to tourism and at 3.33 on page 53 that tourism is worth more than £276 million to Tendring. According to the 2009 Holiday Park Sector Overview, there is potential for growth in the holiday park industry. In addition, the Council’s Employment Study Part 1 (2009) suggests that a significant proportion of new jobs in the district could come from tourism if the right action is taken by providing an appropriate range of tourist attractions and holiday accommodation. We consider that Draft Policy SD3 does not do enough to contribute to this potential for growth. The Policy is therefore unsound.

Taylor Wimpey UK Ltd (representation by Boyer Planning): We support the inclusion of Alresford in Policy SD3 but a proportionate approach based on current settlement size is not considered a sustainable distribution method. Development should be focussed at the Urban Settlements identified in Policy SD2 and the Key Rural Service Centres identified in Policy SD3 and restricted in the Smaller Rural Settlements set out in Policy SD4. Development should be directed to those which are more sustainable; which have a village centre, primary school, employment area and railway station. Alresford, St. Osyth and Thorpe-le-Soken were the only three rural settlements to have all of the above services. Whilst the resulting hierarchy has added other settlements to the Key Rural Service Centres category it is clear that these three are the best performing in terms of the sustainability measures identified. In line with our assertion that a higher housing target should

be adopted, the number of dwellings allocated to these settlements should increase and be based upon achieving sustainable patterns of development.

Knight Developments (represented by Phase 2 Planning and Development Ltd) The Smaller Rural Settlements have little in the way of job opportunities, local services, facilities and other infrastructure. Residents of these smaller villages are often reliant on neighbouring towns and villages for work, shopping and other services and frequently need to travel fair distances by private car. Because of this, these smaller villages are considered to be less sustainable locations and are not appropriate locations to accommodate greenfield growth. Accordingly, growth should be focussed towards the most sustainable locations and, as a minimum, greenfield growth should be restricted to the urban settlements and key rural service centres and the 6% quantum of growth identified for these “other smaller villages” should be redistributed to these settlements.

Mr Hutley, Mrs Hollyneux and Mrs Went (represented by Mathew Clarke): It is considered that the process for assigning growth to both the Urban Settlements and the Rural Service Centres, based on an increase in housing stock of 6% is somewhat arbitrary. There is no evidence presented which suggests that this approach has had regard to the achievement of sustainable development. Reference to the evidence base document, Establishing a Settlement Hierarchy, shows that Weeley Heath scores well, in fact coming out more favourably than the other suggested Key Rural Service Centres. However it is also evident that with larger current populations (and housing stock) these would be in receipt of higher levels of additional housing.

Notcutts Limited (represented by Pomery Planning Consultants): Ardleigh should be defined as a ‘Key Rural Service Centre’ by considering the village and its surrounding hamlets as a single community (see comments made against Policy SD4). Taken together, the facilities they provide and the employment opportunities available, particularly agricultural and horticultural jobs make the combined settlement a sustainable community in which residents can both live and work. It is not evident in the reasoned justification of the Draft Plan or in the Council’s evidence base on what precise basis the Council has defined ‘Key Rural Service Centres’ from ‘Smaller Rural Settlements’. There does not appear to be a defining criteria against which a judgement has been made as to which tier a settlement should be placed.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the co-joining of Weeley and Weeley Heath as a Key Rural Service Centre. To help ensure the Local Plan “meets the full, objectively assessed needs for market and affordable housing” (paragraph 47, NPPF) and provides the additional buffer required by the NPPF at a minimum of 5%, the housing targets identified should be clarified to be minimum targets. Additional buffers are necessary to ensure choice and competition in the market for land. We would recommend the following revised wording:

“Between 1st April 2011 and 31st March 2021, each of these settlements will accommodate a minimum 6% increase in housing stock. This will be achieved through development on sites with outstanding planning permission for new housing and through the identification of other sites within and where necessary on the periphery of the built-up area which together are sufficient to achieve a minimum 6% growth”.

N & J Barrington-Fuller and A & D Fuller (represented by Jonathan Reubin): Key Rural Service Centres in Tendring can absorb more than 6% housing growth and will need to do so in order to ensure their status. An increase in population growth would better secure the services provided by the Key Rural Service Centres. An increase above 6% will allow expansion of retail and other services and provide a wider and more competitively priced range of goods and services. It will encourage improved and secure public transport services as well as the introduction or re-establishment of Doctors surgeries; it will also secure a future for local schools. Smaller villages have already lost these services and the limited development set out in the Plan means that these services will never return to the smaller centres. The limited development of 6% is not justified, as

it will actually encourage a reduction in local services and therefore an increase in housing numbers should be considered. The proposal is also not effective, as the limited amount of development, whilst easily deliverable; will not protect and enhance the services offered and they will decline and lose these services. The proposals in this section of the Plan are not consistent with National Policy as the limited development will actually encourage the closure and loss of services in Key Rural Service Centres.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Oakley Parish Council: Supports the 6% approach to increasing housing stock.

Thorpe-le-Soken Parish Council: The Parish Council objects to the village classification, requesting that it is re-classified as a 'dormitory village'. Concerns are raised over poor transport infrastructure.

Great Holland Residents Association: The Local Plan suggests that whatever housing need there is should be spread across the district by applying a simple mathematical formula and devising a planning policy to suit. This simplistic approach does not amount to a strategic solution. To apply the same formula for adding growth to a small rural settlement as one might do for a town is to ignore the difficulties that growth in small rural settlements presents particularly on its limited and creaking infrastructure as well as the threat to existing rural character of the settlement. The Smaller Rural Settlements should be exempted from this allocation and the rest of the District should absorb the required 280 units (assuming they are needed) and thus go up to 7%, an increase of 1% which could be easily and practically absorbed.

Cllr. Tom Howard (TDC Member for Great and Little Oakley Ward): Whilst it is acknowledged that some development in rural areas is currently required, particularly in the affordable or housing association sectors in order to enable the younger generation to remain within the district and the villages that were brought up in, and 6% is sustainable for the next 10 years, it should be noted that this scale of growth cannot be sustained in future Local Plans as it would begin to place too much of a burden on many rural villages and risk merging them into each other or neighbouring urban areas.

Save Our St. Osyth (SOS): The 2012 Local Plan is unsound as it fails to meet the necessary criteria of being justified or effective. The 2010 Core Strategy Document appeared to be based on sound planning principles, supported by extensive documentary evidence. This sound strategy has now been overturned for reasons of political expediency and based on the results of a biased consultation survey. You cannot rely on the ability of any community to realistically assess the housing allocation required in any other community (see the Housing Development Consultation Document, 2012). We do not accept that the simplistic 6% blanket allocation district wide is based on 'proportionate' evidence and is not justified. We object to the blanket 6% new allocation for the following reasons:

- it is not based on sound planning principles;
- it is not sustainable as it disperses population growth to communities which have inadequate infrastructure. It would mean necessary travel to work, schools and doctors etc;
- the 2010 Core Strategy had valid and cogent reasons for the decision that development within St Osyth would be restricted to windfall or infill sites only until 2031;
- it fails to take into account previous planning history;

- it fails to take into account the lack of employment opportunities; there are no employment proposals for St Osyth;
- it fails to acknowledge the effect of having large holiday camps within the parish of St Osyth sited to the west and south of the central crossroads;
- it attempts to re-designate the communities of St Osyth village and Point Clear as a single Key Rural Service Centre simply to accommodate an additional 50 new houses;
- it allocates a total of 112 new houses to a single field within St Osyth Village, with little separation between the three blocks contrary to the stated maximum of 50 dwellings within a single block;
- the site in St Osyth would create a 'hard development edge' at the eastern approach to the village contrary to current policy;
- St Osyth is being penalised for being pro-active in the past. The system will be cumulative in effect, if established in 2021 pro-active settlements will be penalised again; and
- we do not believe the existing housing stock of the parish of St Osyth has been correctly identified.

The majority of new housing should be situated close to the major population centres, whereby making the best use of existing infrastructure.

The amalgamation of the two previously separate communities of St Osyth village and Point Clear into a single Key Rural Service Centre was made at a Cabinet meeting on 22nd August, in the recognition that the 6% growth strategy is unlikely to be deliverable in Point Clear. This resulted in a total of 112 homes to be allocated in St Osyth- the highest development in rural areas. This is not acceptable. Previously, TDC has opposed the amalgamation of the two communities and this was upheld by an Inspector. TDC have attempted to change the rules to fit their new Plan.

Weeley Parish Council: The level of development proposed for Weeley is as expected. The Council is content with the categorisation of Weeley as a 'Key Rural Service Centre' and has appreciated the productive dialogue with Tendring District Council. However, whilst Councillors feel that an additional forty houses is 'about right' there is a strong wish for Weeley to remain a village. The drawing of the 'Settlement Development Boundary' beyond the extent of existing built development and the associated 'general presumption in favour of new development etc.', gives cause for some concern. We assume that the figure of 45 new dwellings for the village as set out in Appendix includes five planning applications that have already been approved, which should be clarified in the document if this is the case.

Comments from members of the public

Valerie Batchelor (St. Osyth); Stanley Beecham (Elmstead); Mrs. A. M. E. Blockley (St. Osyth); Mr. J. Brett (St. Osyth); Mrs. Patricia Brett (St. Osyth); David Chadbourne (St. Osyth); Mrs. Wendy & Mr. Terence Charles (St. Osyth); Colin Chiswell (St. Osyth); Mr. Peter M. Cobbold (Elmstead); Mrs. J. Cole (St. Osyth); Stephen A. Cole (St. Osyth); David Cooper (St. Osyth); Mr. Crawford (St. Osyth); Tim Cronin (St. Osyth); Mrs. Patricia Cunningham (St. Osyth); Mrs. J. M. Dewing (St. Osyth); Mr. A. Harper (St. Osyth); Mrs. Betty Harper (St. Osyth); Mrs. C. Harper (St. Osyth); Mr. J. Harper (St. Osyth); Frances Hearn (St. Osyth); P. M. Hendy (St. Osyth); Mr. M. T. Joyce (St. Osyth); David & Fiona Lawton (St. Osyth); Beverley Lynn (St. Osyth); Mr. & Mrs. Merrill (St.

Osyth); Andrea Newton (St. Osyth); Robert Newton (St. Osyth); Barbara Norris (St. Osyth); Mr. Alfred Norris (St. Osyth); Mrs. P. Osben (St. Osyth); Ms. T. Osben (St. Osyth); Rob & Pam Redding (Elmstead); Mr. D. Smith (St. Osyth); Ms. M. Smith (St. Osyth); William Vaughan (St. Osyth); Mr. C. Westripp (St. Osyth); S. John Wrigley (St. Osyth); Joan I. Wrigley (St. Osyth): The blanket 6% increase in housing stock for all settlements is not justified because:

- it is not based on any planning procedures or theory;
- it is overly-simplistic and not based on evidence;
- it is based entirely on the negative public response to the 2010 Core Strategy which was representative of only a small and biased proportion of the district's population;
- it does not take into consideration the individual needs of each parish's circumstances;
- it does not take into account the relative capacity of different towns and villages to handle development;
- it will not result in a democratic distribution of housing over the Tendring area;
- there is no precedent from other authorities adopting such an approach in their Local Plans or Local Development Frameworks;
- it is an abandonment of a sensible and sustainable 'sequential approach' to identifying housing sites in the most sustainable locations;
- does not take recent development history into account unlike the Council's now abandoned 2010 Core Strategy Document;
- will overload current infrastructure such as doctors, schools and roads in certain areas (which is a particular issue for St. Osyth with its narrow crossroads);
- does not recognise that job opportunities are limited in certain parts of the district;
- does not recognise seasonal population changes in areas like St. Osyth where there are many holiday parks; and
- this system penalises settlements that have been pro-active in accommodating growth in the past and this would continue to be the case if a similar percentage-based strategy were rolled forward into the next plan period.

Mrs. Pauline Hunt (Walton); Nigel Hunt (Walton); Mr. Leslie Mead (Clacton); Mrs. Glenys Thornton (Walton): Support the strategy for growth because:

- it has taken into account residents' views in reducing the impact on Clacton;
- the 6% allocation across the board is a much fairer way forward in many aspects;
- encouraging new buildings in the smaller villages should help keep the village shops, post offices etc in business and maintain the village community feel; and
- the size of development is greatly reduced and is more evenly spread throughout the Tendring District.

Mr. P. S. Scott: None of the Key Service Centres have a bank and at least two do not even have a post office. Post offices are likely to feature more in people's lives and the post office is their means of obtaining cash.

Rob & Pam Redding (Elmstead): Major urban centres such as Clacton and Harwich offer far more sustainable development opportunities than Key Rural Service Centres. They have far more comprehensive existing infrastructure and facilities, they offer opportunities to deliver development solutions with integrated public transport at their heart.

Mr. R. Naylor (Walton-on-the-Naze): The expansion of settlements (by varying settlement boundaries) should be recognised as a highly sensitive issue and requiring full consultation and debate on a case by case basis. Therefore this statement is inappropriate. The expansion of urban settlements means an equivalent area loss of agricultural or leisure environment but a disproportionate loss of sense of undeveloped space. The re-designation of extra-settlement space as settlement space should be resisted and should be subject to rigorous sequential testing. Only those sites that can demonstrate a need which overrides all alternative possibilities should be permitted for development outside the present settlement boundaries.

Mrs. T. Boland-Crewe (Alresford); Mr. D. Crewe (Alresford): This strategy does not consider the strengths and weaknesses of development in certain areas including the infrastructure available to support development, environmental impact and the long term social issues associated with development in rural areas. All good planning policy recognises the benefits of development in urban areas (see Lord Rogers of Riverside's 'Towards an Urban Renaissance'). This plan has been based on politics and not the real needs of the district. This is shameful and a waste of public funds. It is highly likely it will need to be reconsidered after it has been submitted to the inspector.

Council consideration

Policies SD2, SD3 and SD4 set out the Local Plan's 'spatial strategy' for future growth. These policies establish three categories of settlement where different approaches to new development will ensure that the pattern of future growth across the district is sustainable. The key objective underpinning the spatial strategy is to promote a distribution of housing and other development across the district that, as far as is practical:

- meets both the government's and the Council's definition of 'sustainable development', taking into account the results of the Sustainability Appraisal;
- meets objectively assessed development needs as established through robust studies such as the Strategic Housing Market Assessment (SHMA), Strategic Housing Land Availability Assessment (SHLAA) and Economic Development Strategy; and
- achieves a 'fair and proportionate' spread of development that does not result in an over-concentration of development in one or two locations, taking into account the views of Tendring residents as expressed through consultation exercises undertaken in 2009, 2010, 2011 and, most recently, 2012.

The spatial strategy for growth presented in the Council's 2010 Core Strategy and Development Policies Document (hereafter 'the 2010 Core Strategy') attracted an overwhelming level of public objection that ultimately resulted in that plan having to be abandoned and rewritten. Compared to the level and nature of objections received in 2010, the comments in response to the strategy in the 2012 Local Plan - Proposed Submission Draft (hereafter the 2012 Draft Local Plan) are more balanced. Alongside the objections, there are a considerable number of comments in support

which suggest that, generally speaking, the new strategy is more appropriate and acceptable to a larger number of people than the 2010 version. The comments in support of the strategy are welcomed and clearly demonstrate that the Council has taken the views of residents and other stakeholders seriously in reshaping the content of the Local Plan.

In response to other representations, the Council proposes a change to the Local Plan's time-span from 2011-2021 to 2014-2029 to bring it in line with the requirements of paragraphs 47 and 157 of the National Planning Policy Framework. This has required consequential changes to Policies SD2, SD3 and SD4 and a number of other policies in the Local Plan which will have affected the way the comments above have been addressed.

Main areas of objection

Many of the objections received in response to Policy SD3 apply equally to Policies SD2 and SD4 because they relate to the overall strategy for growth but other objections relate specifically to elements of Policy SD3. The main objections can be summarised as follows:

- objections to the application of a blanket 6% increase in housing stock for all towns and villages over a 10 year period;
- objections to how a 6% increase in housing stock has been interpreted into site allocations for certain areas (particularly St. Osyth);
- the exclusion of Ardleigh from the list of Key Rural Service Centres; and
- the need to acknowledge the importance of tourism enterprises to the rural economy.

Lack of Evidence

A number of objectors argue that the blanket 6% increase in housing stock for all settlements is not based on a robust assessment of need. In response to these, the Council commissioned an update to its SHMA and updated its SHLAA. The results of these studies, which have had a major bearing on proposed changes to the strategy in the Local Plan, are explained in more detail in relation to Policy PEO1 'Housing Supply' but in essence, these updated assessments have identified practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. These assessments also demonstrate that, for at least the period up to 2024, a strategy that achieves a fair and proportionate approach to housing development across all parts of the district that equates (roughly) to a 6% increase in housing stock is appropriate and deliverable.

Whilst the Council is absolutely committed to continuing with a distribution of housing growth that is 'fair and proportionate' and backed up by the pieces of evidence referred to above, it does accept that presenting such a strategy as a simplistic blanket percentage-based increase for all settlements may undermine the credibility of the Local Plan, particularly as it is now evident that the housing numbers proposed in some areas either have to increase or decrease above or below 6% for sound and practical planning reasons.

For this reason, focussed changes to Policy SD2 and its supporting text are proposed to change the emphasis of the strategy from a rigid 6% housing stock increase being applied to all settlements to a 'sustainable, fair and proportionate increase in housing stock' that, for most settlements (but not all), results in a 6% increase in dwellings over the first 10 years of the revised plan period 2014-2024. For years 11-15 of the revised plan period, growth will be more focussed on the broad locations expected to support longer-term economic growth including Clacton,

Harwich and West Tendring/Colchester Fringe – an approach supported by evidence in both the Council's new 2013 Economic Development Strategy and the 2013 SHLAA.

Sustainability of Development in Rural Settlements

A number of objections suggest that development in rural settlements is not sustainable and, as a consequence, the strategy for all settlements to accommodate a 6% increase in housing stock, whether urban or rural, is not sound. Taylor Wimpey, Knight Developments and Great Holland Residents Association in particular suggest that development should be focussed on Urban Settlements and Key Rural Service Centres (listed in Policies SD2 and SD3) only and that development in Smaller Rural Settlements (listed in Policy SD4) should either be limited or omitted from the Local Plan.

Mr. Crewe and Mrs. Boland-Crewe from Alresford also advocate the benefits of concentrating development in and around Urban Settlements, as per Lord Rogers' 'Towards Urban Renaissance' and avoiding development in all rural areas, including the larger Key Rural Service Centres. This view is supported by 'Save Our St. Osyth' and a number of St. Osyth residents who suggest that the strategy in the Council's 2010 Core Strategy, which focussed the majority of growth on Clacton, was more sustainable and should be re-instated. This view is also reflected in the comments of Mr. & Mrs. Redding of Elmstead Market and, indirectly, the comments of Mr. Scott.

Essex County Council has also raised concerns about the blanket 6% increase in housing stock for all settlements because of the cumulative impact it could have on existing infrastructure, particularly in rural areas, and the fact that smaller developments cannot generate the critical mass to justify or deliver new services, facilities or infrastructure such as schools.

If one looks closely at the distribution of housing development that would actually be achieved through the blanket 6% housing stock increase for all settlements over 10 years (as proposed in the 2012 Draft Local Plan), Urban Settlements would deliver around 3,256 new homes, Key Rural Settlements would deliver 388 new homes; and Smaller Rural Settlements would only deliver 274. Overall, 83% of the housing growth would still be taking place in urban locations so it would be unreasonable to suggest that the strategy, from this perspective, was wholly unsustainable. The proposed focussed changes to Policy PEO1 on housing supply (see major change [MAJ4.2](#)) revise the figures to 2,857 dwellings in Urban Settlements over years 1-10 (2014-2024) with 267 dwellings in Key Rural Service Centres and 501 dwellings on 'small windfall sites' of which around half are likely to be in and around Smaller Rural Settlements. Even with the proposed changes, around 80% of housing development will be in and around Urban Settlements. For the longer-term, post 2024, it is envisaged that the vast majority of development will be focussed on the broad locations of Clacton, Harwich and/or West Tendring/Colchester Fringe.

As many of the supporters of this policy suggest, some development in rural locations actually promotes sustainability by supporting local businesses, services and facilities and enabling younger people, who are often priced out of the rural housing market, the opportunity to stay in the village in which they grew up.

Great Holland Residents Association suggests that Smaller Rural Settlements should be protected from development and that the Urban Settlements and Key Rural Service Centres should take a 7% increase in housing stock to make up for the shortfall. For most settlements, this would not present a major problem, but it would cause obvious concern for residents in Brightlingsea, Great Bentley and St. Osyth where there are genuine practical limits to how much development is sensible and sustainable. It would also go against the 'fair and proportionate' approach that Tendring residents called for during the public consultation exercises of 2010 and 2011 and would undoubtedly lead to accusations that smaller villages are being unduly protected and are not taking their fair share of future growth.

Whilst the Council does not agree that rural settlements should be protected from housing development and is keen to continue with a distribution of housing growth that is as 'fair and proportionate' as possible (backed up by the pieces of evidence referred to above), it does accept that presenting such a strategy as a simplistic blanket percentage-based increase for all settlements may undermine the credibility of the Local Plan, particularly as it is now evident that the housing numbers proposed in some areas either have to increase or decrease above or below 6% for sound and practical planning reasons.

For this reason, focussed changes to Policy SD3 and its supporting text are proposed to remove references to a rigid 6% housing stock increase for all settlements and instead refer to a 'fair and proportionate' approach to the distribution of growth.

Impact of the strategy on St. Osyth

Most of the of the objections from members of the public were from St. Osyth residents who disagreed with the 6% housing stock increase for all settlements because it translates into proposals to deliver 112 dwellings in St. Osyth/Point Clear over a 10 year period. This scale of development is more than double that proposed in any other of the district's 'Key Rural Service Centres' and raises a number of local concerns about the potential impact the village's infrastructure, environment and character. Some objectors also challenge the Council's decision to categorise St. Osyth and Point Clear as a single Key Rural Service Centre having always previously been seen as two separate settlements.

In accepting that a rigid blanket 6% increase in housing stock for all settlements is not appropriate, but that the concept of a 'fair and proportionate' distribution of growth is justified by the Council's technical evidence, it allows the situation at St. Osyth to be re-evaluated to see whether any flexibility is warranted.

The objectors to the Local Plan from St. Osyth have, to their credit, pointed out a number of genuine issues facing their village that do not affect other Key Rural Service Centres and that could therefore justify an exceptional approach. Some of these issues were identified in the Council's now abandoned 2010 Core Strategy which deliberately proposed no major development in the village.

One issue is the large number of holiday parks in the area which contain more than 3,000 caravans and which result in more than doubling the local population during the summer months. All of these holiday parks are located in Point Clear and Seawick which are both accessed via the historic crossroads in the centre of St. Osyth village. A local concern is that further residential development will compound these issues.

Another issue is the scale of development that has taken place in the parish of St. Osyth over the last decade or so, which is much higher than any other rural parish in the district with the exception of Mistley (which has been categorised as part of the wider urban settlement in Policy SD2). Between 1st April 2001 and 1st January 2003, the housing stock of St. Osyth parish increased by 114 – a large proportion of this resulting from the redevelopment of a redundant school off Rochford Road. The next highest level of development in a rural parish (except Mistley) was 72 dwellings for Weeley.

Whilst a blanket percentage increase in housing stock does take past rates of development into account, because by implication larger settlements receive more growth (Clacton being a case in point) local people feel that the recent rate of development has been exceptionally high in St. Osyth and a blanket approach does nothing to help even things out – effectively penalising those communities that have been proactive in supporting growth.

Another critical issue is the uncertain status of St. Osyth Priory and the undetermined planning applications for enabling development that, together, have the potential to deliver 328 dwellings in the village and which would represent an 18% increase in housing stock, as opposed to the standard 6% increase. Quite understandably, some local people are concerned that the 'planned' increase of 112 dwellings in the village over 10 years could end up being virtually quadrupled if the full package of enabling development is permitted, as an exception to normal policy, to fund the restoration of the priory. No other settlement in the district is affected by such a proposal and whilst enabling developments are exceptional and have to be considered outside of the normal policy approach, and there is no guarantee (at the time of writing) that such proposals will be permitted, the Council has some empathy with residents in the parish.

Finally, the National Planning Policy Framework (NPPF) in paragraph 47 requires any sites allocated for residential development in the Local Plan to be either 'deliverable' within years 1-5 of the plan period or 'developable' within years 6-10 or years 11-15. To be considered 'deliverable' sites need to be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Through the Council's updated Strategic Housing Land Availability Assessment (SHLAA) the three sites allocated for housing in St. Osyth are not considered to be 'deliverable'.

To be considered 'developable', sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged. Given the uncertainty over potential enabling developments at the priory and whether or not the market could sustain such a high level of growth, combined with the currently unknown infrastructure investment that might be needed to ensure such development would be sustainable, it is also difficult to say, with any real certainty, whether or not the three sites allocated in St. Osyth can be considered 'developable'.

With all of the unique factors above taken into account, along with the Council's acceptance that a rigid 6% dwelling stock increase for every settlement is not appropriate, an exceptional approach to development in St. Osyth is considered justified. It is therefore proposed that the three sites allocated for housing development in St. Osyth be deleted from the Local Plan (see policies map change **PM11.1**) but that they could be re-considered, in the longer term, either as part of the next Local Plan review or through a locally prepared Neighbourhood Plan, when the situation at the Priory has become clearer.

The Council also accepts that the only reason for classifying St. Osyth and Point Clear as a single settlement was to enable sufficient deliverable land to be identified to meet the area's 6% housing increase in recognition that no suitable sites in or around Point Clear could be identified due to its significant physical constraints. In reverting from a rigid percentage-based strategy to a more pragmatic, albeit still fair and proportionate, distribution of growth the Council accepts the argument for re-classifying St. Osyth and Point Clear as separate settlements with the latter being a 'Smaller Rural Settlement' for inclusion in Policy SD4.

These changes to the Local Plan should result in most, if not all, the objections from Save Our St. Osyth and residents of the St. Osyth area being addressed – although we would anticipate counter objections, to these focussed changes, from the landowner in question.

Longer Term Application of the 6% Strategy

Councillor Howard who represents the Great Oakley and Little Oakley Ward has suggested that whilst he supports the fair and proportionate approach to growth for the proposed plan period, it may not be sustainable or appropriate to continue with such a strategy in future plan periods. This is very sensible comment which reflects Essex County Councils concerns. It is particularly true for

rural settlements where the cumulative effect of continuous small scale developments could result in irresolvable infrastructure problems.

For the period up to 2024, the fair and proportionate strategy for growth is considered to be justified and deliverable but beyond 2024, as demonstrated in the updated SHLAA, the Council will have to review the strategy. This is why the Council only proposes to allocate specific housing sites to meet the requirements for years 1-10 of the revised plan period (2014-2024) with broad locations shown for 11-15 (2024-2029). Paragraph 47 of the National Planning Policy Framework allows this by saying, in the third bullet point, that as well as identifying specific sites for years 1-5, local planning authorities should “*identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15*”.

In the updated SHLAA, the Council demonstrates that it is not possible to identify specific sites for years 11-15 firstly without a better understanding of the state of the economy nearer the time and secondly without pre-determining the longer-term strategy which may or may not require major urban expansions in either Clacton, Harwich or West Tendring/Colchester Fringe. These locations are identified in both the SHLAA and the Council's 2013 Economic Development Strategy as the areas best placed to deliver longer term housing and economic growth. The identification of specific sites within these broad locations will need to be considered through an evidence-based review of the Local Plan (along with an extensive programme of public consultation) well before 2024.

Ardleigh

Notcutts Limited has suggested that Ardleigh should be defined as a Key Rural Service Centre by considering the village and its surrounding hamlets as a single community which would support its argument for a specific housing site allocation in the Local Plan. It is suggested that the methodology for defining settlements within different categories is not documented either in the Draft Local Plan or in its supporting evidence-base.

This is not entirely true, in 2008, the Council produced a technical paper entitled ‘Establishing a Settlement Hierarchy’ and whilst the hierarchy that appears in the Draft Local Plan is different to what was originally suggested (having been refined as a result of public consultation exercises and the abolition of regional plans) it does provide an indication as to why Ardleigh has not been included in the Key Rural Service Centre category – an approach supported by the Parish Council.

The inclusion of Ardleigh within the higher category was considered in response to representations received in 2009 as part of the Council's Issues and Options exercise. However the Council concluded that as Ardleigh only fell within the second category of villages in the 2007 Adopted Local Plan, scored lower (in the 2008 document) than all of the listed Key Rural Service Centres in terms of accessibility and was half the size of those other settlements in terms of housing stock, even modest levels of development are likely to have a noticeable impact on the character of the village and therefore inclusion as a Key Rural Service Centre was not justified.

Treating Development Targets as a Maximum or Minimum

Kevin Britton has suggested that the wording of Policy SD3 and supporting text are not fully in accordance with the National Planning Policy Framework and that they must clarify that the 6% increase in housing stock will be treated as a minimum target and not as a cap. Whilst it was the Council's intention that the dwelling stock increase in Smaller Rural Settlements (Policy SD4) should be capped at 6%, owing to their more limited scope for sustainable development, it was never the intention to cap development in the Urban Settlements or Key Rural Service Centres.

Thorpe-le-Soken

Thorpe-le-Soken is one of the seven Key Rural Service Centres identified in the 2012 Draft Local Plan but the comments received indicate real differences of opinion about whether this is justified and what it might mean in terms of future development. Thorpe-le-Soken Parish Council is the only Parish Council in the district that disagrees with the categorisation of its village in the Local Plan, suggesting that a new category of 'Dormitory Village' should be introduced and that Thorpe-le-Soken should be included in that category in recognition of its weak transport infrastructure.

In complete contrast, Strutt and Parker is promoting a large area of greenfield land for development in the village and argues that Thorpe-le-Soken should take more development than the 6% dwelling stock increase currently proposed. It argues that Thorpe benefits from close proximity to Clacton, a relatively large critical mass with a reasonable range of village facilities and services with good transport links, including its own railway station.

Whilst the Council understands the Parish Council's concerns about the possible impact of future development in rural locations, it does not agree that Thorpe's transport links are as poor as is being suggested that the village consequently warrants 'dormitory' status. With that said, neither does the Council agree with Strutt & Parker's suggestion that the village should be earmarked for a greater scale of development than suggested in the Draft Local Plan.

Thorpe lies at the crossover of two key routes through the district: the B1033 to Frinton and Walton and the B1414 which connects Clacton to Harwich. The village therefore is affected by considerable levels of traffic, particularly during the rush hour, the school run and during the summer months by people travelling to the seaside. Being a historic village, the road through its centre varies in width and, when cars are parked in the road, there are often issues with vehicles trying to pass each other, which are sometimes exasperated by pedestrians trying to cross the road and buses or large lorries passing through the village. Consequently, at times traffic tends to pass through the village slowly and not particularly smoothly.

Essex County Council is the Highway Authority for the Tendring area and has been a key partner and consultee in the preparation of the new Local Plan. The view of the Highway Authority is that whilst Thorpe does experience considerable amounts of traffic at specific times of the day and through the busier summer months, it is not severe or constant enough to raise any concerns about general capacity – even with the increase in development proposed for nearby Frinton, Walton and Kirby Cross.

To help inform the preparation of the Local Plan and its forerunner (the now abandoned Core Strategy), the Council commissioned consultants Roger Tym and Partners in 2009 to undertake an 'Infrastructure Study' for the Tendring District to look at the capacity of a range of infrastructure including roads. The measure of highway capacity used was the Congestion Reference Flow (CRF), the same measure used by Essex County Council when carrying out its own survey work. Anything up to 0.79 is considered an acceptable level of capacity, anything between 0.8 and 0.99 raises concerns about capacity in the future and anything over 1.0 suggests the road is at capacity and cannot adequately cope with the levels of traffic being experienced.

The study rated the B1033 through Thorpe-le-Soken as being within the 0.00-0.79 range and even with projected growth was considered unlikely to increase above 0.8 within 10 years. The 2013 update to the Infrastructure Study undertaken by Peter Brett Associates confirms that these projections remain sound.

Whilst the Council accepts that there are sensible limits to how much residential development is appropriate in a rural area, the evidence does not support the Parish Council's view that Thorpe's transport infrastructure is weak enough to warrant special consideration as a 'dormitory village'. It is certainly no weaker than many other parts of the district, including less sustainable rural

settlements where Parish Councils support the level of development that will come forward as the result of a 6% dwelling stock increase.

With this said, the Council does not accept Strutt & Parker's view that the scale of development in Thorpe could be significantly greater than the 40 or so dwellings proposed in the Draft Local Plan. The strategy for growth in the district, as set out in the Local Plan – even with the proposed focussed changes, is to achieve a distribution of growth that is sustainable, fair and proportionate. This means that the proportion of development proposed in Key Rural Service Centres should sensibly relate to the proportion of development proposed in Urban Settlements and other settlements in the village, taking relative sustainability into account.

The Council's updated SHLAA shows that it would not be reasonable for any of the district's Urban Settlements to expect to deliver much more than 6-7% increase in dwelling stock over the first 10 years of the revised Local Plan period. In taking a sustainable, fair and proportionate approach therefore it would be wrong to expect any 'less sustainable' Key Rural Service Centre to accommodate more than 6-7% increase in dwelling stock or it would undermine the overall thrust of the strategy.

It is therefore proposed that the categorisation of Thorpe-le-Soken as a Key Rural Service Centre should remain but that no additional development, over and above the residential development proposed on land north of Abbey Street, should be included in the Local Plan. The Parish Council may also take some comfort in the fact that Thorpe-le-Soken is not being identified as one of the broad locations for longer term growth post 2024 in the proposed focussed changes to the plan (see major changes [MAJ2.1](#) and [MAJ2.2](#)).

Little Clacton and Weeley/Weeley Heath

Messrs Barrington-Fuller and Fuller, who are promoting land for development in Little Clacton have, like Strutt & Parker, suggested that Key Rural Service Centres have the potential to accommodate more than the proposed 6% increase in housing stock and that a greater scale of development is needed to bring maximum benefit to the rural economy. As stated above, in taking a sustainable, fair and proportionate approach it would be wrong to expect Key Rural Service Centres to accommodate a greater increase in dwelling stock than proposed for the more sustainable urban settlements. For this reason, it is not accepted that increased levels of development in Key Rural Service Centres, such as Little Clacton would be justified – particularly given the number of objections to growth in the rural areas as a matter of principle.

Similarly Messrs Hutley, Mollyneux & Went put forward a case for a greater scale of development in Weeley Heath, but again, doing so would go against the thrust of the spatial strategy which is to ensure a sustainable, fair and proportionate distribution of growth in years 1-10 of the extended plan period.

The Justification for any Settlement Expansion

Mr. Naylor from Walton-on-the-Naze suggests that settlement expansion should be resisted, subjected to rigorous sequential testing and only sites that can demonstrate a need which overrides all alternative possibilities should be permitted for development outside the present settlement boundaries.

It is clear that Mr. Naylor objects to the prospect of settlement expansion, as a matter of principle, for perfectly understandable environmental reasons, but his suggestion to take a 'precautionary approach' to development is completely at odds with current government planning policy as set out in the National Planning Policy Framework. This requires the Council and all other Local Planning Authorities in the country to plan positively for growth and "*seek opportunities to meet the development needs of their area*". If the Council were to follow Mr. Naylor's advice to restrict urban

expansion, it would immediately fall foul of the national requirements and the Council would not be able to justify such an approach through the rigorous examination that will take place in front of an Independent Planning Inspector. In fact Mr. Naylor will see from a number of objections to the Local Plan that some argue that the Council has been too cautious in its approach to urban expansion.

The assessment of need, for housing, is the SHMA as updated in 2013. This identifies projected requirements for housing which the Council considers to be far in excess of what is practically achievable through both the re-use of previously developed land and urban extensions onto greenfield land. The evidence contained in the Council's updated SHLAA does take a whole range of physical, environmental and infrastructure constraints into account when coming to this conclusion and a significant number of greenfield sites have not been included in the Local Plan as a result of this evidence.

Tourism in Key Rural Service Centres

Amperswick Ltd has suggested that whilst employment-related development is supported in Policy SD3, there is no reference to the particular needs of tourism enterprises such as holiday parks, some of which are located in Key Rural Service Centres. It is suggested that the wording be changed to refer to 'employment-related development including by tourism enterprises'. Whilst the thrust of what is being suggested is fair, a slightly different form of wording is proposed in the focussed changes to the policy below.

Housing figures in Weeley/Weeley Heath

Weeley Parish Council is broadly supportive of the approach to development in Weeley/Weeley Heath but has asked for clarification as to whether existing commitments i.e. sites with planning permission have been included in the target 45 dwellings set out in the Draft Local Plan. Commitments were included in the 45 dwelling target, however in accepting that the Local Plan period has to be changed to a fifteen year period starting in 2014 and that a more flexible and pragmatic approach toward delivering a fair and proportionate distribution of housing is needed, it would not be appropriate to assume that such small sites with planning permission will definitely contribute toward growth in the village.

Whilst it is still proposed that growth of around 45 dwellings over the first 10 years of the revised plan period (2014-2024) in Weeley/Weeley Heath is an appropriate scale of growth, the Council does not propose counting existing small-site planning permissions within that figure, but neither proposes any additional site allocations for that period, over and above what was included in the 2012 Draft Local Plan.

Conclusion

Focussed changes to Policy SD3 and its supporting paragraphs are proposed to:

- detach St. Osyth and Point Clear and class the former as a Key Rural Service Centres and the latter as a Smaller Rural Settlement;
- reflect the change in emphasis from a rigid 6% increase in housing development to a 'sustainable, fair and proportionate' approach to growth;
- clarify that 'windfall sites' within Settlement Development Boundaries could contribute toward the delivery of housing; and

- clarify that any longer-term expansion of these villages will be considered, at the appropriate time, through the review of the Local Plan.

Outcome

In response to the various comments raised in relation to Policy SD3 and its supporting text and as a consequence of new evidence and other factors, the Council proposes the following **major change** (MAJ2.4) to the policy (additions shown as highlighted and deletions shown as struck through):

See overleaf.

POLICY SD3: KEY RURAL SERVICE CENTRES

The following settlements are classed as 'Key Rural Service Centres':

- **Alresford;**
- **Little Clacton;**
- **Thorpe-le-Soken; and**
- **Elmstead Market;**
- **St. Osyth/Point Clear;**
- **Weeley/Weeley Heath.**
- **Great Bentley;**

These settlements will be the focus for small scale employment and tourism-related development that reflects their unique rural character, local housing and employment needs and physical, environmental and infrastructure constraints.

~~Between 1st April 2011 and 31st March 2021, each of these settlements will accommodate a 6% increase in housing stock. This will be achieved through development on sites with outstanding planning permission for new housing and through the identification of other sites within and, where necessary, on the periphery of the built-up area which together are sufficient to achieve the 6% growth.~~

Between 1st April 2014 and 31st March 2024, these settlements will each accommodate a sustainable, fair and proportionate increase in housing stock that will support the overall housing growth proposed for the district, as set out in Policy PEO1: 'Housing Supply'. This will be achieved through development on sites specifically allocated for housing or mixed-use development in this Local Plan and sites with outstanding planning permissions for residential development, supplemented by development on other suitable sites within Settlement Development Boundaries. No single housing development will exceed 50 dwellings in size.

Parish Councils can prepare Neighbourhood Plans, if they wish, to supplement the policies and proposals in this Local Plan to allow additional development or introduce additional policy requirements aimed at ensuring development contributes toward local distinctiveness or other community objectives. The 'rural exception sites' policy PEO11 can also be used to deliver additional affordable housing to meet identified local needs.

The need for any further expansion of these settlements beyond 1st April 2024 will be determined through an evidence-based review of the Local Plan.

More detailed policies and proposals for these settlements are set out in Chapter 11.

The following **minor change** (MIN2.8) to paragraph 2.15 is also proposed (additions shown as highlighted and deletions shown as struck through):

2.15 For Tendring, seven villages are classed as 'Key Rural Service Centres'. For these settlements, the Local Plan identifies opportunities for smaller-scale employment and tourism-related developments, opportunities for the enhancement of village centres and public transport facilities and other community facilities and local improvements. In applying a sustainable, fair and proportionate approach to the distribution of housing growth, each most of these villages will accommodate a modest standard 6% increase in housing stock, where appropriate, over in the 10-year first ten years of the plan period between 1st April 2014 2014 and 31st March 2021 2024. This is a level of housing growth at a level that is fair, achievable and sustainable for each of the settlements concerned and that will make a meaningful contribution toward alleviating future housing demands, addressing local housing needs, and supporting the village economy and assisting with the overall housing growth proposed for the district.

No changes to paragraphs 2.14, 2.16 or 2.17 are proposed.

Policy SD4 – Smaller Rural Settlements

(Pages 33 and 35 – including paragraphs 2.18 to 2.22)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We are pleased that growth will be more restricted in smaller rural settlements as identified in Policy SD4.

Comments from landowners, developers and businesses

Mr. S. Wilcox (represented by Edward Gittins & Associates): We welcome the enhanced role for Smaller Rural Settlements and consider that the 'across the board' 6% increase in housing stock for all rural settlements will assist in maintaining and hopefully improving rural services without materially diminishing the role of the main urban settlements as the most sustainable foci for growth and investment. This policy will act as a stimulus to the local rural economy and introduce appropriate geographical choice throughout the district in the provision of new housing stock. We welcome the inclusion of Little Bromley as a Smaller Rural Settlement.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Brian Crook (Represented by Edward Gittins & Associates); Brian Kidby (represented by Edward Gittins and Associates); Mr R Mayes (represented by Edward Gittins and Associates; Trustees of the Winsley's Charity (represented by Edward Gittins and Associates): We support the Settlement Classification found in Policies SD2, SD3 and SD4. We believe this Settlement Classification provides clear delineation between the relative scale and function of each settlement and a sound basis for 'Managing Growth' addressed in Policy SD5. With regard to Policy SD5, we lend broad support for the principle of Settlement Development Boundaries (SDBs) and the general presumption in favour of new development within SDBs.

Mr. G. Bliss (represented by Bidwells): Supports the policy – in particular the inclusion of Bradfield and Bradfield Heath in the list of Smaller Rural Settlements.

Mr S Dulai (represented by Joseph Greenhow Planning Ltd); Mr J W Thompson (represented by Edward Gittins and Associates): Support the hierarchy of settlements as defined within policy SD4.

Knight Developments (represented by Phase 2 Planning and Development Ltd) The Smaller Rural Settlements have little in the way of job opportunities, local services, facilities and other infrastructure. Residents of these smaller villages are often reliant on neighbouring towns and

villages for work, shopping and other services and frequently need to travel fair distances by private car. Because of this, they are less sustainable locations where it is not appropriate to accommodate greenfield growth. Therefore the draft Local Plans proposed indiscriminate and standardised approach to housing growth fails one of the core land use principles of the NPPF (paragraph 17).

Growth should be focussed towards the most sustainable locations. It is therefore submitted that as a minimum greenfield growth should be restricted to the urban settlements and key rural service centres identified under draft policies SD2 and SD3 respectively.

We acknowledge that there is a need for housing within the “other smaller villages” but this should be brought about through housing market renewal and development of previously developed land within the village boundaries, which is more appropriate to the sustainability of these settlements. Therefore as a minimum the current planned 6% quantum of growth identified for these “other smaller villages” should be redistributed to the urban settlements and key rural service centres, which are more sustainable locations.

Notwithstanding the above, it is submitted that the spatial strategy should be reconsidered and growth distributed to the urban settlements and key rural service centres at a level that reflects the size and relative sustainability of the village/settlement. Further, the effect of growth on the character of place should also be considered. For example, a large village is more likely to sustain higher levels of growth and continue to retain its character compared than a small rural village.

City & Country The 6% standard increase should be increased in these service centres as some of the proposed housing increases in the smaller rural settlements (Policy SD4) are not sustainable and would put unnecessary pressure on the surrounding rural road network and facilities. Allowing places with poor services to absorb more housing is contrary to Policy SD1 and Policy SD5 and also contrary to the National Planning Policy Framework. The Local Plan says that no single development will exceed 10 dwellings and we believe that this is contrary to policy and is unsustainable in many of the settlements listed. The policy should be changed and greater housing allowance should be allowed in other areas such as the Key rural service centres.

Omnivale Limited (represented by Antony Aspbury Associates Limited): We write in support of this policy to accommodate a 6% increase in housing stock within the district’s Smaller Rural Settlements, which includes such provision for the village of Ardleigh. With the introduction of Policy SD4, the village envelope is proposed to extend to include the landowner’s site. We support this extension of the village envelope and as such time as the plan is adopted the landowner proposes to make an application for residential development on the site.

Tim Snow Architects Ltd: The 6% increase in housing, spread among the smaller settlements is not logical. While strongly supporting the principle of allowing development in settlements to provide much needed housing and support local communities any new housing allowed must be relevant and appropriate to the community and there should be some direct benefit to the community to improve local facilities or amenity generally. This requires detailed consideration of each community with suitable sites, appropriate types of housing and measurable benefits to the community stated.

Notcutts Limited (represented by Pomery Planning Consultants): Policy SD4 limits housing growth of other smaller rural settlements to 6% of the existing housing stock, which is further limited by the policy to no more than 10 residential units on any given site within a settlement. These limitations are too generic and overly prescriptive. Application of Policy SD4 would have the affect of unnecessarily limiting development on PDL sites where there should be a strong desirability to make the best use of previously developed land, to prevent the need for additional greenfield allocations. The policy therefore is in conflict with the NPPF which encourages the effective use of previously-developed land.

As written, Policy SD4 could, in the case of Ardleigh, artificially and unnecessarily restrict the best and most efficient use of PDL, by imposing a blanket threshold of 6% growth and an overall limit of 10 units. To overcome this, the policy should be amended to include an exception, where sites under consideration are qualifying sites under the NPPF definition of previously developed land. In the event of Ardleigh remaining within the group of Smaller Rural Settlements, the following changes should be made to Policy SD4. The following should be added to the end of the penultimate sentence in paragraph 2: 'unless the development site concerned involves previously developed land' and the following should be added to the end of the final sentence of paragraph 2: 'or where the site concerned constitutes previously developed land as defined in the NPPF'. In the fourth paragraph, the following words should be added between 'permitted' and 'supported': 'if it involves previously developed land or'.

The current approach would result in an increase of either one or two units for many of the smaller hamlets around Ardleigh. Clearly growth at this level in these small settlements, where there are few if any shops, schools or regular bus services, will do nothing for the viability and vitality of these smaller settlements to improve or sustain existing facilities. As written in the plan, the blanket 6% threshold in the case of the wider settlement of Ardleigh is considered to be unsustainable and ineffective in meeting the principles of sustainable development. This strategy will increase the need to travel by car for basic needs.

A more effective and sustainable strategy would be to consider Ardleigh village and its surrounding hamlets as a single community and re-define it as a 'Key Rural Service Centre' and direct the growth of the smaller settlements around Ardleigh to the main village, where bus services, schools, shops and other key infrastructure is within walking distance. This would also add to the vitality of the village and more effectively support the viability of existing facilities. This more sustainable approach would raise the allocation in Ardleigh village from 18 units to 28. This would not require further amendment to the proposed Settlement Development Boundary for Ardleigh village as 18 units can be accommodated within our site (see below) and 10 on the other site proposed within the Settlement Development Boundary at land off Ingram's Piece. This approach would also negate the need to allocate additional Greenfield land in the smaller surrounding hamlets as currently proposed.

Our site at the former Notcutts Garden Centre, Station Road, extends to 0.78 hectares and contains a number of buildings, structures and hard-standings, which were previously used as part of a retail garden centre use and so the site is classed as Previously Developed Land (PDL). Our recent planning application for redevelopment of this site for up to 18 residential units would be at a density of 23 dwellings per hectare, which reflects the site's edge of settlement location, whilst making the best use of PDL and delivering the broad range of housing anticipated in the Draft Local Plan. Application of Policy SD4 would have the affect of unnecessarily limiting development on PDL sites where there should be a strong desirability to make the best use of previously developed land, to prevent the need for additional greenfield allocations. The precise boundary of the SDB should be amended to follow the planning application boundary.

Easa Saleh Al Gurg Group (represented by Chesterton Humberts): Whilst we welcome the new defined village boundaries, in this case, around the smaller rural settlement of Great Holland which includes our site at Manor Farm, we consider that the 6% threshold for new housing over the plan period 2011 - 2021 is too restrictive and that modest developments of 10 or more dwellings should be permitted on appropriate sites.

Our site at Manor Farm, which is a redundant farm complex, lies within the newly defined village boundary and has excellent access to the main road through the village. Therefore, it is considered that where there is a potential re-development of effectively brownfield land/sites, in appropriate locations, then provided such developments are not excessive in relation to the settlement they form part of (in terms of traffic, impact upon neighbours, demand upon local services, etc) then

developments of 10+ dwellings should be permitted. This would be more consistent with the NPPF, which indicates that local people should decide where they want housing to go rather than a top-down imposition of housing figures/targets, particularly where such developments have the endorsement of Town or Parish Councils.

NNC Homes (represented by Edward Gittins & Associates): We support the inclusion of land at Steam Mill Road, Bradfield, within the Bradfield Settlement Development Boundary for housing development. We also support the Settlement Classification in Policies SD2, SD3 and SD4. We believe this Settlement Classification provides clear delineation between the relative scale and function of each settlement and a sound basis for 'Managing Growth' addressed in Policy SD5. We support the inclusion of Bradfield as a Smaller Rural Settlement as identified in Policy SD4. The village does not contain sufficient services or facilities to serve as a Key Rural Service Centre but does contain a small shop and Post Office, and shares a close relationship with Lawford, Manningtree and Mistley (approximately 3.2km to the north) which together are classified as a 'Town' in the Adopted Local Plan. We therefore believe it is right to set clear limits on housing growth in the settlement.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): This policy is supported and is fully consistent with National guidance. It recognises that growth is required in smaller settlements to support the local economy and provide affordable housing for local residents. Policy SD4 states that no single housing development will exceed 10 dwellings in size. This is reflected in the design of Site 1 of the application, which is 10 dwellings in size as well as site 2, which is 8 dwellings in size. Both sites are considered to be suitable size given the size of Kirby-le-Soken and its allocation as a 'smaller rural settlement' within the settlement hierarchy. It is also considered that planning policy should be given for development of these sites, given their good relationship to the development boundary and existing residential housing in Kirby-le-Soken.

Mr. O. Barber (represented by CSJ Planning Consultants Ltd): The overall approach to the new Local Plan to achieve a fair distribution of growth across the District in both rural and urban communities to provide a flexible range of housing is supported and, in particular, the acceptance within Chapter 12 that in the countryside and smaller rural settlements that the smaller villages are still considered capable of accommodating small scale housing development in the 10 year plan period. The inclusion of Frating, Great Bromley and Little Bentley/Bromley within the smaller rural settlements is accepted but the boundary should be further extended to include our land at Marks Farm.

Objection is also raised to the 6% increase limit in Paragraph 12.5 as this has been applied across the whole of the District and does not take into account specific village character and site specifics. It is, therefore, not justified in that it seeks to impose a limit on what may otherwise be perfectly acceptable development within existing villages which would preserve the character and, indeed, enhance the overall viability of the village and services.

It is not understood why development within smaller rural settlements should be limited to small scale housing development. In certain villages there would be ample opportunity for medium scale development which would retain the essential character of the village, but also more importantly would allow development which would then be able to contribute planning obligations in the form of affordable housing and other provisions such as small play areas etc. Restricting development within villages to only small scale will remove this important element from the planning system.

Paragraph 12.6 acknowledges that there has to be a balance between retaining the identity of rural settlements and accommodating levels of growth, but medium scale development can meet this objective and can equally integrate well and not result in unnecessary encroachment into the surrounding countryside. This policy could be amended to allow a reference to medium scale development with a range of criteria to assess whether this would be harmful or not rather than a fixed percentage. Amend the policies and text to allow medium scale development and a 10%

increase of housing growth within the Local Plan up to 2021 as a guide and that reference is made to each village on its own merits.

A H Brown Farms (represented by Edward Gittins & Associates): We welcome the enhanced role envisaged for Key Rural Service Centres and for Smaller Rural Settlements. We consider the “across the board” increase of 6% in the housing stock of all rural settlements will assist in maintaining and hopefully improving rural services without materially diminishing the role of the main urban settlements as the most sustainable foci for growth and investment. The introduction of this policy shift to inject controlled growth into rural settlements will, we believe, act as a stimulus to the local rural economy and provide an appropriate geographical choice throughout the District in the provision of new housing stock. We welcome the recognition of Great Holland as a “Smaller Rural Settlement” and its inclusion in the policy. Great Holland has a range of local rural services and lies conveniently close to the urban area of Frinton, Walton and Kirby Cross just to the north. We regard the level of growth suggested in Appendix 1 for Great Holland, whilst clearly low, to be commensurate with the size of the village thereby endorsing the proposed 6% increase in housing stock.

Mr. C. Richardson (represented by Robinson & Hall LLP): Tendring Heath should be included in the list of Smaller Rural Settlements and have its own Settlement Development Boundary. This relates to the promotion of land at haulage yard, Heath Road, Tendring Heath, for housing.

Mr. S. Naylor (represented by Lawson Planning Partnership): We support the concept of such a policy, however, we note the introduction of defined settlement boundaries would allow for infill development to go ahead in one part of a village and not in another, as the designation of settlement boundaries is selective rather than being comprehensive. The selection of settlement boundary areas has not been the subject of an objective sustainability appraisal or exercise which considers alternative and more appropriate ways of delivering rural housing growth in smaller settlements. For example, Crockleford Heath’s Settlement Boundary has been included around the relatively remote cluster of dwellings along Chapel Lane, but not around the cluster along Bromley Road, which unlike Chapel Lane, has a footway and public transport links to schools, shops and services in nearby Colchester.

The provision of a 6% upper limit dwelling cap for each settlement appears to be unnecessary and unduly restrictive compared with a more appropriate flexible approach. For these reasons the policy is considered unsound. However, if the Policy is modified to allow for greater certainty and flexibility, the soundness tests in the NPPF could be met. A suggested revised policy is:

Between 1st April 2011 and 31st March 2021, each of these settlements will be allowed to accommodate an 6% increase in the housing stock. This will be achieved through a combination of development on sites with outstanding planning permission for new housing and through the approval of additional infill housing proposals within that settlement’s ‘Settlement Development Boundary’ (see Policy SD4 below) sufficient to achieve 6% growth, but no more. No single housing development will exceed 10 dwellings in size unless there is local Town or Parish Council support for a larger development to achieve certain local benefits.

Town and Parish Councils can prepare Neighbourhood Plans, if they wish, to supplement the policies and proposals in this Local Plan to specify how an 6% increase in the housing stock for development in excess of 10 housing units will be distributed between the different settlements in the Parish or identify specific housing sites, allow additional development or introduce additional policy requirements aimed at ensuring development contributes toward local distinctiveness or other community objectives.

Any proposal for housing development that would lead to the 6% housing stock increase for that settlement being exceeded before 31st March 2021 (taking other unimplemented planning permissions into account) will only be permitted if it is supported by the local Town or Parish

~~Council, planned for in an approved Neighbourhood Plan for the area or designed to deliver local affordable housing through the rural exception policy (Policy PEO11). More detailed policies and proposals are set out in Chapter 12.~~

** 'Ardleigh' includes the main village of Ardleigh itself and the neighbouring settlements of Ardleigh Heath, Burnt Heath, Crockleford Heath, Fox Street, Foxash Estate and John De Bois Hill.'*

An alternative approach would be to include a criteria based policy which allows for infill development within rural settlements as set out below:

'Alternative Policy SD4: Smaller Rural Settlements

To contribute to the overall housing stock and provide for a suitable level of rural housing, infill development will be permitted within the identified Smaller Rural Settlements subject to meeting the following criteria:

The site includes a small gap within an existing built up frontage or forms part of an existing curtilage where located at the end of a line of buildings;

The development would not detract from the rural character of the area; and

The site is located in an accessible location within 800 metres of an Urban Centre or Key Rural Service Centre or is served by public transport.'

The supporting text at paragraphs 2.18 to 2.22 and 12.5 and 12.7 will also require amendment to reflect the less prescriptive policy approach.

Miss. C. Born (represented by Mr. D. Stebbing): The Draft Plan seeks to secure the delivery of 400 new homes per annum up to 2021, by making a series of potential site allocations across the district, and by making a series of adjustments to the Settlement Boundaries of certain settlements. In total, these allocations and revisions to Settlement Boundaries do not provide sufficient certainty that the Plan will ensure the delivery of the necessary new homes for the district. Furthermore, an arbitrary "cap" of 6% is placed upon the potential growth in the Housing stock of settlements across the district. This "cap" will serve as a barrier and constraint to the successful delivery of new homes at sustainable locations across the district, and is not supported by any robust technical evidence – for example, in terms of infrastructure capacity assessments -which would support the decision as to why such a "cap" has been placed upon the potential growth of settlements, or is in any way necessary.

Any objective environmental and infrastructure assessment of the district as a whole demonstrates that certain settlements have the capacity to accommodate Housing and other supporting development in the period up to 2021 above a "cap" of 6%, in some cases by a significant amount. Indeed, a number of settlements would clearly benefit by allowing a higher quantum of development, as it would support the delivery of infrastructure that would promote more sustainable patterns of development. Conversely, certain other settlements fail to demonstrate that they have the capacity to achieve growth of 6% without causing significant environmental, social and transportation problems. The Plan fails to address the issue of Housing growth in a way that would secure Sustainable Development across the district. This is in fundamental conflict with the Government's National Planning Policy Framework.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Wrabness Parish Council: Support proposal for 4 additional dwellings in Wrabness but object to the mapping of the Settlement Development Boundary on Inset map 41.

Little Oakley Parish Council: In favour of 6% increase of housing stock and Little Oakley retaining its small rural settlement status, i.e. its village status and not being part of the Harwich/ Dovercourt urban area.

Great Holland Residents Association: The Local Plan suggests that whatever housing need there is should be spread across the district by applying a simple mathematical formula and devising a planning policy to suit. This simplistic approach does not amount to a strategic solution. To apply the same formula for adding growth to a small rural settlement as one might do for a town is to ignore the difficulties that growth in small rural settlements presents particularly on its limited and creaking infrastructure as well as the threat to existing rural character of the settlement. The Smaller Rural Settlement should be exempted from this allocation and the rest of the District should absorb the required 280 units (assuming they are needed) and thus go up to 7%, an increase of 1% which could be easily and practically absorbed.

Cllr. Tom Howard (TDC member for Great and Little Oakley Ward): I completely support the removal of Little Oakley from the Harwich & Dovercourt urban development boundaries and for the reclassification of Little Oakley as a rural settlement. This will help protect the village identity of Little Oakley and provide important additional rural protection for the village pub and school.

Whilst it is acknowledged that some development in rural areas is currently required, particularly in the affordable or housing association sectors in order to enable the younger generation to remain within the district and the villages that were brought up in, and 6% is sustainable for the next 10 years, it should be noted that this scale of growth cannot be sustained in future Local Plans thereafter as it would begin to place too much of a burden on many rural villages and risk merging them into each other or neighbouring urban areas.

Save Our St. Osyth (SOS): The 2012 Local Plan is unsound as it fails to meet the necessary criteria of being justified or effective. The 2010 Core Strategy Document appeared to be based on sound planning principles, supported by extensive documentary evidence. This sound strategy has now been overturned for reasons of political expediency and based on the results of a biased consultation survey. You cannot rely on the ability of any community to realistically assess the housing allocation required in any other community (see the Housing Development Consultation Document, 2012). We do not accept that the simplistic 6% blanket allocation district wide is based on 'proportionate' evidence and is not justified. We object to the blanket 6% new allocation for the following reasons:

- it is not based on sound planning principles;
- it is not sustainable as it disperses population growth to communities which have inadequate infrastructure. It would mean necessary travel to work, schools and doctors etc;
- the 2010 Core Strategy had valid and cogent reasons for the decision that development within St Osyth would be restricted to windfall or infill sites only until 2031;
- it fails to take into account previous planning history;
- it fails to take into account the lack of employment opportunities; there are no employment proposals for St Osyth;

- it fails to acknowledge the effect of having large holiday camps within the parish of St Osyth sited to the west and south of the central crossroads;
- it attempts to re-designate the communities of St Osyth village and Point Clear as a single Key Rural Service Centre simply to accommodate an additional 50 new houses;
- it allocates a total of 112 new houses to a single field within St Osyth Village, with little separation between the three blocks contrary to the stated maximum of 50 dwellings within a single block;
- the site in St Osyth would create a 'hard development edge' at the eastern approach to the village contrary to current policy;
- St Osyth is being penalised for being pro-active in the past. The system will be cumulative in effect, if established in 2021 pro-active settlements will be penalised again; and
- we do not believe the existing housing stock of the parish of St Osyth has been correctly identified.

The majority of new housing should be situated close to the major population centres, whereby making the best use of existing infrastructure.

Comments from members of the public

Valerie Batchelor (St. Osyth); Stanley Beecham (Elmstead); Mrs. A. M. E. Blockley (St. Osyth); Mr. J. Brett (St. Osyth); Mrs. Patricia Brett (St. Osyth); David Chadbourne (St. Osyth); Mrs. Wendy & Mr. Terence Charles (St. Osyth); Colin Chiswell (St. Osyth); Mr. Peter M. Cobbold (Elmstead); Mrs. J. Cole (St. Osyth); Stephen A. Cole (St. Osyth); David Cooper (St. Osyth); Mr. Crawford (St. Osyth); Tim Cronin (St. Osyth); Mrs. Patricia Cunningham (St. Osyth); Mrs. J. M. Dewing (St. Osyth); Mr. A. Harper (St. Osyth); Mrs. Betty Harper (St. Osyth); Mrs. C. Harper (St. Osyth); Mr. J. Harper (St. Osyth); Frances Hearn (St. Osyth); P. M. Hendy (St. Osyth); Mr. M. T. Joyce (St. Osyth); David & Fiona Lawton (St. Osyth); Beverley Lynn (St. Osyth); Mr. & Mrs. Merrill (St. Osyth); Andrea Newton (St. Osyth); Robert Newton (St. Osyth); Barbara Norris (St. Osyth); Mr. Alfred Norris (St. Osyth); Mrs. P. Osben (St. Osyth); Ms. T. Osben (St. Osyth); Rob & Pam Redding (Elmstead); Mr. D. Smith (St. Osyth); Ms. M. Smith (St. Osyth); William Vaughan (St. Osyth); Mr. C. Westripp (St. Osyth); S. John Wrigley (St. Osyth); Joan I. Wrigley (St. Osyth); The blanket 6% increase in housing stock for all settlements is not justified because:

- it is not based on any planning procedures or theory;
- it is overly-simplistic and not based on evidence;
- it is based entirely on the negative public response to the 2010 Core Strategy which was representative of only a small and biased proportion of the district's population;
- it does not take into consideration the individual needs of each parish's circumstances;
- it does not take into account the relative capacity of different towns and villages to handle development;
- it will not result in a democratic distribution of housing over the Tendring area;

- there is no precedent from other authorities adopting such an approach in their Local Plans or Local Development Frameworks;
- it is an abandonment of a sensible and sustainable 'sequential approach' to identifying housing sites in the most sustainable locations;
- does not take recent development history into account unlike the Council's now abandoned 2010 Core Strategy Document;
- will overload current infrastructure such as doctors, schools and roads in certain areas (which is a particular issue for St. Osyth with its narrow crossroads);
- does not recognise that job opportunities are limited in certain parts of the district;
- does not recognise seasonal population changes in areas like St. Osyth where there are many holiday parks; and
- this system penalises settlements that have been pro-active in accommodating growth in the past and this would continue to be the case if a similar percentage-based strategy were rolled forward into the next plan period.

S. John Wrigley (St. Osyth); Joan I. Wrigley (St. Osyth); Mr. & Mrs. Merrill (St. Osyth); Mrs. Wendy & Mr. Terence Charles (St. Osyth); Mr. Alfred Norris (St. Osyth); Mrs. Patricia Cunningham (St. Osyth); P. M. Hendy (St. Osyth): OBJECT to the inclusion of Chisbon Heath within its own Settlement Development Boundary because:

- there are 130 scattered dwellings with no settlement boundary that form part of Chisbon Heath;
- there is no public transport;
- there are no services or facilities whatsoever;
- the area performs poorly against general sustainability criteria;
- the area is covered by the rural exception policy.

Mr. R. Horlock (Mistley): Cannot understand why the hamlets of Mistley Heath and Horsleycross have been given development boundaries. This will lead to ribbon development.

Mrs. Pauline Hunt (Walton); Nigel Hunt (Walton); Mr. Leslie Mead (Clacton); Mrs. Glenys Thornton (Walton): Support the strategy for growth because:

- it has taken into account residents' views in reducing the impact on Clacton;
- the 6% allocation across the board is a much fairer way forward in many aspects;
- encouraging new buildings in the smaller villages should help keep the village shops, post offices etc in business and maintain the village community feel; and
- the size of development is greatly reduced and is more evenly spread throughout the Tendring District.

Mr. A. Rowe (Bradfield): Objection to the proposed extension of the Bradfield Settlement Development Boundary along Windmill Road (see more detailed response against Policies Map 18).

Mrs. S. Woodman (Ardleigh): I generally endorse the Council's comments that smaller rural settlements should grow in future years to assist younger generations to reside in these locations. This will support the immediate economic environment and help to retain services and adequate infrastructure within these areas. This development should be limited to smaller scale clusters of new residential properties sympathetic to the rural and historic character of the settlements they abut. This type of development should not be limited to areas where settlement development boundaries are to be extended, but should also look at land available within areas just outside defined boundaries, if available and deemed sustainable. This should however not be to the detriment of the open countryside, nor encourage the coalescence of settlements.

I am not in agreement with the proposition for a 6% uniform increase in housing across the district as a whole. Ardleigh will only see around 18 additional dwellings built over the next 10 years. This seems an imbalance.

Mrs. T. Boland-Crewe (Alresford); Mr. D. Crewe (Alresford): Object strongly to the policy of a notional 6% of development need being spread across the towns and villages of Tendring. This policy is extremely ill considered and it is highly unlikely that this approach will comply with national planning guidance. It does not consider the strengths and weakness of development in certain areas including the infrastructure available to support development, environmental impact and the long term social issues associated with development in rural areas. All good planning policy recognises the benefits of development in urban areas (see Lord Rogers of Riverside's 'Towards an Urban Renaissance'). This plan has been based on politics and not the real needs of the district. This is shameful and a waste of public funds. It is highly likely it will need to be reconsidered after it has been submitted to the inspector.

Council consideration

Policies SD2, SD3 and SD4 set out the Local Plan's 'spatial strategy' for future growth. These policies establish three categories of settlement where different approaches to new development will ensure that the pattern of future growth across the district is sustainable. The key objective underpinning the spatial strategy is to promote a distribution of housing and other development across the district that, as far as is practical:

- meets both the government's and the Council's definition of 'sustainable development', taking into account the results of the Sustainability Appraisal;
- meets objectively assessed development needs as established through robust studies such as the Strategic Housing Market Assessment (SHMA), Strategic Housing Land Availability Assessment (SHLAA) and Economic Development Strategy; and
- achieves a 'fair and proportionate' spread of development that does not result in an over-concentration of development in one or two locations, taking into account the views of Tendring residents as expressed through consultation exercises undertaken in 2009, 2010, 2011 and, most recently, 2012.

The spatial strategy for growth presented in the Council's 2010 Core Strategy and Development Policies Document (hereafter 'the 2010 Core Strategy') attracted an overwhelming level of public objection that ultimately resulted in that plan having to be abandoned and rewritten. Compared to the level and nature of objections received in 2010, the comments in response to the strategy in

the 2012 Local Plan - Proposed Submission Draft (hereafter the 2012 Draft Local Plan) are more balanced. Alongside the objections, there are a considerable number of comments in support which suggest that, generally speaking, the new strategy is more appropriate and acceptable to a larger number of people than the 2010 version. The comments in support of the strategy are welcomed and clearly demonstrate that the Council has taken the views of residents and other stakeholders seriously in reshaping the content of the Local Plan.

In response to other representations, the Council proposes a change to the Local Plan's time-span from 2011-2021 to 2014-2029 to bring it in line with the requirements of paragraphs 47 and 157 of the National Planning Policy Framework. This has required consequential changes to Policies SD2, SD3 and SD4 and a number of other policies in the Local Plan which will have affected the way the comments above have been addressed.

Main areas of objection

Many of the objections received in response to Policy SD4 apply equally to Policies SD2 and SD3 because they relate to the overall strategy for growth but other objections relate specifically to elements of Policy SD4. The main objections can be summarised as follows:

- objections to the application of a blanket 6% increase in housing stock for all towns and villages over a 10 year period;
- objections to 'capping' developments in Smaller Rural Settlements to schemes of no more than 10 dwellings and not allowing the 6% increase to be exceeded; and
- objections to certain small settlements being listed within the policy (including Chisbon Heath, Mistley Heath and Horsleycross Street) and others being omitted (such as Tendring Heath); and
- objections to how a 6% increase in housing stock has been interpreted into loosely drawn Settlement Development Boundaries around certain villages.

There is a considerable amount of support for this policy alongside a fair number of objections. This policy reflects the view expressed during the 2011 housing consultation exercise that people prefer housing development to be spread fairly throughout all parts of the district.

Sustainability of Development in Rural Settlements

A number of objections suggest that development in rural settlements is not sustainable and, as a consequence, the strategy for all settlements to accommodate a 6% increase in housing stock, whether urban or rural, is not sound. Knight Developments, Tim Snow Architects, City & Country and Great Holland Residents Association in particular suggest that development should be focussed on Urban Settlements and Key Rural Service Centres (listed in Policies SD2 and SD3) only and that development in Smaller Rural Settlements (listed in Policy SD4) should either be limited or omitted from the Local Plan.

Mr. Crewe and Mrs. Boland-Crewe from Alresford also advocate the benefits of concentrating development in and around Urban Settlements, as per Lord Rogers' 'Towards Urban Renaissance' and avoiding development in all rural areas, including the larger Key Rural Service Centres. This view is supported by 'Save Our St. Osyth' and a number of St. Osyth residents who suggest that the strategy in the Council's 2010 Core Strategy, which focussed the majority of growth on Clacton, was more sustainable and should be re-instated.

Essex County Council has also raised concerns about the blanket 6% increase in housing stock for all settlements because of the cumulative impact it could have on existing infrastructure, particularly in rural areas, and the fact that smaller developments cannot generate the critical mass to justify or deliver new services, facilities or infrastructure such as schools.

If one looks closely at the distribution of housing development that would actually be achieved through the blanket 6% housing stock increase for all settlements over 10 years (as proposed in the 2012 Draft Local Plan), Urban Settlements would deliver around 3,256 new homes, Key Rural Settlements would deliver 388 new homes; and Smaller Rural Settlements would only deliver 274. Overall, 83% of the housing growth would still be taking place in urban locations so it would be unreasonable to suggest that the strategy, from this perspective, was wholly unsustainable. The proposed focussed changes to Policy PEO1 on housing supply (see major change [MAJ4.2](#)) revise the figures to 2,857 dwellings in Urban Settlements over years 1-10 (2014-2024) with 267 dwellings in Key Rural Service Centres and 501 dwellings on 'small windfall sites' of which around half are likely to be in and around Smaller Rural Settlements. Even with the proposed changes, around 80% of housing development will be in and around Urban Settlements. For the longer-term, post 2024, it is envisaged that the vast majority of development will be focussed on the broad locations of Clacton, Harwich and/or West Tendring/Colchester Fringe.

As many of the supporters of this policy suggest, some development in rural locations actually promotes sustainability by supporting local businesses, services and facilities and enabling younger people, who are often priced out of the rural housing market, the opportunity to stay in the village in which they grew up.

Great Holland Residents Association suggests that Smaller Rural Settlements should be protected from development and that the Urban Settlements and Key Rural Service Centres should take a 7% increase in housing stock to make up for the shortfall. For most settlements, this would not present a major problem, but it would cause obvious concern for residents in Brightlingsea, Great Bentley and St. Osyth where there are genuine practical limits to how much development is sensible and sustainable. It would also go against the 'fair and proportionate' approach that Tendring residents called for during the public consultation exercises of 2010 and 2011 and would undoubtedly lead to accusations that smaller villages are being unduly protected and are not taking their fair share of future growth.

In response to objections suggesting the 6% approach is not evidence based, the Council commissioned an update to its SHMA and updated its SHLAA. The results of these studies, which have had a major bearing on proposed changes to the strategy in the Local Plan, are explained in more detail in relation to Policy PEO1 'Housing Supply' but in essence, these updated assessments have identified practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. These assessments also demonstrate that, for at least the period up to 2024, a strategy that achieves a fair and proportionate approach to housing development across all parts of the district that equates (roughly) to a 6% increase in housing stock is appropriate and deliverable.

Whilst the Council does not agree that rural settlements should be protected from housing development and is keen to continue with a distribution of housing growth that is as 'fair and proportionate' as possible, backed up by the pieces of evidence referred to above, it does accept that presenting such a strategy as a simplistic blanket percentage-based increase for all settlements may undermine the credibility of the Local Plan, particularly as it is now evident that the housing numbers proposed in some areas either have to increase or decrease above or below 6% for sound and practical planning reasons.

For this reason, focussed changes to Policy SD4 and its supporting text are proposed to change the emphasis of the strategy from a rigid 6% housing stock increase being applied to all

settlements to a 'sustainable, fair and proportionate increase in housing stock' that, for most settlements (but not all), results in a 6% increase in dwellings over the first 10 years of the revised plan period 2014-2024. For years 11-15 of the revised plan period, growth will be more focussed on the broad locations expected to support longer-term economic growth including Clacton, Harwich and West Tendring/Colchester Fringe – an approach supported by evidence in both the Council's new 2013 Economic Development Strategy and the 2013 SHLAA.

Impact of the strategy on St. Osyth

Most of the of the objections from members of the public are from St. Osyth residents who disagree with the 6% housing stock increase for all settlements because it translates into proposals to deliver 112 dwellings in St. Osyth/Point Clear over a 10 year period. This scale of development is more than double that proposed in any other of the district's 'Key Rural Service Centres' and raises a number of local concerns about the potential impact the village's infrastructure, environment and character. The Council accepts these concerns and proposes changes to the Local Plan to address them whilst still retaining the overarching principle of achieving a 'fair and proportionate' approach to growth across the district. More details of the proposed changes are set out in relation to Policy SD3 and we trust that these will result in the majority of these objections, and the objections from 'Save Our St. Osyth' (SOS) being addressed and hopefully withdrawn.

Longer Term Application of the 6% Strategy

Councillor Howard who represents the Great Oakley and Little Oakley Ward has suggested that whilst he supports the fair and proportionate approach to growth for the proposed plan period, it may not be sustainable or appropriate to continue with such a strategy in future plan periods. This is very sensible comment which reflects Essex County Councils concerns. It is particularly true for rural settlements where the cumulative effect of continuous small scale developments could result in irresolvable infrastructure problems.

For the period up to 2024, the fair and proportionate strategy for growth is considered to be justified and deliverable but beyond 2024, as demonstrated in the updated SHLAA, the Council will have to review the strategy. This is why the Council only proposes to allocate specific housing sites to meet the requirements for years 1-10 of the revised plan period (2014-2024) with broad locations shown for 11-15 (2024-2029). Paragraph 47 of the National Planning Policy Framework allows this by saying, in the third bullet point, that as well as identifying specific sites for years 1-5, local planning authorities should *"identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15"*.

In the updated SHLAA, the Council demonstrates that it is not possible to identify specific sites for years 11-15 firstly without a better understanding of the state of the economy nearer the time and secondly without pre-determining the longer-term strategy which may or may not require major urban expansions in either Clacton, Harwich or West Tendring/Colchester Fringe. These locations are identified in both the SHLAA and the Council's 2013 Economic Development Strategy as the areas best placed to deliver longer term housing and economic growth. The identification of specific sites within these broad locations will need to be considered through an evidence-based review of the Local Plan (along with an extensive programme of public consultation) well before 2024.

Placing a 'Cap' On Development in Smaller Rural Settlements

Notcutts Limited, Mr. S. Naylor and Miss. C. Born have objected to the element of the policy that limits residential developments in Smaller Rural Settlements to schemes of no more than 10 dwellings unless there is local Town or Parish Council support for a larger development, or a Neighbourhood Plan allowing larger developments.

Given that the Council is trying to balance the need to promote sustainable patterns of development, as required by the National Planning Policy Framework, with promoting a fair and proportionate distribution across the district, as requested by Tendring residents during the 2011 consultation exercise, it would appear perfectly reasonable for the Council to impose some form of limit on how much residential development would be acceptable in less sustainable locations. The objectors to this element of the policy only have to look at the objections from other parties to see the strength of feeling about the principle of development in smaller settlements.

It is accepted that the 6% cap would introduce a level of complexity that is disproportionately onerous (inviting a less-than-ideal 'first come, first served' approach to growth) but the 10 dwelling cap is workable and reflects the fact that smaller developments are more in keeping with the fabric of smaller rural settlements. It is therefore proposed that the 6% restriction is removed from the policy but that the 10 dwelling restriction remains.

Settlements included in the policy

There are a number of objections from St. Osyth residents to the inclusion of Chisbon Heath as a 'Smaller Rural Settlement' in Policy SD4. In the spirit of the Council's 'fair and proportionate' distribution of housing development around the district, a number of additional small settlements were included in the 2012 Draft Local Plan, over and above what were originally listed in the Council's now abandoned 2010 Core Strategy. Chisbon Heath is perhaps one of the more questionable inclusions in the Local Plan and it was more difficult than for other settlements to define a logical and defensible boundary. Given the objections received and the fact that the contribution that this settlement is likely to make toward housing provision in the district will be negligible, it is proposed that Chisbon Heath be deleted from Policy SD4 and that Proposals Map Inset 21 be removed from the Local Plan (see policies map change [PM21.1](#)). We trust that this will result in these objections being addressed and hopefully withdrawn.

Elmstead Heath (which falls within the parish of Alresford) is also proposed for deletion from Policy SD4 at the request of Alresford Parish Council (see policies map change [PM23.1](#)) over concerns about encouraging ribbon development along a busy main road the B1027.

Mr. Horlock from Mistley has questioned the inclusion of the two small settlements of Mistley Heath and Horsleycross Street in Policy SD4, concerned that this will encourage ribbon development. Mr. Horcock is the only objector to these settlements' inclusion and we understand that Mistley Parish Council has raised no objections, so no changes are proposed. The scale of development appropriate for these less sustainable settlements will however need to be proportionate and limited to small sites to ensure the overall thrust of the strategy remains sustainable.

Settlements excluded from the policy

Mr. Richardson has requested the inclusion of Tendring Heath as a Smaller Rural Settlement within the policy. This change is not accepted as unlike Tendring and Tendring Green, there is no easily definable 'settlement' toward which development could be focussed.

Changes to Settlement Development Boundaries

As a consequence of taking a more flexible and less rigid approach to the spread of development across the district and removing the cap of 6% growth in Smaller Rural Settlements, the Council has reviewed the Settlement Development Boundaries around some of the villages where larger areas of land were included to meet a rigid 6% requirement. It is proposed that the Settlement Development Boundaries around Thorpe Station and Maltings (change [PM12.2](#)), Bradfield and Bradfield Heath (change [PM18.1](#)), Great Holland (change [PM28.1](#)), John De Bois Hill (change [PM31.1](#)) and Kirby-le-Soken (change [PM32.1](#)) be tightened in certain locations. It is hoped that

these changes will address some of the objections from residents of those villages but they may attract counter-objections from certain landowners.

Conclusion

Focussed changes to Policy SD4 and its supporting paragraphs are proposed to:

- delete Chisbon Heath and Elmstead Heath from the list of settlements in the policy and add Point Clear (following the proposed change to Policy SD3); and
- reflect the change in emphasis from a rigid 6% increase in housing development to a 'sustainable, fair and proportionate' approach to growth and remove the 'cap' of 6% housing growth in any one village.

Outcome

In response to the various comments raised in relation to Policy SD4 and its supporting text and as a consequence of new evidence and other factors, the Council proposes the following **major change** (MAJ2.5) to the policy (additions shown as highlighted and deletions shown as struck through):

POLICY SD4: SMALLER RURAL SETTLEMENTS

The following settlements are classed as 'Smaller Rural Settlements':

- | | | |
|------------------------------|-------------------------------|---------------------------------------|
| • Aingers Green; | • Great Holland; | • Stones Green; |
| • Ardleigh*; | • Great Oakley; | • Tendring; |
| • Balls Green; | • Hare Green; | • Tendring Green; |
| • Beaumont-Cum-Moze; | • Horsleycross Street; | • Thorpe Green; |
| • Bradfield; | • Kirby-le-Soken; | • Thorpe Station and Maltings; |
| • Bradfield Heath; | • Little Bromley; | • Thorrington; |
| • Bromley Cross; | • Little Bentley; | • Thorrington Cross; |
| • Chisbon Heath; | • Little Oakley; | • Wix; and |
| • Elmstead Heath; | • Mistley Heath; | • Wrabness. |
| • Frating; | • Point Clear; | |
| • Great Bromley; | • Ramsey Village; | |
| | • Ravens Green; | |

~~Between 1st April 2011 and 31st March 2021, each of these settlements will be allowed to accommodate a 6% increase in housing stock. This will be achieved through a combination of development on sites with outstanding planning permission for new housing and through the approval of additional housing proposals within that settlement's 'Settlement Development Boundary' (see Policy SD4 below) sufficient to achieve 6% growth, but no more.~~

Between 1st April 2014 and 31st March 2029, new residential development in these settlements will be limited to small infill sites within Settlement Development Boundaries which will support the overall housing growth for the district, as set out in Policy PEO1: 'Housing Supply'. No single housing development will exceed 10 dwellings in size unless there is local Town or Parish Council support for a larger development to achieve certain local benefits.

Town and Parish Councils can prepare Neighbourhood Plans, if they wish, to supplement the

policies and proposals in this Local Plan to either specify how a 6% increase in housing stock will be distributed between the different settlements in the Parish or identify specific housing sites, allow additional development or introduce additional policy requirements aimed at ensuring development contributes positively toward local distinctiveness or other community objectives.

Any proposal for housing development that would lead to the 6% housing stock increase for that settlement being exceeded before 31st March 2021 (taking other unimplemented planning permissions into account) will only be permitted if it is supported by the local Town or Parish Council, planned for in an approved Neighbourhood Plan for the area or designed to deliver local affordable housing through the rural exception policy (Policy PEO11). More detailed policies and proposals are set out in Chapter 12.

* 'Ardleigh' includes the main village of Ardleigh itself and the neighbouring settlements of Ardleigh Heath, Burnt Heath, Crockleford Heath, Fox Street, Foxash Estate and John De Bois Hill.

The following minor changes (MIN2.9, MIN2.10 and MIN2.11) to paragraphs 2.20, 2.21 and 2.22 are also proposed (additions shown as highlighted and deletions shown as struck through):

2.20 Consultation with Parish Councils and local people who live in these areas has indicated that there would be support for small clusters of new residential properties abutting existing settlements as long as they integrate well with the surrounding village. Therefore in applying a sustainable, fair and proportionate approach to the distribution of housing growth throughout the whole district, each of these smaller rural settlements will be allowed to achieve small scale a 6% increases in housing stock over the plan period 10-year period between 1st April 2014 2014 and to 31st March 2024 2029.

2.21 To allow for this to happen, Settlement Development Boundaries (see Policy SD5 below) have been drawn flexibly, where practical, to accommodate a range of sensible sites both within and on the edge of the village and thus enable them to be considered for small-scale residential 'infill' developments of up to, but no more, than 10 dwellings in any single location. To ensure these smaller villages do not become over-developed, proposals for housing development will only be approved up to the point that the 6% increase in housing stock would be achieved; i.e. any proposal for housing development that would lead to the 6% housing stock increase for that settlement being exceeded before 31st March 2021 (taking other unimplemented planning permissions into account) Larger developments will not be permitted unless there is local support from the Town or Parish Council, an approved Neighbourhood Plan that advocates additional growth or an identified local need for affordable housing that could be addressed through a 'rural exception site' (see Policy PEO11). In some of the villages, larger development opportunities have been included where consultation with Town and Parish Councils and local people have identified opportunities for larger developments that would deliver specific local facilities or benefits.

2.22 If Town or Parish Councils wish to supplement the policies and proposals in this Local Plan to specify how development should be distributed across the settlements in their parish or identify specific sites in their villages that could be developed to meet the 6% increase in housing stock, they have the option of preparing their own Neighbourhood Plan. Neighbourhood Plans can also be used to allow additional development, ensure that any new development meets additional locally-specific design requirements or helps deliver additional local benefits.

No changes to paragraphs 2.18 and 2.19 are proposed.

Policy SD5 – Managing Growth

(Pages 35 and 36 – including paragraphs 2.23 to 2.25)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We welcome the intention to focus growth within the defined development boundaries with the aim of protecting and enhancing the character and openness of the countryside. However, we note that planning permission for development may be permitted outside of those defined areas in certain circumstances, and we are concerned that one of the criteria that must be met (“*the development would not cause any adverse impacts that would outweigh the benefits of the development*”) could mean that some adverse impacts (e.g. on the landscape) could be permitted. In such circumstances we would seek reassurance that all possible mitigation measures would be implemented in order to reduce the extent of the adverse impact, and we would like to see this built into the policy wording.

Comments from landowners, developers and businesses

Greenwich Hospital (represented by Strutt and Parker LLP); St Monica’s Trust (represented by Strutt and Parker LLP): The settlement boundary for Clacton-on-Sea should be altered to include the land as outlined on the plans accompanying our clients’ representations.

Mr. & Mrs. P. Luxford (represented by Bidwells); Mr. G. Bliss (represented by Bidwells): Support this policy.

Amperswick Ltd (represented by GVA): Although the second paragraph of the policy states that for Urban Settlements (Policy SD2) and Key Rural Service Centres (Policy SD3) that “Settlement Development Boundaries are defined beyond the extent of existing built development in specific locations to allow planned settlement expansion where necessary to deliver the required levels of growth” there is no evidence on the Policies Maps for Little Clacton.

Mr S Dulai (represented by Joseph Greenhow Planning Ltd); Mr J W Thompson (represented by Edward Gittins and Associates): We support the presumption in favour of development within Settlement Development Boundaries as defined within policy SD5.

Brian Crook (Represented by Edward Gittins & Associates); Brian Kidby (represented by Edward Gittins and Associates); Mr R Mayes (represented by Edward Gittins and Associates; Trustees of the Winsley’s Charity (represented by Edward Gittins and Associates): We support the Settlement Classification found in Policies SD2: Urban Settlements, SD3: Key Rural Services Centres and SD4: Smaller Rural Settlements. We believe this Settlement Classification provides clear delineation between the relative scale and function of each settlement and a sound basis for ‘Managing Growth’ addressed in Policy SD5. We lend broad support for the principle of Settlement Development Boundaries (SDBs) and the general presumption in favour of new development within SDBs.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): Policy SD5 states that to encourage sustainable patterns of growth and carefully control urban sprawl, each settlement within the District will be defined by a ‘Settlement Development Boundary’. It further states that, in relation to ‘Urban Settlements’ such as Frinton, Walton and Kirby Cross, the Settlement Development Boundaries are defined beyond the extent of the existing built development in specific locations to allow planned settlement expansion where necessary to deliver the required levels of growth. We support the provisions of the policy as it is a sensible recognition of the fact that almost all settlements need to expand in order to accommodate development that is needed and/or generated by the community itself. Making provision for such expansion in a planned

manner, and through the medium of the Local Plan allowing public consultation to take place, is a sensible way to proceed. We do, however, object to the Settlement Development Boundary that is proposed for Walton-on-the-Naze and shown on Policies Map Inset 3b (Walton Town Centre). See also more detailed comments made under Policy FKW7 (Walton Mere).

Notcutts Limited (represented by Pomery Planning Consultants): We support Policy SD5 and the inclusion of the former Notcutts Garden Centre in Station Road, Ardleigh into the settlement boundary. However, the precise boundaries of the 'Settlement Development Boundary' should be amended so that they are consistent with the planning application site boundary.

Park Resorts Ltd (represented by GVA): We OBJECT to both this Policy and the Draft Proposals Maps in respect of the 2nd paragraph "*For Urban Settlements (Policy SD2) and Key Rural Service Centres (Policy SD3), the Settlement Development Boundaries are defined beyond the extent of existing built development in specific locations to allow planned settlement expansion where necessary to deliver the required levels of growth*".

We can see no evidence on the proposed Local Plan Proposals Maps as to the settlement boundary being defined beyond the extent of any of Park Resorts' five holiday parks. We therefore can only assume that the local authority do not consider that Valley Farm, Weeley Bridge, Highfield Grange or Naze Marine have any need for future growth. Yet this is despite the findings of the 2009 Holiday Park Sector Overview and the Council's Employment Study Part 1. Furthermore, we have previously submitted representations in respect of site extensions to both Valley Farm and Weeley Bridge.

We therefore consider that the Policy and the proposals map to which it refers are unsound as they have not been positively prepared to take account of identified Local Plan Representation Park development needs and also are not in accordance with national policy on the grounds of ensuring future economic prosperity. We request that the settlement boundaries are redrawn in order to provide clear opportunities for Park Resorts' holiday parks to expand and grow. Providing such certainty will then ensure that applications come forwards.

Kevin Britton (represented by Martin Robeson Planning Practice): The proposed policy is consistent with national policy, encouraging development to come forward.

Kelsworth Ltd (represented by Roger Sargent): As a key component of the Local Plan, Kelsworth Ltd welcomes and supports the presumption in favour of sustainable development and in particular how this is set out in SD1, SD2 and SD5. Whilst the identification of a Settlement Development Boundary for Clacton is supported, in that it does clearly define the area within which "*...there will be a general presumption in favour of new development...*" there is still uncertainty as to how this is to be applied, taking into account previous consultations.

In response to a previous "Call for Sites", Tendring District Council produced a "Possible Housing Sites" document in October 2011, in which a number of possible development sites were given a brief assessment, but no decision on their suitability for inclusion in the new Local Plan. Further guidance is therefore needed to identify those sites which are expected to come forward to deliver the required levels of growth. The NPPF sets out three areas the planning system must address in order to achieve sustainable development. These are an economic role; a social role and an environmental role. Kelsworth Ltd's consider the residential redevelopment of their St. John's Nursery site, located to the northwest of Clacton, would achieve and satisfy these criteria.

Trinity College Cambridge (represented by Bidwells): We support this policy as drafted and encourage the Council to adopt it in its present form. We particularly support the proposed extension of many of the Settlement Development Boundaries to include additional sites that will help deliver new market and affordable housing, the pressing need for which is confirmed by the

Council's SHMA, whilst ensuring that growth occurs in a controlled manner and at a scale which is sustainable and appropriate to the existing character of each settlement.

The Council is commended for extending the boundaries of most settlements to include more land than may be necessary to provide the 6% increase in housing stock required. Doing so will enable a more flexible approach to be taken, helping to make sure that housing targets will be achieved or exceeded during the proposed Plan period in accordance with the approach advocated by the NPPF.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton and north and south of Walton Road, Kirby-le-Soken, for residential development. The Council's approach to re-define the settlement development boundaries to account for development sites that could potentially accommodate the maximum number of new homes proposed for that settlement either individually or cumulatively, is supported in part. But our land at Walton should also be included and allocated for housing. The approach and the proposed development boundary map for Kirby-Le-Soken is strongly supported as both sites are included within the proposed Settlement Development Boundary. SD5 is considered to provide a suitable balance between seeking to support growth and providing choice and competition for market land as required by the NPPF. The policy will also protect the countryside from development in unsuitable locations.

Mr. O. Barber (represented by CSJ Planning Consultants Ltd): These comments relate to the promotion of land at Marks Farm, Frating, for inclusion within the Settlement Development Boundary. Policy SD5 is supported in relation to allowing a fair and equitable spread of housing growth between the urban settlements, key rural service centres and the smaller rural settlements.

A H Brown Farms (represented by Edward Gittins & Associates): These comments relate to the promotion of our land at Larges Farm, Rectory Road, Great Holland, which should be included within the Great Holland Settlement Development Boundary. We recognise and support the need for this policy to explain how future growth will be distributed and specifically the function of Settlement Development Boundaries. We support this approach but consider priority should be given wherever possible to previously developed land if it represents a sustainable location for future village housing.

NNC Homes (represented by Edward Gittins & Associates): We support the inclusion of land at Steam Mill Road, Bradfield, within the Bradfield Settlement Development Boundary for housing development. With regard to Policy SD5, we lend broad support for the principle of Settlement Development Boundaries (SDBs) and the general presumption in favour of new development within SDBs. We believe that this policy constitutes a balanced and innovative approach to the future provision of housing and investment throughout the District and a sound basis for the detailed proposals and policies in the draft plan. We therefore regard the Local Plan to be sound in these particular respects.

The proposals and policies which address the main strategy for future growth appear to be based on clear sustainability principles which inform the proposed distribution of future growth throughout the District. This framework is regarded as one which will deliver a somewhat more dispersed growth pattern but one which is proportionate to the size of each settlement and one which will continue to direct the majority of growth towards the Urban Settlements which are the most able settlements for assimilating sustainable development. At the same time, a clear role is defined for Key Rural Service Centres serving different parts of the District and as rural foci for housing, employment and community services and facilities. At the lower end of the spectrum, Smaller Rural Settlements will not be sterilised but will be allowed to absorb limited controlled growth.

We support the "across the board" increase of 6% in the housing stock of all smaller rural settlements (as outlined in paragraph 2.21) and consider this will assist in maintaining and

hopefully improving rural services without materially diminishing the role of the main urban settlements and Key Rural Service Centres as the most sustainable foci for growth and investment. The introduction of this policy shift to inject controlled growth into smaller rural settlements will, we believe, act as a stimulus to the local rural economy and provide an appropriate geographical choice throughout the District in the provision of new housing stock.

We also support the principle of defining SDBs beyond the extent of established built development to include a range of possible development sites that together are capable of accommodating the maximum number of homes proposed within each settlement as proposed in Policy SD5.

Chelmsford Diocesan Board of Finance (represented by Strutt and Parker LLP): We support this policy and the inclusion of our allotment land in the Great Oakley Settlement Development Boundary but the boundary should be further amended to include land to the north of the settlement. Land west of Chapel Lane, Tendring Green, should also be included within the Settlement Development Boundary. This extension of the settlement boundary would also provide the opportunity to create a legible development edge along the B1035 and Chapel Lane.

Mr. S. Naylor (represented by Lawson Planning Partnership): Policy SD5 requires amendment to reflect changes to Policy SD4, concerning the removal of the reference to defined settlement boundaries on the Proposals Map, unless the addition of separate village settlement boundaries is to be introduced in an inclusive and comprehensive way.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Clacton Parish Council: The permissible criteria permitting development the Settlement Development Boundary are not robust and should be rewritten as, in their current wording, they will be easily overridden and open to abuse. Applications for development should be tailored to suit the size of the site under consideration and not permitted to wander beyond the development boundary.

Little Bromley Parish Council: The Little Bromley SDB does not make provision for 3 further dwellings and is inconsistent with Policy SD5, so there is a clear need to amend the SDB to make provision for the increase in the village's housing stock.

No cogent planning reasons have been put forward for excluding a site previously earmarked for meeting at least some of the Local Plan's projected new housing stock at Little Bromley (site at Shop Road). The position of the site opposite Newhouse Farm strengthens the physical and visual link between the parts of the village either side of Shop Road.

It is felt that the inclusion of the land at Brook House will largely address the current anomaly. The council requests that the Proposed SB in Policies Map Inset 33 is amended to include land fronting Shop Road adjacent to Brook House within the SDB.

Little Oakley Parish Council: We support managing urban sprawl.

Comments from members of the public

Mr. P. S. Scott: The Settlement Development Boundaries shown on the maps need to be reconsidered to include gaps in existing development, as at Balls Green, Great Oakley etc. Encouragement should be given to the development of unwanted very long gardens within the

general urban area as at the east end of Kirby Cross and adjacent to the east side of the church in Lower Kirby.

Mrs. S. Woodman (Ardleigh): I support the controlled acceptance of development outside of defined settlement boundaries, particularly in relation to the site I have previously proposed (Site 171- possible housing site, Land at Fairfield's, Colchester Road, Ardleigh).

Council consideration

The various comments in support of the policy and the spatial strategy in general are welcomed. Minor changes to the policy are however proposed to ensure consistency with the revisions to policies SD2, SD3 and SD4 that advocate moving away from a rigid 6% increase in housing stock for all towns and villages to a more flexible 'sustainable, fair and proportionate' approach. These changes have implications for how some of the specific comments have been considered.

The comments from English Nature raised concerns about the possible impact of developments exceptionally allowed outside of Settlement Development Boundaries in accordance with criteria a) to d) of the policy with a suggestion that mitigation measures should be implemented in order to reduce the extent of the adverse impact. We consider that other policies throughout the Local Plan including Policies SD9, PLA4 and PLA5 are sufficient to ensure impacts are managed and no changes to Policy SD5, in this regard, are therefore recommended.

Many of the comments relate to the depiction of the Settlement Development Boundary on various Policies Maps rather than challenging the principles or wording Policy SD5. These proposals are considered in relation to the policies maps in question.

Amperswick Ltd's comments suggest that the Settlement Development Boundaries around Little Clacton do not incorporate sufficient flexibility to allow the extension of the Firs Caravan Park. The wording within the second paragraph of policy that the objector refers to however is proposed for deletion however proposed changes to Policies Map Inset 10 (see change **PM10.3**) should address most, if not all, of Amperswick's objections to the Local Plan.

Park Resorts Ltd objected to Policy SD5 and request that the settlement boundaries are redrawn in order to provide clear opportunities for Park Resorts' holiday parks to expand and grow. The Council recognises that Holiday Parks play a very important role in the district's tourism economy. Therefore, Policy PRO9 'Holiday Parks' permits the extension of safeguarded sites or other existing sites onto adjoining land provided that the development would result in improvements to the overall layout, amenity, appearance and quality of accommodation over the whole site. For avoidance of any doubt and ambiguity, and to address concerns raised by objectors to other parts of the Local Plan, all safeguarded holiday parks on the periphery of settlements are proposed for exclusion from the Settlement Development Boundaries (see changes **PM1.1, PM1.2, PM1.4, PM1.6, PM1b.1, PM1b.3, PM2.3, PM3.4, PM3b.1, PM5.1, PM10.3, PM11ab.1, PM12.1, PM13.1 and PM13.2**) and extensions to those parks can be considered on their merits against the criteria in Policy SD5 and other relevant policies.

Little Clacton Parish Council has raised concerns about the permissive nature of the policy however, in accordance with the National Planning Policy Framework (NPPF), Councils are encouraged to take a more positive stance, generally, toward proposals for development. We consider that the policy is sufficiently robust, alongside other policies in the plan, to prevent inappropriate developments taking place outside of Settlement Development Boundaries.

Mr. P. S. Scott's suggestions for expanding Settlement Development Boundaries and encouraging the use of rear gardens in rural settlements and Mr. Barber's similar comment in respect of Marks Farm, Frating are noted however they appear to run contrary to the numerous comments from

residents to Policies SD3 and SD4 questioning the sustainability of such developments and calling for more constraint. The comments do not challenge the soundness of the wording of Policy SD5 and therefore no changes are proposed in response to these specific comments.

In conclusion, it is considered that Policy SD5 is sound however some minor changes are proposed aimed at achieving consistency with the proposed revisions to Policies SD2, SD3 and SD4 which remove the 6% cap on development in Smaller Rural Settlements. These changes make the second and third paragraphs of the policy and supporting paragraph 2.24 unnecessary and these sections are therefore proposed for deletion.

Outcome

The Council proposes the following **minor change** to delete the second and third paragraph of Policy SD5 (MIN2.13):

~~For Urban Settlements (Policy SD2) and Key Rural Service Centres (Policy SD3), the Settlement Development Boundaries are defined beyond the extent of existing built development in specific locations to allow planned settlement expansion where necessary to deliver the required levels of growth.~~

~~For Smaller Rural Settlements (Policy SD4), the Settlement Development Boundaries are defined beyond the extent of existing built development to include a range of possible development sites that could accommodate the maximum number of new homes proposed for that settlement either individually or cumulatively.~~

The following **minor change** (MIN1.12) to delete paragraphs 2.24 is also proposed:

~~2.24 Policy SD5 below explains how ‘Settlement Development Boundaries’ will be used to manage growth over the 10-year plan period and how the approach will vary between Urban Settlements and Key Rural Service Centres (where medium to large development proposals will be specifically identified and planned for) and Smaller Rural Settlements (where small-scale developments can be accommodated in a more flexible manner).~~

Policy SD6 – Strategic Green Gaps

(Page 37 – including paragraphs 2.26 and 2.27)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Campaign to Protect Rural England (represented by A.J. Grant): are pleased to note that Strategic Green Gaps areas are recognised.

Natural England: We welcome the inclusion of this policy, which restricts development within designated Strategic Green Gaps. In particular, we welcome the inclusion of criterion iii which requires any permitted development to involve the creation of green infrastructure. We also welcome the requirement that “*all reasonable measures should be put in place to minimise the impact on the open nature of the gap*”, and would welcome the inclusion of a similar requirement in policy SD5 (see above).

Tendring Way and Essex Bridleway Association (represented by Patricia Cooper): Local Green Gaps would become part of the integrated network of bridleways.

Comments from landowners, developers and businesses

Gold Phoenix Ltd (represented by John Roberts): Objects because this policy is being imposed on existing residential property and prevents reasonable sustainable development being undertaken.

St Monica's Trust (represented by Strutt and Parker LLP): Object to the identification of the land as a strategic green gap.

We recommend that the land in question is removed from this proposed designation for the following reasons:

a) There is inconsistency in the Council's approach to this area. Sites for development COS13 and COS14 have both been removed from the Green Gap allocation. The reasons for the difference in approach is entirely unjustified having regard to the Landscape Impact Assessments dated 2009 and 2010 which analysed these landholdings and the St Monica Trust land. The assessments concluded that development of the Trust land '*would not be widely visible or greatly out of character*' and would have only slight adverse landscape effects. In these assessments, the Trust land in fact performs better in landscape impact terms than the land west of Jaywick Lane.

b) The land in question is bounded on two sides by the existing settlement boundary, it would provide a natural extension to the settlement and could be appropriately landscaped to mitigate against the minimal impacts of development as described above. It is therefore **recommended** that the proposals map is altered to remove the land from its classification as a strategic green gap and to allocate it for residential and other development as provided for within policies COS13 and COS14.

EPC-UK PLC (represented by Leith Planning Ltd): In addition to the enabling policy proposed above, it is important that the area surrounding Bramble Island be protected from future development and encroachment onto the site in order to protect the existing operation and future viability of the business. One way to seek to achieve this objective is through allocation of the land surrounding Bramble Island as a Strategic Green Gap and we would welcome the Council's response to this proposal.

Amperswick Ltd (represented by GVA Hotels and Leisure): These comments relate to our request that the Firs Caravan Park should be allowed to extend eastwards. We strongly object to both this policy and the Policies Map in respect of the Green Gap designation surrounding Little Clacton. The Council may argue that should a planning application be made in the future for an expansion of Firs Caravan Park onto the land to the east, it would be possible to make an argument that such a proposal meets the criteria in Policy SD6. However, that would mean identifying a functional need that the holiday park extension could not be delivered on an alternative piece of land outside the Green Gap. It is almost impossible to prove that holiday caravans could not be located anywhere else within the District. Given that there have been three previous application refusals; it seems unlikely that the local authority will consider allowing any further applications if the site is still subject to the Green Gap designation. Alternatively, we consider that there needs to be an amendment to the Policy in order to ensure that is also sound.

The land on which our client would like to expand onto is to the east of the main area of Little Clacton. Whilst this would bring Little Clacton closer to a proposed northern extension of Clacton (Proposed Housing Allocation COS15 "Land East of Thorpe Road") it will not have a material impact on the purpose and function of the gap in retaining a green separation between Little Clacton and the main settlement.

Any proposal by our client to expand onto the adjacent land to the east would include new landscaping such as to improve the appearance of the local landscape and form a strong

defensible natural boundary to the edge of the expanded park. There would remain a large open area to the south and to the east of the expanded park and the hard urban edge of the village in this location would be softened and improved.

We also note from the Potential Areas for Development Landscape Impact Assessment – Stage 1 Report (2009) that the land around this part of Little Clacton scored low in the Green Gaps Assessment, was considered to have an urban fringe character and it was stated that development would not appear out of place. Any expansion of Firs Caravan Park onto land to the east could be screened out of view by new tree and hedge planting such that any impact on the landscape would be positive. Indeed, previous proposals have also included the removal of 1.5km of existing overhead power lines.

Whilst our preference is that the Green Gap designation is amended so as to allow for an expansion of Firs Park, as an alternative we would support an alteration to Policy SD6 that enables expansion of tourist accommodation within green gaps such that the present and future needs of the existing holiday park business are catered for. This would be in accordance with national planning policy, which states that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting, in particular supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. As we have demonstrated, the expansion of Firs Park onto land to the east could be achieved with improvements to the landscape and the site is located in an area not considered to have high landscape value and where development would not appear out of place.

We also note that the 2009 Holiday Park Sector Overview recommends allowing holiday parks the potential to expand and grow. Furthermore, the Council's Employment Study Part 1 (2009) suggests that a significant proportion of new jobs in the district could come from tourism if the right action is taken by providing an appropriate range of tourist attractions and holiday accommodation. We consider that the Green Gap designation to the east of Little Clacton will prevent any future growth of Firs Caravan Park, itself a large holiday park valued by the local community.

We would withdraw our objection if the following is added to the end of the policy:

“Whilst land ownership would not, in itself, count as a functional reason, where evidence is provided that demonstrates that an established business cannot relocate elsewhere and where future growth cannot be provided on the existing site but rather on adjacent land, then this shall be considered to be a genuine functional need.”

This amendment would ensure that the Green Gaps are favourable to the expansion of existing holiday park businesses and allow for the growth of this important rural employment sector particularly where rapid change is required to ensure future viability and continued economic, social and environmental benefits to the communities in which they are located.

Martello Land And Properties Ltd (represented by Highcroft Planning): This policy is supported.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the rationale for Strategic Green Gaps and the designation of the identified land for such a role.

Park Resorts Ltd (represented by GVA): We strongly OBJECT to both this Policy and the Draft Proposals Maps in respect of the Green Gap designation located to the north/northwest of Clacton-on-sea. We consider that both the Policy and Proposals Map designation (in the region of Highfield Grange Holiday Park) are unsound on the basis of not being in accordance with national planning policy and not being positively prepared to allow for assessed development needs.

The Council may argue that should a planning application be made in the future for an expansion of Highfield Grange onto land to the west (the north being unlikely due to the presence of the B1442 adjacent), it would be possible to make an argument that such a proposal meets the criteria in Draft Policy SD6. However, that would mean identifying a functional need that the holiday park extension could not be delivered on an alternative piece of land outside the Green Gap. GVA have been here before in relation to proposals for other holiday parks and it is almost impossible to prove that holiday caravans could not be located anywhere else within the District.

Given that we are aware of previous refusals for holiday parks seeking to extend into the Green Gaps; we are not certain that the local authority will consider allowing any applications for the extension of holiday parks such as Highfield Grange onto Green Gap land. Therefore we have to object to the designation of land in this location as a green gap. Alternatively, we consider that there needs to be an amendment to the Policy in order to ensure that is also sound.

Turning first to the Green Gap designation, we note that paragraph 2.26 (the preamble to the Policy) states that *“These gaps have been carefully defined in specific locations where there is a genuine risk, due to the close proximity of settlements or neighbourhoods, that any development approved, either in accordance with Policy SD5 above or as an Local Plan Representation Park exception to normal policy, could undermine (in whole or in part) the remaining undeveloped gap and jeopardise those settlements’ individual identities”*.

Any proposal by our client to expand onto the adjacent land to the west would include new landscaping such as to improve the appearance of the local landscape and form a strong defensible natural boundary to the edge of the expanded park. There would remain a large open area to the west, south and north and the hard urban edge of the settlement in this location would be softened and improved.

We request an amendment to the Green Gap designation to allow for the future expansion of Highfield Grange Holiday Park to the west.

Whilst our preference is that the Green Gap designation is amended so as to allow for the potential expansion of Highfield Grange on adjacent land in the future, as an alternative we would support an alteration to policy SD6 that enables expansion of existing holiday parks within green gaps such that the present and future needs of Park Resorts’ five holiday parks are catered for.

Allowing the expansion of Highfield Grange Holiday Park would be in accordance with national planning policy (the NPPF and the Good Practice Guide on Planning for Tourism). As noted in Section 3, the NPPF sets out several objectives to deliver sustainable development, one of which is ‘Building a strong, competitive economy’. In support of this objective, paragraph 19 states that: *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.”*

Paragraph 21 goes on to state that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting. Paragraph 28 states that plans should:

“Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.”

The expansion of Highfield Grange onto land to the west could be achieved with improvements to the landscape such as new tree or hedge planting.

We also note that the 2009 Holiday Park Sector Overview as discussed at 4.5-4.9 above recommends allowing holiday parks the potential to expand and grow. Furthermore, the Council's Employment Study Part 1 (2009) suggests that a significant proportion of new jobs in the district could come from tourism if the right action is taken by providing an appropriate range of tourist attractions and holiday accommodation. We consider that the Green Gap designation to the west of Highfield Grange will prevent any future growth of Highfield Grange Holiday Park, itself a large holiday park valued by the local community.

With specific regard to the Draft Policy, we OBJECT on the same grounds as set out above. We do not consider that it has been prepared to take account of assessed development needs in the form of supporting technical documents and nor is it in accordance with national planning policy. However, we would withdraw our objection if the Policy were amended as per the following (amendment in bold at the end of the policy):

POLICY SD6: STRATEGIC GREEN GAPS

"Within Strategic Green Gaps, as shown on the relevant Policies Maps, development will only be permitted if:

- i) The proposal meets all of the criteria a) to d) in Policy SD5 above;
- ii) the applicant/developer can demonstrate that there is a genuine functional need for the development to be in that specific location and that it cannot be delivered on an alternative piece of land outside of the Strategic Green Gap; or
- iii) the development would involve the creation of green infrastructure that, on balance, would ensure longer-term protection of the gap (in whole or in part) against future built development and improve public access to the countryside.

If development is exceptionally allowed, all reasonable measures should be put in place to minimise the impact on the open nature of the gap and its primary function to maintain physical separation between different settlements or neighbourhoods.

Whilst land ownership would not, in itself, count as a functional reason, where evidence is provided that demonstrates that an established business cannot relocate elsewhere and where future growth cannot be provided on the existing site but rather on adjacent land, then this shall be considered to be a genuine functional need."

Please note that the first part of this amendment in italics is taken from the preamble to the Policy (line 3-4 of 2.27).

This amendment would ensure that the Strategic Green Gaps are favourable to the expansion of existing holiday park businesses and allow for the growth of this important employment sector particularly where rapid change is required to ensure future viability and continued economic, social and environmental benefits to the communities in which they are located.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Clacton Parish Council: The criteria for permitting development into the green gap are not robust and should be rewritten. The current wording could be misused and not only contradicts the object of the policy but would undermine the long term protection of the remaining undeveloped green gap.

Little Oakley Parish Council: Support this policy, especially the making of the Great Field north west of Little Oakley as Strategic Green Gap to protect the village from proposals of development on this field.

Frinton and Walton Town Council: Council see the Policy as vital but would like to see criteria i and ii removed.

St. Osyth Parish Council: The introduction of a green gap between Rouses Farm development and St. Osyth, together with the addition of the field to the north of Pump Hill Garage is something which the Parish Council would like to see implemented.

Comments from members of the public

Mr. R. Horlock (Mistley): In paragraph 2.26, following the word 'proposals' the rest of that sentence should be removed. As long there is a 'get out clause' (as suggested in the rest of the paragraph) people will exploit it.

Mr. D. Attrill (Little Oakley): The extension of the strategic green gap to include the triangular portion of land behind 49/51/53 Harwich Road, Little Oakley, is fully supported.

Ms. M. Smith (St Osyth): It remains important to protect a green wedge between the urban spread of Clacton and the rural village of St Osyth.

P. M. Hendy (St. Osyth): I wish to see a Strategic Green Gap established between the urban sprawl of Clacton-on-Sea, Jaywick and St Osyth. My preferred site for this would be south of the B1027, east of the St Osyth parish boundary Lodge Farm Lane, west of Rouses Farm Lane and north of Cocketwick Farm Lane. Until 1937 the Civil Parish boundary for St Osyth was the west side of Jaywick Lane, this is still the St Osyth Ecclesiastical Parish boundary.

There is a very real threat that expansion of development at the west of Clacton-on-Sea and expansion east of the present development limits of St Osyth could quickly destroy the necessary physical gap, St Osyth residents have consistently made it clear they do not want to be subsumed by our neighbouring modern settlements.

Council consideration

The comments of support for the Strategic Green Gaps policy from CPRE, Natural England, Martello Land and Properties Ltd, Kevin Britton, Little Oakley Parish Council and Mrs. Attrill along with the suggestion from the Tendring Way and Essex Bridleway Association are welcomed.

The objections to the policy were mainly from landowners and businesses promoting the development of land, or expansion onto land currently shown to be within the designated. There are however other objections suggesting that the criteria in the policy are too flexible and permissive of development and also suggestions for areas that should additionally be designated as Strategic Green Gaps.

The objections from Gold Phoenix Ltd and St. Monica's Trust relate to the Strategic Green Gap between Cherry Tree Avenue in Clacton and the eastern edge of Jaywick which affect parcels of land being promoted for residential development. St. Monica's Trust in particular question the justification for the green gap on the grounds of minimal landscape impact given the existing settlement form. However, Strategic Green Gaps are not simply landscape designations, they aim to ensure physical separation, avoid coalescence and maintain settlement character. St. Monica's Trust have rightly identified that the residential development sites off Rush Green Road have been

released from the historic green gap notation in acceptance that this area is well placed to accommodate some much needed residential development. However, St. Monica's site has significant planning issues that would make it unsuitable for such development (explained in relation to Policies Map Inset 1) and there is consequently no justification for releasing this site from the green gap notation.

EPC-UK PLC has suggested allocating a Strategic Green Gap around Bramble Island to prevent development that may impact on the operation and viability of the business. This suggestion is not accepted because the role of the Strategic Green Gap is to ensure physical separation, avoid coalescence and maintain settlement character rather than designate an exclusion zone. Other policies in the Local Plan relating to development outside of Settlement Development Boundaries (such as Policy SD5 afford the necessary protection to prevent future development in the countryside that might impact on the EPC-UK's business.

Park Resorts Ltd and Amperswick Ltd objections suggest that the Strategic Green Gaps policy will prevent the expansion of holiday parks and the related economic growth that can result from expansion. Having considered these comments, we are of the view that the wording of Policy SD6 provides sufficient flexibility for such proposals to be considered, and potentially approved, on their own merits and no changes are proposed. The proposed changes to Policies Map Inset 10 (see change **PM10.3**) however should address most, if not all, of Amperswick's objections to the Local Plan.

Little Clacton Parish Council and Mr. R. Horlock of Mistley suggested that the policy was too permissive and the criteria enabled rather than prevented development. The Council has to ensure policies incorporate sufficient flexibility to allow for instances where the benefits of development might outweigh the impacts. Scenarios could include the expansion of an existing business (such as a holiday park) or the establishment of a major leisure facility that would benefit the economy and the quality of life for residents. To conform with the positive thrust of the National Planning Policy Framework (NPPF) it is no longer appropriate or justified to have policies that make areas of land 100% protected from development and, as can be seen from the objections from landowners and holiday park operators, the soundness of this policy is being challenged in a robust manner.

Frinton and Walton Town Council have suggested deleting criteria i) and ii) from the policy but it is not very clear how this would improve the policy. If anything, it would make development even easier. No change is proposed in response to this suggestion.

The suggestion from St Osyth Parish Council, Miss Hendy and Ms. Smith of St. Osyth to introduce a Strategic Green Gap between Clacton and St. Osyth is understood but not accepted. Clacton is a sustainable location for urban expansion to meet objectively assessed needs for housing and other development and it would not be prudent to rule out some expansion westwards in years 1-10 (2014-2024) and potential beyond 2024. If the possibility of settlement coalescence in this location becomes a genuine concern, a green gap could be introduced through a future review of the Local Plan.

Outcome

The Council proposes no changes to Policy SD6 or supporting paragraphs 2.26 and 2.27.

Policy SD7 – Securing Facilities and Infrastructure

(Pages 37 and 38 – including paragraph 2.28)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Suffolk County Council: A small number of pupils, who live in Essex, are likely to attend schools in Suffolk (and, indeed, vice versa). Any development proposal near the border with Suffolk should include consideration as to whether or not any resulting demand for school places will result in demand being placed upon Suffolk schools. In some, probably rare, circumstances, developer contributions may be required. Please see the Section 106 Developer's Guide to Infrastructure Contributions in Suffolk for further information on the county council's approach to seeking education and other infrastructure contributions.

Natural England: We welcome the inclusion of green infrastructure within this policy, as one of the potential uses for the CIL.

Environment Agency: We support the inclusion of Policy SD7 in the Local Plan, particularly the recognition that development may need to be phased to ensure adequate infrastructure is in place at the right time. This will help to ensure that development is built in a sustainable manner.

Water Quality: It is necessary to highlight that whilst the policy states that your Council will use appropriate legal agreements or apply the CIL to secure facilities and infrastructure (including the provision of utilities), neither of these mechanisms would be appropriate for increasing Waste Water Treatment Works capacity or treatment capabilities if it were shown that this were a constraint. We would recommend this sentence is broadened out slightly to help address this point. We recommend wording along the lines of:

"The Council will use appropriate legal agreements, apply Community Infrastructure Levy (CIL), or other appropriate mechanisms to secure one or more of the following."

The Local Plan, should highlight the findings of the Stage 2 Haven Gateway Water Cycle Study (November 2009), in that there are constraints linked to the provision of wastewater infrastructure associated with Brightlingsea, and therefore the potential limitations of the amount and/ or phasing of growth in this locality. This could be included as part of the supporting text.

Flood Risk: There is a need to consider the partnership funding issues for replacing aging flood defence infrastructure and to recognise that new or replacement developments built after 2011 will not be counted in any future cost benefit analysis for the central government "Flood Defence Grant in Aid" component of Flood Defence Scheme funding. Therefore the Council must seek to optimise the opportunity to obtain funding contributions from incoming development that will ultimately benefit from flood defence infrastructure. If the opportunity is not taken, then the increased funding gap to ensure that flood defence schemes go ahead in the future may well fall greater on the Council and other local beneficiaries of the infrastructure.

Identification of the flood defence infrastructure needs and a commitment to support these through developer contributions would go some way to putting value to the words in the introduction chapter which state that the "future challenges" of flood risk and climate change are been identified and robustly addressed in the Local Plan.

Essex County Council: Paragraph 4 – the first bullet should be extended by addition of the words 'including school transport and safer routes to schools'.

The County Council supports the District Council in seeking to develop a Planning Obligations Supplementary Planning Document. However, the current reference to the document in Policy SD7 should be deleted and replaced by more effective text elsewhere in the policy. Further discussion is required on the level of funding required to support increased provision of community

and social infrastructure arising from future development. Currently, the County Council has insufficient information to be satisfied that adequate funding would be forthcoming to meet increased demands for its services and infrastructure from additional growth in the District.

NHS North Essex (represented by Lawson Planning Partnership Ltd): Objects to policy SD7 requesting the inclusion of an 'additional policy' within the Local Plan relating to Health Impact Assessments. Most development has an impact on the capacity of healthcare services and facilities and this is especially the case for specialist accommodation for older persons and Use Class C2 developments. Similarly, the design of new developments can have a positive impact (from a public health perspective) by promoting healthy living. The extent of these impacts needs to be assessed at an early stage of the planning process to ensure that an appropriate level of healthcare service capacity continues to be provided for the whole community.

In order to target major developments and enable the suggested policy to be effectively monitored, a threshold of 50 residential units and 1,000 sq. m is recommended. In addition, in light of NHSNE's experience of the greater draw on healthcare services that arises from older persons' accommodation and Class C2 Uses, it is recommended that for all development of this nature the submission of a Health Impact Assessment be required.

The inclusion of this policy would improve the effectiveness of Policy SD7 and the Plan as a whole by ensuring that impacts on the provision healthcare services arising as a result of proposed growth are appropriately assessed and mitigated in an effective and timely manner to contribute to the creation and maintenance of sustainable communities throughout the Plan Area. The suggested text for this new policy is as follows:

"The Council aims to ensure that development is designed to promote healthier living in the built environment. Health Impact Assessments will consider the environmental impact upon health which would include the safety of an environment and if it encourages healthy activities such as walking and cycling. Development proposals will also be required to assess their impact upon the capacity of existing health services and facilities.

For all Use Class C2 developments, Use Class C3 residential developments in excess of 50 units and non-residential developments in excess of 1,000 sq.m this will take the form of a Health Impact Assessment which will measure the wider impact upon healthy living and the demands that area placed upon the capacity of health services and facilities arising from the development. Where significant impacts are identified, planning permission will be refused unless infrastructure provision and/ or funding to reasonably meet the health service requirements of the development are provided and/ or secured by planning obligations, or by CIL, as appropriate.

The District Council will require Health Impact Assessments to be prepared in accordance with the advice and best practice for such assessments as published by the Department of Health and other agencies, such as NHS North Essex."

The suggested wording for the supporting text to this new policy is as follows:

"Most housing developments have a potential impact upon the capacity of health services and facilities that are provided in Tendring District. Likewise, through the design of new development, healthy living can be promoted. The extent of these impacts needs to be assessed to ensure that an adequate level of healthy living opportunities and healthcare services continue to be provided for the new development and the community as a whole. The Council will liaise with NHS North Essex (and any successor body) when assessing the scope and scale of likely impacts and the nature of mitigation required."

Sport England: Support for including community facilities in the list of infrastructure that the Council will seek to apply CIL or s.106 agreement to secure on the basis that community facilities includes

sports facilities. The Council's evidence base and other policies in the plan have demonstrated the need for new development to make appropriate provision for indoor and outdoor sport and this policy will secure this.

Kevin Britton (represented by Martin Robeson Planning Practice): To ensure the delivery of new homes and new jobs which are critical to the District's economic growth, the flexibility applied to the delivery of facilities and infrastructure, through either on-site provision or offsite contributions is supported. The delivery of new infrastructure and facilities should not fall disproportionately on the largest developments. All new development should contribute to the delivery of such infrastructure and facilities on a pro-rata basis. Clarification should be given to the CIL Regulations to ensure the Local Plan is justified.

The additional wording should be added as a penultimate paragraph to the policy:

“Planning obligations will only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development”*

(Additional text underlined)

Comments from landowners, developers and businesses

City & Country: lots of very small collections of houses in rural locations will not provide the critical mass to provide any infrastructure or community benefits. Housing should be focused on specific areas. Transport and Accessibility has a major role and areas such as St Osyth are accessible and can secure further facilities and infrastructure.

Martello Land And Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. S. Challinor: This policy will assist in ensuring that appropriate infrastructure is made available to new development. The past has shown that continued development in the north of Clacton over the past 10 years has led to social, health, educational and safety issues due to the absence of sufficient infrastructure provision. Over-development in this area of Clacton has led to an absence of sufficient primary school places, lack of adequate and available health facilities, no provision of early learning facilities, insufficient public transport facilities and a complete lack of community facilities. No further large scale development should be allowed in this area of Clacton until such time as these basic lack of facilities have been addressed to cope with the present large increase in the number of existing households.

Frinton and Walton Town Council: Development should be phased and based on need.

Comments from members of the public

No specific comments.

Council consideration

The comments of support from Natural England, Sport England and Martello Land and Properties Ltd are welcomed and the comments from Councillor Challinor and Suffolk County Council are duly noted.

Essex County Council's suggestion to amend the policy to refer to school transport and safer routes to schools is accepted and a change to the wording of the policy is proposed. The suggestion that further discussion on the funding necessary to support the increase demand for community and social infrastructure is agreed and through the legal Duty to Cooperate, Tendring District Council and Essex County Council have been in detailed discussions about school provision in particular. The suggestion that the reference to a Planning Obligations SPD should be deleted however is not accepted as it will still be the Council's intention to have such a document in place to support the delivery of the proposals in the Local Plan with input, naturally, from the County Council.

The Environment Agency's support for the policy is welcomed. Its request that the Local Plan should refer to the findings of the Stage 2 Haven Gateway Water Cycle Study (November 2009) is also noted, but a specific mention within the text of the Local Plan or this policy is not considered necessary. The advice regarding partnership funding for replacing ageing flood defences is also noted, but again no specific changes to Policy SD7 or the supporting text are proposed. The suggestion for re-wording the fourth paragraph of the policy however is accepted and a minor change is proposed.

NHS North Essex request to include an additional policy relating to Health Impact Assessments (HIA) is noted but not accepted. The Council's now abandoned 2010 Core Strategy and Development Policies Document did include such a policy but this attracted objections from the development industry questioning the purpose of HIA and the additional burden it would place on medium-sized developments. The Council, through the preparation of the Infrastructure Study and through liaison with relevant officials within the NHS has sought to understand the overall health implications of the proposals in the Local Plan rather than require individual developers to assess impacts through a HIA. For now, no changes are proposed.

Frinton and Walton Town Council's suggestion that development should be phased and based on need is noted. The phasing arrangements for certain sites will be considered on a case by case basis and if planning conditions and/or legal agreements are needed to control phasing, they can be used.

City & County comments are noted but they relate to the overall spatial strategy in the plan (considered in detail in relation to Policies SD2, SD3 and SD4) rather than the wording of Policy SD7 so no changes are considered necessary.

Kevin Britton (represented by Martin Robeson Planning Practice) request for additional wording to be added regarding planning obligations is rejected. The tests of soundness for planning obligations are outlined in the CIL Regulations and are subject to change at any time, it is therefore not necessary or prudent to repeat them within the text of the Local Plan.

Outcome

In response to the various comments raised in relation to Policy SD7 the following **minor changes** (MIN2.14 and MIN2.15) to the fourth paragraph and first bullet point in that policy are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

The Council will use appropriate legal agreements, apply Community Infrastructure Levy (CIL), **or other appropriate mechanisms** to secure one or more of the following:

- Increased capacity for schools (including school transport and safer routes to schools), early years and childcare and other education provision;

Policy SD8 – Transport and Accessibility

(Pages 38 and 39 – including paragraphs 2.29 to 2.31)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We welcome this policy and the sustainable transport hierarchy it proposes. We welcome the fact that the additional vehicle movements likely to result from new development proposed will only be acceptable if they can be accommodated within the capacity of the highway network.

Essex County Council: object to policy SD8 because:

Paragraph 2 - the requirements in paragraph 2 relating to site access and service arrangements for new developments are welcomed as reflecting previous comments made by the County Council. However, the District Council should note that a further point was also made at that time concerning consideration of access to the principal highway network from proposed sites. In terms of site access and service arrangements it should also be noted that access by commercial vehicles should be an early consideration.

Paragraph 3 - the County Council is concerned about proposed approach in paragraph 3 to prioritising a hierarchy of transport modes for securing sustainable access to new development. As Highway Authority, the County Council gives equal weight to access by public transport, walking and cycling. Similarly, it is not clear why powered two wheelers and commercial vehicles are given precedence before cars.

Paragraph 4 – for clarity and completeness the paragraph should be extended by deletion of the final words ‘the capacity of the highway network’ and the insertion of the words ‘the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion’.

Suggested Additional Paragraph – as Policy SD8 is the strategic transportation and accessibility policy of the Local Plan it should include specific reference to the requirements for development to include measures for Travel Planning in accordance with Essex County Council ‘Development Management Policies’.

Essex Rail Users Federation (ERUF): object to policy SD8 because the Local Plan fails to address public transport needs by not identifying obvious shortcomings in the current public transport network. The plan identifies objectives but does not begin to look at how these can be achieved. The Local Plan is not “positively prepared”. To demonstrate this ERUF have provided two examples:

- Clacton – The station in Clacton is situated well to the south of the Clacton conurbation. Recent growth has moved the centre of the conurbation northwards. Clacton Common is a large industrial area, with many houses nearby. The railway passes through this area without stopping. A station at Clacton Common would benefit North Clacton, Great Clacton

and Holland-on-Sea. The ERUF have identified this site as the most promising site in Essex for a new station development.

- Brightlingsea – This is a large town, yet there is only one route in and out that is vulnerable to ice, snow and road accidents. A railway served the town until the 1960's and most of the route is still available. A fixed link is needed to make public transport to the area more robust (buses use the same route as all the other traffic). The fixed link could be either a railway or a tramway, but it should be sustainable in nature.

In both these cases Tendring District Council need to be pro-active to get measures in place to move forward. Tendring District Council needs to look at how people get in and out of the area and not just accept the status quo for bus and rail services.

Comments from landowners, developers and businesses

Martello Land And Properties Ltd (represented by Highcroft Planning): This policy is supported.

Bourne Leisure Ltd (represented by Nathaniel Lichfield & Partners): Transport and Accessibility states that the Council will work with its partners to improve accessibility and capacity, promote sustainable transport and reduce dependence on the private car. The policy also notes at paragraph 3 that proposals will be assessed, on their individual merits, against the measures to satisfy the proposed prioritised hierarchy of transport modes, which includes walking and providing access for people of all abilities; cycling; public transport; powered two wheelers; commercial vehicles and cars (shopping and visitors).

Whilst Bourne Leisure in principle supports the inclusion of a policy on sustainable transport, the Company would point out that in relation to tourism uses, there is often no feasible alternative, other than the private car, for reaching more remote areas. Bourne Leisure therefore considers that to meet the test of soundness (effective) Policy SD8 and its supporting text should recognise the special circumstances relating to tourism uses and their need to be accessible by private car.

Wivenhoe Park Estate (represented by Strutt and Parker) **SUPPORT** This policy is supported, it has been fully justified and is in accordance with national policy. Land off Holly Way is located in the most sustainable location in the village, close to a frequent bus route linking Colchester and Clacton and in close proximity to local facilities and services.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton and north and south of Walton Road, Kirby-le-Soken, for residential development. This policy is supported; it has been fully justified and is in accordance with national policy. Our sites are located in sustainable locations along key bus routes and in close proximity to local services.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: Public transport should have a higher priority.

Comments from members of the public

Mr. R. Horlock (Mistley): Integrated public transport is not mentioned – buses meeting trains and visa versa. For years I have been trying to get the Mistley-Clacton bus to the London and Norwich trains at Manningtree Station.

R. Dodds (Clacton): Walking and cycling should be prioritised over road transport. This increases health as well as reducing impact on climate and resource depletion. It would entail many more connecting footpaths and new footpaths which could also provide wildlife corridors. Cycle paths, cycling incentives by large employers, cycling education should be taken seriously in schools.

Bus transport needs a complete rethink. Smaller buses which could also deliver medicines, potentially meals on wheels and other services would be more cost effective. Essentially they should meet trains to deter the drive to the station seen at all local stations. Bus timetables should be fixed at bus stops and buses penalised if they do not run to time. Technology could help as displays could let passengers know when the bus is due.

Mr. P. Cannons (Thorpe-le-Soken): It is not evident to me that sufficient attention has been given to the assessing the adequacy of the existing highway network to accommodate the proposed growth. In focussing on relieving congestion on the A133 little regard appears to have been paid to the knock on effect on pinch points on the subsidiary network e.g. the B1033 passing through Thorpe-le-Soken village centre. All additional traffic associated with the proposed developments in Frinton and Walton including construction traffic is likely to be routed through Thorpe to the detriment of local residents and the fragile infrastructure in the High Street. Equally the general failure to provide improved North-South access within the District again means increased traffic in Thorpe-le-Soken, particularly using the B1035 as a prescribed route for HGV traffic from Clacton to Manningtree. This will only be exacerbated by any Commercial development at Horsley Cross.

Mr. J. Ratford (Clacton-on-Sea): The hierarchy of transport modes is not being treated seriously by Tendring Council at present, so substantial changes in practice will have to be made. In particular, opportunities for encouraging walking and cycling are not being taken. Where paths exist, they are not signposted, are badly maintained and incomplete. To illustrate this, here is an example. There is a footpath (one section suitable for cycles too) between Burrs Road, Clacton and Brook Park development, but it is not signposted and is unsurfaced in places. It has a branch to Burrsville Meadows, but this branch is not connected to adjacent roads (on the west side), even though 10m paths through council land would facilitate this. Correspondence to local councillors has been ignored.

Mr. R. Naylor (Walton-on-the-Naze): This topic should command far more importance than is given in this policy. Transport is the major factor determining sustainability. Transport should not be considered independent of infrastructure: transport infrastructure (including internet provision) should be considered as development. Electronic communication should be considered together with transport. Accessibility can reduce the need for development or increase the efficiency of existing development. This policy restricts itself to regulatory conditions. This should be a policy with policies aimed at generating economic activity, social inclusiveness and cohesion, the maximisation efficiency of markets and networks, reduction in energy consumption, pollution and congestion, increased access to, and viability of, public and private facilities, and to reduce unnecessary development.

Council consideration

The representations of support from Natural England, Martello Land and Properties Ltd, Wivenhoe Park Estate and Messrs Eagle are welcomed.

The comments and suggestions put forward by Essex County Council are noted, agreed and a number of substantial changes to the policy are proposed to address the issues raised.

The comments from the Essex Rail Users Federation (ERUF) are noted and whilst no specific changes to Policy SD8 are proposed in response to the concerns raised, a new Policy PRO1a 'Improving the Public Transport Network' is proposed for inclusion in Chapter 3 of the document (major change MAJ3.3) which we hope ERUF will support. This new policy will also be of interest to Frinton and Walton Town Council, Mr. Horlock, Mr. Dodds, Mr. Naylor and Mr. Ratford and may address some of their concerns.

The comments of Mr. P. Cannons of Thorpe-le-Soken have been considered in relation to comments raised against Policy SD2 and concerns over the impact of development in Frinton and Walton on the road through Thorpe-le-Soken.

Thorpe lies at the crossover of two key routes through the district: the B1033 to Frinton and Walton and the B1414 which connects Clacton to Harwich. The village therefore is affected by considerable levels of traffic, particularly during the rush hour, the school run and during the summer months by people travelling to the seaside. Being a historic village, the road through its centre varies in width and, when cars are parked in the road, there are often issues with vehicles trying to pass each other, which are sometimes exasperated by pedestrians trying to cross the road and buses or large lorries passing through the village. Consequently, at times traffic tends to pass through the village slowly and not particularly smoothly.

Essex County Council is the Highway Authority for the Tendring area and has been a key partner and consultee in the preparation of the new Local Plan. The view of the Highway Authority is that whilst Thorpe does experience considerable amounts of traffic at specific times of the day and through the busier summer months, it is not severe or constant enough to raise any concerns about general capacity – even with the increase in development proposed for nearby Frinton, Walton and Kirby Cross.

To help inform the preparation of the Local Plan and its forerunner (the now abandoned Core Strategy), the Council commissioned consultants Roger Tym and Partners in 2009 to undertake an 'Infrastructure Study' for the Tendring District to look at the capacity of a range of infrastructure including roads. The measure of highway capacity used was the Congestion Reference Flow (CRF), the same measure used by Essex County Council when carrying out its own survey work. Anything up to 0.79 is considered an acceptable level of capacity, anything between 0.8 and 0.99 raises concerns about capacity in the future and anything over 1.0 suggests the road is at capacity and cannot adequately cope with the levels of traffic being experienced.

The study rated the B1033 through Thorpe-le-Soken as being within the 0.00-0.79 range and even with projected growth was considered unlikely to increase above 0.8 within 10 years. The 2013 update to the Infrastructure Study undertaken by Peter Brett Associates confirms that these projections remain sound.

This evidence does not support any justification for reducing the scale of development in Frinton, Walton and Kirby Cross and whilst it is not expected to significantly increase the amount of traffic passing through Thorpe, Cllr. Canon's comments are perfectly understandable because the build up of traffic through the village, at certain times, is so highly visible. No changes to Policy SD8 or its supporting text are considered necessary in response to these comments. With that said, Cllr. Canons may take some comfort in the fact that the Frinton, Walton and Kirby Cross area is not being identified as one of the broad locations for longer term growth post 2024 in the proposed focussed changes to the plan (see major changes MAJ2.1 and MAJ2.2).

Bourne Leisure Ltd proposed amendment to Policy SD8 and the supporting text to recognise the special circumstances relating to tourism uses and their need to be accessible by private car are noted, but no changes are proposed in response to these suggestions. Policy SD8 would not prevent the private car from being used to access holiday parks and other tourism related uses and is considered to be sufficiently flexible to deal with such proposals in a pragmatic way.

Outcome

In response to the various comments raised in relation to Policy SD8 and its supporting text, mainly from Essex County Council, the following **major change** (MAJ2.6) to the policy is proposed (additions shown as highlighted and deletions shown as struck through):

See overleaf.

POLICY SD8: TRANSPORT AND ACCESSIBILITY

The Council will work with its partners, including Essex County Council, bus and train operators and the development industry, to improve accessibility and capacity, promote sustainable transport and reduce dependence on the private car.

In considering specific proposals for new development, firstly it will be essential that the necessary site access and service arrangements are addressed, including wheelchair access to individual buildings.

Secondly, development proposals must maximise the opportunities for access to sustainable transport e.g. public transport, cycling and walking.

~~Proposals will therefore be assessed, on their individual merits, against the measures to satisfy the following (prioritised) hierarchy of transport modes:~~

- ~~1. walking and providing access for people of all abilities~~
- ~~2. cycling~~
- ~~3. public transport (including taxis) where appropriate~~
- ~~4. powered two wheelers (i.e. motorcycles)~~
- ~~5. commercial vehicles (including heavy goods vehicles)~~
- ~~6. cars (shopping and visitors)~~

Thirdly, development proposals will only be acceptable if the additional vehicle movements likely to result from the development can be accommodated within ~~capacity of the highway network~~ the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

Developments will be judged against the current Essex County Council 'Development Management Policies' and 'Car Parking Standards' ~~(including Travel Planning)~~, or any equivalent amendments or replacements or other overriding policies in this Local Plan.

The following **minor change** (MIN2.16) to paragraph 2.30 is also proposed (additions shown as highlighted and deletions shown as struck through):

2.30 All proposals for new development will be required to maximise accessibility through their location to existing services and facilities and by providing safe pedestrian and cycle connections to existing networks, ~~as a priority over motorised forms of transport. The hierarchy of transport types set out in Policy SD8 provides the order of priority for addressing the transport requirements of new development. Generally, any development that fails to demonstrate that the provision of transport types in the policy's hierarchy of transport modes has been given full consideration will not be acceptable. However, because the Tendring District is predominantly rural, it is accepted that some development, particularly in rural locations, will not always be able to secure~~

~~accessibility in accordance with the hierarchy but in all cases the Council will require that any practical measures to maximise sustainable travel are investigated and implemented.~~

Policy SD9 – Design of New Development

(Pages 39 to 41 – including paragraphs 2.32 and 2.33)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We welcome the inclusion of this policy that promotes high quality design in new development, as is required in paragraph 58 of the NPPF. We particularly welcome Part A iv which states ‘the design and layout of the development incorporates or enhances important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings’ as well as the commitment within Part C to ensure that new developments minimise any adverse environmental impacts. However, whilst the criteria in Part C make reference to potential impacts on air, land and water, we would like to see impacts on species also referred to.

Environment Agency: We support a number of elements within this policy including making use of, and enhancing where possible, existing ecological features such as water features and buffer zones (Part A (iv)). We also support the aim of minimising both energy and water consumption associated with new developments (Part B (iv): reference should be made to the Stage 2 Haven Gateway Water Cycle Study (November 2009) in setting targets for minimising these aspects).

The supporting text to Policy SD9 confirms that the Council expects all new developments to demonstrate how efficiency measures have been incorporated, based on the Code for Sustainable Homes, and how the building regulations have been exceeded. Considering the water-stressed nature of the East of England, particularly with regards to water availability, we support the inclusion of water and energy efficiencies as part of the policy. We also support the Council’s aim of publishing, and keeping up-to-date supplementary guidance, to assist developers and applicants in applying sustainable principles. If required, we would be happy to assist your Council in producing this supplementary guidance.

We would suggest the inclusion that all development which is to be located in flood risk areas shall have design provisions for refuge above recognised flood levels unless a site specific flood risk assessment can clearly show that there are adequate arrangements for warning and evacuation taking into account the performance of local flood risk management infrastructure in the area or the consequences to the development of its failure.

It would also be useful for there to be a requirement for the use of flood resilient design in areas recognised to be at risk of flooding and that a link be made to the DCLG document titled “Improving the Flood Resilience of New Buildings”.

Essex County Council: Part A, bullet iv) – should be amended to include reference to the historic environment by addition of the word ‘heritage’ so that the second line would read ‘features of landscape, ecological, heritage or amenity value...’

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Wivenhoe Park Estate (represented by Strutt and Parker): The policy is supported and is fully justified. The proposed illustrative layout plan (attached to representation) shows that development for the site would be in full accordance with the proposed policy.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton and north and south of Walton Road, Kirby-le-Soken, for residential development. This policy is supported and is fully justified. The proposed masterplans for our sites show indicative layouts for the sites being promoted, that are in full accordance with this proposed policy.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. S. Challinor: Policy SD9 should also take into account the need to minimise energy usage for any development. Part B (v) should include requirements for new development orientation to take advantage of thermal energy benefits where possible by siting large expanses of glass to face as much in a southerly direction as possible in order to benefit from thermal warming and lessen the requirement for oil/fossil heating forms.

Frinton and Walton Town Council: New development should preserve or enhance the character of an area.

Comments from members of the public

Mr. P. Cannons (Thorpe-le-Soken): This policy is supported. The Practical Requirements ought to specifically strengthen and enhance the existing rules for Side Isolation. Presently a minimum separation of 1.0m has been allowed which has in the past been exploited by developers and has led to generally unsatisfactory living conditions. This rule ought to be changed so that the minimum is at least 1.5m.

Mr. P. S. Scott: The policy states that new buildings etc. must 'maintain local character and distinctiveness'. In many cases that is exactly what is to be avoided! This is likely to be interpreted in practice as 'more of the same'. Elsewhere there is a call for 'distinctiveness'; the contrasting requirements cannot co-exist. This requirement should be deleted from Part A criterion i).

Mr. R. Horlock (Mistley): Community open space is important with the planting of trees, shrubs etc. The Rosewood Park in Mistley is a good example whereas the Maltings Site in School Lane, Mistley is all buildings and tarmac except for a small strip by School Lane.

Mrs. S. Woodman (Ardleigh): I support comments made concerning the design and practicality of new developments. I refer specifically to clause ii) where development should relate to its site and surroundings in relation to size, scale and massing. This has not always been the case, in my experience, over previous years in Tendring – particularly for development within infill plots of land. I am concerned by clause i) where it states that new buildings or alterations are to maintain or enhance local character and distinctiveness. This is open to interpretation and should be defined in further detail.

Council consideration

The comments submitted in relation to this policy were generally supportive and constructive which suggests that there are no issues with regard to soundness.

In response to the suggestion from Natural England for part C of the policy to also make reference to potential impacts on species, whilst this is agreed in principle it is not considered necessary to repeat this requirement in this policy when policies elsewhere in the plan (namely Policy PLA4) already provide sufficient protection for biodiversity.

The comments from the Environment Agency are also noted but it is not considered appropriate to include a specific reference to the the Stage 2 Haven Gateway Water Cycle Study in either the policy or supporting text. The policy wording provides sufficient flexibility for proposals to be considered on their merits without setting rigid and potentially unachievable targets. The suggestions relating to development and flood risk are again noted but no changes are proposed as this issue is sufficiently covered by Policy PLA1.

The minor change suggested by Essex County Council to include a reference to the historic environment in criterion (iv) in part A is noted and agreed.

In response to Cllr. Challinor's request for the policy to take into account the need to minimise energy usage for any development we refer to Part B of Policy SD9 which requires new development to incorporate or provide measures to minimise energy and water consumption. Policy SD10 also requires proposals for new residential and non-residential buildings to demonstrate how they will be sustainable and have been designed to respond appropriately to the challenges of climate change. Therefore no changes to Policy SD9 are considered necessary.

In response to Mr. P. Cannon's suggestion that the policy ought to include minimum specifications for the separation between properties, it is not agreed that the policy should be so prescriptive. Often such matters will be a judgement call at the planning application stage as to what is considered an appropriate distance between properties and each application will be considered on its merits against the general requirements in the policy, including the requirement to ensure new development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Mr. P. Scott's comments are noted, but the purpose of the policy is to ensure that the positive aspects of local character and distinctiveness is maintained or (critically) enhanced wherever possible rather than, as suggested, simply seeking to replicate development of the past. The deletion of Part A, criterion i), which appears to be supported by Frinton and Walton Town Council, is therefore not accepted.

Whilst not raised in any of the representations, the Council has taken the opportunity to clarify that Parts A, B and C apply equally to proposals for development and change of use and changes to that effect are proposed below.

Outcome

In response to the various comments raised in relation to Policy SD9, the following **minor changes** (MIN2.17, MIN2.18, MIN2.19 and MIN2.20) to the policy are proposed (additions shown as highlighted and deletions shown as struck through):

Part A, first paragraph

All new development (including changes of use) must make a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met:

Part A, criterion iv)

iv) the design and layout of the development incorporates or enhances important existing site features of landscape, ecological, **heritage** or amenity value such as trees, hedges, water features, buffer zones, walls and buildings; and

Part B, first paragraph

New development (**including changes of use**) must meet practical requirements. The following criteria must be met:

Part C, first paragraph

New development (**including changes of use**) should be compatible with surrounding uses and minimise any adverse environmental impacts. The following criteria must be met:

Policy SD10 – Sustainable Construction

(Pages 41 and 42 – including paragraphs 2.34 to 2.39)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We welcome this policy which seeks to reduce carbon emissions through sustainable design and construction, renewable energy and recycling.

Comments from landowners, developers and businesses

Kevin Britton (represented by Martin Robeson Planning Practice): We suggest that paragraph 2.38 be reworded as follows to ensure a justified and effective policy basis: "...and how the mandatory requirements of the latest building regulations have met or as appropriate, been exceeded in order to achieve this".

Tim Snow Architects Ltd: While agreeing with the principle of sustainable construction the policy as written is not robust. The policy should be either quite specific in the energy saving measures required or Supplementary Planning Guidance should be provided setting out requirements. At the time a decision is taken to invest in making a planning application it is fundamental to the design and the cost of the building to know what standards are to be achieved, whether it is to be the current Building Regulation Standards (which are already quite high) or a higher standard. For example this can affect the amount and positioning of the glazing. Code for Sustainable Homes or BREEM will also require design stage energy assessments which I assume the council will need as part of the application.

Hill Path Projects Ltd: This policy is not Positively Prepared since there are dangers for the Port of Harwich in becoming overly dependent upon the offshore wind energy industry since that industry itself depends upon massive consumer subsidies for its expensive and intermittent electricity. For the reasons given in the Institution of Chemical Engineers Hansom medal winning paper "Squaring the Circle" (authors Professor S F Bush and D R MacDonald in The Chemical Engineer, October 2011) the economics for offshore wind energy are unlikely to improve and thus the industry may not have a long term future. It is vital that Harwich has a diverse range of economic opportunities.

Martello Land And Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

R. Dodds (Clacton): Higher standards for development are essential. Code 6 for sustainable housing is achievable and will be cost effective as energy and water prices increase. It will also reduce demand on existing infrastructure such as sewerage and water supply. All plastics should be recycled and plans developed to make commercial and industrial waste more efficiently reused or recycled. As climate change impacts, more people will want to grow their own food and produce their own fuel. Planning should enable low impact development even on greenfield sites, or rather prioritise to regenerate the rural economy and re-skill people to survive in the future. This needs to be taken into consideration in all planning.

Mrs. S. Woodman (Ardleigh): I support the Council's proposals that all future development should aspire to achieve the highest levels of sustainable construction under the 'Code for Sustainable Homes' and promote, as far as possible, renewable technologies within the district. It is of upmost importance to consider the environmental performance of not only the final buildings but also the designs and construction methods undertaken to produce them. This must be challenged within the early stages of design for any proposal, in both residential and non-residential buildings. All residential buildings should be aspiring towards carbon neutral construction with non-residential achieving as a minimum a BREEAM rating of 'Very Good'. In addition, I support the comments made regarding exceeding Building Regulation requirements to reduce carbon emissions for all new buildings.

Council consideration

The comments of support from Natural England Martello Land and Properties Ltd are welcomed along with the comments from Mr. Dodd's and Mrs. Woodman.

The comments by Hill Path Projects Ltd are noted but they do not challenge the soundness of Policy SD10 and no changes are proposed in response.

The change suggested by both Kevin Britton and Tim Snow Architects Ltd regarding the supporting text is agreed as this would help to provide clarity that the Council will expect all new development to demonstrate what measures will be incorporated to maximise the sustainability and energy efficiency of the development, based on the Code for Sustainable Homes, and how the mandatory requirements of the latest building regulations have been met and where possible exceeded in order to achieve this. A change to the policy is also proposed to incorporate a degree of flexibility for those cases where exceeding these requirements is clearly impossible.

The comments from Tim Snow Architects Ltd about the need for the policy to specifically set out the energy saving measures required are noted. However, as already stated in paragraph 2.38 the Council intends to prepare supplementary guidance to assist developers and applicants in applying sustainable principles to their proposals.

Outcome

In response to comments raised in relation to Policy SD10 and its supporting text, the following **minor change (MIN2.22)** to the second paragraph policy is proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

The Council will require proposals for new residential and non-residential buildings to demonstrate how they will be sustainable and have been designed to respond appropriately to the challenges of climate change. The Council will expect proposals to incorporate specific measures to reduce carbon emissions and other forms of pollution from both construction and use and to demonstrate the extent to which the building regulations requirements have been met and where possible exceeded to reduce carbon emissions. Such measures must have regard to the requirements of Policy SD9 to ensure high quality design and appearance.

The following **minor change (MIN2.21)** to paragraph 2.38 is also proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

2.38 The Council will expect all new development to demonstrate what measures will be incorporated to maximise the sustainability and energy efficiency of the development, based on the Code for Sustainable Homes, and how the mandatory requirements of the latest building regulations have been met and where possible exceeded in order to achieve this. The Council will publish and keep up to date supplementary guidance to assist developers and applicants in applying sustainable principles to their proposals.

Chapter 3: Planning for Prosperity

Planning for Prosperity – Introductory Paragraphs

(Pages 43 and 44 – including paragraphs 3.1 to 3.6)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Bourne Leisure Ltd (represented by Nathaniel Lichfield & Partners): Bourne Leisure supports the Council's Tourism Strategy which is referred to at paragraph 3.33 of the draft local plan as incorporating four key objectives, namely to: increase visitor spending and length of stay; attract higher spending visitors; and improve the perception of Tendring as a tourism destination. Bourne Leisure considers that key to achieving these objectives will be the provision of a wide range of high quality visitor accommodation and that this should be supported through positive planning policies.

Peter French (represented by Navigus Planning): The approach to employment is to plan for 4,000 new jobs over the plan period yet in the absence of Bathside Bay this is simply an aspiration lacking any reality. Of itself, this may not have a major impact but the level and location of housing needs should be matched to new jobs and employment. In the absence of Bathside Bay there will not be major employment growth in the district. The strategy in the plan focuses on improving the neighbourhood centres and tourism, neither of which are going to provide the volume, range or quality of jobs required. So a significant proportion of the jobs accessed by Tendring residents will be outside the district. This is a reality that should be reflected in the wider strategy. It would therefore be more appropriate that a larger proportion of housing growth be planned in the west of the district where the jobs are. The 6% approach to housing growth restricts development in the Manningtree, Lawford and Mistley area when it should be recognised as a more sustainable location for growth in economic terms.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the proactive approach to securing economic growth across a variety of sectors.

Mersea Homes Ltd (represented by ADPLTD): This option is capable of producing the growth required to regenerate Tendring's economy and create the wealth to enable the community to attain its own aspirations. The economic ripple effect can help to reach all parts of Tendring, and in particular new economic sectors to revive the Coastal Towns. Bathside Bay is a preferred location for container port development to meet the UK's continued growth in container freight. However, development has already started at the London Gateway Terminal and that location is likely to meet new demand in the short to medium term. Bathside Bay will be required in the future due to its location near the main shipping routes and will be developed in due course. It would be short sighted to abandon the 'Shimmering Golden Pond' dual strategy for a 'wait and see' port only development at Bathside Bay. This is because of uncertainty of when the port will begin operation and the Employment Study foresaw the need for both the Port and Colchester Fringe to deliver strong economic growth.

Mersea Homes therefore feels the emerging local plan should encompass an evidence based economic strategy within a proactive 15 year plan, initially addressing coastal town regeneration but planning for port and Colchester Fringe based growth within the later stages of the plan period. The plan is unsound because it fails to adopt a positive approach to meet development requirements, instead adopting a 'wait and see' approach to growth. It will not be effective in being able to deliver growth over the plan period. It is not justified as it fails to properly consider the

reasonable alternative for economic growth set out in its own evidence base. The plan fails to have a strategy to deliver the economic growth required in national planning policy. The Council should adopt the full economic strategy contained in its Employment Study and include the Colchester Fringe as a broad location for growth in addition to the Bathside Bay container port.

Mr. C. Jervis (represented by Edward Gittins and Associates): The draft plan does not contain a clearly unified strategy for employment within the district. Employment is addressed in a disjointed fashion and there is no clear overarching district-wide strategy or hierarchy. We support the provision of employment sites in the countryside and serving the smaller rural settlements. Notwithstanding the proliferation of sites to serve larger and smaller settlements and the countryside, we consider that greater attention needs to be focused on the particular economic benefits to Tendring District that can be derived from the exploitation of strategic locations in the immediate vicinity of the Ardleigh Crown interchange.

We consider the focus of the National Planning Policy Framework on the need to build a strong and competitive economy to be a powerful indication of the need to direct economic development to locations where businesses can operate in the most efficient way and thereby thrive. Applying this approach to Tendring, it is significant that the growth strategy now being advocated – which we support – is to provide a greater proportion of growth in the central and western parts of the District with a somewhat lesser emphasis on the coastal towns. The draft plan does not sufficiently exploit the benefits for the Tendring economy within the Colchester fringe. Within this area, however, we find active businesses and recent investment in prestige commercial sites especially along the Old Ipswich Road such as the Apex 12 development just within Colchester Borough and the Blue Barns Business Park in Tendring District. Our proposed allocation at Old Ipswich Road will complement these established facilities and open up new opportunities for employment within the Plan period. See comments made against Chapter 12 employment omissions for more detail about the site being promoted for employment development.

Mr. W. Kerry (represented by Edward Gittins and Associates): The draft plan does not contain a clearly unified strategy for employment within the district. Employment is addressed in a disjointed fashion and there is no clear overarching district-wide strategy or hierarchy. We support the provision of employment sites in the countryside and serving the smaller rural settlements. Consideration should be given to identifying and allocating a larger number of sites to serve the rural area in locations where rural employment should be actively promoted. See comments made against Chapter 12 employment omissions for more detail about the site being promoted for employment development.

N & J Barruyton-Fuller and A & D Fuller (represented by Jonathan Reubin): In the past Tendring District Council have allowed sporadic virtually non-feasible small scale business opportunity development within its Local Plan and the new plan continues this policy. There is no emphasis on attracting well paid professional research, scientific, professional and financial based businesses to the area. These businesses require development of architectural merit in semi-rural locations with good road access and within a few minutes drive of a railway station. Again this is not positive planning and is unjustified and inconsistent with National Policy. This policy lacks ambition.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. S. Challinor (TDC Member for Bockings Elm Ward, Clacton): In view of Policy PRO13 relating to renewable energy investment, it is surprising that the District Council does not place more emphasis on encouraging employment sites along the A120 corridor, rather than the attitude of not wanting to place anything there in case it may "jeopardise" a development which may never come into being. The argument for preventing any employment along the A120 corridor because of lack of public transport can also not be used in this case as it should be possible for the Council to work

with any prospective employer to encourage a business led provision of transport facilities for any workforce.

Comments from members of the public

Mr. P. Cannons (Thorpe-le-Soken): This is the Achilles heel of the whole Plan. The overriding need in this District is to boost its economic viability and redress the population imbalance by encouraging younger people to settle and work locally. Although a few 'token' sites have been designated, there appears to have been little effort made to 'positively' address this problem or to work with other agencies. The 'scattergun' approach to housing growth has not helped. Housing growth would surely be more worthwhile if concentrated and situated nearer substantial employment sites. This was embodied in some earlier drafts and would seem to be the most beneficial way to proceed for all concerned.

Council consideration

This section of the Local Plan is proposed for significant amendments following the Council's decision to commission consultants Regeneris to prepare a new Economic Development Strategy (EDS) for the Tendring District. The proposed focussed changes, which reflect the objectives in the new EDS are set out below.

Outcome

The following **major change** (MAJ3.1) to paragraphs 3.2, 3.3, 3.4 and 3.5 are proposed (additions shown as **highlighted** and deletions shown as **struck through**):

~~**3.2** To inform the preparation of this Local Plan, the Council has commissioned various studies looking at economic trends, employment sites, retail capacity and the hotel, guesthouse and holiday park industries and has looked at the most recent economic growth forecasts. The Council's 2009 Employment Study put forward a number of possible scenarios for job growth in the district, looking originally at a 15-year period to 2026. These ranged from 'minimal intervention', where job growth would be driven purely by the increase in population resulting from planned housing development which, for a 10 year period would only deliver around 2,500 jobs mainly in the service sectors such as retail, health and education; to an 'aspirational approach' based on significant developments taking place throughout the district, across all sectors of the economy, to deliver (in theory) around 8,500 jobs over 10 years. However, because the downturn in the economy has had such a significant effect on both the housing market and levels of unemployment and business activity, the Council needs to take a positive but, at the same time, realistic approach to job creation.~~

~~**3.3** Economic and demographic studies undertaken in 2011 show that in the 10 years between 2001 and 2011, the number of full-time equivalent jobs in the district increased by 4,000 (to around 45,000 in total) — which broadly matched the growth in housing for that period. However, the forecasts for future growth, which take population and housing growth and the effects of the recent economic downturn in account, suggest that in the 10 years to 2021, the number of jobs in the district are actually likely to stagnate at around the 45,000 mark if the Council simply takes a 'minimal intervention' approach to growth.~~

3.3a To inform the preparation of this Local Plan, the Council commissioned consultants in 2013 to prepare an 'Economic Development Strategy' and an 'Employment Land Review' to supplement the Council's existing studies looking at economic trends, retail capacity and the hotel, guesthouse and holiday park industries. The downturn in the economy has had such a significant effect on both

the housing market and levels of unemployment and business activity, the Council needs to take a positive but, at the same time, realistic approach to job creation.

~~3.4 Both the findings of the Employment Study and the more recent economic and demographic studies suggest~~ The Council's 2013 Economic Development Strategy suggests that to achieve significant growth in jobs, the Council either needs to take a positive, flexible and inventive approach to employment-related development across a variety of sectors, or radically increase the rate of housing development to generate additional demand for goods and services. A radical increase in housing growth is not considered achievable and is not supported by the residents of Tendring so this Local Plan focuses on delivering employment-related development across all sectors of the economy whilst delivering a realistic rate of housing development to support economic growth and address housing needs ~~keeping the rate of housing development at a similar level to the last decade.~~ The main objectives in the Economic Development Strategy are:

- **Targeting growth sectors and creating the right conditions for growth.** This means providing a diverse and skilled workforce locally, working with existing businesses to support their retention and growth, and supporting research and development and innovation;
- **Targeting growth locations.**
 - In Harwich the Council will support the activities of Harwich International Port, taking account of longer-term port-expansion and associated logistics facilities and supporting growth and innovation in the emerging renewable energy industry;
 - In Clacton the new coastal defences will encourage new visitors and residential communities to the town;
 - In West Tendring there is a genuine growth point opportunity, for the longer-term, which could provide a mix of uses (including employment and education);
 - In Frinton and Walton the Council will support the sensitive regeneration of Walton seafront and centre and longer term opportunities around the Mere and the Walton Backwaters; and
 - Manningtree, Brightlingsea and other locations the Council will support proportionate growth which delivers sustainable development.
- **Improving skills and education attainment levels.** This means ensuring a full educational pathway is available to residents in Tendring, developing the skills base and educational attainment and identifying where gaps within existing education provision can be filled as part of future development plans;
- **Supporting businesses to modernise, diversify and grow.** This means building a better relationship between Tendring District Council and its business base, continuing the delivery of improved local broadband infrastructure and improved links with Essex University; and
- **Facilitating population growth where this supports economic objectives.** Forecasts suggest that increased housing could support an additional 3-5000 jobs delivering, a more diverse and skilled workforce, higher demand and consumer spending, improved community cohesion, better schools and improved physical infrastructure.

~~3.5 The main objective for this Local Plan period is to create the right conditions so that by 2021 there are at least 49,000 full-time equivalent jobs in the Tendring District by facilitating a net increase of around 4,000 jobs. Planning for only 10 years worth of growth rather than 15 or 20 enables the Council to carefully monitor economic conditions and job creation and compare this with housing development to ensure the plan is achieving a sustainable and balanced pattern of growth. By seeking to deliver on these objectives and create the conditions for economic growth, the target for job creation in the Local Plan period 2014 to 2029 is to deliver an increase of at least 5,000 jobs between 2014 and 2029. To plan for prosperity and deliver new jobs in the Tendring district, the policies in this chapter of the Local Plan focus on:~~

- tackling possible barriers to economic growth such as weaknesses in our transport and telecommunications network and the provision of education and training;
- promoting vitality and viability in our town, district, village and neighbourhood centres and delivering regeneration projects in our most deprived areas;
- promoting and diversifying our district's tourism economy by improving the range and quality of visitor attractions and visitor accommodation;
- supporting the activities of Harwich International Port, taking account of longer-term port-expansion and associated logistics facilities and supporting growth and innovation in the emerging renewable energy industry;
- taking a flexible approach to development on the district's employment sites so we can react to changing economic trends;
- promoting a diverse economy and the opportunities for job creation in our rural heartland.

Policy PRO1 – Improving the Strategic Transport Network

(Pages 44 and 45 – including paragraphs 3.7 to 3.12)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The Local Plan notes that sections of the A133 can become congested, with impacts on the marketing of the district to business and visitors. Policy PRO1 proposes upgrades to the A120 and A133 and improvements to rail and bus services. The County Council remains to be convinced of the viability of some of the proposed upgrades for the A133 and A120. Within Tendring district significant congestion problems are generally limited to hot summer weekends and the scale and distribution of growth proposed by the Local Plan is unlikely to greatly change this situation. As Highway Authority, the County Council considers that the transport implications arising from the development sites proposed by the Local Plan are matters for pre application discussion and agreement of the scope and content of a Transport Statement / Assessment.

Natural England: We would welcome some reference within this policy to the need to ensure that the proposed transport improvements are carried out in accordance with other plan policies in order to ensure that potential adverse impacts on the natural environment (including the landscape) are addressed and adequately mitigated.

Highways Agency: Whilst it's not clear in the text that the A120 forms part of the wider national strategic corridor and Tendring Council may wish to amend the text, we support this policy as it

encourages continued improvements to bus and rail services and facilities. We also support reference to the need to upgrade the A120 in order to facilitate delivery of proposed port facilities at Bathside Bay. However, the level of additional capacity required is to be determined and funding is a matter for the promoter of the port. Whilst it is important that development set out in the plan is not allowed to compromise the deliverability of the required A120 improvements to support the port expansion, it should be noted that this should not necessarily be a constraint and that the developer will have to take account of any development implemented in advanced of the port as part of their transport assessment.

ONTRACK (represented by John Smock): Paragraph 3.8 should mention the feeder role two airfields (Clacton and Great Oakley air taxi/air charter) and the passenger ferries from Harwich International/Parkeston Quay as “high value” traffic can originate through these channels.

Paragraph 3.11: insert at the end of the 4th sentence “and areas of outstanding natural beauty”. After 5th sentence also in respect of local and long distance rail passenger services encourage rail franchisees to increase frequency and quality of services and value for money of alternative public transport options so as to facilitate modal shift via arrangements such as connecting bus services and/or park and ride arrangements and be of a standard that encourages businesses from outside the district to set up new start-ups.

Policy PRO1:

- After 3rd Bullet Point add ... increased capacity, increased frequency of services and increased service coverage to all stations in the Tendring District so that modal shift can be facilitated and becomes viable through a regular high frequency, high quality rail service to the stations in the Tendring District area with enhanced park and ride arrangements and/or connecting bus services and enhanced bus/ coach interchange arrangements at stations.
- Add another 4th bullet point -Wherever possible support and encouragement will be given to the creation of new stations in the district or on the periphery that meet specific unmet needs such as the industrial, retail and residential areas around Gt. Clacton Gorse Lane/Valley Road areas of Clacton On Sea, Thorrington Park & Ride, and Essex University Station and improvements to existing stations. Further encouragement to be given of the reinstatement of closed sections of rail route to Brightlingsea and insertion of short missing connecting links between various routes in Tendring may be also supported such as a connecting curve between the Walton and Clacton lines.
- Add 5th Bullet Point... Wherever possible land around stations comprising former freight sidings and station land will be protected from development to enable future expansion and improvements as population and changing demand economics drives a resurgence in rail transport to provide space for extra platforms/ turn around facilities at the end of each line, station car parks and park and ride arrangements along with bus coach and taxi stands.
- Add 6th Bullet Point wherever possible to protect former railway rights of way from development and building of long term structures which rights of way may, in future, might later form part of new rail links. The uncertainty created by the solution to London’s airport capacity means that if any Thames Estuary based option is chosen may require new lines of access from North Essex and Suffolk.

Comments from landowners, developers and businesses

Gateway120 (represented by AS Planning Limited): The strategy correctly identifies the need to provide a good and effective transport network in Policy PRO1. That will improve the viability of the District as a location for new employment particularly that associated with the ports and with the proposed development at Bathside Bay. The support in policy for safeguarding the function of the A120 corridor for uninterrupted vehicle movement is supported, and this is a matter that Gateway120 has supported for a considerable time in respect of facilitating the dualing of the A120 further to the west, between Marks Tey and Braintree.

We also support policy PRO1 in that it identifies the upgrading of the A120 between Hare Green and Ramsey. These are essential improvements that will support the strategy of Gateway120 to seek to ensure that the A120 is improved to a standard between Stansted and the ports that justifies its regional significance.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): We welcome the Council's commitment, expressed in Policy PRO1, to improve the strategic transport network. Improved communications, both to and within the District, will help to create the conditions for investment which are needed in Walton-on-the-Naze in order to raise its profile as a centre of economic activity based on a year-round holiday offer.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. S. Challinor (TDC Member for Bockings Elm Ward, Clacton): I feel that Policy PR01 has not been either positively or effectively prepared. The main strategy of this policy appears to hang on the upgrade of a single road (A133). The unfortunate fact is that a large proportion of the working population of urban coastal areas have to commute out of the area in order to find work. It has been very evident over the past years that, despite identifying employment sites in the urban coastal areas, business has no wish to go to these sites due to the poor road network connections and the added cost in fuel to business, therefore investment into these areas is likely to continue to be non-existent. TDC appears to be reluctant to open up the A120 corridor to business, preferring to wait until such time as the Harwich Port expansion may/may not appear, yet the A120 is the only major network road in Tendring and therefore this policy should be actively concentrating on improving this road link in the first instance in order to attract inward investment from businesses who can take advantage of the new wind farm projects which are coming on stream and will provide good opportunities for employment. The local rail network to all urban coastal towns is infrequent (hourly at best), inefficient and costly, in fact Manningtree has the best rail and bus connections to both Colchester, London, Norwich etc. with a rail service which runs approx. every 20 minutes. In order to attract more employment into the urban coastal areas both rail, bus and road networks would have to be vastly improved. Without this improvement, building large scale housing developments in these areas simply condemns more and more of their residents to a life on low, seasonal wages or benefits unless they are intending to commute to work outside of the district.

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): Paragraph 3.10 will require alteration, as it assumes that the Bathside Bay port project can be delivered more than 5 years after its current consent will have expired.

Little Oakley Parish Council: We support the upgrading of the A120 between Hare Green and Ramsey, whether the Bathside Bay port expansion takes place within the lifetime of the Local Plan

or not. TDC should also continue to strive for improvements to the Hare Green/ Little Bentley/ A120 junctions.

Frinton and Walton Town Council: There is an urgent need for a north-south connection to facilitate growth in the District and to protect rural villages from heavy commercial traffic.

Comments from members of the public

Mr. R. Horlock (Mistley): With regard to paragraph 3.10, I would suggest that it be a requirement for any development at Bathside Bay to include a commitment to transport containers etc by rail. There is a double track compared with Felixstowe where the track is mainly single with passing places. The Council should put pressure in the rail company to re-introduce the direct link Harwich-London.

Mr. P. S. Scott (Great Bromley): Unless facilities for the creation of more employment are provided, such as a good new road link from Clacton to the A120 or Weeley to Horsley Cross for example, and there is a new Highway (to the same standard as the recently opened A120 from Braintree to the M11) from Horsley Cross to Braintree and the improved A120 connecting to the major trunk road network to anywhere in the country, the population of Tendring should remain fairly static.

Mr. R. Naylor (Walton-on-the-Naze): This policy should be much more than two road-widenings and a bus shelter to be a credible plan until 2021. A radical analysis of transport shortcomings and a search for alternative solutions is vital for the economic viability of Tendring as a District. The District is hugely reliant on commuting to Colchester and London: because of its topography, physical communication within the District is slow and restrictive. Improvements to major roads will be wasted unless there are minor improvements to make the secondary and tertiary distributor networks correspondingly efficient. The sharing of cars and community lift schemes should be explored. The rail service is increasingly vulnerable to closure, particularly the Thorpe to Walton branch line: a light-rail alternative extending within and between settlements should be immediately explored. Initiatives are needed to make the presently under-used bus network more effective and adapted to contemporary demands: the service needs to be made into one that is attractive to all potential users, not simply the very young or the very old, who use it mostly because there is no alternative. Initiatives are also needed to make taxi services more attractive and efficient, able to meet unmet demand integrated with other forms of mobility. In a district with few hills, new initiatives for the use of bicycles, such as an adapted Boris Bike scheme, need to be explored. Tendring is lucky to be within distance of the Metropolis and still to be able to have a range of viable transport choices. The development of new hybrid options, together with their integration within the existing networks, is essential for the viability of each and all together. The addition of electronic information systems is essential.

The two policies, SD8 and PRO1 are the two principal provisions in the draft new local plan regarding transport. May I make my view clear, that the attention given transport, represented almost wholly by these two policies (little attention is given to transport in other sections in the draft plan excepting some mention of parking) is grossly insufficient considering that, following land ownership and land use, transport is the most significant consideration affecting the sustainability, prosperity, inhabitation and characterisation of the Tendring District. Policies SD8 and PRO1 have not been based on a rational and consistent analysis of the expected transport needs or needs for transport in Tendring for the next ten years and beyond; have not considered the potential effects of the extrapolated demands of current transport provision; have not considered the potential and predicted decline in parts of the transport infrastructure, particularly the risks to the sustainability of public transport and the consequent risk of an increase in demand for provision of private transport; and do not investigate alternative methods, means and networks of achieving the same or better accessibility within the District. As a result, the draft plan in omitting these considerations,

has not been positively prepared in respect of transport and accessibility and providing for improvements to the strategic network. Specifically, Policy PRO1 does not address

1. redundancy of the present A133 and A120 road-widening proposals;
2. likelihood of the closure of the Thorpe to Walton branch line;
3. the magnitude of the need to develop pedestrian and cycle pathways;
4. the need to restrict the increase in provision for private transport, traffic and parking;
5. the need to increase road safety, reduce traffic generated pollution and reduce transport energy consumption;
6. the radial structure of the present arterial system and the need to develop cross-links and a more democratic network;
7. the opportunity afforded by electronic media and alternative, lighter means of transport;
8. the consequent improvements that could be made in terms of quality of life, conservation of the environment and house prices.

Policy PRO1 could be written:

“The strategic priorities for 2011 to 2021 are:

- shelve plans to upgrade the A133 and A120 except for essential safety measures;
- increase traffic management, traffic calming and traffic information, and reduce speed limits on major roads;
- invest in building new small link roads (40mph restricted) by-passing villages and providing more direct, increased option, alternative routes;
- engage in programmes of road-width reduction in order to provide increase footpaths and cycle paths, additional safety at schools etc. and traffic calming;
- replace Thorpe to Walton rail link with combined rail/road link;
- extend light rail link at Walton, to the Naze, Great Holland, Holland on Sea and Clacton, Jaywick and Seawick;
- sponsor broadband upgrades and access to electronic media and electronic information systems relating to transport information, public safety and security and mobility advice;
- develop new networks of hybrid transport systems, e.g. taxi-bus, car-sharing, giving lifts, etc.”

Mr. P. Cannons (Thorpe-le-Soken): It is very doubtful in my view whether there will be sufficient traffic, within the lifetime of this Local Plan, on the A120 to justify the expensive and wholesale conversion into a dual carriageway. However there is a great need to improve links across the District from North to South and the upgrading of the Hare Green junction to link the A120 and A133 is considered to be a necessary priority assist employment opportunities and to relieve through traffic in smaller villages.

Mr and Mrs J. Noble: Paragraph 3.10 will require alteration, as it assumes that the Bathside Bay port project can be delivered more than 5 years after its current consent will have expired.

Council consideration

The comments of support are noted and welcomed, particularly from the Highways Agency. Many of the comments raised in this section relate closely to the council's proposed growth strategy, which is addressed in response to comments under chapter 2. Most of the alternative improvements suggested by objectors to this policy relate closely to comments raised elsewhere about alternative ways to address growth. These comments have been addressed under Policies SD2 to SD5. It would not be sound for the plan to include many of the improvements suggested when there is no funding or wider support at this time.

In devising the growth strategy set out in the draft plan, the council worked closely with its transport partners in order to understand the strategic transport priorities for the area and investigate the likely transport impacts of the level of growth required in Tendring and what improvements could be required as a result. These were considered as part of the Council's Infrastructure Study.

The County Council suggest that congestion problems on the strategic network in Tendring are generally limited to hot summer weekends and that the scale and distribution of growth proposed in the draft plan is unlikely to change this. However, this has a bad effect on Tendring's attractiveness as a place to live, visit and invest and the upgrade of the A133 remains a transport priority for Tendring District Council. In extending the time scale of the Local Plan from 10 to 15 years and identifying Clacton as a broad location for potential longer-term growth, the Council considers it essential to retain the upgrade of the A133 within the policy. The Council does however acknowledge that the upgrade of A120 will only be necessary if development at Bathside Bay does take place.

Most of the alternative improvements suggested by objectors to this policy relate closely to comments raised elsewhere about alternative ways to address growth. These comments have been addressed under Policies SD2 to SD5. It would not be sound for the plan to include many of the improvements suggested when there is no funding or wider support at this time.

A number of the suggestions provided relate more to the need to encourage a change in transport habits and some relate to the need to improve highway safety. Whilst these measures are important they are beyond the scope of this local plan (or even the planning process) and the council's powers. The local plan plays an important role in lobbying for transport improvements and promoting sustainable transport choices but Essex County Council is the authority responsible for highways matters and takes the lead on transport planning across the County. The County Council is a statutory consultee on highway matters and so both councils will work closely to address highway issues and promote safe, sustainable and well designed highway solutions when considering individual planning applications. The council will also continue to work closely with Essex County Council and its partners to promote sustainable transport choices to make public transport a viable alternative to the private motor car and improve highway safety. In considering the issues raised by ONTRACK, the resulting changes to the plan suggested below should make it clear that there is broad support from the council to further promote travelling by railway and lobby for improvements to the district's rail network, frequency and quality of service and supporting facilities. It is proposed to split Policy PRO1 into two separate policies addressing improvements to the strategic road network and the rail network separately.

In response to the suggestion that it should be a requirement for any development at Bathside Bay to include a commitment to the transportation of goods by rail, the consideration of the above planning application would have explored this issue in depth and the application which already has consent includes provision of a rail terminal and facilities to enable goods to be transported by rail. The implementation of the application will require close working between the developer, council and transport partners to ensure the necessary upgrades and improvements are carried out before development commences.

The request by Natural England to amend the policy to ensure that potential adverse impacts on the natural environment (including the landscape) are addressed and adequately mitigated is noted and agreed. Whilst it is considered that the plan already provides a sufficient level of protection for the natural environment, it is agreed that there is no harm in repeating this requirement in this strategic policy.

The suggestion from the Highways Agency to express clearly in this section that the A120 forms part of the wider national strategic corridor is noted and agreed. In response to the concern about

the requirement in the plan to prevent development proposals that may jeopardise the future upgrading, widening or re-routing being a constraint, this cautionary approach is justified as the economic future of the district is heavily reliant on the proposed port expansion coming forward in the future and so it would be short-sighted to remove this from the plan. Whilst national policy advocates greater flexibility and for proposals to be considered on their merits, there is still a need for a local plan to set out clear guidelines for the consideration of development proposals. As with all other requirements in the plan, a departure away from this requirement will need to be justified at the planning application level, where the onus will be on the applicant to demonstrate why such a departure is needed. It is therefore not agreed that this requirement acts as an absolute constraint and so there is no need to remove it from the plan.

In response to the suggestion from ONTRACK to mention in paragraph 3.8 the feeder role of the district's airfields and ports, it is agreed that these are important elements of the district's wider transport network but they are not part of the strategic network in the same way as the district's railway lines and major trunk roads (A120 and A133). It is therefore not agreed that any change is needed.

The suggested change to paragraph 3.11 from ONTRACK to also refer to areas of outstanding natural beauty is noted but not agreed as the primary reason why there is a major increase in traffic during the summer months is due to increased visitors to the district's seaside resorts.

Some major amendments to the policy are proposed to reflect the potential for major growth in West Tendring/East Colchester and the need for an A120/A133 link road in that location and also the inclusion of reference to the A137 and the Manningtree railway underpass was agreed following a recommendation from the Council's Community Leadership and Partnership Committee on 21st October 2013.

It is also proposed that public transport be the subject of a new policy in its own right, set out below.

Outcome

The following **major change (MAJ3.2)** to Policy PRO1 is proposed (additions shown as highlighted and deletions shown as struck through):

POLICY PRO1: IMPROVING THE STRATEGIC ROAD TRANSPORT NETWORK

The Council will work with its partners to safeguard, maintain and explore opportunities to improve the district's strategic transport road network and make it safer and more efficient to facilitate economic growth, trade and inward investment; improve the quality of life for local residents; and improve the experience for visitors to the district. The strategic priorities for 2014 to 2029 are:

- upgrade the A133 between Frating and Weeley to make Clacton, Frinton and Walton more viable for inward investment, accommodate additional traffic arising from growth in homes, jobs and tourism proposed for those areas, improve safety and improve commuting times for local residents;
- upgrade the A120 between Hare Green and Ramsey to accommodate additional freight movements expected to result from the major port expansion proposed at Bathside Bay, Harwich; and

- ~~encourage and support continued improvements to bus and rail services including, where possible, increased capacity and improved facilities for passengers at railway stations and bus stops.~~
- explore opportunities, in partnership with Essex County Council, Colchester Borough Council, Essex University and the Highways Agency, to create a north/south link between the A120 and the A133 to improve connectivity, support longer-term economic growth and relieve the flow of traffic through Elmstead Market; and
- explore, in partnership with Essex County Council, Suffolk County Council and Babergh District Council, opportunities to improve the A137 and the railway crossing/underpass at Manningtree Station, ensuring that any new developments likely to increase usage of this route contribute, where appropriate, toward such improvements.

~~Any development proposal outside of Settlement Development Boundaries that would jeopardise the delivery of these transport projects will be refused.~~

The Council will not support any proposal for development that would jeopardise the delivery of these priorities. All proposals for transport improvements will need to address and adequately mitigate any potential adverse impacts on the natural environment (including the landscape).

The transport implications arising from any development proposal will be an important consideration at the planning application stage. Where necessary and appropriate, planning applications must be accompanied by a Transport Statement/Assessment, to be agreed in advance between the Council and the applicant in consultation with the Highway Authority.

Related to Policy PRO1, the following **minor change** (MIN3.1) to paragraph 3.10 is proposed (additions shown as highlighted and deletions shown as struck through):

3.10 The upgrade of the A120 is a requirement of the proposed container port expansion at Bathside Bay (see Policy PRO12). Although the port expansion is not expected to take place until after 2021, the Council will work with the Highways Agency and other partners over the ~~40-year~~ plan period to investigate ways of funding and delivering possible early improvements, and resisting any development proposals in the vicinity of the A120 that could jeopardise its future upgrading, widening or re-routing – the details of which are yet to be finalised.

The inclusion of the following paragraph 3.10a between paragraphs 3.10 and 3.11 (MIN3.2) is proposed (additions shown as highlighted and deletions shown as struck through):

3.10a The road links between the north and the south of the district are one of the main planning challenges affecting the area. The creation of a link between the A120 and the A133 has been an aspiration of the Council for many years but in planning to meet objectively assessed needs for growth for the longer-term, there is the potential for it become reality. Both Tendring District Council and Colchester Borough Council recognise the opportunity for economic growth, in West Tendring/Colchester Fringe around the University of Essex. This would require a link road from the A120 to the A133. Therefore the Council will work with Essex County Council, Colchester Borough Council, the Highways Agency, the University of Essex and the Local Enterprise Partnership to explore this proposal in more detail during this Local Plan period.

The inclusion of the following **new policy PRO1a** (MAJ3.3) is proposed (additions shown as highlighted and deletions shown as struck through):

POLICY PRO1a: IMPROVING THE PUBLIC TRANSPORT NETWORK

To promote the district's public transport network as a viable alternative to the private car and to facilitate economic growth, trade and inward investment; improve the quality of life for local residents; and improve the experience for visitors to the district, the Council will work with its partners, in particular Network Rail, railway operators and bus operators to:

- encourage increased capacity, frequency of services and service coverage to all stations and bus routes in the district;
- encourage improved facilities for passengers at railway stations, bus stops and greater connectivity with other services and modes of public transport, utilising existing redundant land around stations to deliver comprehensive development packages where practical; and
- explore opportunities to improve or expand the existing rail network (such as reinstating former lines or creating new stations) to meet the needs of the growing population.

Policy PRO2 – Improving the Telecommunications Network

(Pages 45 to 47 – including paragraphs 3.13 to 3.15)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Highways Agency: We support this policy as it should encourage a reduction in the need to travel with more people working from home and the greater use of telephone and video conferencing.

Suffolk County Council: We agree that the provision of ducting for broadband, particularly for fibre optic cable, should be required in new developments. We would welcome an opportunity to learn from Tendring District Council on the application of this policy.

Essex County Council: We support the policy intent but it should include reference to the International Council on Non-Ionizing Radiation Protection (ICNIRP) Guidelines. Reference to these guidelines will ensure that telephone and radio masts are not located close to sensitive community uses, including schools, unless the applicant can demonstrate full compliance with the guidelines.

Mobile Operators Association (represented by Mono Consultants Ltd): Paragraphs 2(a) and 7 are unnecessary and should be deleted. All operators of radio transmitters are under a legal obligation to operate their equipment in accordance with the conditions of their license which fulfils the legal obligations in respect of interference to other electrical equipment, instrumentation or air traffic systems. All mobile telecommunications proposals will therefore accord with this requirement in any case. The reference to Policy SD9 in paragraph 3(d) should be deleted. Due to the unique nature of telecommunications developments, it is not considered appropriate that they should be required to fully comply with policies which are aimed at more general forms of development. Policy SD9 is considered to be overly restrictive in relation to telecommunications development.

Comments from landowners, developers and businesses

Bennett Homes (represented by Bidwells): Object to the fifth paragraph of the policy which requires all new property on sites allocated in the Local Plan to be served by super fast 'fibre optic' broadband connections. This requirement is inflexible and may not be deliverable due to the poor availability of fibre optic connections in some of the more rural areas in the district. These difficulties have been recognised in the policy's approach to unallocated sites, where a more flexible approach is advocated. We suggest the paragraph should be reworded as follows:

- The beginning of the fifth paragraph should be amended to read: "All new residential and non-residential development must be served...".
- The following should be added to the end of the fifth paragraph:

"unless the applicant can demonstrate that this would not be possible, practical or economically viable. In these cases, the Council may utilise Community Infrastructure Levy (CIL) toward off-site works that would enable those properties access to super-fast broadband, either via fibre optic cable or wireless technology in the future."
- The sixth paragraph of the policy should be deleted.

Kevin Britton (represented by Martin Robeson Planning Practice): An absolute requirement for all new properties to be served by super fast broadband is neither justified nor effective. An inability to secure such provision would prevent the delivery of essential new housing and jobs for the District.

The fifth paragraph should be amended as follows (additional wording underlined, deleted text struck through): "On sites specifically allocated for development in this Local Plan, schemes which secure all new properties (residential and non-residential) are ~~must be~~ served by super fast broadband (fibre optic) connection which must be installed on an open access basis and which will need to be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access to the fibre optic cable for future repair, replacement or upgrading, will be considered favourably."

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Oakley Parish Council: We support this policy. Little Oakley has very poor broadband connections with data rates below 1MB in some parts of the village. Therefore, any programme that would improve this would be most welcome.

Frinton and Walton Town Council: We agree with this policy but consider that all residents should be able to receive broadband.

Comments from members of the public

No comments received.

Council consideration

The comments of support are noted and welcomed.

The comment raised by Essex County Council that reference should be made in this section to the International Council on Non-Ionizing Radiation Protection (ICNIRP) Guidelines is agreed and so it is proposed that the policy be amended accordingly.

The comment from Frinton and Walton Town Council suggesting that all residents should be able to receive broadband is supported in principle but this is beyond the scope of what can be achieved by planning and the local plan alone. The Council is committed to improving access to the telecommunications network and will continue to work with its partners, the telecommunications industry and local businesses to ensure as many parts of the district as possible have access to the internet, particularly super fast broadband, wireless hotspots in public spaces and 4G mobile coverage. The role of the local plan is to set out policies on how new development can help maximise access to the infrastructure network and refuse proposals for development that are likely to interfere with the network.

The Mobile Operators Association suggests that paragraph 2 a) of the policy should be deleted as this is already a legal requirement regarding interference with other electrical equipment that operators have to comply with and so there is no need for it to be repeated in the plan. Whilst this may be the case, as this is a requirement of the National Planning Policy Framework it is considered appropriate, in this instance, to reinforce it in the local plan. It is also suggested that paragraph 7 of the policy should be deleted but it is assumed that it has been incorrectly interpreted as applying to development associated with the telecommunications network. Whereas, it is aimed at preventing general development interfering with the telecommunications network. It is therefore not agreed that this should be deleted as this is one of the few ways the local plan can positively support the telecommunications network and the wider economic growth and future prosperity of the district.

Both Bennett Homes and Kevin Britton object to the requirement that all new properties on sites allocated in the plan must be served by super fast broadband, which is claimed could prevent the delivery of new housing and jobs in the district if proposals are refused that do not meet this requirement. In response to these concerns, it is important to understand the reasons for the policy and the approach that is proposed. As recognised in the National Planning Policy Framework, an advanced, high quality communications infrastructure is essential for sustainable economic growth and also plays a vital role in enhancing the provision of local community services and facilities. The local plan elaborates on the requirement in national policy to support the expansion of the telecommunications network by requiring all new properties to be served by a super fast broadband (fibre optic) connection. Whilst the policy may seem onerous, a strict approach is required to help promote the importance of telecommunications and it being considered in the same way as other forms of infrastructure that are now considered essential to a modern way of living. The lack of good access to the telecommunications network, particularly broadband, can also affect the attractiveness and desirability of new development to prospective buyers. It is therefore in the interests of developers to ensure this provision is embedded into the development from the offset and that there is flexibility to enable repairs and upgrades to be undertaken in the future to help maximise the appeal of new homes to prospective occupants.

However, it is accepted that this policy should not be used to constrain growth and so it should state clearly the exceptional circumstances when a more flexible approach may be considered. Where there are genuine technical, practical or viability reasons why the policy cannot be applied, the onus is on the applicant to demonstrate this with evidence at the planning application stage. In these cases, the Council may utilise Community Infrastructure Levy (CIL) or seek an equivalent developer contribution, toward off-site works that would enable those properties access to super-fast broadband, either via fibre optic cable or wireless technology in the future. It is also agreed that this requirement should apply to all new housing instead of being limited to properties on allocated sites but the revised policy should provide sufficient flexibility if this requirement cannot be met.

Outcome

The following **major change** (MAJ3.4) to Policy PRO2 is proposed (additions shown as highlighted and deletions shown as struck through):

POLICY PRO2: IMPROVING THE TELECOMMUNICATIONS NETWORK

The Council will work with the telecommunications industry to maximise access to super fast broadband, wireless hotspots and improved mobile signals for all residents and businesses the Tendring District, assisting them in delivering their investment plans and securing funding to address any infrastructure deficiencies or barriers.

Proposals for new telecommunications infrastructure will be approved where they utilise existing masts, buildings and other structures and where the applicant can demonstrate that:

- a) they will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) the possibility of other planned development in the area interfering with broadcast and tele-communications has been considered and addressed.

Proposals for new masts, buildings or other structures associated with the communications network will only be permitted where the applicant, in addition to meeting criteria a) and b) above, can demonstrate that:

- c) they cannot, for genuine practical or economic reasons, be incorporated into or onto existing masts, buildings and other structures; and
- d) they will be sympathetically designed and camouflaged, having regard to other policies in this Local Plan, particularly Policy SD9: 'Design of New Development'.

Where new telecommunications infrastructure needs to be installed in Conservation Areas or other sensitive areas, the Council will assist by advising applicants on how best to minimise visual impacts. Proposals for new telephone and radio masts will be expected to comply with the International Council on Non-Ionizing Radiation Protection (ICNIRP) Guidelines. This will ensure that telephone and radio masts are not located close to sensitive community uses, including schools.

~~On sites specifically allocated for development in this Local Plan, all~~ All new properties (residential and non-residential) must be served by a super fast broadband (fibre optic) connection which must be installed on an open access basis and which will need to be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access to the fibre optic cable for future repair, replacement or upgrading unless the applicant can demonstrate that this would not be possible, practical or economically viable. In these cases, the Council may utilise Community Infrastructure Levy (CIL) or seek an equivalent developer contribution, toward off-site works that would enable those properties access to super-fast broadband, either via fibre optic cable or wireless technology in the future.

~~Elsewhere, the Council will expect all new properties to also achieve this standard of connection unless the applicant can demonstrate, through consultation with British Telecom, that this would not be possible, practical or economically viable — in which case the Council may utilise Community Infrastructure Levy (CIL) or seek an equivalent developer contribution, toward off-site works that would enable those properties access to super-fast broadband, either via fibre-~~

~~optic cable or wireless technology, in the future.~~

Development that would cause interference to the broadcast and telecommunications network will not be permitted unless the applicant can demonstrate how this will be mitigated, at the developer's cost.

Related to Policy PRO2, the following **minor change (MIN3.3)** to paragraph 3.13 is proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

3.13 In recent years, major improvements in computer and mobile phone technology and the growing use of the internet have radically changed the way business is carried out and how many people choose to shop, learn and socialise. Between now and ~~2024~~ **2029**, this technology will become essential for businesses and a fundamental part of everyday life. In the future, it will make geographic location less of a consideration for some types of businesses and, for areas like Tendring, where geography has proven to be a disadvantage in attracting certain kinds of business in the past, embracing the digital revolution is arguably one of the most positive things the district can do to make the area a more viable as a place to do business, either within offices, shops, factories and warehouses, or even in people's own homes.

Policy PRO3 – Improving Education and Skills

(Pages 47 and 48 – including paragraphs 3.16 to 3.20)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Kevin Britton (represented by Martin Robeson Planning Practice): To ensure the delivery of new homes and new jobs which are critical to the District's economic growth, the flexibility applied to education provision, through either on-site provision or offsite contributions to facilities and infrastructure is supported. The delivery of new infrastructure and facilities should not fall disproportionately on the largest developments. All new development should contribute to the delivery of such infrastructure and facilities on a pro-rata basis. Support is given to the role aspirational homes can play in improving the educational and employment prospects of future generations.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: This is supported. Development must provide adequate infrastructure, including education.

Comments from members of the public

Mr. P. Cannons (Thorpe-le-Soken): The District Council needs to be mindful of the potential impact of housing growth on the Tendring Technology College, presently operating on a divided campus in Thorpe-le-Soken and Frinton-on-Sea. Traffic congestion at school opening and closing times is becoming an issue in Thorpe-le-Soken and will only be worsened by the proposed housing growth. Perhaps the time has come to seriously review with Essex County Council whether this divided situation should continue or whether perhaps a new school in a more accessible location would better serve students and residents. It is not clear whether this aspect had been thoroughly and holistically investigated prior to preparation of the Draft Local Plan.

Council consideration

The comments of support are noted and welcomed.

It has been raised whether the potential impact of growth in Thorpe-le-Soken and the wider Frinton and Walton area has been properly considered in terms of the impact it could have on the Tendring Technology College, which already generates many vehicle movements through the village. During the preparation of the plan, the Council has worked in partnership with local schools, colleges and Essex County Council as the Local Education Authority to ensure that the educational needs of Tendring's growing population are met. The Council's Infrastructure Study that was prepared to inform the preparation of the plan would have highlighted any deficiencies in educational provision, taking into account the level of growth planned for and would have highlighted any future intentions or plans of local schools or Essex County Council to improve education in the district. There are therefore no plans at present to change the current physical arrangements at Tendring Technology College although if plans were to change the local plan provides sufficient flexibility to consider proposals on their merits.

Outcome

No change to the plan is recommended following consideration of these comments.

Policy PRO4 – Priority Areas for Regeneration

(Pages 48 and 49 – including paragraph 3.21)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Paragraph 2 should be extended by addition of reference to green infrastructure to highlight the role of the natural environment in delivering quality of life.

EPC-UK PLC (represented by Leith Planning Ltd): It is noted that the Council are seeking to regenerate Harwich and Dovercourt and it is understood that in order to achieve these objectives there may well be future pressures for highway improvements along the A120. We would advise that development proposals to improve the highway links towards Harwich and Dovercourt would be welcomed by EPC, in circumstances where it will also assist in improving access to their operations at Bramble Island.

National Grid Property Limited (represented by Nathaniel Lichfield & Partners): We support Clacton Town Centre being identified as a Priority Area for Regeneration, where investment will be focused.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the policy approach of refusing applications which would have an adverse impact on the revitalisation of the area. Given the importance of securing regeneration in these areas, this approach is critical.

Environment Agency: We note that your Council proposes for the 10-year plan period between 1 April 2011 and 31 March 2021 approximately 4,000 dwellings will be built. This growth is to be achieved through a 6% increase in housing stock across all of the district's defined settlements.

A number of areas have been identified as regeneration areas in policy PRO4. Whilst these areas have been identified for regeneration, your Council will still need to ensure the Sequential Test requirements as set out in Paragraph 101 of the NPPF have been met. We acknowledge Jaywick has been identified as a regeneration area. Given the proposed Jaywick allocation lies in Flood Zone 3, it is likely that the Inspector carrying out the examination of the Local Plan will wish to see compelling evidence from your Council that demonstrates the Sequential Test has been passed; this is important to ensure the Local Plan can be considered 'sound'.

Such evidence should demonstrate the case for regeneration in an area of high flood probability, as well as show that there are no reasonable available sites elsewhere in areas with a lower probability of flood risk (e.g. from evidence based documents such as SHLAA). Paragraphs 4.37 – 4.38 of PPS 25 Practice Guide, which is still a current document, provides further information on applying the Sequential Test for areas identified for regeneration.

Evidence should also be provided to demonstrate the Exception Test, as set out in Paragraph 102 of the NPPF, can also be passed. To pass the first part of the Exception Test it must be demonstrated that the wider sustainability benefits to the community outweigh the flood risk, informed by a Strategic Flood Risk Assessment.

Your Council has the Jaywick Strategic Flood Risk Study (SFRS) which can be referred to. In 2011, we published our most recent coastal flood model, which is considered to be the best available data. The predicted flood levels within this model differ from those used in the Jaywick SFRS, with the present day 1 in 200 year modelled tidal event predicted to be 0.09m higher than the previous data set used in the 2008 Study.

This increased flood level may have implications on the outputs of the Jaywick SFRS. For example, the existing defences may be overtopped sooner with implications for risk over the lifetime of development when considering the impacts of climate change. Application of the climate change allowances within the NPPF indicates that the current defences would be overtopped in 2067 by the 1 in 200 year event.

It is also likely that overtopping of the defences during a tidal event will occur over a longer period of time, which could result in a greater volume of water within the flood cell. This may impact upon the flood characteristics.

Comments from landowners, developers and businesses

Silverbrook Estates Ltd (represented by Wei Yang and Partners): We welcome the overall focus of policies in Chapter 3 and, specifically, the identification of Walton-on-the-Naze as a Priority Area for Regeneration. We consider that this is consistent with the Council's overall vision for the town, expressed both in the Plan itself and in the Walton-on-the-Naze Regeneration Framework (2010) which forms part of the Council's evidence base for the Plan. The designation of Walton-on-the-Naze as a Priority Area for Regeneration will emphasise the Council's role in helping to create conditions for investment within the town and can be used as a vehicle around which initiatives by

other stakeholders, public and private, can be focused. It can also be used to support applications for funding.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: Walton-on-the-Naze is included in the list for regeneration and focus should be placed on social economic and physical structure to facilitate inclusion and economic prospects.

Comments from members of the public

Mr. R. Naylor (Walton-on-the-Naze): Strategies for the regeneration of particular areas can either be comprehensive or single-issue, active or passive, publicly generated or left to private initiatives. The Plan should identify which strategies the Council is going to adopt and the mechanisms they propose for carrying them out. The Council also needs to have a strategy for its or other's failure to realise the Plan and for compensating for the blight or other negative consequences.

Council consideration

The comments of support are noted and welcomed.

In response to the comment from Mr. Naylor, it is considered that the plan does already identify the council's regeneration strategies, which are expressed in numerous site specific policies throughout the document. These policies set out broadly the types of development expected on each site and any overriding design principles and other considerations that should be taken into account at the planning application stage, alongside other relevant policies in the plan. It is important to remember that the local plan is primarily focussed on development and so is not the right forum to express all aspects of the council's approach to regeneration, which often go beyond the scope of the local plan and even planning. The council's Regeneration Strategy sets out the council's overarching approach to regeneration and identifies key areas where efforts and resources will be focussed to bring about change. For key areas in the district that are in need of regeneration, more detailed work has been undertaken to explore the challenges and opportunities of that area and identify ways to help bring about regeneration and change. Where appropriate, proposals identified through these pieces of work have become incorporated in the local plan and have influenced the planning approach to take in these areas. It is agreed that the council does need to express more clearly the full range of mechanisms needed to deliver these schemes, including what partners it will work with and what the timescales are for action. However, it is not agreed that the local plan is the appropriate forum to express this information. Instead, the council will continue to update and implement its Regeneration Strategy and its Local Investment Plan, which is related more specifically to funding and specific projects in key areas that are in need of regeneration.

The suggestion by Essex County Council to include a reference in the policy to the role that green infrastructure and the natural environment can play in delivering quality of life is noted but it is not agreed that any change is needed to this policy. The wording of this policy encapsulates all forms of investment in physical infrastructure and initiatives to improve, amongst other things, environmental quality, which can include green spaces and the natural environment. This policy therefore already accepts the role that green open spaces and the natural environment can play in regenerating an area.

The comment by Frinton and Walton Town Council is noted. The paragraph that follows the list of areas identified as 'Priority Areas for Regeneration' broadly lists the regeneration efforts that will apply to these areas. Not all the initiatives will apply to every area as the issues, challenges and opportunities in each area are unique and will therefore require a unique approach. Policies in the area chapters set out in more detail the regeneration strategy for each area based on a thorough understanding of an area's issues, challenges and opportunities.

The issues raised by the Environment Agency relating to the application of the sequential test as part of the site identification and selection process are addressed in Chapter 5 under Policy PLA1. Please also see Chapter 6 (Policy CLA10) for the Council's response to the issues raised relating to Jaywick.

Outcome

No change to the plan is recommended following consideration of these comments.

Policy PRO5 – Town, District, Village and Neighbourhood Centres

(Pages 49 to 51 – including paragraphs 3.22 to 3.28)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

National Grid Property Limited (represented by Nathaniel Lichfield & Partners): We support Clacton Town Centre being identified as a Major Town Centre and for such locations being the focus for town centre uses, which is in accordance with the NPPF and is therefore 'sound'.

Kevin Britton (represented by Martin Robeson Planning Practice): The last part of Paragraph 3.28 should be amended to make it consistent with national policy (additional text to be added shown underlined and text to be deleted shown struck-through):

"The thrust of national policy is to promote competitive town centre environments and meet the needs for main town centre uses in full, only allowing edge of centre and out of centre developments where it can be demonstrated that they will satisfy the sequential approach and will not have a significant adverse impact on town centre vitality and viability and in centre investment avoid developments of this nature in the future unless it can be demonstrated that they will bring positive economic growth and not impact negatively on the vitality and viability of nearby centres."

City & Country: This should be encouraged and is essential and any development at St. Osyth will provide the opportunity to help its key community centre.

Mr. R. Mayes (represented by Edward Gittins and Associates): We support in principle the identification of village centres and the inclusion of Little Clacton's village centre in Policy PRO5 although we seek the inclusion of part of this area within a new employment allocation (or alternatively for it to form part of a housing allocation).

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

N & J Barrington-Fuller and A & D Fuller (represented by Jonathan Reubin): This Plan does not take into account changes in habits of the British population when it comes to retail choice, leisure and retail based activities. The Plan does nothing to enhance, promote or redirect development to enhance such activities in Key Rural Service Centres. Recently published retail figures show a huge increase in online shopping including food purchasing. The plan needs to address this and emphasise how it will protect Key Rural Service Centres through allowing greater development, especially where there is land available to consolidate and amalgamate earlier disparate development such as in Little Clacton. This policy is therefore not positive, it is unjustified and it is not consistent with National Policy. Whilst deliverable, it is only such through lack of thought for the future.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: We agree that residential uses should be avoided in town centres.

Comments from members of the public

Mr. R. Horlock (Mistley): I cannot see how the Council can promote economic growth in Manningtree Town Centre when it has approved a huge supermarket which will, in my opinion, do great harm to the town, especially as there is already a Co-op store.

Council consideration

The comments of support are noted and welcomed. However, it is important to point out that whilst the policy does actively promote town centres uses over residential use in town centres (and other defined centres) in accordance with national policy, it also sets out clearly the instances where the Council may take a more pragmatic view and allow some residential use in appropriate locations without compromising the overall viability and vitality of the district's centres. The policy therefore is not designed to prevent residential development from coming forward in town (or other defined) centres.

The comment specifically relating to Manningtree Town Centre has been raised and will therefore be addressed in the Manningtree, Lawford and Mistley chapter of the plan.

A number of comments relate to the promotion of land for development and will subsequently be addressed within the relevant area chapters of the plan. With regards to the comment suggesting that more growth should be directed to the district's Key Rural Service Centres to protect them from further decline as a result of changing shopping habits, it is not agreed that these locations should be the focus for major growth as they do not contain the necessary shops, services and facilities that can be found in town centres and so would result in more people relying on the private car, which goes against the plan's overarching principle of sustainable development. Instead, a modest amount of growth is planned for some of the district's larger, more sustainable villages in order to help sustain existing shops, services and facilities without overwhelming them with development. If the trend in online shopping is set to increase then it is even more important to direct growth to existing urban areas rather than villages or rural locations.

With regards to the comments against paragraph 3.28 by Kevin Britton, the purpose of this paragraph is to express what the Council considers to be the thrust of national policy relating to edge of town or out of town centre development, which is that the viability and vitality of existing

centres should be protected by carefully controlling such forms of development that could have a negative impact. The local plan is not intended to prevent such developments from coming forward and does not need to repeat precisely the wording of national policy, so it is not agreed that the paragraph should be changed.

Some minor amendments to the policy and supporting text are proposed below to reflect the change in approach from having town centre policies for each individual town centre to having a single new policy, also set out below.

Outcome

The following **minor change** (MIN3.4) to paragraph 3.25 is proposed (additions shown as highlighted and deletions shown as struck through):

3.25 The extent of each centre is defined on the relevant Policies Map Insets. These boundaries have been carefully defined to ensure the continued protection and promotion of existing activities, allow for any specific planned developments that are expected to take place within the plan period and incorporate flexibility in particular areas to allow for possible increases in demand for goods and services that might arise, for example, as a result of local housing growth. ~~Policies for development in specific centres are included in the relevant Area Chapters in this Local Plan.~~

The following **minor change** (MIN3.5) to the fourth paragraph of Policy PRO5 is proposed (additions shown as highlighted and deletions shown as struck through):

Within the district's major town centres and town centres, ~~'primary shopping areas' policies~~ **Policy PRO5a** will apply alongside this policy to enable the Council to manage the type of town centre uses within different parts of those centres with varying levels of flexibility having regard to the specific physical and economic characteristics of different centres.

The following **minor change** (MIN3.6) to the fifth paragraph of Policy PRO5 is proposed (additions shown as highlighted and deletions shown as struck through):

~~Policies relating to primary shopping areas, the primary and secondary frontages within those areas and any specific development proposals in defined centres are set out in the relevant 'Area Chapters' of this Local Plan and should be considered alongside the requirements of this policy.~~ New development in any of the defined centres will be expected to contribute positively toward the appearance and, wherever possible, deliver improvements to the wider public realm either as an integral part of the development, through Community Infrastructure Levy or through other appropriate financial contributions. In determining planning applications, the Council will have regard to approved Conservation Area Management Plans, Shopfront Design Guides, Development Briefs and other relevant guidance alongside other relevant policies in this Local Plan.

The following **new Policy PRO5a** (MAJ3.5) with new supporting text is proposed (additions shown as highlighted and deletions shown as struck through):

Use of Shop Units in Town Centres

3.28a The district's town centres contain many shop units, the majority of which tend to be concentrated along specific streets which the Council defines as 'primary and secondary shop frontages'. In all of the district's town centres, shops (Use Class A1) are the predominant use of

commercial units but the retail offer is complemented by other uses such as 'financial and professional services' (Use Class A2) which includes banks, building societies and estate agents; 'restaurants and cafes' (Use Class A3); 'drinking establishments' (Use Class A4) including pubs and clubs; 'hot food takeaways' (Use Class A5) and other commercial uses that provide trade and services to the public.

3.28b The way that people do their shopping has changed dramatically in recent years with the emergence of online shopping and the popularity and convenience of larger edge of town and out of town supermarkets. The emergence of online shopping in particular is expected to have significant implications for our town centres over the course of this Local Plan period, particularly as new generations become more familiar and comfortable with the ease and convenience of the internet. It is therefore important, for the sake of the economy and character of our town centres, that the retail offer remains competitive, diverse and attractive and that planning policies are sufficiently flexible to allow a range of alternative uses alongside retail to complement and support the town centre economy, add to the overall leisure experience of visiting a town centre and minimise the risk of units becoming vacant without detracting from or undermining the core business of town centres.

3.28c Policy PRO5a below indicates the uses that will be allowed within shop units in the district's town centres. Clacton Town Centre has a greater range of shops than any other part of the Tendring district and is the district's largest area of employment. The core area of shopping activity is in central parts of Pier Avenue and Station Road where a number of national 'multiple' retailers are present. To ensure the town centre retains these major retailers and can compete with the shopping offer of Colchester, it will be essential to ensure retail continues to be the predominant use. However in the other secondary street frontages in the town centre, there is more flexibility to accommodate a range of commercial uses to support the town centre economy.

3.28d The district's other town centres of Dovercourt, Harwich, Walton-on-the-Naze, Frinton-on-Sea, Manningtree and Brightlingsea have more varied uses in their core shopping areas and a greater presence of independent retailers and leisure activities. These smaller town centres are more vulnerable to the changing nature of shopping and therefore Policy PRO5a allows more flexibility in both primary and secondary shopping frontages to accommodate a manageable level of non-retail uses.

3.28e A Retail Study was carried out in 2010 to support the development of the Local Plan and to provide an independent assessment of each of the key town centres. In June 2013, the Council carried out its own Town Centre Healthcheck to update this data, show any trends in occupancy levels and highlight any potential issues. This information is distilled into a short profile of each of the key town centres with a snapshot of its health and vitality.

- **Clacton:** The Council's 2010 Retail Study identified that there are over 300 individual shop and business units within the town centre with a total area of approximately 52,000 square metres. The 2013 Healthcheck found that within the Primary shopping frontage of Clacton there were 131 properties, divided into 101 retail, 11 cafés and restaurants, 9 financial services and 1 other.

The level of vacant units varies over a period of time depending on economic conditions and market trends. In the 2010 Retail Study 20 units are listed as vacant, whereas in the 2013 Healthcheck, there were only 11 vacant units in the town centre, equating to just over 3.4% - much lower than the national average of 14% (Local Data Company Sept13). This demonstrates that, despite the recent economic recession, Clacton Town Centre is still an attractive location for retail and service uses and, with the right interventions, is well placed to deliver an improved range of goods and services in the future.

In addition, vacant units only comprised around 1,000 m² in total; this is insufficient to deliver the 15,500 square metres of additional A1 retail space that the 2010 Retail Study suggests needs to be provided to meet growing demand over the next 15-20 years.

- **Harwich and Dovercourt:** The Council's 2010 Retail Study identified that the town centre had more than 120 commercial units containing around 20,000 square metres of floorspace. In 2010, the number of vacant units was 15%, which was slightly above the national average.

By the time the June 2013 Healthcheck was carried out, the situation had improved significantly with just 8 empty units (5.8%). The Policies Map Inset for Harwich and Dovercourt identifies a 'Primary Frontage' focussed on central parts of High Street and a 'Secondary Frontage' covering areas at Station Road, Kingsway and the southern side of High Street from Hill Road / Mill Lane to Patricks Lane.

- **Walton:** The Council's 2010 Retail Study identified that the town centre had more than 100 commercial units containing around 11,436 square metres of floorspace. In 2010, the number of vacant units was 10, which was above the national average.

There was no real change in June 2013 as 9 units were recorded as empty, although this is now below the national average. The Policies Map Inset for Walton identifies a 'Primary Frontage' focussed on central parts of the High Street.

- **Frinton:** The Council's 2010 Retail Study identified that the town centre had more than 130 commercial units containing nearly 20,000 square metres of floorspace and that the number of vacant units, at around 5% of the total, was well below the national average. The study also observed that the proportion of units in retail use, at 55%, was much higher than the national average of 43%. This suggests that the town centre had been performing relatively well despite the difficult economic conditions experienced in recent years.

Following the Council's Town Centre Healthcheck in June 2013, the situation had improved, with only 2.75% of town centre units vacant. The Policies Map for Frinton identifies a 'Primary Frontage' focussed on central parts of Connaught Avenue and a 'Secondary Frontage' covering peripheral parts of Connaught Avenue and Old Road.

- **Manningtree:** The Council's 2010 Retail Study identified that the town centre had more than 60 commercial units which provided approximately 15% of all jobs in the Manningtree, Lawford and Mistley area. In 2010, there were only 2 vacant units, which was significantly below the national average.

There was no real change in June 2013 as there were still only 3 units recorded as empty. The 'Primary Shopping Area' (as defined on the Policies Map Inset) is focussed on the central part of the High Street.

- **Brightlingsea:** The Council's 2010 Retail Study identified that the town centre had over 50 commercial units containing nearly 3,000 square metres of floorspace and that the number of vacant units, at around 9% of the total, was well below the national average.

The June 2013 Healthcheck shows just 3.7% of units are now vacant suggesting that the town centre had been performing very well despite the difficult economic conditions experienced in recent years and remoteness of the town from the surrounding district. The Policies Map for Brightlingsea identifies a 'Primary Frontage' focussed on Victoria Place and the High Street and a 'Secondary Frontage' located to the south of the town centre.

POLICY PRO5a: USE OF SHOP UNITS IN TOWN CENTRES

Primary and Secondary Shopping Frontages are defined on the Policy Map Insets.

Within the 'Major Town Centre' of Clacton, the only use of ground-floor commercial premises that will be permitted within the defined Primary Shopping Frontage is Use Class A1 'Shops'.

Within the other 'Town Centres' listed in Policy PRO5, proposals for a change of use from Class A1 'Shops' at ground floor level to Classes A2: 'Financial and Professional Services' or A3: 'Restaurants and Cafés' within the defined Primary Shopping Frontage will be permitted where:-

- a) A2 and A3 uses would not dominate or detract from the core objective of providing retail outlets for the shopper;
- b) A2 and A3 uses will not occupy any more than 30% of the total number of shop units along the Primary Shopping Frontage in that town centre;
- c) there would be no detrimental effect on the amenities of occupiers of nearby residential accommodation in terms of noise, fumes, smell and general activity generated from the use; and
- d) there would be no unacceptable levels of traffic to the detriment of highway safety.

Within Secondary Frontages, the use of ground floor commercial premises for A1, A2, A3, A4: 'Drinking Establishments' or A5 'Hot Food Takeaways' use will be permitted subject to the detailed consideration of their impacts against other relevant policies in this Local Plan.

Elsewhere in the defined Major Town Centres or Town Centres, other commercial uses of ground-floor commercial premises will be acceptable subject to the detailed consideration of their impacts against other relevant policies in this Local Plan.

Proposals that would result in the loss of ground floor commercial premises to residential use within any of the defined Major Town Centres or Town Centres will not be permitted. The use of upper floor accommodation for residential use will be supported provided that it does not jeopardise the practical operation of the ground floor business.

Policy PRO6 – Retail, Leisure and Office Development

(Pages 51 to 53 – including paragraphs 3.29 to 3.32)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

National Grid Property Limited (represented by Nathaniel Lichfield & Partners): We support this policy which states that proposals for retail and leisure development are to be permitted within defined town centres, which is in accordance with the NPPF and is therefore 'sound'.

Sainsbury's Supermarket Limited (represented by Indigo Planning): Sainsbury's currently operates a store at Clacton-on-Sea and are keen to improve their convenience retail offer in the District. We are particularly concerned with this policy which states that proposals for retail, leisure or office development outside defined centres will only be permitted in exceptional circumstances.

The circumstances set out in the proposed policy are particularly prescriptive, including that the development is to have an internal floor area less than 250 square metres. This is overly restrictive and would compromise the Government's objectives for promoting sustainable economic growth and will jeopardise the viability of developments.

The policy is therefore not compatible with the NPPF as it would have a limiting and restrictive effect that would discourage sustainable economic development. The threshold should be set at 2,500 square metres. Limiting the size of retail, leisure or office development in out of centre locations to only 250 square metres has not been justified as the most appropriate strategy. Its restrictive nature does not allow for applications to be considered case by case by their merits or encourage a positive approach to decision-taking as set out in the NPPF.

The exceptional circumstances are far more restrictive than NPPF policy which permits retail development outside of centres provided that it satisfies the sequential and impact tests. A flexible approach should be taken that allows defined centres and sites outside defined centres to evolve over time and respond to changing circumstances and market demand. New retail development should therefore be considered against the requirements of the sequential and impact tests as set out in the NPPF.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Kevin Britton (represented by Martin Robeson Planning Practice): Clarification is needed within the wording of this policy to ensure the policy is sound in terms of being effective, consistent with national policy and justified. The policy has been worded to consider proposals either against criteria a) to e) or f). We consider that criteria a) to e) should be considered separately. For instance e) should not apply in the context of b) or c). An applicant should not have to demonstrate the appropriateness of a site if it has already been allocated for such use. The site will have been assessed on such matters during the allocation process. Clarification is therefore needed that permission will be granted if any of the criteria are met.

A sequential assessment should be undertaken throughout the catchment area of a scheme rather than the settlement alone. This will ensure a robust assessment and is consistent with national policy.

A candidate site is only sequentially preferable if it is both suitable and available. Fulfilling only one of these criteria does not make it sequentially preferable (as per paragraph 24, NPPF).

Flexibility is expected from both applicants and the LPA on format and scale issues. Criteria f) i) does not reflect this.

Impact Statements should assess impact on both investment (existing, committed and planned) in defined centres and their vitality and viability. It would not be sufficient for such statements to assess either impact on investment or impact on vitality and viability.

The following amendments are therefore recommended (additional text underlined, deleted text struck through):

"... will ~~only~~ be permitted in the following circumstances:

The word 'or' should be inserted after criteria a) to d).

Criterion f) should be amended as follows:

"f) the applicant can demonstrate that, for the catchment settlement in question, there are no suitable and ~~or~~ available sites or premises within any of its defined centres to accommodate the proposed development. In applying criterion f):

- i. ~~both the applicant and Council will demonstrate flexibility on issues such as format and scale; the Council will firstly expect the applicant to demonstrate that the floor area of the proposed development cannot be reduced in size and therefore able to be accommodated on or in any suitable and available sites or premises within a defined centre;~~
- ii. if the Council accepts ~~that a reduction in floor area is either not practical or appropriate, or would still not result in~~ there are no suitable and ~~or~~ available sites or premises ~~being~~ identified within a defined centre, the Council will consider development utilising a site or premises in an 'edge of centre' location;
- iii. if the applicant is able to demonstrate that ~~neither~~ no suitable and ~~or~~ available sites or premises within a defined centre or edge of centre location can be identified for the retail, leisure or office use proposed (always looking to reduce floor areas where practical to use such sites or premises), the Council will consider an out-of-centre location.

Any application for retail, leisure and office development that meets the requirements of criteria d), e) and f) above with an internal floor area of 2,500 square metres or more must be accompanied by an 'impact statement' containing information that will enable the Council to assess the potential impact of the development on investment either under way or proposed for defined centres within the catchment of the proposal, and ~~or~~ their vitality and viability. Where an application fails to satisfy i. to iii. above, or is likely to have a significant adverse impact on such investments or vitality or viability, planning permission will be refused."

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. D. Masters (Great Holland): Developments at Waterglade, Brook Retail Park, Clacton Factory Shopping Village and Stanton Europark in Harwich seem to accommodate low budget retail stores. These developments had real opportunities to provide exemplary buildings and surroundings for retail sites, determining more than just the appearance of the district. Unfortunately, the more basic retail provisions tend to lower the public expectations and response, leading to littered areas. Other areas of the country, for example in North Kent, have many small, interesting and successful shops and galleries, with park areas which are a tribute to local council planning policy and demonstrates what could be achieved in Tendring. Development should be sympathetic to the site's character, unlike the development planned for the Martello site in Walton and should not sacrifice valuable agricultural land.

Council consideration

The comments of support are noted and welcomed.

With regards to the comment about the quality of some of the edge of town and out of town centre developments that have taken place in recent years in Tendring, it is important to remember that whilst planning can play a role in influencing where developments are located and what they look like, it is ultimately the open market and the commercial attractiveness of an area that influences where companies wish to be located. Therefore, the current retail offer of existing centres is more a symptom of the current economic situation and the commercial attractiveness of the district rather than local planning policy, which attempts to provide the right conditions for businesses to flourish. The new local plan contains a range of policies designed to promote good quality design and carefully manage and control future edge of town and out of town centre developments, which should ensure any future developments of this type are well designed and do not impact on existing centres.

The concern raised by Sainsbury's Supermarkets Limited that this policy is too restrictive and not in accordance with national policy is noted but not agreed. Whilst edge of town and out of town centre developments do and will continue to contribute to the growth of the wider economy and in some cases do help improve existing centres, if not carefully controlled they could have a detrimental impact on the vitality and vibrancy of existing defined centres and contribute towards their decline. National policy allows local planning authorities to set out local policies to guide the management and growth of town centres and for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres. Policy PRO6 is therefore designed to elaborate on national policy by setting out the exceptional circumstances in which retail, leisure or office development might be permitted outside of a defined centre.

The floorspace threshold of 250 square metres set out in criterion a) of Policy PRO6 is designed to provide a degree of flexibility to allow smaller proposals for retail, leisure and office development to come forward outside defined centres (subject to meeting other policies in the plan). The figure of 250 square metres is used as anything under this is less likely to have a detrimental impact on existing centres, whereas anything over this is more likely to have an impact. For anything over this size the policy requires the onus to be placed on the applicant to demonstrate why such development should be permitted particularly where other, sequentially better sites exist. Therefore, the policy does not prevent larger-scale retail, leisure and office developments outside defined centres coming forward but provides the requirements that will need to be met in order to justify why such town centre uses should not be located in existing defined centres. In the interests of protecting the vitality and vibrancy of the district's defined centres it is not agreed that this policy should be deleted.

In response to the comments raised by Kevin Britton, it seems the purpose of the policy has not been properly understood. The criteria in the policy set out the circumstances when a proposal for retail, leisure or office development outside of a defined centre will be permitted. Proposals will not be expected to meet all the criteria in the policy as suggested by the objector. For instance, if an application comes in that has an internal floor area less than 250 square metres then that proposal is likely to be permitted (subject to meeting other requirements set out elsewhere in the plan) and the other criteria become irrelevant. However, it is agreed that this should be made clearer to avoid confusion when implementing the policy.

With regards to the suggestion that the 'sequential assessment' should be undertaken throughout the catchment area of a scheme, rather than the settlement alone, it is believed the objector has confused the requirements set out in the National Planning Policy Framework relating to the application of the sequential test with the requirements relating to the preparation of an 'impact assessment' for larger schemes that have a floor area greater than 2,500 square metres, which suggests the impact of the proposal on its catchment area should be assessed. The purpose of the policy is to help in the consideration of 'edge of town' or 'out of town' centre developments, which, by their nature will relate in some way to a defined centre in a specific settlement and so it is not agreed that sequential test should be applied to the catchment area of a scheme. Furthermore, this would be difficult to implement as it would be difficult to define the catchment area on a case by

case basis and there could be many factors that influence what the catchment area for a proposal might be.

It is stated by the objector that a candidate site is only sequentially preferable if it is both suitable and available and so the wording of the policy should be amended to reflect this. However, it is clear from the wording of the policy that both aspects are applicable but in order to prevent confusion when implementing the policy it is agreed it should be amended to read suitable 'and' available. Equally, it is agreed that the policy should clearly state that impact assessments should assess the impact on both investment (existing, committed and planned) in defined centres and their vitality and viability.

With regards to the comment that flexibility is expected from both applicants and the local planning authority, it is considered that the policy does provide enough flexibility whilst endorsing the thrust of national policy which is to protect the vitality and viability of defined centres and only approving edge of town and out of town centre developments in exceptional circumstances.

Outcome

The following **minor change** (MIN3.7) to the first paragraph of Policy PRO6 is proposed (additions shown as **highlighted** and deletions shown as **struck through**):

Proposals for retail, leisure or office development (including conversions and changes of use) will be permitted within defined town, district, village and neighbourhood centres (as set out in Policy PRO56) subject to meeting the requirements of any specific policies affecting those defined centres, as set out in the Area Chapters of this Local Plan.

The following **minor changes** (MIN3.8) to criteria a-f) within Policy PRO6 are proposed (additions shown as **highlighted** and deletions shown as **struck through**):

- a) the development has an internal floor area less than 250 square metres; **or**
- b) the site is specifically allocated for that use in this Local Plan; **or**
- c) the site is allocated for mixed-use development in this Local Plan where retail, leisure or offices of the scale proposed are part of the expected mix; **or**
- d) the proposed retail, leisure or office use is ancillary to an established or proposed business that is predominantly within use classes B1, B2 or B8 and would be physically attached to, or incorporated within, the existing business premises; **or**
- e) the applicant can demonstrate that there are practical or operational reasons why the development cannot take place within a defined centre and that the proposed location is the only viable option; **or**
- f) the applicant can demonstrate that, for the settlement in question, there are no suitable **and** ~~or~~ available sites or premises within any of its defined centres to accommodate the proposed development. In applying criterion f):

The following **minor change** (MIN3.9) to the final paragraph of Policy PRO6 is proposed (additions shown as **highlighted** and deletions shown as **struck through**):

Any application for retail, leisure and office development that meets the requirements of criteria f) above with a internal floor area of 2,500 square metres or more must be accompanied by an

'impact statement' containing information that will enable the Council to assess the potential impact of the development on investment either under way or proposed for defined centres, or **and** their vitality and viability. Where an application fails to satisfy i. to iii. above, or is likely to have a significant adverse impact on such investments or vitality or viability, planning permission will be refused.

Policy PRO7 – Tourism

(Pages 53 to 55 – including paragraphs 3.33 to 3.36)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The County Council accepts that any major new tourist facility should have good access to the A133 or A120 but bullet 2 should also encourage provision of easily accessible public transport.

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): The 'major new tourist attraction' should have good access to the A133 and A120. In the seventh bullet-point, are you including Frinton having 'other appropriate commercial outlets on the seafront within the ...towns'? If so, what are the parameters for the Council to determine what is 'appropriate'?

We do not agree with the statement in paragraph 3.33. By the time you have made allowance for 'home-grown' consumption of the combined percentages of retail and restaurant at 27%, the remaining figure is unlikely to merit the phrase 'many of our district's jobs'.

In paragraph 3.34, the end of Priority 3 should be amended to read "along with improved public spaces, lighting and signage".

Environment Agency: Neither the policy, nor the supporting text, refers to the designated Bathing Waters at Brightlingsea, the Tendring Peninsula along the Jaywick – Clacton – Walton frontage, and at Dovercourt. We would encourage your Council to include reference to these European Designations, the tourist industry they help support and the importance of maintaining good quality water where there is growth that influences the local Waste Water Treatment Works discharges.

West Cliff Tendring Trust: There is no mention in the Plan of the arts in general and theatres and cinemas in particular, the Princes and West Cliff Theatres in Clacton, the Frinton Summer Theatre, the Manningtree Manifest Theatre and the Electric Palace in Harwich. These are important elements in attracting tourists to the area and should be supported by TDC as part of the tourism policy. We know from experience at the West Cliff Theatre that we are now drawing in regular visitors from most of Essex and even from London and if the right show is offered visitors come from as far afield as Norwich, Cambridge and Peterborough and that our Summer Variety Show is one of the considerations taken into account when people decide where to go in the Summer, either for a holiday or just for a day out. All these venues should therefore be supported by TDC as bringing visitors to the area and we would welcome a higher level of commitment to them in the Plan.

Comments from landowners, developers and businesses

Bourne Leisure Ltd (represented by Nathaniel Lichfield & Partners): This policy is supported.

EPC-UK PLC (represented by Leith Planning Ltd): We are supportive of new business enterprise and job creation in the local area and are keen to support and work with the local communities

within which their operations are located. However, EPC-UK need to be mindful of the implications of new development on the viability of their own operation and in this regard we would outline our concerns regarding this policy and the potential it creates for additional tourist related proposals within the open countryside within close proximity of Bramble Island. Our concern in this regard could well be overcome through allocation of the land surrounding Bramble Island as a Strategic Green Gap or through the insertion of a further criterion in the above policy regarding protection of existing operations from inappropriate encroachment and development. This would particularly apply to caravan schemes or marine schemes which increase the use of the estuary in and around Bramble Island as well as other tourist related developments which will bring visitors close to the EPC operation.

Martello Land and Properties Ltd (represented by Highcroft Planning): Whilst we support this policy in principle, we consider that due care has to be taken in relation to the retention of holiday parks that might be better used for new housing development. Consequently, a pragmatic approach should be taken when implementing this policy and where a caravan park or other holiday facility is outdated and in need of replacement an innovative redevelopment that is not tourism related should still be acceptable. Similarly, the provision of new marinas has to be considered against other environmental issues.

City & Country: These comments relate to the promotion of enabling development to help restore St. Osyth Priory as a visitor attraction. Tourism is worth more than £276 million to Tendring and we encourage this policy. St. Osyth has good transport links and has the ability to be a major tourist attraction that can help regenerate the area. The site has the ability to provide visitor accommodation, functions for events such as weddings.

Park Resorts Ltd (represented by GVA): We support paragraph 3.33 of the Local Plan which highlights the importance of tourism to the Tendring district with reference to the Employment Study Part 1 (2009) and Tourism Strategy.

Amperswick Ltd (represented by GVA Hotels and Leisure): These comments relate to our request that the Firs Caravan Park should be allowed to extend eastwards. We support paragraph 3.33 of the Local Plan which highlights the importance of tourism to the Tendring district with reference to the Employment Study Part 1 and Tourism Strategy.

Kevin Britton (represented by Martin Robeson Planning Practice): Tourism has an important role to play in Tendring and therefore support is given to this proactive policy.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Mistley Parish Council: The policy should include specific mention of the exploitation of the south bank of the Stour Estuary currently subject to assessment as an Area of Outstanding Natural Beauty (AONB) for tourism.

Frinton and Walton Town Council: We broadly support this policy.

Comments from members of the public

Mr. R. Horlock (Mistley): Priority 4 (paragraph 3.34) is an excellent aim and there are already some good walking guides available.

Mr. R. Naylor (Walton-on-the-Naze): The policy should state that such proposals will be 'considered', not necessarily supported as many of proposals listed conflict with other policies and

proposals within the plan. The policy in its draft form may be taken to presume that the tourism considerations are of overriding or equal weight to other considerations e.g. development of marinas over protection of natural environment.

Mrs. B. Nunn (St. Osyth): You need jobs for all year round, it is no good to have broadband and education – we need enterprises for overseas tourism. We need special attractions in the autumn and winter to ensure a year round economy. Make Clacton like an old fashioned seaside town, have steam trains, paint Clacton Station, plant flowers, have donkey rides – this will attract overseas visitors. Create nostalgia instead of trying to be something we are not. Have sponsors and attract lots of people with outside ‘Dickensian markets’ and other events each week of the year.

Council consideration

The comments of support are noted and welcomed. Comments that relate to the promotion of specific sites are addressed elsewhere, under the relevant area chapters of the plan.

The comment raised by Essex County Council that any major new tourist facility should also encourage provision of easily accessible public transport is noted but Policy SD8 in the plan already requires development proposals to maximise the opportunities for access to sustainable transport and so in the interests of keeping the plan succinct there is no need for it to be repeated in this policy. There will be many factors covered by many different policies in the plan that will need to be taken into account should a proposal for such a development come forward in Tendring. The specific need to have good access to the A133 or A120 is because a major new tourist attraction is still likely to attract a vast number of visitors to the district by private car, regardless of what other sustainable modes of transport are provided. It is therefore important that the district’s existing major transport routes are promoted in order to prevent the use of the district’s rural roads that are less capable of accommodating an increase in traffic.

It is suggested by the Frinton and Walton Heritage Trust that any new major tourist attraction should have good access to both the A133 and A120. Whilst this would be ideal in principle, in reality this would be difficult to achieve as this requirement could only be fulfilled if a new tourist attraction is situated close to the junction of both roads in the heart of the district. However, the policy is not intended to stipulate precisely where such an attraction could be located but rather it is designed to set out how, in general, the Council intends to attract visitors to the district and encourage growth in tourism. Should Tendring be chosen as the location for a major new tourist attraction, there will be many factors that will influence where it should be located and so the policy should remain as flexible as possible.

With regards to the comment by the Frinton and Walton Heritage Trust about whether the criterion that encourages ‘high quality restaurants, cafes and other appropriate commercial outlets on the seafront within the district’s coastal towns’ includes Frinton, it is important to remember that this policy is intended to set out broadly what proposals are likely to be supported in order to help encourage economic growth in tourism in the district. This criterion could therefore apply to Frinton, as it is one of the district’s coastal towns. Whilst it is recognised that Frinton has a unique character and charm it is not agreed that this should prevent the opportunity for good quality developments to come forward. Other policies in the plan and the area’s conservation area status will help ensure that inappropriate development is resisted and the town’s character is protected or enhanced. It is noted that this policy is broadly supported by Frinton and Walton Town Council.

The suggestion to amend the wording of paragraph 3.34 is agreed as only a minor wording change and is considered to better reflect the Council’s Tourism Strategy.

In response to the comments regarding the accuracy of the phrase ‘many of our district’s jobs are related in some way to tourism’ in paragraph 3.33, it is important to realise that many more jobs than just those in retail, cafes, restaurants and hotels help contribute to tourism. Essentially, all jobs that help to make a place nice to live or work in also help in some way, either directly or indirectly, to improve the appeal of that place as a visitor destination. It is therefore agreed that the phrase used in the plan is accurate.

The lack of specific reference in the policy to the arts in general and the district’s theatres and cinemas should not be interpreted as a lack of support for such attractions or an appreciation of their role in contributing to the tourism appeal of the area. The purpose of the policy is to list broadly the types of new tourist development the Council would support in Tendring. It would be impossible to list each and every type of new attraction that would be supported under one policy. However, it is accepted that tourist destinations should be attractive all year round as what often makes places attractive to live and work in also makes them attractive places to visit. The principle of encouraging all year round activities is supported and the Council will continue working with its partners in the tourist industry to investigate ways to improve the tourism appeal of the district. It is therefore agreed that the policy should begin by stating a general support for any proposal that would help to improve the tourism appeal of the district to visitors (subject to meeting other policy requirements elsewhere in the plan) before listing the specific types of development that will be supported.

Whilst the comments from EPC-UK PLC are noted it is not agreed that further wording is needed to protect existing operations from inappropriate encroachment and development as other policies in the plan are designed to provide this general level of protection such as Policy SD9, which requires all new development to be compatible with surrounding uses and minimise any adverse impacts on nearby properties and Policy SD5, which sets out a list of criteria that all proposals for development outside defined Settlement Development Boundaries must meet. In the interests of keeping the plan succinct it is not necessary to repeat such general requirements in this policy.

Martello Land and Properties Ltd state that a pragmatic approach should be taken when implementing this policy by supporting proposals for the redevelopment of holiday parks that have become outdated for non-tourism uses. The plan already allows for such a pragmatic approach to be taken as it contains a series of policies against which proposals that involve the creation, improvement or potential loss of visitor accommodation will be judged against. However, in order for the district to remain an attractive visitor destination it is important that proposals involving the loss of tourist facilities and accommodation are generally resisted.

Both the Environment Agency and Mistley Parish Council suggest elements of the district’s natural environment that should be explicitly referred to in this section, in terms of their relevance to tourism. Whilst these comments are noted, it is not agreed that these references should be included as this policy is not intended to list all the district’s assets. Instead, it is designed to set out broadly the forms of development the Council is likely to support in order to encourage growth in tourism. Rather than refer to the designated bathing waters in this section it is proposed that reference should be made in the ‘Characteristics of Tendring’ section of the plan, which includes, amongst other things, a list of the district’s environmental features. With regards to the suggestion from Mistley Parish Council to refer to the potential of the south bank of the Stour Estuary, which is currently being promoted for inclusion in the Suffolk Coast and Heaths AONB, for tourism, the plan already states in Policy PLA5 that the tourism potential of the countryside will be promoted, subject to detailed consideration against other relevant policies in the plan. In the interests of keeping the plan succinct, there is no need to repeat this here.

The comment raised by Mr. Naylor is noted and supported to some degree as all proposals have the potential to conflict in one way or another with policies in a plan – particularly one that contains a number of objectives that appear to pull in opposing directions. However, the purpose of the policy is to articulate broadly what forms of development the Council would support in order to

attract visitors to the district and support economic growth in tourism. Equally, there are other policies in the plan that set out what forms of development are not supported and where development should be resisted. It should not be read in isolation from the rest of the plan nor should it be assumed that tourism considerations would override other aspects of the plan. When determining any proposal for tourism use, this policy will be considered alongside all other relevant policies in the plan and any other relevant material considerations. It is therefore not agreed that the policy needs to be amended in the way suggested by Mr. Naylor. These comments relate to the proposed redevelopment of the Mere in Walton, which are addressed under Policy FWK7 in Chapter 8.

Outcome

The following **minor changes** (MIN3.10) to priority 3 in paragraph 3.34 on pages 53 and 54 are proposed (additions shown as highlighted and deletions shown as struck through):

Priority 3: Visitor Economy and Experience – developing new and exciting products that will appeal to existing and new visitor markets including marinas, heritage attractions, up-market hotel and self-catering accommodation and interactive visitor facilities, along with improved public spaces, and lighting and signage.

The following **minor changes** (MIN3.11) to the first paragraph of Policy PRO7: 'Tourism' on pages 54 and 55 are proposed (additions shown as highlighted and deletions shown as struck through):

To attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the district to visitors, subject to other relevant policies in the Local Plan. In particular, the Council will support appropriate proposals for:

Policy PRO8 – Hotels and Guesthouses

(Page 55 – including paragraph 3.37)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): The reference in the second bullet point to 'educational field centres' is in the plural. The nearest one to Tendring at the moment is at Flatford Mill. One educational field centre in Tendring will be sufficient; more than one will be competing with each other and neither will be economically viable.

Comments from landowners, developers and businesses

City & Country: This policy is supported.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The comments of support are noted and welcomed.

With regards to the comment raised by the Frinton and Walton Heritage Trust, it is important to remember that there is little that can be done to influence what companies wish to come to Tendring and where they would like to be located in the district as many factors outside the scope of planning will often influence these decisions. Furthermore, the planning system should not be used to prevent competitiveness. Whilst the policy expresses support for the principle of educational field centres as a form of visitor accommodation, this does not mean that permission will automatically be granted for such development without careful consideration of other relevant policies in the plan.

Outcome

No change to the Local Plan.

Policy PRO9 – Holiday Parks

(Pages 55 to 57 – including paragraphs 3.38 to 3.42)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policy PRO9, paragraph 3, bullet 3 introduces potential ecological impacts that require further consideration. The current text fails to acknowledge that there are wooded areas where environmental issues would have to be taken into account and which may preclude such development. The policy should be amended to clarify that sites of nature conservation value will be protected, including Ancient Semi Natural Woodland and Ancient Veteran Trees.

Environment Agency: We support the principle of the policy and the recognition of flood risk. This is an important consideration for holiday parks. Table 3 of the Technical Guidance to the NPPF is clear on the types of development considered appropriate and inappropriate in respect of Flood Zones. Caravans, mobile homes, and park homes intended for permanent residential use are classed as 'highly vulnerable' in the NPPF. This is considered inappropriate development in Flood Zone 3a and 3b. Sites used for holiday and short-let caravans and camping, subject to a specific warning and evacuation plan, are classed as 'more vulnerable' in the NPPF. This is considered inappropriate development in Flood Zone 3b (functional floodplain). However this is considered appropriate in Flood Zone 3a provided that the Exception Test is passed. Given the requirements of the NPPF as outline above, policy PRO9 of your Local Plan, needs to comply with national planning policy.

We note your approach of refusing proposals for new static caravan parks, unless they are being created for the relocation of an existing site away from an area of flood risk. We are supportive of relocating existing holiday parks in flood risk areas to areas in the low risk zone where this is proposed. Furthermore, the policy proposes to restrict the occupancy times of caravans and

chalets to ensure these are not used for permanent residential use particularly when located in an area of flood risk; we support this approach which is consistent with the principle of the NPPF.

Whilst we support the policy care needs to be taken with regard to seasonal occupancy restrictions when using flood risk as the key driver for this given that the technical guidance to the NPPF does not preclude “short-let” or “holiday” usage of such facilities over the Autumn and Winter season within flood risk areas provided that there is an adequate warning and evacuation plan.

However we recognise that in coastal areas there is a greater likelihood that surge tides with a significant magnitude are more likely to occur in the autumn and winter months and that the policy aims to reduce the exposure of holiday makers in potentially vulnerable accommodation to these risks.

Comments from landowners, developers and businesses

Bourne Leisure Ltd (represented by Nathaniel Lichfield & Partners): We strongly support the support this policy gives to the extension and improvement of holiday parks, which reflects the conclusions of the Holiday Park Study, which specifically recognised the need to upgrade holiday parks to meet ever more demanding market requirements; and to expand holiday parks to ensure a material improvement to the overall layout, amenity and appearance of the site. In our view, this approach is particularly important where existing sites are affected by flooding or coastal erosion and expansion onto adjoining land (including existing open space), which is not affected by coastal erosion/flooding would help to ensure the future viability of the business. However, it should also be confirmed that the expansion of sites will be permitted within the Coastal Protection Zone, provided that it accords with Policy PLA2.

We object to the wording of paragraph 5 that relates to holiday occupation as it is considered too restrictive. Instead, planning conditions should be used to control holiday occupation on a site by site basis, depending on particular circumstances and character and would be a more appropriate approach than a blanket policy restriction, as it allows individual circumstances to be taken into account. Whilst we acknowledge that some holiday accommodation is not suitable for permanent occupation and that a period of closure is required to undertake necessary maintenance works, greater flexibility should be provided. The policy should be revised to only state that the occupancy period will be controlled by use of planning conditions and that account will be taken of the site’s location and quality of accommodation provided, whilst recognising the need for some break in occupancy to prevent permanent occupation.

The Holiday Park Study suggests at paragraph 23 that local planning authorities could attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only, but that with better caravan standards and the trend towards tourism as a year round activity, authorities should give sympathetic consideration to applications to extend the opening period. The study also refers to conditions used by East Riding of Yorkshire Council to restrict the use of caravans to holiday purposes only, and goes on to suggest that planning policies in Tendring should support the extension of the operating season up to 11 months.

Amperswick Ltd and Park Resorts Ltd (represented by GVA Hotels and Leisure): We welcome the assertion that this policy makes with regard to the expansion of safeguarded sites. However, noting the reference in the third paragraph to other policies of the Local Plan, we expect that safeguarded holiday parks will be unable to expand into Strategic Green Gaps or Coastal Protection Belt designated land.

This therefore puts sites affected by or adjacent to land affected by these at a disadvantage compared to other safeguarded sites – that is unless these designations are redrawn in order to allow expansion or the Coastal Protection and Strategic Green Gaps Policies are amended (see

comments made against Chapter 5) or the wording of this policy amended as suggested below. If our proposed changes were made then we would be able to support this policy.

The Council should recognise that often the only way to really safeguard holiday parks is to allow them to grow and expand whether with new pitches or with space to relocate existing pitches so as to redevelop the existing site, improving existing holiday accommodation or facilities. This will ensure that safeguarded holiday parks can continue to provide economic, social and environmental benefits to the communities in which they are located.

This need for growth is particularly clear given the findings of the 2009 Holiday Park Sector Overview, the Councils Employment Study (Part 1 – 2009) and the proposed loss of parks in Walton at Martello (400 plots) and Southcliffe Trailer Park (36 plots).

If the other changes above are not made then the following should be added after the third paragraph:

“In the case of proposals for the extension of safeguarded sites onto adjoining land designated as a Strategic Green Gap or Coastal Protection Belt, the Council will grant development where the proposal is in accordance with Policies SD6 or PLA2 but in the terms of a genuine functional need (or in the case of PLA2, a critical operational requirement), the Council will accept the argument that an established holiday park cannot relocate elsewhere and that therefore there is a genuine functional need for expansion into adjacent protected land.”

Our second objection is that the holiday seasonal restrictions set out in the policy are not in accordance with national policy in the form of the Good Practice Guide on Planning for Tourism (2006). This remains in force despite the publication of the NPPF in March 2012. It recommends avoiding seasonal restrictions unless there is a need to do so for environmental reasons. Instead it recommends the imposition of conditions which state that the particular park can only be used for holiday purposes, cannot be used residentially and that a register of occupiers and their home addresses is maintained and made available to the local authority for monitoring purposes. We are not concerned with the more restrictive season imposed in cases where a site is located in the vicinity of a designated nature conservation site. However, we request that the last paragraph is amended as follows:

“To ensure that caravans and chalets are not used as residential dwellings, proposals for new and extended sites will be subject to the following planning condition:

the caravans (or lodges/cabins/chalets) are occupied for holiday purposes and shall not be occupied as a person’s sole, or main place of residence; the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans / lodges / cabins / chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Occupancy may be restricted to an appropriate seasonal basis where there is a need to protect a site designated for nature conservation or at risk of flooding unless appropriate mitigation can be agreed following the findings of an ecological, or flood risk, assessment respectively.”

Tendring Holiday Park Operators (represented by Charles F. Jones and Son): The positive policy objective of policy PRO9 is welcomed as this generally recognises the importance of the holiday caravan sector in Tendring and the positive economic and social contribution holiday caravans parks make to the area.

However, strong objection is nevertheless made to the presumption against the development of new holiday caravan parks other than well designed timber chalets during the plan period. There is no sound reason or justification to exclude the establishment of new sites, of any size or scale,

where it can be demonstrated that they are in sustainable locations which would positively contribute to the economy of Tendring.

The importance of all forms of holiday caravan accommodation is fully recognised and supported in the Tendring Holiday Park Sector Review (2009). The findings and conclusions of this report support both the need to establish new static holiday caravan parks and the expansion of existing parks in having regard to current and future levels of demand.

Policy PRO9 should therefore be amended to allow for the provision of new static holiday caravans parks in addition to the extension of existing sites, based on the individual merits and sustainability of such proposals and in accordance with those other policies that apply within the Local Plan.

City & Country: This policy is supported.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Clacton Parish Council: This policy states that the Council will give consideration and support to proposals to extend a site onto adjoining land if it is shown the development would improve the quality and amenities over a whole site. This contradicts and would override both Policy SD5 and SD6. In addition, the policy states, that if the applicant can demonstrate that in its current use the park is no longer economically viable, the Council will consider redevelopment favourably. This criteria is weak, leaving the gate wide open to virtually develop anywhere and leaves the supposedly 'Safeguarded Holiday Parks' vulnerable.

Wrabness Parish Council: We support the period of occupation clause but object to the clauses enabling extension of static caravan sites, additional static caravan sites and additional chalet sites on the rural undeveloped coastline.

Weeley Parish Council: Policies PRO9 and 10 give rise to our most pressing concern, which is that TDC may be planning to support the extension of safeguarded and other existing holiday sites onto adjoining undeveloped land outside Settlement Development Boundaries. Policies PRO9 and PRO10 are worded such as to allow TDC no discretion in supporting the extension of safeguarded sites, improvements to the range and quality of attractions and facilities, proposals for new holiday parks utilising timber chalets, new camping or touring caravan parks, extensions to existing caravan parks onto adjoining land and the extension of safeguarded holiday parks etc to provide pitches for camping and touring caravans. We suggest that the wording is modified so as to allow TDC some discretion where appropriate.

Frinton and Walton Town Council: Any extension permitted will also be protected against redevelopment.

Comments from members of the public

Mr. G. Hopkins (Weeley): The word "support" should be changed to consider. Development and improvements to existing sites (safeguarded or not) should protect the amenity of the local permanent community. The Homestead Site in Weeley, which is a proposed safeguarded site, has had several applications refused to develop a legally protected piece of land which adjoins residential properties. The new plan should not safeguard this particular area of the site. The new plan should not make it possible to over-ride any legal agreements.

Mr. R. Naylor (Walton-on-the-Naze): I think that the Council needs to totally rethink its policy regarding holiday parks. It needs to analyse the different types of holiday parks and relate them to other forms of residential accommodation, such as plotland development and second home owning. The current range of permitted use is contradictory, irrational and uncoordinated. This policy, as drafted, fails to recognise the change in occupation of static caravan parks from weekly renting to owner occupation. This has had a significant detrimental effect on nearby settlements. The expansion of present or new parks should therefore not be permitted. A high proportion of existing static caravan sites are located in areas vulnerable to flooding. The restrictions on occupation pay little but lip-service to mitigating these risks such that they remain increasingly vulnerable to flood through rising sea-levels and climate changeability. The Council is turning a blind eye to such vulnerability and has also done little if anything to apply recommendations from previous flooding disasters to reduce its significant exposure to future liability. Existing (safeguarded or otherwise) static caravan parks vulnerable to flooding should be closed and allocated to sustainably protected uses. An overwhelming proportion of static caravans are now privately owned. They are, for all intents and purposes, second homes. Considered as such, second home ownership is therefore at very high levels in the District. Whilst it may be argued that during their periods of non-occupation they produce council tax income without drawing on local services, their dilution of density and consumption of affordable accommodation is detrimental to the local economy and puts significant strain on local services during the seasonal holiday periods. The Council should have a policy that compensates the community for the damage to the economy and viability of permanent settlements.

Ms. D. Blowers (Weeley): Should Policy PRO9 be implemented I can only hope secure fencing, proper screening and consideration for neighbouring properties will be applied, and not the lapse way the present growth of structures and re-arrangement of the landscape with no screening has taken place accompanied by light pollution.

Council consideration

The comments of support are noted and welcomed, particularly the support from the Environment Agency.

In response to the concerns raised about the level of support the policy gives to tourist development and the potential for proposals to conflict with other policies in the plan, it is important to make clear that the overriding purpose of the policy is to allow the types of tourist development supported in the policy to come forward to help strengthen and support the district's tourist industry by improving its appeal as a visitor destination. However, proposals will also be expected to comply with other relevant policies in the plan and will only be supported in locations that are appropriate for such uses. The use of the word 'support' in the policy does not mean that planning permission would automatically be granted to proposals that comply with this policy without due consideration of other relevant policies in the plan.

In response to the concern by Essex County Council about the potential impact of the policy on woodlands in the district which often have a high conservation value, should a proposal for such development come forward in a location that has a high nature value, then there are policies in the plan that would apply.

In response to the concern about the policy excluding other forms of new holiday park that do not meet the requirements set out in the policy, it is important to understand the purpose of the policy, which is to encourage a higher quality and more diverse range of holiday accommodation to attract different visitors to the district. There is nothing wrong with the policy stating a preference for certain types of tourist development in order to achieve the Council's aims and objectives but it is conceded that it is not appropriate to state that other forms of development will be refused if not in accordance with the policy. Instead, following the forms of holiday park-related development that

are preferred, it should be made clear that proposals for other new static caravan parks will be considered on their merits (subject to meeting other policies in the plan) but proposals must be of a high quality design and the onus will be placed on the applicant to demonstrate how the development will contribute to the growth of the tourist industry.

Little Clacton Parish Council is concerned that holiday sites are vulnerable to other forms of development if an applicant can demonstrate a site is no longer economically viable. However, it is important to note that this applies to other sites operating as holiday parks but which are not specifically shown as safeguarded sites on the policies map. As a tool to help manage and control growth and development the plan can, and should, seek to protect certain forms of development from being lost to other uses where it can be justified but it must also provide a degree of flexibility in order to allow change to occur. It is believed these comments relate to the concern about holiday parks being redeveloped for housing. If an existing holiday park becomes unviable or even closes, the Council would prefer first and foremost for the site to be reused as a holiday park. However, if this is not possible, then the preference would be for it to be redeveloped for an alternative economic use before considering housing. It is therefore not agreed that the policy is weak as it and other policies in the plan provide an appropriate framework against which to consider applications relating to holiday parks. The changes proposed to Policies Map 10: 'Little Clacton' to tighten the Settlement Development Boundary to exclude the Firs Caravan Park should make it clear that the Council wishes to see this area remain in use as a holiday park and is therefore not suitable for residential development. In order to make it clear that holiday parks should remain in leisure/tourism use and that the Council is unlikely to support proposals for redevelopment. Removing these sites from Settlement Development Boundaries makes it clear that they are not considered to be part of the continuous residential built up area where residential development is usually directed to (see proposed changes [PM1.1](#), [PM1.2](#), [PM1.4](#), [PM1.6](#), [PM1b.1](#), [PM1b.3](#), [PM2.3](#), [PM3.4](#), [PM3b.1](#), [PM5.1](#), [PM10.3](#), [PM11ab.1](#), [PM12.1](#), [PM13.1](#) and [PM13.2](#) propose the removal of safeguarded holiday parks located around the periphery of settlements from Settlement Development Boundaries to make it even clearer, alongside Policy PRO9: 'Holiday Parks', that these sites

A number of the district's largest holiday parks have raised concerns about the restrictive nature of the policy with regards to occupancy and the concern that they and other holiday parks adjacent to land protected by other policies in the plan (i.e. land in a Strategic Green Gap or the Coastal Protection Zone), will be unable to expand and improve.

With regards to the concerns about holiday parks that are located next to Strategic Green Gaps or the Coastal Protection Belt being unable to expand, it is acknowledged that for a proposal to comply with the relevant policies in the plan relating to these designations, a strong case would need to be put forward by the applicant at the planning application stage to demonstrate how the proposal meets all the relevant policy requirements. In the case of proposals on land affected by a Strategic Green Gap designation, applicants will need to demonstrate that all the requirements of Policy SD5 are met or it can be demonstrated that there is a genuine functional need for the development in that location or it would create green infrastructure that would ensure the longer-term protection of the gap against future built development and improve access to the countryside; whereas, on land affected by the Coastal Protection Belt designation it must be demonstrated that there is a compelling functional or critical operational need for the development. Whilst it is recognised that the district's holiday parks play an important role in the appeal and success of the district as a visitor destination, it is also important that there remains a general presumption against inappropriate forms of development in sensitive locations. This approach is also necessary to prevent there being an over-saturation of any one type of holiday accommodation in order to promote a more diverse range of visitor accommodation.

It is not agreed that this policy, or the policies relating to the above designations, should state what is likely to be considered a compelling functional or critical operational need as it would be impossible to list every exception in the policy. Instead, the onus is placed on the applicant to make

this argument at the planning application stage where a degree of pragmatism will be needed from the Council when dealing with such proposals to ensure each proposal is considered on a case by case basis.

Specific requests that have been made to alter existing safeguarded holiday parks or designations affecting adjacent land have been considered on their merits and are addressed in the relevant area chapters of this plan. It is therefore not agreed that any further changes to this policy are needed in response to this particular issue.

In response to the concerns about the restrictions placed on occupancy of caravans and chalets it is important to understand why such a strict approach was proposed. The overriding purpose of the policy is to prevent all-year-round permanent occupation of caravans and chalets that are often only designed for temporary holiday use and that are often located in areas that lack the necessary and appropriate infrastructure and services for longer occupation, particularly rural locations. Restricting occupancy is therefore an effective way this can be achieved. The reason for proposing a restriction on occupancy during the winter months is because many of the district's caravan/chalet parks are located in coastal areas that are vulnerable to flooding and, as recognised in the comments raised by the Environment Agency, there is a greater likelihood that surge tides with a significant magnitude are more likely to occur in the autumn and winter months.

However, it is noted that flood risk should not be used as the key driver for this policy given that the technical guidance to the NPPF does not preclude "short-let" or "holiday" usage of such facilities over the autumn and winter season within flood risk areas provided that there is an adequate warning and evacuation plan. Additionally, it is accepted that for sites that are not at risk of flooding, particularly those with accommodation of a higher quality standard of construction, there is not such a pressing need for occupancy to be restricted during the winter months and so there should be a degree of flexibility in the policy to allow the occupancy period to be determined on a site by site basis in partnership with the site owner/operator, who would also share the responsibility with the Council in enforcing the restriction. This could be managed and enforced through the use of appropriate planning conditions and the licensing process. For sites that are located in areas that are vulnerable to flooding, there will continue to be an expectation for the period where occupancy will be restricted to occur during the winter months.

It is also conceded that there should be some flexibility to allow proposals for all-year-round holiday occupancy but these should only be permitted in exceptional circumstances (i.e. if a site is not in an area that is vulnerable to flooding and it can be demonstrated how the prevention of accommodation for permanent residential use will be managed, monitored and enforced).

With regards to the concern about the impact such development could have on neighbouring properties in terms of light pollution and the need for secure fencing and proper screening, it is fully agreed that such impacts should be carefully considered and either avoided or minimised where possible. Whilst not explicitly stated in this policy, other policies in the plan that require such considerations to be taken into account will apply and so it is not agreed any further changes are needed in response to this concern.

Outcome

The following **major changes** (MAJ3.6) to Policy PRO9: 'Holiday Parks' on pages 56 and 57 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY PRO9: HOLIDAY PARKS

Some of the district's holiday parks are shown as 'safeguarded sites' on the Policies Map and

Policies Map Insets. These sites will be protected against redevelopment for alternative uses either in part or in whole.

On 'other sites' that are operating as holiday parks but are not specifically shown as safeguarded sites or allocated for an alternative use, proposals for redevelopment will only be considered favourably if the applicant can demonstrate that the current use is no longer economically viable or that the economic benefits of the proposed development would outweigh the loss of the existing operation, having regard to other policies in this Local Plan.

Subject to consideration against other policies in this Local Plan, the Council will support proposals for:

- the extension of safeguarded sites or other existing sites onto adjoining land provided that the development would result in improvements to the overall layout, amenity, appearance and quality of accommodation over the whole site;
- improvements to the range and quality of attractions and facilities at safeguarded sites and other sites; and
- proposals for new holiday parks that comprise well designed timber chalets set on plinths with pitched roofs, ideally located within a wooded or undulating landscape setting that incorporates water features and indoor and outdoor leisure facilities that would be appropriate in a countryside location.

Proposals for new static caravan/chalet parks will only be permitted where it can be demonstrated by the applicant how the proposal would help strengthen and diversify the district's tourist economy or that ~~The Council will refuse proposals for new static caravan parks, unless~~ they are being specifically created for the relocation of an existing site away from flood risk areas.

To ensure that caravans and chalets are not used as permanent residential dwellings, they will be subject to holiday occupancy conditions. ~~their occupation will only be permitted between 1st March in any one year and 14th January in the subsequent year (inclusive). Occupancy will be further restricted to the period 1st March to 31st October in any one year where the site:~~ Only in exceptional circumstances and where all the following criteria are met will proposals for all-year-round holiday occupancy be permitted:

- ~~the holiday accommodation is of a high standard lacks the necessary and appropriate infrastructure and services for longer occupation; or~~
- ~~it can be demonstrated how the prevention of accommodation for permanent residential use will be managed, monitored and enforced, to be agreed between the Council and site owner/operator in advance; and is located in an area of flood risk, or in the vicinity of a site designated for nature conservation.~~
- ~~in areas within the Flood Zone that are vulnerable to flooding there is an adequate warning and evacuation plan to be agreed with the Environment Agency in advance.~~

The following **minor changes** (MIN3.12) to paragraph 3.42 on page 56 are proposed (additions shown as highlighted and deletions shown as struck through):

3.42 ~~The holiday occupation period in Tendring covers 10½ months of the year because the accommodation is often unsuitable for permanent occupation, and the loss of holiday~~

accommodation to permanent residential use displaces accommodation intended for tourism use, which has a knock-on effect on the district's economy. Additionally, most of the district's holiday accommodation is located in areas that are vulnerable to flooding and that often lack the necessary and appropriate infrastructure and services for longer occupation. The Council will therefore use planning conditions/legal agreements to ensure that this does not occur and in order for a site to comply with its license, the site owner/operator will be expected to share the responsibility of managing and enforcing this requirement the occupation of tourist accommodation is restricted a certain period of time within any one year as set out in the policy below. Additionally, because holiday accommodation is often unsuitable for permanent occupation and located in areas that often lack the necessary and appropriate infrastructure and services for longer occupation, the Council will restrict the holiday occupancy period to 11 months to be agreed in advance between the site owner/operator and the Council. Where sites are located in an area vulnerable to flooding, the period of restricted occupancy will be expected to take place during the winter months when there is a greater likelihood of higher tides and severe weather.

Other consequential changes include:

- The removal of safeguarded holiday parks located around the periphery of settlements from Settlement Development Boundaries – see proposed changes [PM1.1](#), [PM1.2](#), [PM1.4](#), [PM1.6](#), [PM1b.1](#), [PM1b.3](#), [PM2.3](#), [PM3.4](#), [PM3b.1](#), [PM5.1](#), [PM10.3](#), [PM11ab.1](#), [PM12.1](#), [PM13.1](#) and [PM13.2](#).

Policy PRO10 – Camping and Caravanning

(Pages 57 and 58 – including paragraph 3.43)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policy PRO10 introduces potential ecological impacts that require further consideration. The current text fails to acknowledge that there are wooded areas where environmental issues would have to be taken into account and which may preclude such development. The policy should be amended to clarify that sites of nature conservation value will be protected, including Ancient Semi Natural Woodland (ASNW) and Ancient Veteran Trees (AVT).

Environment Agency: We support the principle of the policy and the recognition of flood risk. This is an important consideration for holiday parks. Table 3 of the Technical Guidance to the NPPF is clear on the types of development considered appropriate and inappropriate in respect of Flood Zones. Caravans, mobile homes, and park homes intended for permanent residential use are classed as 'highly vulnerable' in the NPPF. This is considered inappropriate development in Flood Zone 3a and 3b. Sites used for holiday and short-let caravans and camping, subject to a specific warning and evacuation plan, are classed as 'more vulnerable' in the NPPF. This is considered inappropriate development in Flood Zone 3b (functional floodplain). However this is considered appropriate in Flood Zone 3a provided that the Exception Test is passed.

Given the requirements of the NPPF as outline above, Policy PRO10 needs to comply with national planning policy. The policy proposes to restrict the occupancy times of caravans and chalets to ensure these are not used for permanent residential use particularly when located in an area of flood risk; we support this approach which is consistent with the principle of the NPPF.

Whilst we support the policy care needs to be taken with regard to seasonal occupancy restrictions when using flood risk as the key driver for this given that the technical guidance to the NPPF does not preclude "short-let" or "holiday" usage of such facilities over the Autumn and Winter season within flood risk areas provided that there is an adequate warning and evacuation plan. However

we recognise that in coastal areas there is a greater likelihood that surge tides with a significant magnitude are more likely to occur in the autumn and winter months and that the policy aims to reduce the exposure of holiday makers in potentially vulnerable accommodation to these risks.

Comments from landowners, developers and businesses

Park Resorts Ltd (represented by GVA): Park Resorts parks at Highfield Grange, Naze Marine and Martello Beach also comprise land for touring caravans, campervans and tents and on some of these parks, demand outstrips supply. Policy PRO10 supports the extension of safeguarded sites onto adjacent land providing that there is no issue of flood risk. However, it is not clear whether this support would apply on protected land such as Coastal Protection Belt or Strategic Green Gap (irrespective of flood risk) and if this is not the case we would have to object to the policy.

The second and third bullet points of the first paragraph should be amended to read as follows:

- “extensions to existing camping and touring caravan parks onto adjoining land including land designated as Strategic Green Gap or Coastal Protection Belt provided that the land is outside the flood risk areas; and
- the extension of safeguarded holiday parks (as shown on the Policies Map and Policies Map Insets) or non-safeguarded sites onto adjoining land including land designated as Strategic Green Gap or Coastal Protection Belt to provide pitches for camping and touring caravans land provided that they fall outside the flood risk zones.”

We also object to the section restricting occupancy for the same reasons provided in our objections to Policy PRO9. The last paragraph should be amended to read as follows:

“To ensure tents and touring caravans are not used as residential dwellings, proposals for new and extended sites will be subject to the following planning condition:

the caravans (or motorhomes/tents) are occupied for holiday purposes and shall not be occupied as a person’s sole, or main place of residence; the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/motorhomes/tents on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Occupancy may be restricted to an appropriate seasonal basis where there is a need to protect a site designated for nature conservation or at risk of flooding unless appropriate mitigation can be agreed following the findings of an ecological, or flood risk, assessment respectively.”

City & Country: We believe that this policy should be to stop over saturation of the market. In areas where there are already large caravan sites the surrounding areas should not be promoted as new caravan sites.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Weeley Parish Council: Policies PRO9 and 10 give rise to our most pressing concern, which is that TDC may be planning to support the extension of safeguarded and other existing holiday sites onto adjoining undeveloped land outside Settlement Development Boundaries. Policies PRO9 and PRO10 are worded such as to allow TDC no discretion in supporting the extension of safeguarded

sites, improvements to the range and quality of attractions and facilities, proposals for new holiday parks utilising timber chalets, new camping or touring caravan parks, extensions to existing caravan parks onto adjoining land and the extension of safeguarded holiday parks etc to provide pitches for camping and touring caravans. We suggest that the wording is modified so as to allow TDC some discretion where appropriate. Please also note that the wording of the third bullet point under PRO10 appears to have a word missing.

Frinton and Walton Town Council: The policy should not affect the Strategic Green Gaps.

Comments from members of the public

Mr. G. Hopkins (Weeley): Any new developments or extensions to existing sites should have respect to and protect the amenity of the local permanent community. The word "support" should be changed to "consider".

Mr. R. Naylor (Walton-on-the-Naze): The statement: "The Council will support proposals for:" should be changed to: "The Council will consider proposals for:" However, the creation of new sites, or the expansion of current sites (safeguarded or otherwise), should be refused except in the case where they can be demonstrated to have significant beneficial effects for the local permanent community. No new or extended sites should be permitted within areas of flood risk or in the vicinity of a site designated for nature conservation.

Council consideration

The comments of support are noted and welcomed, particularly the support from the Environment Agency.

In response to the concerns raised about the level of support the policy gives to tourist development and the potential for proposals to conflict with other policies in the plan, it is important to make clear that the overriding purpose of the policy is to allow the types of tourist development supported in the policy to come forward to help strengthen and support the district's tourist industry by improving its appeal as a visitor destination. However, proposals will also be expected to comply with other relevant policies in the plan and will only be supported in locations that are appropriate for such uses. The use of the word 'support' in the policy does not mean that planning permission would automatically be granted to proposals that comply with this policy without due consideration of other relevant policies in the plan. However, it is agreed that this should be made clearer in the policy, in a similar way it is clearly stated in Policy PRO9.

In response to the concern by Essex County Council about the potential impact of the policy on woodlands in the district which often have a high conservation value, should a proposal for such development come forward in a location that has a high nature value, then there are policies in the plan that would apply.

Concerns have been raised about the restrictive nature of the policy with regards to occupancy and the concern that proposals for the expansion of existing camping and caravan sites onto adjacent land that is protected by other policies in the plan (i.e. land in a Strategic Green Gap or the Coastal Protection Zone) will be refused.

With regards to the concern about sites that are located next to Strategic Green Gaps or the Coastal Protection Belt being unable to expand, it is acknowledged that for a proposal to comply with the relevant policies in the plan relating to these designations, a strong case would need to be put forward by the applicant at the planning application stage to demonstrate how the proposal meets all the relevant policy requirements. In the case of proposals on land affected by a Strategic

Green Gap designation, applicants will need to demonstrate that all the requirements of Policy SD5 are met or it can be demonstrated that there is a genuine functional need for the development in that location or it would create green infrastructure that would ensure the longer-term protection of the gap against future built development and improve access to the countryside; whereas, on land affected by the Coastal Protection Belt designation it must be demonstrated that there is a compelling functional or critical operational need for the development. Whilst it is recognised that the district's camping and caravan sites play an important role in the appeal and success of the district as a visitor destination, it is also important that there remains a general presumption against inappropriate forms of development in sensitive locations. This approach is also necessary to prevent there being an over-saturation of any one type of holiday accommodation in order to promote a more diverse range of visitor accommodation.

It is not agreed that this policy, or the policies relating to the above designations, should state what is likely to be considered a compelling functional or critical operational need as it would be impossible to list every exception in the policy. Instead, the onus is placed on the applicant to make this argument at the planning application stage where a degree of pragmatism will be needed from the Council when dealing with such proposals to ensure each proposal is considered on a case by case basis.

Specific requests that have been made to alter existing camping or caravan or designations affecting adjacent land have been considered on their merits and are addressed in the relevant area chapters of this plan. It is therefore not agreed that any further changes to this policy are needed in response to this particular issue.

In response to the concerns about the restrictions placed on occupancy of camping and caravan sites it is important to understand why such a strict approach was proposed. The overriding purpose of the policy is to prevent all-year-round permanent occupation of tents and touring caravans that are often only designed for temporary holiday use and that are often located in areas that lack the necessary and appropriate infrastructure and services for longer occupation, particularly rural locations. Restricting occupancy is therefore an effective way this can be achieved. The reason for proposing a restriction on occupancy during the winter months is because many of the district's camping/caravan sites are located in coastal areas that are vulnerable to flooding and, as recognised in the comments raised by the Environment Agency, there is a greater likelihood that surge tides with a significant magnitude are more likely to occur in the autumn and winter months.

However, it is noted that flood risk should not be used as the key driver for this policy given that the technical guidance to the NPPF does not preclude "short-let" or "holiday" usage of such facilities over the autumn and winter season within flood risk areas provided that there is an adequate warning and evacuation plan. Additionally, it is accepted that for sites that are not at risk of flooding, particularly those with accommodation of a higher quality standard of construction, there is not such a pressing need for occupancy to be restricted during the winter months and so there should be a degree of flexibility in the policy to allow the occupancy period to be determined on a site by site basis in partnership with the site owner/operator, who would also share the responsibility with the Council in enforcing the restriction. This could be managed and enforced through the use of appropriate planning conditions and the licensing process. For sites that are located in areas that are vulnerable to flooding, there will continue to be an expectation for the period where occupancy will be restricted to occur during the winter months.

It is also conceded that there should be some flexibility to allow proposals for all-year-round holiday occupancy but these should only be permitted in exceptional circumstances (i.e. if a site is not in an area that is vulnerable to flooding and it can be demonstrated how the prevention of accommodation for permanent residential use will be managed, monitored and enforced).

Outcome

The following **major changes** ([MAJ3.7](#)) to Policy PRO10: 'Camping and Caravanning' on pages 57 and 58 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY PRO10: CAMPING AND CARAVANNING

The Subject to consideration against other policies in this Local Plan, the Council will support proposals for:

- new camping or touring caravan parks;
- extensions to existing camping and touring caravan parks onto adjoining land provided that the land is outside the flood risk areas; and
- the extension of safeguarded holiday parks (as shown on the Policies Map and Policies Map Insets) or non-safeguarded sites onto adjoining land to provide pitches for camping and touring caravans and provided that they fall outside the flood risk zones.

The provision of such facilities must be accompanied, as a minimum, by electricity pick-up points for each caravan pitch, facilities for drinking water, toilets, showers, washing facilities and waste water. The Council will support proposals for on-site recreational facilities subject to the requirements of other policies in this Local Plan.

To ensure that tents and touring caravans are not used as permanent residential dwellings, the occupation of camping and caravan sites (including facilities provided as part of the accommodation on holiday villages, caravan or chalet parks) will be subject to holiday occupancy conditions. ~~only be permitted between 1st March in any one year and 14th January in the subsequent year (inclusive). Occupancy will be further restricted to the period 1st March to 31st October in any one year where the site~~ Only in exceptional circumstances where all the following criteria are met will proposals for all-year-round holiday occupancy be permitted:

- ~~the holiday accommodation is of a high standards lacks the necessary and appropriate infrastructure and services for longer occupation; or~~
- ~~it can be demonstrated how the prevention of accommodation for permanent residential use will be managed, monitored and enforced, to be agreed between the Council and site owner/operator in advance; and is located in an area of flood risk, or in the vicinity of a site designated for nature conservation.~~
- ~~in areas within the Flood Zone that are vulnerable to flooding there is an adequate warning and evacuation plan to be agreed with the Environment Agency in advance.~~

Policy PRO11 – Harwich International Port

(Pages 58 and 59 – including paragraphs 3.44 to 3.47)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: Given the proximity of Harwich International Port to the Stour and Orwell Estuaries SPA and Ramsar site, any proposals that come forward for development would need to

be subject to a Habitat Regulations Assessment in order to ensure that any potential significant effects on those European sites are identified and mitigated. We would also expect to see this issue addressed through the Habitats Regulations Assessment Report for the Local Plan which we understand has been produced to accompany this latest version; however that report does not appear to have been made available as part of this consultation (see our specific comments on the HRA below).

We recognise that (as outlined in the policy) the Bathside Bay site has been granted planning permission by the Secretary of State in recognition of its overriding economic benefits to the national economy, despite its status as a site of international importance for nature conservation. We welcome the reassurance within the policy that its importance for nature conservation will continue to be recognised through Policy PLA4 and protected in line with the relevant International, European and English law whilst the site remains undeveloped.

Any new proposals that may come forward for that particular site would need to be subject to HRA. We would also like to see specific reference within Policy PRO11 to the mitigation measures that will be employed to offset any damage to the SPA and Ramsar site (e.g. the creation of compensatory habitat elsewhere).

Stour and Orwell Peninsula Habitat Protection UK (represented by Jenni Meredith): I support the final sentence of the Policy. Hamford Water must be delivered within the time frame of the Local Plan, or not delivered at all. If it is not delivered at all then the container port project cannot be delivered. Thus there is a fundamental inconsistency in the draft Local Plan as it stands.

Comments from landowners, developers and businesses

J. Macaulay & Sons (represented by Boyer Planning): A vital aspect of the port expansion will be the logistical requirements needed to support increased port activity. The Local Plan makes no detailed mention of the requirements for port logistics, therefore the potential for this development to support the regeneration aims for the Harwich area is not adequately explored. There are no allocations for port-centric proposals within the Local Plan at Harwich.

A more port-centric logistic approach should be included within the Local Plan, to a greater degree than is currently proposed. This would identify the wider impacts and benefits of the port expansion using more realistic commentary and setting a fuller context within which the future economic growth would occur.

Notwithstanding the short life span of the plan, consideration should be given now to the policy framework required to deliver this type of development; sufficiently upstream within the planning making process. This is not the case and the opportunity to establish wider policy aims with which to promote port expansion and development ancillary to increased port activity, is not addressed in sufficient detail in our opinion.

Should it be considered that the lifespan of the Plan is too short, we recommend the inclusion of a strategic site for port-centric logistics facilities. If the timespan is accepted as sound, more specific reference to such facilities should be made in policies PRO11 and PRO12.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): Paragraph 3.44 claims that the time extension for the container port was granted in 2011. That is patently not true. A resolution is not the same thing as a formal approval and to date there has been no formal approval. There is a

legal problem with that application. The current situation is that the consent might have already expired and in any case will expire by 2016. I object to the false statement at 3.44 in the Draft Local Plan and suggest that is deleted. I also object to paragraph, 3.46 as that follows from the false statement of a permission to extend the time frame of the 2006 IROPI consent. It is not reasonable to expect a development, which is consented conditional upon its commencing prior to 2016, to commence after 2021 and to use that unreasonable assumption to form a policy of ensuring the potentially non-delivered project is not jeopardized, is possibly detrimental to alternative and deliverable opportunities in the area over the next 8 years to 2021. Since the statement at 3.44 that a time extension for the container port has been granted, is untrue, it follows that parts of Policy PRO11, will also require alterations. The final sentence of the policy is supported.

Comments from members of the public

Mr. A. W. Howard (Dovercourt): I support Bathside Bay and the port expansion.

Mr and Mrs Noble: Paragraph 3.44 claims that the time extension for the container port was granted in 2011. That is patently not true. A resolution is not the same thing as a formal approval and to date there has been no formal approval. There is a legal problem with that application. The current situation is that the consent might have already expired and in any case will expire by 2016. I object to the false statement at 3.44 in the Draft Local Plan and suggest that is deleted. I also object to paragraph, 3.46 as that follows from the false statement of a permission to extend the time frame of the 2006 IROPI consent. It is not reasonable to expect a development, which is consented conditional upon its commencing prior to 2016, to commence after 2021 and to use that unreasonable assumption to form a policy of ensuring the potentially non-delivered project is not jeopardized, is possibly detrimental to alternative and deliverable opportunities in the area over the next 8 years to 2021. Since the statement at 3.44 that a time extension for the container port has been granted, is untrue, it follows that parts of Policy PRO11, will also require alterations. The final sentence of the policy is supported.

Council consideration

The comments of support are noted and welcomed.

As highlighted in the comments from Natural England, any proposals that come forward for development at Harwich International Port would need to be subject to a Habitat Regulations Assessment due to its proximity to the Stour and Orwell Estuaries SPA and Ramsar site. This is already a legal requirement, which is referred to in the supporting text to Policy PLA4 so it is not considered necessary to repeat it in this policy.

As concluded in the Habitat Regulations Assessment that assesses the Proposed Submission Draft of the local plan that was published for public consultation, Policy PRO11 is a supportive policy and does not detail implementation so it will not have a likely significant effect on the international sites. The purpose of the policy is to set out the Council's aims to support the development of the Harwich International Port which has been subject to its own HRA and as a result, compensatory habitat is being provided at Hamford Water. It is therefore not agreed that this needs to be explicitly referred to in this policy.

Whether the compensatory habitat comes forward, or not, is an issue relating to the implementation of the Bathside Bay planning application, not this local plan.

In response to the comments about the plan not having a port-centric logistics approach, it is recognised that port expansion is likely to attract demand for logistics-related development, which

will be encouraged and supported in principle, once the economy improves and port expansion takes place. However, with economic conditions suggesting that the Bathside Bay development is unlikely to take place until after 2021, there is unlikely to be any justification for such a development until then. Policy PRO12 sets out the criteria against which proposals for such development will be considered should economic conditions improve and Bathside Bay, or any other port development, comes forward sooner than currently expected.

In response to representations on other sections of the Local Plan, the Council proposes changing the plan period from 2011-2021 to 2014-2029 to ensure conformity with the National Planning Policy Framework (see proposed change **MAJ1.1**). However, the Council also reserves the right to review the Local Plan prior to 2024 to deal with longer-term growth requirements and reflect the economic situation facing the district at that time. The timing of development at Bathside Bay is difficult to predict, hence the cautious approach to J. Maccauley & Son's suggestion to allocate specific sites for port-logistics facilities. If such a facility is needed, sooner than expected (i.e. before the next review of the Local Plan), then Policy PRO12 contains sufficient flexibility for proposals to be considered, positively and on their merits against a series of criteria.

With regards to the concerns that the draft plan incorrectly refers to the status of the Bathside Bay planning application, these are now irrelevant as the application has since been approved by the Council following confirmation from the Secretary of State that it could determine the application. The time period for the permission is now extended to 2021. This section of the plan should therefore be amended to reflect the latest position.

Outcome

The following **minor changes** (**MIN3.13**) to paragraph 3.44 on page 58 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

3.44 The Tendring District is the home to a number of ports, the largest and most significant of which is Harwich International which operates ferry services between Harwich and the Hook of Holland and Esjberg, cruise ships and facilities for the transportation of container freight. In 2006, a planning application by Hutchinson Ports (UK) Ltd for Container Port at Bathside Bay was granted a 10-year planning permission; subsequent applications to extend the time period of the planning permission were granted in ~~2014~~ **February 2013**.

The following **minor changes** (**MIN3.14**) to paragraph 3.46 on page 58 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

3.46 The Council fully supports the proposal but, due to a number of economic factors, does not realistically expect the development to commence until ~~the last part at least the end~~ **the last part** of the Local Plan period ~~in 2024~~. ~~However, For this plan period therefore,~~ **However,** the Council will aim to ensure that port expansion in the longer-term is not jeopardised by planning decisions in the shorter-term, and will work closely with Hutchinson Ports, the Highways Agency and other relevant partners to investigate possible ways of facilitating the development as early as possible for the benefits of the Tendring economy.

Policy PRO12 – Freight Transport and the Movement of Goods

(Pages 59 and 60 – including paragraphs 3.48 to 3.51)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Highways Agency: We support this policy and consider that it is focused correctly that permission should be firstly given to sites with good connections to the rail network before those loading traffic upon the Strategic Road network.

Natural England: We would wish to see an additional consideration added, to address the potential impacts on the natural environment, including sites of biodiversity or geological importance.

ONTRACK (represented by John Smock): The following should be added to the policy: “Wherever possible safeguard land from building development formerly used at stations for freight transfer particularly at seaports and termini to enable transport infrastructure capacity enhancements and inter modal transfer expansion”.

Comments from landowners, developers and businesses

J. Macaulay & Sons (represented by Boyer Planning): If the short time period for the Local Plan is accepted as being sound, we agree with the broad aims of the Policy PRO12, which, whilst recognising that the provision of effective movement of goods is necessary to promote a dynamic economy, is also seeking to minimise the environmental impact on environmentally sensitive areas such as residential settlements.

This policy does not however make special provision for port-centric development, which will provide the logistical needs of the port users. However, reference is made at paragraph 3.50 to interest from landowners to building major logistics facilities along the A120 to support increased freight movement that is expected following the expansion of Harwich International Port at Bathside Bay. Land at Poplars is in our opinion the closest land to Harwich to meet the tests of being available, suitable and viable for a major port centric facility.

Had the Council taken a port-centric logistics approach, sites needed to provide for the logistical requirements of the port users could have been identified during the early stages of the Core Strategy/Local Plan process. In the absence of designation of such sites, should Bathside Bay proceed before 2021, assessment of a suitable site (or sites) would have to be undertaken very quickly against the criteria in Policy PRO12. Given the long lead-in times necessary to plan and deliver a port-centric facility and associated infrastructure and access arrangements to the A120, it is in our view questionable whether this could be achieved effectively, and therefore beneficially, within Tendring District. There is therefore the risk that the freight industry would make arrangements elsewhere in the country, which would lose the employment opportunities that such a facility would provide.

At the very least Policy PRO12 should include reference to its need to be close to Harwich, outside of the flood plain, adjacent to the A120, not near residential, and therefore the need for a large, level site in the countryside. If a longer plan period is proposed, the Local Plan should be site specific, due to the infrastructure implications and the scale of the proposed port-centric logistics development. Indicating broad locations for strategic development such as this on a key diagram would be consistent with the Framework.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. R. Horlock (Mistley): There seems to be plenty of space along the Ramsey/Harwich bypass. These would be a) near a deprived area; b) well away from residential sites; c) near the port if or when development goes ahead; and d) a good storage place while containers are stored before being loaded onto goods trains. It is so important to make full use of railway connections rather than roads. According to government reports, road congestion costs millions of pounds.

Mr. P. Cannons (Thorpe-le-Soken): Harwich International Port is not connected by adequate freight handing links to the commercial and industrial heartland of the country. The prospect of additional container traffic being carried through Manningtree is entirely unwelcome as is the alternative, of inefficient road haulage via the A120. Indeed it is questionable whether the Branch Line could sustain the increased traffic without substantial upgrade or even if road transport remains viable as energy costs slowly escalate. Far better to develop Harwich as a passenger terminal and leave Freight handling to Felixstowe which has better road and rail links to the Midlands.

Council consideration

The comments of support are noted and welcomed, particularly from the Highways Agency.

In response to the concern raised by Natural England that the policy should include an additional consideration relating to the protection of the environment, the need to protect or enhance the natural and built environment is already clearly expressed in the plan and so it is not considered necessary to repeat it in this policy. Any proposal that would significantly harm the nature conservation value of a site, particularly designated sites, will not be supported by the Council.

In response to the comments about the plan not having a port-centric logistics approach and suggested locations for such development, it is recognised that port expansion is likely to attract demand for logistics-related development, which will be encouraged and supported in principle, once the economy improves and port expansion takes place. However, with economic conditions suggesting that the Bathside Bay development is unlikely to take place until after 2021, there is unlikely to be any justification for such development until then. Policy PRO12 sets out the criteria against which proposals for port logistics-related development will be considered should economic conditions improve and Bathside Bay, or any other port development, comes forward sooner than currently expected. The policy promotes the use of the existing railway network for freight purposes but it is recognised that this may not be possible and so the policy provides sufficient flexibility to allow other sites to come forward that might be in more commercially attractive locations that are better suited to the needs of the freight/logistics industry.

To address objections received to other sections of the Local Plan, the Council proposes changing the plan period from 2011-2021 to 2014-2029 to ensure conformity with the National Planning Policy Framework (see proposed change **MAJ1.1**). However, the Council also reserves the right to review the Local Plan prior to 2024 to deal with longer-term growth requirements and reflect the economic situation facing the district at that time. The timing of development at Bathside Bay is difficult to predict, hence the cautious approach to J. Maccauley & Son's suggestion to allocate specific sites for port-logistics facilities. If such a facility is needed, sooner than expected (i.e. before the next review of the Local Plan), then Policy PRO12 contains sufficient flexibility for proposals to be considered, positively and on their merits against a series of criteria.

The comments raised by Mr. Cannons relate to the principle of port expansion at Bathside Bay. However, the issues raised were debated at length during the determination of the Bathside Bay planning application, which was subsequently approved. It is therefore not appropriate to rehearse these issues in the local plan. Should the debate about the principle of port expansion take place again in the future, then that will be the appropriate time to debate those issues.

It is suggested by ONTRACK that land formerly used at stations for freight transfer should be safeguarded to enable enhancements and improvements to encourage greater transfers between different modes of transport. Whilst the reason for this approach is understood, it would not be practical and would go against the spirit of the National Planning Policy Framework, which seeks to avoid placing unnecessary restrictions on growth and development unless there is sufficient evidence to justify the need for such restrictions. Instead, as stated in Policy SD8, the council will continue to work with its partners to improve accessibility and capacity and promote sustainable transport where possible, by considering proposals on their merits. As part of the consideration of any proposal for non-transport-related development that may come forward on land formerly used for freight transfer around stations, the council will first ensure that the proposal does not conflict with any planned investment at that station (or the transport network which could require improvements to be made), refusing any application that is likely to jeopardise such investment coming forward. If there is no planned investment, the council will then work with the applicant to ensure that all opportunities for expansion or improvement have been maximised as part of the design process, before considering the proposal for approval. It is therefore not agreed that any changes need to be made to the plan following consideration of these comments.

Outcome

The following **minor changes** (MIN3.15) to paragraph 3.50 on page 59 are proposed (additions shown as highlighted and deletions shown as struck through):

3.50 Some landowners have indicated an interest in providing land to build major logistics facilities along the A120 to support the increased freight movement that is expected following the expansion of Harwich International Port at Bathside Bay. With economic conditions suggesting that the Bathside Bay development is unlikely to take place until after 2021, there is unlikely to be any justification for such a development within **the early part of** this plan period.

Policy PRO13 – The Renewable Energy Industry

(Pages 60 and 61 – including paragraphs 3.52 and 3.53)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. R. Naylor (Walton-on-the-Naze): The brevity and lack of reference to the planning challenges posed by the product deployment of the renewable energy industry is derisible (unless this is treated elsewhere in the Plan). Energy consumption reduction should also be included. Does the Council have a plan?

Council consideration

The comment by Mr. Naylor appears to criticise the lack of understanding of the planning challenges that exist when considering where renewable energy installations are located. However, it is not entirely clear what aspect of this policy is objected to. The purpose of this policy is to set out what proposals the council would support to help bring about growth in the renewable energy industry. Other policies elsewhere in the plan set out the council's approach to the consideration of renewable energy installations and achieving its wider renewable energy objectives such as reducing energy consumption and supporting sustainable construction.

Outcome

No change to the Local Plan.

Policy PRO14 – Employment Sites

(Pages 61 and 62 – including paragraphs 3.54 to 3.58)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mr M. Hughes (represented by Whirledge and Nott): It is considered that the LPA have adequately prepared Policy PRO14 to take into account the needs of the local area with the exception of the points raised below. In addition to the use classes identified within Policy PRO14, it is considered that in addition to the use classes identified, the LPA should actively encourage the change of use classes to incorporate B1(a) and A1. This would therefore not limit the economic prosperity and external factors which may further promote business development within an employment site.

It is considered that Policy PRO14 does not apply sufficient weight to Paragraphs 17 and 22 of the NPPF and that a more flexible approach should be incorporated within this policy not to restrict economic growth, prosperity and opportunities within the employment land designations. The overarching policies of the NPPF should be incorporated within the plan making process. It is our opinion that although PRO14 will consider alternative uses, it is considered that these are too restrictive and do not actively incorporate or encourage sustainable development of employment sites. We consider that a flexible approach to a wider range of use classes should be incorporated to include A1 and B1(a) uses.

EPC-UK PLC (represented by Leith Planning Ltd): The operations at Bramble Island are of national interest and should be protected through the Local Plan process. Whilst the site has employment generating benefits and potential for future growth, we would not suggest an allocation of the site for employment purposes but would request the insertion of an enabling policy to seek to protect the existing operations on site and promote the potential for growth and job creation in the future.

Whilst the Council outline their commitment to employment opportunities and adopting a flexible and responsive approach to employment generating development, it is disappointing that this has not been substantiated with a policy which seeks to support and protect the existing operation at Bramble Island. The proposed enabling policy detailed above would assist in addressing our concerns in this regard.

Royal Mail (represented by DTZ): We support this flexible approach to meet the needs of the local economy. It should be noted that should sites close to the Royal Mail Delivery Offices come forward as potential redevelopment sites then it is essential that as the Royal Mail sites are operational, the policy and / or supporting text explicitly states that the re-provision / relocation of Royal Mail's operations will be required prior to their redevelopment. This will ensure that Royal Mail's operations will not be prejudiced and they can continue to comply with their statutory duty to maintain a 'universal service' for the UK pursuant to the Postal Services Act 2000.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the proactive approach to delivering employment opportunities across the District.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Hill Path Projects Ltd: This policy is supported with a single observation. Too many of the units and buildings within these vital centres of employment industry have become fast food outlets which are of little benefit to the local economy and to the detriment to the local environment; this is particularly true within the Lawford Industrial Estate where there are also important high value manufacturing SMEs which should be nurtured and encouraged. The planning rules and permits for these areas should be strengthened and enforced.

Park Resorts Ltd (represented by GVA): We object to the Coastal Protection Belt and Employment Land allocations located just North of Naze Marine Holiday Park as they both serve as a potential barrier to the expansion of this popular Holiday Park. We note that part of the employment allocation to the northeast of Naze Marine is currently underdeveloped and that particularly the western half is somewhat of a mess. Naze Marine could potentially expand into the strip of land but the presence of the employment land and coastal protection belt designations would prevent this. By allowing such a change, there would still be benefits to the economy through new jobs and spending in the local economy by holidaymakers.

Silverton Aggregates (represented by Robinson & Hall): We object to the Council's policy on employment sites, which is considered to be out of date and inaccurate, failing to make a reasonable assessment of the land available for such purposes and by safeguarding other land which should be considered for other more appropriate uses. Our land in Oxford Road, Clacton, which is currently proposed to be safeguarded as an employment site, is more suited to residential use.

Landfast Limited and Mr. and Mrs. Foster (represent by Edward Gittins and Associates): The Employment Allocation alongside Mistley Quayside should be replaced with a Mixed Use Allocation (see more detailed comments made against Policy MLM3).

Anglia Maltings (Holdings) Ltd (represented by VRG Planning): We object to the proposal to designate the Edme site as an employment site, which should remain as a mixed-use allocation (see more detailed comments made against Policy MLM2).

TW Logistics Ltd: All existing employment land north of the High Street, below the Swan Basin, on Mistley waterfront and the whole Northumberland Wharf (Mistley Marine) site should be shown on the Policies Map Inset 4 with the same notation to protect the port and employment. It is currently unclear how Policy PRO14 will be implemented in particular with regard to the requirement to market an employment site for lease or sale at open market value for employment uses for a

minimum of 12 months. It is unclear how the needs of local businesses which require land and buildings in the immediate vicinity of their premises, particularly where location restrictions apply, will be protected under the proposed policy and without an implementation framework in the supporting text. In terms of building a strong, competitive economy paragraph 21 of the NPPF requires local planning authorities to support existing business sectors, taking account of where they are expanding or contracting (see more detailed comments made against Policy MLM3).

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): In the case of some recent planning decisions, residential units are being favourably considered on employment sites; which makes a nonsense of planning strategies.

Little Oakley Parish Council: As the Tendring area needs more employment opportunities, Little Oakley Parish Council support this policy.

Frinton and Walton Town Council: We support this Policy.

Lawford Town Council: The industrial area must be safeguarded for employment use, as there are now several fast food outlets operating from there. The Council feels this area should be for industry.

Comments from members of the public

Mr and Mrs. J. Noble: In the case of some recent planning decisions, residential units are being favourably considered on employment sites, which makes a nonsense of planning strategies.

Council consideration

The comments of support are noted and welcomed.

The objections that have been raised against this policy can be split as follows:

- those that relate more to the plan's overarching 'spatial strategy' and the promotion of individual sites or areas for development; and
- those that relate more to the thrust of Policy PRO14 and how it addresses economic growth.

The comments that relate more closely to the plan's strategic approach to growth and the promotion of individual sites for employment or other forms of development such as housing are addressed within Policies SD2 to SD5 and the relevant area chapters of the plan. This section only addresses the objections that relate specifically to the thrust of Policy PRO14 and its application.

The comments about the outcome of previous planning decisions and the effect these have had on industrial areas or specific employment sites are noted but are irrelevant as they reflect previous planning policies and not the policies in the draft plan. With regards to concerns about non-industrial uses coming forward on employment sites in the future, it is clear that the thrust of the policy is to maintain a supply of suitable employment sites in the district for B1 (b & c), B2 or B8 use and that other employment uses or non-employment uses such as residential use will only be permitted in exceptional circumstances. A fairly strict approach is required to reflect the fact that

traditional B uses typically generate lower land values than other uses, particularly residential. Without careful management there could be a shortage of suitable land for B employment uses as higher value land uses are likely to be more appealing to landowners. This is consistent with the findings of the Council's Employment Land Study, which recommended safeguarding employment sites in order to maintain a flexible supply of suitable sites for industrial use. Whilst the approach is fairly controlled, the policy does provide a degree of flexibility to allow different uses to come forward, where appropriate.

TW Logistics Ltd is concerned that there is no longer a requirement for the applicant to demonstrate that an employment site has been marketed for lease or sale at open market value for employment use for a specific period of time, which could lead to the loss of employment sites to non-employment uses. However, this is not agreed as whilst the policy in the new local plan does not stipulate precisely how the policy should be applied, in reality for most sites this approach will continue to apply as it represents the only feasible and practical way to demonstrate that a site is no longer viable for employment use, which is a requirement of the policy. However, the policy allows a degree of flexibility for the approach to use to be agreed at the planning application stage. This is because the approach to use will be influenced by a number of factors such as the type and location of the employment site, scale and nature of use being proposed and consideration of other council objectives. It is accepted that the policy should clearly state that the approach to use to demonstrate the requirements of the policy have been met will need to be agreed between the council and the applicant in advance.

With regards to the concern about the draft plan not meeting the needs of local businesses which require additional land and buildings in the immediate vicinity of their premises, particularly where location requirements apply, whilst the council supports the principle of businesses growing, the onus is on that business to acquire the land or premises it needs, not the council. Where suitable and appropriate, the plan can facilitate growth through the use of site-specific policies and the allocation of land but this should be based on evidence from the applicant that growth is likely to be implemented within the plan period. As stated in the National Planning Policy Framework, the long term protection of sites allocated for employment use where there is no reasonable prospect of that use coming forward should be avoided. The council acknowledges that it may be harder for businesses that need to be in a specific location, such as ports, to grow and expand particularly where there are other council objectives to take into consideration such as nature conservation and the protection of heritage assets. In these situations the desire for growth needs to be carefully balanced with these other important objectives and where there is no site-specific policy guidance in the plan it is often best to have this detailed consideration at the planning application stage. Proposals for growth of businesses will usually be supported where there is no conflict with other policies in the plan but it is conceded that this is not clear at present in the draft plan. This policy should therefore set out how proposals for new employment sites/premises or extensions to existing employment sites or premises will be considered.

The request by Royal Mail to include some reference in either the policy or supporting text to the need to protect Royal Mail's operations is noted but not agreed as this level of detail would be addressed at the planning application stage of any proposal on land around the vicinity of Royal Mail sites. Additionally, Policy SD9 provides the overarching requirement that new development should not have a materially damaging impact on the amenity of occupiers of nearby properties, which includes commercial properties and their operations, so there is no need to repeat this in this policy.

The request by EPC-UK PLC to include a specific policy in the plan to protect the existing operations at their Bramble Island site in Great Oakley and promote the potential for growth is noted but not agreed as Policy PRO14 already provides sufficient protection for existing employment sites, even when not specifically designated as an 'employment site' on the Policies Map. As conceded above, whilst proposals will be considered on their merits the policy would benefit from some additional guidance on how proposals for new employment sites/premises or

expansion of existing sites/premises will be considered, which will be considered alongside the other policies in the plan.

It is suggested by Mr. Hughes that the policy should also actively allow proposals for Use Classes B1(a) and A1 to be permitted on employment sites. However, this is not agreed as these uses are typically better suited to town-centre locations where there is usually a wider choice of public transport and other shops, services and facilities that complement these uses. Additionally, employment sites are typically better suited for the more traditional B-employment uses that usually require large areas of land for their industrial activities that cannot be accommodated elsewhere, in particular in a town centre or residential area. It is considered that there is sufficient flexibility already in the policy in accordance with the National Planning Policy Framework to allow proposals for other employment uses to come forward on employment sites, provided the requirements of the policy are met. The plan needs to retain a degree of control as actively promoting B1(a) and A1 on employment sites could jeopardise their suitability and viability for traditional B-employment uses.

The request by Park Resorts Ltd to review the employment site notation that abuts the Naze marine Holiday Park in Walton-on-the-Naze to allow greater flexibility for the park to expand in the future is noted but is addressed in the relevant area chapter. If there is no change to the employment site notation this would not rule out the potential for the council to support proposals for expansion of the holiday park at some point in the future but would mean that the tests in the policy would need to be applied. As mentioned above, how these are demonstrated will need to be agreed in advance between the council and the applicant and this may be a unique instance where the tests to apply are not so onerous if the proposed use is an acceptable form of employment-generating use that would either create new permanent employment opportunities or support existing ones and would not conflict with other policies in the plan.

Outcome

The following **minor changes** (MIN3.16) to paragraph 3.57 on page 61 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

3.57 The Council's **2013** Employment **Land Review** ~~Study~~ suggests that during the ~~40-year~~ plan period only very limited growth in the demand for industrial and warehousing land is expected and, in some areas, there might actually be a decline. However, adopting a flexible approach enables the Council to secure inward investment in these sectors if economic conditions change or even allows companies to relocate to more suitable premises in order to expand. This Local Plan therefore identifies additional areas of land on the Policies Map and Policies Map Insets for the expansion of existing employment sites or creation of new sites. Land within these areas will also be promoted for B1(b & c), B2 and B8 use or other appropriate forms of employment and, as with existing established sites, will be protected against development for non-employment related uses.

The following **minor changes** (MIN3.17) to paragraph 3.58 on pages 61 and 62 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

3.58 Outside of the district's main established and allocated employment sites, there are also a number of smaller premises from which businesses in use classes B1(b & c), B2 and B8 operate that also provide valuable local employment. Although they are not specifically identified as employment sites in the Local Plan, the Council will protect them from a permanent loss to non-employment related use such as housing. However, the Council may exceptionally allow redevelopment for residential use if it can be demonstrated, to the Council's satisfaction, that the land or premises in question are no longer economically viable for B1 (b & c), B2, B8 or any alternative permanent employment use that might be permitted, or are inherently unsuitable for such uses, having considered the requirements of other policies in the Local Plan. **Proposals for the expansion of these smaller, individual premises in employment use that are located within the**

district's defined Settlement Development Boundaries will generally be supported by the Council, subject to consideration against other policies in the plan. Outside Settlement Development Boundaries, the Council will only support proposals that satisfy the requirements of Policy SD5 (and other policies in the plan).

The following **minor changes** (MIN3.18) to the third paragraph of Policy PRO14: 'Employment Sites' on page 62 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

For sites or premises in B1 (b & c), B2 or B8 use (or last used for those purposes), but not specifically identified as an employment site in the Local Plan, the redevelopment or change of use to residential will only be permitted if the applicant can demonstrate, with evidence, that the site or premises are no longer economically viable; that they are inherently unsuitable for any form of alternative permanent employment use that might be permitted in accordance with the policies in this Local Plan; or that the employment activity will be relocated to one of the district's identified employment sites so it can expand. The approach to use to demonstrate that the requirements of this policy have been met may vary from site to site and so must be agreed between the Council and the applicant in advance of any planning application being submitted.

Policy PRO15 – The Rural Economy

(Pages 62 and 63 – including paragraphs 3.59 and 3.60)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policies PRO15, PLA5, and COU3 – the Tendring Historic Environment Report and the Essex Historic Environment Record do not in themselves provide strong enough evidence to support these four policies.

As the local Plan acknowledges, the district contains a wealth of historic rural buildings, many of which have become surplus to the requirements of modern agriculture, resulting in redundancy and neglect. Whilst the Essex Historic Environment Record includes details of all listed buildings in the district, many significant historic rural buildings remain unlisted, without statutory protection, and current understanding of the nature and extent of the surviving resource of historic farm buildings in the district is incomplete. A heritage-specific thematic assessment would provide the evidence needed to assess the potential impact of this policy and how well the Local Plan positively responds to the issue of the neglect and decay of traditional farm buildings.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Oakley Parish Council: We support this policy as farming and light industrial units on farms are Little Oakley's main sources of employment.

Comments from members of the public

No comments received.

Council consideration

The comments of support are noted and welcomed.

The concern by Essex County Council that this and related policies in the plan could result in the loss of unlisted historic rural buildings due to the absence of current intelligence on the state of such buildings in Tendring is noted. However, it is considered that the plan, alongside national planning policy, provides the necessary protection for unlisted historic rural buildings but provides enough flexibility to allow suitable and appropriate developments to come forward that could help to sustain or even improve the rural economy. Should an application come forward that affects an unlisted historic rural building, policies in the plan (in particular Policy PLA6) place the onus on the applicant to demonstrate how the historic character or significance of such a building is protected or enhanced. Proposals that would lead to substantial harm to, or the loss of, significance of any heritage asset will be refused unless it can be demonstrated why a departure from this is justified. In the interests of keeping the plan succinct it is not considered that this requirement needs to be repeated in this policy as it should always be read as a whole.

Outcome

No change to the Local Plan.

Chapter 4: Planning for People

Planning for People – Introductory Paragraphs

(Pages 65 and 66 – including paragraphs 4.1 to 4.6)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No specific comments.

Comments from landowners, developers and businesses

Colne Housing: Notwithstanding the reference documents used to compile this document 400 units per year or delivery of 4,000 homes over the plan period of the next 10 years appears very low. Accordingly there is a concern that the effect of inward migration, demographic trends and population growth may not be fully met by this level of output. The impact to values of property and land arising from a restriction of development opportunities is also of concern as is the impact to the micro economy.

Knight Developments (represented by Phase 2 Planning and Development Ltd) **OBJECT** As currently drafted, the Local Plan is contrary to the NPPF (paras 17, 47 and 159). The Council has selected an arbitrary housing target of 400 dwellings per annum based on the average number of homes that have been delivered between the period 2001 and 2011. This target is not based on meeting objectively assessed needs, which as is required by the NPPF as set out above.

The Office of National Statistics (ONS) provides an independent view of the future population in each local authority known as the Sub National Population Projections (SNPP). Baroness Hannan has confirmed to parliament (25/10/11) that the draft ONS/CLG SNPP projections should be used when assessing housing requirements:

Central Government views the ONS/CLG numbers as a guide to the number of new homes that need to be delivered in the UK. The ONS/CLG projections identify a need for 972 dwellings per annum in the District over the next 15 years. The Council's preferred option housing targets will only meet 41% of housing needs and therefore falls significantly short of the NPPF requirement to boost significantly the supply of housing and to identify a scale and mix of housing needs that meets household targets and population projections.

In addition, the Council's current housing target cannot meet its housing need as identified in its Strategic Housing Market Assessment (update 2009). The SHMA identifies a gross need for 1490 affordable homes a year over 5 years to account for current need. The Council's housing target of 400 dwellings per annum (through the Council's suggested affordable housing policy of 25%) will deliver 100 dwellings per annum, which is only 7% of its housing need (1490 p.a) as set out in the Council's own SHMA. Increasing the percentage of affordable homes from developments will not be viable as confirmed by the Council's own evidence base and therefore it is critical to increase supply to address this shortfall.

Tendring District Council has also jointly commissioned Edge Analytics as part of the Essex Planning Officers Association (EPOA) to review demographic forecasts to inform housing targets for each respective Essex authority. In all but one scenario there is a requirement for District to significantly exceed 400 dwellings per annum to meet its identified and objectively assessed housing needs.

Edge Analytics study includes the districts previous housing targets set out in the East of England Plan (EoEP) despite its pending abolition because of the robustness of the figures which have undergone EiP. The EoEP set a requirement of 8,500 net new dwellings between 2001- 2021 and

delivery at a rate of 430 dwellings per annum. However, even the EoEP rates were an underestimate of need. This fact is acknowledged in the EoEP, which identifies that housing provision in the Plan should be seen as minimum targets because the provision set out by Policy H1 falls significantly short of what is needed based on evidence (paragraph 5.5 of the EoEP). Therefore, the EoEP housing provision should be seen as an absolute floor or bare minimum when seeking to establish current housing provision in the District. Indeed the early review of the EoEP showed that based on latest projections of household need and formation build rates to 2031 should continue at existing annual rates i.e. 430 p.a. in Tendring. The evidence therefore points to a range between 430 and 972 dwellings per annum required to address housing needs.

Notwithstanding the above, the Council has determined that 400 dwellings per annum will: “make a meaningful contribution toward addressing future needs and supporting economic growth and it represents a similar rate of development to that achieved over the previous 10 years (2001-2011), when the housing market was, for the best part, strong. It is also a level of growth that can be achieved through a strategy of distributing growth fairly across all of the districts urban and rural settlements by seeking to achieve a consistent percentage increase in housing stock in each area.”

There is no justification for the Council’s approach to setting its housing target. The NPPF does not require local planning authorities to base housing targets on what will make a ‘meaningful’ contribution, represent a ‘similar rate’ of development achieved over the previous 10 years or is a ‘fair’ distribution of growth. Therefore, the Local Plan as drafted does not seek to meet objectively assessed needs as required by the NPPF and therefore is neither “positively prepared”, “justified” nor “consistent with national policy”. The NPPF requires Local Plans to meet the objectively assessed needs of their area, unless: “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework as a whole.”

Tendring District Council has not provided any evidence that there are adverse impacts to meeting objectively assessed needs, which would ‘significantly’ and ‘demonstrably’ outweigh the benefits. Through the plan making process the Council is required to identify the infrastructure required to support further growth and prepare a delivery plan for investment and provision so that new development will not adversely impact on existing infrastructure or the environment. The Council is capable of planning for higher housing targets and align infrastructure delivery so that adverse impacts are avoided.

It is therefore submitted that the draft Local Plan should as a bare minimum plan for 430 dwellings per annum but realistically a much higher target should be sought if a “meaningful” contribution towards meeting housing need is to be pursued.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No specific comments.

Comments from members of the public

No specific comments.

Council consideration

The introductory paragraphs to Chapter 4 mainly set the context for the proposed housing stock increase of 4,000 units for the district over the 10 year plan period 2011 to 2021. Paragraphs 4.4 to

4.6 in particular explain the range of factors the Council took into consideration when establishing this target.

These housing figures and the evidence upon which they were based attracted a significant number of objections both suggesting that the target was, for some, too high and for some, too low. These issues are covered in more detail in the Council's response to the comments raised in relation to Policies PEO1 and PEO2 to which readers are referred.

Knight Developments have raised a series of concerns about the housing figures in the Draft Local Plan which have been dealt with under Policies PEO1 and PEO2. It is however hoped that the proposal to include land at Church Road, Elmstead Market in the Local Plan for a mixed-use development in revised Policy KEY2 and Policies Map Inset 8 (major change MAJ11.3 and policies map change PM8.1) will address most, if not all, of Knight Developments' objections to the Local Plan.

Colne Housing have suggested that the housing target is too low. Again, these matters are considered in more detail under Policies PEO1 and PEO1.

In light of the significant changes proposed for Policies PEO1 and PEO2 in light of new evidence in the Council's 2013 Strategic Housing Market Assessment (SHMA), 2013 Strategic Housing Land Availability Assessment (SHLAA) and 2013 Economic Development Strategy, and the proposed lengthening of the plan period from 10 years (2011-2021) to 15 years (2014-2029), significant changes to the introductory text of Chapter 4 are proposed below.

Outcome

The following new text (4.3a to 4.3h) will replace paragraphs 4.4, 4.5 and 4.6 as a major change (MAJ4.1) (additions shown as highlighted and deletions shown as struck through):

~~4.4 In determining the right level of future housing growth for Tendring over the 10 year plan period, the Council has carefully considered a number of factors including:~~

- ~~• the results of the latest demographic and household projections;~~
- ~~• the results of public consultation undertaken in 2009, 2010 and 2011;~~
- ~~• the state of the housing market and how it might change over 10 years;~~
- ~~• the need to balance growth in homes with growth in jobs;~~
- ~~• the availability of suitable sites for housing development;~~
- ~~• the number of sites that already have planning permission for housing development;~~
- ~~• the number of long term empty properties in the district; and~~
- ~~• the results of the 2011 Census which suggest that Tendring's population actually fell despite the creation of 4,000 new homes in the previous 10 years.~~

~~4.5 Having considered all of the these factors, the Council has determined that for the 10 year plan period between 1st April 2011 and 31st March 2021 a sensible, sustainable and achievable level of housing development will be approximately 4,000 new homes – an average of 400 new homes per~~

year. This will be achieved by planning for a 6% increase in housing stock across all of the district's defined settlements (as listed in Policies SD2, SD3 and SD4 in Chapter 3 of this Local Plan).

4.6 4,000 new homes over 10 years is a level of growth that will make a meaningful contribution toward addressing future needs and supporting economic growth and it represents a similar rate of development to that achieved over the previous 10 years (2001-2011), when the housing market was, for the best part, strong. It is also a level of growth that can be achieved through a strategy of distributing growth fairly across all of the district's urban and rural settlements by seeking to achieve a consistent percentage increase in housing stock in each area.

4.3a To determine how many new homes are likely to be needed in the future, a 'Strategic Housing Market Assessment' (SHMA) was undertaken in 2008 and subsequently updated in 2009 and 2013 to take account of changing economic conditions. The SHMA looked at population and household projections, migration patterns, the market for different sizes and types of property across the district and the ability of local people to buy or rent market housing and different types of affordable housing. The assessment concluded that the total 'objectively assessed' requirement for housing over the 16 year period 2013 to 2029 was likely to be approximately 10,960 dwellings – an average of 685 dwellings per annum – mainly driven by inward migration from other parts of the country.

4.3b This calculation of projected housing need is substantially higher than the actual rate of development that was achieved in the period 2001 to 2013 – even during those years when the housing market was at its peak. The average rate of dwelling completions between 2001 and 2013 was 378 dwellings per annum and levels of construction varied significantly from just 217 dwellings in 2010/11, at the low point of the economic downturn, to 557 dwellings in 2005/06, at the peak of the housing market boom. Whilst higher levels of housing development would help to stimulate economic growth and address housing needs for local people as well as in-comers to the area, the Council has to be realistic about how many new homes are likely to be delivered over the length of the Local Plan period in a recovering economy.

4.3c To determine how many new homes could realistically be built in the district, a 'Strategic Housing Land Availability Assessment' (SHLAA) was prepared in 2013. This assessment looked at the suitability, availability and achievability of possible development sites across the district to deliver as much housing development as possible following the sustainable, fair and proportionate approach to growth set out in Chapter 2 of this Local Plan. The SHLAA looked at different physical, environmental, infrastructure and economic constraints and included assumptions about the realistic rate of housing development that could be achieved in different areas.

4.3d Having considered the findings of the SHLAA, other relevant evidence and the comments received during the public consultation exercises and having come to a view on which sites to identify for housing development in the Local Plan, the Council is planning for a realistic dwelling stock increase of 3,625 between 1st April 2014 and 31st March 2024 following the sustainable, fair and proportionate strategy for growth.

4.3e For years 11-15 of the Local Plan period, the evidence in the 2013 SHLAA suggests that it may be possible to achieve higher rates of housing development to meet longer-term requirements and support continued economic growth, but to do so the Council may have to consider a change in strategy to focus growth on specific sustainable locations where housing will support economic growth and infrastructure provision which could include sites in and around Clacton, Harwich and West Tendring/Colchester Fringe. Larger scale developments are likely to require significant up-front planning and investment in transport, education, health and utilities infrastructure and are considered unlikely to deliver dwellings within the first 10 years of the plan period while the economy is in a state of recovery. Such developments could have implications for the district that go beyond the end of plan-period in 2029 and would therefore require a full review of the Local Plan at an appropriate time before 2024. This would involve a full update of the evidence base on housing

need, land availability and economic factors and would require extensive public consultation on a number of options in line with the planning regulations.

4.3f Because the Council is not in a position to commit to a strategy of focussed growth without a full understanding of economic conditions nearer the time, the strategy for growth being developed for neighbouring Colchester and the likely up-front infrastructure requirements of larger developments, this Local Plan can only identify specific developable sites to deliver new housing up to 2024 – by which time an evidence-based review of the Local Plan (either in part or in full) to deal with longer-term growth requirements will have been undertaken.

4.3g For the purposes of years 11-15 of this Local Plan (2024-2029) it is assumed that, as a minimum, it will be possible to achieve a minimum annual dwelling stock increase of 400 dwellings per annum to deliver a further 2,000 homes. Therefore the expected housing growth for the full 15 year plan period between 1st April 2014 and 31st March 2029 is a net dwelling stock increase of 5,625.

4.3h In situations where it is not possible to identify sufficient developable sites to meet objectively-assessed needs for housing in full within one district (as is the case for Tendring) the National Planning Policy Framework requires Councils to cooperate with neighbouring authorities to try and address any unmet need using land within the adjoining districts or boroughs. Being a coastal district, Tendring's options are limited because it is only bordered by two other local authorities, Colchester and Babergh. The Council has worked in cooperation with Colchester Borough Council and Babergh District Council to explore the potential for increased development to help address Tendring's unmet future housing needs, but in reality both Colchester and Babergh will find it equally challenging to identify sufficient suitable and developable land to meet their own long-term projected needs for housing in their emerging Local Plans, let alone any unmet need from Tendring.

No changes to paragraphs 4.1, 4.2 and 4.3 are proposed.

Policy PEO1 – Housing Supply

(Page 66 – including paragraph 4.7)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: It is unlikely that these policies will deliver sufficient critical mass to effectively mitigate cumulative impacts on community infrastructure, especially Policies SD4 and PEO14 which include specific provision for some developments to be restricted to 10 units or less.

Campaign to Protect Rural England (represented by A.J. Grant): Are generally encouraged by the plan and support the 6% increase in housing stock.

Colchester Borough Council (represented by Karen Syrett – Spatial Policy Manager): It is noted that Tendring's strategy for accommodating residential growth allows for 6% growth across all settlements. This new approach has not been the subject of previous consultation or discussion and Colchester Borough Council must question whether there is an evidence base to support it.

The short time span of the Plan to 2021 also raises concerns about the capacity to address growth pressures post-2021. In reality by the time the Plan is adopted in 2013/14 there will only be 7 or 8 years remaining. Tendring will not therefore be in a position to make decisions about long-range growth with a plan that stops at 2021 and will struggle to demonstrate how it will deliver a 10 year housing supply as required by national policy, let alone a 15 year supply which is encouraged.

At present there does not seem to be any evidence to support the housing numbers suggested. The plan now adopts a change in approach which does not seem to have been tested for deliverability, viability and developability.

Comments from landowners, developers and businesses

R.E. Giles and Sons – Land off Burrs Road, Clacton (represented by Robinson & Hall LLP): The Councils housing strategy is in direct contrast to the identified and evidenced need. The Councils approach has been completely reversed based on a targeted campaign from resident groups who oppose further housing and accompanying economic development. Objection is raised to the 6% increase in overall housing stock which is extremely arbitrary and fails any reasoned planning justification and is contrary to the NPPF.

This stance clearly runs counter to the requirements of the NPPF to deliver sustainable development. The argument to place 6% additional housing within settlements that benefit from little or no facilities is extraordinary to say the least. Paragraph 151 of the NPPF establishes the key principles of sustainable local plan making, while paragraph 154 requires such plans to address the spatial implications of economic, social and environmental change. The proposed plan merely attempts to spread the load and fails to take into account the technical evidence available.

Kelsworth Ltd (represented by Roger Sargent): this policy is supported in principle.

Royal Mail (represented by DTZ): supports this policy. However, we request that any new residential development is designed and managed so that they are both cognisant of and sensitive to Royal Mail's operations at Brightlingsea, Frinton, Harwich, Manningtree and Clacton-on-Sea delivery offices.

Colne Housing: There may be a viability issue on existing consents where the impact arising from the credit crunch and recession has yet to be absorbed by these opportunities. In turn there may be a danger that very little residential development moves forward in the short term. The modest target for growth appears to conflict with housing need and the aims of the Council to deal with Jaywick.

Raymond Stemp Associates (representing a number of landowners): The Council's continued performance over the last ten years has failed to provide evidence that the high housing trajectories suggested can be met, given the Council's failure to meet current trajectories for the past four years and having never achieved figures suggested over the next three years. By allowing for a 20% increase over the housing stock targets, additional sites could be allocated that would make the targets more achievable.

Mr. & Mrs. P. Luxford (represented by Bidwells): The current wording of this policy fails to clarify that the objective to deliver 'approximately 4,000 dwellings' during the plan period is a minimum target and not a cap. The first sentence of the policy should be reworded as follows: *"The Council will work with the development industry and other partners to deliver a dwelling stock increase of approximately at least 4,000 dwellings (net between 1st April 2011 and 31st March 2021."*

The following paragraph should be added to the end of the policy following the table of housing figures: ***"This increase in housing stock is likely to be supplemented by development on 'windfall sites' within the Settlement Development Boundaries i.e. sites not specifically allocated for development but which could obtain planning permission for new homes during the plan period. The Council will support proposals on these sites where they accord with Policy SD5: 'Managing Growth' and other policies in this Plan."***

Peter French (represented by Navigus Planning): For a ten year requirement to deliver 4,000 dwellings, and taking into account the 233 dwellings delivered in 2011/12 a five-year housing requirement would be 2,093 at an annual average 419 dwellings. The 5% buffer required by the National Planning Policy Framework increases the requirement to 2,198 dwellings (440 per annum). Including any of the 690 dwellings from the adopted, now expired Local Plan in these figures is not robust because these allocations were not delivered during a period of strong economic growth. To expect them to deliver any housing during a period of economic decline is unjustifiable. Therefore it is likely that the actual 5-year supply is a maximum of 1,300 dwellings (3.09 years worth).

The trajectory in Policy PEO2 suggests that between 2014/15 and 2016/17, an annual average of 601 dwellings will be delivered. This is wholly unrealistic given that, even in the boom years of 2005/06 to 2007/08 the average was just 536 dwellings per annum.

Taylor Wimpey UK Ltd (representation by Boyer Planning) It is unclear how the proposed housing target of 4,000 new homes over the next 10 years has been arrived at. It is clear that the housing requirement of the District is significantly higher than the proposed target. It is not considered that a sound justification has been put forward by the Council to support the much lower housing target.

It is considered that a target of 1,082 dwellings per annum, derived from a market area assessment, represents the current objectively assessed need of the District. The Council should assess the capacity of the District to accommodate this housing need and identify suitable sites in which to deliver the required housing.

The NPPF (in para. 157) requires Local Plans to be “*drawn up over an appropriate time scale, preferably a 15 year time horizon*”. It is considered that an extension of the Plan to 2026 would be appropriate, in order to provide greater certainty for residents of the District in the coming years and in order to be consistent with the NPPF.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the policy as a whole. However no evidence is provided as to whether the requirement for an additional buffer of a minimum of 5% has been incorporated. If it has, this needs to be clarified, with the break down provided. If this has not, the figures need to be revised to at least 4,200 dwellings.

If the total dwelling is increased to 4,200 the Council may identify the additional 187 dwellings within windfall sites, if the Council has compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

Wivenhoe Park Estate (represented by Strutt and Parker): The policy is supported. It would provide a good distribution of growth across the District, with the Rural Service Centres identified being capable of supporting limited scale of development to meet housing needs and to sustain existing services and facilities.

Knight Developments (represented by Phase 2 Planning and Development Ltd): The draft Local Plan proposes a 10 year plan horizon and this is not justified or consistent with national policy. The Council has not presented an explanation or evidence to justify its approach to adopting a 10 year plan period.

The Council has not provided evidence which demonstrates that it is not possible to identify sites or broad locations for growth for years 11-15. The Council has acknowledged a requirement for greenfield sites to meet growth and therefore the need for greenfield land is not a constraint to growth. Further, the NPPF identifies a preference for a 15 year time horizon (*para 47*) or longer to take account of longer term requirements and be kept up to date. The draft Local Plan therefore falls short of the NPPF requirements.

In addition, as identified above, Central Government views the ONS/CLG numbers as a guide to the number of new homes that need to be delivered in the UK. The ONS/CLG projections identify dwelling provision per annum over a 15 year period. It follows that the Government's view is that to ensure that a Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, housing should be planned for over a 15 year period.

Finally, whilst it is acknowledged that the EoEP has been abolished, it represents a robust assessment of housing and infrastructure needs for the region and by implication the district. The EoEP also required development plan documents to be drawn up over a 15 year plan horizon recognising the need to plan for long term development needs and a responsive delivery rate.

In light of the foregoing, the Council has not justified its proposal for a 10 year plan horizon and has not provided evidence that the proposed plan horizon will meet objectively assessed needs as required by the NPPF. Therefore the draft Local Plan period is neither "positively prepared", "justified" nor "consistent with national policy".

City & Country The proposals for a standard increase in the number of housing units in areas of 6% could be seen as a broad brush approach and we believe that this is not the best way to target housing delivery. Certain areas that are listed within the Local Plan as Smaller Rural Settlements will be unable to provide the housing expected. We believe that it is unacceptable to try to expect an increase of 6% in some of the smaller rural settlements. It would be more sustainable if the new housing was distributed between the key rural service centres as they will be able to provide better services and will be far more sustainable.

Mr Hutley, Mrs Hollyneux and Mrs Went (represented by Mathew Clarke) It is considered that this (*ten year time period*) is unnecessarily short in extent and fails to comply with the requirements specified within the National Planning Policy Framework (NPPF) (*para. 47*). Insufficient justification has been provided as to why this cannot be achieved at this stage, particularly in the context of acceptance at para 1.11 that among the future challenges facing the district will be a need to remedy a future shortage of housing. It is considered that the Draft Local Plan fails to meet fully the objectively assessed market and affordable housing needs of the district.

Rose Properties Ltd (represented by ADPLTD): No objective evidence has been produced to explain how the figure of 400 homes per year was calculated. In addition it has not been possible to comment on the 950 homes which the Council discounted against their total as no evidence was supplied to explain if these homes were allocations from the last local plan, windfall sites [no justification has been given for their inclusion] or whether the sites are viable. Furthermore there is no compelling evidence as to why the new plan period should be limited to 10 years and backdated to 2011 in contradiction of national planning policy. No doubt housing allocations will be discussed at the forthcoming EIP and by that time more evidence may have been produced by the Council.

However, as it stands, there appears to be a significant shortfall in housing provision which will need to be addressed. We have made an assessment of housing need based on the NPPF recommended plan period of 15 years and using the Office for national Statistic's latest biannual housing data for Tendring District. A plan period may not be backdated, but should run from its date of adoption. Delays in the plan making process will occur until September 2014 before final adoption and are likely to be caused by some or all of the following:

- Prior to examination the plan will require a further consultation to remedy the absence of a regulation 18 consultation regarding matters not previously consulted.
- In accordance with the NPPF objective housing need evidence will be required, and consequently published for consultation.
- Further housing land proposals will be needed and be the subject of focussed changes to the submission draft local plan.

Assuming the date of adoption of the new plan will be September 2014 the end date will be in 2029. Accordingly the number of years for which housing delivery should be calculated is 18 [15 year plan period plus 3 'gap' years since 2011]. The ONS projections show an annual increase in population of 1000 per year, the latest SHMA household size data shows average household sizes in Tendring District as 2.18 [and falling]. On this basis the projected annual increase in households will be 1000 divided by 2.18 = 458. The total future housing need to be addressed within the new local plan should therefore be 458 x 18 years = 8244.

In addition to the missing evidence identified above at the time of writing there is no current SHMA [last update 2009], no SHLAA [only a 2010 draft has been produced], no identified 5-year land supply [based on new local plan housing trajectories] and no updated technical papers to replace those produced in 3 or more years ago. It has, therefore, been difficult to make accurate assessments of the annual housing trajectory required to meet actual housing need. It could be that the ONS projections are slightly high when the scenario based projections are published by Edge Analytics early next year. It may also be possible that some allowance may be made for housing built in the gap years between the end of the last plan and the adoption of the new plan. However, the discrepancy between the Council's figure of 2830 and the National Policy based assessment of 8244 is so large as to be completely outside the realm of minor adjustment and needs a substantial number of new housing allocations to be made within a viable plan period.

In order to make informed comments on the 5-year land supply it will be necessary to know which sites have been included, the results of viability testing to ensure compliance with NPPF requirements and if any sites are counted as windfall then the appropriate justification are required. Given that the new plan proposes an increase from 315 to 400 dwellings per year and that this is likely to increase further in the light of ONS projections and objectively produced evidence it will become increasingly difficult for the Council to demonstrate an adequate land supply. Two further issues remain, firstly that current housing delivery is, in part, elements of the last local plan still being built and secondly the very low delivery rates both since 2009/10 and what is then projected until 2013/14.

It seems likely that detailed evidence will show that much of housing delivery counted in the backdated plan period should have been completed in the last plan period before 2011. In consequence they should not be counted in the new local plan period figures. The under-performing years of housing delivery are likely to trigger the 20% additional 'front loading' set out in the NPPF. This increased requirement will add to the existing shortfall in land supply. The new plan period trajectories depend on a return to the housing delivery boom years between 2013/14 and 2017/18, yet no evidence is provided to support this assumed economic recovery. Recent budgetary announcements by the government have stated that austerity is set to continue to at least 2018; in contrast the Council predict house building rates in excess of the recent boom period. For all the reasons set out in this paragraph it appears that the Council will be unable to meet the criteria required by NPPF to achieve a 5-year land supply.

The plan is not justified as the full need for housing has not been based on objectively assessed evidence. The Plan does not conform to the NPPF by failing to include details of a 5, a 6 – 10 or a 10 – 15 year land supply. Also, the plan period of 10 years [backdated] does not accord with the recommendations of national policy. The Examination in Public should be suspended to allow for the presentation of an objective evidence base identifying the full need for housing and a SHLAA both of which have been the subject of public consultation. The plan period should be adjusted to run from the point of adoption for 15 years.

Hill Path Projects Ltd: The target homebuilding programme seems high when compared with the average of 300 dwellings per annum in the preceding 5 years and the economic situation of the district. The following issues have not been fully taken into account:

- Full account has not been taken of the fact that 16% of Tendring's working population commute to Colchester but Colchester's Borough Council plans to provide for the construction of some 800 dwellings per annum during the next ten years. Full account has also not been taken of the fact that 9% of Tendring's working population commute to London. An annual ticket to London costs £5,060 from Manningtree or £4,752 from Clacton so opportunity of working in London is only available to the relatively well paid but the financial services sector in the City of London is continuing to shrink.
- The 2011 Census showed, for the ten years to 2011, the population of England and Wales increased by 7% but, if net immigration had been zero (i.e. immigration and emigration had been in balance) the increase in the population would have been 3.2%. There seems no particular reason to expect the population of Tendring to increase in excess of this lower figure.
- Unemployment in Tendring is 9.4%, compared with the national average of 7.4%, indicating there is more slack in the local than in the national economy.
- Occupancy in Tendring of 2.2 people per dwelling per is lower than the national average of 2.4 per dwelling, thus indicating that some of the housing stock is underused.
- The 2011 Census indicated a surplus of 4% dwellings over households in the Eastern Region, similar to the national average, thus casting doubt on the much vaunted "housing shortage".

The above figures indicate that, far from having a housing shortage, the housing stock in Tendring is currently adequate and likely to remain so with only a minimal increase in the foreseeable future so this aspect of the local plan cannot be justified, has not been positively prepared and is unlikely to lead to an effective outcome for the community. That said, in common with the rest of the country, there is likely to be a need for more social or affordable housing for the young who wish to stay in the area and further dwellings to meet the needs of an aging population. This might amount to a need for an increase of dwellings of roughly half that suggested; that is around 150 to 200 dwellings per year or and overall build during the 10 years of approximately 3% of the current housing stock.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Mersea Homes Ltd (represented by ADPLTD): The proposed plan does not contain a robust and object evidence base demonstrating the full need for housing including figures produced in co-operation with neighbouring authorities. In consequence it is not possible to do other than speculate on the adequacy of the proposed annualised provision of 400. We know this figure is 30 per year less than the minimum figure previously set by the RSS. We are also informed by the latest AMR that there is 'an overwhelming need for affordable housing', which may only be addressed via the release of market housing to provide funding. It is therefore likely that new and objective evidence will indicate the need to increase the annual housing trajectory.

The Council have, without previous consultation, proposed a backdated 10 year local plan period from 2011 to 2021. Mersea Homes question the efficacy of a backdated plan. It would leave a number of years early in the plan period where no policies could have applied or been implemented. Also it is likely there will be a requirement for some consultation over focussed changes this will set back the plan adoption date, possibly to 2014 which will effectively mean the plan period will only be 7 years. The NPPF's recommendation is for a 15 year period from adoption containing three stages of planned land supply for housing. The proposed effective 7-year period cannot accommodate either a 6 – 10 or 10 – 15 year supply, denying the opportunity for strategic thinking and causing uncertainty for both the development industry and infrastructure providers. It would also discourage investment and disrupt regeneration crucially delaying the point when a properly considered plan could be implemented. The Council have justified its strategy on a 'wait and see' approach to economic growth, this is contrary to the fundamental objective of the NPPF to stimulate growth without delay. However, such a strategy would inflict unfair hardship for local

people who are already waiting for jobs and homes. For these reasons Mersea Homes believe effective economic growth and housing provision can only be planned and delivered by a 15 year plan period starting at the date of the plan's adoption, and that housing trajectories should take account of the housing backlog [including affordable housing] created in the intervening years since the finish of the last plan to avoid a shortfall.

The Council's housing trajectory anticipates a boom in the housing market to deliver houses between 2014 & 2018 at an approximate average of just under 600 per year which is nearly twice the rate as the period from 2008 – 2012. Whilst the Council offer no foreseeable prospect of significant economic growth within the proposed plan period it is not logical for them to anticipate such high housing delivery figures. Logically only strong economic growth around the District could support such an ambitious trajectory. Also the Council do not appear to have fully anticipated the delay in development from a 'go ahead' given by the adoption of the plan to an eventual start of site, especially for medium to large projects. The combination of; dealing with land options, preparing environmental assessment, infrastructure delivery, outline planning applications, reserved matters applications, S106 negotiations and finally building regulation approvals take, on average, between 2 -4 years. Given the plan is already backdated the many projects will not even start until as little as 3 years before the end on the plan. This situation would lead to unsustainable rates of house sales and, as a consequence, the housing not being delivered within the plan period. Indeed housing allocated within the 2007 – 2011 plan period is still incomplete.

The plan is not positively prepared because it is not based on objectively assessed evidence of the full housing need. The plan is not effective because the backdated short plan period will adversely affect the ability of funders, developers and service providers to deliver growth. It will also prevent proper forward planning to achieve a regular supply of development sites for the future. The plan will also not be effective or consistent with national policy because insufficient regard has been taken of the lead-in time to prepare for development resulting in development not being delivered within the plan period. Lastly the plan is not effective because the Council have anticipated high annualised housing delivery within a period they predict will be economically difficult. The plan should run for the NPPF recommended 15 year period starting from the date of adoption and to include a 5-year land supply [+plus 20%], a 6 – 10 year supply and broad locations for 10 – 15 years. The plan should contain an economic strategy capable of delivering the conditions to support the full housing need. Housing trajectories and the SHLAA should take account of development delivery lead-in times.

The Land and Planning Company Ltd: The Plan does not meet objectively assessed development requirements and does not present an appropriate strategy when considered against reasonable alternatives; the Plan is not justified. Whilst purporting to be effective, the plan is seen as deliverable over a shortened timescale inconsistent with national policy. It is considered that a sound Local Plan can emerge and consideration be given to the following points prior to submission to the Secretary of State:

- The Draft Local Plan should commit to a plan period of 15 years from the date of adoption (reason: consistency with national policy).
- The housing land requirement should be assessed based on an objective assessment of requirements expressed over that 15 year period.
- The housing land requirement should be expressed as a minimum.
- Adequate explanation of the rationale for this requirement should be included in accompanying text.

- Based on a housing land requirement of at least 6000 new homes over a 15 year period, additional housing sites require to be identified.

Trinity College Cambridge (represented by Bidwells): The policy fails to clarify that the objective to deliver 'approximately 4,000 dwellings' during the proposed Plan period is a minimum target, not a cap. Policy PEO1 should make clear that the proposed housing target is a minimum of 4,000 dwellings across the Plan period.

The Council has assessed the need and demand for new market and affordable housing in the District via its Strategic Housing Market Assessment, which has established that there is need and demand for, potentially, over 1000 dwellings per annum (of all tenures). Whilst it is unlikely that the District can realistically accommodate this level of growth, paragraph 47 of the NPPF requires local planning authorities to plan positively to meet the full, objectively assessed needs for market and affordable housing as far as is consistent with other policies in the NPPF.

We are concerned that the current wording of Policy PEO1 has the potential to be interpreted as placing an artificial cap on the amount of new housing that the District can deliver. At present, the policy does not make clear whether proposals which may come forward to deliver in excess of the approximate number of dwellings being planned for would be supported, even if they were in accordance with other policies in the Plan.

Whilst we understand the Council's desire to restrict the amount of development in the smaller rural settlements due to the potential impact on the existing character of those places, the Plan should be more explicit in its support for all proposals for new housing in the larger Urban Settlements which comply with Policy SD5 on Managing Growth and the other policies in the plan, even if they would result in the provision of more than 4,000 dwellings across the District or a 6% increase in the housing stock of each settlement. It is critical that the Plan responds to identified housing needs wherever possible.

To ensure that the Plan is positively prepared, justified and consistent with national policy, the first sentence of the first paragraph of Policy PEO1 should be reworded as follows:

"The Council will work with the development industry and other partners to deliver a dwelling stock increase of at least 4,000 dwellings (net) between 1st April 2011 and 31st March 2021."

The following should be added to the end of the policy:

"This increase in housing stock is likely to be supplemented by development on 'windfall sites' within the Settlement Development Boundaries i.e. sites not specifically allocated for development but which could obtain planning permission for new homes during the plan period. The Council will support proposals on these sites where they accord with policy SD5: 'Managing Growth' and other policies in this Plan."

All other references to the Plan's target for 'approximately' 4,000 new dwellings should be amended accordingly to ensure that growth is not artificially constrained in the District's larger Urban Settlements.

The Burghes Estate (represented by Smiths Gore Planning): These comments are in relation to our land at Turpins Farm that is included as a housing allocation in the draft plan. We do not agree with the policy approach that states a 6% increase in the district's total housing stock is delivered across all urban settlements as defined in Policy SD2 'Urban Settlements'. As stated in our comments for Policy SD2, we believe that the method undertaken in the LP i.e. calculating for each settlement the estimated dwellings within the settlement, and thereafter the approximate housing requirement based on a 6% increase in that number has completely ignored the findings within the SHMA. This is contrary to guidance in the NPPF as the 6% approach is far too simplistic, and

methodically fails to take into account the characteristics of individual settlements. As such, we explored this further with Officers and questioned how the approach of a 6% increase was originally derived only to find no greater justification.

Table 1 below clearly shows that the total number of dwellings for Urban Settlements outlined in Appendix 1 (i.e. Requirements) is significantly higher than the dwelling numbers in Appendix 3 and Policy PE01 (i.e. planned supply). In addition, if the total number of dwellings for Frinton, Walton and Kirby Cross as stated in Appendix 3 is subtracted from the proposed 6% increase in Appendix 1, it leaves 222 dwellings still to be found. Therefore, it is proposed that the Turpins Farm site could provide more than 50 dwellings in order to meet the housing requirements for the Frinton area. We specifically refer to Scenario 3 in the accompanying Development Concept Report which proposes a scheme that adopts shared surfaces and a wider range of densities and has the capacity to deliver in the region of 267 dwellings in line with the housing requirements for Frinton.

LP Requirements	Total Number of Dwellings Urban Settlements	Frinton, Walton and Kirby Cross
Appendix 1 Housing Requirements for Urban Settlements	3,256	567
Appendix 3 Estimated Dwelling Numbers for Allocated Sites	2,161	345
Policy PE01 Housing Supply for Urban Settlements	2,200	

Table 1: LP Housing Requirement Figures

Suggested Change: Amend the housing supply figures for Urban Settlements (2,200) to reflect the figures in Appendix 1 Housing Requirements for Urban Settlements (3,256).

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): This policy sets out that the Council seeks to deliver circa 4,000 dwellings (net) between 1st April 2012 and 31st 2021. This reflects the 6% increase in the districts total housing stock. This policy is supported and it provides a good mix of growth, with key areas of growth being focused on the larger settlements, but also with provision for development in smaller settlements, as required to allow the smaller settlements to thrive. In sustainability terms Walton-on-the-Naze, along with Frinton, Clacton and Harwich are the most suitable locations to deliver the majority of the Districts growth over the plan period. This is reflected in the draft plan and is considered to be in full accordance with the NPPF and has been fully justified by the Council.

Miss. C. Born (represented by Mr. D. Stebbing): The Draft Plan seeks to secure the delivery of 400 new homes per annum up to 2021, by making a series of potential site allocations across the district, and by making a series of adjustments to the Settlement Boundaries of certain settlements. In total, these allocations and revisions to Settlement Boundaries do not provide sufficient certainty that the Plan will ensure the delivery of the necessary new homes for the district. Furthermore, an arbitrary “cap” of 6% is placed upon the potential growth in the Housing stock of settlements across the district. This “cap” will serve as a barrier and constraint to the successful delivery of new homes at sustainable locations across the district, and is not supported by any robust technical evidence – for example, in terms of infrastructure capacity assessments -which would support the decision as to why such a “cap” has been placed upon the potential growth of settlements, or is in any way necessary.

Any objective environmental and infrastructure assessment of the district as a whole demonstrates that certain settlements have the capacity to accommodate Housing and other supporting development in the period up to 2021 above a “cap” of 6%, in some cases by a significant amount. Indeed, a number of settlements would clearly benefit by allowing a higher quantum of development, as it would support the delivery of infrastructure that would promote more sustainable patterns of development. Conversely, certain other settlements fail to demonstrate that they have the capacity to achieve growth of 6% without causing significant environmental, social and transportation problems. The Plan fails to address the issue of Housing growth in a way that would secure Sustainable Development across the district. This is in fundamental conflict with the Government’s National Planning Policy Framework.

Mr. S. Hunt (represented by Smart Planning Ltd): Housing targets have been underestimated. The Council has chosen to adopt a target of 400 homes per annum which is very close to the lowest level of housing provision. This amount relates to an unprecedented dearth of development activity with the country in recession and is not representative of typical ambient development conditions. There is a latent and ongoing housing demand which will not be met in the draft local plan housing proposals. The demand will be higher and should be accounted for in the draft local plan through more generous housing proposals.

Comments from community representatives
(District, Parish & Town Councillors and Community Groups)

Great Holland Residents Association: The Local Plan proposes 4,000 housing units over the plan period based on the actual growth over the preceding 10 years. It also tends to average out the development over a seemingly painless 400 units a year. However, the housing market along with the rest of the economy is in the worst economic recession in living memory. Sales of existing housing units have stagnated and the demand is more or less non-existent. The likely reality is that this state of affairs is going to continue through most if not all of the plan period and therefore the anticipated requirement for additional housing is grossly overstated.

Cllr. Robert Bucke (TDC Member for Holland and Kirby-le-soken): I object to a blanket 6% increase in Tendring housing numbers through 'smearing' housing provision across the entire district, without due regard for infrastructure provision, employment opportunities, transport / travel to work issues and maintaining green gaps between villages and settlements. Tendring is a district of relative rural deprivation and our rural road network is inadequate and poorly maintained, and will be put under even greater pressure alongside inadequate public transport services.

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): Whilst I welcome the plans to provide extra council housing in the area, the anticipated need of 4000 homes is based on a population decrease, and port project, which might not be delivered. I object to the idea of providing yet more houses, especially on green field sites, when the need is not yet established. Better to wait until any plans to regenerate have resulted in jobs and at that time start to build for the extra demand. Otherwise there will be oversupply and a further drain on prices. I also object to the idea that due to slow housing market developers need help from the council to be able to afford to develop. That is not market capitalism and makes very little sense.

Little Oakley Parish Council: Support this policy to increase housing stock by 6% uniformly over the entire district.

Alresford Parish Council: The allocation of 2 properties to Elmstead Heath is ill-advised. The area is not located near the Alresford village centre and the location on a busy main road whose speed limit is not usually kept to provides a serious issue to road safety.

Comments from members of the public

Ms. E. Artindale (Brightlingsea): A 6% increase in every urban settlement is fundamentally flawed in practice whilst seeming to be fair. Brightlingsea is effectively a peninsula bordered on three sides by water and so has finite borders for development. In addition, it has many internationally designated wildlife and conservation sites within the peninsula. To achieve a 6% increase in housing in an area also described in the plan as having limited brownfield land to deliver the low density housing required, the plan is to build the fifth biggest single development in the whole of Tendring on one greenfield site, therefore adversely affecting other stated local plan policies, PLA2, PLA4 and PLA5. So, a 6% increase in Brightlingsea cannot be justified if this is the only way to achieve it. The low density requirement has meant that already more open land than originally planned for will be lost to the town.

Mr. R. Tabor (Brightlingsea): The 6% increase in housing stock across all the districts settlements is inherently unfair. To roll out any percentage for all settlements to be fair would assume all populations are in the landmass of the district. Brightlingsea is surrounded by sea and wetlands and local, national and international wildlife and conservation designated protection, mathematically it is not the same as increasing a housing population with a continuous surrounding area. Consequently not all settlements in Tendring can have the 6% applied with equal risk. The plan must either take special cases into account or consider case by case basis. This affects stated plan policies PLA2, 4 and 5.

Mr and Mr. L. Costello (Brightlingsea): A 6% increase in housing stock in the 10-years between 1st April 2011 and 31st March 2021 does not seem to be measured as a need for Brightlingsea, more that there is a need for a 6% need nationally and Brightlingsea 'must have their share'. It is not clear whether the 6% increase takes into account natural reduction through deaths and leavers or whether it is based on actual trends and past evidence. Details of how a 6% increase was reached should be made available to the public. Consideration of brownfield sites in Brightlingsea should also be made available.

Whilst we understand the need for additional housing, it seems the 6% figure has been reached less by modelling and monitoring and more by standards and 'fairness'. Whilst your profile of Brightlingsea describes it as a traditional town, with a distinctive character, your strategies to implement standards and fairness only serve to treat it the same as surrounding, larger towns, which Brightlingsea infrastructure is unable to accommodate, and if it did, the traditions and uniqueness would be lost.

Mr and Mrs D Masters (Great Holland): The housing development in Colchester has already covered what is needed for Tendring District.

Mr. R. Gummer (St. Osyth); J. Holverson (Holland-on-Sea); Mr. P. S. Scott (Great Bromley); Hazel M. Harris (Frinton): **OBJECT** to the increase in housing stock proposed for the Tendring District because:

- developers should sell existing properties first. There are over 120 properties for sale in the Clacton and St. Osyth area which is 20% of the demand to build new homes. I therefore suggest you find the demand;
- Tendring does not need any further development;
- it is a false policy to build on farm land;
- the Clacton area in particular is over-developed without the appropriate infrastructure;

- unless facilities for the creation of more employment are provided, such as a good new road link from Clacton to the A120 or Weeley to Horsley Cross for example, and there is a new Highway (to the same standard as the recently opened A120 from Braintree to the M11) from Horsley Cross to Braintree and the improved A120 connecting to the major trunk road network to anywhere in the country, the population of Tendring should remain fairly static;
- Colchester General Hospital is bursting at the seam. The large increase in housing development proposed for Tendring means that the hospital will not be able to serve the residents' needs appropriately;
- there will also be a shortfall in GP places;
- there are already problems trying to find an NHS dentist;
- it is hard trying to find suitable school for primary age and secondary age children;
- the sewerage system is under pressure in certain areas;
- roads are under great pressure and an increase in motorists would bring some roads to gridlock;
- newcomers from outside the area would put great pressure on council budgets as, with limited employment opportunities, they will have to claim benefits;
- there would be an increase in anti-social behaviour when affordable housing are built to import certain people from London; and
- it goes against the wishes of local residents.

Mr. R. Naylor (Walton-on-the-Naze): The Council's own evidence that: the results of the 2011 Census which suggest that Tendring's population actually fell despite the creation of 4,000 new homes in the previous 10 years, more than suggests that there already is sufficient housing stock is needed for the next ten years. This should be enough evidence to resist Central Government's demand for Tendring to supply more. The Policy is therefore is unsound because the policy is not Positively Prepared or Justified. The Draft Local Plan gives no evidence to support the contrary policy.

Mr. M. Graham; Mr. A. Large; Ms. L. O'Reilly: There is no need for a 6% increase in the district's total housing stock. This is demonstrated by Census data released from the Office of National Statistics on 11 December 2012 (data tables KS401EW and KS402EW). Tendring actually has 4,823 more dwellings than there are households, a surplus, not a deficit. There is no housing shortage in the District. The 2011 Census data shows the 'housing shortage' identified in the 2000 Mid-Year-Estimates and other data from the late 1990s was based on estimation errors. The new Local Plan needs to be revised now that this new and conclusive data has been published.

Ms. D. Stedman (Kirby Cross): I do not agree with 'smearing' the district with a blanket 6% increase, I feel this is not logical or viable as we do not have sufficient infrastructure in place to support these dwellings nor does the plan give confidence that improvements to infrastructure will be carried in order to facilitate this increase in local population. We are a district with a high proportion of elderly and disabled residents and also have a high rate of unemployment and I believe that these proposals will only prove detrimental to the area and its current residents.

Mr and Mrs. J. Noble: Whilst I welcome the plans to provide extra council housing in the area I feel that the anticipated need of 4000 homes is based on a population decrease, and port project, which might not be delivered. I object to the idea of providing yet more houses, especially on green field sites, when the need is not yet established. Better to wait until any plans to regenerate have resulted in jobs and at that time start to build for the extra demand. Otherwise there will be oversupply and a further drain on prices. I also object to the idea that due to slow housing market developers need help from the council to be able to afford to develop. That is not market capitalism and makes very little sense.

Mrs. K. E. Ellis (Little Clacton): I question the number of properties required for the district for the following reasons:

- The district has a large elderly population that will eventually make way for younger people. The number of elderly and younger established adults far outweighs the number of children in our community.
- There are a high number of properties up for sale and vacant properties. The initiative being introduced by the Council should ease the demand for additional housing.
- The new Council Tax and benefits scheme being introduced should have a large impact on releasing properties.

Mr P Withams (Great Holland): The housing within Tendring is currently in surplus rather than in demand, as demonstrated by the data released by the Office for National Statistics, Tendring dwellings & spaces : 66,928 VS a demand of 62,105).

Mr R. Moulton (Great Holland): Object to the proposed 6% increase of Great Holland.

Mr T Sandy (Great Holland): There is no need for 'an approximate 6% increase in the district's total housing stock delivered across all urban and rural settlements in the district'. **This is demonstrated by data released by the Office for National Statistics.** There is no housing shortage in the Tendring district.

Council consideration

Housing supply is one of the most important aspects of the Local Plan and always attracts some of the most complex representations. With that said, there is a considerable amount of support for Policy PEO1 and objections, on the whole, are well presented and constructive in their nature.

The National Planning Policy Framework (NPPF) sets out the government's expectations for what Councils should seek to achieve in their Local Plans with regard to housing supply. In paragraph 47 the NPPF states: "*To boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in*

the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- *for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*
- *set out their own approach to housing density to reflect local circumstances.”*

It is in the context of this advice that the various representations are considered below.

Representations of Support

The representations of support from the Campaign to Protect Rural England, Kelsworth Ltd, Royal Mail, Wivenhoe Park Estate, Martello Land and Properties Ltd, Messrs Eagle and Little Oakley Parish Council are welcomed. The fact that a number of these representations have come from landowners and developers suggest that the approach the Council has taken in relation to housing supply was at least accepted by many as a reasonable one. In response to some of the objections, the Council does however propose significant changes to Policy PEO1, but it is hoped that the parties that indicated support will continue to do so when the changes are published for consultation.

Areas of Objection

The main areas of objection were as follows:

- Essex County Council's concern about the cumulative impact of small housing developments on community infrastructure;
- The lack of evidence to justify the approach taken;
- The short time-span of the Local Plan;
- The need for a 5% or 20% 'flexibility buffer';
- Treating development targets as a minimum;
- The need for further consultation on other options;
- Suggestions that the housing target is too low; and
- Suggestions that the housing target is too high.

Cumulative Impacts of Development

Essex County Council raised concerns over the proposed distribution of housing across the district in line with the rigid 6% increase in housing stock for all settlements. The main concern was that the critical mass of development in any one area would be insufficient to deliver new social infrastructure such as new schools and early years and childcare facilities.

In response to objections raised in relation to the 'spatial strategy' under Policies SD2, SD3 and SD4, the Council proposes significant changes to change the emphasis of the strategy from a rigid 6% housing stock increase being applied to all settlements to a 'sustainable, fair and proportionate increase in housing stock' that, for most settlements (but not all), results in a 6% increase in dwellings over the first 10 years of the revised plan period 2014-2024. For years 11-15 of the revised plan period, growth will then be more focussed on the broad locations expected to support longer-term economic growth including Clacton, Harwich and West Tendring/Colchester Fringe – an approach supported by evidence in both the Council's new 2013 Economic Development Strategy and the 2013 SHLAA.

In accordance with the Duty to Cooperate, Tendring District Council and Essex County Council have engaged in numerous discussions about this and their now appears to be a greater level of consensus, although some mutual concerns still remain over the funding for new school provision in Clacton and in rural areas.

Lack of Evidence

A number of objectors including Colchester Borough Council, R. E. Giles and Sons (who are promoting a site for housing in Clacton), Taylor Wimpey, Knight Developments (who are promoting a site for housing in Elmstead Market), Rose Properties Ltd, Mersea Homes (who are promoting a strategic development east of Colchester), the Land and Planning Company Ltd, the Burghes Estate (who are promoting land north of Frinton-on-Sea), Miss. C. Born and Mr. S. Hunt all question the evidence upon which the Council's target of 4,000 homes over 10 years (2011 to 2021) is based.

In acceptance that it is absolutely critical for housing targets to be evidence based and for the requirements of the NPPF to be addressed, the Council has taken the opportunity to review its evidence base and make significant revisions to Policy PEO1 which, alongside changes to the spatial strategy and the time-frame of the Local Plan, should address most, if not all, of these objections.

Strategic Housing Market Assessment (SHMA)

In 2013, the Council commissioned consultants to update the Strategic Housing Market Assessment (SHMA) with a view to calculate the 'objectively assessed need' for housing development that, in accordance with the NPPF, Councils are expected to address through allocations in their Local Plans.

The updated SHMA took a variety of factors into account including ONS household projections, the apparent negative population growth between 2001 and 2011 according to the Census, projected demographic changes, the state of the housing market and projected migration patterns. It concluded that the objectively assessed need for housing was 10,960 dwellings over the 16 year period 2013 to 2029 – an average of 685 dwellings per annum. This is significantly higher than the amount of housing that was proposed in the 2012 Draft Local Plan.

Paragraph 47 of the NPPF requires Councils to "*use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*" as far as is consistent with the policies set out in the NPPF. The evidence base is now the 2013 SHMA update and 685 dwellings per annum is the amount of housing growth the Council is expected to plan for, unless there are good evidence-based reasons for a lower number.

Strategic Housing Land Availability Assessment (SHLAA)

In 2013, the Council also prepared a new Strategic Housing Land Availability Assessment (SHLAA) with a view of calculating how much land could potentially be identified in the Local Plan for housing and, from that land, how many new dwellings could be built.

The SHLAA also took a variety of factors into account including physical, environmental, infrastructure and economic constraints in working out how much housing development was likely to be realistically achievable over a 15 year period. It concluded that for the first 10 years of the plan period, it was only realistic to expect housing development at a rate, at best, of 400 dwellings per annum. This was because many of the larger sites around Clacton and Colchester, with the potential to deliver significant numbers of dwellings had major infrastructure constraints that, without significant up-front public investment, were unlikely to deliver any new homes in the short to medium term.

For the longer-term, post 2024, the SHLAA recognised the potential for some of these strategic sites to come forward if the infrastructure issues have been resolved but that, due to their scale, 10-15 years post 2024 would be needed to deliver these schemes in whole. The SHLAA envisages a continued rate of around 400 dwellings per annum post 2024.

Economic Development Strategy (EDS)

In 2013 the Council also took the opportunity to commission a comprehensive Economic Development Strategy to identify the measures needed to generate economic growth and job creation. The EDS has identified a number of overarching objectives which include increasing the supply of housing to support growth in the service sectors and focussing growth on Clacton, Harwich and West Tendring/Colchester Fringe.

In changes to the spatial strategy section of the Local Plan (major changes MAJ2.1 and MAJ2.2), the Council identifies Clacton, Harwich and West Tendring/Colchester Fringe as broad locations for longer-term strategic growth post 2024 which is consistent with the evidence in the 2013 SHLAA.

Conclusions on Evidence

In response to those objectors that claimed the housing figures in the Local Plan were not based on evidence, the new SHMA, SHLAA and EDS provide a robust basis for the Council's revised housing figures set out in the new Policy PEO1 set out below.

The Time Scale of the Local Plan

A number of the objectors including Colchester Borough Council, Peter French, Taylor Wimpey, Knight Developments, Messrs Hutley, Mollyneux and Went, Rose Properties, Mersea Homes and the Land and Planning Company Ltd objected to the short time scale of the Local Plan 2011 to 2021.

The original thinking behind having a shorter time frame to 2021 was that it would help address a fundamental concern expressed by many residents - that too much housing development would result in a mismatch between homes and jobs and lead to further social and economic decline. A short time frame for the Local Plan would therefore enable the Council to closely monitor the performance of the economy, the creation of jobs and the supply of housing in the short term without committing to any long-term large-scale housing developments whilst the economy still remained in a critical and uncertain state.

The shorter time frame would also address the concern amongst some residents that the Council was placing too much emphasis on the importance, for job creation, on the proposed container port

expansion at Bathside Bay, Harwich when it was highly uncertain when, if at all, that development would take place. By proceeding with a Local Plan time frame up to 2021, it could be assumed that the Bathside Bay development was unlikely to take place within that time period and the strategy for housing growth could reflect that. But if the development did commence earlier than expected, a more positive strategy for longer-term growth could be put forward through a review of the Local Plan at the appropriate time.

Another reason for the short time frame was that it would allow the preferred strategy for all towns and villages to accommodate the same percentage increase in housing stock to be deliverable, it would enable planned housing growth, particularly in Clacton, to be reduced in scale thus addressing the overwhelming levels of objection received in response to the 2010 Core Strategy document and would enable dwelling completions from 2011 onward and unimplemented residential planning permissions to be included in the figures.

To get an independent view on this issue, officers consulted two Planning Inspectors informally, both of whom expressed strong reservations about the short time frame and suggested that this would very likely result in the Local Plan being rejected. When it was suggested that local people were concerned about a mismatch between job growth and housing development, both Inspectors were keen to point out that the current government's policy is to boost the supply of housing development as a means of generating economic growth and therefore any argument against further housing growth, on economic grounds, were likely to fail. The evidence in the Council's 2013 Economic Development Strategy supports the case that increasing the supply of housing will help to boost economic growth and job creation.

It is therefore proposed that the plan period be altered from a 10 year period (2011-2021) to a 15 year period (2014-2029) (see major change [MAJ1.1](#)) which will bring it in line with the NPPF and address all of the objections that raise this concern.

The 5% or 20% Flexibility Buffer

The NPPF, in the second bullet point under paragraph 47, says that local planning authorities should *"identify and update annually a supply of specific deliverable sites sufficient to deliver five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%"*. Some objectors argue that the Council should incorporate the 20% buffer because the Council's performance over the last ten years has failed to provide evidence that the high housing trajectories (set out in Policy PEO2) can be met.

The rates of housing development achieved over the period 2001 to 2013 were measured against the targets in the now abolished East of England Plan which were to deliver 8,500 homes over the 20 year period 2001 to 2021; an average of 425 dwellings per annum. In the financial years 2001/02, 2004/05, 2006/07 and 2007/08 this level was comfortably exceeded and the average rate of development between 2001 and 2008 was 450 dwellings per annum. It was only after 2008, no doubt linked to the wider economic downturn, that the Council first began to fall short of the regional targets and between 2008 and 2013, the average rate fell dramatically to 265 dwellings per annum.

Because the Council's case is that the objectively assessed need of 685 dwellings per annum is not deliverable and that, more realistically, rates of between 360 and 400 a year are achievable, it is accepted that a 20% buffer will be most appropriate. Revisions to both Policy PEO1 ([MAJ 4.2](#)) and Policy PEO2 ([MAJ4.3](#)) are proposed to explain how this will work.

Treating Development Targets as a Maximum or Minimum

Mr. & Mrs. Luxford suggest that the wording of Policy SD2 and supporting text are not fully in accordance with the NPPF and that they must clarify that the housing growth target will be treated as a minimum target and not as a cap. We trust that the revised policy below addresses the concern raised.

The Need for Consultation

Rose Properties suggest that the Council will need to undertake further consultation to fulfil the requirements of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In essence, Regulation 18 requires Councils to notify a range of bodies about the intention to prepare a Local Plan and to invite representations as to what it ought to contain.

The Council has already undertaken this kind of engagement under the previous set of regulations and compiled a considerable amount of evidence, intelligence and suggestions during the LDF 'Issues and Options' consultation stage in 2009, the consultation on the Core Strategy and Development Policies Document in 2010 and the consultation on housing development issues in 2011. Although the name of the document may have changed from a Local Development Framework to a Local Plan under the new regulations, another broad-brush consultation exercise inviting people to 'have their say' would be an unnecessary, expensive, abortive and antagonistic exercise that would only serve to open old wounds, throw the whole process off course and undo all of the hard work that has gone into building constructive relationships with stakeholders.

We consider that the proposed changes to the Local Plan, which will be published for consultation, should address all the concerns raised by Rose Properties and Mersea Homes (who are represented by the same agent).

Claims that the Housing Target is Too Low

The objectors that suggest the housing target is too low are referred to the explanation above of how the evidence base of SHMA, SHLAA and EDS have been used to identify an achievable housing target.

It is hoped that the proposal to include land off Stourview Close, Mistley in the Local Plan for a residential development in proposed Policy MLM5a and Policies Map Inset 4 (major change MAJ9.3 and policies map change PM4.4) will address most, if not all, of Mr. French's objections to the Local Plan.

It is also hoped that the proposal to include land at Church Road, Elmstead Market in the Local Plan for a mixed-use development in revised Policy KEY2 and Policies Map Inset 8 (major change MAJ11.3 and policies map change PM8.1) will address most, if not all, of Knight Developments' objections to the Local Plan.

The changes to Policy FWK9 and the allocation of land at Turpins Farm, Frinton (see major change MAJ8.8 and policies map change PM3.3) will address most, if not all of the Burghes Estate's objections.

The identification of West Tendring/East Colchester as a broad location for longer term growth in Chapter 2 of the Local Plan (major changes MAJ2.1 and MAJ2.2) should address all of the objections to the Local raised by Mersea Homes.

Claims that the Housing Target is Too High

The objectors that suggest the housing target is too high are referred to the explanation above of how the evidence base of SHMA, SHLAA and EDS have been used to identify an achievable housing target. This evidence does recognise the zero increase in population between 2001 and 2011 according to the Census – as has been quoted by a number of residents and community organisations. To rely solely on this as a reason to cut housing numbers, when the 2013 Economic Development Strategy clearly recommends boosting the supply of housing to support growth in the economy, would be unsound and would result in the Local Plan being rejected immediately.

Conclusion

Focussed changes to Policy PEO1 and its supporting paragraphs are proposed to:

- reflect the findings of the latest SHMA and SHLAA studies;
- reflect the change in emphasis from a rigid 6% increase in housing development to a 'sustainable, fair and proportionate' approach to growth;
- reflect the change in the length of the plan period from 10 years (2011-2021) to 15 years (2014-2029); and
- ensure compatibility with paragraph 47 of the National Planning Policy Framework (NPPF).

Outcome

In response to the various comments raised in relation to Policy PEO1 and its supporting text and as a consequence of new evidence and other factors, the Council proposes the following **major change (MAJ4.2)** to the policy and supporting paragraphs (additions shown as highlighted and deletions shown as struck through):

~~4.7 Between 1st April 2011 and 31st March 2012, effectively the first year of the 10-year plan period, Tendring's dwelling stock increased by 233 dwellings and on 1st April 2012, there were outstanding planning permissions for residential development across the district with the realistic potential to deliver 950 additional homes. This means that nearly 1,200 of the 4,000 new homes proposed for the district have either already been built or been 'committed' through the grant of planning permission. This leaves approximately 2,800 homes to be delivered as a result of the policies and proposals in this Local Plan.~~

POLICY PEO1: HOUSING SUPPLY

~~The Council will work with the development industry and other partners to deliver a dwelling stock increase of approximately **4,000** dwellings (net) between 1st April 2011 and 31st March 2021. This will be achieved through an approximate 6% increase in the district's total housing stock delivered across all urban and rural settlements in the district and delivered from the following sources:~~

Net Dwelling Stock Change between 1st April 2011 and 31st March 2012.	233
New homes expected on sites with outstanding planning permission for residential development on 1st April 2012 (commitments).	950
New homes expected on sites specifically allocated for residential or mixed use development in Urban Settlements (see Policy SD2).	2,200

New homes expected on sites specifically allocated for residential or mixed use development in Key Rural Service Centres (see Policy SD3).	350
New homes to be granted planning permission on sites within the Settlement Development Boundaries of Smaller Rural Settlements in accordance with (see Policy SD4).	280
TOTAL Housing Stock change between 1 st April 2011 and 31 st March 2021.	4,013

4.7a The National Planning Policy Framework requires Councils to identify and update, annually, a supply of specific deliverable sites to deliver five years worth of new housing with an additional 20% 'buffer' to ensure choice and competition in the market for land. For Tendring, the expected housing growth over the plan period 1st April 2014 to 31st March 2029 is a dwelling stock increase of 5,625 (an average of 375 dwellings per annum). This means the Council will need to be able to identify sufficient land, in any one year, to deliver at least 2,250 homes ((375 x 5) + 20%) with additional land, if necessary, to address any shortfalls in housing provision from previous years.

4.7b For the period 1st April 2014 to 31st March 2024 (years 1-10), this Local Plan identifies specific sites in and around the district's Urban Settlements and Key Rural Service Centres (including sites that already had planning permission at the beginning of the plan period) with sufficient land to deliver approximately 3,625 new homes - following the 'sustainable, fair and proportionate' strategy for growth set out in policies SD2, SD3 and SD4 in Chapter 2 of this Local Plan. This equates roughly to a 6% increase in housing stock for most settlements. Around 1,019 of these homes will be delivered on sites within the established built up areas with the remaining 2,105 to be delivered through sustainable urban extensions and village extensions onto greenfield land. These sites were identified and assessed in the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA).

4.7c The National Planning Policy Framework allows Councils to make an allowance for unidentified 'windfall sites' (sites not specifically allocated for housing development but that still come forward with planning applications for housing and contribute toward housing numbers) if there is evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. The 2013 SHLAA provides evidence that shows that around 501 dwellings are likely to be delivered on small windfall sites both within established built up areas and through small scale infill developments in 'Smaller Rural Settlements' (See Policy SD4). This windfall allowance therefore forms part of the Council's expected housing supply.

4.7d For the period 1st April 2024 to 31st March 2029 (years 11-15) the Council aims to plan for a further dwelling stock increase of at least 2,000 (a rate of 400 dwellings per annum) for which additional land will be identified through a partial evidence-based review of the Local Plan which may identify larger employment and infrastructure-led development opportunities in strategic locations in the district.

4.7e The supply of housing throughout the Local Plan period will be supplemented by proposals for Aspirational Housing outside of Settlement Development Boundaries (See Policy PEO8) and the demand for accommodation should also be eased through the Council's efforts to bring back into use some of the 800 long-term empty properties in the district at 1st April 2013 through its Empty Homes Strategy.

4.7f The specific sites allocated for housing and mixed-use development in this Local Plan are shown on the relevant Policies Map Insets, listed in the relevant 'area chapters' 6 to 10 and also

listed in Appendix 3 which provides estimated dwelling numbers for each site. Sites which had already obtained planning permission for 10 or more (net) dwellings before April 2014 but that are expected to contribute toward meeting the housing growth target within the plan period are classed as 'commitments' and are not shown on the Policies Map Insets. They are however listed in Appendix 3 alongside allocated sites to demonstrate how many dwellings they are expected to deliver.

POLICY PEO1: HOUSING SUPPLY

The Council will work with the development industry and other partners to deliver an expected dwelling stock increase of 5,625 dwellings (net) between 1st April 2014 and 31st March 2029 to support economic growth and meet, as far as is sustainable, achievable and practical, objectively assessed requirements for future housing in the district. This supply of new homes will be delivered from the following sources:

Settlement/Area	Dwellings expected from large site 'commitments' (sites with planning permission for residential or mixed-use development).	Dwellings expected from large sites allocated for residential or mixed-use development within built-up areas.	Dwellings expected from large sites allocated for residential or mixed-use development on greenfield urban extension sites.	TOTAL
Clacton-on-Sea	198	136	1,040	1,374
Harwich & Dovercourt	179	22	250	451
Frinton, Walton & Kirby Cross	44	250	160	454
Manningtree, Lawford & Mistley	0	0	310	310
Brightlingsea	68	0	120	188
Colchester Fringe	80	0	0	80
Key Rural Service Centres	22	20	225	267
Total 'planned provision'	591	428	2,105	3,124
Estimated dwellings expected on small 'windfall sites' with capacity for 9 dwellings (net) or fewer				501
Dwellings expected to be delivered between 1 st April 2024 and 31 st March 2029 on sites to be identified through a review of the Local Plan aimed at addressing longer-term requirements.				2,000
Total expected housing development for the period 1st April 2014 to 31st March 2029				5,625

This supply of housing will also be supplemented by proposals for Aspirational Housing outside of Settlement Development Boundaries (Policy PEO8) and through bringing long-term empty properties back into use through the Council's Empty Homes Strategy.

Policy PEO2 – Housing Trajectory

(Pages 66 and 67 – including paragraph 4.8)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No specific comments.

Comments from landowners, developers and businesses

Kelsworth Ltd (represented by Roger Sargent): this policy is supported in principle.

Colne Housing: The annual review of delivery against target is welcomed.

Blagrove Properties Limited (represented by Pegasus Group): My client OBJECTS to this policy as it refers to a requirement for a 5% buffer to the housing supply figures despite the reported evidence that housing delivery has not met the housing target for two years. Previous Annual Monitoring Reports also reveal that the Council has been unable to meet its five year housing land supply requirements. The NPPF is clear that the relevant buffer in situation such as this is 20% (paragraph 47).

The policy also fails to explain where the supply of housing is coming from to fulfil the trajectory. Although the remainder of the plan identifies future housing sites it does not confirm the yield anticipated from each site or the timescales for delivery. This demonstrates that the deliverability of the Council's housing supply has not been fully tested as required by paragraph 47 of the NPPF. As currently drafted this policy is inconsistent with national policy and is therefore unsound.

Suggested Remedy

To overcome my client's objection I suggest that the policy be amended to refer to the application of the 20% buffer. It should also include reference to the source of the housing supply including anticipated delivery dates, likely housing yield and evidence of deliverability. In doing so, it should include an allowance for residential development at site COS7.

Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan (represented by Pegasus Group): My client OBJECTS to this policy for the follow reasons:

1. The policy advises of a requirement for a 5% buffer to the housing supply figures yet in the table it clearly shows that delivery has not met the housing target for two years. Previous Annual Monitoring Reports also reveal that the Council has been unable to meet its five year housing land supply requirements. The Sustainability Appraisal accompanying the Proposed Submission Draft of the Tendring Local Plan states at page 3 that housing completions for the period 2008/09-2011/12 were '*significantly lower than the target*'. The NPPF is clear that the relevant buffer in situation such as this is 20% (paragraph 47).

It also identifies at footnote 11 to this paragraph that for a supply to be considered deliverable it must be available now, in a sustainable location for development now, achievable within 5 years and be viable. The issue of viability is of relevance for unfulfilled sites in the current Local Plan that have not come forward during the economic boom suggesting an increased likelihood of continued failure to deliver in the current economic climate. The footnote also clarifies sites with planning permission should be considered as deliverable suggesting that those without planning permission cannot be considered as deliverable. This further diminishes the supply identified in the last AMR (2010 – 2011) as follows:

Supply as at April 2011

A. Sites with planning permission	1,299 (assume all deliverable)
B. Outstanding site allocations	690 (discount as no planning permission)
C. Total supply (as amended to reflect footnote 11)	1,299
D. Emerging annual target	400
E. Deliverable supply	3.25 years (C/D)

2. The policy also fails to explain where the supply of housing is coming from to fulfil the trajectory. Although the remainder of the plan identifies future housing sites it does not confirm the yield anticipated from each site (there is no reference to the information contained in Appendix 3) or the timescales for delivery. This demonstrates that the deliverability of the Council's housing supply has not been fully tested as required by paragraph 47 of the NPPF.

As currently drafted this policy is inconsistent with national policy and is therefore unsound.

My client has already raised justifiable concerns about the viability of one site of interest. It is unlikely that these concerns are unique to this one site and as such are likely to extend to other large housing allocations in the District. My client therefore believes that, in the absence of evidence to the contrary, the Council's housing supply is very fragile exacerbated by relatively low land levels, the economic downturn and high infrastructure costs. As such, to avoid a situation whereby housing numbers drop below identified targets the Council's housing policies must be sufficiently flexible to allow for new sources of housing supply to be delivered in appropriate circumstances.

Suggested Remedy

My client requests that the following changes to the policy:

- Amend the text to refer to the application of the 20% buffer;
- Include reference to the source of the housing supply including anticipated delivery dates, likely housing yield and evidence of deliverability;
- Allow for housing targets on identified sites to be treated flexibly with increases permitted where justified by individual circumstances;
- Allow for new sources of housing supply on appropriate sites to come forward where justified by developers subject to the principles of sustainable development set out in the NPPF.

Kevin Britton (represented by Martin Robeson Planning Practice): Minor discrepancy in figures between table in PEO1 (totalling 4,013 dwellings) and PEO2 (4,003 dwellings) should be corrected.

Raymond Stemp Associates (representing a number of landowners): The policy fails to meet the government's 'test of soundness' in accordance to them being 'Effective' in that the plan should be deliverable over its plan period. The Council's continued performance over the last ten years has failed to provide evidence that the high housing trajectories suggested can be met, given the Council's failure to meet current trajectories for the past four years and having never achieved figures suggested over the next three years. By allowing for a 20% increase over the housing stock targets, additional sites could be allocated that would make the targets more achievable.

Peter French (represented by Navigus Planning): The trajectory in Policy PEO2 suggests that between 2014/15 and 2016/17, an annual average of 601 dwellings will be delivered. This is wholly unrealistic given that, even in the boom years of 2005/06 to 2007/08 the average was just 536 dwellings per annum.

Wivenhoe Park Estate (represented by Strutt and Parker) **SUPPORT** The policy is supported as it sets out that the Council will seek to maintain a 5 year housing land supply, plus an additional 5%. This is in accordance with the guidance set out in the NPPF.

It is considered that additional clarification and justification could however, be provided within the policy to account for the large fluctuations shown in predicted housing growth on a year by year basis over the plan period. In particular the policy does not provide clear justification of the rationale behind the relatively low increase in dwelling stock at the beginning and end of the plan period, when compared to the high level of growth within the middle of the plan period. It is considered that clarification is necessary on this point as some sites, such as that identified at KEY2 are capable of delivery at an early stage in the plan period.

Knight Developments (represented by Phase 2 Planning and Development Ltd) **OBJECT** The draft Local Plan proposes a 10 year plan horizon and this is not justified or consistent with national policy. The Council has not presented an explanation or evidence to justify its approach to adopting a 10 year plan period.

The Council has not provided evidence which demonstrates that it is not possible to identify sites or broad locations for growth for years 11-15. The Council has acknowledged a requirement for greenfield sites to meet growth and therefore the need for greenfield land is not a constraint to growth. Further, the NPPF identifies a preference for a 15 year time horizon (*para 47*) or longer to take account of longer term requirements and be kept up to date. The draft Local Plan therefore falls short of the NPPF requirements.

In addition, as identified above, Central Government views the ONS/CLG numbers as a guide to the number of new homes that need to be delivered in the UK. The ONS/CLG projections identify dwelling provision per annum over a 15 year period. It follows that the Government's view is that to ensure that a Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, housing should be planned for over a 15 year period.

Finally, whilst it is acknowledged that the EoEP has been abolished, it represents a robust assessment of housing and infrastructure needs for the region and by implication the district. The EoEP also required development plan documents to be drawn up over a 15 year plan horizon recognising the need to plan for long term development needs and a responsive delivery rate.

In light of the foregoing, the Council has not justified its proposal for a 10 year plan horizon and has not provided evidence that the proposed plan horizon will meet objectively assessed needs as required by the NPPF. Therefore the draft Local Plan period is neither "positively prepared", "justified" nor "consistent with national policy".

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton and north and south of Walton Road, Kirby-le-Soken, for residential development. This policy is partly supported as it sets out that the Council will seek to maintain a 5 year housing land supply, plus an additional 5%. This is in accordance with the guidance set out in the NPPF and this part of the policy is consistent with national framework.

To maintain the 5 year housing supply, plus an additional 5% it is considered that the Council should introduce additional flexibility to this policy. In order to provide the choice and competition for housing as required by paragraph 47 of the NPPF it is considered that the Council should allocate additional housing sites, such as land to the west of High Tree Lane, Walton-on-the-Naze. Modest sized sites such as this one will have the ability to introduce additional competition for market land, whilst at the same time not compromising the strategic objectives of the Local Plan.

It is considered that this change to the plan should be made in order for it to be effective and considered as 'sound'. It is considered that additional clarity and justification should be provided within this policy to account for the large fluctuations in predicted housing growth on the year by year basis between April 2011 and March 2021. The current policy does not provide clear justification for the rationale behind the relatively low increase in dwelling stock at the beginning and end of the plan period, when compared to the high level of growth within the middle of the plan period. It is requested that clarification is provided on this point.

City & Country The policy should be amended as the trajectory is very specific and does not allow for a windfall which takes into account potential stock that is not built in a tough economic climate. Although the trajectory will be updated annually a slip of even 5% will create a large shortfall on the number of houses needed to be built.

Miss. C. Born (represented by Mr. D. Stebbing): The Draft Plan fails to meet the necessary Tests of Soundness for future Sustainable Development across the district of Tendring in the way that it seeks to distribute future Housing growth. The Draft Plan seeks to secure the delivery of 400 new homes per annum up to 2021, by making a series of potential site allocations across the district, and by making a series of adjustments to the Settlement Boundaries of certain settlements. In total, these allocations and revisions to Settlement Boundaries do not provide sufficient certainty that the Plan will ensure the delivery of the necessary new homes for the district. Furthermore, an arbitrary "cap" of 6% is placed upon the potential growth in the Housing stock of settlements across the district. This "cap" will serve as a barrier and constraint to the successful delivery of new homes at sustainable locations across the district, and is not supported by any robust technical evidence – for example, in terms of infrastructure capacity assessments -which would support the decision as to why such a "cap" has been placed upon the potential growth of settlements, or in any way necessary.

Any objective environmental and infrastructure assessment of the district as a whole demonstrates that certain settlements have the capacity to accommodate Housing and other supporting development in the period up to 2021 above a "cap" of 6%, in some cases by a significant amount. Indeed, a number of settlements would clearly benefit by allowing a higher quantum of development, as it would support the delivery of infrastructure that would promote more sustainable patterns of development. Conversely, certain other settlements fail to demonstrate that they have the capacity to achieve growth of 6% without causing significant environmental, social and transportation problems. The Plan fails to address the issue of Housing growth in a way that would secure Sustainable Development across the district. This is in fundamental conflict with the Government's National Planning Policy Framework.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No specific comments.

Comments from members of the public

No specific comments.

Council consideration

The Housing Trajectory Policy PEO2 goes hand in hand with the Housing Supply Policy PEO1 so readers are advised to refer also to the comments in relation to that policy where significant

changes (MAJ4.2) are proposed. There are relatively few objections to Policy PEO2, but as a consequence of proposed changes to PEO1, significant changes to PEO2 are also proposed.

Rather than responding, in detail, to each of the representations above, the objectors are asked to consider the major changes to both PEO1 and PEO2 below to see whether they address the concerns raised.

Outcome

In response to the various comments raised in relation to Policy PEO2 and its supporting text and as a consequence of changes to Policy PEO1, new available evidence and other factors, the Council proposes the following major change (MAJ4.3) to the policy (additions shown as highlighted and deletions shown as struck through):

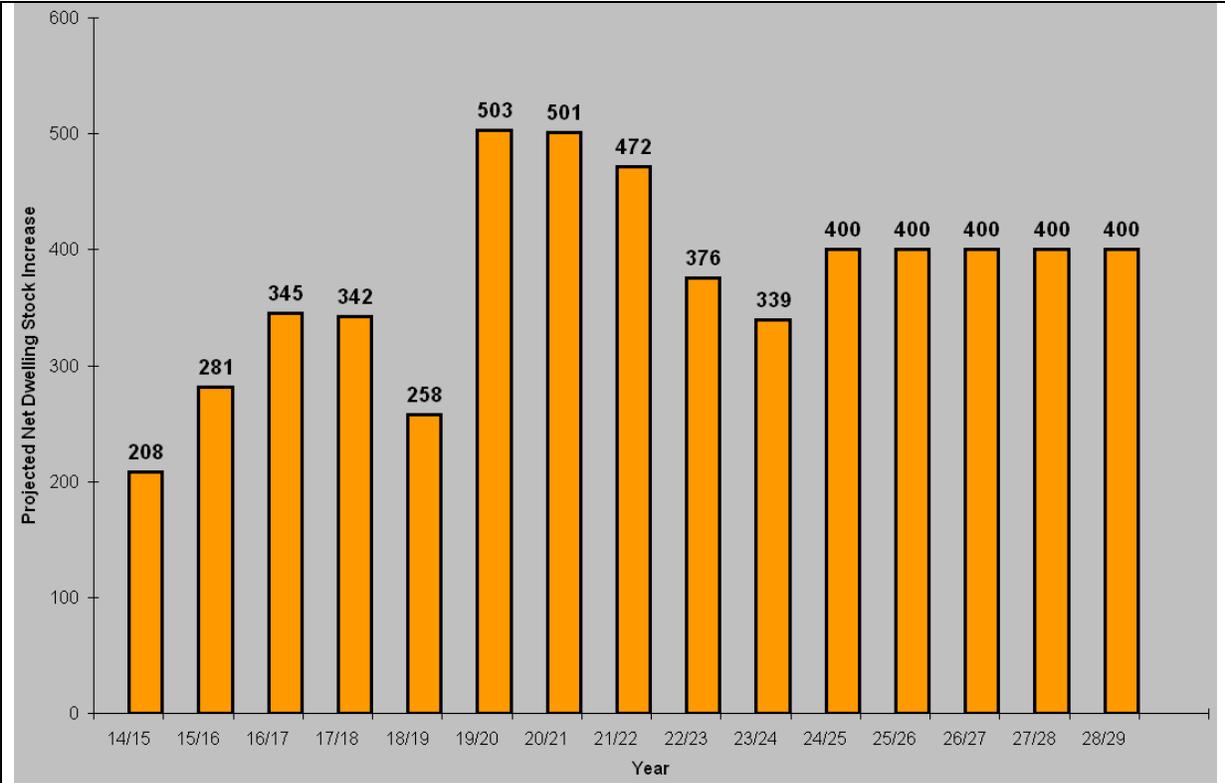
POLICY PEO2: HOUSING TRAJECTORY

In accordance with the National Planning Policy Framework, the Council will monitor the delivery of new housing ~~on an annual basis~~ against the 'Housing Trajectory' ~~on an annual basis~~ and publish the results in its Annual Monitoring Report which, in turn, will inform regular ~~through~~ updates to the Strategic Housing Land Availability Assessment (SHLAA). Housing growth will be measured over the financial year 1st April to 31st March.

The Council will seek to ensure that, in any one year, there is sufficient land available to deliver a minimum of the next 5-years worth of new housing plus ~~5%~~ 20% to allow flexibility in the market for land, taking into account any under-provision or over-provision from the previous year(s). The Council will also monitor the number of long-term empty properties in the district and investigate ways to bring these back into use to assist in addressing the demand for housing over the ~~40-year~~ plan period.

The proposed net dwelling stock increase of ~~4,000~~ 5,625 dwellings over the period 1st April ~~2014~~ 2014 to 31st March ~~2029~~ 2024 is anticipated to be delivered broadly in line with the following trajectory which is based on the evidence contained in the Council's 2013 SHLAA:

Year	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021
Anticipated dwelling stock increase	233	284	412	580	645	578	449	347	249	226



In monitoring housing growth over the ~~40-year~~ plan period against the trajectory, the Council will consider on an annual basis whether there is any need to grant planning permission for additional residential or mixed-use development on non-allocated sites to make up for any shortfalls in housing delivery or whether there is a need to carry out a review of the Local Plan to allocate additional sites.

No changes to supporting paragraph 4.8 are proposed.

Policy PEO3 – Housing Density

(Pages 67 and 68 – including paragraphs 4.9 and 4.10)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Kelsworth Ltd (represented by Roger Sargent): This policy is supported in principle.

Colne Housing: The aims of this policy are encouraging although if demand outstrips supply arising from the above there may be a tendency to increase densities.

Wivenhoe Park Estate (represented by Strutt and Parker) **SUPPORT** This policy is supported. The illustrative layout plan for the site at Holly Way (*as attached to the representation*) has sought to

respond to this policy and provide a density that is suitable for the edge of the settlement location. *Additional text by the Council is in italic.*

City & Country Lifetime homes standards are not always possible for conversions due to the original design or layout and so more consideration should be given to the policy.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported but no justification has been provided for the car parking requirement of one space per bedroom.

The Burghes Estate (represented by Smiths Gore Planning): These comments are in relation to our land at Turpins Farm that is included as a housing allocation in the draft plan. We disagree with Policy PE03 points 'b' and 'c'. The policy states in point 'b' that housing density must have regard to the minimum internal floor area and private amenity space standards as set out in Policy PE04. As detailed in our representations for Policy PE04, we specifically object to the standards outlined for 'Aspirational Housing' which states that the required internal floor area should be 200sqm and private amenity space must be at least equal to the internal floor area. We believe these requirements are wholly impractical and over prescriptive particularly for a strategic policy of this nature.

The NPPF states in para 59 that "Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail". We question whether the principle of the Local Plan is to provide this level of detail and believe that its main purpose is to outline the broad strategy of growth for the district over the plan period. Such standards if required should be set out in some form of residential design guide as required by NPPF. There is no national or regional policy or guidance that supports this approach. The scale of the requirements for aspirational housing completely ignores site constraints such as Conservation Areas, flood risk areas, access, protected trees, topography, and contaminated land which could alter the way that a site is planned and the scale of the housing and amenity space. In addition, the requirements do not cater for all sections of the housing market. NPPF states in para 50 that "local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)".

Point 'c' of Policy PE03 states new residential and mixed use development should have regard to the required mix of housing in Policy PE07. As stated in our objection to Policy PE07, whilst we support an appropriate mix of housing in residential developments, we disagree with the mix of housing outlined in Policy PE07 because the mix is neither justified nor effective. There is no clear evidence underpinning this prescriptive mix. Delivery of housing is market-driven, as recognised by NPPF, and housing mix should be a broad guide.

Para 4.27 in the Local Plan contains policies designed to influence the mix of housing in the district, however, as stated within para 47 of the NPPF, "local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area". In addition, "should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand". We believe that Tendring's approach has ignored the market needs and dictates a mix which is impractical and over prescriptive. The terms which have been used i.e. 'Family Housing' and 'Council Housing' are unclear. The specific internal space standards for the different housing types in Appendix 2 are inflexible and do not allow for any design distinctiveness reflecting individual site characteristics. NPPF states in para 60 that "planning policies should not attempt to impose architectural styles or particular tastes through unsubstantiated requirements to conform to certain development forms or styles". Delivery in Tendring will be severely hampered by this approach.

Suggested Change:

Either:

- 1) Delete the housing mix policy; or
- 2) Make it general guidance rather than prescriptive policy.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton and north and south of Walton Road, Kirby-le-Soken, for residential development. This policy is supported. The initial masterplans we have prepared for each site has sought to respond to this policy and provide a density that is suitable for their edge of settlement location.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Oakley Parish Council: Support this policy.

Comments from members of the public

Mr. J. Ratford (Clacton-on-Sea): One parking space per bedroom and one parking space per HMO tenancy appear excessive when compared with car ownership statistics for Essex.

Mr. R. Naylor (Walton-on-the-Naze): The presumption here is low densities good; high densities bad. This is not the case. Low densities are generally good in suburban and rural situations, but they may be bad applied in urban and metropolitan areas. Minimum densities are necessary for certain aspects of connectivity, social cohesion, market viability etc. in particular locations, such as town centres. It is often beneficial to all uses if certain types of housing overlays and is mixed into other prime use locations. The different types of housing should be specified: there are widely different planning implications applying to bedsitting rooms and large family units. The other forms of residential housing, e.g. residential or nursing homes, residential hotels etc. need also to be considered. The presentation of one size fits all housing is inappropriate not 'Justified', and this policy is therefore unsound.

Council consideration

In response to the general concerns raised that Policy PEO3 is too ridged and overly prescriptive, the National Planning Policy Framework allows more flexibility for Councils to support housing developments of a size and type that better reflects local characteristics and the economic priorities of the Council. It is important that the density of housing development promotes a good quality of life for its residents, reflects accessibility to local services within the location, the need for appropriate levels of internal floor space and external private amenity space, the required mix of housing type and size and the character of development in the immediate area.

Kelsworth Ltd (represented by Roger Sargent, Colne Housing and Wivenhoe Park Estate and Mr. J. and Mr. D. Eagles (represented by Strutt and Parker) comments of support are noted.

The Burghes Estate (represented by Smiths Gore Planning) objection relates specifically to the detailed requirements of Policy PEO4: Housing Standards and Policy PEO7: Housing Choice.

Mr. J. Ratford (Clacton-on-Sea) comments in relation to parking provision for HMO's relates specifically to Policy PEO4: Standards for new housing.

The objection to criteria b) which requires development proposals to have regard to the minimum space standards set out in Policy PEO4 is acknowledged. Policy PEO4 is considered sufficiently flexible so that if an applicant can demonstrate, with evidence, that there are genuine physical or economic viability reasons why these standards cannot be achieved, the Council will consider a development promoting lower standards of gross internal space, private amenity space or parking, having regard to other policies in this Local Plan and other material considerations. Refer to Policy PEO4.

Outcome

No change to the Local Plan.

Policy PEO4 – Standards for New Housing

(Pages 68 to 70 – including paragraphs 4.11 to 4.16)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The County Council welcomes the policies but it is unclear whether the standards reflect the evidence available within Tendring. The internal floor areas set out within the policy generally exceed those required for lifetime homes. The London Housing Design Guide is an example of good practice which conforms to the requirements for Lifetime Homes. Appendix A to this response sets out the internal space areas from the London Housing Design Guide.

Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan, Blagrove Properties Limited (represented by Pegasus Group): My client OBJECTS to this policy because the private amenity area and parking requirements are excessive and unjustified, particularly in a town centre location with very good access to public transport and local services and facilities. The wording of the policy also fails to allow the specifics of the development or the location to be taken into account when assessing the suitability of a scheme. My client considers that this will adversely affect the viability of some schemes in direct conflict with the requirements paragraph 173 of the NPPF. As such the policy is inconsistent with national policy and is therefore unsound.

Suggested Remedy

My client suggests two alternative remedies:

1. Delete the policy in its entirety and instead refer to the standards in the supporting text as aspirational targets, or;
2. Identify in policy COS7 that these standards will not apply to residential development in this location.

Kevin Britton (represented by Martin Robeson Planning Practice): Whilst support is given to providing space standards and criteria for new housing, as recommended by CABE, many of the standards are overly onerous and lack flexibility which may hinder the delivery of housing within the District. This may make the Plan ineffective and thus unsound.

Space Standards

The “ Dwelling Types ” identified as “ Family Housing ” and “ Houses/ Bungalows ” are generally in line with the ‘ affordable ’ space standards already experienced in the affordable market, however the proposed floor areas in this policy are quoted as minimum areas. To encourage the delivery of new housing within the District and provide flexibility to developers as they address what will be a variety of sites/area within the District, a range of floor areas within each category should be provided.

With regard to the Aspirational Housing, 4 bedroom properties range from c. 106m² to much larger than 200m². To define a minimum size of 200m² for Aspirational Housing is unrealistic, and could result in a net reduction in the variety of house sizes a site could provide.

Recommendations are provided below to ensure the policy is justified and effective.

Parking Standards

The parking space requirements for Aspirational Housing, Family Housing and Houses may be overly onerous and lead to unsustainable development.

Accommodating all parking spaces within driveways for these types of housing may be unsustainable, taking up land which could more appropriately be given over to green space. This would provide a more attractive setting to these aspirational houses and would support local wildlife. Equally some “ aspirational ” families may prefer to park their cars in a garage to protect valued possessions.

We would recommend that a minimum of 2 car parking spaces is provided for Aspirational Housing, Family Housing and Houses. Flexibility should be applied to these parking space requirements to allow their provision within either a driveway or garage subject to the garage being of a sufficient size.

We recommend the following amendments:

“ All proposals for new residential development across all housing types and tenures (including conversions and changes of use) will be expected to meet the mandatory Lifetime Homes design criteria, the energy efficiency requirements of Policy SD10 and the following ~~minimum~~ space standards for internal floor areas, provide amenity space and parking provision: ”

<i>Dwelling Type</i>	<i>Total Internal Floor Area</i>	<i>Private Amenity Space</i>	<i>Parking Spaces (no. of spaces)</i>
<i>Aspirational Housing (Policy PE08)</i>	<u>107sqm - 200sqm+</u>	<i>Private amenity space to be at least equal to the total internal floor area of the dwelling</i>	<u>A minimum of 2 parking spaces per dwelling to be provided either within garages or driveways (off road).</u> <u>Driveway area</u>
<i>Family Housing (Policy PE09)</i>	<u>82sqm - 96sqm</u>		
<i>Houses and Bungalows:</i> <ul style="list-style-type: none"> • 2 bed (3 person) • 2 bed (4 person) • 3 bed • 4 bed 	<u>57sqm - 66sqm</u> <u>67sqm - 77sqm</u> <u>78sqm - 96sqm</u> <u>97sqm - 106sqm</u>		

			equivalent to 1 parking space per bedroom in addition to any space provided in garages
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(Additional text underlined, deleted text struck through).

Comments from landowners, developers and businesses

Colne Housing: Inclusion of aims for tackling fuel poverty, driving down carbon emissions and energy efficiency would be welcomed.

Kelsworth Ltd (represented by Roger Sargent): this policy is supported in principle.

Bennett Homes (represented by Bidwells): This policy seeks to impose Lifetime Homes and minimum space standards as a mandatory requirement on all new residential developments in advance of anticipated changes to the Building Regulations. This approach is insufficiently flexible due to the potential impacts on build costs and the space planning of sites and may harm the financial viability of potential development and the deliverability of the Local Plan’s housing targets.

Research commissioned by the Government has established that the functional requirements of Lifetimes Homes standards are not always easily achieved xxxxx

The weakness of Tendring’s housing market in comparison with neighbouring districts would suggest that imposing more onerous local standards on the housing building industry will make the development of housing in Tendring less attractive to many developers and threaten the deliverability of the Local Plan’s housing targets.

There appears to be limited evidence to suggest that Lifetime Homes standards will become a mandatory requirement of the Building Regulations in 2013, as suggested in paragraph 4.14 of the Local Plan. This aspiration was devised at a time when the UK economy was much stronger.

Because of the possible impact on build costs and viability in the current economic climate, Policy PEO4 and its supported text should be removed from the Local Plan and that more onerous building standards are only imposed once they are applied at the national level.

City & Country: Large homes which will increase the construction and which in turn can affect viability that may deter developers. Further space requirements should therefore be considered for the policy.

Martello Land and Properties Limited (represented by Highcroft Planning): The car parking standards which require the provision of one additional space in a driveway per bedroom are not justified and are not sustainable.

Tim Snow Architects Ltd: The policy has not been fully assessed as to its implications on other policies in this Plan. While supporting the principle of minimum space standards this will, when taken together with housing mix proposals and Arcadian design, have an impact on the site densities that can be achieved. A lifetime home requirement tends to increase the floor areas beyond those floor areas that the council now propose. There will be a significant impact on construction costs. When taken with the reduced densities that will be the result of increased floor

areas, increased amenity space, increased car parking requirements and low property values in the district as a whole, many sites will not be viable and this will reduce the supply of housing sites in many areas. Viability assessments carried out on current sites show that current schemes are barely viable. The prediction for future growth in property values is bleak. It is not adequate to simply take the Mayor of London's Design Standards without an impact assessment. Property values are somewhat higher in London which allows better margins.

The Burghes Estate (represented by Smiths Gore Planning): These comments are in relation to our land at Turpins Farm that is included as a housing allocation in the draft plan. Whilst we support the provision of appropriate levels of aspirational housing to a clear identified local demand in certain locations, we believe the guidelines contained in Policy PE04 'Standards for New Housing' should be indicative and not a mandatory minimum. They are impractical, expensive and will not help in delivering housing. As stated in our comments for Policy PE03 'Housing Density', we specifically object to the standards outlined for 'Aspirational Housing'. On the assumption that an aspirational housing unit has a minimum of 4 bedrooms this will result in a minimum plot area of around 350sqm (assuming a building footprint of 100 sqm, a garden of 200 sqm and at least 50 sqm of driveway space for 4 cars). We believe these requirements are wholly impractical and over prescriptive and will add unnecessarily to costs. The NPPF states in para 59 that "Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail".

We question whether the principle of the Local Plan is to provide this level of detail and believe that its main purpose is to outline the broad strategy of growth for the district. The scale of the requirements for aspirational housing completely ignores site constraints such as Conservation Areas, flooding and contaminated land which could all alter the way that a site is planned and the scale of the housing and amenity space. In addition, the requirements do not cater for all sections of the housing market. NPPF states in para 50 that "local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)".

We would also recommend a relaxation in terms of the number of private cars to be accommodated on plots to encourage use of other modes including public transport, walking and cycling for local journeys.

If the guidelines were a non-mandatory requirement, this would allow an appropriate and context-sensitive design response. However, they are not presented in that form at present and we object to this level of prescription.

Suggested Change:

Either:

- 1) Delete the standards for new housing policy; or
- 2) Make it general guidance rather than prescriptive policy.

NNC Homes (represented by Edward Gittins & Associates): We support the inclusion of land at Steam Mill Road, Bradfield, within the Bradfield Settlement Development Boundary for housing development. We support the inclusion of this policy.

Comments from community representatives
(District, Parish & Town Councillors and Community Groups)

Little Oakley Parish Council: Support these minimum space standards.

Frinton and Walton Town Council: TC requires that garages remain in that use.

Comments from members of the public

Mr. P. S. Scott (Great Bromley): The correct metric notation is not used consistently in the Local Plan and needs to be corrected. Flood and other areas should be indicated by m² and not sqm. For correct metric notation see British Standard PD6031.

The preferred 2600mm ceiling heights (set out in Appendix 2) reflect the Mayor of London's new policy but given that building regulations have not been amended to increase heights above the generally long accepted 2300mm makes it seem extravagant for the Council to increase the standard just because London has. Increasing floor to ceiling heights will cause an unnecessary increase in build cost, including the cost of providing larger and bespoke staircases.

The proposal for a three bedroom, five person house to be a minimum of 96 m² is 14% greater than Parker Morris standards, would further increase costs, and would be an unnecessary burden on developers. There is, and would not be any restriction on builders adopting more generous standards if they sought fit and if the market did not find them too expensive.

Mr. R. Naylor (Walton-on-the-Naze): Minimum standards should be reduced on account of restraining development, saving energy, reducing pollution, reducing costs through the employment of good design, application of current technology, anticipation of future technology and transport solutions. The Council's past Plan, which carries through to this draft future plan, puts too much emphasis on consumptive patterns of behaviour and particularly the use and misuse of transport. The over-provision for car-parking adversely limits density whilst spuriously arguing access. The Plan over-provides for car use and in doing so unfairly tips the very sensitive balance away from pedestrian, bicycle, bus and other public transport options. The bias produces pollution, congestion, inefficiency and personal injury. The justification for this policy is not shown so this Policy PEO4 is unsound.

Mrs. S. Woodman (Ardleigh): I support the Council's recommendations for minimum space requirements for all new housing, and welcome the suggestions made.

Council consideration

During the consultation on the Draft Local Plan numerous objections were received from landowners and developers. Their main concern was that Local Plan Policy PEO4 must be more consistent with paragraph 59 of the Planning Policy Framework which suggests that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

In particular, several respondents objected to the prescriptive nature of the Policy, calling for the policy to be deleted or provide greater flexibility and/ or the use of alternative standards, for example the standards published in the 'London Housing Design Guide' (recommended by Essex County Council) which are more compatible with the Lifetime Homes Design Criteria.

Despite the objections, the Council is determined to introduce some uniform standards. The revised policy, however still retains the thrust of one of the Council's main objectives which is to prioritise larger properties to support economic growth and provide a good quality of life for its residents. The revised standards for internal floor area are based on the adopted London Design Guide standards recommended in Essex County Council's representations for general dwellings.

Policy PEO4 also sets out the space standards for 'Aspirational Housing' which reflects the Council's priorities to:

- provide attractive high-quality homes that ambitious young people growing up in our area can aspire to live in and stay close to their family and enjoy high quality employment without feeling they have to move away from the area to reach their full potential;
- encourage high-earners and people with entrepreneurial spirit to live in the district who will have disposable income to spend in the local economy and who have the potential to invest in local business opportunities;
- reverse the unfair perception amongst some people and businesses that Tendring is simply a retirement area, which has been a barrier to business investment; and
- increase the value of existing property in the district to the benefit of local residents and their children and, over time, reducing the rate of unsustainable inward migration that has resulted in part from cheaper property prices in the district's coastal towns and from growth in the buy-to-let market.

To support the case for applying minimum standards for internal floor areas and gardens, the Council has produced a study that entitled 'PEO4: Standards for New Housing-Housing Sizes in the Urban Areas of the Tendring District' provides research into the actual property and garden sizes that have been achieved in the District over a number of decades. The evidence contained within this technical document demonstrates that the Council's expectations are not unreasonable and should be achievable in most new developments. This document is attached as appendix 1 and the results are summarised below.

The study found that with the exception of the Harwich area, in general dwellings and their gardens have been historically built in accordance with, or above the standards required by the proposed 'Minimum Standards' in PEO4.

Whilst half of the results for the Harwich area did not accord with the 'Minimum Standards' proposed, the losses measured were only slight. These results may well have been influenced by the high number of older properties (pre 1900s). Most of the sample areas found that the 2 bedroom properties historically built did not accord with the 'Minimum Standards' proposed. Once again these losses are not significant.

In general, dwellings and gardens do accord with the 'minimum standards' and more than half accorded with the proposed 'aspirational standards'. Only one area (Harwich) failed this general rule. The losses however were not that significant. Whilst the lack of accordance with the 'Aspirational Standards' is notable, it should not be taken to discount the other work in this paper. The 'Aspirational Standards' will only be used in specific situations as opposed to the 'Minimum Standards' which will be the day-to-day standard for development in the District.

It is therefore considered that given the generally positive results attributed to the 'Minimum Standards', which more-or-less reflect what has been built within the sample areas since the turn of the century, the 'Minimum Standards' are acceptable. It is therefore considered reasonable to include standards along the lines of 'Minimum Standards' within the Focused Changes Document.

Viability

The results of the 'Viability Assessment of Greenfield Sites' carried out by Peter Brett Associates indicate that policies PEO8 Aspirational Housing & PEO4 Standards for New Housing will negatively impact upon viability. In addition to this a number of the respondents raised concern that

the policy failed to allow the specifics of the development or the location to be taken into account when assessing the suitability of a scheme. The Council's position is that all new residential development will be expected to meet the above minimum standards for gross internal space, private amenity space and parking unless the applicant can demonstrate, with evidence, that there are genuine physical or economic viability reasons why these standards cannot be achieved. In cases where this is demonstrated, the Council will consider whether or not a development promoting lower standards of gross internal space, private amenity space or parking could be permitted, having regard to other policies in this Local Plan and other material considerations.

Delivering improved space standards through Policy 'PEO4 Standards for New Housing' is one of one of the Council's main objectives which is to prioritise larger properties to support economic growth and provide a good quality of life for its residents. If a development is not considered viable as a result of applying the Councils space standards, the Council may consider reducing the level of on-site affordable housing to make the development financially viable.

Other issues

Kelsworth Ltd (represented by Roger Sargent), NNC Homes (represented by Edward Gittins & Associates), and Mrs. S. Woodman (Ardleigh) comments of support are noted.

Little Oakley Parish Council's comments of support are acknowledged.

Frinton and Walton Town Council suggest that garages should remain for the parking of vehicles and not be converted for alternative uses. Planning permission is not usually required providing the work is internal and does not involve enlarging the building. However, garage conversions in a Conservation Area usually require planning permission and therefore it is possible to fully assess the potential impacts that this type of development may have on the character of an area and on the local highway network.

Mr. R. Naylor (Walton-on-the-Naze) comments which relate to transport issues are dealt with under policies 'SD1: Presumption in Favour of Sustainable Development' and 'SD8: Transport and Accessibility'.

Parking Spaces

A number of the respondents have objected to the proposed parking requirements set out in PEO4. In response to this the Council are concerned that an increase in housing development will lead to a problem of on-street parking resulting in car-dominated congested residential areas. Therefore, the Council considers that one space per bedroom is a sensible and logical approach to ensuring that new residential developments are not dominated by on-street parking.

Mr. P. S. Scott (Great Bromley) comments which relate to using the the correct metric notation are acknowledged and will be investigated.

Outcome

The following **major changes** (MAJ4.4) to Policy PEO4: 'Standards for new Housing' on pages 69 and 70 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY PEO4: STANDARDS FOR NEW HOUSING

All proposals for new residential development across all housing types and tenures (including conversions and changes of use) will be expected to meet the mandatory Lifetime Homes design criteria, the energy efficiency requirements of Policy SD10 and the following ~~minimum space~~ **minimum** standards for internal ~~space~~ **space** ~~floor areas~~, private amenity space and parking ~~provision~~:

Dwelling Type	Total Internal Floor Area	Private Amenity Space	Parking Spaces (no. of spaces)
Aspirational Housing (Policy PEO8)	200sqm		
Family Housing (Policy PEO9)	96sqm	Private amenity space to be at least equal to the total internal floor area of the dwelling.	Driveway area equivalent to 1 parking space per bedroom in addition to any space provided in garages.
Houses and Bungalows:			
<ul style="list-style-type: none"> • 2 bed (3 person) 66sqm • 2 bed (4 person) 77sqm • 3 bed 96sqm • 4 bed 106sqm 			
Flats Apartments and Maisonettes:		Total private amenity space to be at least equal to the total internal floor area of the dwelling. This can comprise areas of communal space and individual gardens or balconies.	1 space per bedroom.
<ul style="list-style-type: none"> • 1 bed 51sqm • 2 bed (3 person) 66sqm • 2 bed (4 person) 77sqm • 3 bed 93sqm • 4 bed 106sqm 			
Bedsits and HMOs (see Policy PEO13)	The floor area of any one bedsit or any one tenancy unit plus the total area of shared rooms must be at least 51sqm.	Amenity space to be at least equal to the total internal floor area of the block of bedsits or tenancy units. This can comprise areas of communal space and individual gardens or balconies.	1 space per bedsit/tenancy unit.

Traveller Accommodation (see Policy PEO15)	See room size standards in Appendix 2.	See requirements in Policy PEO15.
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Dwelling Size	Minimum gross internal space standards for general residential dwellings.	Minimum gross internal space standards for Aspirational Homes (see Policy PEO8).
1 bedroom/2 person	50 sqm	100 sqm
2 bedroom/3 person	61 sqm	122 sqm
2 bedroom/4 person	83 sqm	166 sqm
3 bedroom/4 person	86 sqm	172 sqm
3 bedroom/5 person	96 sqm	192 sqm
4 bedroom/5 person	100 sqm	200 sqm
4 bedroom/6 person	107 sqm	214 sqm

The internal layout of all dwellings should additionally have regard to meet the guidance on individual room sizes set out in Appendix 2 of this Local Plan.

Private amenity space standards

The Council will expect each individual dwelling to be provided with an area of private amenity space that is, at minimum, equal in size to the total gross internal floor area of the dwelling to which it relates. For flatted developments, private amenity space can be provided through a combination of communal space, individual gardens and balconies.

Parking standards

All dwellings must be provided with a minimum one off-street parking space per bedroom.

Application of the standards

All new residential development will be expected to meet the above minimum standards for gross internal space, private amenity space and parking unless the applicant can demonstrate, with evidence, that there are genuine physical or economic viability reasons why these standards cannot be achieved. In cases where this is demonstrated, the Council will consider whether or not a development promoting lower standards of gross internal space, private amenity space or parking could be permitted, having regard to other policies in this Local Plan and other material considerations.

Proposals that involve the redevelopment, change of use or subdivision of existing residential accommodation will ~~all~~ also be required to ensure that the above ~~gross internal floor space, private amenity space and parking minimum~~ standards are maintained for both new and existing properties. ~~Off-street car parking spaces will be a minimum size of 4.8 metres by 2.4m.~~

Applicants must be able to demonstrate that above requirements have been considered and met.

The following **minor changes** (MIN4.1) to paragraph 4.14 on page 68 are proposed (additions shown as highlighted and deletions shown as struck through):

4.14 The Council fully supports the concept of Lifetime Homes and although the government is looking to make the Lifetime Homes Design Criteria a mandatory requirement of the national building regulations from 2013, the Council will expect all proposals for residential development in the Tendring District to apply these criteria in advance of them becoming mandatory. More guidance on these standards is available on the Lifetimes Homes website: www.lifetimehomes.org.uk.

The following **minor changes** (MIN4.2) to paragraph 4.15 on pages 68 and 69 are proposed (additions shown as highlighted and deletions shown as struck through):

4.15 Research carried out for the Greater London Authority in 2006 indicates that the levels of space in the home in England are generally lower than those found in other European countries and this is having a detrimental affect on living standards and psychological health. More recently, a 2009 report for CABE entitled 'Resident Satisfaction with Space in the Home' concluded that new housing does not consistently provide adequate space for residents to go about their everyday lives in comfort, including sufficient space for storing possessions and maintaining a tidy home and having enough room for families and guests to eat and socialise together. This research has resurrected calls to have minimum rooms dimensions like the famous 'Parker Morris' standards from 1961. This Council supports minimum internal floor space standards and Policy PEO4 sets out the Council's requirements for all types and tenure of residential accommodation, which are based on standards published in the 'London Housing Design Guide' which are compatible with the Lifetime Homes Design Criteria by English Partnerships in 2007.

The following **minor changes** (MIN4.3) to paragraph 4.16 on page 69 are proposed (additions shown as highlighted and deletions shown as struck through):

4.16 New residential development must also incorporate 'private amenity space' – effectively a back garden or balcony area directly accessible via residential dwellings and that is not overlooked by adjacent or opposite living rooms or outdoor seating areas. Private amenity space is important to provide privacy, open outlook, light and fresh air for safe recreation and storage. The degree of privacy and size of private outdoor amenity space will vary in relation to location and the type of accommodation. The Essex Design Guide provides additional guidance and has been adopted by the Council as SPD upon which the requirements of Policy PEO4 are based. ~~so this Local Plan sets out the size standards that development will be expected to achieve. The requirements for private amenity space are in addition to the requirements for public open space set out in Policy PEO23. Policy PEO4 below also sets out car parking standards for housing which override the Essex County Council standards (although for non-residential development the Essex County Council standards will apply).~~

Policy PEO5 – Housing Layout in Tendring

(Pages 70 and 71 – including paragraphs 4.17 to 4.19)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The supporting text to Policy PEO5 promotes the principles of Garden City movement in respect of new residential development, especially on greenfield sites. The District Council may wish to consider whether this approach will provide sufficient and appropriate homes that reflect the type and mix of properties arising from the market demands assessed in the SHMA. Additionally, the District Council would no doubt wish to expand the policy approach to secure future developments that are sustainable, of high quality design and accessible to local amenities and places of employment by a choice of transportation modes. Appropriate principles are set out in a range of existing guidance, including – Essex Design Guide (2005), Urban Place Supplement (2007), Essex County Council's Street Materials Guide (2012), the Department for Transport's Manual for Streets 2 and Trees in the Townscape: A Guide for Decision Makers (Trees and Design Action Group, (2012).

Comments from landowners, developers and businesses

Kelsworth Ltd (represented by Roger Sargent): only supports this policy if it is not prescriptive to all housing sites or a rigid format for every residential scheme.

Colne Housing: This section is welcomed although there seems to be some conflict with the modest growth targets.

City & Country The housing principles required with larger gardens and more spacious properties which are laid out upon the 'Arcadian' or 'Boulevard' street pattern for large scale developments should be welcomed. This is in keeping with the local context and creates inclusive well planned neighbourhoods.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Tim Snow Architects Ltd: I object to 'Cul-de-Sacs' will not be permitted. There is no justification for this. The statement could be expanded to explain what the council is trying to achieve but a simple policy objection may well significantly limit the development potential of a site. Any road that is not a through road is a cul-de-sac and while I support the ambition I cannot see that this is workable.

Blagrove Properties Limited (represented by Pegasus Group): This policy sets out detailed requirements for the form and layout of housing developments on sites of 50 units or more in order to deliver developments that follow the principles of Garden Cities. My client OBJECTS to the blanket application of these requirements as it will inhibit the ability for innovative design solutions and also fails to allow the individual circumstances of a scheme or a location to be taken into account.

My client's site at the Station Gateway is a relevant example of where this aspiration for Garden City development would be inappropriate. The location and existing nature of this site lends itself to high density development as acknowledged by the fact that the existing policy anticipates 4-5 storey development. In such cases a residential development based on Garden City principles would be inconsistent with the potential of this site.

The application of this policy across the District will therefore inhibit the deliverability of the Plan rendering it ineffective and therefore unsound.

Suggested remedy

The requirements of this policy are more appropriate for a supporting supplementary planning document that sets out the design aspirations that the Council will favour when considering the appropriateness of greenfield or suburban development. My client therefore suggests that this policy be deleted and replaced with a policy that indicates the preferences of the authority and refers the reader to a supplementary planning document for more detail. Alternatively, the wording of policy COS7 should specifically identify that any residential development at this site will not be subject to policy PE05.

Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan, Blagrave Properties Limited (represented by Pegasus Group): This policy sets out detailed requirements for the form and layout of housing developments on sites of 50 units or more in order to deliver developments that follow the principles of Garden Cities. My client OBJECTS to the blanket application of these requirements as it will inhibit the ability for innovative design solutions and also fails to allow the individual circumstances of a scheme or a location to be taken into account.

Suggested remedy

The requirements of this policy are more appropriate for a supporting supplementary planning document that sets out the design aspirations that the Council will favour when considering the appropriateness of a development. My client therefore suggests that this policy be deleted and replaced with a policy that indicates the preferences of the authority and refers the reader to a supplementary planning document for more detail.

The Burghes Estate (represented by Smiths Gore Planning): These comments are in relation to our land at Turpins Farm that is included as a housing allocation in the draft plan. Whilst we support the design principle of 'Arcadian' and 'Boulevard' street patterns, and believe that this should be incorporated into residential developments to a certain degree, we do not believe that this should be a policy requirement but a broad design objective. We specifically object to Policy PE05 point 'a' which requires that properties are laid out with 'Arcadian' or 'Boulevard' street patterns where all individual properties have frontages onto the highway. The approach is inconsistent with national policy and there is no mention in NPPF of specific design codes and that local planning authorities should avoid unnecessary prescription or detail in their design codes.

By incorporating a degree of flexibility in housing layouts and in order to produce a high quality and sustainable development, a design solution which responds to site constraints, opportunities and local context of the site will provide the best outcome.

Suggested Change:

Delete part 'a' of the policy requirement and change to a broad design aim.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. Tom Howard (TDC Member for Great and Little Oakley Ward): In part c), '(accept in the case of flats...)' should presumably read '(**except** in the case of flats...)'.

Little Oakley Parish Council: Support this policy.

Frinton and Walton Town Council: TC does not agree with criterion (b).

Comments from members of the public

Mr. P. S. Scott (Great Bromley): 'Arcadian' means 'ideally rustic', modelled on a rural district of Ancient Greece. 'Boulevard' means 'a wide usually tree lined road in a city'. Neither of these is appropriate for Tendring at any time, let alone in the 21st Century. The consequence of this radical change in attitude and policy would be a dramatic increase in the cost of housing for developments of 50 units or more and the development sector would continue to be stifled rather than liberated by the planning system.

Mr. J. Ratford (Clacton-on-Sea): This style of development can promote social cohesion, sustainability and biodiversity, but the following points should be considered. Shared open space should be overlooked by housing (village green design). Wide roads should lessen need for cycling provision, but main roads should have cycle paths, and pedestrian refuges should not force cyclists to compete with motor vehicles for space. For specimen trees (15m+ height and width) to succeed, adequate shared space must be incorporated into the design in a variety of locations. Cul-de-sacs promote socializing and can make cycle/footpaths more effective than car for short journeys.

Council consideration

Colne Housing & City & Country and Martello Land and Properties Ltd support for this policy is acknowledged.

Essex County Council's concerns that the existing policy approach will not be able to provide sufficient and appropriate homes that reflect the type and mix of properties arising from the market demands assessed in the SHMA is acknowledged. In response to this concern, the Council has made the policy less prescriptive and therefore more consistent with paragraph 59 of the Planning Policy Framework which suggests that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. The revised policy however, still retains the thrust of one of the Council's main objectives to achieve lower density, more traditional housing layouts to support economic growth and provide a good quality of life for its residents.

Kelsworth Ltd, Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan, Blgrave Properties Limited (represented by Pegasus Group), Mr. J. Ratford, Mr. P. S. Scott and Tim Snow's objections to Policy PE05 are noted. Policy PEO5 has been amended in acknowledgment that aspects of the policy were overly prescriptive and could prevent innovative design solutions from being delivered. The revised policy however still retains the thrust of one of the Council's main objectives to achieve lower density, more traditional housing layouts to provide a good quality of life for its residents.

Cllr. Tom Howard (TDC Member for Great and Little Oakley Ward), Little Oakley Parish Council and Frinton and Walton Town Council's comments are noted.

Frinton and Walton Town Council object to criteria b). In response to this concern Policy PEO5 has been amended and no-longer states that 'Cul-de-sacs will not be permitted'.

Mr. P. S. Scott (Great Bromley) objection to Policy PEO5 on the grounds that the policy requirements could make development in the district unviable is acknowledged. In response to concerns over viability and deliverability the Council has made the policy less prescriptive and therefore more consistent with paragraph 59 of the Planning Policy Framework which suggests

that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. The revised policy however still retains the thrust of one of the Council's main objectives to achieve lower density, more traditional housing layouts to support economic growth and provide a good quality of life for its residents.

Mr. J. Ratford (Clacton-on-Sea) general observations regarding the layout and design of proposed development are acknowledged. Mr Ratford is referred to Policy SD9 'Design of New Development' which contains the design criteria against which every planning application for development will be considered. Part A of the policy provides the local planning criteria for ensuring development is well designed and relates well to its surroundings. This part of the policy would ensure that shared open space is overlooked by housing and hard and soft landscaping is an integral part of development. Part B ensures that the practical requirements have been addressed such as access to the site and general highway network issues. Whilst the Council supports the concept of cycle paths on all main roads, it is beyond the remit of this Local Plan to deliver such infrastructure.

Outcome

The following **major changes** (MAJ4.5) to Policy PEO5: 'Housing Layout in Tendring' on page 71 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY PEO5: HOUSING LAYOUT IN TENDRING

To ensure that they contribute positively towards the district's 'sense of place', the design and layout of new residential and mixed-use developments in the Tendring District will be expected to:

- a) promote health and wellbeing by incorporating and maximising the use of green infrastructure, verges, trees and other vegetation;
- b) minimise the opportunities for crime and anti-social behaviour by ensuring good surveillance, clear definition between public and private spaces and convenient access for emergency services;
- c) ensure internal road layouts can safely and comfortably accommodate emergency services, waste collection services, buses (where necessary) and other large vehicles;
- d) minimise the need for and reduce the resulting visual and safety implications of on-street parking by ensuring dwellings have sufficient off-street parking space to accommodate the likely number of vehicles (see Policy PEO4);
- e) respect the character of Tendring by delivering housing development at densities more in keeping with the semi-rural nature of the district (see Policy PEO3);
- f) ensure dwellings meet minimum standards of internal space and private amenity space (see Policy PEO4); and
- g) meet all other requirements of the Local Plan, including the detailed design requirements Policy SD9 and SD10.

To ensure new developments meet these requirements and other requirements of policies in this

Local Plan, the Council will work with landowners, developers and other partners, particularly on larger schemes, to prepare master plans or development briefs prior to the submission of planning applications.

In determining planning applications, the Council will refer to the guidance provided in the Essex Design Guide for Residential & Mixed-Use Developments, 'Building for Life' and the 'Manual for Streets'.

Proposals involving the development of 50 or more (net) residential dwellings must follow these housing layout principles below:

- a) ~~Properties will be laid out with 'Arcadian' or 'Boulevard' street patterns where all individual properties have frontages onto the highway. This requirement will not apply to development sites located within town centre boundaries.~~
- b) ~~'Cul-de-sacs' will not be permitted;~~
- c) ~~Parking and garaging will be confined to the curtilage of individual dwellings as opposed to being provided communally (accept in the case of flats, apartments and maisonettes); and~~
- d) ~~The public highway serving new properties should be wide enough to incorporate:~~
 - ~~accessible footpaths;~~
 - ~~grass verges and trees on either side of the road; and~~
 - ~~a road width that reflects planned levels of use; the need for access to buses, emergency services, waste collection services and other large vehicles; and the advice of Essex County Council as the Highway Authority.~~

The following **minor changes** (MIN4.4) to paragraph 4.18 on page 71 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

4.18 Due to the lack of available brownfield land and the preference for more spacious properties with larger gardens, the Council has no choice but to promote the expansion of towns and villages onto greenfield land to deliver the district's future housing requirements. Therefore the Council will encourage developers to apply the principles of Garden Cities ~~apply to~~ when planning housing layouts on new greenfield allocations. However, rather than allowing high-density housing estates that have dominated housing provision over the last forty years which are characterised by cul-de-sacs, narrow highways and an increasing over-dominance of on-street car parking, this Council wants to embrace the principles of the Garden City movement as a means of bringing about social and economic improvements in the district. The Council will therefore only support large scale housing developments if they are well designed, integrated with the existing environment and contribute positively towards the 'sense of place'. ~~meet the requirements of Policy PE05 which will achieve lower densities, 'Arcadian' or 'Boulevard' street pattern with wide streets, generous levels of vegetation, attractive open spaces with ample off-street car parking and private amenity space, as required by the standards set out in Policy PEO4 above.~~

Policy PEO6 – Backland Residential Development

(Pages 71 and 72 – including paragraphs 4.20 to 4.24)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Kelsworth Ltd (represented by Roger Sargent): only supports this policy if it is not prescriptive to all housing sites or a rigid format for every residential scheme.

City & Country We believe that the policy is unsustainable and should not be part of Tendring Policy. Development should be built and designed in an accessible way on land that is suitable and reflects local character.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Oakley Parish Council: Support this policy. We have already objected to development that did not comply with this policy.

Comments from members of the public

Mr. R. Naylor (Walton-on-the-Naze): This policy is too restrictive and should at least be moderated. There may be situations where mandatory adherence to these standards is inappropriate and counter-productive. The standards should be moderated to desirable status.

Council consideration

City & Country, Kelsworth Ltd and Mr. R. Naylor object to Policy PEO6 on the grounds that the criteria are too restrictive and unsustainable. In response to these concerns the Council considers that the problems associated with backland development require particularly thorough planning. Policy PEO6 provides the specific criteria that the Council will apply to development proposals to ensure that:

- Backland development respects and reflects the character of the area and the existing street scene;
- Comprehensive development is planned;
- Safe and attractive residential layouts are promoted;
- Local distinctiveness and identity are promoted; and
- Environmental impacts are minimised.

Point a) has been amended to incorporate an element of flexibility to ensure that strict accordance with the standards in Policy PEO4 does not prevent an otherwise sensible backland scheme from being approved.

This policy is considered to be sound and consistent with national planning policy.

Outcome

The following **minor changes (MIN4.5)** to criterion a) in Policy PEO6: 'Backland Residential Development' on page 72 are proposed (additions shown as highlighted and deletions shown as struck through):

a) where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of ~~must not result in any proposed or remaining back gardens falling below the minimum~~ private amenity space ~~having regard to the standards set out in this Local Plan Policy PEO4;~~

Policy PEO7 – Housing Choice

(Pages 73 and 74 – including paragraphs 4.25 to 4.29)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policies PEO7, PEO8, PEO9 and PEO10 – Housing Type and Mix Policy PEO7 (Housing Choice) sets out the housing mix requirements for sites of 10 or more dwellings, unless otherwise specified by other policies of the Plan. Policies PEO8 (Aspirational Housing), PEO9 (Family Housing) and PEO10 (Council Housing) provide further appreciation of the types of housing sought by the District Council. The type of housing provided will influence the types of occupiers of properties and therefore expectations for provision of community services and facilities. For instance, Policy PEO7 seeks 70% of new homes within Tendring District to comprise 'Aspirational' and 'Family' housing. This is likely to have an impact on community facilities such as Early Years and Child Care provision and also on education provision. It is important that the evidence base supporting the plan clearly seeks to set out the impact of such policy on future social and community infrastructure.

An important part of the evidence base supporting the housing provision policies of the Local Plan is the Strategic Housing Market Assessment (SHMA). For Tendring the original SHMA was published in July 2008, with an update being published in April 2009. It is suggested that the SHMA is reviewed to confirm whether or not the housing type and mix proposed in Policies PEO7 to PEO10 are appropriate, in recognition that:

- the housing market has changed in the period since the SHMA update;
- the housing mix assessed by the SHMA indicated a demand of 54% for 3- and 4-bedroomed homes which varies substantially from the 70% implied by the policies proposed in the Local Plan;
- the community and social infrastructure requirements arising from the required housing mix and type may be robustly assessed;
- the impact that the housing mix and type policy may have housing requirements in neighbouring authorities;
- the plot size and density requirements for different types and mix of dwellings may be reflected in proposed land allocations, especially the impact on the scale of release of greenfield sites.

Comments from landowners, developers and businesses

Kelsworth Ltd (represented by Roger Sargent): only supports this policy if it is not prescriptive to all housing sites or a rigid format for every residential scheme.

Colne Housing: While the local Authority's strategy to deliver Council Housing is to be celebrated the demand for affordable housing continues to increase. Within this context it is felt that inclusion of Affordable Housing as well as Council housing would be positive.

City & Country: City & Country does not support this policy as we question it would be approved by an inspector due to such high requirements of large 'Aspirational housing'.

Martello Land and Properties Ltd (represented by Highcroft Planning): We support this policy in principle, but are concerned about setting percentages for each type of housing that are not implemented flexibly.

Tim Snow Architects Ltd: The housing mix is arbitrary and not supported with any justification. While I support the idea of a mix of units on any development this needs to be site specific and related to the needs of and the existing mix within the neighbourhood.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the proactive approach to delivering housing choice.

The policy states that it allows "a degree of flexibility for developers to respond to demand within the free market economy". However the requirements sought by the local authority are overly prescriptive and may as a result make the Plan ineffective and thus unsound.

The following amendments would address our concerns:

"Unless there are specific housing mix requirements for a particular site, as out in policies within the 'Area Chapters' of this Local Plan, the Council will seek to achieve the following board mix of housing on most residential and mixed-use development sites of 10 or more dwellings:

- 20%-30% 'Aspirational Housing' (see Policy PEO8);
- 30% - 40% Family Housing (see Policy PEO9)
- 10-25% Council Housing (see Policy PEO10);
- 5-20%40% to be determined by developers in responding to local market demand."

(Additional text underlined, deleted text struck through).

Wivenhoe Park Estate (represented by Strutt and Parker) **SUPPORT** these policies are generally supported. The illustrative layout plan (as attached to the representation) has sought to respond to these requirements by indicating a mix of housing (including single story units), as well as low density aspirational housing, that would meet the requirements of these policies. *Additional text by the Council is in italic.*

The Land and Planning Company Ltd: Our representations relate to the following two key issues:

- an overall assessment of the key housing provisions of the Draft Local Plan (see more specific comments made against Policy PEO1); and

- a recommendation that on the basis of the above further housing land be allocated, including land at and rear of 185 Thorpe Road, Kirby Cross (see comments made against Chapter 8).

Housing Mix

In general, the broad approach to creating attractive places for people to live and work is supported. The provision of affordable housing is a matter of national policy. A range of dwelling types, sizes and tenures will be required. The opportunity is to work with developers and registered providers in meeting these requirements.

Attractive places and well-designed housing can be a critically important factor in affirming the attractiveness of the area for businesses, those who own or manage them, and those who work in them. It is not therefore solely a matter of economic growth influencing the size and type of new housing, but of ensuring a quality of dwelling or locale that is attractive and supports economic development. With this in mind, there is support for the reference at para 4.32.

The references in the paragraphs 4.28-4.37 require clarity and a clearly-expressed rationale. The Draft Local Plan needs to clarify what is meant by the statement in the last sentence of paragraph 4.26. 'More of the same' is a somewhat ill-defined approach. It is for the Local Plan to express what it will support.

Affordable Housing

As drafted, the plan seems to overstate the potential role of the Council rather than Housing Associations (or other Registered Providers) in managing this stock.

Aspirational and Single Storey Dwellings

The broad approach to the provision of aspirational homes (policy PE08) is supported, though the definition of this requires some explanation. The strict necessity for such a policy is questionable where the housing market (for sale and managed) is largely responsible for mix. That an aspirational home can be defined according to number of bedrooms and bathrooms is somewhat specious. However, the broad approach to delivering well-designed and appropriate housing in context is supported. Self-build quotas should be removed from the plan altogether. The need for quotas of 'aspirational' homes and viability testing presents an unnecessary brake on delivery at a time when Government policy is to boost significantly housing provision.

In relation to single storey dwellings the Council's approach to resist the mass provision of bungalows as part of the residential and mixed-use developments proposed in this Local Plan may be laudable. Applications need to be considered on their own merit, taking into account site context, housing market, policy and other material considerations. As drafted, the wording is negative. Perhaps the Draft Plan could presume in favour of well-designed housing schemes, appropriate for the site and supported by site context analysis.

The Burghes Estate (represented by Smiths Gore Planning): These comments are in relation to our land at Turpins Farm that is included as a housing allocation in the draft plan. Whilst we support an appropriate mix of housing in residential developments, we disagree with the mix of housing outlined in Policy PE07 because the mix is neither justified nor effective. There is no clear evidence underpinning this prescriptive mix. Delivery of housing is market driven, as recognised by NPPF (para 47), and housing mix should be a broad guide.

We believe that Tendring's approach has ignored the market needs and dictates a mix which is impractical and over prescriptive. The terms which have been used i.e. 'Family Housing' and 'Council Housing' are unclear.

We specifically disagree with the 5-20% to be determined by developers in responding to market demand and believe this to be an incorrect approach to housing delivery. It is contrary to NPPF which states that in order “to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future market trends. In addition, in para 50, NPPF states that “LPA’s should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand”.

Arguably, the total housing allocation (i.e. 100%) should be wholly dictated by market demand as recognised in NPPF. Therefore, we question the allocation of 5-20% of the housing mix to be determined by developers in responding to market demand. If the guidelines for housing choice were to allow for a degree of flexibility, this would allow an appropriate and market demand response. However, they are not presented in that form at present and we object to this level of prescription.

Suggested Change:

Re-word the policy to read:

“The Council will deliver a mix of dwelling types, sizes and tenure within the housing growth proposed for the district which reflects the district’s economic priorities, the results of extensive public consultation and the evidence of housing demand and need contained in its latest Strategic Housing Market Assessment (SHMA), which will be the subject of periodic review.

For the new homes that will be delivered in the district between 1st April 2011 and 31st March 2021 the Council will use policies in this Local Plan to influence the mix of housing to best meet the needs and aspirations of the district.

Unless there are specific housing mix requirements for a particular site, as set out in policies within the ‘Area Chapters’ of this Local Plan, the Council will seek to achieve the following broad mix of housing on most residential and mixed-use development sites of 10 or more dwellings:

- 20%-30% ‘Aspirational Housing’ (see Policy PEO8);
- 50%-60% Family Housing (see Policy PEO9);
- 10-25% Affordable Housing (see Policy PEO10); and
- The development of flats, apartments and maisonettes; bungalows; HMOs and bedsits; traveller pitches and specialist residential accommodation will only be permitted in specific areas as set out in the policies of this Local Plan.”

NNC Homes (represented by Edward Gittins & Associates): We support the inclusion of land at Steam Mill Road, Bradfield, within the Bradfield Settlement Development Boundary for housing development. We are pleased to see the inclusion of this policy. Whilst the prevailing character and appearance of surrounding development is a mixture of bungalows, 1½ storey chalet dwellings and full height two storey properties, the requirement that 30% of new dwellings must meet the Aspirational Housing standard (a floor area of at least 200 sq.m) and that 40% meet the Family Housing standard (at least 96 sq.m) will ensure an appropriate mix of dwellings styles and types to meet identified local housing needs and to encourage investment and design innovation across the District.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: The Council considers that 10% of housing should be 4 bed roomed.

Comments from members of the public

Mrs. Pauline Hunt (Walton): The new Local Plan wants to adopt more aspirational homes and affordable housing and for it to be built into communities rather than segregated into specific areas – for example the mixed-use development at the Martello site in Walton. This is the right way forward.

R. Dodds (Clacton): Landlords should be made to fulfil their responsibilities.

Council consideration

Policy PEO7 has been amended to reflect the latest evidence of projected housing demand as set out in the Council's 2013 Strategic Housing Market Assessment (SHMA) update. The revised policy also reflects the proposed changes to Policy PEO8 on Aspirational Housing and the proposed deletion of Policy PEO9 on Family Housing to prioritise 4 bedroom dwellings, 3 bedroom dwellings and Council/Affordable Housing to support economic growth and provide a good quality of life for its residents.

Essex County Council has stated in their consultation response that the SHMA should be reviewed to confirm whether or not the housing type and mix proposed in Policies PEO7 to PEO10 are appropriate. As part of the Local Plan process the Council commissioned HDH Planning and Development to provide an update of the original SHMA undertaken in 2008 and the subsequent 2009 report. The SHMA update (2013) has checked the suitability of the strategy for housing growth set out in the Council's Local Plan and meets the requirements of paragraph 159 of the National Planning Policy Framework, adhering to the approach set out in the Strategic Housing Market Assessment – Practice Guidance.

The SHMA (2013) update and the implications for policy 'PEO7: Housing Choice'

Policy 'PEO7: Housing Choice' in the draft Local Plan set out the dwelling mix that the Council intended to achieve. On sites of 10 or more dwellings the following mix of housing would have been sought:

- 10-25% Council Housing
- 40% Family Housing
- 30% 'Aspirational Housing'
- 5-20% to be determined by developers in responding to market demand.

Affordable housing

The SHMA update (2013) states that the LTBHM model indicates that 23.0% of the housing required over the next 16 years in the District should be affordable. The sub-area results also indicate that affordable housing should form no more than a quarter of the new housing in each

sub-area. The SHMA update (2013) suggests that the percentage of 10-25% set out in the Local Plan is appropriate.

Family housing

The SHMA update (2013) states that the LTBHM model shows that 43.6% of the housing required over the next 16 years in the District should be three and four bedroom market accommodation. The sub-area results also indicate that three and four bedroom market accommodation constitutes more than 40% of the total requirement within each sub-area. The SHMA update (2013) suggests that the percentage of 40% set out in the Local Plan is appropriate.

Aspirational housing

The SHMA update (2013) states that the LTBHM model indicates that four bedroom market housing constitutes only 10.4% of the total new housing required in the District. This 10.4% of housing is also included within the 43.6% requirement for family housing evidenced above. The remainder of the housing requirement as set out by the LTBHM (outside affordable housing and family housing discussed above) is one and two bedroom market housing and this constitutes (6.5%) and (26.9%) of all new housing respectively. The requirement for housing of this size and tenure isn't specifically set out in Policy PEO7 currently, although it is clear that some will be required, particularly in light of the notable projected increase in one person households.

It is likely that the revised household projections will show higher occupancy rates than the ones the LTBHM is currently based on. Whilst this will increase the requirement for larger homes, it is not likely to result in a substantially greater demand for four bedroom market homes. The SHMA update (2013) suggests that a reduced target for aspirational housing maybe appropriate. Therefore the original percentage of 40% for aspirational housing has been amended to 10% to reflect the latest evidence in the SHMA update (2013).

Specific comments

Martello Land and Properties Ltd (represented by Highcroft Planning and Kelsworth Ltd object on the grounds that Policy PEO7 is too rigid and inflexible. In response to this concern, the Council will expect all residential and mixed-use developments involving the creation of 10 or more (net) dwellings to achieve the broad mix of housing size, type and tenure set out in this policy. Policy PEO7 does allow for the specific housing mix requirements of a particular site, as set out in policies within the 'Area Chapters' of this Local Plan, or if a developer can put forward genuine physical or economic viability reasons why this mix cannot be achieved.

Colne Housing comments relate to the provision of Affordable Housing. Policy PEO10 'Council Housing' outlines the Councils approach to delivering affordable housing. The Council will work with the development industry to provide new 'Council Housing' which will be managed and controlled by Tendring District Council either on its own or in partnership with other Registered Providers. In recognition of the importance of delivering a mix of housing tenure in the district and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market. Policy PEO7 allows for the provision of alternative forms of affordable housing as long as they offer equal or greater benefit to the community in providing affordable housing, in perpetuity, for local people.

City & Country raise concern that Policy PEO7 will not be approved by an inspector due to the high requirements of large 'Aspirational housing'. In response to this objection, Policy PEO7 has been amended to reflect the latest evidence in the SHMA update (2013).

The Burghes Estate (represented by Smiths Gore Planning) comments are in relation to land at Turpins Farm. Whilst support is given to an appropriate mix of housing in residential developments,

they disagree with the mix of housing outlined in Policy PE07 because the mix is neither justified nor effective. There is no clear evidence underpinning this prescriptive mix. Delivery of housing is market driven, as recognised by NPPF (para 47), and housing mix should be a broad guide. The housing mix specified in Policy PE07 has been amended to reflect the latest evidence in the SHMA update (2013); therefore the proposed policy changes are rejected.

Tim Snow Architects Ltd objects that the housing mix is arbitrary and not supported with any justification. The housing mix specified in Policy PE07 has been amended to reflect the latest evidence in the SHMA update (2013); therefore the proposed policy changes put forward are rejected.

Wivenhoe Park Estate (represented by Strutt and Parker) and NNC Homes (represented by Edward Gittins & Associates) comments of support are noted.

Kevin Britton (represented by Martin Robeson Planning Practice) objects to Policy PE07 because the requirements sought by the local authority are overly prescriptive and may as a result make the Plan ineffective and thus unsound. Whilst the amended housing mix proposed in PE07 does not entirely meet the objector's concerns the new percentages reflects the findings of the SHMA update (2013) and is considered sound.

The Land and Planning Company Ltd comments relate specially to Policy PE01, PE08, PE010 and land rear of 185 Thorpe Road, Kirby Cross.

Frinton and Walton Town Council consider that 10% of housing should have 4 bed rooms. Policy PE07 has been amended to state that at least 10% of dwellings shall be private housing with 4 or more bed rooms which reflect the latest evidence in the SHMA 2013.

Mrs. Pauline Hunt (Walton) comments which relate to integrating aspirational homes and affordable housing into communities rather than segregated into specific areas are acknowledged. The proposed percentages of aspirational and affordable housing proposed in the Local Plan reflect the finding of the SHMA update (2013) and Policy PE07 is considered sound.

R. Dodds (Clacton) which relate to the responsibilities of landlords are noted.

Outcome

The following **major changes** (MAJ4.6) to Policy PE07: 'Housing Choice' on pages 73 and 74 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY PE07: HOUSING CHOICE

The Council will work with the development industry to deliver a mix of dwelling types, sizes and tenure within the housing growth proposed for the district which reflects the district's economic priorities, the results of extensive public consultation and the evidence of housing demand and need contained in its latest Strategic Housing Market Assessment (SHMA), which will be the subject of periodic review.

The Council will use policies in this Local Plan to influence the mix of housing to best meet the needs and aspirations of the district whilst still allowing flexibility for developers to respond to demands within the constantly changing free market economy.

The Council will expect all residential and mixed-use developments involving the creation of 10 or more (net) dwellings to achieve the following broad mix of housing size, type and tenure

unless there are specific housing mix requirements for a particular site, as set out in policies within the 'Area Chapters' of this Local Plan, or genuine physical or economic viability reasons why this mix cannot be achieved:

- At least 10% of dwellings to be private housing with 4 or more bedrooms;
- At least 40% of dwellings to be private housing with 3 bedrooms;
- Between 10% and 25% of dwellings to be Council Housing or Affordable Housing (see Policy PEO10); and
- Between 25% and 40% to be determined by developers in responding to market demand.

All residential developments will also be expected to meet the minimum standards for new housing set out in Policy PEO4.

For the new homes that will be delivered in the district between 1st April 2011 and 31st March 2021 the Council will use policies in this Local Plan to influence the mix of housing to best meet the needs and aspirations of the district whilst still allowing a degree of flexibility for developers to respond to demands within the free market economy.

Unless there are specific housing mix requirements for a particular site, as set out in policies within the 'Area Chapters' of this Local Plan, the Council will seek to achieve the following broad mix of housing on most residential and mixed-use development sites of 10 or more dwellings:

- 30% 'Aspirational Housing' (see Policy PEO8);
- 40% Family Housing (see Policy PEO9);
- 10-25% Council Housing (see Policy PEO10);
- 5-20% to be determined by developers in responding to market demand.

The development of flats, apartments and maisonettes; bungalows; HMOs and bedsits; traveller pitches and specialist residential accommodation will only be permitted in specific areas as set out in the policies of this Local Plan.

The following **minor changes** (MIN4.6) to paragraph 4.26 on page 73 are proposed (additions shown as highlighted and deletions shown as struck through):

4.26 For Tendring, one of the critical factors that will influence the size and type of new housing built in our district in the future will be the Council's strategic priorities for economic growth. The size, type and quality of new housing built in the district will have a significant bearing on the Council's ability to deliver new job opportunities in the area and reverse the decline and deprivation that has affected certain areas. ~~Simply continuing to build new homes in response to market demand raises significant concerns about Tendring's long-term future and local residents fear that building 'more of the same' will only succeed in exacerbating social and economic problems.~~

The following **minor changes** (MIN4.7) to paragraph 4.27 on page 73 are proposed (additions shown as highlighted and deletions shown as struck through):

4.27 For this reason, this Local Plan contains policies designed to influence the mix of new housing in the district to better meet the needs and aspirations of the district whilst recognising that

~~developers should have a degree of freedom to respond to demand in a free market economy. For certain sites allocated for residential or mixed-use development, there are specific policies contained in the relevant 'Area Chapters' of this plan with strict requirements for the mix of housing in recognition of certain local factors and local concerns. Elsewhere, for the majority of sites the, The Council will use the policies in this Chapter to achieve a broad choice of housing type, size and tenure and achieve a gradual shift away from building small high-density properties toward delivering lower density, higher quality and more family-friendly homes. These policies will also help to ensure that more affordable housing is managed by the Council rather than Housing Associations and, wherever possible, that the needs of local residents take priority over the needs of in-comers into the district.~~

The following **minor changes** (MIN4.8) to paragraph 4.29 on page 73 are proposed (additions shown as highlighted and deletions shown as struck through):

4.29 Policy PEO7 below sets out the broad approach to delivering a choice of housing across the district over the ~~40-year~~ plan period which is supplemented by more detailed policies in the Local Plan.

Policy PEO8 – Aspirational Housing

(Pages 74 to 76 – including paragraphs 4.30 to 4.37)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policies PEO7, PEO8, PEO9 and PEO10 – Housing Type and Mix Policy PEO7 (Housing Choice) sets out the housing mix requirements for sites of 10 or more dwellings, unless otherwise specified by other policies of the Plan. Policies PEO8 (Aspirational Housing), PEO9 (Family Housing) and PEO10 (Council Housing) provide further appreciation of the types of housing sought by the District Council. The type of housing provided will influence the types of occupiers of properties and therefore expectations for provision of community services and facilities. For instance, Policy PEO7 seeks 70% of new homes within Tendring District to comprise 'Aspirational' and 'Family' housing. This is likely to have an impact on community facilities such as Early Years and Child Care provision and also on education provision. It is important that the evidence base supporting the plan clearly seeks to set out the impact of such policy on future social and community infrastructure.

An important part of the evidence base supporting the housing provision policies of the Local Plan is the Strategic Housing Market Assessment (SHMA). For Tendring the original SHMA was published in July 2008, with an update being published in April 2009. It is suggested that the SHMA is reviewed to confirm whether or not the housing type and mix proposed in Policies PEO7 to PEO10 are appropriate, in recognition that:

- the housing market has changed in the period since the SHMA update;
- the housing mix assessed by the SHMA indicated a demand of 54% for 3- and 4-bedroomed homes which varies substantially from the 70% implied by the policies proposed in the Local Plan;
- the community and social infrastructure requirements arising from the required housing mix and type may be robustly assessed;

- the impact that the housing mix and type policy may have housing requirements in neighbouring authorities;
- the plot size and density requirements for different types and mix of dwellings may be reflected in proposed land allocations, especially the impact on the scale of release of greenfield sites.

Comments from landowners, developers and businesses

Kelsworth Ltd (represented by Roger Sargent): only supports this policy if it is not prescriptive to all housing sites or a rigid format for every residential scheme.

Bennett Homes (represented by Bidwells): Although the National Planning Policy Framework encourages Councils to plan for a mix of housing based on current and future demographic trends, the approach taken in the Draft Local Plan is disproportionately in favour of aspirational housing and there is no evidence to suggest that such a demand exists or that it will bring about the changes to the district's social and economic problems that the Council desires.

The amendments to increase percentage requirement for Aspirational Housing from a much smaller level from the 2010 Core Strategy document appear to be in response to public opinion. Such a departure from the 'objectively assessed' need identified in the Strategic Housing Market Assessment (2009) is contrary to national policy and inadequately justified. The SHMA identifies that the existing need for 4+ bed houses accounts for 18% of the overall needs in the district within the market increase.

The wording of Policy PEO18 is too stringent and will require more flexibility before it can be considered sound. The following amendments to the second and third paragraphs should be made:

*"For development proposals involving the development of 100 or more (net) dwellings which are not the subject of specific housing mix requirements in the 'Area Chapters' of the Local Plan, the Council will **seek** ~~expect at least~~ 30% of new dwellings to meet the definition of Aspirational Housing **where achievable**.*

*For development proposals involving the development of between 10 and 99 (net) dwellings, the Council will **seek** ~~expect at least~~ 30% of new dwellings to meet the definition of Aspirational Housing ~~unless, in very exceptional circumstances,~~ there are genuine physical or economic viability reasons why this cannot be achieved **or where market signals indicate this is unachievable.**"*

Colne Housing: Presumably the impact of these policies will need to be absorbed by the land value. Notwithstanding the reference documents used to compile this document 400 units per year or delivery of 4,000 homes over the plan period of the next 10 years appears very low. Accordingly there is a concern that the effect of inward migration, demographic trends and population growth may not be fully met by this level of output. The impact to values of property and land arising from a restriction of development opportunities is also of concern as is the impact to the micro economy.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the proactive approach to exceptional cases for aspirational homes to be delivered in the countryside if of architectural innovation/exceptional quality – as stated in paragraph 4.37.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): We welcome the Council's desire to secure a 'fundamental shift in the economic fortunes of Tendring District' and 'a sustainable economic future for future generations'. Indeed we also support the notion of 'aspirational housing' but we consider that Policy PEO8 is unnecessarily restrictive: our specific objection is to the notion that 'aspirational housing' must be 'detached' houses. Analysis of Appendix 3 and the Policies Map of the Plan show that the allocated sites are many and varied: of different sizes; greenfield/brownfield; close to town centres/on the edges of small rural settlement; etc. A requirement for large detached houses on all of these sites will not be appropriate in all circumstances and constrains innovative and creative design. Indeed on our own site at Walton Mere (FWK7) the policy would restrict the options for designing a high quality, waterside environment. We consider that 'aspirational housing' should embrace a much wider range of house types than the single dwelling type proposed by the Council: it could, for example, take the form of high quality flats, apartments and maisonettes as part of a varied housing mix; specialist housing for the elderly allowing people to 'downsize' in terms of floorspace but upgrade in terms of shared facilities; small, but again high quality, dwellings for high income single people and/or couples. We consider, therefore, that the word 'detached' should be deleted from the first paragraph of the policy.

Tim Snow Architects Ltd: An aspirational house need not be detached to achieve the council's objectives

Mrs. S. Woodman (Ardleigh): I fully support comments within this policy relating to the desire for more aspirational and family housing within rural locations. I also welcome the inclusion of proposals outside of settlement development boundaries, with a specific set of criteria to be met in order to achieve planning approval. I query, however, whether this should be limited to one single unit or should be applicable to proposals for more than one unit but less than say five? Consideration should also be given to the distance a proposed site is from a defined settlement limit. The closer the site, the more sustainable the development proposal would be. The wording within paragraph 4.36 alludes to this 'in and around established settlements' but this should, I believe, be more specific. Proposed sites outside of any settlement should be required to demonstrate the 'reasonable distance' to any services and amenities, to determine the sustainability of the site. There will of course be exceptions, but with the Council suggesting that sustainable development will be favourably looked upon, this could become a 'grey area' and could be left open to interpretation.

The Burghes Estate (represented by Smiths Gore Planning): These comments are in relation to our land at Turpins Farm that is included as a housing allocation in the draft plan. As stated in our comments for Policy PE03 'Housing Density' and Policy PE04: Standards for New Housing, we specifically object to the standards outlined for 'Aspirational Housing'. On the assumption that an aspirational housing unit has a minimum of 4 bedrooms this will result in a minimum plot area of around 350sqm (assuming a building footprint of 100 sqm, a garden of 200 sqm and at least 50 sqm of driveway space for 4 cars). We believe these requirements are wholly impractical and over prescriptive and will add unnecessarily to costs.

The NPPF states in para 59 that "Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail". We question whether the principle of the Local Plan is to provide this level of detail and believe that its main purpose is to outline the broad strategy of growth for the district.

The scale of the requirements for aspirational housing completely ignores site constraints such as Conservation Areas, flooding and contaminated land which could all alter the way that a site is planned and the scale of the housing and amenity space. In addition, the requirements do not cater for all sections of the housing market. NPPF states in para 50 that "local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends

and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)”.

If the guidelines were a non-mandatory requirement, this would allow an appropriate and context-sensitive design response. However, they are not presented in that form at present and we object to this level of prescription.

Suggested Change:

Re-word the policy to read:

“To bring about a fundamental shift in the economic fortunes of Tendring District and secure a sustainable economic future for future generations, the Council will actively encourage the provision of some ‘Aspirational Housing’. To meet the Council’s definition of Aspirational Housing, a dwelling is likely to be detached with two storeys and consist of generous bedroom and bathroom accommodation.

For development proposals involving the development of 100 or more (net) dwellings which are not the subject of specific housing mix requirements in the ‘Area Chapters’ of this Local Plan, the Council will envisage at least 25% of new dwellings to meet the definition of Aspirational Housing.

For development proposals involving the development of between 10 and 99 (net) dwellings which are not the subject of specific policies in the ‘Area Chapters’ of this Local Plan, the Council will envisage at least 25% of new dwellings to meet the definition of Aspirational Housing’ unless, in very exceptional circumstances, there are genuine physical or economic viability reasons why this cannot be achieved.

Up to one third of this on-site provision can be made in the form of serviced but undeveloped plots which can be sold on the open market for people wishing to self build to their own specification and design. Such plots must meet the definition of Aspirational Housing and other policy requirements of this Local Plan.

Proposals for the replacement of an existing dwelling, of any size, in the countryside outside of Settlement Development Boundaries with a single unit of Aspirational Housing will be permitted unless the impacts of development would conflict with other policy requirements in this Local Plan.

Proposals for a single unit of Aspirational Housing in the countryside outside of Settlement Development Boundaries, not involving the replacement of an existing dwelling, will only be approved if they:

- a) involve the use of previously developed land or undeveloped land which can be demonstrated to have no existing or potential practical agricultural function;
- b) are truly outstanding or innovative, helping to raise standards of design in the area;
- c) reflect the highest standards of architecture;
- d) achieve the highest level of sustainable design in accordance with the latest Code for Sustainable Homes;
- e) significantly enhance their immediate setting;
- f) are sensitive to the defining characteristics of the local area; and
- g) meet the requirements of other policies in this Local Plan.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton and north and south of Walton

Road, Kirby-le-Soken, for residential development. This policy is generally supported; the initial masterplans for each site have sought to respond to this by providing low density 'Aspirational Housing' that meets the requirements of this policy.

Mr. S. Naylor (represented by Lawson Planning Partnership): We support the principle of this policy which seeks to help introduce additional market housing within rural areas in the interest of creating a more balanced level of house types, which will help to address housing needs and generate economic prosperity.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Thorpe-le-Soken Parish Council: The Council recommends that builders would prefer to build Council housing rather than aspirational housing.

Frinton and Walton Town Council: The Council question the definition of aspirational housing.

Comments from members of the public

No comments received.

Council consideration

Policy PEO8 has been amended to ensure the policy reflects the latest evidence of projected housing demand as set out in the Council's 2013 Strategic Housing Market Assessment (SHMA) update which suggests that 'Aspirational Housing' as a concept could apply to all dwelling sizes, not just dwellings with four or more bedrooms. The change also reflects the findings of the Council's 2013 Viability Testing which suggests that Aspirational Housing, as a proportion of new homes on large development sites is unlikely to be viable because the higher development costs cannot be offset by higher sale values.

Essex County Council's comments are acknowledged in particular the advice that the Council's Strategic Housing Market Assessment (SHMA) should be reviewed to confirm whether or not the housing type and mix proposed in Policies PEO7 to PEO10 are appropriate. In 2013 Tendring District Council commissioned HDH Planning and Development to provide an update of the original SHMA undertaken in 2008 and the subsequent 2009 report. The SHMA (2013) was required to check the suitability of the strategy for housing growth set out in the Council's Local Plan, meet the requirements of paragraph 159 of the National Planning Policy Framework and adhere to the approach set out in the Strategic Housing Market Assessment – Practice Guidance.

The SHMA (2013) update and the implications for policy 'PEO8: Aspirational Housing'

The SHMA update (2013) states that the LTBHM model indicates that four bedroom market housing constitutes only 10.4% of the total new housing required in the District. It is likely that the revised household projections will show higher occupancy rates than the ones the LTBHM is currently based on. Whilst this will increase the requirement for larger homes, it is not likely to result in a substantially greater demand for four bedroom market homes.

Policy PEO8 has been amended to reflect the latest evidence of projected housing demand as set out in the Council's 2013 Strategic Housing Market Assessment (SHMA) update which suggests that 'Aspirational Housing' as a concept could apply to all dwelling sizes, not just dwellings with four or more bedrooms. The change also reflects the findings of the Council's 2013 Viability

Testing which suggests that Aspirational Housing, as a proportion of new homes on large development sites is unlikely to be viable because the higher development costs cannot be offset by higher sale values. In rural and semi-rural locations however, one-off aspirational dwellings or clusters of up to six are more likely to be of interest to people wishing to design and build their own home and are therefore more likely to be viable.

Colne Housing general observations are acknowledged.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP), Mrs. S. Woodman (Ardleigh), Kevin Britton (represented by Martin Robeson Planning Practice) and Martello Land and Properties Ltd (represented by Highcroft Planning) comments of support are noted.

Bennett Homes (represented by Bidwells), The Burghes Estate (represented by Smiths Gore Planning), Silverbrook Estates Ltd (represented by Wei Yang and Partners) and Tim Snow Architects Ltd objections are acknowledged. Policy PEO8 has been amended to reflect the latest evidence of projected housing demand as set out in the Council's 2013 Strategic Housing Market Assessment (SHMA) update which suggests that 'Aspirational Housing' as a concept could apply to all dwelling sizes, not just dwellings with four or more bedrooms. The change also reflects the findings of the Council's 2013 Viability Testing which suggests that Aspirational Housing, as a proportion of new homes on large development sites is unlikely to be viable because the higher development costs cannot be offset by higher sale values. In rural and semi-rural locations however, one-off aspirational dwellings or clusters of up to six are more likely to be of interest to people wishing to design and build their own home and are therefore more likely to be viable.

Mr. S. Naylor (represented by Lawson Planning Partnership) comments of support are acknowledged.

Thorpe-le-Soken Parish Council & Frinton and Walton Town Council's observation that builders would prefer to build Council housing rather than aspirational housing is acknowledged.

Outcome

The following **major changes** (MAJ4.7) to Policy PEO8: 'Aspirational Housing' on pages 75 and 76 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY PEO8: ASPIRATIONAL HOUSING

To bring about a fundamental shift in the economic fortunes of the Tendring District and secure a sustainable economic future for future generations, the Council will actively encourage the provision of 'Aspirational Housing' meeting the larger minimum gross internal space standards for Aspirational Homes set out in Policy PEO4. ~~To meet the Council's definition of Aspirational Housing, a dwelling must be detached with a minimum of two storeys and have at least four bedrooms and two bathrooms.~~

~~For development proposals involving the development of 100 or more (net) dwellings which are not the subject of specific housing mix requirements in the 'Area Chapters' of this Local Plan, the Council will expect at least 30% of new dwellings to meet the definition of Aspirational Housing.~~

~~For development proposals involving the development of between 10 and 99 (net) dwellings which are not the subject of specific policies in the 'Area Chapters' of this Local Plan, the Council will expect at least 30% of new dwellings to meet the definition of Aspirational Housing' unless, in very exceptional circumstances, there are genuine physical or economic viability reasons why this cannot be achieved.~~

~~Up to one third of this on-site provision can be made in the form of serviced but undeveloped plots which can be sold on the open market for people wishing to self build to their own~~

~~specification and design. Such plots must be a minimum of 450 square metres in area and any subsequent detailed planning proposals must meet the definition of Aspirational Housing and other policy requirements of this Local Plan.~~

Proposals for the replacement of an existing dwelling, of any size, in the countryside outside of Settlement Development Boundaries with a single unit of Aspirational Housing will be permitted unless the impacts of development would conflict with other policy requirements in this Local Plan.

Proposals for a single unit of Aspirational Housing in the countryside outside of Settlement Development Boundaries, not involving the replacement of an existing dwelling, will ~~only~~ be approved if they:

- a) ~~involve the use of previously developed land or undeveloped land which can be demonstrated to have no existing or potential practical agricultural function~~ meet the minimum gross internal floor standards for Aspirational Homes set out in Policy PEO4;
- b) are truly outstanding or innovative, helping to raise standards of design in the area;
- c) reflect the highest standards of architecture;
- d) achieve the highest level of sustainable design in accordance with the latest Code for Sustainable Homes and no less than Code Level 5;
- e) significantly enhance their immediate setting;
- f) are sensitive to the defining characteristics of the local area; and
- g) meet the requirements of other policies in this Local Plan.

Proposals for a single group of between two and six units of Aspirational Housing outside of Settlement Development Boundaries will be approved on sites located within 800 metres of the edge of an Urban Settlement (see Policy SD2) or within 400 metres of the edge of a Key Rural Service Centre (see Policy SD3) and previously developed sites elsewhere, provided the dwellings meet each of the criteria above.

The following **minor changes** (MIN4.9) to paragraph 4.31 on page 74 are proposed (additions shown as highlighted and deletions shown as struck through):

~~4.31 Being a district that is predominantly rural in character, lower density housing development is generally more in keeping with the fabric of Tendring's towns and villages. In addition, the Council's Strategic Housing Market Assessment suggests that around one fifth of the demand for housing for purchase on the open market is for larger dwellings of 4 or more bedrooms and that the proportion of larger properties in the higher Council Tax bands in Tendring is much lower than the regional average.~~

The following **minor changes** (MIN4.10) to paragraph 4.32 on pages 74 and 75 are proposed (additions shown as highlighted and deletions shown as struck through):

4.32 The strategic priorities of this Local Plan focus heavily on the need to deliver economic growth, tackle unemployment and deprivation and improve the long-term prospects of future generations. Alongside measures to attract businesses, rejuvenate town centres and create more jobs, delivering the right mix of housing is critical to achieve all of these objectives. By delivering a higher proportion of 'Aspirational Housing' within the mix of new homes over the 40-year plan period, the district can go some way to reversing the economic decline of the last 40 years by:

The following **minor changes** (MIN4.11) to paragraph 4.33 on page 75 are proposed (additions shown as highlighted and deletions shown as struck through):

~~4.33 The market for aspirational housing will strengthen over the course of the plan period as the economy recovers and perceptions of the district change but it is important that this Local Plan~~

~~requires new developments to provide a high proportion of aspirational housing to mark this change in approach to housing policy and gradually move market demand away from the high-density development that has dominated housing provision in recent years.~~

The following **minor changes** (MIN4.12) to paragraph 4.34 on page 75 are proposed (additions shown as highlighted and deletions shown as struck through):

~~4.34 Policy PEO8 below sets out the definition of Aspirational Housing and requires that, unless other site-specific policies indicate otherwise, at least 30% of new dwellings should meet this definition on developments of 10 or more (net) dwellings. For all developments of 100 or more (net) dwellings, the 30% minimum requirement will be mandatory without exception. For developments of between 10 and 100 dwellings, the Council will expect at least 30% Aspirational Housing however in recognising that it may not always be physically practical or economically viable to deliver such a high number of larger homes on all sites, the Council may be willing, in very exceptional cases, to approve a lower proportion if the developer or applicant can demonstrate that there are genuine reasons why 30% cannot be delivered. Up to one third of this on-site provision can be made in the form of undeveloped plots to be sold on the open market for people wishing to build their own aspirational property. These plots would need to be served by the necessary utilities infrastructure.~~

The following **minor changes** (MIN4.13) to paragraph 4.35 on page 75 are proposed (additions shown as highlighted and deletions shown as struck through):

~~4.35 In cases where an applicant believes there are genuine economic viability reasons why the expected minimum aspirational housing requirement on sites between 10 and 99 dwellings cannot be met, the Council will expect this to be demonstrated through an independently prepared economic assessment, paid for by the applicant but commissioned by the Council.~~

The following **minor changes** (MIN4.14) to paragraph 4.37 on page 75 are proposed (additions shown as highlighted and deletions shown as struck through):

~~4.37 The vast majority of new housing development in Tendring over the 40-year plan period will be in sustainable locations within and adjoining established towns and villages, but there will be a small number of exceptional cases where the Council will support the development of one-off aspirational houses in the countryside or groups of up to six aspirational dwellings in more sustainable locations close to urban settlements and Key Rural Service Centres or using previously developed land. The replacement of an existing residential property in the countryside with a larger unit of aspirational housing will generally be supported unless it would cause unacceptable environmental impacts. Also broadly in line with allowances in National Planning Policy Framework, one-off homes of exceptional quality, architectural innovation and sustainable design which utilise and improve previously developed or poor quality land will also be supported.~~

Policy PEO9 – Family Housing

(Pages 76 to 77 – including paragraphs 4.38 to 4.41)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policies PEO7, PEO8, PEO9 and PEO10 – Housing Type and Mix_Policy PEO7 (Housing Choice) sets out the housing mix requirements for sites of 10 or more dwellings,

unless otherwise specified by other policies of the Plan. Policies PEO8 (Aspirational Housing), PEO9 (Family Housing) and PEO10 (Council Housing) provide further appreciation of the types of housing sought by the District Council. The type of housing provided will influence the types of occupiers of properties and therefore expectations for provision of community services and facilities. For instance, Policy PEO7 seeks 70% of new homes within Tendring District to comprise 'Aspirational' and 'Family' housing. This is likely to have an impact on community facilities such as Early Years and Child Care provision and also on education provision. It is important that the evidence base supporting the plan clearly seeks to set out the impact of such policy on future social and community infrastructure.

An important part of the evidence base supporting the housing provision policies of the Local Plan is the Strategic Housing Market Assessment (SHMA). For Tendring the original SHMA was published in July 2008, with an update being published in April 2009. It is suggested that the SHMA is reviewed to confirm whether or not the housing type and mix proposed in Policies PEO7 to PEO10 are appropriate, in recognition that:

- the housing market has changed in the period since the SHMA update;
- the housing mix assessed by the SHMA indicated a demand of 54% for 3- and 4-bedroomed homes which varies substantially from the 70% implied by the policies proposed in the Local Plan;
- the community and social infrastructure requirements arising from the required housing mix and type may be robustly assessed;
- the impact that the housing mix and type policy may have housing requirements in neighbouring authorities;
- the plot size and density requirements for different types and mix of dwellings may be reflected in proposed land allocations, especially the impact on the scale of release of greenfield sites.

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): This proposed policy is not consistent with emerging government policy that suggests that in some areas, and Walton-on-the-Naze and Harwich would qualify in that category, are not capable of contributing to the supply of affordable housing due to very low land values, which makes any such provision non-viable and thus prevents any land coming forward for development.

Tim Snow Architects Ltd: The narrative states that a viability assessment may be prepared by the application, commissioned by the council but paid for by the applicant. I object to this in that the person commissioned to prepare the report should be agreed between the council and the applicant. If this cannot be agreed then the applicant should be free to commission their own report for assessment by the council and the applicant would then meet their own costs and the council's costs in making the assessment. This needs to be agreed prior to the submission of the application.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton and north and south of Walton Road, Kirby-le-Soken, for residential development. This policy is generally supported; the initial masterplans for each site have sought to respond to this by providing low density 'Aspirational Housing' that meets the requirements of this policy.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. J. Ratford (Clacton-on-Sea): The Council should actively look to acquiring properties that have been empty for more than one year.

Council consideration

Essex County Council's comments are noted in particular the advice that the SHMA should be reviewed to confirm whether or not the housing type and mix proposed in Policies PEO7 to PEO10 are appropriate. In 2013 Tendring District Council commissioned HDH Planning and Development to provide an update of the original SHMA undertaken in 2008 and the subsequent 2009 report. The SHMA (2013) was required to check the suitability of the strategy for housing growth set out in the Council's Local Plan. The study meets the requirements of paragraph 159 of the National Planning Policy Framework and adheres to the approach set out in the Strategic Housing Market Assessment – Practice Guidance.

The SHMA (2013) update and the implications for policy 'PEO9: Family Housing'

Policy 'PEO9: Family Housing' indicates that, on larger developments (10 or more dwellings), the Council expects 40% of new dwellings to be family housing. Family Housing is defined as a two storey dwelling with at least 3 bedrooms (of which two will be double bedrooms).

The SHMA update (2013) states that the LTBHM model shows that 43.6% of the housing required over the next 16 years in the District should be three and four bedroom market accommodation. The sub-area results also indicate that three and four bedroom market accommodation constitutes more than 40% of the total requirement within each sub-area. This suggests that requirements of Policy PEO9 are appropriate and based on sound evidence.

Other comments

Martello Land and Properties Ltd (represented by Highcroft Planning) object to Policy PEO9 on the grounds that the policy is not consistent with emerging government policy and suggests that in some areas affordable housing due to very low land values is not financially viable. In response to these concerns the SHMA update (2013) suggests that policy PEO9 is considered appropriate and is based on sound and credible evidence. In cases where an applicant believes there are genuine economic viability reasons why a policy requirement such as delivering affordable housing cannot be met, the Council will expect this to be demonstrated through an independently prepared economic assessment, on a case by case basis.

Tim Snow Architects Ltd comments regarding the commissioning of an economic viability study is acknowledged. In cases where an applicant believes there are genuine economic viability reasons why a policy requirement such as delivering affordable housing cannot be met, the onus is on the applicant to demonstrate this through an independently prepared economic assessment. As such the Council believes this is a fair and reasonable approach.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP) comments of support are noted.

Mr. J. Ratford's suggestion is broadly supported and noted by the Council. Whilst acquiring properties that have been empty for more than one year goes beyond the remit of this local plan, it is an aspiration of this Council to bring empty homes back into use.

Outcome

No change to the Local Plan.

Policy PEO10 – Council Housing

(Pages 77 to 79 – including paragraphs 4.42 to 4.51)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: We consider this policy 'sound' as far as our remit extends. We support the text as part of the policy which confirms that '*proposals for new single-storey residential development will not be permitted in any area at risk of flooding*'.

We would suggest your Council considers encouraging homeowners of existing single storey developments in flood risk areas where currently there is a predominance of single storey development to consider adaptation to two-storey development where redevelopment is proposed. This would show a strong linkage to addressing the "Future Challenges" of climate change and Flood Risk which are identified in Chapter 1 of the Plan.

Essex County Council: Policies PEO7, PEO8, PEO9 and PEO10 – Housing Type and Mix_Policy PEO7 (Housing Choice) sets out the housing mix requirements for sites of 10 or more dwellings, unless otherwise specified by other policies of the Plan. Policies PEO8 (Aspirational Housing), PEO9 (Family Housing) and PEO10 (Council Housing) provide further appreciation of the types of housing sought by the District Council. The type of housing provided will influence the types of occupiers of properties and therefore expectations for provision of community services and facilities. For instance, Policy PEO7 seeks 70% of new homes within Tendring District to comprise 'Aspirational' and 'Family' housing. This is likely to have an impact on community facilities such as Early Years and Child Care provision and also on education provision. It is important that the evidence base supporting the plan clearly seeks to set out the impact of such policy on future social and community infrastructure.

An important part of the evidence base supporting the housing provision policies of the Local Plan is the Strategic Housing Market Assessment (SHMA). For Tendring the original SHMA was published in July 2008, with an update being published in April 2009. It is suggested that the SHMA is reviewed to confirm whether or not the housing type and mix proposed in Policies PEO7 to PEO10 are appropriate, in recognition that:

- the housing market has changed in the period since the SHMA update;
- the housing mix assessed by the SHMA indicated a demand of 54% for 3- and 4-bedroomed homes which varies substantially from the 70% implied by the policies proposed in the Local Plan;
- the community and social infrastructure requirements arising from the required housing mix and type may be robustly assessed;
- the impact that the housing mix and type policy may have housing requirements in neighbouring authorities;

- the plot size and density requirements for different types and mix of dwellings may be reflected in proposed land allocations, especially the impact on the scale of release of greenfield sites.

The District Council may wish to satisfy itself that the policy would be capable of effective implementation to deliver required levels of new housing provision for those on lower incomes. It is not clear how the District Council intends to secure sites for provision of 'Council Housing' where contributions are made in lieu of on-site provision.

Comments from landowners, developers and businesses

Colne Housing: We would congratulate Tendring District Council for their commitment to deliver affordable housing and acknowledge that the last paragraph would allow other providers of affordable housing.

However the prominence for affordable housing can not be over stated and therefore we would seek to encourage Tendring to work with other providers to meet that demand.

It would seem that Tendring are generally targeting delivery of between 40 to 100 units per year of affordable homes. This is considered to be low especially when the evidence derived from the 2011 Census are considered. In recognition of this evidence we would seek to encourage the Council to increase this target and encourage greater participation preferred RP partners who are able to work collaboratively with the Council.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the flexible approach to the delivery of Council Housing which will secure the delivery of such needs more effectively.

Wivenhoe Park Estate (represented by Strutt and Parker) **SUPPORT** It is important to ensure that provision (*for Council housing*) would not compromise the viability of developments in accordance with para. 173 of the NPPF and the policy would reflect that requirement. *Additional text by the Council is in italic.*

The Burghes Estate (represented by Smiths Gore Planning): These comments are in relation to our land at Turpins Farm that is included as a housing allocation in the draft plan. Whilst we support the need for some affordable housing, we object to the term 'Council Housing' used in the Local Plan, and believe it to be unclear in its description. NPPF states in Section 6 'Delivering a wide choice of high quality homes' in para 47 that "local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area".

There is no mention in NPPF of the term 'Council Housing' and it specifically refers to the term 'affordable housing' throughout. We object to the level of prescription in Policy PE010 and we believe that Tendring's approach has ignored the market needs and dictates a mix which is impractical and over prescriptive.

Suggested Change: Delete the Council Housing Policy PE010.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton and north and south of Walton Road, Kirby-le-Soken, for residential development. This policy is supported and provides an appropriate level of affordable housing that meets the shortfall but will not compromise the viability of most developments. This is in accordance with the NPPF.

City & Country The proposals for a financial contribution on top of that percentage (25% affordable housing) in the current climate will likely deter developers or will not be financially viable. By requiring so much affordable housing there will be a loss of potential new housing stock.

Additional text by the Council in italic.

Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan, Blagrave Properties Ltd (represented by Pegasus Group): My client objects to the current wording of this policy as there is no clarification of the level of discount that the Council will seek on the value of the housing to be provided. This makes it impossible for a developer to identify the value of a site and prepare a viable development. As the NPPF requires the viability of policy-making to be taken into account the policy in its current form is inconsistent with national policy and is therefore unsound.

Suggested remedy

The policy needs to be amended to identify the discount levels that the Council intends to apply to the value of the housing that is required.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Mr. R. Horlock (Mistley): I do not think mixed housing (Private/Council) really works very well.

Frinton and Walton Town Council: Council housing should include some shared equity.

Comments from members of the public

Ms. T. Osben (St. Osyth): I support the addition of this policy on Council Housing. It will see the much needed provision of additional council houses but also makes provision for the council properties to be distributed throughout developments. Much thought has been put into this aspect of the plan and policy PEO8 on Aspirational housing.

Council consideration

The comments of support for Policy PEO10 are noted.

Essex County Council's comments are noted in particular the advice that the SHMA should be reviewed to confirm whether or not the housing type and mix proposed in Policies PEO7 to PEO10 are appropriate. In 2013 Tendring District Council commissioned HDH Planning and Development to provide an update of the original SHMA undertaken in 2008 and the subsequent 2009 report. The SHMA (2013) was required to check the suitability of the strategy for housing growth set out in the Council's Local Plan. The study meets the requirements of paragraph 159 of the National Planning Policy Framework and adheres to the approach set out in the Strategic Housing Market Assessment – Practice Guidance.

The SHMA (2013) update and the implications for policy 'PEO10: Council Housing'

Policy 'PEO10: Council Housing' indicates that, on larger developments (10 or more dwellings), the Council expects a quarter of dwellings to be council housing, or a minimum of 10% of dwellings to be council housing alongside a financial contribution equivalent to delivering the remainder of the 25% requirement.

The LTBHM model indicates that 23.0% of the housing required over the next 16 years in the District should be affordable. The sub-area results also indicate that affordable housing should form no more than a quarter of the new housing in each sub-area. This suggests that Policy PEO10 is based on sound evidence.

The Environment Agency's suggestion that the Council should encourage homeowners of existing single storey developments in flood risk areas to consider adaptation to two-storey development where redevelopment is proposed is acknowledged. The Council supports this approach of improving the safety and resilience of property in the district. For example in Jaywick, Policy COS10: 'Regeneration in Brooklands, Grassland and the Village' seeks to ensure that new residential development, including the replacement of existing dwellings will only be permitted if the dwellings comprise at least two storeys and the design, layout and materials ensure that the dwellings would be resilient in the event of a flood.

Mr. R. Horlock's objects to Policy PEO10 on the grounds that private market and social housing do not mix well. In response to the concerns raised, Policy PEO10 seeks to avoid over concentrations of Council housing in one location, no single group of adjacent Council houses will exceed 6 dwellings and to ensure positive integration between residents of Council Housing and market housing, there should be no noticeable difference in the appearance or quality between dwellings to be sold on the open market and those to be acquired by the Council.

The Burghes Estate (represented by Smiths Gore Planning) suggests deleting Policy PEO10, which is rejected. The Council's Strategic Housing Market Assessment suggests that over the 15-year plan period there will be a high demand for new 'affordable housing' in the Tendring district to cater for people and families with low incomes who cannot afford to buy or rent property on the open market. The Tendring District Council – SHMA Update 2013 suggests that percentages set out in policy PEO10 are appropriate. Policy PEO10 has been amended to recognise that 'Council Housing' could be provided in partnership with Registered Landlords. This policy is considered sound.

Colne Housing's proposal to increase the affordable housing target is rejected. Whilst the Council supports the principle of setting a higher target, analysis of past trends indicates that achieving a target of 40% affordable housing in new development is simply not viable or deliverable. The Tendring District Council – SHMA Update 2013 suggests that 25% affordable housing as set out in policy PEO10 is considered an appropriate level and based on sound evidence.

In response to City & Country's concern that Policy PEO10 is not viable, Tendring District Council – SHMA Update 2013 suggests that the percentage for affordable housing set out in policy PEO10 is appropriate. In cases where an applicant believes there are genuine economic viability reasons why a policy requirement such as delivering affordable housing cannot be met, the Council will expect this to be demonstrated through an independently prepared economic assessment, on a case by case basis.

Frinton and Walton Town Council's comments in relation to shared equity are acknowledged. The size and type of Council Housing or other Affordable Housing will be specified by the Council on a case by case basis having regard to the latest housing needs register and will be the subject of negotiation between the Council and the developer or applicant.

Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan, Blagrove Properties Ltd (represented by Pegasus Group) objection to Policy PEO10 is noted. The supporting text has been amended to identify the discount levels that the Council intends to apply to the value of the housing that is required.

Outcome

The following **minor changes** (MIN4.15) to paragraph 4.42 on page 77 are proposed (additions shown as highlighted and deletions shown as struck through):

4.42 The Council's Strategic Housing Market Assessment suggests that over the ~~40-year~~ plan period there will be a high demand for new 'affordable housing' in our district to cater for people and families with low incomes who cannot afford to buy or rent property on the open market. Using the Department of Communities and Local Government (CLG) 'needs assessment model' which calculates the total need for affordable housing to address all existing affordability problems and cater for future need, it is estimated that as many as 2,419 new affordable homes are needed every year over the plan period – a level of development that is not physically achievable. However this model assumes that no household should be expected to spend any more than 30% of gross household income on housing when, in reality, many do. Extensive public consultation with our residents suggests that the concept of affordable housing is supported, especially to give younger people a fair chance to live and work in the area. However, there is a concern that if this housing is not properly managed and there are no strict controls on who can and cannot qualify, it could encourage people from outside of Tendring to move to the area for affordable accommodation, placing people with long-standing local connections at a disadvantage.

The following **minor changes** (MIN4.16) to paragraph 4.44 on page 78 are proposed (additions shown as highlighted and deletions shown as struck through):

4.44 New Council Housing will be delivered in a number of ways, primarily utilising money borrowed from the government to construct and acquire properties and recouping these costs through the rent paid by Council tenants. Through Policy PPEO10 below, the Council will work with the development industry to deliver new Council Housing by:

The following **minor changes** (MIN4.17) to paragraph 4.45 on page 78 are proposed (additions shown as highlighted and deletions shown as struck through):

4.45 Because Council Housing needs to be made available at discounted rents for it to be affordable for people and families with lower incomes, developers will be required to make property available at a discounted value (between 65% and 80% of market value) for the Council to purchase. To ensure that developers can budget for this discount and still be in a position to pay their Community Infrastructure Levy (CIL) requirement, deliver high-quality housing, achieve a reasonable profit and compete in the market for land, the Council's expectations have to be realistic – particularly given the fragile state of the housing market and the expectation that the recovery over the ~~40-year~~ plan period will be slow and gradual.

The following **minor changes** (MIN4.18) to paragraph 4.48 on page 78 are proposed (additions shown as highlighted and deletions shown as struck through):

4.48 This flexible approach to delivering Council Housing is considered to be fair, realistic and affordable for both the Council and the development industry and an effective means of delivering a meaningful level of affordable accommodation, to cater for the needs of local people as a priority, as requested by local people during public consultation. It is expected that this approach could deliver ~~up to 700~~ between 400 and 1,000 affordable homes over the ~~40-year~~ plan period.

The following **minor changes** (MIN4.19) to paragraph 4.51 on page 79 are proposed (additions shown as highlighted and deletions shown as struck through):

4.51 The detailed mechanism for securing Council Housing through Policy PEO10 will be set out in the Council's separate document entitled 'Planning Obligations and Developer Contributions'. ~~More specific guidance on the provision of Council Housing as part of development on specific sites allocated for residential and mixed-use development in this Local Plan is included in the relevant 'Area Chapters'.~~

The following **minor changes** (MIN4.20) to the first paragraph of Policy PEO10: 'Council Housing' on page 79 are proposed (additions shown as highlighted and deletions shown as struck through):

To promote a mix of housing tenure in the district and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new 'Council Housing' which will be managed and controlled by Tendring District Council ~~either on its own or in partnership with other Registered Providers.~~

The following **minor changes** (MIN4.21) to the second paragraph of Policy PEO10: 'Council Housing' on page 79 are proposed (additions shown as highlighted and deletions shown as struck through):

For development proposals involving the creation of 10 or more (net) dwellings, the Council will expect 25% of new dwellings, (including conversions) to be made available to Tendring District Council ~~or its nominated partner(s)~~ to acquire at a ~~proportionate~~ discounted value for use as Council Housing.

The following **minor changes** (MIN4.22) to the third paragraph of Policy PEO10: 'Council Housing' on page 79 are proposed (additions shown as highlighted and deletions shown as struck through):

As an alternative, the Council will accept a minimum 10% of new dwellings, (including conversions) to be made available to Tendring District Council ~~or its nominated partner(s)~~ to acquire at a ~~proportionate~~ discounted value for use as Council Housing alongside a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement.

The following **minor changes** (MIN4.23) to the fourth paragraph of Policy PEO10: 'Council Housing' on page 79 are proposed (additions shown as highlighted and deletions shown as struck through):

To avoid an over-concentration of Council Housing in one location, no single group of ~~adjacent~~ Council Houses will exceed 6 dwellings and to ensure positive integration between the residents of Council Housing and market housing, there should be no noticeable difference in the appearance or quality between dwellings to be sold on the open market and those to be acquired ~~and managed~~ by the Council ~~or its nominated partner(s)~~.

Policy PEO11 – Rural Exception Sites

(Pages 80 and 81 – including paragraphs 4.52 to 4.56)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policy PEO11 should ensure that development actively seeks to protect from adverse impact natural and heritage assets such as Ancient Semi Natural Woodlands (ASNW) and Ancient Veteran Trees.

English Heritage (represented by Katharine Fletcher): Part iv in the list of criteria would be improved by an explicit reference to the historic environment.

We recommend the following change:

Amend part iv to read ‘...no material adverse impact on landscape and heritage, residential amenity, highway...’

Natural England: We welcome criterion iv in this policy which seeks to ensure that affordable housing developments outside of settlement development boundaries avoids adverse impacts on landscape, residential amenity, highway safety, and the form and character of adjoining settlements. However, we would also wish to see the reference to landscape amended to read “the natural environment including landscape”.

Comments from landowners, developers and businesses

Colne Housing: Rural housing can be expensive and therefore we would propose that the Council consider use of open market sale as a means of cross subsidy.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Oakley Parish Council: Would support developments that meet the criteria outlined in this policy.

Frinton and Walton Town Council: These sites should be for local people based on local need. Sites should also not impact upon Green Gaps.

Comments from members of the public

No comments received.

Council consideration

Essex County Council suggests that Policy PEO11 should ensure that development actively seeks to protect heritage assets such as Ancient Semi Natural Woodlands (ASNW) and Ancient Veteran Trees. In response to this concern, other policies in the Tendring District Local Plan such as PLA4: ‘Nature Conservation and Geo-Diversity’, PLA5: ‘The Countryside Landscape’ and PLA6: ‘The Historic Environment’ offer adequate protection to the districts natural and heritage assets.

Natural England’s suggestion that Policy PEO11 should make reference to “the natural environment including landscape” is rejected. Other policies in the Tendring District Local Plan such as PLA4: ‘Nature Conservation and Geo-Diversity’, PLA5: ‘The Countryside Landscape’ and PLA6: ‘The Historic Environment’ offer adequate protection to the districts natural and heritage assets.

English Heritage proposed amendment that part iv would be improved by an explicit reference to the historic environment is rejected. Other policies in the Tendring District Local Plan such as PLA4: 'Nature Conservation and Geo-Diversity', PLA5: 'The Countryside Landscape' and PLA6: 'The Historic Environment' offer adequate protection to the districts natural and heritage assets.

The change suggested by Colne Housing which proposes that the Council should consider the use of open market sale as a means of cross subsidy is agreed and has been incorporated into the new policy.

Little Oakley comments of support are acknowledged.

Frinton and Walton Parish Council's comments that rural exception sites should be for local people based on local need is acknowledged. Policy PEO11 seeks to allow small development abutting villages to come forward as an exception to normal settlement policy. Such schemes are intended to meet the housing needs of local people unable to afford accommodation in the villages where they live or have close local family or employment ties.

Outcome

In response to the various comments raised in relation to Policy PEO11 the following **minor change** (MIN4.24) to paragraph 4.52 and significant changes to the policy wording (MAJ4.8) are proposed (additions shown as highlighted and deletions shown as struck through):

4.52 To enable the delivery of affordable housing in rural areas, the 'Rural Exception Scheme' allows small developments on a site which abuts or is well-related to the Settlement Development Boundary of a Key Rural Service Centre or Smaller Rural Settlement ~~abutting villages~~ to come forward as an exception to normal settlement policy. Such schemes are intended to meet the housing needs of local people unable to afford accommodation in the villages where they live or have close local family or employment ties. The rural exception policy PEO11 will be particularly useful in delivering additional housing in rural settlements where only limited growth is proposed and where the ~~requirements of the Council Housing Policy PEO10~~ is not likely to deliver a significant number of affordable homes. Where Parishes have identified a need for local housing in an area, it can still be difficult to encourage landowners to sell their land below open market residential values. To address this, there should be a provision for a maximum of one open market home in three homes on sites put forward by the Parish Council or through the Community Right to Build.

POLICY PEO11: RURAL EXCEPTION SITES

~~Affordable housing (which could include Council Housing)~~ Council Housing and other forms of affordable housing may be permitted on sites adjoining the Settlement Development Boundaries of Key Rural Service Centres (see Policy SD3) and ~~Other~~ Smaller Rural Settlements (see Policy SD4) as an exception to normal settlement policy to meet a specific identified, ~~where such development can be demonstrated to meet a proven~~ local need that cannot be otherwise met.

~~Local evidence~~ To justify this form of development, applicants must demonstrate a shortage of Council/Affordable Housing ~~affordable housing~~, where provision would offer long term security of tenure to existing residents within the relevant Parish needing separate accommodation in the area and other persons with strong local connections within the Parish in terms of employment or longstanding family or previous residence links and who require accommodation in the area. For the following groups:

- i. ~~existing residents within the "designated area" needing separate accommodation in that area;~~ and

- ii. ~~other persons with strong local connections within the “designated area” in terms of employment or longstanding family or previous residence links and who require accommodation within that area.~~

~~The “designated area” will normally be the rural parish in which the affordable housing scheme to meet local needs is proposed but may, when justified, comprise a small group of contiguous rural parishes.~~

Proposals will be expected to meet all of the following criteria:

Evidence of Local Need

The proposal must include detailed and up to date evidence of local need for ~~Council/Affordable Housing within the Parish~~ ~~affordable housing within the “designated area”~~, proven to the satisfaction of the District Council. The detail of any planning application should show that the ~~number of Council/Affordable Homes~~ ~~scheme~~ will not exceed the number, size and tenure of ~~dwellings~~ genuinely required to meet the identified local housing need.

The Content of Schemes

~~A proposal shall cater primarily for local needs. However, to assist with the economic viability of the overall development and provide an incentive to landowners to release their land, a maximum of one in three dwellings in the overall development can be provided for sale or rent on the open market.~~

Secure Arrangements

Secure arrangements must be in place, before the granting of planning permission, that:

- a. ensure that all the ~~Council/Affordable Homes~~ ~~within the scheme~~ ~~dwellings~~ remain exclusively for local need through control of occupation during the lifetime of the development and that the low-cost benefits of the housing provision pass on to subsequent occupants meeting the criteria of local need;
- b. ensure that the necessary long-term management of the scheme is permanently secured; and
- c. provide that where a vacated ~~Council/Affordable Home~~ ~~dwelling~~ in the scheme cannot be filled by persons in local need within the ~~Parish~~ ~~“designated area”~~, that the dwelling is made available over a wider geographical area on the same basis of need to secure its occupation.

The Content of Schemes

~~A proposal shall cater exclusively for local needs. No mixed developments involving any open market housing or other speculative element will be acceptable.~~

Location and Environmental Considerations

The proposal shall have no ~~significant~~ material adverse impact on the landscape, residential amenity, highway safety, or the form and character of the settlement to which it adjoins.

Policy PEO12 – Flats, Apartments and Maisonettes

(Pages 81 and 82 – including paragraphs 4.57 to 4.60)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): The policy is not justified by any detailed analysis but by merely hearsay.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): Policy PEO12 states that proposals for flats, apartments and maisonettes will only be permitted within town centres and within 100m of a railway station. We consider that this is unnecessarily restrictive. Whilst a modest proportion of 1 and 2 bedroom dwellings, for which there is a proven demand in the Council's Strategic Housing Market Assessment, might reasonably be provided in the form of two-storey houses on any given site, a mixed development comprising a number of flats, apartments and maisonettes, contributing to the overall requirement, is an equally justifiable proposition and contributes to the establishment of mixed communities providing accommodation for a range of household types and sizes. A variety of dwelling types and sizes also increases design flexibility. Furthermore, the policy as drafted is likely to lead to an over-concentration of flats, apartments and maisonettes in town centres and/or close to train stations given that there is limited number of such sites across the District as a whole. We consider therefore that this policy should be deleted from the Plan.

Tim Snow Architects Ltd: This policy is unduly restrictive and not justified based upon evidence. Flats can be useful accommodation to provide affordable homes and mass in built form to improve designs.

Blagrove Properties Ltd, Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan (represented by Pegasus Group): My client OBJECTS to the blanket restriction on flatted development provided by this policy. The supporting text suggests that the justification for this approach comes from public opinion that such accommodation causes social and economic problems. This does not represent an appropriate or effective justification for the restriction of this important element of the housing supply chain. Furthermore, the SHMA Update 2009 (Tables 6.4 – 6.9) reveals clear evidence of a demand for 1 and 2 bed properties across all tenures across the entire District in the region of 45-50% (see Figure 6.1 for the requirements in the Clacton area). This size of property is typically provided in flatted developments. The Council's own evidence demonstrates that this policy directly conflicts with the needs and demands identified for the District and the Clacton Area. The absence of satisfactory justification and the failure to fully address the identified housing needs of the area calls into question the effectiveness of this policy as well as its consistency with national policy. It is therefore considered unsound.

Suggested remedy

This policy and its supporting text should be either deleted or be significantly amended to identify that such town centre sites, such as the Station Gateway are suitable for this form of development.

City & Country: The *second part of this policy (b)* should be removed from the Local Plan as it is unjustified. Such proposals are contrary to NPPF and even Local Policies within this document such as being in favour of sustainable development. There will always be the demand for such

categories of housing and setting a specific distance of being within 100m of a railway station is not conducive to development and Tendring District Councils plans to regenerate.

Additional text by the Council in italic.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: Flats should only be permitted on the seafront and not in the Avenues or the main roads in the Towns except above shops.

Comments from members of the public

R. Dodds (Clacton): Flats are useful for some people who do not want a garden.

Cllr D Aldis: Concerns raised over the social mobility and affordability of such a Policy for young people and first time buyers.

Council consideration

The Council's extensive public consultation suggests that many local residents do not support the development of flats, apartments and maisonettes because they are concerned that these forms of accommodation bring about social and economic problems and provide a poor environment for younger people and families to grow up in. The Council's Strategic Housing Market Assessment does show that around two fifths of the demand for housing for purchase on the open market is for smaller 1 and 2 bed dwellings, of which a large proportion tend to be flatted; reflecting the lower-than-average income levels in the area.

Partly due to strict national minimum density requirements and a drive to make efficient use of land, maximise the amount of new housing provided on previously developed land and avoid the use of greenfield sites, more than half of all new homes built in the district between 2001 and 2011, when the market was generally buoyant, were smaller dwellings with 1 or 2 beds. The new National Planning Policy Framework allows much more flexibility for Councils to deliver housing development of a size and density that better reflects the character of their area and the aspirations of local people.

The majority of the district's flatted development is located in the larger urban areas, particularly in and around town centres, in locations overlooking the coast and on some of the larger housing estates. Flats and apartments within town centre locations can add vitality to those areas so subject to them meeting the design and other policy criteria set out in the Local Plan, these would be acceptable. Also flats and apartments within close proximity to railway stations may also be beneficial in providing accommodation that appeals to commuters, improving the safety and appearance of those stations (and their surrounding areas) and promoting the use and longer-term viability of local rail services.

In contrast, flats, apartments and maisonettes which form an element of edge of town housing estates do not bring such advantages to the town centre economy, the viability of rail services or meeting people's aspirations. It is this form of flatted development that causes the greatest concern amongst local people. Therefore Policy PEO12 seeks to restrict flats, apartments and maisonettes to locations within town centres and close to railway stations.

Outcome

No change to the Local Plan.

Policy PEO13 – HMOs and Bedsits

(Pages 82 to 83 – including paragraphs 4.61 to 4.66)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Colne Housing: The impact of buy to let should be considered to avoid the anti social effect of increased population densities arising from such businesses. It would be useful to allow for safeguards to ensure that the impact generated from using standard residential homes for buy to let is avoided.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: An Article 4 Direction should apply.

Comments from members of the public

No comments received.

Council consideration

Colne Housing suggests providing safeguards to ensure that the impact generated from using standard residential homes for buy to lets is avoided. Whilst the Council considers the proposal from Colne Housing to be sensible, it goes beyond the remit of the Local Plan.

Frinton and Walton Town Council comment in relation to introducing an Article 4 Direction is acknowledged. The Council has confirmed a non-immediate district-wide Article 4 Direction which gives the Council control over change of use from Use Class C3 (dwellinghouse) to Use Class C4 (house in multiple occupation).

Outcome

No change to the Local Plan.

Policy PEO14 – Single Storey Residential Development (Bungalows)

(Pages 84 and 85 – including paragraphs 4.67 to 4.71)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policies SD2, SD3, SD4, PEO1, and PEO14 - it is unlikely that these policies will deliver sufficient critical mass to effectively mitigate cumulative impacts on community infrastructure, especially Policies SD4 and PEO14 which include specific provision for some developments to be restricted to 10 units or less.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr D Aldis: Would this policy affect the possibility of the Council needing to build suitable properties to enable elderly residents to move from larger homes to make them available for families?

Frinton and Walton Town Council: Agree with this Policy.

Comments from members of the public

Peter. S. Scott: Floor and other areas should be indicated by 'm²' and not 'sqm' as widely but not exclusively used in the plan. For correct metric notation see British Standard PD6031.

Council consideration

Essex County Council object's to Policy PEO14 on the grounds that it is unlikely that this policy will deliver sufficient critical mass to effectively mitigate cumulative impacts on community infrastructure, especially Policies SD4 and PEO14 which include specific provision for some developments to be restricted to 10 units or less. In response to Essex County Council's objection, the Tendring District contains a large proportion of single-storey bungalows which were mainly built between the 1930s and the 1980s. They are particularly popular with older residents but are also enjoyed by a fair number of younger people and families and there continues to be a strong demand for this type of home, despite the downturn in the housing market.

Across the district there are mixed views about whether more bungalows should be built in the area. Some argue strongly that building more bungalows will only succeed in encouraging the in-migration of older residents into the district, placing even greater strain on local health services and bringing further imbalance to the demographics of the district; whereas others suggest that more bungalows are needed because there is a demand and they provide the opportunity for older people to down-size and free up existing two-storey houses for younger people and families to move into. Mindful of both arguments, the Council's approach over the plan period is to allow a limited amount of single-storey residential development but only in selected areas where the development of taller properties may not be appropriate but resist the mass provision of bungalows as part of the residential and mixed-use developments proposed in this Local Plan. On larger residential or mixed-use development sites, it might be necessary to allow single-storey residential development around the edge of the development where it adjoins the curtilage of existing bungalows to allow a gentle transition between single-storey and multi-storey development and minimise any concerns around overlooking or loss of light. Also schemes of specialist

accommodation such as gated retirement villages or extra-care housing schemes may need to incorporate single storey properties.

Peter. S. Scott and Frinton and Walton Town Council's comments are noted.

Cllr D Aldis raises concern that this policy affects the possibility of the Council needing to build suitable properties to enable elderly residents to move from larger homes to make them available for families is acknowledged. In response, the Tendring District already contains a large proportion of single-storey bungalows. The Council's approach over the plan period is to allow a limited amount of single-storey residential development but only in selected areas where the development of taller properties may not be appropriate but resist the mass provision of bungalows as part of the residential and mixed-use developments proposed in this Local Plan.

Outcome

In response to the various comments raised in relation to Policy PEO14 the following **minor change (MIN4.25)** to paragraph 4.69 is proposed (additions shown as highlighted and deletions shown as struck through):

4.69 Mindful of both arguments, the Council's approach over the ~~40-year~~ plan period is to allow a limited amount of single-storey residential development but only in selected areas where the development of taller properties may not be appropriate but resist the mass provision of bungalows as part of the residential and mixed-use developments proposed in this Local Plan.

Policy PEO15 – Traveller Sites

(Pages 85 and 86 – including paragraphs 4.72 to 4.77)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: We note the criteria included within the policy for considering the location of traveller sites. We consider this policy 'sound' as far as our remit extends. We support criteria (a) which require sites to avoid areas prone to flooding; this criterion covers all sources of flooding.

Essex County Council: The County Council considers the current wording of criterion b) of the policy to be inappropriate. The criterion should be amended by inclusion of specific reference to 'walking distance via a safe route' to the named services and facilities and deletion of the references to distance by public transport which are irrelevant. The County Council is liable for long term school transportation costs where a school is not within safe walking distance of home. Further, the safely accessible schools should be capable of accommodating pupils from the travelling community within existing spare capacity, given the unlikelihood of developer contributions being secured from traveller site proposals.

Natural England: We welcome the criteria set out in this policy; particularly the requirement to avoid any nationally or locally designated protected areas. However, we would wish to see the wording of this part of the policy amended slightly, to state "*avoid adverse impacts on any internationally, nationally or locally designated protected areas*" in recognition of the fact that sites could still potentially have an impact on such sites, even if they do not physically infringe on their boundaries.

The Gypsy Council (represented by Mrs Christine Atkins): OBJECTS to the Local Plan on the following grounds:

- I have concerns that insufficient site provision has been incorporated into this document to meet the needs of members of the Traveller Community;
- How can the need be adequately assessed within Tendring when very little provision has been made in previous years to accommodate Travellers?
- The previous government made grants available to provide Local Authorities sites for Travellers. Tendring did not act upon this and no Local Authority Site;
- If Tendring decides to work collaboratively with Colchester it must be remembered that the new Local Authority Site in Colchester is in fact a replacement site;
- Travellers must be allowed to move from District to District in the same way that house dwellers can. Unless provision is made this makes a mockery of the new incorporated planning document;
- The council must be made aware that if it is to work jointly with Colchester children now living on the Local Authority site will be maturing and the need will therefore be established;
- Within the time scale of the proposed District Local Plan an extra pitch will be required at the already approved traveller site in Crockleford Heath to meet the family need;
- No provision has been made within this Local Plan to provide an adequate short-term stopping place for the summer months;
- Small private family sites are required within the area. Some Councils lease pieces of land to families to enable them to provide for themselves. This has been very successful; and
- A small Local Authority Traveller site is required, to balance the need for social housing within the settled community.

Comments from landowners, developers and businesses

None.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Lawford Parish Council: The parish council have looked into the provision of traveller's sites previously and have reached the conclusion that there are no sites suitable within the parish.

Frinton and Walton Town Council: The Policy does not accord with the Council's licensing conditions.

Comments from members of the public

Mr. R. Horlock (Mistley): This is real problem for the Council. No village wants such sites. I visited the Old Harwich Road at Horsley Cross after Travellers had moved on. What a mess was left!

Council consideration

The Environment Agency's comments of support are noted and the changes suggested by Natural England are agreed and have been incorporated into the policy through the proposed focussed changes. The comments from Lawford Parish Council and Mr. Horlock are also noted.

Essex County Council's criticism of criterion b) of the policy is noted however the wording is based on the advice of Mott MacDonald in its 2010 Gypsy Sites Accommodation Study which recognises the difficulty of identifying suitable and realistically deliverable sites within walking distance, via a safe route, of services and facilities – particularly as there is no Council-owned land in such locations that could be used as a traveller site. No changes to the policy are therefore suggested.

The Gypsy Council argues that insufficient site provision has been incorporated into this document to meet the needs of members of the Traveller community, however no robust evidence has been submitted to back up this claim. The Essex Gypsy and Traveller Accommodation Assessment (GTAA) of November 2009 on the other hand suggests that Tendring should have 10 pitches, in total by 2021 and, on the ground, at the time of writing, there were actually 11. Thinking beyond 2021, the Council has joined other Essex authorities to commission consultants ORS to undertake a new GTAA for the period up to 2033. The results of this new study may or may not identify an additional longer term need which will be dealt with at the appropriate time, either through a review of the Local Plan or when dealing with planning applications. The various individual point raised by the Gypsy Council are, at this time, simply noted.

Frinton and Walton Town Council's suggestion that the policy should also incorporate some of the detailed requirements from the Council's licensing conditions for mobile home parks is noted but this would be a level of detail that is inappropriate for a planning policy and would no doubt raise questions over why policies for general housing are not more detailed, e.g. to incorporate building regulation standards etc.

Following the grant of planning permission for 5 pitches at Woodfield Bungalow, the Council has needed to update the policy and its supporting text to reflect the latest situation. The proposed changes are set out below. The Council has also taken the opportunity to alter the wording of criterion c) to ensure that the policy is not too restrictive in insisting that traveller site proposals 'must utilise previously developed land' and proposes the deletion of criterion i) which would not be possible to enforce.

Outcome

The following **major changes** (MAJ4.9) to Policy PEO15: 'Traveller Sites' on page 86 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY PEO15: TRAVELLER SITES

Evidence contained in the Essex Gypsy and Traveller Accommodation Assessment (November 2009) identifies a projected need for there to be ~~ten~~ **10** permanent traveller pitches, in total, in the Tendring District by 2021. On 1st April ~~2014~~ **2013**, there were already ~~six~~ **11** authorised pitches in the district, ~~thus fulfilling this identified need~~ leaving a residual requirement of four pitches to be authorised before 31st March 2021.

~~To meet the residual need in full, land at Woodfield Bungalow, Colchester Road, Great Bentley is allocated as a traveller site to accommodate the required pitches. Proposals for new traveller sites or pitches outside of this allocated site will not be permitted before 31st March 2021.~~

When considering any proposals for additional traveller sites or pitches, the Council will consult the latest evidence of need contained in the most recent Gypsy and Traveller Accommodation Assessment and will refuse permission for proposals that cannot demonstrate, with evidence, a need for the proposed level of provision. The Council will additionally judge proposals against criteria a) to f) h) below alongside other requirements in the Local Plan:

- a) sites must avoid any adverse impacts on any internationally, nationally or locally designated protected areas and must avoid areas prone to flooding;
- b) sites must have reasonable access to key facilities (normally 1.5 miles/2.4km on foot or 15 miles/24km by public transport to primary schools, doctors' surgeries and convenience shops, 2 miles/3.2km on foot or 20 miles/32km by public transport to secondary schools and major employment);
- c) sites must should, where possible, utilise previously developed land and recognise the scale of nearby communities;
- d) sites must not exceed six pitches in size and must make a minimum allowance of 250 square metres per pitch including circulation and amenity space and a maximum of 350 square metres. Sites should normally be 3 miles apart with scope for smaller sites to be closer than this;
- e) sites must comprise flat well drained ground and achieve safe access for large vehicles from the local road network and access to utilities;
- f) sites must be safe for children, achieve aesthetic compatibility with the surroundings with scope for visual and acoustic screening to protect the amenity of nearby residents; and not impact on high grade utilised agricultural land;
- g) sites must be of a high quality design and landscaping, providing a good standard of residential amenity for their occupiers; and
- h) sites must be linked to mains services; and
- ~~i) trailers containing living quarters must meet the minimum internal room standards set out in Appendix 2 of this Local Plan.~~

The following **minor changes** ([MIN4.26](#), [MIN4.27](#), [MIN4.28](#), [MIN4.29](#), [MIN4.30](#) and [MIN4.31](#)) to paragraphs 4.72 to 4.77 are proposed (additions shown as highlighted and deletions shown as struck through):

4.72 The Council has a legal duty to address the accommodation needs of travellers and the government's national planning policy on travellers requires Councils to identify sites where travellers will be allowed to set up pitches. The Essex Gypsy and Traveller Accommodation Assessment (GTAA) (November 2009) is the principle source of evidence providing a forecast of the expected future need. This assessment ~~suggests~~ suggested that the Tendring District will need to have 10 authorised pitches in total by 2021. On 1st April 2013, there were already 11 authorised pitches in the district ensuring this requirement had been fulfilled. At the time of writing, Essex authorities were in the process of commissioning an update to the Gypsy and Traveller Accommodation Assessment to ensure the evidence was up to date and met the requirements of national policy. This evidence will determine whether any additional pitches are likely to be needed in the longer term.

~~4.73 In 2009, the Council commissioned consultants to undertake a Gypsy and Traveller Site Study to identify appropriate locations and potential sites to meet this requirement. The study identified that there were already six authorised traveller pitches in the district, so based on the findings of the GTAA, there is a requirement for four additional pitches to be authorised before 31st March 2021.~~

~~4.74 The study also identified three unauthorised traveller pitches on land at Woodfield Bungalow, south of the A133 (Colchester Road) within the Parish of Great Bentley, which may have been in existence in excess of 15 years. The study recommends that these three pitches could be given legal status through either the grant of planning permission or a lawful use certificate which would then further reduce the residual requirement for authorised pitches to just one before 2021.~~

~~4.75 To accommodate that single pitch, the study suggested different options including providing for an additional pitch at one of the two established sites at Woodfield Bungalow, Great Bentley or Gutteridge Hall Lane, Weeley; having a single pitch on one of the weaker sites that were considered as part of the study; trying to deliver a pitch as an integral part of one of the district's proposed housing developments; or invited suggestions from landowners for other sites that could accommodate that single pitch.~~

~~4.76 Having considered these options, the Council has chosen to allocate land at Woodfield Bungalow as a traveller site to accommodate four pitches, comprising the three existing unauthorised pitches and sufficient land to allow a fourth. Consequently, any proposals for permanent traveller pitches outside of this allocated site will not be permitted before 31st March 2021, by which time the Council may have reviewed the Local Plan to take into account any longer-term requirements.~~

~~4.77 Any proposals for additional pitches in the Tendring District will be judged against the evidence of need contained within the latest assessment alongside the locational criteria of Policy PEO15 below which are based on the recommendations in the Council's Gypsy Site Accommodation Study (2010).~~

Policy PEO16 – Residential Institutions and Care

(Pages 86 and 87 – including paragraphs 4.78 to 4.81)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: We consider that it would be prudent to add recognised areas of flood risk to a list of issues relating to the sustainability of these forms of land use class.

The reason for this relates to the prioritisation and special considerations that must be given to issues of evacuation if these facilities are located in areas where flooding is forecast to happen. Increases in the number of residential and care institutions for the most vulnerable members of society can increase the burden on emergency responders and can therefore increase the residual risks of flooding to a community.

Comments from landowners, developers and businesses

Mrs. Veronica Patten (represented by Edward Gittins & Associates): Policy COM5 – Residential Institutional Uses in the Adopted Tendring Local Plan states in limb a) that sites for such uses should not be located away from existing Settlement Development Boundaries (SDBs) in order that support services, facilities and public transport routes can be available. The equivalent policy in the

PSD, namely Policy PEO16: Residential Institutions and Care suggest that, with certain exceptions, 'appropriate sustainable locations' are confined to the SDBs of Urban Settlements and Key Rural Service Centres.

The above change is significant because not only does the emerging policy continue to rule out care homes being provided within the countryside, (where tranquil environments and potential buildings suitable for conversion are often to be found), but also excludes care homes within the SDBs of the 32 Smaller Rural Settlements identified in the PSD and listed in Policy SD4.

The combined estimated dwelling stock of these 32 Smaller Rural Settlements amounts to 4,540 dwellings and the PSD envisages an increase in this stock of a further 274 dwellings to give a combined figure of 4,814 dwellings at the end of the Plan period. The resident population within this substantial dwelling stock are not to be provided with local care facilities unless, exceptionally, it can be demonstrated a proposal will address a locally generated need which cannot otherwise be met. (The wording of the policy does not say how far away from the locally generated need one has to demonstrate that the need cannot be met).

We maintain that locally provided care facilities are more likely to enable persons in need of care to receive that care within their home communities or near to their relatives and friends without the need to be accommodated in more distant and larger settlements where visits will involve longer trips. Confining nearly all new care facilities to the larger settlements may have certain advantages in terms of staff and visitor accessibility and movements but may run counter to sustainability objectives in many cases.

We do not consider Policy PEO16 is consistent with the National Planning Policy Framework (NPPF) in the following ways:-

- It pays insufficient regard to the economic and social elements of sustainable development (paragraph 7).
- It does not assist in supporting thriving rural communities (paragraph 17 – 5th bullet point).
- It fails to meet local needs relating to health, social and cultural wellbeing (paragraph 17 – 12th bullet point).
- It is in conflict with the aim of supporting the rural economy (paragraph 28 – 4th bullet point).
- It does not reflect the distinction between urban and rural areas in terms of promoting sustainable transport (paragraph 29 - last sentence and paragraph 32 - 3rd bullet point).

We seek changes to Policy PEO16 to make it consistent with the NPPF by positively assisting in the provision of residential institutions and the availability of local care facilities serving rural communities.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Wivenhoe Park Estate (represented by Strutt and Parker) SUPPORT these (*policies*) are generally supported by the technical and Background Evidence Studies for the PSD as necessary infrastructure requirements that may be associated with development as well as to secure enhancements for the local community. However, it is important to ensure that such requirements do not threaten the ability of sites to be developed viably in accordance with para. 173 of the NPPF and the site specific allocations set out in Chapter 11 should reflect this national planning policy requirement. *Additional text by the Council is in italic.*

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: The Council does not want to see more C2a but if permitted should be for proven local need.

Comments from members of the public

No comments received.

Council consideration

Frinton and Walton Town Council's comments are noted. Secure Residential Institutions, which come under use class C2A can include secure hospitals, detention centres and even prisons. These institutions also have the potential to employ significant numbers of people but in some instances can have a detrimental impact on their immediate surroundings in terms of noise and disturbance. Proposals for these kinds of institutions will be considered on their own merits subject to meeting the requirements of other policies in this document and demonstrating a local need.

The Environment Agency's comments which relate to flood risk are noted. Policy 'PLA1: Development and Flood Risk' sets out the Council's approach to development in flood risk areas. In summary, for the majority of the Tendring District, development proposals will be judged against the 'sequential approach'. For development proposals on sites within Settlement Development Boundaries, the sequential approach should seek to identify and guide development toward sites at the lowest risk of flooding within the defined boundary of the settlement in question. For development proposals on sites outside of Settlement Development Boundaries, the sequential test will apply to all land in the Tendring District.

In response to Mrs. Veronica Patten's (represented by Edward Gittins & Associates) objection, the Council considers that the current wording and approach set out in Policy PEO16 to be sound. Residential institutions have the potential to accommodate a significant number of residents, employ substantial numbers of staff and enjoy regular visits from friends and family. Therefore, the most sustainable approach is to locate such uses in accessible locations within the Settlement Development Boundaries of the district's Urban Settlements and Key Rural Service Centres (see Policies SD2 and SD3 in Chapter 2 of this Local Plan) as opposed to the 'Smaller Rural Settlements' or countryside locations where there tend to be fewer local services and facilities, limited access to public transport and where the introduction of such development can often have a detrimental impact on the rural character of that community. In response to concerns that Policy PEO16 is inflexible and continues to rule out care homes being provided within the countryside, Point c) allows in exceptional cases residential institutions in the countryside where the applicant can demonstrate, through robust evidence, that the proposal will address a locally generated need for institutional care which cannot otherwise be met.

The comments supporting this policy are noted.

Outcome

No change to the Local Plan.

Policy PEO17 – Living Accommodation for Family Members

(Page 88 – including paragraphs 4.82 to 4.83)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Peter. S. Scott (Gt. Bromley): Condition c) is unnecessarily restrictive and impractical. In most cases where the provisions of this policy are exploited it would be for an elderly relative (granny annexe) and self-evidently this would be for a somewhat limited time after which it would become vacant when, according to the rules as set out, the accommodation could be used for holiday letting or even converted to commercial use in accordance with the provisions of Policy PRO15. So the rules as existing and proposed would allow the accommodation to be used but only by a series of different people or possibly for commercial purposes and the accommodation is denied to a tenant on a continuous basis. This is an unnecessary and illogical restriction and should be relaxed, and the relaxation made retrospective.

Council consideration

In retrospect, this policy is considered to be unnecessary as this form of development can be approved in accordance with other policies in the Local Plan.

Outcome

In response to the various comments raised in relation to Policy PEO17 the following **major changes (MAJ4.10)** to paragraphs 4.82 and 4.83 are proposed (additions shown as highlighted and deletions shown as struck through):

Living Accommodation for Family Members

~~4.82 With an ageing population, the increasing preference for care to be provided in the home, the difficulty for young people to get onto the housing ladder and the struggle to deliver new housing development in difficult economic times for the housing market, an obvious solution for some is to allow different generations of one family to live together in one property. Many properties are not large enough for this to be practical so the Council will support proposals for 'Granny Annexes' and other living accommodation to be provided within the curtilage of a residential property solely for the use of that household.~~

~~4.83 Proposals will be judged on their merits having particular regard to policies on design (Policy SD9) and internal and amenity space standards (Policy PEO4) and where proposals are approved, the Council will use either planning conditions or legal agreements to ensure that the additional~~

living accommodation cannot be sold or let, on the open market, as a separate property from the original dwelling house.

POLICY PEO17: LIVING ACCOMMODATION FOR FAMILY MEMBERS

Proposals for living accommodation within the curtilage of a residential property, solely for the use of a family member(s) within that household will be permitted where:

- a) the applicant can demonstrate that the accommodation is needed for a member(s) of the household concerned;
- b) the proposal is of a high quality of design and meets the standards set out in Policy PEO4 and internal room space requirements set out in Appendix 2 of this Local Plan; and conditions or legal agreements are entered into to ensure the new accommodation cannot be used, sold on or let, legally as a separate property to the original dwelling house.

Policy PEO18 – Community Facilities

(Pages 88 and 89 – including paragraphs 4.84 to 4.86)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: We would advocate that there will be benefits to establishing Community Facilities in areas such as Jaywick, Clacton, Walton-on-the-Naze and Harwich/Dovercourt that can also function as Flood Refuge facilities or evacuation centres, particularly in vulnerable areas where single-storey developments or Caravan & Holiday Parks predominate and where Strategic Flood Risk Assessments or Strategic Flood Risk Studies have concluded that refuge or evacuation could be problematic.

NHS North Essex (NHSNE is a cluster of three primary care trusts (PCTs) working as a single organisation on behalf of North East Essex PCT) (represented by Lawson Planning Partnership Ltd).

NHSNE: OBJECT to Policy PEO18 -Community Facilities because:

- NHSNE is concerned that the inclusion of healthcare facilities within the provisions of Policy PEO18 as it is inappropriate to require the level of justification set out, with regard to the redevelopment or change of use of healthcare facilities. The role of NHSNE is to commission all healthcare facilities within its administrative area, including within the Tendring District area. To comply with the current policy, NHSNE may need to seek approval from the Council to implement its own healthcare strategy and modernisation programmes before planning permission would be granted for the change of use or redevelopment of healthcare facilities. In this way, the Council would be acting as a health authority as well as a local planning authority by requiring justification in terms of determining whether facilities can be considered “genuinely redundant”.
- Therefore, to ensure that the Council is not acting outside its legitimate role as planning authority, duplicating responsibilities that are held by the health authority or inadvertently constraining the NHS healthcare programme, it is requested that the policy text is amended as follows: "Proposals for redevelopment or change of use of any premises that provide community facilities (WITH THE EXCEPTION OF HEALTHCARE FACILITIES) will only be permitted where the Council is satisfied that ..."

The Theatres Trust: OBJECT to Policy PEO18 in particular part i. *“the use concerned is not economically viable or the building involved is genuinely redundant and the premises or site cannot readily be used for or converted to any other community facility”*. Economic viability should not be applied to theatres, most of which are not economically viable, but exist to enlighten and entertain the public through the production, presentation, exhibition, advancement and preservation of art, music, theatre and dance. Support of culture is increasingly seen as an investment in an areas present and future quality of life. There is a growing awareness of the arts and culture play in developing an educated workforce and, on the other hand, in attracting an educated workforce to a town. The local community should also be given adequate opportunity to manage an asset that may be otherwise lost.

We recommend a succinct description for the term ‘community facilities’ (or infrastructure) for the Local Plan Glossary so that guidelines are clear and consistent, as: community facilities provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community.

West Cliff Tending Trust: Again there is very little mention of the arts, theatres and cinemas, all of which add to the quality of life for residents, not just in the shows they provide for entertainment but in the opportunities they give to the many local amateur, youth and school groups who use the facilities to rehearse and stage their own shows as well as being used to train young people interested in careers in the theatre, front stage, back stage and technical, some of whom have gone on to find full time employment in the professional theatre. To achieve the best possible outcome for residents in all these areas we welcome the statement, "For existing community facilities, the Council will work with its partners to secure future improvements" and hope that although theatres merit just a single word in the plan that TDC will take this statement seriously so we can work together to "secure future improvements" and would welcome a statement in the plan on how this could be achieved.

Sport England: The policy is supported as it takes a positive approach towards securing a range of new community facilities as part of new development which would include sports facilities. The Council's evidence base and policies PEO20/PEO21 have identified a need for new sports facilities and this policy will help secure them. This approach is considered to be consistent with Government policy in the NPPF e.g. paragraphs 69 and 73. The approach towards protecting existing community facilities is supported as this would seek to protect existing facilities that meet the community's needs including sports facilities and is considered to broadly accord with paragraph 74 of the NPPF.

The Theatres Trust: SUPPORT Policy PEO18 Community Facilities and the examples set out in paragraph 4.84 which includes theatres.

Essex County Council: The list of community facilities set out in paragraph 4.84 is welcomed, subject to reference to Early Years and Child Care and other educational facilities being added to the first bullet point.

Comments from landowners, developers and businesses

Kevin Britton (represented by Martin Robeson Planning Practice): This approach is inconsistent with national policy. Community facilities do not include schools (see paragraph 70, NPPF). In addition education facilities are the subject of separate policy provisions at PRO3 which includes for their provision as part of new development. We therefore recommend the following amendment:

“... community facilities include:

- *Schools;*

- *Doctors Surgeries and other Primary Health Care provision (dentists etc);...*”

(Deleted text struck through).

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. E. Loach (Clacton-on-Sea): In PEO18 I am not sure that doubling the current distance to the next nearest amenity is consistent with NPPF which aims to increase protection for community facilities. I personally feel that whatever arbitrary distance is picked is irrelevant and point ii should be removed, concentrating on whether a property is unviable or redundant. I also believe that point 4.86 which refers to DP15 should be referring to PEO18.

Mr. P. Cannons (Thorpe-le-Soken): Thorpe-le-Soken dearly needs a Post Office. Access to the nearest facilities in either Weeley or Kirby-le-Soken is highly inconvenient for older users reliant only on Public Transport.

Council consideration

The Environment Agency promote the concept of establishing Community Facilities in areas such as Jaywick, Clacton, Walton-on-the-Naze and Harwich/Dovercourt that can also function as Flood Refuge facilities or evacuation centres. The Council will endeavour to work with the Environment Agency and its other key partners to deliver flood refuge facilities or evacuation centres.

NHSNE object to Policy PEO18 on the grounds that it is inappropriate to require the level of justification with regard to the redevelopment or change of use of healthcare facilities and reference to ‘healthcare facilities’ should be deleted from the list of community facilities in paragraph 4.84. The Council agrees with the objectors comments and Policy PEO18 has been amended accordingly.

Mr. P. Cannons (Thorpe-le-Soken) comments which relate to the need for a new Post Office in Thorpe-le-soken are acknowledged. The Council will work with its partners to deliver new community facilities (such a medical or an education facility) as part of a wider residential development scheme where there is an evidenced need. However, it is considered that delivering a new Post Office would in this instance go beyond the remit of the Council and this Local Plan.

The Theatre Trust objects to Policy PEO18 on the grounds that an economic viability argument should not be applied to theatres. The Council considers that a criterion i) provides a sound and reasonable approach for assessing and determining proposals for redevelopment or change of use of a community facility for alternative uses.

West Cliff Tendring Trust’s general comments of support are noted.

Sport England’s comments of support are noted.

The comment from Kevin Britton is noted but it is not agreed that the reference to schools should be removed from the supporting text, as they are regarded as a community facility in the Local

Plan. The fact that schools are not specifically included in the NPPF definition of a 'community facility' does not justify removing the reference from the Local Plan.

Mr. E. Loach (Clacton-on-Sea) raises concern that criteria ii) which seeks to ensure that a proposal for redevelopment or change of use of a community facility will only be permitted where the facility or service which will be lost will be met by an easily accessible existing or new facility within 1600 metre is an arbitrary distance and the policy should rather focus on viability arguments. In response to Mr. Loach concern it is in the interests of maintaining 'sustainable communities and neighbourhoods'; the rationale that sits behind criteria ii) is to ensure that if an existing community facility is to be redeveloped for an alternative use, then the need for people to travel long distances to access an alternative facility is negated.

The comment of support and the suggestion from Essex County Council are noted but it is not agreed that the supporting text also needs to make specific reference to Early Years and Child Care and other educational facilities.

Outcome

The following **minor changes** (MIN4.32) to the bullet-point list in paragraph 4.84 on page 88 are proposed (additions shown as highlighted and deletions shown as struck through):

- Schools;
- ~~Doctors Surgeries and other Primary Health Care provision (dentists etc);~~
- ~~Hospitals;~~
- Sport and Recreational Facilities;
- Theatres;
- Cinemas;
- Community Halls;
- Libraries;
- Museums;
- Arts Venues;
- Places of Worship (premises solely dedicated for that purpose);
- Public Houses;
- Post Offices; and
- Small Convenience Shops (particularly in rural settlements).

The following **minor changes** (MIN4.33) to paragraph 4.86 on page 89 are proposed (additions shown as highlighted and deletions shown as struck through):

4.86 Public houses, in particular, perform a useful social role in rural communities and are a source of local employment. They frequently occupy historic buildings and make a significant contribution to the character of the locality. The Council considers that the increasing number of proposals to convert pubs to other uses (most notably residential) warrants endorsement of the 'Public House Viability Test' produced by the Campaign For Real Ale (CAMRA) which will help to determine whether a pub meets criteria i. of Policy DP15 **PEO18**. The test is available on the CAMRA website. www.camra.org.uk

Policy PEO19 – Green Infrastructure

(Pages 89 to 91 – including paragraphs 4.87 to 4.91)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: We are supportive of this policy which seeks to protect, maintain and enhance green infrastructure. Reference could however be made to the role of SuDs and the associated benefits of attenuation, improved water quality, and the adaptation to the impacts of climate change.

Whilst the policy identifies an amount of green infrastructure to be produced per 1,000 dwellings we recommend that consideration is given to ensuring the infrastructure is sufficiently varied to ensure it maximises ecological benefits.

Natural England: We welcome the inclusion of this policy, particularly the recognition of the importance of securing developer contributions through the Community Infrastructure Levy to fund the long term development and management of green infrastructure within the district.

The requirements for the provision of green infrastructure set out in this policy do not accord with our own Accessible Natural Greenspace Standards (ANGSt). These standards state that everyone, wherever they live, should have accessible natural greenspace of at least 2 hectares in size, no more than 300 metres (5 minutes walk) from home. At present, this policy does not require this. We recommend that the policy is revised in line with Natural England's ANGSt in order to ensure that there is adequate provision of accessible natural greenspace.

Tendring Way and Essex Bridleway Association (represented by Patricia Cooper): New recreational open space should be provided in the following areas:

- 52 ha along the Pickers Ditch linear park walkway, Clacton-on-Sea;
- 7.2 ha land north of Brooklands and Grasslands, Jaywick;
- 16.5 ha Low Road, Dovercourt;

This would be an ideal opportunity to provide much needed additional bridleway access to these new proposed recreational open spaces.

The following areas, which are defined on the relevant Proposals Map Insets are allocated and safeguarded as Country Parks:

- a. Holland Haven
- b. Brook Park, Clacton
- c. Pond Hall Farm, Ramsey
- d. Martin's Farm, St. Osyth
- e. The Naze, Walton

The development of bridleways within these parks could also be integrated into the above mentioned network.

Essex County Council: The interrelationship between conservation of heritage assets and green infrastructure should be recognised by inclusion of an additional bullet within paragraph 4.87 to read, 'conservation and enhancement of heritage assets'.

Comments from landowners, developers and businesses

Wivenhoe Park Estate (represented by Strutt and Parker): These policies are generally supported by the technical and Background Evidence Studies for the PSD as necessary infrastructure requirements that may be associated with development as well as to secure enhancements for the local community. However, it is important to ensure that such requirements do not threaten the ability of sites to be developed viably in accordance with paragraph 173 of the NPPF and the site specific allocations set out in Chapter 11 should reflect this national planning policy requirement.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Wrabness Parish Council: Support the inclusion of the Rectory Road Playing Field within this policy and request the addition designation of 0.2 acres of proposed green space to west of Wrabness Village Hall. Object to the proposed designation of the railway cutting adjacent to Station Road within this policy – as it is steeply sloping operational railway land inaccessible to the public.

Cllr Tom Howard Member for Great and Little Oakley Ward: While this is a welcome policy, it is the failure of this policy to include operations such as the Horse Rangers in Ramsey as a sporting facility. It is particularly important to protect services such as this when they are in an area classified as urban. Policy PEO19 should be extended to recognise horse riding facilities as sporting facilities.

Comments from members of the public

R. Dodds (Clacton): Allotments will become more popular as poverty and pollution increase. New developments need more allotments. These areas are more efficient and more likely to be organic and sustainable.

Mr. I. Sharer (represented by Tim Snow Architects Ltd): I wish to object to the inclusion of a small area of Local Green Space to the south of Harwich Road and the West of Middlefield Road, Mistley. This relates to the promotion of a site for housing – see other comments made against chapter 9 and Policies Map Inset 4 (Manningtree, Lawford, Mistley and Mistley Heath). This area has been adjusted from the previous Local Plan together with the settlement boundary. The land is used in part for allotments the land being privately owned. There is an opportunity for a development on the site that would provide housing to support the councils housing need and could transfer land for allotments and amenity land to the south to the Parish Council, as part of a Section 106 Agreement.

Mr. J. Ratford (Clacton-on-Sea): The priority for green corridors should be where they provide convenient routes for routine journeys (shops, school, work, etc). A good provision of green corridors already exists in Clacton, but is incomplete, badly maintained and badly signposted. Green corridors between communities (e.g. Burrsville to Holland-on-Sea) are needed. The Picker's Ditch Way was presented as an important development in the previous Local Plan. I object to its removal, which goes against many of the green, health and leisure policies that the Council claims to be aiming to carry out. Even if the completion of the Picker's Ditch Way by 2021 may not be realistic, the Council should have a strategy for actively seeking to improve sections (e.g. north of Cann Hall Estate) and adding new sections (especially downstream of Sladbury's Lane).

Mrs. B. Hatwell (Walton-on-the-Naze): Cartbridge Meadow on the Martello site, Walton-on-the-Naze, is an accessible natural green space that is currently used to walk, play football, ride bikes etc. In the past it was used by local clubs as a football pitch and the goal posts still remain. What a

shame it is now not possible for the meadow to be protected and treasured in line with the Council's Open Spaces Strategy (2009).

Council consideration

The comments of support in relation to this policy are noted. Whilst there are some objections relating to specific sites there are only a few objections to the policy itself.

In response to Natural England, the Council rejects the need to use Natural England's 'accessible natural green space standards' to ensure that there is adequate provision of accessible natural green space. Instead, we sustain that our own evidence base, specifically the 2009 Open Spaces Strategy, identifies the nature of any existing local surpluses and deficiencies and provides size and quality standards for the provision of green infrastructure in the district. These standards for the provision of green infrastructure have therefore been applied within the draft Policy PEO19.

Similarly, the Council notes the Environment Agency's recommendation that green infrastructure provision should be flexible in its quantity standards to ensure that the infrastructure maximises ecological benefits. Once again, the Council contends that our evidence base provides sufficient standards to provide green infrastructure, in the correct quantities, in accessible locations.

In response to the Environment Agency's remaining concern that reference should be made to the role of SuDs, we refer readers to paragraph 4.87 of the draft Local Plan, which lists sustainable drainage systems as one of the important functions of green infrastructure. In addition, SuDs are considered in more detail in Policy PLA3: Water Conservation, Drainage and Sewerage of this draft Local Plan and in the interests of keeping the plan succinct it is not considered necessary to repeat the role of SuDs in this policy, as the plan should always be read as a whole.

Despite not agreeing with the need to adjust the standards within the draft policy as suggested by Natural England and the Environment Agency, we do however accept that the policy could benefit from an SPD or an internal guidance note to further support adequate provision of accessible green infrastructure.

Comments from Wivenhoe Park Estate (represented by Strutt and Parker) are noted. Indeed, we accept that it is important to ensure requirements are not so onerous that they could affect the viability of sites to be developed. Respondents are referred to the Council's Development Plan Document on 'Planning Obligations and Developer Contributions' for more information on the contributions that the Council would expect in relation to green infrastructure provision and again we accept that an SPD or an internal guidance note could be useful here.

We agree with R Dodds that allotments are popular, important and sustainable local green spaces. We note R Dodds comments relating to the provision of new allotments and refer readers to the accessibility and quantity standards for allotments in Policy PEO19. We hope the provisions outlined within this policy satisfy R Dodds concerns that more allotments are needed.

In response to Cllr Howard's comments that Policy PEO19 should also recognise horse riding facilities, this policy specifically relates to maintaining, securing and delivering key green infrastructure projects. It would therefore be out of context to specifically extend this policy to recognise horse riding facilities. Policy PEO18: Community Facilities and its associated supporting text, specifically paragraph 4.84, lists different types of recognised community facilities. The list includes 'sports and recreational facilities' which would cover horse riding facilities, this policy should therefore be referred to when seeking the protection of these and other community facilities.

The remaining comments to this Policy relate to the protection or lack of protection of specific sites of green infrastructure.

For example, Mrs Hatwell objects to the lack of protection of the green space at Cartbridge Meadow, on the allocated Martello site at Walton-on-the-Naze. The Council note Mrs Hatwell's concerns and refer her to Policy FWK6: The Martello Development, which specifically requires development proposals at the site to include open space in the middle of the site, surrounding the Martello Tower and a further minimum of 2.8 hectares of open space to be provided in the northern part of the development site. The Martello Caravan Park site was identified within the Walton-on-the-Naze Regeneration Framework as a key development opportunity site that could help assist the wider rejuvenation of Walton. It is envisaged that a mixed-use development, incorporating housing, retail, community facilities and also green infrastructure will be a great benefit to Walton's economy and regeneration as a whole. Therefore, whilst we appreciate Mrs Hatwell's concerns regarding the protection of green space at the Martello site, the provisions within Policies PEO19 and FWK6 do continue to seek green infrastructure within the development.

Comments from Mr Sharer and Wrabness Parish Council are noted and respondents are referred to the Council's Consideration of comments received in relation to Policy Inset Maps 4 and 41 respectively for a detailed consideration and justification of the green infrastructure included or omitted from these areas.

The Council agree with comments made by the Tendring Way and Essex Bridleway Association insofar as we support the development of bridleways to promote access to any proposed and existing recreational open spaces. Indeed, respondents are referred to Policy COU4: Business and Domestic Equine-Related Activities, which highlights the Council's commitment to encouraging proposals to maintain and improve access to open spaces by resisting the loss of, or harm to any existing bridleways. The Council also encourage the creation of new bridleways where appropriate opportunities arise to improve and develop the network for the benefit of walkers, cyclists and horse riders through this policy.

In response to Mr Ratford, who would like to see the continued inclusion of Pickers Ditch, a linear walkway/ green corridor, within this Local Plan, as previously presented within the Core Strategy and Development Policies Document in October 2010; this project was largely dependent on development in north-west Clacton, as part of the Hartley Meadows Neighbourhood Development proposed within the Core Strategy. For a variety of reasons, discussed elsewhere within this responses document, this neighbourhood development has not been brought forward into this Plan and as a consequence the completion of the Pickers Ditch Walkway, as an uninterrupted walkway extending from West Clacton to Holland Haven Country Park is no longer considered a viable project to specifically allocate within this Plan. That is not to say, however, that existing sections of the walkway will not be maintained, enhanced and protected against redevelopment. Indeed, one of the aims of Policy PEO19 is to maintain, enhance and protect existing green infrastructure, as well as seek to establish new green infrastructure throughout the district.

Outcome

The following **minor changes** (MIN4.34) to paragraph 4.89 on page 90 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

4.89 Throughout our district there are a number of existing areas of green infrastructure falling into the various different categories which are important to the character of our towns, villages and rural areas and provide valuable space for formal and informal recreational activities in our communities. Areas of existing green infrastructure that will be protected from development are shown as 'Local Green Spaces' on the Policies Map and relevant Policies Map Insets for each area and will be protected for the full length of the plan period or how ever long this Local Plan remains in force. **Development on these sites will only be allowed where it will result in an equivalent or larger area of green infrastructure of equal or better quality being provided in a location that will benefit more residents.** Town and Parish Councils and other Neighbourhood Forums will be able to identify

additional areas of Local Green Space in Neighbourhood Plans if they believe further safeguards are required in their area.

The following **minor changes** (MIN4.35) to the first paragraph of Policy PEO19: 'Green Infrastructure' on pages 90 and 91 are proposed (additions shown as highlighted and deletions shown as struck through):

The district's existing network of green infrastructure and local green spaces will be maintained, enhanced and protected against redevelopment. Development proposals that would prejudice the use or lead to the loss of any area shown as Local Green Space or Proposed Green Infrastructure on the Policies Maps or Policies Map Insets will not be permitted unless they will result in the creation of an equivalent or larger, more usable or attractive area of green infrastructure in a location that would benefit more residents. New areas of local green space and green infrastructure that are created during the plan period will be afforded the same protection, through this policy, as existing Local Green Space.

The following **minor changes** (MIN4.36) to the third paragraph of Policy PEO19: 'Green Infrastructure' on pages 90 and 91 are proposed (additions shown as highlighted and deletions shown as struck through):

All new development will be considered in relation to the contribution it can make to the district's green infrastructure network and the Council will secure contributions towards the provision of green infrastructure either on-site or through Community Infrastructure Levy or equivalent financial contributions to meet the needs of a the growing population whilst working with its partners to secure funding to rectify existing deficiencies.

Policy PEO20 – Playing Pitches and Outdoor Sports Facilities

(Pages 91 to 93 – including paragraphs 4.92 to 4.94)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We welcome this policy and the protection of existing playing pitches and outdoor sports facilities as "Local Green Space". Designated sites in the District (Stour and Orwell Estuaries SPA, Hamford Water SPA and the Colne Estuary which forms part of the Mid Essex Estuaries SAC) are vulnerable to recreational disturbance and providing high quality alternative areas for recreation is important to relieve this pressure.

We recommend that these areas should be managed in such a way to maximise their multi-functionality and encourage biodiversity, i.e. allowing "wilder" areas along boundaries and letting grass grow long when the sites are not in use.

Sport England: The policy is broadly supported as it seeks to protect playing pitches and outdoor sports facilities and seek new provision to meet the needs generated by development. The Council's evidence base set out in the Open Spaces Strategy is considered to be broadly robust and would support this policy. Overall the policy itself is considered to meet the tests of soundness and accord with relevant Government policy such as paragraphs 73/74 of the NPPF. However, concerns are raised about the following:

1. The Council's evidence base is based on an assessment of needs which is now over 3 years old. By the time the local plan is adopted, the evidence base will be relatively out of

date and may not be appropriate for informing how CIL/planning obligations are invested. Paragraph 73 of the NPPF advises policies to be based on up-to-date assessments of needs of sports facilities. Sport England's advice is that assessments should be reviewed every 3 years to ensure that they are up-to-date unless monitoring of supply and demand changes takes place on annual basis to keep the assessment up-to-date (in which case a full review of the assessment is only necessary every 5 years). Consequently, there are concerns that if the policy relies on the evidence base by the time it is adopted it will not meet the justified and consistent with national policy tests. To address this, it is requested that the supporting text to the plan makes a commitment to regularly reviewing the outdoor sports assessment to ensure that an up-to-date assessment of needs remains in place for justifying the policy and informing its implementation.

2. To secure contributions through CIL (towards outdoor sports facilities and other infrastructure) it will be necessary to identify priority projects and cost them in order to demonstrate to developers how CIL will be used. This is usually included in the Infrastructure Delivery Plan. As the Open Space Strategy was prepared in 2009, it is unclear whether the priorities identified in the strategy remain valid and whether they have been costed for the purposes of a future IDP and CIL. It is advised that other local authorities that have sought to use CIL for securing contributions to sports facility projects which did not have identified priority projects that have been costed have been found by Inspectors to fail to accord with the CIL Regulations. To ensure that the policy meets the 'effective' and 'consistent with national policy' tests it is requested that the supporting text to the policy confirms that identified playing pitch/outdoor sport priorities will be identified by the Council through an Infrastructure Delivery Plan if CIL is used for securing the contributions referred to in the policy.
3. Paragraph 4.94 of the supporting text excludes school playing fields that are not publicly accessible from the definition of playing pitches for the purposes of applying the policy. This is strongly objected to as this would not accord with the Government's definition of a playing field as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010 or Government policy in paragraph 74 of the NPPF or Sport England's playing fields policy which is used for assessing planning applications when consulted as a statutory consultee. All playing fields regardless of whether they are currently publicly accessible offer potential for meeting community playing pitch needs and meeting educational needs is part of meeting the community's needs as school pupils form part of the community and the protection/enhancement of such playing fields is justified for meeting their needs as well as the wider community. Consequently, all playing fields are considered to justify protection for meeting the community's needs regardless of their current status in terms of community use. A further consideration is that such an approach would discourage schools from opening up their playing fields for community use as this would result in the policy seeking to apply protection which is perverse. Also this paragraph seeks to exclude Essex County Council managed school playing fields from the definition of playing pitches which is considered unjustified and unreasonable given that schools are increasing being devolved from local authority control i.e. Academies, plus there is no justification for one approach being taken to ECC school sites and another for Academies, independent schools, free schools, FE colleges etc. If the policy is based on this definition it would be considered to fail the justified, effective and consistent with national policy tests for these reasons. To address this concern, it is requested that paragraph 4.94 be deleted.

Paragraph 4.94 should be amended because it is not factually correct. Playing pitches are managed by the schools themselves not the County Council and not all schools are Essex County Council Community Schools.

Comments from landowners, developers and businesses

Wivenhoe Park Estate (represented by Strutt and Parker): These policies are generally supported by the technical and Background Evidence Studies for the PSD as necessary infrastructure requirements that may be associated with development as well as to secure enhancements for the local community. However, it is important to ensure that such requirements do not threaten the ability of sites to be developed viably in accordance with paragraph 173 of the NPPF and the site specific allocations set out in Chapter 11 should reflect this national planning policy requirement.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mrs. B. Hatwell (Walton-on-the-Naze): Cartbridge Meadow on the Martello site, Walton-on-the-Naze, is an accessible natural green space that is currently used to walk, play football, ride bikes etc. In the past it was used by local clubs as a football pitch and the goal posts still remain. What a shame it is now not possible for the meadow to be protected and treasured in line with the Council's Open Spaces Strategy (2009).

Council consideration

All of the comments received in relation to Policy PEO20: Playing Pitches and Outdoor Sports Facilities; were generally supportive of a policy that would seek to protect playing pitches and outdoor sports facilities. However, some of the comments also raised concerns regarding this policy.

Comments from Wivenhoe Park Estate (represented by Strutt and Parker) are noted. Indeed, we accept that it is important to ensure requirements are not so onerous that they could affect the viability of sites to be developed. Respondents are referred to the Council's Development Plan Document on 'Planning Obligations and Developer Contributions' for more information on the contributions that the Council would expect in relation to playing pitches and outdoor sports facilities and we accept that an SPD or an internal guidance note could also be useful here, to further support viable development but which also includes an adequate provision of accessible playing pitches and outdoor sports facilities.

Natural England's comments are also noted. The Council agree that alternative areas of recreation can help to relieve pressure on designated sites within the District and also agree that playing pitches and outdoor sports facilities, as local green spaces, can also provide important sites of biodiversity.

Mrs Hatwell objects to the lack of protection of the green space at Cartbridge Meadow, on the allocated Martello site at Walton-on-the-Naze. The Council note Mrs Hatwell's concerns and refer her to Policy FWK6: The Martello Development, which specifically requires development proposals at the site to include green infrastructure on the site. The Martello Caravan Park site was identified within the Walton-on-the-Naze Regeneration Framework as a key development opportunity site that could help assist the wider rejuvenation of Walton. It is envisaged that a mixed-use development, incorporating housing, retail, community facilities and also incorporating green infrastructure will be a great benefit to Walton's economy and regeneration as a whole. Therefore, whilst we appreciate Mrs Hatwell's concerns regarding the protection of green space at the

Martello site, the provisions within Policies PEO20 and FWK6 do continue to seek accessible green spaces.

Sport England raise a number of concerns about Policy PEO20. Firstly they raise the concern that the Open Spaces Strategy, upon which the standards for the provision of playing pitches and outdoor sports facilities within this Policy are based, requires updating. Whilst the Council maintain that our evidence base is robust we accept that it would be appropriate to include references, within the supporting text of the policy, that indicate our commitment to regularly review the provision of playing pitch and outdoor sports facilities within the District. Consideration should also be given to the need for a review of the Open Spaces Strategy.

In response to Sport England's concern that the Council should identify playing pitch and outdoor sport priorities through an Infrastructure Delivery Plan to secure contributions through CIL, it is accepted that these priorities should be identified by the Council. However, at the time of writing the Council is still in the process of producing its CIL document and as such it is not considered necessary to include, within the supporting text of the Local Plan, any further details regarding specific priority projects which are to be identified. Indeed, the current wording of this section of the Plan is considered satisfactory, particularly as CIL regulations allow charging authorities to set out flexible spending plans to deliver key infrastructure projects, which can be amended as the Council's corporate priorities change.

The Council agree with Sport England's final comment that paragraph 4.94 should be deleted, so as not to exclude school playing fields that are not publicly accessible. Taking on board comments made by Sports England, the Council accept that if the policy is based on this definition it could fail to meet the tests of soundness, regarding whether it is justified, effective and consistent with national policy.

Outcome

The following **minor changes** (MIN4.37) to paragraph 4.94 on page 92 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

4.94 Playing pitches exclude those school playing fields that are not publicly accessible which Essex County Council, as the education authority, will manage and maintain to meet the requirements of the schools in question. The Council will regularly review the needs for open space, sports and recreation facilities and opportunities for new provisions, to ensure that there is an up-to-date assessment of need which justifies the policy and helps to inform its implementation.

Policy PEO21 – Indoor Sports Facilities

(Pages 93 to 94 – including paragraphs 4.95 to 4.98)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Sport England: The policy is broadly supported as it seeks to protect facilities through policy PEO18 and improve the provision of indoor facilities in the district which would accord with the approach advocated in the NPPF e.g. paragraphs 73/74. However, the following concerns are raised:

1. Evidence base - reference is made in the supporting text to an unpublished audit of indoor sports facilities which would appear to be the basis for identifying deficiencies and justifying

new and improved facility provision. If this is the evidence base for supporting the policy it will need to be made available for public scrutiny. Sport England is potentially concerned about the scope of this audit because benchmarking against national averages would not be sufficient for identifying deficiencies or justifying new or enhanced facility provision. A full audit and assessment of needs would be expected as advocated in paragraph 73 of the NPPF which would include assessments of the quality of facilities and stakeholder consultation as well as audits/assessments using strategic planning tools and a strategy for addressing the identified needs which would form the basis for the facility priorities that have been identified and for securing CIL/planning obligations. At present, there are concerns that the evidence base would not meet the 'justified' and 'consistent with national policy' tests of soundness. To address this, it is therefore essential that the submitted plan is supported by a published evidence base that includes a sound assessment of needs and a related strategy for implementation. Sport England would be happy to provide the Council with further advice in this regard.

2. Reference is made to the Council 'may consider the use of CIL to help deliver new indoor sports facilities'. This statement is considered to be ambiguous and a more definitive position would be expected in a local plan policy. As the evidence base has identified a need for new or improved facilities which have been identified in the supporting text to the policy, it is considered essential that CIL or planning obligations are used to help secure the delivery of these projects. As new developments will contribute towards the needs for these facilities, unless CIL is used as a delivery mechanism it is unclear in the policy how new development will contribute towards their implementation. Without sufficient clarity, this aspect of the policy would not be considered to accord with the 'effective' test of soundness as there will be uncertainty about whether CIL/planning obligations will be secured for this type of infrastructure. To address this, it is requested that the policy be amended along the lines that the Council will use CIL/planning obligations to help deliver new indoor sports facilities. This would also provide consistency with the approach taken in policy PEO20 to outdoor sports facilities/playing pitches.
3. To secure contributions through CIL towards indoor sports facilities (and other infrastructure) it will be necessary to identify priority projects and cost them in order to demonstrate to developers how CIL will be used. This is usually included in the Infrastructure Delivery Plan. It is unclear whether the priorities identified in paragraphs 4.96-4.98 have been costed for the purposes of a future IDP and CIL. It is advised that other local authorities that have sought to use CIL for securing contributions to sports facility projects which did not have identified priority projects that have been costed have been found by Inspectors to fail to accord with the CIL Regulations. To ensure that the policy meets the 'effective' and 'consistent with national policy' tests it is requested that the supporting text to the policy confirms that identified indoor sports facility priorities will be identified by the Council through an Infrastructure Delivery Plan if CIL is used for securing the contributions referred to in the policy.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): The Local Plan states that a training pool will be developed in Dovercourt, if finances permit. In fact there has already been an

amount set aside for improvements at this pool and the council should also include a firm commitment to those improvements in its plan to 2021.

SYP Committee Campaign: Our Committee is deeply concerned that TDC proposes to spend scarce resources on an out of area project, an indoor swimming pool to be provided at Essex University, which will do little to benefit the majority of Tendring residents. We feel this proposed plan fails to be positively prepared, justified or effective, also increased carbon emissions may mean the plan fails fail of being consistent with national planning policy. To visit the proposed pool, this would create an additional hour travelling time, longer by public transport. The cost will be prohibitive to a large proportion of pool users. It is difficult to see how one would not find it too competitive with people from Colchester who could access the proposed pool more easily than the people of Tendring. The Colchester area already has a swimming pool and large leisure water facilities including Aqua Springs. Your proposal fails to provide the local people with a much treasured and used facility at an accessible and affordable price.

Frinton and Walton Town Council: Need to ensure this Policy is carried through.

Comments from members of the public

Mr and Mrs. J. Noble: The Local Plan states that a training pool will be developed in Dovercourt, if finances permit. In fact there has already been an amount set aside for improvements at this pool and the council should also include a firm commitment to those improvements in its plan to 2021.

Council consideration

Responses in support of Policy PEO21 including a response from Frinton and Walton Town Council, that wishes to ensure that this policy is implemented, are noted.

The majority of responses to this policy were concerned with the provision of swimming pools in the District. For example, both 'POSITIVE' and Mr and Mrs Noble want the Plan to express a firm commitment to the development of a training pool in Dovercourt. The Council are, however, of a view that Policy PEO21 of the Draft Local Plan already sets out a clear approach to support plans for a new swimming pool, alongside other indoor sports facilities. The supporting text to Policy PEO21, specifically draft paragraph 4.98, already addresses this issue and it is therefore considered unnecessary to make changes to this policy to further illustrate the specific intention to support proposals for a new learner pool facility at the Dovercourt Swimming Pool site.

In response to SYP Committee Campaign, it is true that the proposal for a new swimming pool to be provided at Essex University (as outlined in paragraph 4.98 of the supporting text to Policy PEO21) is located outside of the Tendring District, however, in line with national planning policy, it is important that we work closely with and support adjoining planning authorities as part of our Duty to Cooperate. In addition, the facility would serve the District's population in the western part of the District which would reduce the need for residents in that area to travel to other centers such as Clacton and Harwich to use swimming pool facilities. We therefore support proposals for a swimming pool at Essex University as this will provide facilities which residents of Colchester and Tendring alike, can enjoy. In addition to this support, we also support new and improved swimming pool facilities within the Tendring District, namely at Dovercourt and Brightlingsea. We see the support of all of these facilities, and other proposals for other indoor sports facilities in the District through the provisions of Policy PEO21, as beneficial to all residents of Tendring and reject SYP Committee Campaign's statement that this section of the Plan would fail to meet the Government's 'tests of soundness'.

Sport England are concerned that the evidence base to support this policy needs to be up-to-date and published for public scrutiny. The supporting text in relation to Policy PEO21 does indeed refer to an audit of indoor sports facilities, which identifies deficiencies and justifies new and improved facility provision. It is accepted that this audit, the Council's Community Sports and Recreation Strategy, has not been made publically available. These documents are currently available for public consultation.

The Council rejects Sport England's proposed amendments to Policy PEO21 in relation to the use of CIL. The current wording is considered fit for purpose and sound in relation to the National Planning Policy Framework. CIL regulation 123 allows the Council as the charging authority to set out spending plans to deliver key infrastructure. The regulations allow the charging authority the flexibility to amend the 123 list as the Council's corporate priorities change. Therefore it would be inappropriate to commit the use of CIL for the provision of indoor sports facilities if specific projects are not listed on the 123 list.

Sport England's concern that the Council should identify indoor sport priorities through an Infrastructure Delivery Plan to secure contributions through CIL is acknowledged. At the time of writing the Council is still in the process of producing its CIL document and as such it is not considered necessary to include, within the supporting text of the Local Plan, any further details regarding specific priority projects which are to be identified. Indeed, the current wording of this section of the Plan is considered satisfactory, particularly as CIL regulations allow charging authorities to set out flexible spending plans to deliver key infrastructure projects, which, as explained above, can be amended as the Council's corporate priorities change.

Outcome

No change to the Local Plan.

Policy PEO22 – Green Infrastructure in New Residential Development

(Pages 94 and 95 – including paragraphs 4.99 to 4.101)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We recommend an addition to this policy which suggests that *'the nature of the public open spaces will be expected to be landscaped and designed to maximise biodiversity gains'*.

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is well established and maintains the status quo.

Kevin Britton (represented by Martin Robeson Planning Practice): The levels of public green infrastructure required by a development should take into account the level of private green infrastructure provided by a development. For instance those developments which deliver a significant proportion of aspirational housing with large gardens should not be expected to deliver the same quantum of public green infrastructure as other housing developments.

To ensure a justified approach within the policy the following wording should be added:

“For residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution will be made towards the provision of new or improved off-site facilities to meet these needs. For schemes which deliver high levels of private green space e.g. through aspirational housing developments, lower levels of public green infrastructure will be required”

(Additional text underlined)

Wivenhoe Park Estate (represented by Strutt and Parker) SUPPORT these (*policies*) are generally supported by the technical and Background Evidence Studies for the PSD as necessary infrastructure requirements that may be associated with development as well as to secure enhancements for the local community. However, it is important to ensure that such requirements do not threaten the ability of sites to be developed viably in accordance with para. 173 of the NPPF and the site specific allocations set out in Chapter 11 should reflect this national planning policy requirement. *Additional text by the Council is in italic.*

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: Green infrastructure on residential development must be retained.

Comments from members of the public

Mr. J. Ratford (Clacton-on-Sea): Provision for unsupervised play, promotion of biodiversity and planting for local wild food harvesting (e.g. sweet chestnut, fruit trees) should be integral to all green infrastructure in new developments. Recent green developments (e.g. Martin's Farm and Brook Park Country Parks) have, by limiting the number of access points, discouraged people from using the parks as part of walking or cycling journeys. Instead they are geared to car users walking from and to the car park. All new green developments should enable journeying through by foot/bike as part of their design.

Council consideration

The general comments of support are noted.

The change suggested by Natural England is agreed and has been incorporated into the new policy.

The objection made by Kevin Britton (represented by Martin Robeson Planning Practice) that the levels of public green infrastructure required by a development should take into account the level of private green infrastructure provided by a development is acknowledged. The Council considers that access to open space for sport, play or general recreation is viewed as an important component of achieving mixed and well-balanced communities. For this reason the argument put forward that developments which deliver a significant proportion of aspirational housing with large gardens should not be expected to deliver the same quantum of public green infrastructure as other housing developments is rejected.

Frinton and Walton Town Councils comments that green infrastructure in residential development must be retained is acknowledged and reinforces the thrust of Policy PEO22.

In response to Mr. J. Ratford constructive comments which relate to the provision of green infrastructure in new developments, the Council will work with its development partners to ensure that on the allocated residential sites within the Local Plan the provision of green infrastructure forms an integral part of, the development process.

Outcome

The following **minor changes** (MIN4.38) to paragraph 4.100 on page 94 are proposed (additions shown as highlighted and deletions shown as struck through):

4.100 Sites of ~~4.5~~ **10** hectares or above have the scope to incorporate green infrastructure on site whilst, in order to address the cumulative impact of numerous smaller developments below that threshold, financial contributions will be sought. The contributions will deliver new areas of green infrastructure as identified on the Policies Maps. Green infrastructure within residential development can also 'double up' as sustainable drainage systems through the creation of flood storage/detention basins, ponds and wetlands and in turn increase amenity, recreation and biodiversity value.

The following **major changes** (MAJ4.11) to Policy PEO22: 'Green Infrastructure in New Residential development' on page 95 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY PEO22: GREEN INFRASTRUCTURE IN NEW RESIDENTIAL DEVELOPMENT

Proposals for residential development on a site of ~~4.5~~ **10** hectares and above are required to provide at least 10% of the gross site area as public open space unless there are more specific open space requirements set out in policies relating to the site or sites in question.

In exceptional cases where the District Council agrees that provision would be best met off-site, Community Infrastructure Levy or an equivalent a financial contribution, in lieu of on-site provision, may be made. This must include the cost of appropriate equipment, which has been agreed in advance with the Council.

The nature of the public open space will be expected to be:

- usable in terms of location, size and shape, with no single area being less than ~~0.15~~ **1** hectares;
- integrate with the development that it serves;
- landscaped and designed with the safety and security of children in mind, including traffic calming of the access to the open space where this involves crossing a road; ~~and~~
- **landscaped and designed to maximise biodiversity gains; and**
- provided through a range of different types of play areas in the larger sites, to cater for different user groups in accordance with the standards set out in the Council's Open Spaces Strategy.

For residential development below ~~4.5~~ **10** hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution, either through Community Infrastructure Levy or other appropriate

mechanisms, will be made towards the provision of new or improved off-site facilities to meet these needs.

Policy PEO23 – Children’s Play Areas

(Pages 95 and 96 – including paragraphs 4.102 and 4.103)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: Different age groups must be catered for in or around local areas.

Comments from members of the public

Mr. J. Ratford (Clacton-on-Sea): The Council should promote suitable play areas (e.g. kick-about and outdoor basketball) as for adult use too, in order to promote policies on health and social cohesion. More than 5000 outdoor table tennis tables have been installed in the UK with great success. They should be installed in suitable locations.

Council consideration

A number of the comments relate to the provision of play areas for adults. On larger residential development sites Policy PEO22: ‘Green Infrastructure in New Residential Development’ seeks to deliver public open space through a range of different types of play areas, to cater for different user groups in accordance with the standards set out in the Council’s Open Spaces Strategy.

Outcome

The following **minor changes** (MIN4.39) to the first bullet-point in paragraph 4.102 on page 95 are proposed (additions shown as highlighted and deletions shown as struck through):

- Local Areas for Play (LAP): These are small landscaped areas of open space designated for young children (under 6 years old) and their parents or carers for play activities and socialisation close to where they live. A LAP should be a safe, attractive and stimulating environment which will give young children the opportunity to play and interact with their peers away from their own back garden, thus encouraging the development of a range of social and educational skills.

The following **minor changes** (**MIN4.40**) to the bullet-point list in the first paragraph of Policy PEO23: 'Children's Play Areas' on page 95 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

- 0.28ha per 1,000 dwellings within 100m from any home for under 5's

Policy PEO24 – Cemeteries and the Crematorium

(Pages 96 and 97 – including paragraphs 4.104 and 4.105)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

This policy is considered to be sound and consistent with national planning policy.

Outcome

No change to the Local Plan.

Chapter 5: Planning for Places

Planning for Places – General comments

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The County Council suggests that to ensure the historic environment is appropriately referred to throughout the Local Plan, paragraph 5.3 should be amended by inclusion of the words 'historic landscapes' so that the first sentence ends, '...many buildings of historic and architectural importance, historic landscapes and a number of Conservation Areas.'

Paragraph 5.4 should be expanded to acknowledge that the expansion of green infrastructure would be beneficial for wildlife appropriate for coastal locations and take into account the potential effects of climate change. Furthermore the second bullet should be amended to read, 'protecting and enhancing the district's biodiversity, attractive countryside, its coastal assets and the character of its heritage assets'.

The County Council supports the approach regarding Climate Change set out throughout the Local Plan and notes the references to the Code for Sustainable Homes and BREEAM. However, the Local Plan could also usefully include reference to climate proofing (e.g. planting trees for summer shading, green roofs), sunlight (management of high temperatures) and ground conditions (subsidence risks).

Treatment of the historic environment in the Local Plan should be improved in order to accord and comply with the NPPF. Detailed comments on individual policies are set out in the subsequent sections of the County Council response. However, there are also matters raised by the availability of evidence and its use in the design and assessment of policies.

As the local Plan acknowledges, the district contains a wealth of historic rural buildings, many of which have become surplus to the requirements of modern agriculture, resulting in redundancy and neglect. Whilst the Essex Historic Environment Record includes details of all listed buildings in the district, many significant historic rural buildings remain unlisted, without statutory protection, and current understanding of the nature and extent of the surviving resource of historic farm buildings in the district is incomplete. A heritage-specific thematic assessment would provide the evidence needed to assess the potential impact of this policy and how well the Local Plan positively responds to the issue of the neglect and decay of traditional farm buildings.

English Heritage (represented by Katharine Fletcher): The historic assets referred to in paragraphs 5.3 and 5.4 should include archaeology and historic landscapes.

We recommend the following change to paragraph 5.3:

Amend line 4 to: '*...architectural importance, a number of conservation areas, scheduled monuments and historic landscapes*'

We recommend the following change to paragraph 5.4:

Amend the bullet 2 to read '*...its coastal assets, archaeology and the character of its historic...*'

We are pleased to see that the Council has included a suite of policies relating to different aspects of the historic environment. While there is some repetition of the policies in the NPPF we feel that this demonstrates the Council's commitment to the historic environment of Tendring. We would like to see these policies supported, however, by a heritage strategy, in accordance with paragraph 126 of the NPPF. This would provide greater strength to the Council's policies by demonstrating an underlying coherence of approach.

One aspect that you may wish to consider taking forward is the compilation of a local list of buildings that the community value. English Heritage has prepared guidance on how such an exercise can be undertaken.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

Essex County Council's and English Heritage's additional wording, in relation to paragraphs 5.1 – 5.4, is noted but only a minor change to paragraph 5.3 to include reference to historic landscapes is proposed. The Council will investigate the viability of producing a Heritage Strategy and a Local List as part of its ongoing approach to conservation.

In response to the County Council's suggestion that the Local Plan could provide some guidance on 'climate proofing', it is not agreed that such guidance needs to be contained in the Local Plan. Instead, as stated in paragraph 2.38, the Council will prepare supplementary guidance in due course to assist developers and applicants in applying sustainable development principles to their proposals, which could contain guidance on this topic.

Neglect of both Listed and historically important buildings within the District is of great concern to the Council. We will continue to work closely with the County Council and other partners to help address the district's heritage assets at risk.

Outcome

The following **minor changes** (MIN5.1) to paragraph 5.3 on page 99 are proposed (additions shown as highlighted and deletions shown as struck through):

5.3 Being a predominately rural district, Tendring has a wealth of attractive natural spaces supplemented by international, national and locally specific nature designations, particularly around its coast and estuaries, whilst also boasting many buildings of historic and architectural importance, **historic landscapes** and a number of Conservation Areas. These assets are paramount to the district's attractiveness and its tourist economy but, at the same time, they are also sensitive to development pressures of new jobs and homes needed to meet local demands and to address wider social and economic pressures.

The following **minor changes** (MIN5.2) to the second bullet-point of paragraph 5.4 on page 99 are proposed (additions shown as highlighted and deletions shown as struck through):

- protecting and enhancing the district's biodiversity, attractive countryside, its coastal assets, archaeology and the character of its ~~historic and architecturally important~~ heritage assets;

Policy PLA1 – Development and Flood Risk

(Pages 100 and 101 – including paragraphs 5.5 to 5.9)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: In order for the Local Plan to be considered 'sound', evidence must be submitted to demonstrate the Sequential Test has been passed for all proposed site allocations; this also applies to those identified as a priority area for regeneration (see also our comments under Policy PRO4).

As it stands, the inference from the policy is that the Sequential Test does not need to be applied to the priority areas for regeneration. Paragraphs 4.37 – 4.38 of PPS 25 Practice Guide, which is still a current document, confirms that the Sequential Test is still applicable and provides information on applying the Test for areas identified for regeneration.

In the absence of Sequential Test evidence there is a conflict with Paragraph 102 of the NPPF which indicates that the Exception Test can only be applied following the application of the Sequential Test. As Policy PLA1 advocates the avoidance of applying the Sequential Test to facilitate regeneration, and for flood risk issues to be addressed merely by the Exception Test, is at odds with Central Government policy.

We acknowledge that your Council has proposed a 6% increase in housing stock across all of the district's defined settlements however, we have concern with regard to how this potentially conflicts with the application of the Sequential Test, particularly if available "low flood risk" sites in some communities have been discounted in order to distribute growth evenly across the District with the consequence that sites elsewhere with a higher level of flood risk have been favoured to meet the Council's aspiration for proportional growth distribution across communities.

If evidence is submitted which demonstrates the Sequential Test is passed then the Exception Test should be applied at the plan-making stage as outlined in Paragraph 100 of the NPPF. However until evidence is submitted which demonstrates that the Sequential Test is passed we consider this policy to conflict with the NPPF and would therefore find the policy 'unsound'.

To pass the first part of the Exception Test it must be demonstrated that the wider sustainability benefits to the community outweigh the flood risk, informed by a Strategic Flood Risk Assessment.

Your Council has the Jaywick Strategic Flood Risk Study (SFRS) which can be referred to. In 2011, we published our most recent coastal flood model, which is considered to be the best available data. The predicted flood levels within this model differ from those used in the Jaywick SFRS, with the present day 1 in 200 year modelled tidal event predicted to be 0.09m higher than the previous data set used in the 2008 Study.

This increased flood level may have implications on the outputs of the Jaywick SFRS. For example, the existing defences may be overtopped sooner with implications for risk over the lifetime of development when considering the impacts of climate change. Application of the climate

change allowances within the NPPF indicates that the current defences would be overtopped in 2067 by the 1 in 200 year event.

It is also likely that overtopping of the defences during a tidal event will occur over a longer period of time, which could result in a greater volume of water within the flood cell. This may impact upon the flood characteristics.

Given the above, it is therefore likely that, if the flood modelling and hazard mapping within the Jaywick SFRS were to be re-run using the most recent data, the resulting outputs would indicate a greater flood risk to the settlement than is currently shown.

Recent Changes to Arrangements for Funding of Flood Defence Infrastructure

In some of the areas chosen for new development sites, future (and costly) flood risk management infrastructure will be required to sustain tolerable flood risk into the future. Recent changes by central Government to the funding of flood defences in England mean that properties built after 2011 will no longer influence the funding of flood defence projects. Therefore, new developments will not be counted in the DEFRA benefits calculator for Flood Defence Scheme Grant in Aid funding in future (and neither will any plot level rebuild development).

This means that the affordability of such schemes may be reliant on significant local partnership funding contributions to make them deliverable. Therefore, the local plan policies that advocate and promote significant levels of plot level rebuilds and new site allocations within flood risk areas need to have an evidence base to demonstrate that there is an achievable means of locally funding key future flood defence infrastructure that will be needed to manage flood risk to tolerable levels over the whole of the development's lifetime and that this proves that the affordability issue is considered within the "weighing up" of the "wider sustainability benefits to the community that outweigh flood risk...". Without clarity over this issue, it is unclear as to whether the first part of the Exception Test can be satisfied.

Other Observations on Policy PLA1:

We recommend the first sentence is amended to read *'The Flood Zone (which includes Flood Zones 2 and 3 as defined in the National Planning Policy Framework) is...'* It is national planning policy that defines the flood zones, not the Environment Agency.

We would encourage your Council to consider a minor addition to Policy PLA1 to reflect the different flood risk vulnerability and flood zone 'compatibility' as set out in Tables 2 and 3 of the Technical Guidance to the NPPF. Reference to this information in the NPPF would we feel help provide a useful context for potential developers.

The plan recognises Harwich, Walton and Jaywick within the areas expected to be affected most by climate change and flood risk. However the magnitude of these challenges appears to have been watered down later as one of the key flood risk and climate change adaptive and avoidance measures (the use of the NPPF Sequential Approach and Sequential Test to development and flood risk issues) has not been demonstrated for these communities on the basis that social and economic regenerative needs are overriding issues. We would wish to seek further clarification on how this has been evaluated through the sustainability appraisal and other evidence base areas.

Comments from landowners, developers and businesses

Bourne Leisure Ltd (represented by Nathaniel Lichfield & Partners): Bourne Leisure supports the principle of directing new development away from areas of highest flood risk and the need for a risk-based sequential test. However, the Company considers that Policy PLA1 on flood risk should

also take into full account: the specific characteristics and vulnerability of any proposed land use (for example, certain tourism uses need to be, or to remain, located adjacent to water); whether the residual risks of flooding to people and property are acceptable and can be satisfactorily managed; and whether the proposed development makes a positive contribution to reducing or managing flood risk – all in addition to the requirement at point 1 of paragraph 5.10 for it to be demonstrated, “that the development provides wider sustainability benefits to the community that would outweigh flood risk.”

Bourne Leisure would also emphasise that in the case of proposals to expand existing tourism accommodation and holiday park sites within flood risk areas, only the extent of the new development itself, within or adjacent to the existing holiday park, and not the whole site, should have to be assessed sequentially. This approach should be made clear in the supporting text to Policy PLA1.

Kevin Britton (represented by Martin Robeson Planning Practice): This approach is not consistent with national guidance on the sequential test for flood risk. The scope of the sequential test should be limited to the catchment area of the proposal.

The following wording will assist in making the Local Plan sound:

“For development proposals on sites outside of Settlement Development Boundaries, the sequential test will apply to all land within the scheme’s catchment area ~~in the Tendring District~~”

(Additional text underlined, deleted text struck through)

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported and is consistent with national policy.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. R. Horlock (Mistley): Given the cost and maintenance, I don’t think any development should be allowed in flood risk areas.

Mr. R. Naylor (Walton-on-the-Naze): Regarding the last paragraph of this policy. So regeneration comes before safety? This clause should be withdrawn as it cannot be justified and is therefore unsound. Applicants should have to demonstrate first that their proposals take full additional measures to be safe from flood (risk to life). This practice should not be compromised or subject to economic or other objectives.

Council consideration

The Sequential Test for allocated sites

The Council is committed to promoting development in sustainable locations where life is not put at risk from flooding. In deciding where to allocate land within the district the Council has applied a sequential approach as required by national planning policy. The tables below indicate that most of the housing and employment sites allocated in the Local Plan are not located within the flood zone.

However, there are a number of exceptions and the below text sets out the Council's reasons for allocating these sites which are not considered sequentially preferable.

Housing

Site	Flood Risk
Clacton-on-Sea	
Land at Rouses Farm, West of Jaywick Lane (see Policy COS12)	Not within Flood zone
Land south of Clacton Coastal Academy, Jaywick Lane (see Policy COS13)	Not within Flood zone
Land east of Rush Green Road (see Policy COS14)	Not within Flood zone
Land west of Bluehouse Avenue	Not within Flood zone
Clacton Garden Centre, St. John's Road	Not within Flood zone
Land at Coppins Court, Coppins Road	Not within Flood zone
Land east of Thorpe Road (see Policy COS15)	Not within Flood zone
Land south of Centenary Way (see Policy COS16)	Not within Flood zone
Land off Abigail Gardens	Not within Flood zone
Land off Gainsford Avenue (see Policy COS17)	Not within Flood zone
Harwich and Dovercourt	
Land adjacent 360 Main Road, Dovercourt	Not within Flood zone
Land East of Pond Hall Farm (see Policy HAD4)	Not within Flood zone
Land south of Ramsey Road, Ramsey	Not within Flood zone
Land West of Mayes Lane, Ramsey (see Policy HAD5)	Not within Flood zone
Frinton, Walton and Kirby Cross	
Martello Site, Kirby Road, Walton-on-the-Naze (see Policy FWK6)	Within Flood zone (see explanation below)
Station Yard and Avon Works, off Station Road, Walton-on-the-Naze (see Policy FWK8)	Not within Flood zone
The Old Town Hall Site, Mill Lane, Walton-on-the-Naze	Within Flood zone (see explanation below)
Southcliffe Trailer Park, Woodberry Way, Walton-on-the-Naze	Not within Flood zone
Former Reservoir Site, Witton Wood Road, Frinton-on-Sea	Not within Flood zone
Land at Turpins Farm, Elm Tree Avenue, Frinton-on-Sea (see Policy FWK9)	Not within Flood zone
Manningtree, Lawford and Mistley	
Land east of Cox's Hill, Lawford (see Policy MLM4)	Not within Flood zone
Land east of Bromley Road, Lawford (see Policy MLM5)	Not within Flood zone
Land north of Stourview Close Mistley	Not within Flood zone
Brightlingsea	
Land south of Robinson Road, Brightlingsea (see Policy BRI2)	Not within Flood zone
Key Rural Service Centres	

Site	Flood Risk
Land south of Cockaynes Lane, Alresford (see Policy KEY1);	Not within Flood zone
Land Alresford	Not in flood zone
Land off Meadow Close Holly Way, Elmstead Market (see Policy KEY2)	Not within Flood zone
Land west of Church Road Elmstead	Not in flood zone
Land east of Sturrick's Lane, Great Bentley	Not within Flood zone
Land off Springfield Meadows, Little Clacton	Not within Flood zone
Land north-east of the Montana Roundabout, London Road, Little Clacton	Not within Flood zone
Land north of Abbey Street, Thorpe-le-Soken (see Policy KEY3)	Not within Flood zone
Land south of Thorpe Road, Weeley	Not within Flood zone
Land off St Andrew's Road, Weeley	Not within Flood zone
Land at Willow's Farm, Mill Lane, Weeley Heath (see Policy KEY4)	Not within Flood zone

The following two sites have been allocated for housing/mixed-use development and are located within the flood zone:

- Martello Site, Kirby Road, Walton-on-the-Naze (see Policy FWK6); and
- The Old Town Hall Site, Mill Lane, Walton-on-the-Naze

The following text provides some justification why each of the two sites were selected over sites of lesser flood vulnerability.

Martello Site, Kirby Road, Walton-on-the-Naze (see Policy FWK6)

The site obtained the highest score within the Sustainability Appraisal of Third Party Housing Sites (and Addendum) (+29), 5 points higher than the next highest scoring site. The site summary concluded that:

The site offers the potential for 250 dwellings and under this option 150 dwellings will be delivered in addition to a number of other uses including retail, a healthcare centre, strategic open space and a 20-bed hotel. The site is located adjacent to the Urban Settlement of Walton-on-the-Naze and is highly accessible to services, facilities and public transport. A contribution may have to be made to the expansion of local schools in the area. The site is currently a designated Caravan and Chalet Park (Policy ER18, Adopted Proposals Map 2007). The loss of a tourist facility is negative, particularly in Walton. However, the caravan park is no longer viable and a hotel is proposed as part of the mix of uses to ensure that an element of tourism use remains on the site. The majority of the site is located in Flood Zone 1 with a proportion of the site being located in flood zones 2 and 3. This development must demonstrate that it reduces the overall flood risk and does not increase the flood risk elsewhere. The site is close to Hamford Water, which is an internationally notified wildlife sites. It is not considered that there will be a direct effect on Hamford Water and this is supported by the appropriate assessment. However, indirectly there is the potential for adverse impacts from increased recreational disturbance. A strategic area of open space forms part of this option and this will provide an accessible natural greenspace and thus reduce pressure on Hamford Water. This area of open space will also help to protect landscape character. The site has been identified in the Walton-on-the-Naze Regeneration Framework as an 'Opportunity Site' and as such could provide the catalyst needed for the regeneration of Walton. The site is considered to be sustainable.

As can be seen above, the site and the development proposed brings many social and economic benefits to the town. The site is also a key part of the Council's vision for regeneration in Walton. For these reasons it is considered that the benefits of the proposed development on the overall regeneration of the town outweigh the fact that there is better land sequentially. The Council will continue to work with the developer and the Environment Agency prior to the submission of a planning application to ensure the most vulnerable uses are directed away from the flood zone within the site and other flood risk issues are addressed.

The Old Town Hall Site, Mill Lane, Walton-on-the-Naze

The site scored well in the Addendum to the SA (+14). The site summary concluded that:

The site is within the Settlement Development Boundary of Walton-on-the-Naze and within the urban regeneration area. The site is very accessible being within Walton and partly within Walton Town Centre. As an 'Urban Settlement' Walton-on-the-Naze provides a number of employment opportunities. The site is also close to the train station and bus routes, which provides good access to jobs elsewhere. The impact on the Town Centre is mixed. Development adjacent to the Town Centre is likely to bring positive impacts, however part of the site lies within the Town Centre and so effectively part of the Town Centre is being delivered for residential development. Ideally the site should include a mix of other town centre uses. A large part of the site is located in an area of high flood risk. Proposals for the site will need to demonstrate that they will not increase the risk of flooding and that safe access and egress can be achieved. Ongoing discussions with the Environment Agency will be needed to ensure that flood risk issues can be resolved. The need to develop on greenfield sites on the edge of the settlement will be reduced due to the development being within the urban which therefore indirectly helps to protect landscape character and biodiversity. Hamford Water which is notified as a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), a Ramsar site and a National Nature Reserve (NNR) is close to this site. This site is unlikely to directly affect Hamford Water but an increase in population within the town will increase visitor disturbance. Hamford Water is difficult to access in places and the provision of 2.8ha of open space within the adjacent Martello site will provide residents with an accessible natural greenspace, which will reduce pressure on Hamford Water.

Whilst a number of sites did score better in sustainability teams, the only comparable site to that allocated was site 2.3 (Site 65) Land off First Avenue, Frinton-on-Sea. Whilst the site was considered to be sustainable, it was not allocated within the Draft Plan. The site had a score of +11. Whilst broadly positive, it can be seen that there are a number of constraints, both natural and historic which caused concern. For further details of why this site was not allocated, please see the site allocations document (currently being drafted).

The Walton Regeneration Framework states that this site is located within Flood Zone 3 and as such, special precautions may have to be made when considering its development, specifically the foundations of the units and the need for a safe exit strategy from the site if the area floods. There would appear to be a potentially safe access route through existing properties to the south of the site, which are situated on land above the future flood level of 4.9m AOD.

It is considered that, like-for-like, the Old town Hall site scored better and therefore sequentially is the better site. The Council stands by its decision to allocate this site and considered that the sequential test has been met.

Employment/Other

Site	Flood Risk
Clacton-on-Sea	
Jaywick Enterprise centre	Within Flood zone Not shown on maps
Ford Road Industrial estate	Not within Flood zone
Oakwood and Crusader Business Park	Not within Flood zone
Clacton Factory Shopping Village	Not within Flood zone
Gorse Land Industrial Estate	Not within Flood zone
Land North of Telford Road	Not within Flood zone
Morrisons Supermarket	Not within Flood zone
Brook Retail Park London Road	A corner within Flood zone (see explanation below)
Land east of Thorpe Road	Not within Flood zone
Land north of centenary Way and west of Thorpe Road	Not within Flood zone
Valleybridge Road Industrial Estate	Not within Flood zone
Oxford Road Industrial Estate	Not within Flood zone
Harwich and Dovercourt	
Land east of Pond Hall Farm Harwich	Within Flood zone (see explanation below)
Telephone Exchange Harwich	Not within Flood Zone
Europa Way Harwich	Within Flood zone (see explanation below)
Stanton Europark Harwich	Within Flood zone (see explanation below)
Former Delfords Site Dovercourt	Not within Flood Zone, Not specifically allocated
Land north of Carless Petrochem Parkeston	Within Flood zone (see explanation below)
Frinton, Walton and Kirby Cross	
Kirby Cross Trading Estate	Not within Flood zone
Harmer's Foundary Walton-on-the-Naze	Within Flood zone (see explanation below)
Walton Mere	A corner within Flood zone (see explanation below)
Manningtree, Lawford and Mistley	
Lawford Deale Industrial Estate	Within Flood zone (see explanation below)
Edme Maltings Site	Not within Flood zone
Crisp Maltings Site	Not within Flood zone
Mistley Port	Within Flood zone (see explanation below)

Site	Flood Risk
Mistley Marine	Within Flood zone (see explanation below)
Brightlingsea	
Morses Lane	Not within Flood zone
Lime Street	A corner within Flood zone (see explanation below)
The Shipyard	Within Flood zone (see explanation below)
Key Rural Service Centres	
Land south of Cocaynes Lane Alresford	Not within Flood zone
Land south of the railway line Great Bentley	Not within Flood zone
Land off The Street Little Clacton	Not within Flood zone
North of railway line Thorpe	Not within Flood zone
South of railway line Thorpe	Within Flood zone (see explanation below)
Weeley Bridge	Within Flood zone (see explanation below)
Smaller Rural Settlements	
Manhime and Book Service	Not within Flood zone
Wix	Not within Flood zone
Land at Great Oakley (COU11)	Not within Flood zone
Horsley Cross	Not within Flood zone

There are sixteen sites that the Council is allocating / safeguarding for employment uses that are either totally or partially included within the flood zone. The justification for allocating / safeguarding these sites is given below.

However a number of these sites are carried over from the 2007 Adopted Local Plan or whilst the land use remained the same, the Council showed the allocation on the policies maps. In effect then, a number of these sites are not 'new' and do not need a great deal of justification. The sites are:

- Jaywick Enterprise centre,
- Brook Retail Park London Road,
- Land east of Pond Hall Farm Harwich,
- Europa Way Harwich,
- Stanton Europark Harwich,
- Land north of Carless Petrochem Parkeston,
- Harmer's Foundary Walton-on-the-Naze,
- Walton Mere,
- Lawford Dale Industrial Estate,
- Mistley Port,
- Mistley Marine,
- The Shipyard Brightlingsea,
- Land at Weeley Bridge Weeley and,
- South of railway line Thorpe-le-Soken

Jaywick Enterprise centre

This site was incorrectly included in paragraph 6.45 in the 2012 Draft Local Plan as an employment site but was not identified on the policies maps. Change **MIN6.21** proposes the deletion of this site from paragraph 6.45.

Brook Retail Park, London Road

This site is an existing out of centre retail park rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues would have been adequately addressed through the planning application process.

Land east of Pond Hall Farm, Harwich

Within the Harwich and Dovercourt sub area, the Pond Hall Farm site scored the highest of all submitted third party sites in the Sustainability Appraisal (2012) and the Addendum to the Sustainability Appraisal (2013). The site scored +8 and the conclusion states:

Harwich (including Dovercourt, Parkeston, Little Oakley and part of Ramsey) is classed as an Urban Settlement. These settlements will be the main focus for new growth in the district. The impact on the employment objective is mixed. Whilst this is a mixed use allocation and so would have a positive impact on this objective through the creation of new jobs the site is currently allocated solely for employment use and the loss of part of the employment allocation to housing would have a negative impact on this objective. Unusually for sites on the edge of urban settlements, this site is not accessible by public transport to other centres of population and so access to employment opportunities for new residents would be low (with the exception of the employment uses within the site). Opportunities should be taken to improve links to the town for pedestrians and cyclists. Part of the site is at risk of flooding and this area should not be developed, it could form part of the open space provision. Harwich is sensitive in environmental terms being surrounded by the Stour and Orwell Estuaries Special Protection Area and Ramsar site. This is an internationally important wildlife site and development in Harwich/Dovercourt has the potential to adversely affect this site through increased levels of recreational disturbance. The Council is undertaking a long term monitoring programme with neighbouring authorities to understand the impact that increased levels of housing has on the integrity of internationally important wildlife sites and this is a mitigation measures as such. As a large site green infrastructure should be delivered to protect biodiversity, minimise landscape impact, as an accessible natural greenspace to reduce visitors to the SPA, to promote sustainable travel and for flood risk mitigation. The site is considered to be sustainable as a mixed use site.

Whilst the site is partially located within the flood zone, it is clear from the above, that the site is of strategic importance and the benefits of development outweigh the flood risk concerns. For these reasons it is considered that the benefits of the proposed development on the overall regeneration of the town outweigh the fact that there is better land sequentially. The Council will continue to work with the developer and the Environment Agency prior to the submission of a planning application to ensure the most vulnerable uses are directed away from the flood zone within the site and other flood risk issues are addressed.

Europa Way, Harwich

This site is an existing employment site rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications.

Stanton Europark Harwich

This site is an existing out of centre retail park rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications.

Land north of Carless Petrochem Parkeston

This site is an existing employment site rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications.

Harmer's Foundary Walton-on-the-Naze

This site is an existing employment site rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications.

Walton Mere

Station Yard and Avon works scored +24 in the Addendum to the Sustainability Appraisal (2013).

Within the Frinton and Walton sub area, this site was the third best scoring site in the Sustainability Appraisal (2012) and the Addendum to the Sustainability Appraisal (2013). The site scored +20 and the two sites which scored better (Station Yard and the Martello site) were both allocated within the draft Plan. The conclusion of the appraisal states:

The site area is 14.3 ha and has the capacity for 129 dwellings as part of a wider mixed use development including the restoration of the mere, a health care centre, a supermarket, a petrol filling station, retail and commercial units, new public squares and quaysides, medical centre and other facilities and open space. The site is adjacent to the Settlement Development Boundary of Walton-on-the-Naze and is within the Urban Regeneration Area (Policy QL6, Adopted Proposals Map 2007). The site has been identified as an 'Opportunity Site' in the Walton-on-the-Naze Regeneration Framework. The site is highly accessible to services, facilities and public transport. A contribution may have to be made to the expansion of local schools in the area. The current proposals for this site demonstrate a significant lack of mitigation, particularly concerning the 8 hectares of BAP priority habitats, and to the significant adverse impacts on the internationally important site of Hamford Water SPA, RAMSAR, and NNR. These proposals do not demonstrate that the losses are outweighed or justified by other public benefits.

Within the Sustainability Appraisal the site was not considered to be sustainable. However, this appears to be on grounds of the impact it may have on the international site to the north and the on-site BAP. It is clear that the site, if developed could bring about significant community benefits. This stance is upheld by the inclusion of the site within the Walton Regeneration Framework. This site has been considered sequentially in terms of flood risk and whilst there are landscape and ecological impacts on site, flood risk has been addressed in line with the National Planning Policy Framework. The changes proposed to Policy FWK7: 'Walton Mere' make it clear that the overriding objective is to restore the Mere for leisure/recreational use and the policy states that the issue of flood risk will need to be properly considered prior to the submission of any planning application – see proposed changes **MAJ8.6**.

Lawford Dale Industrial Estate

This site is an existing employment site rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications.

Mistley Port

This site is an existing employment site rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications.

Mistley Marine

This site is an existing employment site rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications.

The Shipyard Brightlingsea

This site is an existing employment site rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications. Moreover, this site and the one above concern themselves with marine-related uses which could not be practically relocated away from the coast.

South of railway line, Thorpe-le-Soken

This site is an existing employment site rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications.

Land at Weeley Bridge Weeley

This site is an existing employment site rather than an allocated site – therefore there is no need for the sequential test to be applied. Flood risk issues will be adequately addressed through the planning application process for any future applications.

To Conclude

The Sequential Test was carried out when deciding where to allocate land for housing and employment (as can be seen above) but a number of sites were allocated that lie within the flood zone as the benefits of their development for regeneration outweigh the flood risk concerns.

Non-Site-Specific Sequential Test Comments

The Council accepts the comments on behalf of the Environment Agency in regard to the Sequential Test being carried out for both sites within and outside of the Primary Areas for Regeneration. To this end we propose the following changes to the second and third paragraphs:

All development proposals will be considered against the National Planning Policy Framework's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding unless they involve development on land specifically allocated for development in this plan (as shown on the Policies Maps).

For development proposals on sites within Settlement Development Boundaries, the sequential approach will apply to all land within the Settlement Development Boundary of the settlement in question. For development proposals on sites falling outside of Settlement Development Boundaries, the sequential test will apply to all land in the Tendring District. And for sites within Primary Areas for Regeneration (as defined by Policy PRO4 and shown on the Policy Maps), the sequential approach will apply to all land within the Priority Areas for Regeneration.

Further considerations

The National Planning Policy Framework (the Framework), including the technical guidance document makes no reference to 'the scheme's 'catchment area' with relation to flooding, it is therefore considered that the draft wording does not contradict national Policy. The promoter is possibly mistaking the Sequential Test in flood risk with that in a retail impact assessment. In any event the Council are content with the wording as draft and do not consider amendments are required.

With regard to the Environment Agency's comments on the Jaywick Strategic Flood Risk Study (SFRS), the Council consider that in light of the new evidence provided by the Environment Agency, it may be necessary to re-visit the SFRS to update the study.

The Council accept the change to the first paragraph of Policy PLA1 as recommended by the EA.

Change to: 'The Flood Zone (which includes Flood Zones 2 and 3 as defined in the National Planning Policy Framework) is...'

The different flood risk vulnerability and flood zone 'compatibility' can be found within the NPPF companion guide so it is considered that no further reference to them is required within the Policy itself.

With regard to the comments from Bourne Leisure, the Council consider that the Policy does not need amending to incorporate the specific characteristics and vulnerability of any proposed land use. The technical guidance to the Framework makes it clear which land uses and appropriate in each flood zone. The Council consider that no special dispensation or allowance should be given in this instance.

Outcome

The following **minor changes** (MIN5.3) to the first paragraph of Policy PLA1: 'Development and Flood Risk' on page 101 are proposed (additions shown as highlighted and deletions shown as struck through):

The Flood Zone (which includes Flood Zones 2 and 3 **as defined in the National Planning Policy Framework** ~~by the Environment Agency~~) is shown on the Policies Map and Policies Map Insets. All development proposals within this flood zone or elsewhere involving sites of 1 hectare or more must be accompanied by a Flood Risk Assessment.

The following **minor changes** (MIN5.4) to the second paragraph of Policy PLA1: 'Development and Flood Risk' on page 101 are proposed (additions shown as highlighted and deletions shown as struck through):

All development proposals will be considered against the National Planning Policy Framework's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding unless

they involve development on land specifically allocated for development in this plan or land (as shown on the Policies Maps) within a Priority Area for Regeneration (see Policy PRO4).

The following **minor changes (MIN5.5)** to the third paragraph of Policy PLA1: 'Development and Flood Risk' on page 101 are proposed (additions shown as highlighted and deletions shown as struck through):

For development proposals on sites within Settlement Development Boundaries, the sequential approach will apply to all land within the Settlement Development Boundary of the settlement in question. For development proposals on sites falling outside of Settlement Development Boundaries, the sequential test will apply to all land in the Tendring District. For sites within Primary Areas for Regeneration (as defined by Policy PRO4 and shown on the Policy Maps), the sequential approach will apply to all land within the Priority Areas for Regeneration, unless specific policies for those areas or sites indicate otherwise.

Policy PLA2 – Coastal Protection

(Pages 101 to 103 – including paragraphs 5.11 to 5.15)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Stour and Orwell Peninsula Habitat Protection UK (represented by Jenni Meredith): The Hamford Water managed realignment project which would be necessary to provide compensatory habitat if the Bathside Bay container port were delivered, has consent only to 2016. Notwithstanding my opinion that the container port consent of 2006 expired with the non-delivery of component commitments at the end of 2009, this section requires attention since the linked project at Hamford Water must be delivered within the time frame of the Local Plan, or not delivered at all. If it is not delivered at all then the container port project cannot be delivered. Thus there is a fundamental inconsistency in the draft Local Plan as it stands.

Campaign to Protect Rural England (represented by A.J. Grant): are pleased to note that Coastal Protection is recognised.

Natural England: We welcome this policy and particularly the commitment to having regard to the Shoreline Management Plan.

Environment Agency: Although the Local Plan period only relates (in length) to the 1st epoch of the Shoreline Management Plan (SMP), it does not mean that the Plan should not identify with the future frontage policy management for later epochs given that development advocated by this Local Plan will have to be supported by appropriate SMP policy over its relative development lifetime.

Comments from landowners, developers and businesses

Bourne Leisure Ltd (represented by Nathaniel Lichfield & Partners): Policy PLA2: Coastal Protection states:

"To manage the risk of tidal flooding and coastal erosion to people, property and tourism, the Council will assist the Environment Agency in implementing the Essex and South Suffolk Shoreline Management Plan".

Bourne Leisure notes that in the Essex and South Suffolk Shoreline Management Plan (October 2010), the policy for management unit C4 (Seawick, Jaywick and St Osyth Marsh), which includes the Orchards Holiday Park, is to hold the existing defence line in epochs 1 and 2 (i.e. up to 2055) and to adopt the dual policy of either managed realignment or Hold the Line for Epoch 3 (2055 to 2105), depending on further works as part of the Local Plan. Bourne Leisure therefore welcomes the recognition at Paragraph 5.13 of the draft local plan that the Strategy for the first stage of the Shoreline Management Plan is to hold the line along every stretch of Tendring coast. However, in order to meet the test of soundness (effective), planning policies should specifically allow individual landowners and tourism businesses to contribute to the provision, maintenance and improvement of existing coastal defences that protect their own interests, in order to 'hold the line' and minimise potential flood risk or coastal erosion in the longer term, both in general and in emergencies. This approach would give operators such as Bourne Leisure the commercial certainty to allow them to continue to invest in their operations and would be consistent with Tendring's tourism policies, which encourage investment in existing tourism infrastructure in order to attract more visitors and boost the local economy.

The second paragraph of Policy PLA2: Coastal Protection states:

"Within the Coastal Protection Belt, as shown on the Policies Map and Policies Map Insets, the Council will seek to protect the open character of the undeveloped coastline and avoid development in vulnerable coastal areas by refusing planning permission for developments that do not have a compelling functional or critical operational requirement to be located there".

Bourne Leisure then notes that a case can be made for development, provided that it will: be safe over its planned lifetime, not have an unacceptable impact on coastal change; not compromise the character of the coast; provide wider sustainability benefits; and not hinder the creation and maintenance of a continuous signed and managed route around the coast.

The Company considers that in order to meet the test of soundness (effective) Policy PLA2, and/or its supporting text, should also cross-refer to Policy PR09: Holiday Parks, and the acceptability of safeguarded sites within coastal protection areas to extend onto adjoining land, subject to the criteria stated at paragraph 2 (a) to (d) of PLA2.

Park Resorts Ltd (represented by GVA): Both Martello Beach and Naze Marine Holiday Parks are bordered by land designated as Coastal Protection Belt. We have no comments to make with regard to Martello Beach. However, as per our representations set out above at 4.53-4.55, we consider that there is scope for Naze Marine to expand onto a strip of land adjacent to its Northern edge which is currently part Employment Land and part Coastal Protection Belt.

We have requested in 4.55 that part of the employment land designation be amended to allow dual use by holiday parks as well. However, for completeness, the Coastal Protection Belt in this area would also need to be amended so as to allow for the whole of the strip of land identified at 4.54 to be re-designated as a site specific holiday park expansion area policy (or instead included within the existing Naze Marine Safeguarded Holiday Park designation).

On the basis that the Coastal Protection Belt in this location restricts the future expansion of Naze Marine, we have to OBJECT to this Policy as it has not been positively prepared to take account of assessed needs and is not in accordance with national planning policy for the reasons set out elsewhere in this submission. We would withdraw our objection if the safeguarded holiday park designation that covers Naze Marine were extended to include the strip of land shown at 4.54 or if a new site specific policy were drawn up to cover this parcel of land. We shall discuss this again at 4.67 below.

City & Country The proposed Coastal protection plan does not appear to be consistent, with the Policy EN3 over extending the area for protection and results in parcels of land that are under

protection but not directly related to the Coastline. If Tendring wants to be in line with National Policy then coastal protection should not limit sustainable development that will have little or no impact on protection and so we believe serious further consideration is needed in any policies.

**Comments from community representatives
(District, Parish & Town Councillors and Community Groups)**

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): The Hamford Water managed realignment project which would be necessary to provide compensatory habitat if the Bathside Bay container port were delivered, has consent only to 2016. Notwithstanding my opinion that the container port consent of 2006 expired with the non-delivery of component commitments at the end of 2009, this section requires attention since the linked project at Hamford Water must be delivered within the time frame of the Local Plan, or not delivered at all. If it is not delivered at all then the container port project cannot be delivered. Thus there is a fundamental inconsistency in the draft Local Plan as it stands.

Holland-on-Sea Residents Association: TDC must implement adequate coastal protection by means of properly designated and constructed groynes along *all* of Tendring's coastline. Not just Clacton and Holland as currently being planned. Without such coastal protection, parts of Tendring will fall into the sea. The Environment Agency is prepared to let part of Tendring fall into the sea, or be flooded by it. For example the Naze, the area around Holland Brook between Frinton and Holland Haven and part of the St Osyth beach; because of this, we have no comfort in TDC saying they are working in co-operation with the Environment Agency. Coastal defences need upgrading now. It would be entirely possible to prevent the Naze falling into the sea if proper groynes were built to protect it. In addition, TDC provide access, by way of public footpaths along the sea walls of Tendring. At present, TDC seem to be working with landowners to fence off access to the seawall (for example at Walton Mere) and there is reason to believe TDC have allowed a landowner to fence in land owned by the Council.

Regeneration in Holland-on-Sea and Tendring as a whole revolves around re-establishing and maintaining recreational beaches. We therefore need to build proper and maintain proper groynes along all of the Tendring Coastline, not just Clacton and Holland, to stop Tendring falling into the sea. We also need to ensure public access to the sea walls along all of Tendring's coastline with public footpaths.

Wrabness Parish Council Support the protection of rural undeveloped coastline from development. Object to the enabling development clause.

Comments from members of the public

Mr and Mrs. J. Noble: The Hamford Water managed realignment project which would be necessary to provide compensatory habitat if the Bathside Bay container port were delivered, has consent only to 2016. Notwithstanding my opinion that the container port consent of 2006 expired with the non-delivery of component commitments at the end of 2009, this section requires attention since the linked project at Hamford Water must be delivered within the time frame of the Local Plan, or not delivered at all. If it is not delivered at all then the container port project cannot be delivered. Thus there is a fundamental inconsistency in the draft Local Plan as it stands.

Mrs. Glenys Thornton (Walton): Supports the Local Plan because it is aware of the need to preserve the character of the land surrounding the important, well preserved and valuable maritime nature of the Backwaters reserve. The land rising gently from the water needs to be preserved and not to be covered with urban sprawl which would ruin vistas to and from the unique nature reserve. This has been taken into account in the Local Plan.

Mr. R. Naylor (Walton-on-the-Naze): For the same reasons as for flood risk, there can be no exceptions. From “In exceptional circumstances, ..” to the end of the policy statement should be deleted from Policy PLA2. The Draft Local Plan should deal only with normal circumstances: if exceptional circumstances arise, then it will be clear that a proposal is exceptional to the Local Plan. Detailing the conditions of how exceptional circumstances can be accommodated invites proposals for exceptional consideration.

Dr. J. Shiers (Kirby-le-Soken): TDC must implement adequate coastal protection by means of properly designated and constructed groynes along *all* of Tendring’s coastline. Not just Clacton and Holland as currently being planned. Without such coastal protection, parts of Tendring will fall into the sea. The Environment Agency is prepared to let part of Tendring fall into the sea, or be flooded by it. For example the Naze, the area around Holland Brook between Frinton and Holland Haven and part of the St Osyth beach; because of this, I have no comfort in TDC saying they are working in co-operation with the Environment Agency. Coastal defences need upgrading now. It would be entirely possible to prevent the Naze falling into the sea if proper groynes were built to protect it. In addition, TDC provide access, by way of public footpaths along the sea walls of Tendring. At present, TDC seem to be working with landowners to fence off access to the seawall (for example at Walton Mere) and there is reason to believe TDC have allowed a landowner to fence in land owned by the Council.

Council consideration

The Council welcomes the support given by CPRE and Natural England.

The comments made by the Environment Agency are welcomed. The Council will incorporate later epochs of the SMP within Policy guidance once published at a later date. We will identify with the future frontage policy management as set out within the SMP.

The landowner is in effect asking if he and other coastal landowners can carry the bill for the coastal protection measures as defined within the SNP. It is considered that this complex and expensive issue is one that the provision within the Local Plan can not answer. Given the potential number of coastal landowners – some of whom own relatively unprofitable land – and the vast expense of coastal protection works, the Council can see a great deal of difficulty implementing and monitoring such a scheme.

The Council can draw no parallels between residential development which assists in the capital needed for coastal protection measures and the extension of holiday parks into the Coastal Protection belt with no real justification.

Requests to alter safeguarded holiday parks or designations affecting adjacent land are considered on their merits and are addressed in the relevant area chapters of this plan.

It is claimed that Policy PLA2 does not accord with Policy EN3 of the 2007 Plan. This statement is facile and self evident as the proposed Local Plan will supersede the current 2007 Plan once adopted. The Council has the right to amend and update locally derived as we see fit. It is considered that the amended area for Coastal Protection is modest and functional and relates well to its locality.

With regard to coastal protection across the entirety of the District, it is unclear for the reasoning behind this objection. The draft Shoreline Management Plan proposes a ‘hold the line’ approach to development on the coast until 2025. This will, in effect protect the entire coastline throughout the first two thirds of the plan period. The objection is therefore unnecessary. Moreover, in February of this year (2013) the Council appointed consultants Mott MacDonald to carry out a Project Appraisal

report (PAR) which develops and appraises sustainable coast protection options for the Clacton and Holland frontage over the next 100 years.

With regard to the clause allowing 'enabling development', the justification for this is in order to provide funding for coastal defences. It should also be noted that there are a number of criteria that need to be satisfied before any application is determined by the Council, this adds another layer of protection for prevention of inappropriate development within the Coastal Protection Belt.

The Council welcomes the support for this Policy raised by Mrs. Thornton.

The Council consider that the phrase 'in exceptional circumstances' can be misleading, we consider that in some instances definitiveness is required. We agree with the comments made by Mr Naylor and shall remove this phrase from the Policy.

With regard to the compensatory works at Hamford Water for the Bathside Bay container port, the Council consider that the determination of individual planning applications should be dealt with by the Council's Development Management department and thus little comment to individual applications should be made through the Local Plan process. That notwithstanding, it is the case that the above mentioned planning application must be implemented before 2016, but is not for the Council to arbitrate or force this development to commence. At the time of writing, the application was still extant and the applicant has the opportunity to extend the life of the application should he so wish.

Outcome

The following **minor changes (MIN5.6)** to paragraph 5.13 on page 102 are proposed (additions shown as highlighted and deletions shown as struck through):

5.13 Because this Local Plan only provides planning policies and proposals for the period up to ~~2024~~ 2029 with the intention that the plan be reviewed before 2024, the strategy for the first time period in the Draft Shoreline Management Plan, which proposes to 'hold the line' along every stretch of the Tendring coast applies. The National Planning Policy Framework encourages Local Plans to identify 'Coastal Change Management Areas' to avoid inappropriate development in vulnerable coastal areas where there are areas likely to be affected by physical changes to the coast. However, given that the strategy is to 'hold the line' along Tendring's coastline, the Council does not consider it appropriate for this Local Plan to identify specific 'Coastal Change Management Areas' as no physical changes are proposed during this plan period. However, the Local Plan does identify a 'Coastal Protection Belt'.

The following **minor changes (MIN5.7)** to the third paragraph of Policy PLA2: 'Coastal Protection' on pages 102 and 103 are proposed (additions shown as highlighted and deletions shown as struck through):

~~In exceptional circumstances,~~ The Council will consider proposals for residential 'enabling development' within the Coastal Protection Belt to fund the repair, maintenance or upgrading of infrastructure associated with defending the coast from flooding or erosion. In considering such proposals, the Council in consultation with the Environment Agency, will need to be satisfied that:

Policy PLA3 – Water Conservation, Drainage and Sewerage

(Pages 103 and 104 – including paragraphs 5.16 to 5.18)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We welcome this policy and the link that is made between the use of SuDS to manage flood risk in new development and the potential opportunities to enhance the green infrastructure network, with associated benefits for wildlife and people.

Environment Agency: We support this policy, particularly paragraph 2 where it states that “planning permission for new development will not be granted unless it can be demonstrated that any wastewater from the development can be dealt with within the confines of existing sewerage ‘discharge consents’ or an acceptable alternative...”.

We support the widespread use of SuDs.

The terms sewerage and sewage seem to be used out of context at points within the plan. Sewage refers to liquid effluent, whereas sewerage is the associated pipework used to carry the effluent. We recommend the third paragraph is amended to read ‘Private sewage treatment facilities...’ and ‘Where private sewage disposal facilities...’.

We are supportive of encouraging agricultural storage and/or winter storage facilities as part of Policy PLA3 as for much of the peninsula, new water is only available for abstraction over the winter high flow period. Therefore storage of water abstracted over winter will be the only way to meet the needs of businesses that need water in the summer or all year round.

We note that there is no mention in the Plan of the important Shellfish Waters that bound the District Council's area in the Stour and Colne Estuaries and Hamford Water. Links could be made between these European Designations, the shellfish industry they support and the importance of maintaining good quality water where there is growth that influences the local Waste Water Treatment Works discharges.

Essex County Council:

Paragraph 5.17 - flood resilient design measures and SuDs should be considered for all development, not just new development in areas which are vulnerable to flood risk or drainage issues.

Paragraph 5.18 - the following principles should be incorporated into the paragraph:

- Protection of water resources – minimising pollution impact of development on groundwater, watercourses and rivers.
- Reduction of surface water flood risk – provision of sustainable drainage systems (SuDs) and including rainwater harvesting, grey-water recycling etc.
- Enhancement of amenity and environment – by providing at surface SuDs solutions which promote habitats for wildlife and opportunities for biodiversity enrichment.

Policy PLA3 specifically excludes householder development from the requirement to incorporate SuDs. This gives concern to the County Council as some types of householder development can be quite sizeable and the cumulative effect of individual proposals can be considerable. The County Council would welcome further discussion with the District Council on this matter.

The Local Plan should demonstrate an awareness that, following the enactment of the Flood and Water Management Act 2010, Essex County Council is the Lead Local Flood Authority and responsible for managing the risk of flooding from surface water, groundwater and ordinary watercourses. The expected commencement date is October 2013. Essex County Council will be the sustainable drainage systems (SuDs) Approving Body. All developments with surface water drainage implications will need SuDs approval and should accord with DEFRA's National Standards, Essex County Council's SuDs Design and Adoption Guide as well as Local Policies.

The Local Plan should pay due regard to the Essex Flood Risk Management Strategy. Further, as part of its new responsibilities the County Council will be producing a series of Surface Water Management Plans across Essex in order to understand the level of surface water flood risk posed to communities. These documents will classify certain local catchments as Critical Drainage Areas (CDA's) where the risk of flooding during extreme rainfall is highest. The studies will recommend possible measures to alleviate flooding within these areas, some of the common options being development control and land management. Currently the County Council has not produced a surface water management plan for Tendring, but the Local Plan should acknowledge the role of such a plan when it becomes available.

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: Council supports Policy.

Comments from members of the public

No comments received.

Council consideration

The Council welcomes the support from Natural England, the Environment Agency, Frinton & Walton Town Council and Martello Land and Properties.

The Council considers that the Environment Agency's suggested wording changes to clarify the difference between 'sewage' and 'sewerage' are acceptable and should be incorporated into the Local Plan. The comments made in regard to shellfish and European sites however are best dealt with in relation to Policy PLA4: Nature Conservation and Geo-diversity.

The Council is fully aware of ECC's impending responsibilities. It is considered that further consideration should be given to the level at which householder development can contribute to SuDS, however it is the initial view of this Council that requiring all new householder developers to subscribe to SuDs could well be onerous and fly in the face of the Framework which aims to provide developers with fewer obstacles to development.

The Council agrees with the point raised by ECC that the word 'new' should be removed from paragraph 5.17 as it is considered that all development is, by its very nature 'new'. It is however considered that in some instances development will not require or be appropriate for SUDS. The

three points made by the County in relation to paragraph 5.18 are noted, it is considered that point one and three can be accommodated with a revision to the paragraph (and possibly to Policy PLA3). Point two however is accommodated within Policy PLA3 (bullet point two).

Outcome

The following **minor changes** (MIN5.8) to paragraph 5.17 on page 103 are proposed (additions shown as highlighted and deletions shown as struck through):

5.17 The National Planning Policy Framework requires all local planning authorities to mitigate and adapt to climate change, which includes proactive strategies in the consideration of water supply and demand. ~~New~~ Development proposals should therefore plan to conserve water supplies, working with water companies, as the infrastructure providers, to ensure necessary water management and appropriate provision. In addition, ~~new~~ **where relevant,** development in areas which are vulnerable to flood risk or drainage issues should be appropriately managed through suitable adaptation measures, including through planned green infrastructure and Sustainable Drainage Systems (SuDS).

The following **minor changes** (MIN5.9) to paragraph 5.18 on pages 103 and 104 are proposed (additions shown as highlighted and deletions shown as struck through):

5.18 Sustainable Drainage Systems (SuDS) are designed to reduce the potential impact of new and existing developments in relation to surface water drainage discharges, replicating natural systems to drain away surface water run-off, incorporated within the green infrastructure network. The Council will work with its partners to minimise the polluting impact that new development has on groundwater, watercourses and rivers. The Council will also seek to enhance biodiversity and the environment by providing at-surface SuDs solutions which promote habitats for wildlife and opportunities for biodiversity enrichment. Policy PLA3 requires new development to include SuDS within their proposals and also provides a proactive approach to ensure sufficient fresh water supply and sewerage capacity in accordance with the National Planning Policy Framework and the overarching sustainability objectives of this Local Plan.

The following **minor changes** (MIN5.10) to the third paragraph of Policy PLA3: 'Water Conservation, Drainage and Sewerage' on page 104 are proposed (additions shown as highlighted and deletions shown as struck through):

~~Private~~ **Private** sewerage treatment facilities, in particular septic tanks and cesspools, will not be permitted if there is an existing public foul sewerage system. Where private sewerage disposal facilities are the only practical option, they will only be permitted where ground conditions are satisfactory, the plot is sufficient to provide an adequate subsoil drainage system and the requirements of Policy SD9, including provisions relating to smell, are met.

Policy PLA4 – Nature Conservation and Geo-diversity

(Pages 104 to 106 – including paragraphs 5.19 to 5.28)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We are broadly satisfied with this comprehensive policy, in particular the reference to maximising opportunities for the creation of wildlife habitats. However, we are

concerned by the somewhat unclear phrase 'demonstrable harm' in the final paragraph and would prefer to see the policy state that '*planning permission will be refused for development that would cause harm to protected woodland, trees and hedgerows or conditions will be imposed requiring the developer to secure their protection*'. As discussed in the comment on **Chapter 1: Characteristics of Tending**, geodiversity designations (such as Local Geological Sites (LoGS)) should also be included in the policy wording as it currently refers to the protection of biodiversity designations only.

Essex County Council: Paragraph 5.19 – ensure appropriate reference to nature conservation and geodiversity an additional paragraph should be added following paragraph 5.19, to read, 'In 2009 a Geodiversity Characterisation report was prepared that identified 18 different geodiversity areas and more detailed geodiversity character zones with different characteristics, and which highlighted key sensitivities that need to be taken into account when considering development proposals in any part of the district whether it is covered by a designation or not.'

Paragraph 5.25 should include reference to the Conservation of Habitats and Species Regulations 2010. Reference should also be made to the Tree Palette, devised by the County Council, which provides advice on the most appropriate trees to use during the development process.

Stour and Orwell Peninsula Habitat Protection UK (represented by Jenni Meredith): Paragraph 5.22 identifies some of the local SSSIs and I would like to see the hangings included in that list, as it is an important SSSI, though not currently well maintained.

Paragraph 5.28 states that development that would result in the loss or damage to protected woodlands, tress and hedgerows will not normally be granted permission. The policy should be amended so that in certain limited circumstances an exception might be made and these exceptional cases will be individually decided on merit.

In this way the policies would be interpreted with a bias towards control of development and protection of the open spaces, ancient tree, historic buildings, nature reserves etc, instead of the other way about. In other words the presumption would be for protection and development that might harm one of the valuable natural or built assets we all wish to safeguard for future generations.

Comments from landowners, developers and businesses

Bourne Leisure Ltd (represented by Nathaniel Lichfield & Partners): Nature Conservation seeks to protect designated sites and states that elsewhere, where development is likely to harm nature conservation or geo-diversity interests:

"... planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of the Environment Agency and other appropriate authorities".

Bourne Leisure endorses this approach which allows other objectives for the area (such as promoting growth and diversification in tourism and supporting growth, diversification and stability in the rural economy) to be taken into account, whilst recognising the need to carefully balance environmental matters, and the protection of sites of nature conservation value, with economic and social benefits. In addition, the Company endorses the policy reference to the need for appropriate mitigation measures to be implemented to mitigate both direct and indirect impacts.

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): Paragraph 5.21 is badly worded and does not in its current form make sense. My suggestions are; a) after 'Appropriate Assessment', the words 'which will' are deleted and the word 'to' inserted, b) after "Planning permission will" delete the word 'only' and replace with the word 'not'.

Paragraph 5.22 identifies some of the local SSSIs and I would like to see the hangings included in that list, as it is an important SSSI, though not currently well maintained.

Paragraph 5.28 states that development that would result in the loss or damage to protected woodlands, tress and hedgerows will not normally be granted permission. The policy should be amended so that in certain limited circumstances an exception might be made and these exceptional cases will be individually decided on merit.

In this way the policies would be interpreted with a bias towards control of development and protection of the open spaces, ancient tree, historic buildings, nature reserves etc, instead of the other way about. In other words the presumption would be for protection and development that might harm one of the valuable natural or built assets we all wish to safeguard for future generations.

Cllr. Tom Howard (TDC Member for Great and Little Oakley Ward): The continued protection of Hamford Water's SSSI and RAMSAR status through Policy PLA4 is welcomed and I fully support this policy.

Frinton and Walton Town Council: Include list of protected sites in plan.

Comments from members of the public

Mr and Mrs. J. Noble: Paragraph 5.21 is badly worded and does not in its current form make sense. My suggestions are; a) after 'Appropriate Assessment', the words 'which will' are deleted and the word 'to' inserted, b) after "Planning permission will" delete the word 'only' and replace with the word 'not'.

Paragraph 5.22 identifies some of the local SSSIs and I would like to see the hangings included in that list, as it is an important SSSI, though not currently well maintained.

Para graph 5.28 states that development that would result in the loss or damage to protected woodlands, tress and hedgerows will not normally be granted permission. The policy should be amended so that in certain limited circumstances an exception might be made and these exceptional cases will be individually decided on merit.

In this way the policies would be interpreted with a bias towards control of development and protection of the open spaces, ancient tree, historic buildings, nature reserves etc, instead of the other way about. In other words the presumption would be for protection and development that might harm one of the valuable natural or built assets we all wish to safeguard for future generations.

Mr. R. Naylor (Walton-on-the-Naze): The Plan should only set out the non-exceptional objectives. The plan should not state the conditions for permitting unknown exceptional circumstances. Since the exception proves the rule, it is anomalous to have the exception included within the rule. The clause: "Elsewhere, where development is likely to harm nature conservation or geo-diversity

interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of the Environment Agency and other appropriate authorities” should be deleted.

Mrs. B. Hatwell (Walton-on-the-Naze): Sites designated for their local importance to nature conservation including Local Wildlife Sites (LoWS) should be protected from development that is likely to have an adverse impact. I thought Walton Mere was allocated as a LoWS? Walton Mere is also situated in close proximity to Hamford Water SPA, in fact since the sea walls breached, it has become hydrologically and functionally linked to Hamford Water and Natural England believes it has a valuable role to play in acting as a buffer to this important site (letter from Natural England to TDC 19 May 2011).

Council consideration

The additional paragraph recommended by ECC after paragraph 5.19 is considered to be acceptable. The Council further considers it acceptable to include reference to the Conservation of Habitats and Species Regulations 2010 within paragraph 5.25. With regard to the Essex Tree Palette (2011), it is understood that this guidance has not formally been adopted by Essex County Council, neither has it been the subject of a public consultation. This guidance outlined preferred species of trees to be used in new development across Essex. It is this Council’s consideration that the range of tree species proposed is too narrow and will not promote biodiversity. For these reasons the Council will not make reference to this guidance document.

The suggestion to include the Hangings within the list of SSSIs at paragraph 5.22 is considered to be acceptable and will be addressed.

It is considered that the phrase ‘not normally be granted’ allows for exceptional circumstances which will be considered on their own merits, No further change is therefore required to paragraph 5.28. The Council also consider that paragraph 5.21 reads acceptably and no further alterations are required at a linguistic level.

The Council concur that the phrase ‘demonstratable harm’ is unclear and could give developers and others an impression that the Council could accept harm being caused to protected woodland. This is of course not the case and therefore this wording should be amended accordingly. The Council consider it acceptable to make specific reference to geodiversity as recommended by Natural England.

The Council welcomes the support of Cllr Tom Howard, Bourne Leisure and Martello Land and Properties with regard to this Policy.

The Council do not consider that a list of all protected sites is required as there is a list of Local Wildlife sites and Ancient Woodland located at Appendix 4 of the draft Local Plan and other sites (such as European sites) are clearly defined on the Policies Maps.

With regard to the specific wording of the Policy, the Council consider that exceptions are unnecessary within the main Policy text. The phrase will be removed from the Policy wording as the Council would like deal in finite information rather than the unknown.

As the questions raised in relation to Walton Mere are site specific, the Council will answer these in Chapter 8 (Policy FWK7).

Biodiversity Offsetting

Essex has been chosen as one of six national pilot areas to test an initiative known as 'biodiversity offsetting'. The pilot will last until April 2014.

Essex County Council is leading a partnership of public, private and not-for-profit organizations. In particular, the County will be working closely with the Environment Bank trialling a brokering system, and the Mineral Products Association to explore the role of and benefits to the aggregates industry.

Biodiversity offsets are conservation activities designed to deliver biodiversity benefits in compensation for losses, in a measurable way. Biodiversity offsetting has the potential to deliver planning policy requirements for compensation for biodiversity loss in a more effective way for both developers and the natural environment itself.

The combination of high-levels of development and more planned growth makes Essex an excellent place to test biodiversity offsetting, and explore its potential to enhance and join-up the county's fantastic – yet often fragmented – natural landscape in ways that are currently not possible.

Our offsetting strategy is guided by the Living Landscapes initiative established by Essex Wildlife Trust in collaboration with local authorities and their community partners.

This council is not participating within the pilot but will support the County in its work. We await the results after 2014.

Outcome

The following **minor changes** (MIN5.11) to include new paragraph 5.19a between paragraphs 5.19 and 5.20 on page 104 are proposed (additions shown as highlighted and deletions shown as struck through):

5.19a In 2009 a Geodiversity Characterisation report was prepared that identified 18 different geodiversity areas and more detailed geodiversity character zones with different characteristics, and which highlighted key sensitivities that need to be taken into account when considering development proposals in any part of the district whether it is covered by a designation or not.

The following **minor changes** (MIN5.12) to paragraph 5.22 on page 105 are proposed (additions shown as highlighted and deletions shown as struck through):

5.22 Sites of Special Scientific Interest (SSSI) are protected under the provisions of English law contained in the Wildlife and Countryside Act 1981, as amended, and the Countryside and Rights of Way Act 2000. Examples within Tendring include Ardleigh Gravel Pit, Clacton Cliffs, Harwich Foreshore, the Hangings in Dovercourt, Holland-on-Sea Cliff, Little Oakley, St. Osyth Pit and The Naze at Walton.

The following **minor changes** (MIN5.13) to paragraph 5.25 on page 105 are proposed (additions shown as highlighted and deletions shown as struck through):

5.25 Whilst these various wildlife designations exist, a site does not necessarily have to be designated to be of value to nature conservation. Where a site is likely to contain important wildlife habitats, protected species (as protected in the 1981 Wildlife and Countryside Act, as amended) or

important features identified in the UK or Essex Biodiversity Action Plans (BAP), developers will be required to undertake a survey having regard to the Conservation of Habitats and Species Regulations 2010. Where development is likely to harm the nature conservation interest of a site, planning permission will only be granted where the benefits of the development outweigh the harm caused. In such instances, negative impacts on biodiversity should be avoided, mitigated, or as a last resort, compensated for. In mitigating such impacts, development should ~~must minimise the impact on biodiversity and~~, where possible, seeks to retain or replace key features like important trees, hedges or water features. Compensation for impacts on non statutorily designated sites (if deemed appropriate) should be managed through a mechanism such as biodiversity offsetting.

The following **minor changes** (MIN5.14) to include new paragraph 5.25a between paragraphs 5.25 and 5.26 on page 105 are proposed (additions shown as highlighted and deletions shown as struck through):

5.25a Essex County Council is participating as one of the pilot areas for biodiversity offsetting. The County Council, working with its partners, will promote areas of land set aside to offset that lost during development within sensitive areas. The pilot scheme will run until April 2014 and may be introduced more formally across the county if it is deemed successful.

The following **minor changes** (MIN5.15) to the fourth paragraph of Policy PLA4: 'Nature Conservation and Geo-diversity' on page 106 are proposed (additions shown as highlighted and deletions shown as struck through):

Elsewhere, where development is likely to harm nature conservation or geo-diversity interests, such as Local Geological Sites (LoGS), planning permission will only be granted ~~in exceptional circumstances,~~ where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development ~~or,~~ as a last resort, compensated for to the satisfaction of the Environment Agency and other appropriate authorities. Compensation for such impacts should be managed through an appropriate mechanism such as biodiversity offsetting.

The following **minor changes** (MIN5.16) to the final paragraph of Policy PLA4: 'Nature Conservation and Geo-diversity' on page 106 are proposed (additions shown as highlighted and deletions shown as struck through):

Planning permission will be refused for development that would cause ~~demonstrable~~ significant harm to protected woodland, trees and hedgerows or conditions will be imposed requiring the developer to secure their protection. Where the felling of a preserved tree or removal of a hedgerow is permitted a replacement tree or hedge of an appropriate type, size and in a suitable location, will be required.

Policy PLA5 – The Countryside Landscape

(Pages 106 to 108 – including paragraphs 5.29 to 5.35)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Stour and Orwell Peninsula Habitat Protection UK (represented by Jenni Meredith): Paragraph 5.31 states that the council will support the formal designation of the Essex shore of the Stour Estuary as AONB. This extension of the currently designated AONB has been proposed for almost

a decade and, whilst it is disappointing that it hasn't yet happened, it is good to see it has not been discarded. I would like to see the enlarged AONB include Stour Woods and Copperas Woods, up as far towards Parkeston as possible.

Natural England: We are generally satisfied with this policy; however we are concerned that the wording in the policy which states “*any development which would significantly harm landscape character or quality will not be permitted*” could lead to some level of harm to the landscape being permitted. We would prefer to see the word “significantly” removed. We would also wish to see the policy refer to the Dedham Vale AONB and Stour Valley Management Plan 2010-2015.

Suffolk County Council: The county council welcomes the commitment to protection of the Dedham Vale AONB, and will work with Tendring District Council and other partners to secure the extension of the Suffolk Coast and Heaths AONB to cover the southern side of the Stour Estuary between Mistley and Ramsey.

Dedham Vale and Suffolk Coast and Heaths AONB: This policy (para 31) is supported but we suggest the last sentence of paragraph 5.31 should be re-worded as follows: “The Council will work with its partners nationally and in Suffolk to seek the formal designation of the area as an AONB. In the meantime, it will be subjected to the highest level of protection in order to conserve and enhance the quality and character of its natural beauty.”

Dedham Vale and Suffolk Coast and Heaths AONB: The policy itself should be amended as follows:

Reword the first paragraph as follows: “The Council will work with adjoining authorities to ensure the continued protection of the Dedham Vale Area of Outstanding Natural Beauty (AONB) and will refuse planning permission for any development that would harm or otherwise fail to conserve its natural beauty, including its landscape character and associated tranquillity. This includes views into and from the AONB and proposed extension to the Suffolk Coast and Heaths AONB on the southern shore of the Stour estuary. These areas are defined on the Policies Maps.”

Reword the second paragraph as follows: “The Council will also work in partnership with national agencies and adjoining authorities to secure the extension to the Suffolk Coast and Heaths AONB to cover the southern part of the Stour Estuary between Mistley and Ramsey. The extent of the proposed area is depicted on the Policies Map and, until it is formally designated as an AONB, will be subject to the highest level of protection to protect its natural beauty including its landscape quality and character.”

In the last sentence of the fifth paragraph replace the word “distinctiveness” with “character”.

The following should be added to the end of the list of criteria: “f. Dark night skies and tranquillity.”

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): This policy is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): Paragraph 5.31 states that the council will support the formal designation of the Essex shore of the Stour Estuary as AONB. This extension of the currently designated AONB has been proposed for almost a decade and, whilst it is disappointing that it hasn't yet happened, it is good to see it has not been discarded. I would like

to see the enlarged AONB include Stour Woods and Copperas Woods, up as far towards Parkeston as possible.

Dedham Parish Council: The Parish Council supports this policy and will work with adjoining authorities to ensure the continued protection of the Dedham Vale AONB.

Lawford Town Council: The council agrees with the proposal for the Dedham Vale to remain an "Area of Outstanding Beauty" (ANOB) and that there should be no development within that area.

Little Oakley Parish Council: Being a rural parish, our country landscape is important to us.

Comments from members of the public

Mr and Mrs. J. Noble: Paragraph 5.31 states that the council will support the formal designation of the Essex shore of the Stour Estuary as AONB. This extension of the currently designated AONB has been proposed for almost a decade and, whilst it is disappointing that it hasn't yet happened, it is good to see it has not been discarded. I would like to see the enlarged AONB include Stour Woods and Copperas Woods, up as far towards Parkeston as possible.

Council consideration

The Council has supported the proposed extension to the AONB for almost 20 years and continues to promote the protection of this particularly sensitive area of land. The inclusion of further land within the AONB is determined by Natural England against statutory 'natural beauty' designation criteria; and although the Council itself has no statutory powers, it is engaged in the formal process of assessing the natural beauty of the land in conjunction with Natural England. The extent of the countryside to be assessed will not be restricted to the indicative boundary set out in the Local Plan.

Whilst the Council welcomes the support from Natural England (NE), it is considered that the proposed wording change comes down to something of semantics and interpretation. The Council consider that all development within the open countryside will, by definition cause some harm to the character and appearance of the locality. By this standard and with NE's proposed change in place, no development would be permitted within the open countryside. This is of course unacceptable; preventing economic growth and causing detriment to the recovery of the economy. The Council will not therefore accept the proposed wording change. The Council will however accept the propose inclusion of the Dedham Vale AONB and Stour Valley Management Plan 2010-2015 within the Policy.

The Council welcomes the support raised by Suffolk County, Martello Land and Properties, and Parish Councils both within and outside of the District.

Whilst it is slightly ambiguous, it would appear that Dedham Vale and Suffolk Coast and Heaths AONB require the Council to give the proposed AONB as much protection as the existing AONB. The Council consider that there must be a hierarchy between proposed and existing AONBs. It is, in any event not a decision for the Council, but rather for Natural England to accrue weight to these designations. The changes in wording to include 'character' and 'dark night skies' and considered to be acceptable and will now form part of the Policy.

Outcome

The following minor changes (MIN5.17) to the second paragraph of Policy PLA5: 'The Countryside Landscape' on pages 106 and 107 are proposed (additions shown as highlighted and deletions shown as struck through):

The Council will also work in partnership with adjoining authorities on the 'Stour Project' to secure the extension to the Suffolk Coast and Heaths AONB to cover the southern part of the Stour Estuary between Mistley and Ramsey. The extent of the proposed area is depicted on the Policies Map and, until it is formally designated as an AONB, will be subject to a high level of protection to protect its quality and character. The Council will work with its partners to implement the Dedham Vale AONB and Stour Valley Management Plan 2010-2015.

The following minor changes (MIN5.18) to the fifth paragraph of Policy PLA5: 'The Countryside Landscape' on pages 107 and 108 are proposed (additions shown as highlighted and deletions shown as struck through):

The quality of the district's landscape and its distinctive local character will be protected and, wherever possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The Council will seek in particular to conserve the following natural and man-made features which contribute to local character distinctiveness:

- a. estuaries and rivers, and the undeveloped coast;
- b. skylines and prominent views, including those of ridge tops and plateau edges;
- c. the settings and character of settlements and of attractive and/or vernacular buildings within the landscape;
- d. historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees; ~~and~~
- e. the traditional character of protected lanes, other rural lanes, bridleways and footpaths; ~~and-~~
- f. dark night skies and tranquility.

Policy PLA6 – The Historic Environment

(Pages 108 to 110 – including paragraphs 5.36 to 5.40)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

English Heritage: We are pleased to see the evident commitment to the district's historic environment both in the topic-specific policies and in other areas of policy throughout the plan chapters. Notwithstanding this, we feel the advice in the NPPF in paragraph 126 that local plans should be based on a clear, positive strategy for the historic environment is not entirely fulfilled. The Council has put in place a commendable evidence base for the historic environment, including many conservation area appraisals and an overarching Historic Environment Characterisation Report. Such appraisals, together with information on heritage at risk in Tendring, and data from the Historic Environment Record, should be used as the basis for a strategy for the conservation and enhancement of the district's historic environment resource. A strategy need not be a lengthy

document, but should provide a synthesis of the issues and priorities for positive action that can be taken forward through the planning process.

We are pleased to see that the Council has included a suite of policies relating to different aspects of the historic environment. While there is some repetition of the policies in the NPPF we feel that this demonstrates the Council's commitment to the historic environment of Tendring. We would like to see these policies supported, however, by a heritage strategy, in accordance with paragraph 126 of the NPPF. This would provide greater strength to the Council's policies by demonstrating an underlying coherence of approach.

One aspect that you may wish to consider taking forward is the compilation of a local list of buildings that the community value. English Heritage has prepared guidance on how such an exercise can be undertaken.

Essex County Council: To ensure compliance with the NPPF the first three bullets of Policy PLA6 should be amended as follows:

- Bullet 1 – to specify that the relevant historic environment record for Tendring District is the Essex Historic Environment Record by, in the fourth line, deleting the words 'the relevant historic record' and inserting the words 'the relevant Essex Historic Environment Record'.
- Bullet 2 – the text appears to be derived from paragraph 128 of the NPPF but, as such, is incomplete and has lost the original intention. The existing wording should be replaced in its entirety so that the bullet reads, 'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the local planning authority will require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation with the planning application'
- Bullet 3 – should be amended to assert the role of the Essex Historic Environment Record by inserting text so that the fourth line reads, '...Environment Characterisation Report, Essex Historic Environment Record and other relevant historic records) and any...'

Policy PLA6 and paragraph 5.38 both correctly reference the Tendring Historic Environment Report (ECC, 2008), which provides an appropriate assessment of historic environment significance and potential. Nevertheless, the Report forms only a part of the Essex Historic Environment Record, which should be specifically referred to in paragraph 5.38 and added to the third bullet of Policy PLA6, '...(including the Tendring District Historic Environment Characterisation Report, the Essex Historic Environment Record, and other relevant historic records)...'.

To ensure appropriate reference to the historic environment an additional paragraph should be added following paragraph 5.40, to read: "This Local Plan seeks to protect or enhance the district's historic assets but also make best use of its rich heritage to help promote the district as a visitor destination and an attractive place to live and work. The most appropriate strategy for conservation will vary between each heritage asset and will depend on a range of factors, including the assets significance."

The grounds for the designation of Protected Lanes in the district also fail to provide an appropriate evidence base for these two policies. The Tendring Historic Environment Report and the Essex Historic Environment Record do not in themselves provide strong enough evidence to support this. Other authorities in Essex have undertaken recent reassessments of their Protected Lanes, using revised criteria developed by Essex County Council historic environment specialists. Tendring District Council should undertake a similar review of its Protected Lanes designations.

Comments from landowners, developers and businesses

TW Logistics Ltd: Reference should be made to the presumption in national policy and practice in favour of conserving the optimum use of heritage assets which is the use most consistent with the conservation of the asset's significance and its setting, often the original use of the heritage asset.

City & Country: We believe that a key policy proposal missing from PLA6 that is the promotion of heritage assets to help regeneration and encouraging schemes that bring back into use and offer the ability to restore historically important assets through appropriate and sensitive development.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring IS Vital for Everyone): This policy appears to be in conflict with the statements supporting the demolition of The Grange in Hall Lane Dovercourt. I generally support the protective policies in the Local Plan but in all cases the disclaimer paragraphs leave the policies wide open to all manner of interpretation. It is unfortunate that the guidance is not clearer and more proscriptive as, in my experience of living in Tendring, many officers have, in the past, interpreted policies with a bias in favour of developers, without due consideration to nearby residents who might be adversely affected, and generally with little consideration of the written comments and or objections of those residents.

Save Our St. Osyth (SOS): The Historic Town Status designation acknowledges the special historic nature of an area and the necessity to take special measures to preserve and protect the historical heritage of that area. We do not consider that any general archaeological plan for the District as a whole would afford adequate protection. The Historic Town Status should be retained.

Little Bentley Parish Council: Ravens Green is designated as a Protected Lane and the Parish Council would support continued priority for its conservation and enhancement.

Comments from members of the public

Ms. A. Elvin (Little Bentley): Ravens Green Lane, Little Bentley is partially designated as a 'Protected Lane'. The southern end of the lane is not. For a number of reasons this end of the lane is suffering considerable damage to verges, habitats and general amenity. Please consider re-designating the whole lane, in order to preserve its integrity and prevent further damage to this environment.

David Chadbourne (St. Osyth); Francis Hearn (St. Osyth); Beverley Lynn (St. Osyth); S. John Wrigley (St. Osyth); Mr. Alfred Norris (St. Osyth); Mrs. Patricia Cunningham (St. Osyth); Barbara Norris (St. Osyth); Mr. M. Harper (St. Osyth); P. M. Hendy (St. Osyth); Mrs. A. M. E. Blockley (St. Osyth); Mr. M. T. Joyce (St. Osyth); Joan I. Wrigley (St. Osyth); David & Fiona Lawton (St. Osyth); Mr. & Mrs. Merrill (St. Osyth); Mrs. Wendy & Mr. Terence Charles (St. Osyth); Mrs. J. Hennessey (St. Osyth); Mr. Crawford (St. Osyth): We object to the removal of the 'Historic Town' status of St. Osyth, Harwich and Manningtree (as per the specific policy in the 2007 Adopted Local Plan) because:

- the protection of the special historic environment is not adequately covered by the general district protection;
- each Historic Town had its own Management Plan (previously adopted by the Council as Supplementary Planning Guidance) and the requirements of these plans are not adequately reflected in the Local Plan;

- St. Osyth is proud of its historic status and seeks to retain it;
- there is a certain dignity and importance attached to this status;
- nothing has changed to justify having a different approach from the 2007 Adopted Local Plan; and
- the Historic Town limits in St. Osyth differ greatly from the general Conservation Area limits.

Ms. M. Smith (St Osyth): The Historic Town status is deemed to be an important safeguard of the historic nature and character of the village. Special considerations should be maintained and the Historic Town status should be retained.

Mr and Mrs. J. Noble: This policy appears to be in conflict with the statements supporting the demolition of The Grange in Hall Lane Dovercourt. I generally support the protective policies in the Local Plan but in all cases the disclaimer paragraphs leave the policies wide open to all manner of interpretation. It is unfortunate that the guidance is not clearer and more proscriptive as, in my experience of living in Tendring, many officers have, in the past, interpreted policies with a bias in favour of developers, without due consideration to nearby residents who might be adversely affected, and generally with little consideration of the written comments and or objections of those residents.

Council consideration

The Council takes its statutory duty to protect or enhance the historic environment seriously and welcomes the support from English Heritage. The thrust of this section of the plan is to elaborate on the policies contained in the National Planning Policy Framework, which provides a strong message that heritage assets must be protected but there needs to be a framework in place to manage proposals for the conservation of heritage assets. National policy recognises that change does occur but this should be managed carefully, appropriately and proportionately depending on the significance of the heritage asset, which is reflected in the Local Plan. The detailed consideration about the impact of a proposal on a heritage asset usually takes place at the planning application stage and despite the claim from some objectors that the council interprets policies with a bias in favour of developers, this is not the case. Instead informed decisions are made based on the evidence available, taking into account any other relevant material planning considerations at the time.

A key part of the Council's approach to conservation is to continue to work with its partners, in particular English Heritage, Essex County Council and local parish/town councils and conservation groups in order to monitor the condition of the district's heritage assets and take appropriate action, when necessary, to bring about improvements and repairs. A number of powers exist and are available to councils to help bring about improvements and repairs but as advised by English Heritage and set out in the National Planning Policy Framework, the Council should apply these proportionately in relation to the significance of the heritage asset concerned and the level of action required. As resources are scarce, the Council's approach to dealing with heritage assets at risk should be informed by up-to-date evidence to enable the Council to prioritise what assets are most at risk and what options are available to bring them out of risk.

However, it is agreed that the council's approach to conservation should be informed by a heritage/conservation strategy, in accordance with the requirements of the National Planning Policy Framework. It is agreed that the intention to prepare this should be made clear in this

section of the plan. The preparation of this would include exploring further options such as local listing and delivering the actions and priorities set out in the council's Conservation Area Management Plans and heritage/conservation-related priorities set out in other plans/strategies. Whilst it has not been specifically suggested by English Heritage, it is considered that this policy could be improved by making it more streamlined and concise and avoiding unnecessarily repeating the National Planning Policy framework, which is a material planning consideration in its own right and so does not need to be repeated word for word in the Local Plan. A more streamlined and concise policy can convey the same message and provide the same level of protection as the version presented in the draft plan.

A number of local residents in St. Osyth, including the community group 'Save Our St. Osyth' have objected to the omission of 'Historic Towns' in this plan, which were contained in the previous Local Plan. Whilst the omission of this policy from the new Local Plan can easily be justified on the basis that it adds very little to the cautionary approach proposed in the revised draft of the policy below when considering proposals that affect known or suspected archaeological remains or the specific requirement in national policy for an archaeological evaluation to be undertaken for schemes affecting sites that do, or might contain archaeological remains) it is clearly of local importance and so the designations for the three historic towns in Tendring (Harwich, Manningtree and St. Osyth) will be reinstated on the Policies Map but there is no need for a separate policy in the plan. Instead, reference will be made in this policy to the designations on the Policies Map, which recognises that these three towns are three of the County's most important Historic Towns where there is likely to be a greater occurrence of archaeological remains. Additionally, reference to the historical significance of these towns will be made in the supporting text.

City & Country suggest that this section of the plan should promote the importance of heritage-led regeneration in assisting bringing heritage assets back into use through appropriate and sensitive development. This suggestion relates to the promotion of development to enable the restoration of St. Osyth Priory, which is addressed in detail elsewhere in the plan. The council supports the principle of bringing heritage assets back into use and the role that heritage-led regeneration can play in this is acknowledged but where further development is proposed to enable this to occur, careful consideration is needed, particularly when this further development is considered to be a 'departure' from the rest of the Local Plan. Such proposals will be considered against Policy PLA9 on 'enabling development' and other policies in the plan where the detailed consideration needs to take place at the planning application stage. It is therefore not agreed that a change is needed to this section of the plan to address this comment.

The points of clarification offered by both English Heritage and Essex County Council on the wording of the policy and supporting text are noted and are taken into account in the recommended changes below.

Little Bentley Parish Council supports the recognition in the Local Plan of the importance of Protected Lanes as part of the district's rich heritage. However, Essex County Council is concerned that there are insufficient grounds to justify the designation of Protected Lanes in the Local Plan in the absence of up-to-date evidence. This is noted and it is agreed that further evidence needs to be obtained and so the council will work with Essex County Council, who is responsible for their designation, to obtain up-to-date information. This will be reflected in the Council's heritage/conservation strategy. Whilst it is agreed up-to-date evidence is needed, it is not agreed that the designations should be removed from the plan as they have been rolled forward from the previous Local Plan and subject to the outcome of any further evidence obtained it is believed there has been little or no change to warrant their removal. Furthermore, their removal from the plan could result in harm being caused or even their loss from inappropriate development and so applying a cautionary approach is justified in this instance.

As with all heritage/historic designations in the plan, the Protected Lanes designations reflect a 'snapshot' in time and so there is always the caveat that what is recorded on the Policies Map in

the Local Plan may not be the latest information and applicants are always advised to consult with the council prior to submitting a planning application or carrying any physical change that could cause harm or the loss of a heritage asset. Should there be a case that a Protected Lane portrayed on the Policies Map no longer warrants this level of protection, the applicant will need to provide sufficient evidence at the planning application stage in defence of their proposal, which will be carefully considered by the council in consultation with Essex County Council.

In obtaining further evidence about the district's Protected Lanes this should include an assessment of any other lanes that may be worthy of the additional protection afforded by this designation, such as the southern end of Ravens Green Lane, Little Bentley, as suggested by Ms. Elvin.

In response to the comment raised by TW Logistics Ltd that attempts to set out the thrust of national planning policy relating to conservation, the interpretation provided has been presented in isolation from the rest of the guidance provided in the National Planning Policy Framework. Whilst it may be the case that often the original use of a heritage asset is the most appropriate way of conserving that asset, it is not considered appropriate to specify this in the policy as in some instances the conservation of a heritage asset can be achieved through an alternative use to the one it was originally designed and intended for. This is particularly the case for redundant industrial premises where it is no longer suitable or viable to continue its original use. It is therefore not agreed that this needs to be set out in this policy in the Local Plan as this would be part of the detailed consideration that needs to take place at the planning application stage.

In response to the comments raised by POSITIVE and Mr and Mrs Noble suggesting that this policy appears to be in conflict with the statements supporting the demolition of The Grange in Hall Lane, Dovercourt, firstly the plan does not support the demolition of this property but does recognise that this could be an option should all other options to save the property fail. This issue is addressed in more detail in Chapter 7.

Outcome

The following **major changes (MAJ5.1)** to Policy PLA6: 'The Historic Environment' on pages 108 to 110 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY PLA6: THE HISTORIC ENVIRONMENT

The Council will work with its partners including ~~Essex County Council and~~ English Heritage ~~and Essex County Council~~ to understand, protect and enhance the district's historic environment by:

- i) expecting all proposals that affect any heritage asset (and its setting) to have regard to the Essex Historic Environment Record (and other relevant historic records) in order to understand both the significance of the asset and the impact of the proposal on this;
- ii) refusing proposals that cause harm to, or the loss of, significance of any heritage asset (or its setting) unless it can be demonstrated with appropriate and proportionate evidence (to be agreed in advance) that there are substantial public benefits that outweigh that harm or loss and, where relevant, that there are appropriate mitigating or compensatory measures;
- iii) applying a cautionary approach when considering proposals that affect known or suspected archaeological remains;
- iv) treating favourably proposals that protect or enhance heritage assets (or their settings)

and secure their long-term conservation; and

v) devising a conservation/heritage strategy which will set out the Council's approach to prioritising and addressing conservation in the district.

- requiring applicants to describe the significance of any heritage assets (and their settings) affected by their proposal, giving an appropriate amount of detail that is proportionate to the assets' importance and the level needed in order to understand the potential impact of the proposal on their significance, having regard to the relevant historic record and assessing each heritage asset using appropriate expertise;
- requiring archaeological evaluation to be undertaken for schemes affecting sites that do, or might contain archaeological remains which, in some cases, may require field evaluation prior to commencement of development but in all cases an appropriate desk-based assessment should be provided as a minimum;
- identifying and assessing the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence (including the Tendring District Historic Environment Characterisation Report, and other relevant historic records) and any necessary expertise when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal;
- taking account of the desirability of enhancing the significance of the district's heritage assets, securing their long-term conservation and utilising their positive contribution to place-making when determining planning applications;
- attaching great weight to the conservation of designated heritage assets when considering the impact of a proposed development on their significance, with the level of weight being proportionate to the assets' importance, but also giving due weight to the protection of non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset;
- refusing planning permission and other forms of consent for development that would harm the character or appearance of a Conservation Area (which are defined on the Policies Map Insets) or lead to the loss of buildings, structures, trees or spaces that positively contribute towards that character (see Policy PLA7);
- refusing planning permission and other forms of consent where the proposed development will lead to substantial harm to, or total loss of, significance of any heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or, in the cases of proposals affecting designated heritage assets, all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.

- ~~undertaking periodic reviews of Conservation Areas and updating existing or preparing new Conservation Area Character Appraisals and Conservation Area Management Plans (CAMPs), where necessary, to identify opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance;~~
- ~~treating favourably proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of a heritage asset;~~
- ~~working with partners to implement the various actions and recommendations contained within CAMPs that have been adopted by the Council;~~
- ~~working with property owners to secure improvements to any heritage assets that are identified as being in poor condition or at risk of disrepair, particularly those on either the national or local Heritage at Risk Registers; and~~
- ~~making information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible and requiring developers to record and advance the understanding of any heritage asset that would be lost (in whole or in part) to be added to publically available archives.~~

Conservation Areas, Scheduled Monuments, Registered Historic Parks and Gardens, areas of Ancient Woodland, and Protected Lanes and Historic Towns are identified on the Policies Map and Policies Map Insets.

The following **minor changes** (MIN5.19) to paragraph 5.38 on page 108 are proposed (additions shown as highlighted and deletions shown as struck through):

5.38 In 2008, Essex County Council undertook the 'Tending Historic Characterisation Project' which provides a comprehensive account of the character of the district's historic environment and the heritage assets that contribute towards that character and which should, where possible, be preserved, enhanced or even incorporated into new development for the enjoyment of future generations. This study, together with other relevant historic records, forms part of the Essex Historic Environment Record, which should be used when seeking to understand the significance of a heritage asset, the impact a proposal may have on this and to inform the appropriate strategy for the conservation of a heritage asset.

The following **minor changes** (MIN5.20) to paragraph 5.39 on page 108 are proposed (additions shown as highlighted and deletions shown as struck through):

5.39 Some heritage assets, such as Listed Buildings and Scheduled Monuments are afforded statutory protection and the government's planning policy contained in the National Planning Policy Framework provides the principal planning framework for dealing with planning issues affecting historic structures and archaeological interests. The historic centres of Harwich, Manningtree and St. Osyth (which are defined on the Policies Map) are sensitive to development pressures in much the same way as is the ecology of an environmentally important area. Within these areas, there is a greater likelihood of archaeological remains due to their complex histories and development of their communities over many centuries. Within these areas, the Council will expect proposals for development (where relevant and appropriate) to be accompanied by an investigation and

recording of both deposits below and surviving medieval buildings above it in order to prevent the irreparable destruction of unique information concerning that community's past.

The following **minor changes** (MIN5.21) to paragraph 5.40 on page 108 are proposed (additions shown as highlighted and deletions shown as struck through):

5.40 This Local Plan elaborates on the requirements already set out in the National Planning Policy Framework and seeks to protect or enhance the district's historic assets but also make best use of its rich heritage to help promote the district as a visitor destination and an attractive place to live and work. The most appropriate strategy for conservation will vary between each heritage asset and will depend on a range of factors including the asset's significance. The Council will work with its partners to devise a Conservation/Heritage Strategy which will set out the Council's approach to address conservation in the district when opportunities arise to review the future management and conservation of the district's heritage assets.

Other consequential changes include:

- Reinstated the 'Historic Town' designations for the three historic towns in Tendring (Harwich, Manningtree and St. Osyth) on the Policies Map (see changes PM2a.2, PM4.2 and PM11.2).

Policy PLA7 – Conservation Areas

(Pages 110 and 111 – including paragraphs 5.41 to 5.48)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: To better accord with paragraph 132 of the NPPF the text of the fourth paragraph should be amended to read: "Permission will not be granted for development outside but near to a Conservation Area if it detracts from that Area's character or its setting, applying the above criteria."

Campaign to Protect Rural England (represented by A.J. Grant): We are pleased to note that Conservation areas are recognised.

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): We raise concerns over monitoring and enforcement in Conservation Areas. The way the second sentence of paragraph 5.43 is written implies that outside conservation areas, advertisements do not have to be 'well designed, respectful of their surroundings' and, most importantly, can 'introduce a hazard to people or traffic'.

Comments from landowners, developers and businesses

TW Logistics Ltd: Add to the first leg of the policy development will not be permitted unless the proposal: "conserves the function, character and appearance of the Conservation Area and would not result in loss of, or harm to, its significance".

Add to the second leg of the policy demolition will only be granted if it can be demonstrated that: "the proposal would not result in loss of, or harm to, the significance of the" and "the subject of the demolition proposal is not a building or structure which contributes positively to the character or appearance of the Conservation Area".

Amend the final sentence to "In applying this policy, the Council will have regard to its Conservation Area Appraisals, its Historic Environment Characterisation Appraisal (2008), its Landscape Character Appraisal (2001) and where appropriate ...".

Reference should be made to the presumption in national policy and practice in favour of conserving the optimum use of heritage assets which is the use most consistent with the conservation of the asset's significance and its setting, often the original use of the heritage asset.

City & Country: Conservation areas should be preserved or enhanced by any proposals.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: We support the policy.

Comments from members of the public

Mr. R. Horlock (Mistley): An excellent policy. I hope the Council will strictly adhere to these policies. It is obvious that the present Edme (Mistley) plans have ignored these requirements in the 2007 Adopted Local Plan.

Mrs. Glenys Thornton (Walton): I support the Local Plan because it is conscientious in trying to maintain the character of existing Conservation Areas e.g. within Frinton-on-Sea.

Council consideration

The comments of support are noted and welcomed.

The points of clarification offered by Essex County Council on the wording of the policy are noted and are taken into account in the recommended changes below.

The comment about the Edme Thorn Quay Warehouse planning application is noted but is not relevant to the Local Plan as this relates to a specific planning application that is currently being considered by the Council. One of the key issues that the proposal will be judged on is its impact on the surrounding historic environment. No change is therefore required to this section of the plan in response to this concern.

In response to the comment raised by the Frinton and Walton Heritage Trust, the council takes its statutory duty to protect or enhance the historic environment seriously. A key part of the council's conservation strategy is to continue to work with its partners, in particular English Heritage, Essex County Council and local parish/town councils and conservation groups in order to monitor the condition of the district's heritage assets and take appropriate action, when necessary, to bring about improvements and repairs. A number of powers exist and are available to councils to help bring about improvements and repairs but as advised by English Heritage and expanding on the requirements of the National Planning Policy Framework, the council should apply these proportionately in relation to the significance of the heritage asset concerned and the level of action required. It is therefore not agreed that any changes need to be made to this section in response to these concerns but changes are suggested to elsewhere in this section of chapter 5 in order to better articulate the council's approach to conservation.

The comment raised by the Frinton and Walton Heritage Trust about the potential for paragraph 5.43 to be misinterpreted because of the way it is worded is noted and agreed. It is therefore recommended this sentence be deleted to avoid any misinterpretation as the reference in the previous sentence to the fact that there are additional controls within Conservation Areas is sufficient, without going into detail.

In response to the additional wording suggested by TW Logistics Ltd, it is accepted that the historic character and appearance of a Conservation Area is often the result of its function i.e. the types of uses and activities that historically used to occur in that area (or in some cases still do) but it is not agreed that its character or appearance is reliant on its function, or these uses continuing as there are many examples where a new use or mix of uses is known to have protected or enhanced the character or appearance of an area.

It is also suggested by TW Logistics Ltd that it is made clear in the policy that any proposal (including proposals for demolition) that would cause harm to or the loss of significance of any heritage asset (which includes Conservation Areas) will be refused. Whilst this is agreed, in principle, it is not considered necessary to repeat this in this policy as it is already made clear in Policy PLA6. Instead, this could be addressed by stating in the supporting text that the policy should be read in conjunction with other relevant policies in the plan, in particular Policy PLA6. In response to the additional sources of information suggested by TW Logistics Ltd that could be taken into consideration when applying this policy, it is agreed that the policy should be amended to recognise that other sources of information about the history or significance of an asset may be taken into consideration in the determination of planning applications, where relevant and appropriate.

In response to the comment raised by TW Logistics Ltd that attempts to set out the thrust of national planning policy relating to conservation, the interpretation provided has been presented in isolation from the rest of the guidance provided in the National Planning Policy Framework. Whilst it may be the case that often the original use of a heritage asset is the most appropriate way of conserving that asset, it is not considered appropriate to specify this in the policy as in some instances the conservation of a heritage asset can be achieved through an alternative use to the one it was originally designed and intended for. This is particularly the case for redundant industrial premises where it is no longer suitable or viable to continue its original use. It is therefore not agreed that this needs to be set out in this policy in the Local Plan as this would be part of the detailed consideration that needs to take place at the planning application stage.

Outcome

The following **minor changes** (MIN5.22) to paragraph 5.42 on page 110 are proposed (additions shown as highlighted and deletions shown as struck through):

5.42 Policy PLA7 provides criteria against which proposals for development both in and, in certain cases affecting the setting of, a Conservation Area will be judged. These supplement the requirements of the National Planning Policy Framework and expand upon the principles set out in Policy PLA6 which seek to protect and enhance the historic environment. **It is therefore important that this policy is read carefully alongside Policy PLA6 and other relevant policies in the Local Plan.**

The following **minor changes** (MIN5.23) to paragraph 5.43 on page 110 are proposed (additions shown as highlighted and deletions shown as struck through):

5.43 The designation of a Conservation Area gives the Council additional control over advertisements, the demolition of structures and the lopping and removal of trees. ~~Proposals for advertisements including hoardings, sign boards or fascia boards will require ‘advertisement~~

~~consent' and must be well designed, respect their surroundings and not introduce a hazard to people or traffic.~~

The following **minor changes** (MIN5.24) to the third paragraph of Policy PLA7: 'Conservation Areas' on page 111 are proposed (additions shown as highlighted and deletions shown as struck through):

Permission will not be granted for development outside but near to a Conservation Area if it detracts from that Area's character ~~or its setting~~, applying the above criteria.

The following **minor changes** (MIN5.25) to the fourth paragraph of Policy PLA7: 'Conservation Areas' on page 111 are proposed (additions shown as highlighted and deletions shown as struck through):

In applying this policy, the Council will have regard to its Conservation Area Appraisals and where relevant, its adopted Conservation Area Management Plans (CAMPs) (see individual 'area chapters' in this Local Plan for more details on specific CAMPs) ~~and other relevant sources of information.~~

Policy PLA8 – Listed Buildings

(Page 112 – including paragraphs 5.49 to 5.51)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

TW Logistics Ltd: Reference should be made to the presumption in national policy and practice in favour of conserving the optimum use of heritage assets which is the use most consistent with the conservation of the asset's significance and its setting, often the original use of the heritage asset.

City & Country: Greater involvement with experts should be encouraged to help protect listed buildings.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): This policy appears to be in conflict with the statements supporting the demolition of The Grange in Hall Lane Dovercourt. I generally support the protective policies in the Local Plan but in all cases the disclaimer paragraphs leave the policies wide open to all manner of interpretation. It is unfortunate that the guidance is not clearer and more proscriptive as, in my experience of living in Tendring, many officers have, in the past, interpreted policies with a bias in favour of developers, without due consideration to nearby residents who might be adversely affected, and generally with little consideration of the written comments and or objections of those residents.

Comments from members of the public

Mr and Mrs. J. Noble: This policy appears to be in conflict with the statements supporting the demolition of The Grange in Hall Lane Dovercourt. I generally support the protective policies in the Local Plan but in all cases the disclaimer paragraphs leave the policies wide open to all manner of interpretation. It is unfortunate that the guidance is not clearer and more proscriptive as, in my experience of living in Tendring, many officers have, in the past, interpreted policies with a bias in favour of developers, without due consideration to nearby residents who might be adversely affected, and generally with little consideration of the written comments and or objections of those residents.

Council consideration

In response to the comments raised by POSITIVE and Mr and Mrs Noble suggesting that this policy appears to be in conflict with the statements supporting the demolition of The Grange in Hall Lane, Dovercourt, firstly the plan does not support the demolition of this property but does recognise that this could be an option should all other options to save the property fail. This issue is addressed in more detail in Chapter 7.

In response to the comment raised by TW Logistics Ltd that attempts to set out the thrust of national planning policy relating to conservation, the interpretation provided has been presented in isolation from the rest of the guidance provided in the National Planning Policy Framework. Whilst it may be the case that often the original use of a heritage asset is the most appropriate way of conserving that asset, it is not considered appropriate to specify this in the policy as in some instances the conservation of a heritage asset can be achieved through an alternative use to the one it was originally designed and intended for. This is particularly the case for redundant industrial premises where it is no longer suitable or viable to continue its original use. It is therefore not agreed that this needs to be set out in this policy in the Local Plan as this would be part of the detailed consideration that needs to take place at the planning application stage.

The comment by City & Country that greater involvement with experts should be encouraged to help protect listed buildings is noted and agreed but it is already expressed clearly in paragraph 5.40 that the Council will work with its partners when opportunities arise to review the future management and conservation of the district's heritage assets.

Outcome

No change to the Local Plan.

Policy PLA9 – Enabling Development

(Pages 112 and 113 – including paragraph 5.52)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

City & Country: We fully support Policy PLA9 as it is integral that Tendring District Council recognises the importance of Enabling Development and that it can be put to excellent use in providing the opportunity to save some of the areas most important heritage assets.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): This policy appears to be in conflict with the statements supporting the demolition of The Grange in Hall Lane Dovercourt. I generally support the protective policies in the Local Plan but in all cases the disclaimer paragraphs leave the policies wide open to all manner of interpretation. It is unfortunate that the guidance is not clearer and more proscriptive as, in my experience of living in Tendring, many officers have, in the past, interpreted policies with a bias in favour of developers, without due consideration to nearby residents who might be adversely affected, and generally with little consideration of the written comments and or objections of those residents.

Comments from members of the public

Mr and Mrs. J. Noble: This policy appears to be in conflict with the statements supporting the demolition of The Grange in Hall Lane Dovercourt. I generally support the protective policies in the Local Plan but in all cases the disclaimer paragraphs leave the policies wide open to all manner of interpretation. It is unfortunate that the guidance is not clearer and more proscriptive as, in my experience of living in Tendring, many officers have, in the past, interpreted policies with a bias in favour of developers, without due consideration to nearby residents who might be adversely affected, and generally with little consideration of the written comments and or objections of those residents.

Council consideration

The support from City & Country for this policy is noted and welcomed but this relates to the promotion of development to enable the restoration of St. Osyth Priory, which is addressed in detail elsewhere in the plan. The council supports the principle of bringing heritage assets back into use and the role that heritage-led regeneration can play in this is acknowledged but where further development is proposed to enable this to occur, careful consideration is needed, particularly when this further development is considered to be a 'departure' from the rest of the Local Plan. Such proposals will be considered against Policy PLA9 and other relevant policies in the plan where the detailed consideration needs to take place at the planning application stage.

In response to the comments raised by POSITIVE and Mr and Mrs Noble suggesting that this policy appears to be in conflict with the statements supporting the demolition of The Grange in Hall Lane, Dovercourt, firstly the plan does not support the demolition of this property but does recognise that this could be an option should all other options to save the property fail. This issue is addressed in more detail in Chapter 7.

Outcome

No change to the Local Plan.

Policy PLA10 – Renewable Energy Installations

(Page 114 – including paragraphs 5.57 to 5.60)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We generally welcome this policy however it should be recognised that renewable energy technologies, particularly wind farms, are not always compatible with areas of environmental sensitivity such as those found within Tendring. We recommend that the policy should be amended to reflect the risk that such development can pose to bird and bat populations associated with the nationally and internationally designated sites in the district. We are concerned about the statement that “*within internationally and nationally designated areas renewable energy schemes will be supported in exceptional circumstances where it can be demonstrated that...any adverse impacts are clearly outweighed by the social and economic benefits of the energy installation*”. This implies that adverse impacts on the natural environment, including the landscape, may in some cases be permitted. We would like to see the wording of the policy amended to require adequate mitigation in such circumstances.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: TC objects to further renewable development in the locality.

Comments from members of the public

Pamela Bush (Great Holland): Objects to the Holland marshes being used as a solar farm because these open spaces should be protected for their environment. Also objects to off-shore wind farms because it is no longer possible to see the Kent coastline on very low tides at night. The god-given environment should be protected for future generations.

R. Dodds (Clacton): Good to see solar and wind developments. Council buildings, schools and leisure centres are ideal for solar energy as they are mainly used during the day. It is increasingly a good investment as the cost of panels come down.

Council consideration

We consider that sufficient protection exists within other Policies in this Chapter to protect both national and internationally designated areas against inappropriate development. The phrase ‘in exceptional circumstances’ is taken from the National Planning Policy Framework and is therefore sufficiently robust. It is also difficult to see what ‘adequate mitigation’ measures could be put in place to alleviate impacts of renewable energy installations within these particularly sensitive areas.

The Council could not justify preventing renewable development in a certain part of the District without extenuating circumstances such as an area of land might have special protection locally, nationally or internationally. This general protection is covered elsewhere within this Plan. Frinton

benefits from the protection of a Conservation Area and the Avenue Area of Special Character, it is considered therefore that sufficient protection is already given to this area through these Policies.

This Policy does not concern itself with individual developments such as that alluded to at Holland Marshes. It is for the member of public to contact the Council's Development Management Department and for that Development Management Officer to consider planning applications on their merit. Offshore wind farms are not determined by the District Council and in any event members of the public do not have a right to a view. The Council does agree however with the sentiment that the countryside should be protected for future generations. It is proposed to remove reference to specific types of renewable energy schemes that the Council might support from Policy PLA10 as there is no need for this level of detail in the policy when an overarching statement of support for renewable energy schemes generally would suffice.

The Council agrees in principal with renewable energy being utilised in public buildings, and public bodies are endeavouring to do so, where practical and affordable. However, it is not considered that any changes to the wording of this policy are needed to assist in achieving this.

Outcome

The following **major changes** (MAJ5.2) to Policy PLA10: 'Renewable Energy Installations' on page 114 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY PLA10: RENEWABLE ENERGY INSTALLATIONS

The Council will support proposals for renewable energy schemes ~~including community-led renewable projects, onshore and offshore wind farm proposals~~ along with their ancillary infrastructure and micro-generation schemes. Applicants will be encouraged to incorporate renewable energy technologies into development where viable.

Schemes should be located and designed in such a way to minimise increases in ambient noise levels; and visual impacts should be mitigated through siting, design, layout and landscaping measures in accordance with guidance set out in the National Policy Statement for Renewable Energy Infrastructure.

Within internationally and nationally designated areas renewable energy schemes will be supported in exceptional circumstances where it can be demonstrated that the designation objectives for the area will not be compromised and any adverse impacts are clearly outweighed by the social and economic benefits of the energy installation.

Proposals for 'solar farms' will be permitted on low grade agricultural land other land with no agricultural function. The use of the best and most versatile agricultural land (grades 1, 2 and 3a) will be permitted where it can be demonstrated, with evidence, that lower quality land is not available or practical for this use and the benefits of the development outweigh any concerns over the loss of agricultural land.

Proposals will be required to include transport assessments covering the construction, operation and decommissioning of any wind farm proposals, ensuring appropriate access to the site is maintained; and sites must be restored when the turbines are taken out of service.

The following **minor changes** (MIN5.29) to paragraph 5.58 on page 114 are proposed (additions shown as highlighted and deletions shown as struck through):

5.58 With a national target of 15% of energy to be generated from renewable energy sources by the year 2020, the Council must contribute to meet, and where possible exceed, this target by supporting renewable energy installations and their associated infrastructure including wind farms and substations and 'solar farms', where appropriate.

The following **minor changes** (MIN5.30) to paragraph 5.60 on page 114 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

5.60 In assessing the likely impacts of potential wind energy development (and other forms of renewable energy installations) the Council will follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure and any subsequent amendments or future guidance regarding renewable energy installations.

Chapter 6: Clacton-on-Sea

Clacton – General

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Clacton Football Club (CFC): OBJECT: The Local Plan fails to make any provision for additional land for sports purposes. CFC request that the Local Plan makes reference to the need for additional football pitches and associated facilities.

Natural England: In the Vision for Clacton-on-Sea, we would like to see some reference to the natural environment (including landscape and seascape) of the area as it presently focuses only on socio-economic issues. We will not comment on the suitability of individual sites at this strategic stage of the planning process. However, we welcome the recognition in paragraph 6.7 that the policies and proposals in this chapter will need to be considered alongside the requirements of district-wide policies contained in Chapters 2, 3, 4 and 5 of the Local Plan.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Miss Y. U. Clarke: The Local should include the following:

- a sustainable watersports centre/marina located between Holland Haven and Frinton for sailing, wind surfing, board surfing, kite surfing and kite flying – funded by the private sector with Government grant aid;
- the construction of a new road level with the current sea wall which would be a toll road open in only daylight hours with Pay and Display parking for sports participants and spectators;
- the creation of zones for shoreline pods that generate their own solar electricity with mains water and sewerage connection to Holland Haven Sewerage Treatment Works;
- use Government Pathfinder initiative with private sector to create a harbour that can capture tidal power to generate electricity which can be fed into the national grid at the Holland Haven ingress portal for the current Wind Farm operated by Dong.

Council consideration

The comment from Clacton Football Club is noted. However, it is not agreed that provision should be provided in the absence of firm proposals or available land. Instead, the Local Plan provides the mechanism for additional open space to be acquired through the development management

process and includes in Policy PEO20: 'Playing Pitches and Outdoor Sports Facilities' standards for new pitches that has been informed by the Council's Open Spaces Strategy.

The suggestion from Natural England that the area chapters of the plan should include a statement making it clear that the policies and proposals in these sections should be considered alongside the strategic, district-wide policies and proposals in chapters 2 to 5 is noted but it is not agreed that any further wording is required at this stage. Any further tweaks to aid the usability/navigation of the document will be determined once the plan is finalised.

In response to the comments from Miss Clarke, it is not agreed that the Local Plan should include the improvements suggested in the absence of firm proposals as there is no guarantee such initiatives are viable or deliverable. Instead, the Local Plan provides sufficient support for such proposals to be considered on their merits. The changes proposed to Policy PRO7: 'Tourism' should help make it even clearer that the Council is generally supportive of proposals that would help improve the tourism appeal of the district (see proposed changes **MIN3.11**).

Outcome

No change to the Local Plan.

Policy COS1 – Regeneration at Clacton Town Centre and Seafront

(Pages 116 and 117 – including paragraphs 6.8 and 6.9)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Ms. C. Lewis (Clacton-on-Sea): One way to introduce a substantial amount of regeneration to Clacton is to negotiate with Greater Anglia Railways to reduce the travel time to London to 1 hour 10 minutes. This would be easy to achieve and would have the positive psychological impact on commuters who are looking to live within relatively easy reach of London. Commuters spend money in the town, and they often have stay at home partners who spend money locally. This would also have the benefit of introducing gentrification to Clacton, such as that seen in Brighton. There is a wide variety of housing which would definitely appeal to commuters, all within easy reach of the station. An extremely good and reliable service is on offer, and more should be made of this facility in attracting people to the area.

There is a huge untapped market in Clacton for the upmarket facility you mention in the plan for the Atlanta Café. But, that type of business does not sit well with the current type of offerings around the pier. The restaurant on the end of the pier, for example, could be a "destination" restaurant maximising on the fantastic view. Also the recent regeneration of the Pavilion should have resulted in more of a "destination offering".

The plans for the town centre are ambitious but the reference to the fact that Clacton Town Centre has deprivation is a constraint to the success of the plan. Areas like Beach Road should be suitable for Boutique Hotels and nice restaurants but these areas are let down by a number of current inhabitants.

The plan is not realistic enough about what is currently in Clacton and the constraints that imposes upon the plan. Therefore, the success of the plan will be limited. The plan needs to consider a wider range of methods to attract a different type of resident to the town if real change is to be made. Clacton is such a wonderful place. It just needs a bit more realism on the part of the planners, and maybe some harder decisions about what should be done to improve the quality of life for the majority of people living in the town, rather than the small minority who are currently bringing it down. I feel that this is missing from this plan. See also comments made against Policy COS9 (Anglefield Cliff-Side Hotel Proposal).

Mr. J. Ratford (Clacton-on-Sea): There are vacant areas to the west of Oxford Road and off Valley Road east of the railway line (empty Dovercourt motors site) that are suitable for housing. The priority area for regeneration should be extended to cover these areas.

Ms. D Stedman (Kirby Cross): Clacton town centre is in desperate need of a boost, if we increase the population here, there will be more disposable income to spend in the local area which will help push more money into the local economy and offer real chance for business to survive the economic downturn, and enable Clacton to become a thriving seaside town once again. This area is lacking in recreational facilities. If we want people outside the district to spend time and money here we need to see a marked improvement on what the area has to offer. Additionally, many residents travel out of the area to participate in recreational activities, such as ice skating and shopping, to towns such as Colchester and Ipswich offer more diversity. Clacton Shopping Village, compared with Freeport Shopping Centre, does not offer a wide variety of shops which cater to a wide audience. If Clacton Shopping Village were improved it would help bring people to the town centre.

Council consideration

Ms. C. Lewis comments relate to improving the railway and general regeneration issues for Clacton. Many of the suggested improvements are considered to be 'good ideas' but go beyond the scope and level of detail that the Local Plan can achieve. Consultation with Greater Anglia Railways and Network Rail has revealed that there are not any plans or financial commitments to upgrade this line in the near future. However, in recognition that transport and accessibility is a key issue for the Local Plan, Policy SD8: Transport and Accessibility sets out this Council's commitment to work with its partners, including Essex County Council, bus and train operators and the development industry, to improve accessibility and capacity, promote sustainable transport and reduce dependence on the private car.

In response to the number of suggestions put forward regarding improving Clacton Town Centre, the Council's Regeneration Company has undertaken a project looking at the potential of the seafront area working with architects Broadway Malyon and award winning designers Wayne and Gerardine Hemingway. The study that resulted from this work –'Celebrate-on-Sea: Putting the fun back into Clacton', focussed on the core visitor area around the Pier and a marketing strategy for the town. This was the subject of informal public consultation in May 2010.

The key sites within the seafront area are located around the Pier and 'Pier Gap':

- The Atlanta Café;
- The Royal Hotel;
- The Pavilion; and
- The Pier

Atlanta Café

The Atlanta Café lies in a prominent position on the seafront, embedded into the cliff-side overlooking the Pier and the award-winning West Beach. The Celebrate-on-Sea Study has identified the Atlanta as a prime opportunity for either refurbishment or redevelopment in order to establish a signature café/restaurant in a prominent position in the heart of the core visitor area. At present, the Atlanta does not fulfil its potential as a key building at the gateway to the seafront. The upper floor and terraces are underutilised and the facility is closed for much of the year. The building is in the ownership of the Council and could be marketed at an early opportunity. The proposals could include:

- The creation of a signature café/ restaurant which will be open in the day and evening and throughout the year.
- Extended outdoor seating area on promenade.
- A panoramic roof top restaurant with outdoor terrace.
- Potential gallery space.

Like the East Beach Café in Littlehampton and the Overstrand building in Boscombe, the Atlanta offers great potential to become a flagship of regeneration of the seafront which will help to put Clacton back on the visitor map. The building provides the potential for a ground floor café / beach bar, a first floor bistro/ bar and gallery and an upper terrace/barbeque outdoor dining area. The Council will seek to secure a suitable private sector partner to bring the project forward who is committed to the development of a high quality independent offer. The Council will place particular importance on the quality of the proposed use and occupier as this is seen as a key catalyst project to realise the ambition for the seafront.

The Royal Hotel

In 2009, planning permission was granted for the refurbishment, partial demolition and extension of the existing building to form 25 bed hotel, bar, restaurant, up to 7 (A1/A2/A3/B1/D1) Commercial Units, 47 apartments, improved streetscape works and landscape planting. This work is currently under construction and will contribute greatly to the urban renewal of Clacton.

The Pavilion

The Pavilion is a key part of Clacton's heritage and occupies a strategic location at the gateway to the seafront. Refurbishment and reuse of the building would greatly enhance the attractiveness of the seafront for both for residents and visitors but its future needs to be considered as part of a comprehensive plan. The Council will work with the current leaseholders to restore the Pavilion and to maximise its potential as an attraction on the seafront. The current leaseholders have embarked on a scheme to renovate the Pavilion for use as a family entertainment venue.

The Pier

The Pier forms part of the hub of activity on the seafront and the focus for fun and entertainment. As the largest pleasure pier in the country, it provides huge potential for extended use and new attractions. The Council will work with the owners to take forward a shared vision for the Pier as an integral and vital part of the seafront. The current owner of the Pier has an ambitious programme for its restoration and an extended range of facilities and events. Rationalizing uses and their placement on the Pier would help to foster a more inviting and sustainable image for the Pier.

Recently, the owners have remodelled the Pier frontage to create a new bar and grill, constructed a new roller coaster and other rides, installed a new crazy golf facility and shelters and are in the process of creating a new 10-pin bowling facility.

In addition to the above, five opportunity sites have been identified in the Clacton Town Centre Area Action Plan. The sites have been selected in recognition of their importance to the overall regeneration of the town centre.

The sites are:-

- Jackson Road
- The Civic Quarter
- The Station Gateway
- Warwick Castle
- Waterglade Park

Mr. J. Ratford (Clacton-on-Sea) comments are acknowledged. Valleybridge Road Industrial Estate is located outside of the Town Centre, therefore the Council's flexible employment policy 'PRO14: Employment Sites' will apply to this site. In addition the housing potential of different sites across the town has been assessed through the Strategic Housing Land Availability Assessment which was the subject of informal public consultation in September 2013.

Ms. D Stedman comments which relate Clacton Town Centre are acknowledged. The Clacton Shopping Village has recently been the subject of external alternations in a bid to improve the shopping experience and attract new visitors to the town. It must be recognised that the UK is currently in recession and the retail sector nationally is performing poorly therefore, empty units at the shopping centre is reflective of the current situation nationally.

Outcome

The following **minor changes** (MIN6.3) to Policy COS1: 'Regeneration at Clacton Town Centre and Seafront' on page 117 are proposed (additions shown as highlighted and deletions shown as struck through):

- Creation of a Civic Quarter (Policy COS3);
- Expansion of Waterglade Retail Park (Policy COS4);
- ~~Warwick Castle Market Site (Policy COS5);~~
- Development in Jackson Road (Policy COS6);
- Rejuvenating the Station Gateway (Policy COS7); and
- Atlanta Café (see Policy COS8); and
- ~~Anglefield Cliff Side Hotel Proposal (see Policy COS9).~~

Policy COS2 – Clacton Town Centre

(Page 119 – including paragraphs 6.10 to 6.17)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Kevin Britton (represented by Martin Robeson Planning Practice): The Council's Retail Studies identify additional retail need on the basis of a constant market share. This is recognised within both Retail Studies (see for example page 54 of the 2006 Stage 1 Report).

As a result the Retail Studies only identify sufficient floorspace to maintain existing market shares. To meet the full identified needs of the local community, reduce the leakage of trade to more distant towns, thereby enhancing the viability and vitality of these towns and reducing the need for residents to travel further afield for their services, every effort should be made to increase individual market share to a more sustainable level.

The Local Plan fails therefore in its role to “*meet objectively assessed needs*” (paragraph 14, NPPF) and for the needs of retail to be met in full (paragraph 23, NPPF).

To ensure the soundness of the Local Plan we would recommend that the floorspace figures referred to are clarified as minimum requirements.

Our recommended revised wording is as follows:

“The forecasts in the retail study suggest that over the plan period, the demand for additional convenience goods floor space in Clacton is unlikely to grow significantly in the short term, based on constant market shares, even taking population growth into account. It suggests a future need for an additional 100m² by 2015, increasing to around 800m² by 2020 and around 1,500m² by 2025. Increasing local market shares would increase the need for local provision. Clacton, as an urban area, is relatively well served by supermarkets with a number of town centre and out of town stores, this accounting for the limited need for further provision of convenience goods floor space based on constant market shares”

(Additional text underlined)

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

It is proposed to introduce a new policy PRO5a ‘Use of Shop Units in Town Centres’ into Chapter 3 of the Local Plan as a single replacement for policies COS2: ‘Clacton Town Centre’, HAD3: ‘Dovercourt Town Centre’, FWK2: ‘Walton-on-the-Naze Town Centre’, FWK3: ‘Frinton-on-Sea Town Centre’, MLM1: ‘Manningtree Town Centre’ and BRI1: ‘Brightlingsea Town Centre’.

Outcome

The following major changes (MAJ6.1) to Policy COS2: ‘Clacton Town Centre Town Centre’ and supporting paragraphs 6.10 to 6.17 on pages 117 to 119 are proposed (additions shown as highlighted and deletions shown as struck through) to reflect the proposed addition of new Policy

PRO5a: 'Use of Shop Units in Town Centres' and supporting paragraphs in Chapter 3 (see major change [MAJ3.5](#)):

Clacton Town Centre

6.10 Within its town centre, Clacton has a greater range of shops than any other part of the Tendring district. However, in comparison with neighbouring Colchester, Clacton is seen to have a relatively poor retail offer and there are many residents that are prepared to travel the extra distance to shop in Colchester for the range and quality of retail and other services enjoyed by a larger town. This 'leakage' of trade damages the Clacton economy and with the emergence of on-line shopping, the need to maintain and expand Clacton's retail offer, both in terms of range and quality, is greater than ever.

6.11 The Council's 2010 Retail Study identified that the town centre had had a total of just over 300 individual shop units with more than 52,000m² of ground floor space between them. These shop units mainly accommodate businesses involved in the sale of 'convenience goods', the sale of 'comparison goods' and the provision of 'services'. Around 7% of the shop units in the town centre were occupied by 'convenience' retailers i.e. those selling food and every day supplies such as supermarkets, butchers, newsagents, fishmongers and greengrocers. This level was broadly in line if not slightly below the national average.

6.12 The forecasts in the retail study suggest that over the plan period, the demand for additional convenience goods floor space in Clacton is unlikely to grow significantly in the short term, even taking population growth into account. It suggests a future need for an additional 100m² by 2015, increasing to around 800m² by 2020 and around 1,500m² by 2025. Clacton, as an urban area, is relatively well served by supermarkets with a number of town centre and out of town stores, thus accounting for the limited need for further provision of convenience goods floor space.

6.13 Around 37% of the shop units in the town centre are occupied by 'comparison' retailers i.e. those selling one-off goods such as electrical appliances, clothing, furniture, books, multimedia and home wares. This level is slightly above the national average. The forecasts in the retail study suggest that over the plan period and beyond, the demand for additional comparison goods floor space in Clacton has the potential to grow significantly. It suggests a need for an additional 1,500m² by 2015, increasing to around 7,500m² by 2020 and around 14,000m² by 2025. The sale of both convenience and comparison goods falls under 'Class A1' of the Planning Use Classes Order.

6.14 Nearly 50% of shop units in the town centre are occupied by 'services' which are typically non-retail uses including banks, building societies, estate agents, takeaways, restaurants and cafés which tend to fall under Classes A2, A3, A4 and A5 of the Planning Use Class Order. This level is slightly above the national average. These services are vital to the economy and help to support the retail function of the town centre but care must be taken to ensure that they do not dominate or detract from retail, particularly in the prime shopping areas.

6.15 The level of vacant units varies over a period of time depending on economic conditions and market trends. In 2010, around 20 units were vacant which equates to just over 6% – much lower than the national average. However, at the time of writing, the situation had improved with only 6 empty units (2%). This demonstrates that, despite the recent economic recession, Clacton Town Centre is still an attractive location for retail and service uses and, with the right interventions, is well placed to deliver an improved range of goods and services in the future. In addition, vacant units only comprised around 3,000m² in total; nowhere near enough space to deliver the 15,500m² of additional A1 retail that the study suggests for meeting growing demand for over the next 15-20 years.

~~6.16 To promote economic growth and continued vitality and viability in Clacton Town Centre, the strategy in this Local Plan is to:~~

- ~~• In the defined primary shopping frontages, use planning policies to restrict the use of shop units to 'retail' (Use Class A1). This will prevent their loss to non-retail activities and provide opportunities for leading multiple retailers to occupy prime locations within the town centre and therefore enable Clacton to compete with the shopping offer of larger towns like Colchester.~~
- ~~• In the defined secondary shopping frontages, allow flexibility for shop units to be used for Use Classes A1, A2, A3, A4 or A5 to minimise the risk of long term vacancies, maintain the vitality of the town centre and support its primary retail function.~~
- ~~• Promote the development of new retail floor space as a integral part of redevelopment on the identified 'opportunity sites' within the town centre to increase the retail offer and meet future shopping demands of the town's growing population.~~

~~6.17 Policy COS2 below will be considered alongside the general policies on town centres and town centre development PRO5 and PRO6 in Chapter 3 of this Local Plan.~~

~~POLICY COS2: CLACTON TOWN CENTRE~~

~~Clacton Town Centre, Primary Shopping Area, Primary Frontage and Secondary Frontage are defined on the Policies Map Inset.~~

~~Within the Primary Frontage the following uses of ground floor commercial premises will be permitted:~~

- ~~• A1: Shops.~~

~~Within the Secondary Frontage the following uses of ground floor commercial premises will be permitted:~~

- ~~• A1: Shops;~~
- ~~• A2: Financial and Professional Services;~~
- ~~• A3: Restaurants and Cafés;~~
- ~~• A4: Drinking Establishments; and~~
- ~~• A5: Hot Food Takeaways.~~

~~Elsewhere in the defined town centre, other commercial uses of ground floor commercial premises will be acceptable subject to the detailed consideration of their impacts against other relevant policies in this Local Plan.~~

~~Proposals that would result in the loss of ground floor commercial premises to residential use will not be permitted. The use of upper floor accommodation for residential use will be supported provided that it does not jeopardise the practical operation of the ground floor business.~~

Policy COS3 – Creation of a Civic Quarter

(Pages 119 and 120 – including paragraph 6.18)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: For clarity and to ensure that sustainable transportation modes are promoted effectively in new development in this area the policy should be amended by:

- Bullet a) – adding reference to cycle facilities so that the text reads, “individual cycle/pedestrian access points in Station Road, Carnarvon Road and the High Street retained/created with safe secure and direct cycle/pedestrian routes provided through and between the different uses and activities within the site”.
- Bullet d) – to ensure appropriate public transportation access, amend to read, “existing bus stops to be improved where possible and retained within, or integrated into, and development”.

The Theatres Trust: OBJECT to policy COS3 because a new theatre should be situated in a Cultural Quarter rather than a Civic Quarter. In addition applying ‘quarters’ to an established settlement is unsatisfactory on a practical level:

West Cliff Tending Trust: It is not clear why the new proposed Civic Quarter should include a new theatre. There are already two theatres in Clacton and as far as we can see a third theatre would be completely unsustainable. Although theatre use is termed "sui generis", it is not explained anywhere what its unique characteristic would be and how it would not compete for an audience with the two existing theatres in Clacton unless the proposal is to replace the Princes Theatre. Even if that is the proposal, it still needs more than just a throwaway line in the Plan and more explanation of what would be different about it and what it would provide to ensure cultural enrichment and enhancement of the area different to what is already on offer.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The changes suggested by Essex County Council are agreed and have been incorporated into the new policy.

The Theatres Trust and West Cliff Tendring Trust comments relate to the provision of a new Theatre in Clacton. The Town Hall is a Grade II listed building and is one of Clacton's most striking landmarks and is currently the home of Tendring District Council's main offices and the Princes Theatre. The objective in any comprehensive development of the wider area will be to retain the listed building and its use as a Theatre (not to develop a new facility) and enhance its setting.

Outcome

The following **minor changes** (MIN6.4) to paragraph 6.18 on page 119 are proposed (additions shown as highlighted and deletions shown as struck through):

6.18 One of the recommendations from the consultants studies on rejuvenating the town centre identified an opportunity to utilise land and buildings at and around the Town Hall, public library and public car park and create a functional and attractive 'civic quarter' through a combination of redevelopment and re-use of existing buildings and selected public space improvements. The objective in any comprehensive development of the wider area will be to retain the Town Hall which is a listed building and its use as a Theatre. This part of the town centre is characterised by a number of large civic buildings in a strategically important location south of the railway station and north of the main retail areas. The land and premises in question are identified on the Policies Map Inset and any proposal for development affecting this area must have regard to Policy COS3 below. The Council will consider the need to prepare a development brief or supplementary planning guidance to assist in the development and improvement of this area.

The following **minor changes** (MIN6.5) to the bullet-point list in Policy COS3: 'Creation of a Civic Quarter' on page 119 are proposed (additions shown as highlighted and deletions shown as struck through):

- Retain the grade 2 listed Town Hall and its use as a theatre Theatre (Sui Generis)
- B1 (a) Business
- A2 Financial and Professional Services
- A1 Retail
- C3 Residential
- Multi-storey car park

The following **minor changes** (MIN6.6) to criterion a) of Policy COS3: 'Creation of a Civic Quarter' on page 119 are proposed (additions shown as highlighted and deletions shown as struck through):

a) individual cycle/pedestrian access points in Station Road, Carnarvon Road and the High Street to be retained/created with safe secure and direct cycle/pedestrian routes provided through and between the different uses and activities within the site;

The following **minor changes** (MIN6.7) to criterion d) of Policy COS3: 'Creation of a Civic Quarter' on page 119 are proposed (additions shown as highlighted and deletions shown as struck through):

d) existing bus stops to be retained improved where possible and retained within, or integrated into, any development;

Policy COS4 – Expansion of Waterglade Retail Park

(Pages 121 and 122 – including paragraphs 6.19 and 6.20)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: To ensure public transportation is a viable option for existing and future users of the Waterglade Retail Park, bullet h) should be amended to read “existing bus stops to be improved where possible and retained within, or integrated into, any development”.

Comments from landowners, developers and businesses

National Grid Property Limited (represented by Nathaniel Lichfield & Partners): The land owned by National Grid, ‘the Site’, is located within the town centre of Clacton-on-Sea and is within an area of Urban Regeneration. The principle of extending the existing Waterglade Retail Park onto the Site has already been accepted through its current allocation in the adopted Tendring District Local Plan (2007). The current allocation is for “*mixed-use comprising non-food bulky comparison retail goods and leisure activities*”, and it goes on to state that proposals for non-bulky retail goods will be assessed depending on the nature of the proposals, the application of a sequential assessment, any associated highway impacts and the impact on the vitality and viability of the town centre.

GVA’s Retail Study Update (2010) considers that the majority of comparison retail capacity in the District is within Clacton-on-Sea where it has been identified that there is capacity to support “*approximately 1,496 sqm additional comparison goods floorspace by 2015; increasing to 7,449 sqm net by 2020, and 14,410 sqm net by 2025. This is a significant level of capacity which could support a reasonably sized town centre scheme over the plan period* (para. 5.38)”. The Retail Study identifies the National Grid site as one of the five key development opportunities in Tendring District to accommodate this additional retail floorspace. It states that “*The extension to the Waterglade would help to increase the comparison retail offer of Clacton-on-Sea and could complement the retail function of the core town centre*” (para.4.20). The Retail Study considers that additional retail floorspace at the site would strengthen the town centre offer and it is “*important for Clacton town centre to enhance and consolidate its comparison retail role to prevent its market share from being eroded by improvements in other shopping destinations in the wider sub-region, such as Colchester and Ipswich. A potential consideration for these sites should also be the improvement of the leisure offer of Clacton*” (para. 6.18). In addition, the Clacton Town Centre Vision (2009) states that the Waterglade Retail Park “*performs an anchor role to the western part of the Town Centre and there is strong evidence of linked trips between the two parts of the town centre*” (para. 6.14).

Therefore there is clearly a continued requirement for additional retail floorspace within Clacton-on-Sea and given the site’s characteristics and close proximity to the primary retail frontage (approximately 210m to the east) the site is clearly important for the future economic growth of Clacton-on-Sea. It is therefore essential that the adopted planning policy for the site provides a positive context to enable the site specific constraints and those deriving from the wider economic climate to be overcome to enable the delivery of this key development opportunity in the only major town centre in the district.

National Grid supports the expansion of Waterglade Retail Park onto the National Grid site, but considers that additional flexibility must be incorporated into the wording of Policy COS4 to ensure that the policy satisfies the NPPF requirements in terms of soundness and that the policy will not jeopardise delivering a sustainable development at this location.

The NPPF requires policies to be justified, effective and consistent with National Policy NPPF (para. 182) to ensure that they are 'sound'. The NPPF, at para 15, is clear that policies should follow the approach of the presumption in favour of sustainable development, which is seen as "*the golden thread running through both plan-making and decision-taking*". The NPPF also requires:

- Local Plans to have "*sufficient flexibility to adapt to rapid change*" (para. 14).
- That "*Plans should take account of market signals*" (para. 17); and
- "*Planning should operate to encourage and not act as an impediment to sustainable growth*" (para. 19).

It is our view that the current drafting of elements of Policy COS4 are unnecessarily onerous (which is not justified) and therefore the policy may not be flexible or effective enough to facilitate sustainable development. As a result, the draft Policy is not consistent with national planning policy. We highlight below areas where we considered that the text should be amended which will enable Policy COS4 to be 'sound'.

Scope of Proposed Uses

National Grid supports the scope of the proposed uses at the site, which includes A1, A3, B1, C1 and D2 uses. These uses are considered appropriate for this town centre location and consistent with the NPPF which encourages focusing development and investment on town centres, and the approach is also consistent with the adopted Local Plan, GVA's Retail Report and draft Policy PRO6 of the Local Plan.

However, we recommend that the reference to 'Retail Warehouses' is removed from the wording of the Policy as this is unduly restrictive and inflexible. Not only is this term not identified within the NPPF, but there may not be commercial demand for such a narrow type of retail development at this location. As a result, the current wording of the Policy may prevent a viable and sustainable scheme from being delivered.

As set out above, the town centre location is suitable for A1 uses and given the other potential complementary uses, including restaurants, hotels and leisure at the site, the scope for a wider range of retail uses would be beneficial in terms of the overall commercial 'offer' in the western part of the town centre and competitiveness of the town centre in the district.

Therefore we recommend the text is amended to reflect our comments to ensure the policy is sound (as set out below).

Site-Specific Design Objectives

There are a number of site-specific design objectives which are set out in Policy COS4. We consider that a number of these may be unduly onerous and may impede the delivery of a high quality sustainable development at this location, and as a result they therefore are not considered 'sound'. We therefore recommend that the text is amended to be more flexible and effective, so that alternative forms of appropriate sustainable development can be delivered.

The existing Retail Park may or may not be remodelled as a result of any extension to the Park and therefore some of the objectives may not be possible, in terms of car parking numbers, remodelling of existing retail units and new surface treatments in Old Road. The wording of the policy should be amended to ensure that the scheme can be delivered in stages and without requiring work to be undertaken on land outside the applicants' control (for example the existing Retail Park) which may not be necessary for the proposed sustainable development. Therefore, we have added '*where feasible and viable*' in the text before the various design objectives are set out; deleted reference to the redevelopment of the existing 'retail sheds' (point j); deleted reference to

the provision of surface treatments in Old Road (point l); and, added that a contribution towards the pedestrian crossing (point e) may be required rather than full provision.

In addition, the wording of this Policy in relation to car parking provision (at point (g)) of the Policy) and draft Policy COS1 (which does not permit development “*that would result in an overall net decrease in off-street car parking space within the Priority Area for Regeneration*”), appears to conflict with draft Policy SD8, which seeks to reduce dependence on the private car. We consider the references in Policy COS1 and COS4 should be amended so that it is consistent with Policy SD8.

It is unlikely that the proposal will create ‘public space’ (point k) as it will be within a private development and therefore to avoid any confusion we have replaced ‘public space’ with ‘internal environment’. We have also deleted ‘continuous’ from point l and added reference to the National Grid site to add clarity to the wording of the policy. We consider the key is for the frontage to be strong and active and this may not necessarily be continuous.

Piecemeal Development

The draft policy says that piecemeal development which jeopardises or fails to take the opportunity to assist in the achievement of the policy objectives will not be permitted. However, clearly, the whole site may not be progressed together due to the current land ownership and other factors. Therefore, to ensure the Policy is sound the wording should be more flexible to ensure that development which cannot meet all of the objectives, but still represents sustainable development can be delivered.

If the site is developed separately, it may not be possible to provide routes through the whole development site, and therefore we have added ‘*where appropriate*’ at the end of point d. Similarly, we have added ‘the main’ in relation to the vehicular access in point f, as if the site is developed separately, there may be scope for a new small access point to service a small element of the scheme.

Proposed Amendments to Policy COS4

In light of the above, it is suggested that Policy COS4 is amended (as set out below) to ensure that it is justified, effective and consistent with National Planning Policy, and to enable future flexibility (bold denotes suggested additional wording and strikethrough represents deleted text).

“The Waterglade Retail Park and adjoining gasworks and waterworks site are together identified as an opportunity site for comprehensive or phased mixed-use development which could comprise the following uses:

- A1–Shops (*Including Retail Warehouses*)
- A3-Restaurants and Cafes
- B1+ Business
- C1-Hotels
- D2-Leisure

Alongside other relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals *should where feasible and viable* ~~must~~ have regard to the following site-specific design objectives:

- a) the creation of pedestrian and cycle access points on Old Road;
- b) the provision of pedestrian and cycle links through the site where appropriate;

- c) a shared surface approach to vehicular areas within the site which priorities pedestrians and cyclists;
- d) the creation of safe, secure and direct routes through the development *where appropriate*;
- e) the provision *of, or contribution towards, a safe and direct pedestrian crossing across Old Road*;
- f) *the main* vehicular access/egress for the car parking area shall be via the existing access off Old Road;
- g) ~~development must not result in a net decrease in the number of off street car parking spaces serving the Clacton Town Centre and Seafront Priority Area for Regeneration taken as a whole. Car Parking provision should be in accordance with Policy SD8;~~
- h) existing bus stops to be retained within, or integrated into, the development;
- i) the creation of a strong and ~~continuous~~ active frontage which adds interest, life and vitality to the public realm; in particular addressing the existing gap in frontage *along Old Road at the National Grid site* which is a significant and unsightly break in street continuity, which contributes to the lack of enclosure and focus around the site;
- j) ~~if the site is developed in a piecemeal fashion, the remodelling of the existing retail sheds to create an active frontage (as opposed to a blank wall) facing Old Road street scene, up to 4-5 storeys to corner, but generally 2-3 to reflect the surrounding residential scale;~~
- k) the creation of high quality ~~public space~~ *internal environment* including boundary treatments and hard and soft landscaping designed as an integral part of the development reflecting the function and character of the development and surroundings;
- l) ~~the provision of new surface treatments to improve the character and streetscape in Old Road;~~
and
- m) the provision of new public art to provide attractive landmark sign to retail park entrance, where appropriate.

Should the site be developed separately proposals should not Piecemeal development proposals that either jeopardise or fail to take the opportunity to assist in the achievement of the objectives above will not be permitted."

Comments from community representatives
(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The following changes suggested by National Grid are agreed and have been incorporated into the new policy:

- reference to 'including Retail Warehouses' is included in the text of the policy to prevent the policy being unduly restrictive and inflexible;
- Point d) "where appropriate" has been inserted into the policy text.
- Point e) "or contribution towards" has been inserted into the policy text.
- Point i) "along" has been inserted into the policy text
- Point k) "public space" has been deleted and replaced with 'internal environment'

The following changes suggested by National Grid are not accepted for the following reasons:

Parking

National Grid suggestion that point g) should be deleted is rejected. The Waterglade Retail Park is located in the western fringes of the town centre and is characterised by large retail warehousing and associated customer car parking which is essential for this type of retail operation. However, to overcome National Grid's objection the Council proposes amending point g) to read 'Parking provision will be considered on the developments own merits. The onus will fall to the developer to demonstrate that the level of existing parking to be retained and new parking provided is appropriate and will not lead to problems of on street parking on the adjacent highway network. This will be demonstrated through a Transport Assessment (TA) or Transport Statement (TS)'.

Design

National Grid's suggestion that the word "continuous" should be deleted from (point i) is acknowledged. The Council proposes amending the current wording to read 'provide active and strong development frontage which adds interest, life and vitality to the public realm; in particular addressing the existing gap in frontage along Old Road which is a significant and unsightly break in street continuity, which contributes to the lack of enclosure and focus around the site'.

National Grid's concerns that Policy COS4 seeks to ensure development proposals that either jeopardise or fail to take the opportunity to assist in the achievement of the objectives above will not be permitted is noted. The Council considers that the existing wording is sound and provides sufficient flexibility not to jeopardise the deliverability of future development but at the same time will ensure high quality and innovative design on this key town-centre regeneration site.

Outcome

The following **minor changes (MIN6.8)** to the bullet-point list in Policy COS4: 'Expansion of Waterglade Retail Park' on pages 121 and 122 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

- A1-Shops (including Retail Warehouses)
- A3-Restaurants and Cafes
- B1-Business
- C1-Hotels
- D2-Leisure

The following **minor changes** (MIN6.9) to the second paragraph of Policy COS4: 'Expansion of Waterglade Retail Park' on pages 121 and 122 are proposed (additions shown as highlighted and deletions shown as struck through):

Alongside other relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals must (where viable) have regard to the following site-specific design objectives:

The following **minor changes** (MIN6.10) to criterion d) of Policy COS4: 'Expansion of Waterglade Retail Park' on pages 121 and 122 are proposed (additions shown as highlighted and deletions shown as struck through):

d) the creation of safe, secure and direct routes through the development where appropriate;

The following **minor changes** (MIN6.11) to criterion e) of Policy COS4: 'Expansion of Waterglade Retail Park' on pages 121 and 122 are proposed (additions shown as highlighted and deletions shown as struck through):

e) the provision of, or contribution towards, a safe and direct pedestrian crossing across Old Road;

The following **minor changes** (MIN6.12) to criterion g) of Policy COS4: 'Expansion of Waterglade Retail Park' on pages 121 and 122 are proposed (additions shown as highlighted and deletions shown as struck through):

~~g) development must not result in a net decrease in the number of off-street car parking spaces serving the Clacton Town Centre and Seafront Priority Area for Regeneration taken as a whole parking provision will be considered on the development's own merits. The onus will fall to the applicant to demonstrate that the level of existing parking to be retained and new parking provided is appropriate and will not lead to problems of on street parking on the adjacent highway network. This will be demonstrated through a Transport Assessment or Transport Statement;~~

The following **minor changes** (MIN6.13) to criterion i) of Policy COS4: 'Expansion of Waterglade Retail Park' on pages 121 and 122 are proposed (additions shown as highlighted and deletions shown as struck through):

i) ~~provide active and strong development frontage~~ the creation of a strong and continuous active frontage which adds interest, life and vitality to the public realm; in particular addressing the existing gap in frontage along Old Road which is a significant and unsightly break in street continuity, which contributes to the lack of enclosure and focus around the site;

The following **minor changes** (MIN6.14) to criterion k) of Policy COS4: 'Expansion of Waterglade Retail Park' on pages 121 and 122 are proposed (additions shown as highlighted and deletions shown as struck through):

k) the creation of high quality internal environment including boundary treatments and hard and soft landscaping designed as an integral part of the development reflecting the function and character of the development and surroundings;

Policy COS5 – Warwick Castle Market Site

(Pages 122 to 124 – including paragraph 6.21)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: For clarity and to ensure that sustainable transportation modes are promoted effectively in new development in this area the policy should be amended by:

- Bullet a) – adding reference to cycle facilities so that the text reads, “individual cycle/pedestrian access in Pier Avenue, Wellesley Road and Meredith Road to be retained/created with safe secure and direct cycle/pedestrian routes provided through and between the different uses and activities within the site”.
- Bullet (n) - to ensure appropriate public transportation access, amend to read, “existing bus stops to be improved where possible and retained within, or integrated into, any development”.

The County Council welcomes the further elaboration and clarification in Bullet m) regarding the relocation of car parking spaces.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

All comments that have been received in relation to the **Warwick Castle Market Site** proposal are acknowledged. Since the publication of the draft Local Plan (2012) planning permission has been granted for a retail store.

Outcome

The following **major changes** (MAJ6.2) to Policy COS5: ‘Warwick Castle Market Site’ and supporting paragraph 6.21 on pages 122 to 124 are proposed (additions shown as highlighted and deletions shown as struck through):

~~Warwick Castle Market Site~~

~~6.21 The site is located at the top of Pier Avenue; junction of Old Road and is currently a mix of uses including surface car parking, owned and operated by the Council; a local market which~~

operates on Tuesdays and Saturdays; a cinema; residential uses; and Council offices. The site is a key gateway, where the main radial route enters the town centre. The Warwick Castle Site provides a substantial opportunity to provide an attractive mixed use quarter at the northern end of the town centre. The Council has prepared a development brief for the area which will be a material consideration in assessing any proposals.

POLICY COS5: WARWICK CASTLE MARKET SITE

The Warwick Castle Market Site and adjoining land and premises are together identified as an opportunity site for comprehensive or phased mixed use development which could comprise the following uses:

- A1-Shops (Retail Warehouses)
- A2-Financial and Professional Services
- A3-Restaurants and Cafes
- B1-Business
- C1-Hotels
- D2-Leisure

Alongside other relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals must have regard to the following site-specific design objectives:

- a) individual pedestrian access points in Pier Avenue, Wellesley Road and Meredith Road to be retained with safe secure and direct pedestrian routes provided through and between the different uses and activities within the site;
- b) the enhancement of pedestrian and cycle links through the site;
- c) the provision of a shared surface approach to vehicular areas within the site which priorities pedestrians and cyclists;
- d) the provision of a safe and direct pedestrian crossing across Pier Avenue and Old Road;
- e) the enhancement of the physical environment and public realm along Pier Avenue and Old Road to improve the pedestrian experience;
- f) the enhancement of the bus waiting and taxi facilities along Pier Avenue;
- g) vehicular access/egress for car parking and servicing to be from Old Road/Pier Avenue;
- h) traffic calming along Pier Avenue, including change of junction priority and pedestrian priority treatments, such that Old Road becomes the main vehicular route into the town centre;
- i) consultation with the local authority and taxi operators to agree appropriate location of the taxi rank;
- j) the creation of a turning area within the development to allow larger vehicles (eg: refuse Lorries) to exit the site in forward gear;
- k) no car parking to be placed in front of the building entry, to allow for a new public space;
- l) development must not result in a net decrease in the number of off-street car parking

~~spaces serving the Clacton Town Centre and Seafront Priority Area for Regeneration taken as a whole;~~

- ~~m) car parking spaces in front of the cinema building to be relocated within the wider development to allow the creation of an attractive public space;~~
- ~~n) existing bus stops to be retained within, or integrated into, the development;~~
- ~~o) the creation of new active frontage and enclosure of Pier Avenue to add interest, life and vitality to the public realm;~~
- ~~p) active retail and residential frontages should be used to activate public spaces and routes, encouraging people to move through and linger in key zones, particularly along Pier Avenue;~~
- ~~q) development fronting Pier Avenue could be up to 4-5 storeys to contribute to a sense of enclosure, whilst respecting adjacent development to avoid overlooking of properties in Meredith and Wellesley Road;~~
- ~~r) the creation of high quality public space including boundary treatments and hard and soft landscaping designed as an integral part of the development reflecting the function and character of the development and surroundings;~~
- ~~s) new public space to be created at the forecourt of any new retail development, contained where possible with active frontages and defined with structural landscaping and planting;~~
- ~~t) structured planting and arrangement of street furniture used to improve and frame the setting of the Cinema/Bingo building; and~~
- ~~u) new surface treatments and planting to be provided along Pier Avenue to improve the character and streetscape.~~

~~Piecemeal development proposals that either jeopardise or fail to take the opportunity to assist in the achievement of the objectives above will not be permitted.~~

Other consequential changes include:

- Removal of the 'Key Opportunity Development Site' notation from the Warwick Castle Market site on Policies Map Inset 1a (Clacton Town Centre) – see proposed change **PM1a.1**.
- Removal of the site from the bullet point list in Policy COS1 – see proposed change **MIN6.3**.

Policy COS6 – Development in Jackson Road

(Pages 124 and 125 – including paragraph 6.22)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: For clarity and to ensure that sustainable transportation modes are promoted effectively in new development in this area the policy should be amended by:

- Bullet a) – adding reference to cycle facilities so that the text reads, “the creation of a cycle/pedestrian link through the site between Jackson Road and the core shopping area in Pier Avenue”.
- Bullet (n) - to ensure appropriate public transportation access, amend to read, “existing bus stops to be improved where possible and retained within, or integrated into, any development”.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The changes suggested by Essex County Council are agreed and have been incorporated into the new policy.

Outcome

The following **minor changes** (MIN6.15) to criterion a) of Policy COS6: ‘Development in Jackson Road’ on pages 124 and 125 are proposed (additions shown as highlighted and deletions shown as struck through):

a) the creation of a **cycle**/pedestrian link through the site between Jackson Road and the core shopping area in Pier Avenue;

The following **minor changes** (MIN6.16) to criterion e) of Policy COS6: ‘Development in Jackson Road’ on pages 124 and 125 are proposed (additions shown as highlighted and deletions shown as struck through):

e) existing bus stops to be **improved and where possible** retained within, or integrated into, the development;

Policy COS7 – Rejuvenating the Station Gateway

(Pages 125 and 126 – including paragraph 6.23)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: To ensure appropriate public transportation access, bullet j) should be amended to read, “existing bus stops to be improved where possible and retained within, or integrated into, any development”.

Comments from landowners, developers and businesses

Blagrove Properties Limited (represented by Pegasus Group): Although my client acknowledges and supports the need to identify this site for redevelopment there is concern about the mix of uses suggested in the allocation. It is noted that the 2008 and 2009 versions of the Clacton Town Centre Vision and the Clacton Town Centre Area Action Plan 2010 (AAP) all identified this site as suitable for a mix of both commercial and residential development, with Skelmersdale Road being identified as a suitable vehicle access point. In fact, Option 2 of the 2008 vision proposed that 110 residential units could be provided on my client’s land interest, whilst still ensuring that the redevelopment of the station and the provision of large office or public buildings to the north west of the station. My client therefore OBJECTS to the identification of this entire site for a mixed use development incorporating only A1, A2, and A3 uses, whereas previously the site has been identified as eminently suitable for residential use.

The site allocation and the preamble recognises the need to regenerate this important gateway location and the policy subsequently suggests 4-5 storey development in key locations (criterion l) as well as improvements to the station (criterion a), enhanced and additional access routes (criteria c, d, e, f and g) and improvements to the pedestrian/public space environment (criteria b, n and o). My client considers that the policy is unrealistic in its aspirations by restricting the mix of uses to uses A1, A2 and A3. The regeneration of this site and the provision of the public realm improvements required by the policy represent a significant investment by any developer that requires high value uses to deliver. My client considers that the current mix of uses is unlikely to deliver the values necessary to finance the requirements of the policy. In addition, these uses do not occupy buildings up to 4 and 5 storeys meaning that the landmark building potential of the policy will not be realised. It is important to note that the AAP advised that “*Complementary uses can be mixed horizontally (side by side) or vertically (on different floors of the same building)*” and that “*Large development proposals should provide a mix of housing type, form and tenure*”.

The provision of an element of residential development will also allow the early redevelopment of the area, not only improving the environment but also investor confidence. Subject to the CIL or S106 contributions being both reasonable and related to the development, many of the public realm improvements could be commenced. In addition, residential development will help to provide an element of natural surveillance. The policy as worded has failed to recognise one of the main benefits which will arise from residential development. This was identified in the Clacton Town Centre Vision January 2008 which stated that “*The quality of environment and housing is perhaps one of the Clacton Town Centre’s most positive features. Enhancing this offer will play a positive role in attracting investment into the town in the future*”.

Furthermore, without any evidence as to potential occupiers of both the retail and office buildings it is questionable in the current climate that even the A1 uses will be realised. In fact with low initial rents etc such uses could compete unfairly and impact on the vitality and viability of the existing town centre.

In the current economic climate most A1 retailers have announced that expansion plans are currently on hold thereby demonstrating the fragility of this use class. My client considers that a regeneration scheme that is focused on A1, A2 or A3 uses is unrealistic – at least in the short term – and fails to capitalise on the real potential of this site.

It is clear that no justification or evidence has been provided to justify why this site is now unsuitable for an element of residential development, whereas the previous visions/documents, in particular the 2010 AAP recognised the suitability of the site for such use. It is considered that the policy as worded and the limited range of acceptable uses will fail to deliver the redevelopment of this area and lead to its further deterioration, eroding this important gateway to Clacton. It should also be recognised that the Housing Development Consultation February 2012 identified a strong preference for housing to be provided on brownfield as opposed to greenfield sites.

Whilst the Clacton Town Centre Visions are identified as being relevant in informing the content of the new Local Plan, interestingly the support for residential development has inexplicably been ignored in the current consultation, specifically in relation to Policy CS07. This lack of justification is particularly alarming when all the previous documents strongly supported residential development, with the NPPF promoting the delivery of such development in a clearly sustainable location.

Finally, the site is in fragmented/multiple ownership and evidence should be provided to demonstrate as to how this issue will be addressed and the delivery of this site will be realised, especially as residential development is now not considered to be appropriate. My client therefore considers that this policy is ineffective as it is undeliverable in its current form and as such is unsound.

Suggested Remedy

To overcome my client's concern I suggest that the policy be amended to include reference to residential uses. Residential development in this location would be entirely appropriate taking into account the accessibility of this site, its proximity to other residential development and its suitability to tall buildings. Such an approach would also accord with Policy PE012 of the emerging Local Plan which encourages flats to be within both defined town centres and 100m of a railway station. The site complies with requirements of this policy. In addition, this site would provide an important element of affordable housing which is in a town centre location close to areas of employment, with good access to public transport, services and facilities.

It offers the potential to secure the landmark building function intended by this policy allocation as well as provide a more realistic financial return for any developer interested in this site. It is also entirely consistent with the objective of achieving sustainable development as set out in the National Planning Policy Framework by virtue of its location, brownfield characteristics and accessibility. My client's site is particularly suited to residential development as it occupies a discreet element of the site and is close to surrounding residential uses. It also has the benefit of an additional vehicular access point from Skelmersdale Road, which is not currently shown in the site allocation. This would allow the requirement for an independent access for this use as well as a dedicated access from Skelmersdale Road to serve the car parking area as required by criterion h, as recognised by the April 2009 Clacton Town Centre Vision. In addition, the redevelopment of the site will remove a potentially bad neighbour use away from the existing dwellings located to the south and east of the site.

To avoid conflict with other policies in the plan and to ensure that a viable residential scheme can be created my client suggests that the wording of the policy allow for a quantum of residential development and the nature of the residential development to be a matter to be resolved through the design process/development brief subject to the achievement of the detailed requirements currently included in the policy.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. J. Ratford (Clacton-on-Sea): Skelmersdale Road is badly-designed for cycling and so any access points as described in the policy need to avoid this road and probably join the junction of Northbourne Road and Thoroughgood Road. Pedestrian/cycle link to Leisure Centre must be planned with future walking/cycling in the district in mind. Careful consideration should be given for eventual links to paths through the recreation ground to Valley Road and a future Picker's Ditch path. The best site for the sculpture is in the middle of the open space east of the railway station, though the art work could start within the railway station, extending to the main site. Ideally, the sculpture would be designed by local residents.

Council consideration

In response to Mr. J Ratford's comments that Skelmersdale Road is badly-designed for cycling and therefore any access points as described in the policy need to avoid this road and join the junction of Northbourne Road and Thoroughgood Road; Essex County Council highways have not raised any objection to point d) that states the provision of pedestrian and cycle access points should be via Skelmersdale Road.

In response to Mr Ratford's other concerns relating to cycling and pedestrian links through the site, the Council will work with the developer (and relevant partners) prior to the submission of a planning application to ensure the detailed consideration of such issues.

The suggested change by Blagrove Properties Limited (represented by Pegasus Group) suggesting that the policy be amended to include reference to residential use is accepted and has been incorporated into the new policy.

The changes suggested by Essex County Council are agreed and have been incorporated into the new policy.

Outcome

The following **minor changes** (MIN6.17) to the bullet-point list in Policy COS7: 'Rejuvenating the Station Gateway' on pages 125 and 126 are proposed (additions shown as highlighted and deletions shown as struck through):

- A1-Retail
- A2-Financial and Professional Services
- A3-Restaurant and Cafes
- **C3-Residential**

The following **minor changes** (MIN6.18) to criterion j) of Policy COS7: 'Rejuvenating the Station Gateway' on pages 125 and 126 are proposed (additions shown as highlighted and deletions shown as struck through):

j) existing bus stops to be improved and where possible retained within, or integrated into, the development;

Policy COS8 – Atlanta Café

(Pages 125 and 126 – including paragraph 6.23)

No specific comments received.

No change to the Local Plan.

Policy COS9 – Anglefield Cliff-Side Hotel Proposal

(Pages 127 and 128 – including paragraphs 6.26 and 6.30)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Development of the Anglefield Cliff-Side Hotel Proposal will require a transport assessment. The County Council, as Highway Authority, will require clarity regarding the accommodation of required levels of parking and notes that the proposed highway layout would create a number of difficulties for large vehicle movements, including those by buses.

Comments from landowners, developers and businesses

Esplanade Hotel (represented by Bobby Rekhi), Lockhill Properties LTD, T.N.H Properties LTD: OBJECT to the proposal for a hotel and car parking on Anglefield because:

- This is an Conservation Area and the proposed development will not be in-keeping with the rest of the area;
- The Position of the hotel will restrict the outlook of many buildings on the seafront;
- The hotel will not be economically or commercially viable as other hotels in the area have recently close down;
- The Council should support the refurbishment of existing hotels;
- The hotel will de-value property in the area; and
- The proposal will affect road traffic and access to the beach.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Pier Ward Forum: Anglefield should be left as it is, now the hedges have been removed it is much better. Building a hotel on Anglefield is just an idea by a company employed by TDC to produce ideas of what could be done in Clacton; it is only in someone's mind's eye. The property values of

Mansfield Towers/ Grosvenor Court will decline. Clacton does not need another hotel, when the ones we have are all struggling or closing.

Cllr. C. Griffiths (TDC Member for St. James, Clacton and ECC Member for Clacton West): Clacton has a shortage of good quality accommodation, the provision of new hotels on the seafront will respond to the demand for quality accommodation. The Council's Guesthouses Retention Study Highlighted the Potential for boutique hotel accommodation or apartments within the town. There are currently two large hotel complexes empty on the seafront and the evidence would suggest that there is overcapacity. The former Royal Hotel, on Clacton seafront overlooking the Pier currently offers the potential for an apartment hotel, but this option has not yet found anyone willing to take up the opportunity.

The existing highway layout allows easy access along the seafront, and the current one way sections allow easy access to all seafront areas. The view across the gardens for those travelling toward the seafront area gives a positive impression of the town. It is difficult to see how the introduction of a hotel at this location will either enhance the aesthetic appeal of the area or improve traffic flow.

To date a suitable development partner has not come forward for the two existing hotel sites currently empty, and it is debatable how removing seafront gardens and replacing it with a hotel complex will maximise the opportunities of this unique site. There are a number of sites along the seafront, which were originally built as high quality accommodation but have since been converted to private dwellings (The Grand is a prime example) which would indicate that there is not the need for this type of establishment.

The proposals advocate a tiered development on the cliff face but this area is shown as protected open space.

Cllrs Paul and Sue Honeywood: We are concerned that this is a conservation area and that we not only need to conserve the buildings in the area but also the open space within this area. Clearly the building of this hotel would not preserve the open space. We do not believe that the proposal is economically viable or commercially attractive to potential investors. Therefore, we request that Policy COS9: Anglefield Cliff-Side Hotel Proposal be removed from the plan.

Comments from members of the public

Miss. Y. U. Clark (Little Clacton): **OBJECT** to the proposal for a hotel and car parking on Anglefield because:

- there is a need to protect current major infrastructure and the structural integrity of adjoining property;
- the 2.1 metre diameter and 80 foot deep storm tunnel shaft is located at Anglefield. This enabled 'Blue Flag' status for beaches (comment supported by photographic evidence showing the tunnel being constructed in 1997);
- Anglefield was a Chine known as Eagle Gap. The Old Lifeboat House Pub still remains where the lifeboat was hauled by horses down the Chine to the beach. All of Anglefield is made up with Victorian hoggins and there is no firm ground at this junction.

Edna Berwick (Clacton); Colin Bevis (St. Osyth); Michele Bevis (St. Osyth); Mrs. D. Crab (Clacton); Mrs Phyllis Crook (Clacton); Raymond Ellis-Hall (Clacton); Mrs. Janice Everest (Hemingford Grey);

Mrs. Sylvia Gaskin (Clacton); Robert Goswell (Clacton); S. Green (Clacton); Carolan Ibbotson (Clacton); Mr. D. N. Ibbotson (Clacton); Mrs. Valerie Kitchingham (Clacton); Ms. C. Lewis (Clacton); Alan Lowe (Clacton); Mr. Norman Martin (Clacton); Mrs. Olive Martin (Clacton); Mr. Desmond F. McGuire (Clacton); Mrs. Patricia McGuire (Clacton); Tina Moore (Clacton); Mr. A. Nightingale (Clacton); Mrs. Carol Norris (Clacton); Beverley Payne (Colchester); Terence L. Peasey (Clacton); Beatrice Joan Pilgrim (Clacton); Mary Powis (Clacton); Mr. David Robert (Clacton); Mrs. June Roberts (Clacton); Marc Rudd (Clacton); Arthur Sells (Clacton); Mrs. E. E. Sells (Clacton); Mr. Anthony Stiffell (Thorpe-le-Soken); Keith Walker (Clacton); Mrs. Thelma Walker (Clacton); Mr. Y. K. Wang (Clacton); Mr. John Weller (Clacton); Robert W. N. Welton (Clacton); **OBJECT** to the proposal because:

- the hotel will not be economically or commercially viable as other hotels in the area have recently close down.
- the hotel will de-value property in the area;
- Clacton is not an attractive destination for a hotel holiday;
- the hotel will lead to a loss of views and loss of amenities for neighbouring properties
- the hotel would impact negatively on the Conservation Area, seafront and character of the area including loss of open space.
- the hotel will result in higher levels of traffic, congestion and pollution.
- the road works and new road layout will cause disruption to local residents
- the hotel may result in subsidence to local properties.
- the Council should concentrate on the retail aspect of the town which will allow the town to prosper
- the proposal for a hotel does not appear consistent with national planning policy.
- hotels that have closed should be taken over for refurbishment in a new local government initiative which would create jobs;
- any proposal for a hotel has to be accompanied by properly prepared plans for coastal defences in the area;
- we found out about this proposal by accident and how do TDC propose the hotel will be used out of season, will TDC fill the hotel with asylum seekers and benefit scroungers etc.
- the proposed hotel will take the trade away from the B&B's.

Mr. A. Stiffell (Clacton-on-Sea): Clacton has changed over the last fifty or so years from a vibrant and thriving Seaside holiday town with into a retirement town enjoyed by day trippers and caravanners in the summer months and the ever increasing retirement homes and what appears to be a fairly high number of unemployed people occupying flats, usually converted from guest houses and hotels, for the rest of the year. It therefore seems sensible to me that the council provide facilities for these people rather than come up with 'left-field' proposals specifically the Anglefield Cliff-side Hotel Proposal.

I strongly object to the Anglefield Cliff-side Hotel proposal on the following grounds;

- The proposals fly in the face of social and economic trends;
- If built, it would destroy one of the few remaining Clacton landmarks in a Conservation Area (the character of which has already been weakened through the removal of the surrounding hedges);
- The congestion and problems with parking would seriously impact on an already very busy section of road and junction. This would also be exacerbated by commercial deliveries to a boutique hotel and quality anchor restaurant;
- The proposals are unfair to local residents who purchased flats overlooking Anglefields assuming nothing would ever be built on the gardens as it is in a conservation area;
- A quality Hotel and Restaurant would not sit comfortably in this area as it is close to the Pavilion funfair, Pier and take-away food area, an important but it could be said less sophisticated part of the town, which generates fairly loud music and litter in the summer season;
- Any additional hotel accommodation or restaurant facility would have an adverse affect on existing businesses. Surely the council has some responsibility to protect and promote those businesses already operating; and
- Infrastructure changes to sewers and roads together with foundation requirement for any building located on Anglefield would make this scheme unviable.

Ms. C. Lewis (Clacton-on-Sea): A Boutique Hotel in this spot would not be appropriate due to the current surroundings and type of entertainment on offer around the pier, which would not be attractive to prospective up-market visitors who might expect a better offer. See also comments made against Policy COS1 (Regeneration at Clacton Town Centre and Station).

Council consideration

All comments that have been received in relation to the Anglefield Cliff-side Hotel proposal are acknowledged. In light of the objections received and concerns over deliverability, viability and the negative impact such as proposal would have upon neighbouring residents; Policy COS9 will not be continued forward in the final version of the Local Plan.

Outcome

The following **major changes (MAJ6.3)** to Policy COS9: 'Anglefield Cliff-Side Hotel Proposal' and supporting paragraphs 6.26 to 6.30 on pages 127 and 128 are proposed (additions shown as highlighted and deletions shown as struck through):

Anglefield Cliff-Side Hotel Proposal

~~6.26 Clacton has a shortage of good quality hotel accommodation. The provision of new hotels on the seafront will respond to a demand for quality accommodation and add to the vibrancy of the area. Development opportunities are limited but the Celebrate-on-Sea study identified the potential to create a suitable site on the Anglefield Triangle through the realignment of Marine Parade East.~~

~~6.27 The Council's Hotel and Guesthouse Retention Study highlighted the potential for boutique hotel accommodation or an aparthotel within the town. The study also highlighted the potential to create a new gateway~~

~~to the town and seafront through the development of a small boutique hotel with a seafront terrace and café overlooking the sea. This would be a unique attraction on the seafront.~~

~~6.28 The site would be created through modifications to the existing traffic island and public highway. There are existing utility services in and around this junction and these will need to be avoided or diverted to realise the development potential of this site. Existing surface water sewers have been identified running along Marine Parade East and the eastern arm of the Anglefield Triangle. Any development will need to be positioned to avoid these sewers and to allow for an easement for future maintenance purposes. The carriageway alterations proposed to enable development would consist of a re-configuration of the junction to form a 'T' junction with traffic signal control. A dedicated left turn lane from Carnarvon Road with a give way onto Marine Parade East would be incorporated into the junction design to facilitate left turning traffic. These alterations would permit that section of Marine Parade East along the southern face (sea-front side) of Anglefield Triangle to be extinguished as public highway, with an easement reinstated for existing services as described previously.~~

~~6.29 The Council will work with Essex County Council to secure an acceptable solution to the realignment of Marine Parade and seek a suitable development partner to take forward the opportunity. The emphasis will be on securing a committed operator and a high quality development which will extend the accommodation offer in the town and maximise the opportunities presented by this unique site.~~

~~6.30 It is considered that the site could have potential for a small boutique style hotel of 20-30 rooms with a quality anchor restaurant which capitalises on the seafront setting. It is proposed that the development would step down to the sea in a series of low linked pavilions set into the cliff top gardens with landscaped terraces offering spectacular views out to sea. The Council will consider the need to prepare a development brief or supplementary planning guidance to assist in the development and improvement of this area.~~

POLICY COS9: ANGLEFIELD CLIFF-SIDE HOTEL PROPOSAL

The Council will support proposals to reconfigure land at Anglefield, Marine Parade East and the cliff, as identified on the Policies Map Inset, to create an iconic new hotel. Proposals must achieve customer access from both the lower and upper promenades, respect and enhance the character of the Conservation Area and improve lighting and visitor safety in the area to support the Council's objectives to stimulate the evening economy.

Other consequential changes include:

- Removal of the 'Key Opportunity Development Site' notation from the Anglefield site on Policies Map Inset 1a (Clacton Town Centre) and the re-instatement of the 'Safeguarded Local Green Spaces' notation on the triangle of land formed by Anglefield and Marine Parade East – see proposed change **PM1a.2**.
- Removal of the site from the bullet point list in Policy COS1 – see proposed change **MIN6.3**.

Policy COS10 – Regeneration in Brooklands, Grasslands and the Village, Jaywick

(Pages 128 to 131 – including paragraphs 6.31 to 6.43)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: At a plot level, we support this part of the policy as it can greatly reduce the potential impacts at a site level (particularly with regard to the potential safety of residents if in-situ at the time of a flood) should flooding arise in this area (either through overtopping or breaching of the flood defence infrastructure).

However, the implications with regard to the future qualifications for central flood defence funding as a consequence of such redevelopment needs to be properly weighed up by Tendring District Council as future frontline improvement/replacement of the sea defences may largely have to be borne by Tendring District Council and other local beneficiaries/sources. The costs of such improvements are significant.

The offset of not improving defences is a greater future reliance on emergency response and evacuation or to support people sheltering in-situ should the Brooklands and Grasslands area be cut –off by flooding (water will want to flow to the rear of these areas along the line of the Jaywick ditch potentially cutting off the community from Clacton and areas inland of Jaywick Ditch).

Emergency response and support and extended timescales before people can re-inhabit their homes is very costly and stressful with potential long-term health issues linking to the trauma of such events.

We would suggest that the offset effects and the emergency response issues relating to more frequent evacuation or the ability to support the principle of “shelter in-situ” through enhanced emergency planning and community engagement is investigated thoroughly with your emergency planners and the emergency services.

Environment Agency: Whilst we support the aim of the Council to regenerate Jaywick (particularly the Brooklands, Grasslands and Jaywick village areas), and the need to advocate flexible policies for homeowner adaptations to improve plot level flood resilience, we are concerned that in the long-term, this may greatly reduce the future benefits to attract central government Flood Defence Grant-in-Aid for replacement/improved tidal flood defences. This is because all properties built after 2011 do not qualify for inclusion in any cost benefit analysis relating to central funding Grant-In-Aid. This also applies to any rebuild of an existing dwelling.

Therefore, a mass take-up of the more flexible policies towards plot level reconstructions in these areas will result in very little available central funding for future investments to replace or improve aging flood defences. All flood risk infrastructure (such as flood defences) has an operational lifetime and so improvements to this infrastructure will be needed in the future. Tendring District Council needs to consider how they will meet future funding gaps for multi-million pound infrastructure that will be required to manage the considerable impacts of flooding at these locations.

If new flood defence infrastructure becomes unaffordable through limited local sources of funding, then the offset is a greater chance of flooding arising in the future. The nature of such flooding has been shown to be hazardous (ref. your Council’s “Jaywick Strategic Flood Risk Study” – TDC/JBA 2008) and the only way of managing the flood risks to people would be through a reliance on emergency response and support services.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mrs J.E. Sharp, (Jaywick), Mrs L.J. Fenner, Mr. R.E. Fenner, Mr. M.A.Baird and Mrs. H Baufan make the following comments and suggestions:

- Reinstating planning with special measures in order to keep buildings in context for its heritage and authenticity;
- Reinstating planning for small extensions to old housing stock – keep occupation to a minimum of 1-2 persons, so as not to increase the population;
- Most properties on Brooklands could be re-furbished. A project such as this would be viable, housing hundreds of people in decent homes (quickly) in these times of austerity and housing shortage-freeing up larger properties for families. Conservation and renovation can be achieved. I had my home renovated and extended on one single plot, with planning permission in 2004;
- Perhaps a solution for Brooklands would be to turn it into a retirement village for the over fifties?;
- Use the Community Resource Centre as a Medical Centre, Dentist, Nurses and Chiropodist;
- Retain the large hall for social activities;
- Use the existing shops for commercial outlets and bring Brooklands Gardens back as it used to be, the hub for people to meet;
- Allow the landlords the opportunity to improve their buildings and meet the building regulations. If landlords fail to do this compulsory purchase and then sell onto private investors or housing associations;
- Make grants available for improvements;
- Relay the road at a slight tilt towards drainage dyke or drainage pipes;
- Loop two roads together to create a one-way system, or use empty plots as turning spaces;
- Provide ramps and steps to the rear of the estate; and

- Open the sea walls. Flood the area of St Osyth Marsh, Caravan Parks and Lea-over-Sands, taking in land up to St Osyth and Brightlingsea Creek. A project such as this would displace only a few and create a massive inland water space for the long awaited Marina and Aquatic Sports Centre, bringing wealth and prosperity to this area leave Jaywick at last in peace.

Ms. D. Stedman (Kirby Cross): It would be better to concentrate new properties within Clacton & Jaywick to assist in the rejuvenation of these areas, Jaywick is one of the most deprived areas in the country and although you have outlined improvements here, I do not feel that these proposals go far enough to help the people of Jaywick.

Council consideration

The Environment Agency's suggest that the offset effects and the emergency response issues relating to more frequent evacuation or the ability to support the principle of "shelter in-situ" through enhanced emergency planning and community engagement is investigated thoroughly with your emergency planners and the emergency services. In response to the EA's concerns the Council in consultation with the EA are commissioning external consultants to undertake an update to the 2008 Jaywick Flood Risk Assessment. This study will use the latest data to help inform the production of a new emergency plan, which in turn will support the Council's efforts in regenerating Jaywick.

In response to Mrs J.E. Sharp, (Jaywick), Mrs L.J. Fenner, Mr. R.E. Fenner, Mr. M.A.Baird and Mrs. H Baufan comments and suggestions; previous policies aimed at strictly controlling development and seeking to facilitate a phased programme of redevelopment have failed to bring about any positive changes in the area. The new National Planning Policy Framework gives Councils more freedom to apply planning policies to better reflect local circumstances. Therefore the Council, the Environment Agency and other partners have agreed that lifting some of the planning restrictions and having flexible policies aimed at encouraging developers to provide high-quality, resilient and innovative new homes in the area and allowing householders to improve their properties' safety and resilience, whilst resisting poor quality and unsafe single-storey development, is the most practical approach to planning. Therefore the approach to tackling Jaywick's deprivation and flood risk issues in this Local Plan is to:

- ~~allocate~~ **release** a selected amount of vacant land for new residential and mixed-use development in the area which will introduce new standards of innovation, quality, flood-resilience, and energy efficiency into the area;
- ensure that any redevelopment of existing property follows the principles above;
- prevent poor quality single-storey properties being replaced with equally poor chalets; and
- allow people to extend their properties but ensure that this will not simply increase the number of people living in unsafe and poor quality accommodation.

The detailed suggestions put forward are acknowledged and will be given full consideration when development proposals are submitted to the Council by developers.

Ms. D Stedman's comments are acknowledged. For more than 40 years, the Council has considered various approaches to tackling Jaywick's problems and through previous Local Plans has tried to use planning policies to prevent continued decline and bring about positive changes. There have been many improvements in the area in that time, including significant investment in sea defences, the introduction of mains sewerage, selective road improvements and the

construction of a new spine road, enterprise centre and community resource centre. However, because the area continues to be dominated by poor-quality low-cost housing, deprivation has sadly gotten worse – particularly in recent years as the economy has declined; and despite the huge investment in sea defences, global climate change is expected to lead to rising sea levels which means over the next 70 years flooding will inevitably become more frequent.

Through this Local Plan, the Council has needed to be realistic about what can be achieved with the resources available and the limitations of the local economy. The approach also needs to be fair to the people that call Jaywick their home by allowing flexibility for homeowners to make reasonable improvements to their properties – whilst recognising that issues of deprivation and the increasing risk of flooding will not simply go away if they are ignored. The Council's objectives for the Jaywick Regeneration Area are:

- positively reduce the risk of flood damage;
- reduce the risk of death or personal injury from flooding;
- allow for a community led emergency plan; and ensure that the resilience of buildings is appropriate to the risk identified

Outcome

The following **minor changes** (MIN6.19) to paragraph 6.34 on page 129 are proposed (additions shown as highlighted and deletions shown as struck through):

6.34 Through this Local Plan, the Council has needed to be realistic about what can be achieved with the resources available and the limitations of the local economy. The approach also needs to be fair to the people that call Jaywick their home by allowing flexibility for homeowners to make reasonable improvements **to** their properties – whilst recognising that issues of deprivation and the increasing risk of flooding will not simply go away if they are ignored. The Council's objectives for the Jaywick Regeneration Area are:

The following **minor changes** (MIN6.20) to the first bullet-point of paragraph 6.35 on page 129 are proposed (additions shown as highlighted and deletions shown as struck through):

- **allocate** ~~release~~ a selected amount of vacant land for new residential and mixed-use development in the area which will introduce new standards of innovation, quality, flood-resilience, and energy efficiency into the area;

Other consequential changes include:

- Removal of the housing allocation from land off Lotus Way from Policies Map Insert 1b – see proposed change **PM1b.1**.
- Removal of site from Appendix 3 – see proposed change **MAJ14.1**.

Policy COS11 – Martello Bay Watersports Centre

(Page 131 – including paragraph 6.44)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Sport England: Sport England supports the identification in the local plan of the Martello Bay Watersports Centre as this recognises the local importance of the centre for water sports and provides a positive approach towards the principle of developments which will allow the water sports centre to expand and be enhanced by potential improvements such as an activity centre. The policy would also help safeguard this area from development which may prejudice water sports related activity.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

Tendring District Council welcomes Sport England's comments of support.

Outcome

No change to the Local Plan.

Clacton Employment Sites

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Comments from landowners, developers and businesses

Wm Morrison Supermarkets Plc (represented by Peacock and Smith): this paragraph identifies the Morrisons site at Centenary Way, Little Clacton, Waterglade Retail Park, Clacton and Iconfield Park, Harwich. Our client is concerned that paragraph 6.45 of the draft Local Plan identifies the Morrisons site at Centenary Way as forming part of policy PRO14, which relates to the safeguarding and promotion of employment land for B1(b&c), B2 and B8 use. The sites proposed allocation for employment use is confirmed on the draft Proposals Map.

The driver for this policy appears to be the Local Plan objective to create approximately 4,000 new jobs to at least match the number of new homes expected to be built between 2011 and 2021.

Paragraph 22 of the National Planning policy Framework clearly states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. We can confirm that the site is subject to

a long term lease and our client has no redevelopment plans for the site. For the avoidance of doubt, Morrisons intend to continue trading at this site and anticipate that the site will continue in A1 Retail use throughout the Plan period.

In light of the above, we strongly object to the allocation of the Morrisons site at Centenary Way for employment use on the basis that it is unjustified, undeliverable and contrary to paragraph 22 of the NPPF.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. J. Ratford (Clacton-on-Sea): A limit of 6% new build will be difficult to maintain for long in Clacton, because of large-scale housing need. Therefore, to limit urban sprawl, there will have to be some high-density building of greater than two storeys. There are vacant areas to the west of Oxford Road and off Valley Road east of the railway line (empty Dovercourt motors site) that are suitable, but presently designated as industrial. How realistic is it to think that large-scale industrial use will return to these areas (some of which have been vacant for years)? Building here will fulfil the Council policy of prioritising brownfield sites and also support town centre businesses, which are within easy walking distance. It is bizarre that the Council is limiting new flats and maisonettes to within 100m of railway stations (PEO12), when these sites would be suitable. The priority area for regeneration should be extended to cover these areas.

Council consideration

The comments from Wm Morrisons Supermarkets Plc are noted. The Local Plan recognises in paragraph 3.28 that the district has a number of large modern retail parks and stand-alone supermarkets/retail outlets that are located in out-of-town centre (or edge of town centre) locations that often fulfil a need for bulky goods retail that cannot be accommodated in town centres. The thrust of national planning policy is to avoid developments of this nature in the future unless it can be demonstrated that they will bring positive economic growth and not impact negatively on the vitality or viability of nearby centres. These areas have been shown on the Policies Maps as employment sites and are protected through Policy PRO14: 'Employment Sites' against redevelopment for non-employment uses (particularly housing) in recognition of the local employment they provide. They are not 'allocated' for employment uses, as the objector has suggested. It is therefore not agreed that the 'employment sites' notation should be removed from these sites.

In response to the comments from Mr Ratford, it is agreed in principle that development on brownfield sites should be encouraged, where possible. However, the Local Plan also needs to make provision for employment land and a key part of its employment strategy is to protect existing employment sites. There is sufficient flexibility in the Local Plan through Policy PRO14: 'Employment Sites' for development proposals to be considered on their merits on such sites, but it would need to be demonstrated that the land is no longer suitable or viable for employment use.

Outcome

The following **minor changes** (MIN6.21) to paragraph 6.45 are proposed (additions shown as highlighted and deletions shown as struck through):

~~6.45 The Local Plan proposes the creation of approximately 1,700 new jobs in the Clacton urban area to at least match the number of new homes expected to be built between 2011 and 2021. The majority of new employment created in the Clacton area these jobs are expected to take place through growth in the service sectors including retail and leisure, particularly within Clacton's town centre and seafront area. However it is imperative to retain and secure job opportunities across a wider range of sectors throughout the town as part of its rejuvenation. The following sites are therefore identified in purple on the Policies Map and are safeguarded and allocated for employment use where the provisions of Policy PRO14 in Chapter 3 of this Local Plan will apply. The majority of these sites are in the Great Clacton and North sub-area.~~

~~Jaywick:~~

- ~~• Jaywick Enterprise Centre, Lotus Way~~

West Clacton:

- Ford Road Industrial Estate.

Great Clacton:

- Oakwood and Crusader Business Park, Thorpe Road;
- Clacton Factory Shopping Village, Stephenson Road;
- Gorse Lane Industrial Estate;
- Land north of Telford Road;
- Morrisons Supermarket, Centenary Way;
- Brook Retail Park, London Road;
- Land east of Thorpe Road (see Policy COS15 below);
- ~~• Land north of Centenary Way and west of Thorpe Road;~~
- Valleybridge Road Industrial Estate; and
- Oxford Road Industrial Estate.

Deletion of the 'Land north of Centenary Way and West of Thorpe Road' employment allocation (see proposed Policies Map Change PM1.5).

Clacton – Housing Supply

(Pages 132 and 133 – including paragraphs 6.46 and 6.47)

- Land off Lotus Way, Jaywick;
- Land at Rouses Farm, West of Jaywick Lane (see Policy COS12);
- Land south of Clacton Coastal Academy, Jaywick Lane/Rush Green Road (see Policy COS13);
- Land east of Rush Green Road (see Policy COS14);
- Land west of Bluehouse Avenue;
- Clacton Garden Centre, St. John's Road;
- Land at Coppins Court, Coppins Road;
- Land east of Thorpe Road (see Policy COS15);
- Land south of Centenary Way (see Policy COS16);
- Land off Abigail Gardens; and
- Land at Gainsford Avenue (see Policy COS17).

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Sport England: It is not clear why just one allocation should contribute to the delivery of a new athletics track. If there is a strategic or local need for a new athletics facility and the Academy site is an appropriate location then all residential developments should be expected to make a contribution depending on the expected catchment of the facility (see more detailed comments against Policy COS12).

Essex County Council: The District Council preference for future housing development to be dispersed around Clacton means that the most feasible option would be provision of two 1 Form Entry Primary School sites. On the basis of the currently proposed housing allocations, the County Council's preferred location for these school sites would be on sites at Thorpe Road and Rouses Farm. It should be noted that the County Council has a preferred model of 2 Form Entry Primary Schools, because they offer the best value for money and are more sustainable. The County Council would therefore wish to further consider with the District Council the question of whether a 2 Form Entry Primary School site may be delivered in Clacton-on Sea.

The Tendring Historic Environment Characterisation Report (2009) identified the development sites proposed by Policies COS12, COS13, COS14 and COS15 as having high potential for below ground archaeological deposits and so the following text should be added to each of those policies: "The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains".

Comments from landowners, developers and businesses

R.E. Giles and Sons (represented by Robinson & Hall LLP): These comments relate to the promotion of alternative land west of Sladbury's Lane. Objection is raised to the 6% increase in overall housing stock which is extremely arbitrary and fails any reasoned planning justification and is contrary to the NPPF (see more detailed comments made against Policy PEO1). In terms of specific housing allocations for Clacton it is noted that no increase in housing numbers has been proposed for Holland-on-Sea. The political decision to spread the housing burden appears to have omitted entirely those wards to which the site in Sladbury's Lane has a direct relationship. Objection is raised to the Councils support for the development of the site east of Thorpe Road, Clacton (see policy COS15).

Greenwich Hospital (represented by Strutt and Parker LLP): We recommend that the sites COS12, COS13 and COS14 are allocated for housing and the policy wording used for these policies is reworded to allow for more flexibility and applied to the land in question. Even if the representations are not accepted to provide a better prospect for delivery, we consider at the very least that the Council should identify reserve housing sites that are suitable and deliverable to provide the necessary flexibility in housing supply and deal with the current shortfalls and those that may occur over the plan period on the basis of a plan monitor and manage approach. Therefore if the Council are minded not to allocate the site within the current Local Plan, it should be put forward as a reserve site to meet any potential shortfall in delivery over the plan period (see also comments promoting alternative land to the north of Clacton for housing).

Gold Phoenix Ltd (represented by John Roberts): Objects to this section of the plan because:

- The plan has not included sufficient housing provision for west Clacton therefore the plan is not 'positively prepared';

- The strategy has not considered alternative small scale developments in west Clacton therefore, the plan is not 'justified';
- The plan is not fully deliverable as insufficient provision has been made for Brownfield development in west Clacton therefore, the plan is not 'effective'; and
- The plan is not consistent with the NPPF as it is not encouraging the use of Brownfield small scale sites in west Clacton.

Bloor Homes Eastern: The site south of Clacton Coastal Academy could accommodate more houses than the estimate provided in Appendix 3 (see comments against Appendix 3).

Mr T Wild and Mrs M Wild (represented by Stanfords): Object to the current planning proposals for residential development in the Bocking Elms Area of Great Clacton. Land adjacent to Elm Farm should replace the proposed 450 residential units proposed under policies COS12 and COS13. This development could be delivered with the associated infrastructure.

St Monica's Trust (represented by Strutt and Parker LLP): Policy SD2 of the draft Plan has classified Clacton-on-Sea as an Urban Settlement, which will be the focus for a majority of the District's economic growth. There are, however, a significant number of sites which have been put forward for allocation within the area, seven of which have specific policies that have been drafted to guide development. Policies COS12, COS13 and COS14 are of particular relevance. The content of these policies is very prescriptive and does not allow for any flexibility as development proposals evolve. For example, it may be financially unviable to expect a medical centre and the required infrastructure to be provided on site prior to residential development being allowed to commence.

By linking all of the sites in this way there is a real danger that frontloading the infrastructure will stall housing delivery across all of the sites. If all the land to the south west of Clacton, including the site the subject of these representations, was allocated, this would provide for the possibility of a comprehensive approach to development. This would enable a greater prospect of delivery of community benefits which could make provision for the required infrastructure including the school and the medical centre, minimising the number of landowners/developers involved and de-risking the process in terms of delivery.

Having reviewed Tendring's Site Assessment Appraisal (2012) of Third Party Housing sites, when compared to the landholdings which relate to policies COS13 and COS14 it is important to note that our client's performs to the same standard in terms of overall score. Even if these representations are not accepted to provide a better prospect for delivery, considered that, at the very least, the Council should identify reserve housing sites that are suitable and deliverable to provide the necessary flexibility in housing supply. Safeguarded sites would have the ability to deal with the current shortfalls and those that may occur over the plan period on the basis of a plan monitor and manage approach (these comments relate to the promotion of land west of Clacton for housing).

Blagrove Properties Ltd (represented by Pegasus Group): Whilst this document has looked at a multitude of sites within or on the edge of Clacton for completeness the sites within the Clacton urban area should also have been addressed for completeness (relates to the promotion of an alternative site for housing).

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Holland Residents Association: We fully support the Draft Local Plan, albeit only for a ten year period rather than the promised 15/20 year period as stated in the 2011 consultation exercise. We would have preferred no new housing in the area due to the lack of appropriate infrastructure and employment opportunities. However, the proposed development off Centenary Way is a better option than Sladbury's Lane (proposed for development in the 2010 Core Strategy).

Sladbury's Lane Protest Group (committee member Margaret Gunn): We are delighted that the Council has listened and come up with a much more acceptable plan that does not propose houses in the narrow and crowded Sladbury's Lane (as was proposed in the 2010 Core Strategy).

Sladbury's Lane Protest Group (secretary Miss Julie Kicks): We fully support the Draft Development Plan in that it shows no proposed development in the Sladbury's Lane area. There are few, if any, work opportunities in this area and we are struggling to have a GP surgery building provided which is fit for purpose. We note the proposed development in Centenary Way and whilst we would prefer no addition housing in this area, we feel that this proposal is better than anything being built in Sladbury's Lane. We would like to add we have no issues with the proposed field of solar panels. We hope that the Inspector will take into account the 3354 strong petition to protect Sladbury's Lane from development.

Comments from members of the public

Mr. & Mrs. C. Sapsford (Holland-on-Sea): We fully support the Draft Local Plan. We would prefer no new housing in this area because of the lack of infrastructure and employment but the proposed development off Centenary Way is a better option than Sladbury's Lane (proposed for development in the 2010 Core Strategy).

Ms. Gay Watton (Clacton): It is proposed that the developments proposed for land at Rouses Farm, south of Clacton Coastal Academy, east of Rush Green Road and Lotus Way Jaywick will feed their sewerage through the Jaywick Sewerage Treatment Plant. In the summer the smell from the plant was terrible and the frequency of odorous days has increased making it unbearable to go outside. Rather than just 'ensuring sufficient capacity', the plant should be completely upgraded with the health and quality of life of present and future residents taken into account.

Michael John Bareham (Clacton): I feel that the proposed area east of Rouses Farm has two factors which would make the development unsuitable (these are made in relation to the promotion of land to the west of the A133):

- the Rouses Lane development would not be large enough to warrant new public amenities such as a school, medical centre, open space etc;
- access to the site could only be made via either or both Jaywick Lane and St. John's Road both of which are currently over used, especially Jaywick Lane which has become a major route in and out of Clacton over the past years;

Peter Windley (Clacton): Most of the homes are being built in the Jaywick area and Jaywick Lane will become congested and there will be traffic hold ups getting onto St. John's Road. To have all the people moving into Clacton probably from the London area makes no sense because there is not enough work, in fact no work, for those people living here now. Clacton Town Centre will become congested with cars not being able to park anywhere and making lives miserable.

One hospital in Clacton will not be able to cope with another thousand people in the area. Why spoil an area which for years has been a very nice place to retire to. We all buy our houses and hope for a good retirement then suddenly someone comes up with all these ideas which will never

work and will certainly spoil Clacton. In the six years I have lived here Clacton has changed, not for the better. With another thousand (perhaps more) people moving in, I can see the area really going down.

Mr. J. Ratford (Clacton-on-Sea): A limit of 6% new build will be difficult to maintain for long in Clacton, because of large-scale housing need. Therefore, to limit urban sprawl, there will have to be some high-density building of greater than two storeys. There are vacant areas to the west of Oxford Road and off Valley Road east of the railway line (empty Dovercourt motors site) that are suitable, but presently designated as industrial. How realistic is it to think that large-scale industrial use will return to these areas (some of which have been vacant for years)? Building here will fulfil the Council policy of prioritising brownfield sites and also support town centre businesses, which are within easy walking distance. It is bizarre that the Council is limiting new flats and maisonettes to within 100m of railway stations (PEO12), when these sites would be suitable. The priority area for regeneration should be extended to cover these areas.

Mr. R. Jones (Clacton-on-Sea): I do not feel that this plan fully considers the use of brownfield sites available.

Mr. R. Whitworth (Clacton-on-Sea): There seems to be little provision for community infrastructure, especially in the Bockings Elm new/ongoing housing development. Areas for business, a community hall and doctors surgery need to be identified to enable the total housing additions to be adequately resourced and supported. The road between Jaywick Lane and the A133 roundabout also needs to be upgraded in advance of any future building development.

Mrs. B. Nunn (St. Osyth): Houses by the Clacton Garden Centre have yet to be sold and so will probably go as social housing. This shows we are not attracting people to the area. Is it because of a lack of jobs, shops, amenities, attractions? Investigate why and who you want and ask them what would bring them here- then decide sizes of houses etc. Jobs should be established first, as there is no demand to fill existing homes like those near Clacton Garden Centre.

Ms. D. Stedman (Kirby Cross): It would be better to concentrate new properties within Clacton & Jaywick to assist in the rejuvenation of these areas, Jaywick is one of the most deprived areas in the country and although you have outlined improvements there, I do not feel that these proposals go far enough to help the people of Jaywick.

Mr. A. Hanmore (Little Clacton): Object to the proposed allocation east of Thorpe Road. Existing rural roads in the vicinity would not be able to cope with the extra traffic particularly during the construction phase and as some have weight restrictions. Development should be created along the A120. Housing should be accompanied with new employment.

Council consideration

In the 2012 Draft Local Plan Clacton-on-Sea is identified as a single 'Urban Settlement' and the approach to housing supply was for this to accommodate a 6% increase in housing development over 10 years with specific sites allocated for housing and/or mixed-use development to achieve that level of development. Eleven sites were allocated for such development in Clacton. Most of the objections relate to the principle of housing growth in this location but a number relate specifically to the sites that have been allocated for housing.

This section addresses the general concerns that have been raised. Comments relating to the specific requirements of Policies COS12: 'Development at Rouses Farm, Jaywick Lane', COS13: 'Development South of Clacton Coastal Academy, Jaywick Lane/Rush Green Road', COS14: 'Development South of Rush Green Road', COS15: 'Development East of Thorpe Road', COS16: 'Development South of Centenary Way' and COS17: 'Development at Gainsford Avenue' are

considered in the responses to those policies. A number of comments relate to alternative sites that have been promoted for development. Readers are referred to the next section that addresses these comments where none of the alternative sites considered are proposed for inclusion in the Local Plan through focussed changes.

In response to comments received about the proposed approach to housing growth generally across the district, readers are referred to the responses to Policies SD2 and PEO1. The consideration of these comments has resulted in the Council proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account.

The level of growth for the Clacton area has been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. The level of growth proposed is considered 'fair and proportionate' for this part of the district but still falls short of the high level of demand that exists, as evidenced in the Council's updated Strategic Housing Market Assessment. However, a number of respondents object generally to the principle of any growth in Clacton and some object to the way that the proposed growth has been distributed around the Clacton area. In response to these, it is important to bear in mind that the level of growth proposed for Clacton in the 2012 Draft Local Plan is much less than the level of growth originally being planned for in the Council's draft Core Strategy, which was abandoned due to the significant level of local objection that the then proposals for growth around Clacton had attracted.

The comments of support from the Holland Residents Association and the Sladbury's Lane Protest Group to the Local Plan are noted. As made clear in the section that considers alternative sites, this area of land is not considered suitable for development at this time but if circumstances change and Clacton remains a focus for growth, this land could be re-considered at that time as part of a full evidence-based review of the Local Plan to address growth requirements post-2024.

A number of respondents have stated that more development should be directed to Jaywick than is currently proposed in the draft Local Plan in order to assist with its regeneration. Whilst the reasons for these comments are understood, on reflection, there are concerns about the deliverability of the sites allocated in the draft Local Plan and so through change MAJ6.4 it is proposed to delete these from the plan. Instead, development will be encouraged through Policy COS10: 'Regeneration in Brooklands, Grasslands and the Village, Jaywick', which provides a framework that seeks to facilitate future development and much-needed improvements to the area that takes into account the area's flood risk vulnerability and other planning issues.

The level of concern about the potential increase in traffic and other forms of infrastructure are noted but the area's existing infrastructure is considered capable of accommodating the level of development proposed. Where there are deficiencies, the draft Local Plan provides the mechanism for these to be addressed before any development occurs. The Council will continue to work closely with its partners to ensure any adverse impacts are minimised and at the subsequent planning application stage, Policy SD7: 'Securing Facilities and Infrastructure' in the Local Plan will help ensure that all new development is accompanied by the necessary level of infrastructure. In response to the concerns about the potential impact of additional traffic generated by the proposed development east of Thorpe Road on the surrounding rural roads, the development site is well positioned near Centenary Way, which should encourage the use of the strategic road network instead of the surrounding rural roads. The Council will work with developers through the development management process to ensure any potential impacts are minimised.

Some comments relate to the lack of provision of community facilities in the Bockings Elm area but these comments relate more to the development that is currently under construction than the new development that is proposed in the Local Plan.

A number of respondents object to the requirements in the draft Local Plan that prevent development on the sites allocated for housing in west Clacton from commencing until the necessary infrastructure is in place (in particular sewage, school and health provision). In retrospect it is agreed that this approach is too inflexible and that Policy SD7: 'Securing Facilities and Infrastructure' already provides a sufficient mechanism to ensure all new development is accompanied by the necessary level of infrastructure. Proposed changes MAJ6.5, MAJ6.6 and MAJ6.7 set out the proposed changes to Policies COS12, COS13 and COS14 respectively. With regards to school provision, instead of placing a restriction on commencement of the development, through proposed change MAJ6.10 it is proposed to place a restriction on the occupation of any dwellings within the allocated sites until the necessary school provision is delivered. Whilst this may still seem overly restrictive, a robust framework is required to ensure the new schools required by the new housing are provided. The comments from Essex County Council regarding school provision for the Clacton area are noted and it is hoped the proposed inclusion of a new policy (COS19: 'New Primary, Early Years and Childcare Provision in Clacton' and the specific allocation of school sites in Clacton will help to address these concerns – see proposed changes MAJ6.10, PM1.3 and PM1.5).

The objection by Sport England has been considered in more detail under Policy COS12, which sets out specific requirements relating to the allocation at Rouses Farm, where it is agreed that this requirement is too onerous and so it is proposed through change MAJ6.5 to remove it altogether from the policy.

In response to concerns about the use of greenfield land over brownfield land, number of the housing allocations in Clacton are previously-developed sites but as confirmed in the Council's updated Strategic Housing Land Availability Assessment there is limited previously-developed land available within the existing built up area in Clacton, which justifies the need to consider greenfield land for urban extensions to provide the level of growth required in Clacton.

Bloor Homes suggests that the site south of Clacton Coastal Academy could accommodate more dwellings than the indicative capacity that is included in the draft Local Plan. In response to this, Bloor Homes is referred to change MAJ14.2, which proposes to increase the indicative capacity of the site from 100 dwellings to 180, to reflect the fact that the site is considered capable of accommodating a higher number of dwellings than previously thought. It is important to point out that the indicative capacities in the Local Plan are only meant to act as a rough guide as to how many dwellings might be accommodated on each site. There are many factors that will need to be taken into consideration that might influence how many dwellings can be delivered in reality.

The Council welcomes the points raised by Essex County Council regarding the need to make specific reference to the potential for a number of the sites allocated for housing in Clacton to have archaeological remains and so it is agreed that an additional requirement should be included in the relevant policies requiring an archaeological evaluation to be carried out prior to any development (see proposed changes MAJ6.5, MAJ6.6, MAJ6.7 and MAJ6.8).

Outcome

The following major changes (MAJ6.4) to paragraphs 6.46 and 6.47 under the heading of 'Housing Supply' on pages 132 and 133 are proposed (additions shown as highlighted and deletions shown as struck through):

6.46 The National Planning Policy Framework requires Councils to boost the supply of new housing to address objectively assessed needs. In accordance with Policy SD2 in Chapter 2 in this Local Plan, the urban settlement of Clacton-on-Sea will ~~see a 6%~~ play its part in delivering a sustainable, fair and proportionate increase in housing stock ~~in the 10 year between 1st April 2014 and 31st March 2024~~ over the first 10 years of the Local Plan period between 1st April 2014 and 31st March 2024. Based on the evidence contained in the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA), this Local Plan is able to make provision for a total net increase of 1,374 dwellings in Clacton-on-Sea over those 10 years. ~~With a total housing stock of approximately 28,138 dwellings on 1st April 2011, the 6% increase for this area equates to approximately 1,700 new homes.~~

6.46a Approximately 198 of these new homes are expected to be delivered on large sites that already had planning permission for residential development on 1st April 2013 and 136 are expected to be delivered on sites specifically allocated for residential and mixed-use development in this Local Plan located within the existing built-up area. The remaining 1,040 new homes will be delivered on sites specifically allocated for residential and mixed-use development in this Local Plan on greenfield land on the edge of the built up area.

6.47 ~~On 1st April 2012, there were sites with outstanding planning permissions to deliver just over 600 dwellings in total, thus leaving a residual requirement of 1,100 dwellings to be delivered on allocated sites. Following careful consideration of the Council's Strategic Housing Land Availability Assessment (SHLAA), the~~ The following sites in and around the Clacton-on-Sea urban settlement are allocated for residential and/or mixed use development in this Local Plan ~~comprising sufficient suitable, available and deliverable land to deliver approximately 1,100 new homes in total:~~

Jaywick:

- ~~• Land off Lotus Way, Jaywick (see requirements of Policy COS10 above);~~

West Clacton:

- Land at Rouses Farm, West of Jaywick Lane (see Policy COS12 below);
- Land south of Clacton Coastal Academy, Jaywick Lane/Rush Green Road (see Policy COS13 below);
- Land east of Rush Green Road (see Policy COS14 below);
- Land west of Bluehouse Avenue;
- Clacton Garden Centre, St. John's Road;
- Land at Coppins Court, Coppins Road.

Great Clacton and North:

- Land east off Thorpe Road (see Policy COS15 below);
- Land south of Centenary Way (see Policy COS16 below);

Holland-on-Sea and East:

- Land off Abigail Gardens; and
- Land at Gainsford Avenue; (see Policy COS17 below).

Other consequential changes include:

- paragraph 6.35 on page 129 to reflect the deletion of the allocation on Land off Lotus Way, Jaywick (see proposed Minor Change **MIN6.20**);
- Policy COS12: Development at Rouses Farm, Jaywick Lane on page 134 (see proposed Major Change **MAJ6.5**);

- Policy COS15: Development east of Thorpe Road on page 137 (see proposed Major Change [MAJ6.8](#)); and
- Appendix 3: 'Estimated Dwelling Numbers for Allocated Sites' on pages 223 and 224 to reflect amendments to the indicative capacities of housing sites at Rouses Farm and east of Thorpe Road and the removal of the allocation on land off Lotus Way, Jaywick (see proposed Major Change [MAJ14.2](#)).
- The following amendments to the Policies Maps are proposed to reflect the above changes and to ensure sufficient land is allocated for housing in the Clacton Urban Settlement in the plan period:
 - Remove the housing allocation from land off Lotus Way, Jaywick (Inset Map 1b – Jaywick) (see proposed Policies Map change [PM1b.2](#)).
 - Expand the Rouses Farm allocation and allocate land for a new school (and extend the Settlement Development Boundary and remove the proposed green infrastructure notation) (Inset Map 1 – Clacton-on-Sea) (see proposed Policies Map change [PM1.3](#)).
 - Expand the land east of Thorpe Road allocation and allocate land for a new school on the west side of Thorpe Road (and extend the Settlement Development Boundary) (Inset Map 1 – Clacton-on-Sea) (see proposed Policies Map change [PM1.5](#)).

Clacton – Alternative Housing Proposals

(Alternative proposals promoted by third parties with the potential for 10 or more dwellings)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

R.E. Giles and Sons – Land off Burrs Road, Clacton (represented by Robinson & Hall LLP): The proposed site is clearly suitable for housing purposes with no physical constraints or other restrictions being applicable. It would enable a sustainable development by virtue of its location close to employment, other transport options and the necessary community facilities. This proposed allocation would offer the opportunity to achieve the Council's objective for aspirational housing and achieving high quality layout and design.

When compared with other suggested allocations and the Council's broad brush policy to place housing in areas where it is not specifically required, this proposal site should be seen as a positive development for the town and district as a whole.

In April 2010 the objector was approached by the Planning Policy Team following the Council's Cabinet meeting on 5th March 2010, which had endorsed the provision of some 4,100 homes to be constructed within the Clacton areas as part of its ongoing Core Strategy Document and to meet the required housing strategy forecasts. It was suggested that some 3,000 new homes were to be provided to the west of the town, but a significant shortfall required the Council to examine other

parts of the conurbation. Their preference was for the area to the west of Sladbury's Lane, which could enable 700 dwellings to be constructed. As a consequence the objector undertook a comprehensive examination of the opportunity to release the farm holdings included detailed reports of the highway implications, infrastructure issues, public open space and education etc. The Council's proposals were subsequently shown as 'Project 11' within its Core Strategy and Development Policies Core Strategy Document published in 2010. As a result of major public objection to the scheme and the withdrawal of support by the Council, the objector decided to submit a modified version of this proposal at the public consultation period of the revised Local Plan.

Greenwich Hospital (represented by Strutt and Parker LLP): Land to the north of Clacton should be allocated for housing. This would provide for the possibility of a comprehensive approach to development, with the greater prospect of delivery of community benefits which could make provision for the required infrastructure such as the school and the medical centre, minimising the number of landowners/developers involved and de-risking the process in terms of delivery.

Even if the representations are not accepted to provide a better prospect for delivery, we consider at the very least that the Council should identify reserve housing sites that are suitable and deliverable to provide the necessary flexibility in housing supply and deal with the current shortfalls and those that may occur over the plan period on the basis of a plan monitor and manage approach. Therefore if the Council are minded not to allocate the site within the current Local Plan, it should be put forward as a reserve site to meet any potential shortfall in delivery over the plan period.

Gold Pheonix Limited (represented by John Roberts): Land at West Country House, Cherry Tree Avenue should be included in the Local Plan for potential housing because:

- it would make efficient reuse of brownfield land within the existing area;
- the site is easily accessible by a choice of means of transport, including walking, and would reduce the need to travel by car;
- it would stimulate social and economic regeneration in Clacton;
- it would create a high quality environment that is safe and attractive for residents and visitors;
- it would meet the needs of the community and environmental and infrastructure needs generated by new development;
- it would assist the Council in meeting its housing requirements and deliver 2 and 3 bedroom properties which represent two thirds of the area's housing demand and if the development consisted of single storey homes, it would meet the needs of elderly persons and people with disabilities;
- visually, a low key single storey housing development would not harm, individually or collectively, the purpose of the Strategic Green Gap and would still maintain clear separation between West Clacton and Jaywick;
- views into the open countryside and the amenity of the wider area for a range of formal and informal leisure and recreational uses would be unaltered by housing development;
- it would provide new housing in Clacton where access to jobs, choice and means of transport, shops and other facilities can be maximised;

Kelsworth Ltd (represented by Roger Sargent): St. John's Nursery, Clacton is not operating as a viable commercial business and is therefore becoming redundant and available for a more appropriate sustainable use.

- The redevelopment of this site will help the Council meet its housing targets;
- The site is ideally placed to be an integral part of the sustainable development growth planned for this sub-area of Clacton;
- There are not any infrastructure constraints preventing delivery;
- The site could accommodate up to 165 dwellings and would be suitable for aspirational housing;
- Residential development would be a suitable use for this Brownfield site.

Mr. R. Shah (represented by Robinson & Hall LLP): Land at West Country House, Cherry Tree Avenue, Clacton-on-Sea is a rectangular piece of land which includes a large house to be demolished and three bungalows to be retained. It extends to approximately 1.0 hectare and is therefore capable of accommodating approximately 20 dwellings. The site, together with land indicated as COS13 and COS14 are beyond the settlement limits shown on the existing adopted Local Plan. It is now suggested that the aforementioned sites, which comprise open land and recreational uses, should now be included for housing purposes notwithstanding their significant contribution to the local green wedge between Clacton-on-Sea and Jaywick. This is in contrast to the site at West Country House which is clearly a brownfield site enclosed with an extensive screen of long established planting. It is therefore argued that the representation site should not be included within the proposed Strategic Green Gap, as advocated by Policy SD6 as the site makes no contribution to the openness between the two settlements. Consideration should be given to excluding the two sites identified as COS13 and COS14 for housing purposes having regard to their value to the open character of the area.

Land at West Country House is far more suitable for residential development than the suggested allocation sites mentioned above together with the suggested site COS12 adjacent to Rouses Farm put forward by the Council which is likely to face considerable difficulties in respect of access, design and layout due to the narrow and elongated nature of the land. This will mean that the policy requirements as set out in Policy PEO5 would be difficult to achieve. The reality of these sites being brought forward, particularly with the infrastructure and social facilities required by the Council, must raise considerable doubt that these schemes will be forthcoming. If these or any other site fails, the targets set by the Council will also fail.

The site can accommodate semi-detached or detached dwellings, meeting the Council's 6% distribution of housing growth for Clacton-on-Sea. The pattern of development, scale, design, layout and appearance can reflect existing residential properties along Cherry Tree Avenue and Lees Road. There are no issues that would affect the development of the site. As a consequence, it is considered that the proposal will meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Silverton Aggregates – Land at 112-118 Oxford Road, Clacton (represented by Robinson & Hall LLP): The Council's policy on employment sites is considered to be out of date and inaccurate, failing to make a reasonable assessment of the land available for such purposes and by

safeguarding other which should be considered for other more appropriate uses. Having regard to the entirely sustainable location of this area for residential purposes, particularly for smaller households, with close proximity to the railway station, town centre and frequency of bus services, the allocation of this land for residential use will significantly assist with the Council's difficulties in finding suitable brownfield sites for residential purposes. In comparison, the location of employment uses on land east of Thorpe Road together with the imminent development of the land north of Telford Road will ensure that there is sufficient and suitable land available for employment purposes in the most optimum location.

Mr T Wild and Mrs M Wild (represented by Stanfords): Object to the current planning proposals for residential development in the Bocking Elms Area of Great Clacton. Land adjacent to Elm Farm should replace the proposed 450 residential units proposed under policies COS12 and COS13. This development could be delivered with the associated infrastructure.

St Monica's Trust (represented by Strutt and Parker LLP): We recommend that the site (land west of Clacton) is allocated for housing. Notwithstanding our representations it is in relation to Policy SD2 and the Settlement Boundary, even if these representations are not accepted to provide a better prospect for delivery, considered that, at the very least, the Council should identify reserve housing sites that are suitable and deliverable to provide the necessary flexibility in housing supply. Safeguarded sites would have the ability to deal with the current shortfalls and those that may occur over the plan period on the basis of a plan monitor and manage approach.

Mr R.J. Oldham (little Clacton): I would like to propose that the land at The Willows (site 204) is included as part of the Thorpe Road residential allocation (Policy COS15).

Mr Bartlett (Clacton): objects to the Local Plan for not including Chester Holiday Park as a housing site. Chester Holiday Park is in a prime location and has the potential to provide a small development of new housing. Such a development would support the demand for much needed homes.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Michael John Bareham (Clacton): I feel that the proposed area east of Rouses Farm has two factors which would make the development unsuitable and consider that the area to the west of the A133 and to the south of Bovils Hall (Long Grove) a better choice to develop for the following reasons:

- the Rouses Lane development would not be large enough to warrant new public amenities such as a school, medical centre, open space etc;
- access to the site could only be made via either or both Jaywick Lane and St. John's Road both of which are currently over used, especially Jaywick Lane which has become a major route in and out of Clacton over the past years;
- the area to the west of the A133 is large enough for a development that would warrant public amenities and retail outlets similar to a small village;

- the A133 would provide good access via the two existing roundabouts and would not need to increase the traffic using the already over used Little Clacton Road; and
- the impact on residents living to the south of a development there could be minimised, if not eliminated, by leaving a space between the brook and the housing thus providing an open space for people and wildlife.

Council consideration

Numerous alternative proposals for development sites were submitted in response to the 2012 Draft Local Plan, some were new proposals and others had been submitted previously as part of the Council's 'call for sites' exercise. These proposals have the potential to deliver 10 or more dwellings. Smaller scale proposals that have requested relatively small amendments to Settlement Development Boundaries are considered under 'Proposed Small-Scale SDB Changes' below.

In the 2012 Draft Local Plan Clacton-on-Sea is considered as a single 'Urban Settlement' that is capable of accommodating a 6% increase in housing stock. However, in order to address concerns received about the proposed approach to growth, the Council is proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for Clacton has therefore been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. Therefore any alternative proposals that would result in a significantly higher dwelling stock increase than what is considered 'fair and proportionate' are considered unsustainable and out of character.

Individual proposals are considered in more detail within a separate report but a summary of how each proposal has been considered is set out as follows.

Land off Burrs Road, Clacton

RE Giles and Sons (represented by Robinson & Hall LLP) are promoting land off Burrs Road and Sladbury's Lane for development. The principle of mixed-use development on this land as part of a comprehensive development package involving the reconfiguration of the adjoining holiday park was originally supported by the Council in its draft Core Strategy but this proposal was the subject of an overwhelming level of local opposition and so was abandoned in favour of alternative development elsewhere in and around the town. The site was also abandoned as there were concerns about the deliverability of the site and whether vehicular access could be achieved due to changes in the overall extent of land and the package of development being promoted. These concerns are set out in the Council's updated Strategic Housing Land Availability Assessment but the site could be reconsidered as part of any review of the Local Plan to address longer-term growth requirements post-2014 should these concerns be addressed and growth in and around Clacton remains part of the district's growth strategy. For these reasons and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if they so wish, RE Giles and Sons will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, they can make the case for development through the development management process.

Land to the north-west of Clacton

Numerous parcels of land around the north-west of Clacton are being promoted for development. These areas of land are part of a much larger area of land that was originally promoted for development in the Council's draft Core Strategy but this proposal was the subject of an overwhelming level of local opposition and so was abandoned in favour of alternative development elsewhere in and around the town. The strategy to extend the town north-westwards was also abandoned as there were concerns about the deliverability of the overall package, which would have involved numerous parcels of land in multiple ownerships and the construction of a new relief road to provide vehicular access. These concerns are set out in the Council's updated Strategic Housing Land Availability Assessment but the site could be reconsidered as part of any review of the Local Plan to address longer-term growth requirements post-2014 should these concerns be addressed and growth in and around Clacton remains part of the district's growth strategy. For these reasons and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if they so wish, the promoters of each parcel of land will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, they can make the case for development through the development management process.

Land at West Country House, Cheery Tree Avenue and land to the west of Cherry Tree Avenue

Two parcels of land to the west of Cherry Tree Avenue are being promoted for residential development. The sites lie within the gap of countryside that separates the western edge of Clacton with neighbouring Jaywick, which is designated as a 'Strategic Green Gap' in the 2012 Draft Local Plan primarily due to its leisure and recreational function but also because it provides a welcome break in the continuous built up area of Clacton. The sites are therefore not considered suitable for development, in principle, as further housing would erode the character and function of this gap, which would be better suited to uses that would either protect or enhance the character and function of the gap. For these reasons and because there is more suitable land elsewhere, these proposals have been rejected by the Council but, if they so wish, St. Monica's Trust/Mr Shah/Gold Phoenix Ltd will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, they can make the case for development through the development management process, where amongst other things, the requirements of Policy SD6: 'Strategic Green Gaps' would need to be met.

St. John's Nursery, off Earl's Hall Drive

Land currently occupied by St. John's Nursery is being promoted for development by Kelsworth Ltd (represented by Roger Sargent). The site was not allocated for development in the 2012 Draft Local Plan due to concerns about vehicular access and because it would, if it was allocated, represent a piecemeal form of backland development that would run counter to the Council's policy on 'backland development' which seeks to avoid long narrow access points and housing lying to the rear of existing properties behind an established road frontage. Instead of being specifically allocated for development, it is included within the Settlement Development Boundary to provide some flexibility for proposals for redevelopment to be considered on their merits against the relevant policies in the Local Plan during the development management process but the inclusion within the boundary indicates that development is likely to be supported, in principle. If it so wishes, Kelsworth Ltd will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, it can make the case for development through the development management process.

Land at 112-118 Oxford Road

Silverton Aggregates is promoting the redevelopment of their commercial premises in Oxford Road for residential development. The site lies within a predominantly commercial area, which is protected as an 'Employment Site' in the 2012 Draft Local Plan. It is therefore not considered

suitable for residential development, in principle, but as the site is well within the built up area and within the Settlement Development Boundary, there is sufficient flexibility for proposals to be considered on their merits through the development management process. For these reasons and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if it so wishes, Silverton Aggregates will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, it can make the case for development through the development management process, where amongst other things, the requirements of Policy PRO14: 'Employment Sites' would need to be met.

Land at Chester Holiday Park

Land currently occupied by Chester Holiday Park is being promoted for development by Mr Bartlett. The site was not allocated for development in the 2012 Draft Local Plan due to concerns about vehicular access and because it would, if it was allocated, represent a piecemeal form of backland development that would run counter to the Council's policy on 'backland development' which seeks to avoid long narrow access points and housing lying to the rear of existing properties behind an established road frontage. Instead of being specifically allocated for development, it is included within the Settlement Development Boundary to provide some flexibility for proposals for redevelopment to be considered on their merits against the relevant policies in the Local Plan during the development management process but the inclusion within the boundary indicates that development is likely to be supported, in principle. If he so wishes, Mr Bartlett will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, he can make the case for development through the development management process.

Outcome

No change to the Local Plan.

Policy COS12 – Development at Rouses Farm, Jaywick Lane

(Pages 133 and 134 – including paragraphs 6.50 to 6.52)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: To enhance clarity on the delivery outcomes of the policy the wording should be amended in respect of:

- Bullet a) – should be amended by inserting the word 'also' into the second line and adding reference to the minimum area for the required school, so that it reads, "the development will provide a single-form entry primary school with commensurate early years and childcare facilities on a minimum site area of 1.1 hectare of suitable useable land and contribute financially, also, toward minor expansion of existing permanent facilities – the nature, location and specifications of which must be agreed with Essex County Council as the Local Education Authority".

The proposal for a 1 Form of Entry Primary School will be sufficient to service this localised development. Following the District Council's review of the scale of development proposed at Rouses Farm the County Council believes there is sufficient capacity within Secondary Provision to accommodate the pupil product.

- Bullet j) – should include reference to cycle ways, and be amended to read, “there will be a safe cycle path/footpath between the residential development and the Clacton Coastal Academy and new Primary School”.

Sport England: The proposal for this development to contribute, either through Community Infrastructure Levy or an equivalent financial contribution towards the creation of an Athletics Track at the adjoining Clacton Coastal Academy, is welcomed in principle if this would help address a community need for an athletics track in the Clacton area.

However, from the information provided in the local plan it is unclear how this requirement will meet the tests of soundness. This is because no reference is made in the Council's evidence base (Open Spaces Strategy) to a need for an athletics track to be provided in Clacton or on this site although the strategy did identify a lack of athletics facilities in the district. It is also unclear why it is necessary for this residential development to make a contribution to the facility as the other residential allocations in Clacton and elsewhere are not required to make a contribution.

If there is a strategic or local need for a new athletics facility and the Academy site is an appropriate location then all residential developments should be expected to make a contribution depending on the expected catchment of the facility. The fact that this allocation is the largest residential allocation in the district and adjoins the Academy site would not usually be sufficient to justify only this development making provision. To address these concerns, the supporting text to the policy should explain the community need for the athletics track and the justification for the financial contribution and why this development allocation (and not others) needs to make a contribution to the facility. Unless a specific justification can be provided, other residential development allocations should be required to make an appropriate contribution. This explanation would also be required to accord with Government policy in paragraph 204 of the NPPF relating to the use of planning obligations. Without this, this aspect of the proposal would be considered to potentially not to accord with the 'justified and consistent with national policy' tests of soundness.

Comments from landowners, developers and businesses

Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan (represented by Pegasus Group): My client SUPPORTS the allocation of this specific site for housing in conjunction with Policy SD2 but wishes to raise the following OBJECTIONS to elements of the policy:

1. The site allocation should include reference to the intended housing levels anticipated from this site. Appendix 3 of the Plan identifies the potential yield of all of the allocated sites and suggests that this site could deliver 300 units. It is understood from previous discussions with officers that this is expected to be in the region of 350-400 units with the final figure being the subject of the detailed design work required for any planning application – all referred to in Appendix 3. The absence of this figure from the policy and the reliance on an Appendix means that the policy lacks clarity and provides no certainty for developers. It also prevents the Council for identifying its deliverable supply of housing as required by the National Planning Policy Framework (paragraph 47). My client therefore suggests that the policy be amended to refer to the anticipated yield.
2. The policy requires the submission of a development brief prior to the submission of a planning application. This will have the effect of lengthening the pre-application process and as such delaying the delivery of this site. Whilst my client accepts that close working the Council at pre-application stage is essential this need not be in the form of a development brief. As the National Planning Policy Framework expects plan-led development the failure to comply with this element of the policy would mean a departure irrespective of whether the eventual scheme was appropriate. As such the wording of the policy offers no flexibility to the

Council in the means by which the proposal should be drafted at pre-application stage. *My client would therefore prefer to see this requirement deleted from the policy.*

3. The policy includes a set of criteria identifying the additional elements that the proposal is expected to deliver and the timing for the delivery of these items. There is no reference in the policy, its supporting text, or Appendix 3 to evidence to justify the facilities identified (as required by paragraph 182 of the NPPF) or the viability of these being delivered as part of this site. The National Planning Policy Framework is clear that site allocations must be viable in order that they can be deliverable. It advises at paragraph 173 that *'the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'*.

The supporting technical evidence for the Local Plan (listed on the Council's website) includes a document called Infrastructure Study Part 2 dated January 2010 and prepared by Roger Tym & Partners and Peter Brett Associates. This document identifies the infrastructure needs of the District based on a housing target of 7,150 between 2009 – 2026, which is no longer a strategy for this Local Plan. It also relates to a previous policy of housing dispersal that focused heavily on Clacton with 4,351 identified for this settlement (by 2026).

The approach of the latest Local Plan is to disperse housing growth more evenly across the District with a corresponding reduction in housing levels in Clacton to 1,106 by 2021 (as indicated in Appendix 3 of the Plan). Although the timescales of the Plan and the Study are different it is clear that a substantial reduction in housing delivery is now being planned for Clacton. In crude terms (and disregarding any delivery assumptions) the annual housing delivery rate for Clacton has been reduced from 256 to 111. This inevitably has an impact on infrastructure needs, which does not appear to have been factored in to this latest version of the Plan and therefore calls into question the legitimacy of the requirements listed in this policy.

As well as being based on increased housing numbers, the infrastructure needs identified in this document clearly identify facilities that will benefit both the wider area and will serve the needs of other development sites. There is no recognition of this fact on this policy and no suggestion that the cost of the facilities will be fairly split across all development sites. My client therefore considers that the requirement of this site to fund these facilities fails all three test set out at paragraph 204 of the NPPF.

The Infrastructure Study referred to earlier acknowledges that lower land values in the Clacton area and the potential of this to influence the level of contributions that could be achieved (paragraph 2.5). It is clear that the issue of viability is not a new one for the Council although this does not seem to have prevented an optimistic list of requirements in the policy for this site. My client considers it necessary to review the cumulative viability of the contributions being sought at the site as no reference is made to the cost implications associated with their delivery, this is particularly crucial in order to achieve prompt delivery of sustainable residential development.

Paragraph 6.50 of the supporting text makes it clear that it expects this development to deliver a new primary school, a primary healthcare centre, a significant area of open space (later defined as 20ha) and new athletics facilities at a nearby site. My client contends that these obligations are self-evidently unviable both in terms of the cost of provision and the land-take involved. They also rely on third parties in some cases for the delivery of the facilities and in the case of the medical centre prevent the redevelopment of the housing until it is provided. My client considers this to be unreasonable and prejudicial to the delivery of this important element of the Council's housing land supply. Such obligations would also fail the legal tests set out in paragraph 204 of the NPPF.

As the facilities will address needs in the wider area as well as this development my client requests that the policy be amended to allow for a proportional payment to be made and the removal of any requirement for delivery prior to implementation of the housing element of the scheme. The

relevant proportion should be defined in this policy so that appropriate land deals can be made in advance of bringing a scheme forward for planning.

Finally in view of the excessive land take involved in the provision of the facilities listed in the policy the site area will need to be expanded to include land to the west. This additional land can be identified as open space.

As currently drafted this policy is unjustified, likely to be ineffective (as unviable sites will not be implemented) and inconsistent with national policy. It is therefore unsound.

Suggested Remedy

To overcome my client's concern I suggest that the policy be amended as follows:

- Include reference the anticipated development yield of this site, i.e. 350 – 400 homes;
- Delete reference to the need for a development brief and instead refer to suitable pre-application discussions having taken place with the Council prior to the submission of an application;
- Remove the requirement for the delivery of the medical centre prior to commencement and instead require the provision of a site for a medical centre prior to commencement and the provision of adequate funding of an appropriate level to be agreed with the developer to be provided;
- Identify the relevant proportions of funding for the facilities identified in the criteria justifiable for this site taking into account the nature of the facility and the extent to which it will fulfil both existing needs and the needs generated by other schemes;
- Include the justification for the facilities listed including evidence that they will be delivered by the third parties responsible for them;
- Specify the minimum site areas required for each of the facilities identified as being delivered on this site so that the land available for housing can be identified and valued accordingly;
- Where the relevant proportions or site areas are unknown include flexibility in the wording of the policy to allow for such matters to be a matter of agreement between the applicant and the Council with reference to the need for viability to be a material consideration in the decision-taking process;
- Amend the supporting text to reflect the changes to the policy

St Monica's Trust (represented by Strutt and Parker LLP): Object to the allocation of this site on suitability and viability grounds. The content of this policy is very prescriptive and does not allow for any flexibility as development proposals evolve.

R.E. Giles and Sons – Land off Burrs Road, Clacton (represented by Robinson & Hall LLP): It is noted that a large number of the suggested housing allocation sites are situated within locations far less sustainable than the proposed site at Burrs Road and require extensive infrastructure. These sites include:

- Rouses Farm;
- Walton Mere (policy FWK7);
- Bromley Road, Lawford (policy MLM5); and Willows Farm,
- Weeley Heath (policy KEY4).

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Ms. Gay Watton (Clacton): It is proposed that the developments proposed for land at Rouses Farm, south of Clacton Coastal Academy, east of Rush Green Road and Lotus Way Jaywick will feed their sewerage through the Jaywick Sewerage Treatment Plant. In the summer the smell from the plant was terrible and the frequency of odorous days has increased making it unbearable to go outside. Rather than just 'ensuring sufficient capacity', the plant should be completely upgraded with the health and quality of life of present and future residents taken into account.

Michael John Bareham (Clacton): I feel that the proposed area east of Rouses Farm has two factors which would make the development unsuitable and consider that the area to the west of the A133 and to the south of Bovils Hall (Long Grove) a better choice to develop for the following reasons:

- the Rouses Lane development would not be large enough to warrant new public amenities such as a school, medical centre, open space etc;
- access to the site could only be made via either or both Jaywick Lane and St. John's Road both of which are currently over used, especially Jaywick Lane which has become a major route in and out of Clacton over the past years;
- the area to the west of the A133 is large enough for a development that would warrant public amenities and retail outlets similar to a small village;
- the A133 would provide good access via the two existing roundabouts and would not need to increase the traffic using the already over used Little Clacton Road; and
- the impact on residents living to the south of a development there could be minimised, if not eliminated, by leaving a space between the brook and the housing thus providing an open space for people and wildlife.

Mr. D. Briggs and Mrs. C. Briggs (Clacton-on-Sea): Not consistent with national policy. The proposed land is further away from the current Clacton settlement boundary with no infrastructure. The council must look at all the available brownfield sites for development before releasing greenfield land as per the NPPF.

Mr. H. Khima (Clacton-on-Sea): The plan is not consistent with national policy. The NPPF clearly states that Brownfield Sites if available must be considered for residential development before releasing any Greenfield sites. The council must be transparent and must publish all the brownfield sites available to the council which have not been included in this draft plan with reasoning why this has not been included. It is important for this information to be published with the draft plan for the members of the public to make an informed decision as to support or object to the proposed draft plan. The council must be mindful of what has happened at Bockings Elm. The effect of recent development at Bockings Elm has caused increased traffic. Proposed development at Rouses farm will only make this worse.

Mr. J. Ratford (Clacton-on-Sea): To compliment the "green" connections between this proposal and further developments at Rush Green, provision should be made for a cycle and footpath to St. Osyth. Footpaths already exist, but an upgrade would encourage residents to walk or cycle to tourist hubs (e.g. boating lake) in St. Osyth, supporting businesses there.

T. Devonshire (St. Osyth): Not consistent with national policy. There is a lack of infrastructure and the recent development at St Johns Road, Bockings Elm, has already created increased traffic on

St Johns Road along with further demands on the existing infrastructure. Development at Rouses Farm would only increase the burden on current infrastructure. All brown field sites should be included in the proposed plan for settlement first. The Council should confirm that all the brown field sites are included in the draft plan and publish all the brownfield sites available to the council which have not been included in this draft plan with reasoning why this has not been included. It is important for this information to be published with the draft plan for the members of the public to make an informed decision as to support or object to the proposed draft plan.

Ms. T. Osben (St. Osyth): In the LDF Core Strategy and Development Policies document, Project 5, Hartley Meadows Neighbourhood Development, included the provision of the St Johns Relief Road. However, now only development at Rouses Farm has been allocated from the Hartley Meadows Neighbourhood area and the relief road is no longer included within the plan. All traffic for this development will now join the existing traffic using St Johns Road. In the absence of the relief road, the most sustainable approach would be to allocate development to the other end of the previously proposed Hartley Meadows Neighbourhood area, closest to the A133. This would be more environmentally sustainable and would avoid further congestion on St Johns Road. It would also avoid increasing the population of the area of highest deprivation to the West of Clacton.

Development at Rouses Farm encroaches on the rural border between Clacton and St Osyth. This area should remain a green wedge between the urban area of Clacton and the rural area of the parish of St Osyth.

Council consideration

It is acknowledged that the promoter of the site is supportive of the allocation in the draft plan for residential development but raises a number of concerns about the specific requirements of the policy:

- The provision of a new athletics track;
- Site capacity (dwelling numbers);
- The provision of a development brief;
- The provision of a new education facilities; and
- The provision of a new health facility.

New athletics track

Sport England's comments which relate to the provision of a new athletics track are noted. Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan (represented by Pegasus Group) objection to the provision of an athletics track is acknowledged. The requirement to provide a new athletics track has been omitted from Policy COS12. Instead, the requirement for this new sports facility will be listed in paragraph 6.49 'Community Facilities' and may be delivered (depending on the Council's corporate priorities at the time) by using contributions obtained from the Community Infrastructure Levy.

Site Capacity (dwelling numbers)

The suggestion from Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan (represented by Pegasus Group) that Policy COS12 be amended to refer to the anticipated number of houses is rejected. Appendix 3 'Estimated Dwelling Numbers for Allocated Sites' provides an approximate indication of how many dwellings each of the allocated housing and mixed use development sites in the Local Plan is likely to deliver. These estimates should not be treated as minimum targets or seen as the maximum limits for each of the sites. The actual number of dwellings that will be built on each site will be derived from careful consideration of the various

policies in this Local Plan. In all cases, the Council will require developers to achieve the highest quality of development.

The provision of a development brief

The objection from Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan (represented by Pegasus Group) which suggests removing the requirement for a development brief is acknowledged. The Council will work with the developer (and relevant partners) prior to the submission of a planning application to ensure that all relevant policy requirements are met.

The provision of new education Facilities

The Council's 2013 Infrastructure Study and consultations with Essex County Council as the Local Education Authority have identified that primary schools in Clacton are operating at capacity and that to sustain any significant growth in housing stock the town will require new primary schools with commensurate early years and childcare provision. Because the main concentrations of new housing development will be in West Clacton, around Jaywick Lane, and in North Clacton, around Thorpe Road, it is proposed that a new 'single-form entry' primary school be constructed in each of those areas.

To achieve this, the Local Plan allocates specific sites for the provision of these facilities. Each site is 2 hectares in size which is large enough to accommodate a single-form entry primary school with space to expand to two-form entry at a later date to meet longer term needs, alongside the necessary provision for early years and childcare facilities.

These sites will be acquired from the relevant landowners, freehold, by Essex County Council (as the Local Education Authority) at zero cost. The grant of planning permission for residential and mixed-use development on any of the large sites allocated in Policies COS12, COS13, COS14, COS15 and COS16 above will be subject to either planning conditions or legal agreements to ensure that no new dwelling can be occupied until the transfer of the corresponding site to the County Council has taken place. As such, Policy COS12 has been amended so that the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution where viable) toward the provision of a single-form entry primary school with commensurate early years and childcare facilities as proposed, through Policy COS19, on land at the southern end of the site (see proposed changes [MAJ6.10](#) and [PM1.3](#)).

The provision of a new health facility

In response to the objection from Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan (represented by Pegasus Group), criteria b) has been amended to ensure that the development will make land available for the provision of a purpose-built medical centre to meet the primary health care needs of the growing population in West Clacton and will contribute (either through Community Infrastructure Levy or an equivalent financial contribution) toward the construction of the facility.

Persimmon Homes, Mr and Mrs I. Low and Mr and Mrs A. Duncan (represented by Pegasus Group) raise concern that the evidence base which provides the justification for the infrastructure required should be listed in Policy COS12. The Council considers that reference to the evidence base would be more appropriately located in the supporting text.

Viability and Suitability

Draft allocation COS12 has received a number of objections from promoters of other sites in Clacton who raise concern over the suitability and viability of this site.

St Monica's Trust (represented by Strutt and Parker LLP) object to the allocation of this site on suitability and viability grounds. In response to this concern, the Council's 2013 Infrastructure Study has not identified any potential barriers in infrastructure terms which could prevent delivery of this site. Therefore the suitability and viability argument put forward is rejected.

Giles and Sons who are promoting 'Land off Burrs Road, Clacton' (represented by Robinson & Hall LLP) suggest that a large number of the housing allocation sites are situated within locations far less sustainable than the proposed site at Burrs Road and require extensive infrastructure. In response to this concern, the Council's 2013 Infrastructure Study has not identified any potential barriers in infrastructure terms which could prevent delivery of this site. Therefore, the suitability and viability argument put forward is rejected.

Ms. Gay Watton concerns regarding the Jaywick Sewerage Treatment Plant are noted. The Council will work with Anglia Water and the developer to minimise any potential impact on local residents.

The changes suggested by Essex County Council are agreed and have been incorporated into the new policy.

Michael John Bareham & Ms. T. Osben's objection that the proposed area east of Rouses Farm is unsuitable for development and suggestion that the area to the west of the A133 and to the south of Bovils Hall (Long Grove) is a more suitable alternative is acknowledged. This issue is considered in further detail in the 'Site Allocations Document'.

Mr. J. Ratford's comments relate to improving the 'green' connections between this proposal and developments at Rush Green. The Council will work with the developer (and relevant partners) prior to the submission of a planning application to ensure the detailed consideration of such issues.

Mr. D. Briggs, Mrs. C. Briggs, T. Devonshire, Ms. T. Osben and Mr. H. Khima's concerns regarding the consideration of alternative Brownfield and Greenfield sites are acknowledged. The housing potential of different sites across the town (including Brownfield and Greenfield) has been assessed through the Strategic Housing Land Availability Assessment which has been published for consultation.

Outcome

The following **major changes** (MAJ6.5) to Policy COS12: 'Development at Rouses Farm, Jaywick Lane' on page 134 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

POLICY COS12: DEVELOPMENT AT ROUSES FARM, JAYWICK LANE

Land at Rouses Farm, west of Jaywick Lane and south of St. John's Road, Clacton-on-Sea (as defined on ~~Proposal~~ **Policies** Map Inset 1) is allocated for a mix of residential development, community facilities and public open space. The Council will work with the ~~developer~~ **developer (and relevant partners)** ~~landowner to prepare a development brief for the site~~ prior to the submission of a planning application ~~and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:~~

- a) the development will ~~contribute~~ **contribute** (either through ~~Community Infrastructure Levy or an equivalent financial contribution where viable~~ **Community Infrastructure Levy or an equivalent financial contribution where viable**) toward the provision of ~~provide~~ **provide** a single-form entry primary school with commensurate early years and childcare facilities ~~and~~

~~contribute financially toward minor expansion of existing permanent facilities — the nature, location and specifications of which must be agreed with Essex County Council as the Local Education Authority as proposed, through Policy COS19, on land at the southern end of the site;~~

- b) the development will ~~provide~~ make land available for the provision of a purpose-built medical centre to meet the primary health care needs of the growing population in West Clacton and will contribute (either through Community Infrastructure Levy or an equivalent financial contribution where viable) toward the construction of the facility;
- c) ~~residential development will not be allowed to commence until the new medical centre has been provided on the site and is operational, or an equivalent facility providing the necessary level of primary healthcare to serve the growing population has been delivered within 1,600 metres of the development site;~~
- d) the development must avoid connections to the existing sewerage treatment network by achieving a direct connection to the Jaywick ~~sewerage~~ sewage treatment works and ensure sufficient capacity at that works to cope with additional waste water unless other suitable arrangements can be agreed with Anglian Water;
- e) ~~the development will contribute, either through Community Infrastructure Levy or an equivalent financial contribution, toward the creation of an Athletics Track at the Clacton Coastal Academy;~~
- f) the principle points of vehicular access will be off of St John's Road and Jaywick Lane and will deliver a link road through the centre development that will help relieve traffic along Jaywick Lane;
- g) the development shall deliver safe, secure and direct routes through the development;
- h) there will be a safe ~~pedestrian~~ cycle path/footpath between the residential development and the Clacton Coastal Academy and new Primary School;
- i) a minimum 20 metre landscaping buffer will be created along the western edge of the site to minimise visual impacts; ~~and~~
- j) the Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains ~~The development will set aside a minimum of 20 hectares of land for green infrastructure that will be laid out to incorporate sustainable drainage systems, landscaping and informal open space and which will either be transferred to Tendring District Council with a financial contribution toward future maintenance, or suitable alternative management arrangements put in place to ensure long term maintenance.~~

The following **minor changes** (MIN6.24) to paragraph 6.50 on page 133 are proposed (additions shown as highlighted and deletions shown as struck through):

6.50 The north-western periphery of Clacton is relatively unaffected by significant physical and environmental constraints and land at Rouses Farm, west of Jaywick Lane will therefore be the location of the Local Plan's largest housing development. As well as providing a mix of new housing, the development will ~~deliver~~ provide land for a new primary school, a new primary health care centre, and a significant area of new open space as well as contributing financially, through

Community Infrastructure Levy or other means toward the provision of the new facilities needed in the area. ~~and new athletics facilities at the Clacton Coastal Academy.~~

Other consequential changes include:

The following **minor changes** (MIN6.22) to the first bullet-point in the list in paragraph 6.49 on page 133 are proposed (additions shown as highlighted and deletions shown as struck through):

- New single-form entry primary school in West Clacton (with space to expand to two-form entry in the future) and commensurate early years and childcare facilities (see Policies COS12 and COS19 below);

The following **major changes** (MAJ6.10) to include new Policy COS19: 'New Primary, Early Years and Childcare Provision in Clacton' and supporting paragraphs 6.60 to 6.62 are proposed (additions shown as highlighted and deletions shown as struck through):

New Primary, Early Years and Childcare Provision in Clacton

6.60 The Council's 2013 Infrastructure Study and consultations with Essex County Council as the Local Education Authority have identified that primary schools in Clacton are operating at capacity and that to sustain any significant growth in housing stock, the town will require new primary schools with commensurate early years and childcare provision. Because the main concentrations of new housing development will be in West Clacton, around Jaywick Lane, and in North Clacton, around Thorpe Road, it is proposed that a new 'single-form entry' primary school be constructed in each of those areas.

6.61 To achieve this, the Local Plan allocates specific sites for the provision of these facilities. Each site is 2 hectares in size which is large enough to accommodate a single-form entry primary school with space to expand to two-form entry at a later date to meet longer term needs, alongside the necessary provision for early years and childcare facilities. These sites will be acquired from the relevant landowners, freehold, by Essex County Council (as the Local Education Authority) at zero cost. The grant of planning permission for residential and mixed-use development on any of the large sites allocated in Policies COS12, COS13, COS14, COS15 and COS16 above will be subject to either planning conditions or legal agreements to ensure that no new dwelling can be occupied until the transfer of the corresponding site to the County Council has taken place.

6.62 The actual construction of the new facilities will be overseen by the County Council which will ensure they meet the required specification. This work will be funded through the County Council's own capital funding programmes, money secured through Community Infrastructure Levy and other equivalent developer contributions (where viable) and other appropriate sources of funding.

POLICY COS19: NEW PRIMARY, EARLY YEARS AND CHILDCARE PROVISION IN CLACTON

To meet the educational needs of the growing population, each of the following sites is allocated for the provision of a single-form entry primary school (with space to expand to two-form entry in the future) along with commensurate Early-Years and Childcare facilities:

- 2 hectares of land west of Jaywick Lane; and

- 2 hectares of land west of Thorpe Road.

The first occupation of new dwellings on any of the large sites allocated for housing and mixed-use development through Policies COS12, COS13, COS14, COS15 and COS16 will be restricted through planning conditions or legal agreements attached to the grant of planning permission to ensure that the corresponding area of land for primary, early years and childcare provision has first been acquired by Essex County Council as the Local Education Authority.

The new facilities will be delivered by the Local Education Authority utilising money from its own capital funding programmes, money secured through Community Infrastructure Levy and other equivalent developer contributions (where viable) and other appropriate sources of funding.

Expansion of the Rouses Farm allocation and allocation of land for a new school (and extend the Settlement Development Boundary and remove the Proposed Green Infrastructure notation) on Policies Map Inset 1 (Clacton-on-Sea) (see proposed Policies Map change [PM1.3](#)).

Policy COS13 – Development South of Clacton Coastal Academy, Jaywick Lane/Rush Green Road

(Page 135 – including paragraph 6.53)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The County Council supports the phasing of development on each these two sites (see bullet c) of Policy COS13 and Policy COS14) until the proposed Primary School at Rouses Farm (see Policy COS12) is operational. The proposed primary school at the Rouses Farm site is required to service the educational needs of all three developments proposed by Policies COS12, COS13 and COS14. The local catchment primary school (Frobisher) would not have sufficient permanent capacity to accommodate pupils from the development South of Clacton Coastal Academy. There is sufficient capacity within secondary provision to accommodate the pupil product.

Comments from landowners, developers and businesses

St Monica's Trust (represented by Strutt and Parker LLP): Object to the allocation of this site on suitability and viability grounds. The content of this policy is very prescriptive and does not allow for any flexibility as development proposals evolve.

Bloor Homes Eastern: We support the allocation of this site for residential development as it is a logical, sustainable and deliverable extension to the south-western built edge of the District's largest settlement and will go some way to help contribute towards the Council's future housing land supply requirements.

However, we are concerned about the introduction of infrastructure requirements that are dependent on the delivery of new facilities on other proposed site allocations outside the control of the landowner/developer of this site or quite prescriptive and restrictive requirements for providing an appropriate level of facilities elsewhere within 1600 metres (under 1 mile) of the site. We consider the proposed requirements to be too restrictive and could stifle the ability to bring the site forward for development, and as such would be contrary to paragraph 173 of the NPPF. We would refer to the Community Infrastructure Levy (CIL) regulations which allow for more generic contributions

towards infrastructure and facilities, and we believe education and medical needs are better met through development contributions through this mechanism. This is less likely to create policy burdens which could potentially be a barrier to the delivery of the site.

To add substance to the above, we would point out that there would appear to be only one existing primary school (Frobisher Drive, Jaywick) and medical centre (Nayland Drive Surgery) that lie within 1600 metres of the development site and the ability of these facilities to be enlarged to take additional pupil/patient capacity is unknown.

It may be the case that the Coastal Academy site has some potential to be expanded to include a primary school facility, especially as it already hosts pre-school provision and given the doubts over this site's future given its collapse as a secondary school last year. There appears to be plenty of space on the northern end of this site that could be given over for this purpose. However, this is clearly a subjective view and again should not over-ride our view that CIL contributions are the correct mechanism to obtain the appropriate infrastructure requirements from the development, so as not to prejudice the early delivery of the site.

In addition, with parental/patient choice and the likely wish for at least some children/residents to attend alternative primary schools/medical centres within the Clacton area – whether in the state or independent/private sector – it would seem to be unreasonable to look to tie the sites educational and medical requirements to a prescribed distance criterion.

We note that the Site Capacity Schedule indicates that the site is suitable for an estimated 100 dwellings. Whilst we note that this figure is not to be treated as a 'minimum', we would put on record our view that the site could and should accommodate significantly more dwellings.

We attach a Concept Masterplan to illustrate how the site could be laid out to make best use of the site in a sustainable, inclusive and permeable manner. We would look to balance the built zones with high quality green corridors which provide clearly defined north-south and east-west informal open spaces and permeable linkages across the site for pedestrians and cyclists. Careful consideration would be made to surrounding land uses and any site constraints (i.e. existing foul sewer).

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Ms. Gay Watton (Clacton): It is proposed that the developments proposed for land at Rouses Farm, south of Clacton Coastal Academy, east of Rush Green Road and Lotus Way Jaywick will feed their sewerage through the Jaywick Sewerage Treatment Plant. In the summer the smell from the plant was terrible and the frequency of odorous days has increased making it unbearable to go outside. Rather than just 'ensuring sufficient capacity', the plant should be completely upgraded with the health and quality of life of present and future residents taken into account.

Council consideration

Essex County Council's comments are noted. The Tendring Infrastructure Study (2013) identifies that across all the sites in Clacton, the cumulative impact of the proposed level of housing generates the need for approximately two forms of entry (2fe) of additional primary school

provision and additional early EY&C provision. The suggested locations for these facilities are as part of the developments at Rouses Farm and land east of Thorpe Road/north of Oakwood Business Park. The total requirement for two primary school/EY&C developments would require a total site area of 2.2ha (two sites of 1.1ha each).

The Council acknowledges Bloor Home's concern that Points c) and d) are too restrictive and could create a burden which could potentially be a barrier to the delivery of the site. Policy PEO13 has been amended so that the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution) toward the provision of a single-form entry primary school with commensurate early years and childcare facilities as proposed, through Policy COS19, on land west of Jaywick Lane.

Bloor Home's suggestion that the site could accommodate more houses than the estimate provided in Appendix 3 is agreed.

With reference to Strutt and Parkers comments, the Council's Infrastructure Study (2013) does not highlight any potential barriers which could prevent delivery (in infrastructure terms); therefore the site is considered suitable for development.

Ms. Gay Watton's comments regarding sewerage through the Jaywick Sewerage Treatment Plant are noted. The Council will work with Anglia Water and the developer to minimise any potential impact on local residents.

Outcome

The following **major changes (MAJ6.6)** to Policy COS13: 'Development south of Clacton Coastal Academy, Jaywick Lane/Rush Green Road' on page 135 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY COS13: DEVELOPMENT SOUTH OF CLACTON COASTAL ACADEMY, JAYWICK LANE/ RUSH GREEN ROAD

Land to the south of the Clacton Coastal Academy between Jaywick Lane and Rush Green Road, Clacton-on-Sea (as defined on ~~Proposal~~ Policies Map Inset 1) is allocated for residential development. The Council will work with the ~~landowner~~ **developer (and relevant partners)** ~~landowner to prepare a development brief for the site~~ prior to the submission of a planning application ~~and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:~~

- a) the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution) to any upgrading or expansion that is necessary at the existing ~~sewerage~~ **sewage** treatment works in Jaywick;
- b) the development must secure a direct connection to the Jaywick ~~Sewerage~~ **Sewage** Treatment works, or a connection to the Rouses Farm development to avoid placing pressure on the existing sewerage treatment network ~~unless other suitable arrangements can be agreed with Anglian Water;~~
- c) ~~residential development will not be allowed to commence until the single-form primary school proposed for the Rouses Farm Development has been developed and is operational or equivalent provision sufficient to meet the educational needs of the growing population of West Clacton has been provided elsewhere within the area~~ **the development will contribute (either through Community Infrastructure Levy or an**

equivalent financial contribution where viable) toward the provision of a single-form entry primary school with commensurate early years and childcare facilities as proposed, through Policy COS19, on land west of Jaywick Lane;

- d) ~~residential development will not be allowed to commence until the new medical centre has been provided at the Rouses Farm development the site and is operational, or an equivalent facility providing the necessary level of primary healthcare to serve the growing population has been delivered elsewhere in the West Clacton sub-area~~ the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution where viable) toward the provision of the purpose-built medical centre proposed, through Policy COS12, on land at Rouses Farm;
- e) the principle points of vehicular access will be off Jaywick Lane ~~and~~ with a secondary access off Rush Green Road (to be agreed in advance with the Highways Authority);
- f) proposed development must deliver high quality public space including boundary treatments and hard and soft landscaping designed as an integral part of the development reflecting the function and character of the development and surroundings; ~~and~~
- g) the development shall deliver safe, secure and direct routes through the development including a green corridor linking Rush Green Road, ~~and~~ Jaywick Lane ~~and the proposed open space at Rouses Farm;~~ and
- h) the Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains

The following **minor changes** (MIN6.25) to paragraph 6.53 on page 135 are proposed (additions shown as highlighted and deletions shown as struck through):

6.53 The housing allocation off Rush Green Road will deliver a modest amount of new housing for the west Clacton area helping to fulfil the overall housing required for the town. The ~~occupation of new dwellings on the site will be restricted, in accordance with Policy COS19, development will not be allowed to commence until the necessary infrastructure improvements proposed as part of the Rouses Farm development (including to ensure land for a new primary school and medical centre)~~ **have** ~~has~~ first been **acquired** by Essex County Council as the Local Education Authority **delivered**. The development will contribute, through Community Infrastructure Levy or other alternative mechanisms toward the provision of these essential facilities **needed in the area**.

Policy COS14 – Development East of Rush Green Road

(Page 136 – including paragraph 6.54)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mrs Barbara Carter and Mrs Jean Richardson (representing Brown And Meek Partners): I am referring to Clacton, section 6 of the document online, COS14; development east of Rush Green Road; I am happy to accept points a and b, but feel c and d like development with provisions we (as landowners) have no control over. Points e and f are fine, I'd be happy to explore point g within the development brief with the planners, and I am happy with point h.

Mrs Ruth Davey (representing Brown And Meek Partners): Brown and Meek Partners own some or all of the land to which this proposal relates. Points made in the Policy COS14 at (b), (e), (f) and (h) are accepted without reservation. It is probably also appropriate for the landowners to contribute to the additional sewerage work that might be required (as at (a) in COS14). However, the proposed requirement for the commencement of the residential development to be dependent on the completion of the building of a new school - albeit a single-form only school - and a new medical centre seems excessively onerous in relation to a development of merely 60 dwellings, with the composition of the occupancy of those dwellings obviously being unknown. It will only be as the housing units are developed and occupied that the additional needs of the new community for schooling or medical support will be known. It seems inappropriate for the developers of the COS14 site to have to wait until building, outside their control, has been completed and this is likely to defer, far beyond the time of the completion of these other buildings, the commencement of much-needed new dwellings on the COS14 site - simply through uncertainty. Finally, the suggested obligation to transfer the undeveloped portion of the land to TDC together "with a financial contribution towards future maintenance" is clearly something on which clear discussion with the Council will be required.

Graham Lawrence (representing the landowners promoting this site): I can confirm that the landowners are very supportive of the inclusion of the land within the Local Plan and will gladly work with Tendring DC to prepare a development brief with the aim of delivering the development as soon as possible within the Plan period.

I would like to make comments on some of the content in the Policy COS14 based on the paragraphs as set out:-

a) and b) My clients accept the need for a contribution to this infrastructure improvement if it is needed to deliver the development.

c) and d) We are concerned that these requirements are restrictive in that they link delivery of the development to the actions of others. This could lead to unnecessary delay and as the Policy identifies the Rush Green Road site as suitable for only 60 dwellings we query the need for this restrictive connection to the Rouses Farm Development. As the NPPF aims to minimise barriers to sustainable development proposals we ask that these requirements be removed.

e) f) and h) All accepted.

g) My clients would like to explore the recreational and leisure opportunities for the green space land as set out in our initial development brief proposal. We will be happy for this to form part of the overall Development Brief to be prepared with TDC.

We do not consider it necessary to speak at the Public Examination if our concerns relating to para's c and d are given fair consideration. If, however, you consider it would be beneficial for us to make representation to the Inspector or be available to aid informed discussion we will arrange to be present.

St Monica's Trust (represented by Strutt and Parker LLP): Object to the allocation of this site on suitability and viability grounds. The content of this policy is very prescriptive and does not allow for any flexibility as development proposals evolve.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Ms. Gay Watton (Clacton): It is proposed that the developments proposed for land at Rouses Farm, south of Clacton Coastal Academy, east of Rush Green Road and Lotus Way Jaywick will feed their sewerage through the Jaywick Sewerage Treatment Plant. In the summer the smell from the plant was terrible and the frequency of odorous days has increased making it unbearable to go outside. Rather than just 'ensuring sufficient capacity', the plant should be completely upgraded with the health and quality of life of present and future residents taken into account.

Council consideration

The Tendring Infrastructure Study (2013) identifies that across all the sites in Clacton, the cumulative impact of the proposed level of housing generates the need for approximately two forms of entry (2fe) of additional primary school provision. The suggested locations for these facilities are as part of the development at Rouses Farm and land east of Thorpe Road/north of Oakwood Business Park. There will also be a need for additional early EY&C provision in these areas and the most cost effective delivery is likely to be through co-located facilities with the primary school provision. The total requirement for two primary school/EY&C developments would require a total site area of 2.2ha (two sites of 1.1ha each).

The Council acknowledges the numerous objections that points c) and d) are too restrictive and could prevent delivery. Policy COS14 has been amended, to seek financial contributions towards education and health provision in Clacton (either through Community Infrastructure Levy or an equivalent financial contribution) rather than a specific policy requirement linking this site to other developments in Clacton.

The landowners concerns over provision of public open space (point g) are noted. The Council will work with the developer (and relevant partners) prior to the submission of a planning application to ensure an acceptable mechanism for delivering on-site public open space.

Ms. Gay Watton comments regarding sewerage through the Jaywick Sewerage Treatment Plant are noted. The Council will work with Anglia Water and the developer to minimise any potential impact on local residents.

Strutt and Parkers comments regarding viability and deliverability are noted. The Council's Infrastructure Study (2013) does not identify any potential barriers which could prevent delivery (in infrastructure terms); therefore the site is considered suitable for development.

As a result of amending points c) and d) this policy is considered to be sound and consistent with national planning policy.

Outcome

The following **major changes** (MAJ6.7) to Policy COS14: 'Development east of Rush Green Road' on page 136 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY COS14: DEVELOPMENT EAST OF RUSH GREEN ROAD

Land east of Rush Green Road and south of Plane View Close, Clacton-on-Sea (as defined on ~~Proposed Policies Map Inset 1~~) is allocated for residential development and open space. The Council will work with the developer (and relevant partners) ~~landowner to prepare a development brief for the site~~ prior to the submission of a planning application ~~and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:~~

- a) the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution) to any upgrading or expansion that is necessary at the existing sewerage treatment works in Jaywick;
- b) the development must secure a direct connection to the Jaywick ~~Sewerage~~ Sewage Treatment works, or a connection to the adjoining developments west of Rush Green Road and at Rouses Farm to avoid placing pressure on the existing sewerage treatment network ~~unless other suitable arrangements can be agreed with Anglian Water;~~
- c) ~~residential development will not be allowed to commence until the single-form primary school proposed for the Rouses Farm Development has been developed and is operational or equivalent provision sufficient to meet the educational needs of the growing population of West Clacton has been provided elsewhere within the area~~ the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution where viable) toward the provision of a single-form entry primary school with commensurate early years and childcare facilities as proposed, through Policy COS19, on land west of Jaywick Lane;
- d) ~~residential development will not be allowed to commence until the new medical centre has been provided at the Rouses Farm development the site and is operational, or an equivalent facility providing the necessary level of primary healthcare to serve the growing population has been delivered elsewhere in the West Clacton sub-area~~ the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution where viable) toward the provision of the purpose-built medical centre proposed, through Policy COS12, on land at Rouses Farm;
- e) the principle points of vehicular access will be off Rush Green Road;
- f) proposed development must deliver high quality public space including boundary treatments and hard and soft landscaping designed as an integral part of the development reflecting the function and character of the development and surroundings; and
- g) a minimum of ~~820~~ hectares of the adjoining agricultural land will be left undeveloped and will either be transferred to Tendring District Council with a financial contribution toward future maintenance and use for outdoor recreational activities, or suitable alternative management arrangements put in place to ensure long-term maintenance; ~~and~~

- h) the development shall deliver safe, secure and direct routes through the development including a green corridor linking Rush Green Road, the adjoining developments, the open space at Rouses Farm and the open space provided on the adjoining land-; and
- i) the Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains

Policy COS15 – Development East of Thorpe Road

(Page 137 – including paragraph 6.55)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policy COS15 should be amended to provide for the educational needs of future residents at this site. The local Primary School, Engaines Primary, is at capacity and cannot accommodate any further pupil product that may be generated from the development at East Thorpe Road. An additional bullet should be added to the policy to secure provision of a site for a 1 form entry Primary School with commensurate early years and childcare facilities. The resultant Primary School would service this development and others proposed in the North of Clacton (see Essex County Council response to Policy COS16 and Policy COS17). There is sufficient capacity within secondary education provision to accommodate the pupil product.

Additionally, the wording of bullet b) should be amended to enhance clarity, so that it reads, “the development must deliver improvements to Thorpe Road including the provision of a footway to the established built up area at Centenary Way”.

Comments from landowners, developers and businesses

Silverton Aggregates – Land at 112-118 Oxford Road, Clacton (represented by Robinson & Hall LLP): This site is currently allocated for industrial development within the extant Local Plan and for which planning permission has also previously been granted. The use of this site for housing purposes, adjoining the existing principal industrial estate of Gorse Lane/Oakwod Park is considered to be inappropriate and entirely unsustainable having regard to its isolation from any surrounding residential development the absence of any community or other facilities appropriate for meeting the needs of such a housing development and its poor relationship to the rural areas beyond.

Macepark (Oldbury Ltd): Macepark (Oldbury) Limited (MOL) broadly SUPPORTS the allocation of land proposed within this policy subject to the representations and suggested amendments set out below, which it believes will help to deliver the optimal development mix for the proposed allocation by providing greater flexibility in advance of the drafting of the development brief for the site.

Therefore, MOL proposes that the entirety of its land holding, as shown on the plan attached herewith, should be included in the current allocation comprised within policy cos15 (see omission section??).

At this stage the question of access (particularly additional and/or secondary accesses) should left open to be considered as part of the development brief discussions at which point highway studies and junction/capacity assessments can be undertaken to inform any detailed access proposals.

Again, whilst supporting the principle of minimising the visual impacts of the proposed allocation (see COS15-d), to insist upon "o minimum 20 metre landscaping buffer...around the northern and western periphery of the site..." in order to achieve this is not only overly prescriptive but premature given that at present no Landscape and Visual Impact Assessment (LVIA) has, to the knowledge of MOL, been undertaken. Therefore it is entirely possible that a more robust solution to secure a scheme that minimises any visual impacts of any future development of the site can be found. This can easily be secured by a requirement for an LVIA to inform the development brief for the site, rather than the current "blanket" approach.

Therefore, MOL proposes that the wording of policy COS15 be redrafted to include reference to the commissioning (at subsection a) of a highway study to inform the access and egress arrangements to the residential development to the north; and, (at subsection d) reference to the commissioning of a Landscape and Visual Impact Assessment to inform the extent to which further landscaping works may be reasonably required to Minimise the visual impacts of the development as a whole.

R.J. Wilkin and Partners (working arable and livestock farm to the eastern boundary of the proposed development area): OBJECT to this development proposal because:

- Half of this area has already been released for industrial development and has planning permission granted on it, with a few units already in construction. If this area were to be re-designated for housing, new areas of arable or green belt land would need to be released for industrial use in its place. A more sensible idea would be to release smaller areas of land for housing so that infilling between existing housing could occur in the main areas of local villages;
- The proposed development would result in overdevelopment of this site. If the area is released for housing development should be low density and in keeping with the character of the area;
- The local primary and secondary schools are already over subscribed; therefore additional housing would mean that the schools would not be able to cope;
- The area has insufficient bus routes which would represent a problem for the elderly getting around;
- The area has in the past been prone to flooding; therefore additional development would alter the drainage of the site even if main sewers were provided. In addition there will be a greater amount of surface water from roads, hard standings, driveways etc causing possible flooding and soil erosion to neighbouring farm land. It is a possibility that the additional surface water could result in the main tributary at Holland Brook not being able to cope;
- The objector has been told that "the proposed housing will supply homes for the employees of the industrial estate and factory shopping outlet". Given that there are empty units etc there will not be any demand for the additional housing;
- Encouraging developers to build housing estates will only lead the housing to be filled by people from outside the district who will find it extremely hard to find employment;
- The junction of Thorpe Road and Holland Road is already dangerous because of poor visibility from Thorpe Road looking to the left down Holland Road. An increase in housing would result in additional accidents and fatalities;

- The objector owns the eastern boundary to the proposed development and in the past has had problems with boundary encroachment. In addition the boundary is an ancient hedgerow and ditch including several rare service trees. The objector states that if development were to take place, guarantees would be required to ensure that the boundary is not compromised;
- A Barn Owl box exists in the boundary hedge to the east of the proposed development area. If development takes place there would be insufficient grassland left to ensure the survival of this protected specie;
- Any proposed development would need to be restricted in height along the eastern boundary so as not to restrict the light to the crops. In addition Laylandi hedges or earth banks should not be used along this boundary which will also restrict light to the crops; and
- If develop takes place any developer must ensure that public access along the eastern boundary is restricted to protect the crops in the adjoining fields and to prevent rubbish being dumped.

Mrs. B. Crees (represented by Pomery Planning Consultants): The plan is supported in principle particularly Policy COS15. The development of the wider allocation will have a minimal impact on the environment and on the amenities of existing communities. The allocation is reflective of the fact that at least 80% of the growth required in Tendring needs to be on greenfield land. In allocating this site for mixed use development of new housing and employment uses, close to the largest settlement in the district will allow opportunities to live and work in the same location, reducing the need to travel by car. It will also add to the prosperity of existing town centre uses. For these reasons the site scores well in the Draft Local Plan Sustainability appraisal meeting all applicable objectives. However, I raise a number of issues.

The allocation overall is in multiple ownership, but appears to fall into 4 main land parcels. The respondent owns approximately 3.01 hectares of the allocation. The policy should be amended to recognise that this land is in multiple-ownership.

With regards to the recently submitted planning application for the majority of the land covered by this allocation to the south of our land: there is no objection in principle to this proposed development coming forward early but should this be approved prematurely before the development brief is prepared appropriate conditions should be used to safeguard the comprehensive delivery of the whole area of land covered by the allocation. Those conditions should ensure that the land immediately north of the application site is accessed directly from the Oakwood Park land and that the access is secured directly to the Title boundary of the respondent's land and is unfettered by ransom strips. The indicative link to land to the north in the application is supported.

An estimated 300 units is anticipated from this allocation (but it is acknowledged that these figures are a guide as to what number of units might be possible for each site and should not be taken as a minimum or maximum number as the final density will be considered on a site by site basis in accordance with other policies). That said the residential element of the Oakwood Park proposal illustrates a density of approximately 18 dwellings per hectare, which is relatively low and would appear to meet the Councils aspirational development criteria. Whilst this proposal is yet to be determined, it would appear to be based on a reasonable in its approach in the light of the emerging policy. The wider allocation of the housing land of COS15 amounts to approximately 19 hectares, which if developed at a modest density of 18 dph would amount to development of up to 342 dwellings. Whilst this is a broad brush density calculation that does not have regard to the sensitivities of all parts of the allocation land, it would appear that more than slightly more than the 300 units estimated in Appendix 3 can be delivered.

The allocation also includes a need to provide additional employment land; however, the amount of land that is required is not specified. In the interests of clarity and completeness, the Council should express the extent of employment land expected from each allocation where appropriate, as well as the amount of land specifically required for any additional uses, such as schools.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the allocation of Land East of Thorpe Road. The allocation is positively prepared, justified (with minor amendments recommended below), effective and consistent with national policy.

1. Positively prepared

In the context of a critical housing need and limited availability of land which can deliver sustainable development, this allocation, which can deliver the second largest new development in Clacton-on-Sea, is crucial to successfully meeting local needs for the District.

Securing a meaningful supply of local housing is essential to meet the needs of present and future generations and widening the choice of high quality homes is a key element of sustainable development. In Tendring local residents are particularly supportive of the provision of good quality, spacious and attractive homes that people can aspire to live in (paragraph 4.2, draft Local Plan) which this site can deliver (see below).

As the largest town within the District with a good range of facilities, Clacton will continue to be the principal focus for housing and employment development in the future. Clacton is therefore an appropriate location for type and scale of growth proposed in the allocation.

This allocation is therefore positively prepared as it helps to secure the delivery of objectively assessed development and infrastructure requirements.

2. Justified

The allocation of this land is the most appropriate strategy to assist in delivering growth for Clacton-on-Sea, given local market signals and the relative need for different land uses to support sustainable local communities.

a) Relative Need for Different Land Uses

A large proportion of the site is land subject to an implemented permission for a business park (Class B1, B2 and B8). The principle and acceptability of developing the majority of the site for some form of development has therefore already been assessed and agreed. The grant of planning permission for the business park has also established scale and massing parameters and the principle means of access from Thorpe Road and Fowler Road.

A mixed use development on this site is most appropriate in light of local market signals and the relative need for different land uses to support sustainable communities. The market for industrial and warehousing floorspace in Clacton is weak, with limited take up and good availability of premises. This is demonstrated by the lack of take up for the employment units permitted on part of this site, which is a result of the site's locational constraints (including lack of visibility from the main highway network).

The Council's own Employment Land Study confirms "*the lack of demand for new industrial space in Clacton-on-sea at present*" (paragraph 2.28) and "*Industrial and warehousing employment is forecast to decline in Clacton*" (paragraph 2.6).

Given the significant housing need and local market signals, the delivery of mixed-use development on this site will deliver greater benefits than protecting the implemented employment

permission on part of the site which, as a whole, has no reasonable prospect of being used for that purpose.

b) Delivering Sustainable Development

The delivery of mixed use development on this site will secure a sustainable, inclusive and mixed community and a significant boost to local housing supply.

The site is not physically constrained and is not affected by any local ecological or landscape designations, for example Local Green Gaps, Conservation Areas or Areas of Outstanding Natural Beauty. Land East of Thorpe Road is largely flat, sloping gently south-westwards. Although hedgerows with trees and scrub border the site, they are of varying quality. The hedgerow on the eastern boundary has some, albeit limited, botanical interest, forming a feature of the local landscape and character of the area. This hedgerow can be retained and reinforced through development proposals on the land. No trees need to be removed to secure development of the site. Trees which are either dead or in poor condition should be removed as part of any development scheme. The Council has confirmed this in respect of the Oakwood Park application (correspondence dated 18th December 2012). Although there are no long distance views of the site, it falls on the edge of the built up area and therefore suitable landscaping can be provided as part of the scheme.

A redundant overhead powerline crosses the site from south west to east. Underground cabling was laid in early 2010 to replace these overhead lines. The overhead powerlines can be dismantled, when appropriate, and easement rights to the electricity provider have been provided for maintenance of the underground cabling. The redundant overhead powerlines do not therefore affect the development of the site, its suitability or layout.

The site is not subject to any statutory or non-statutory nature conservation designations, and is well separated from the nearest such designations by existing development. In terms of habitats, the site is of low/negligible ecological value and provides limited opportunities for protected species. Natural England has confirmed in their response to the Oakwood Park application that they have no objection to its development (correspondence dated 11th December 2012).

The surrounding highway network has capacity to accommodate the scheme, with the traffic generation from this allocation being substantially less than the permitted business park.

The site falls outside the floodplain and appropriate surface water drainage systems can be designed to discharge at a rate no greater than the existing Greenfield runoff rate and an appropriate quantity of storage can be secured. The Environment Agency and Anglian Water have assessed this in relation to the Oakwood Park application and have confirmed the development to be acceptable (correspondence dated 18th December 2012 and 17th December 2012 respectively).

The site has the opportunity to widen the choice of high quality homes with a significant proportion of aspirational housing and family housing (i.e. 3 bed and 4 bed detached properties) promoting prosperity and family life. An appropriate level of affordable housing can be secured to help meet local demand and reduce homelessness, addressing social exclusion issues.

The site can secure new, accessible employment opportunities through the delivery of employment units and construction jobs. High quality design and high standards of amenity will add to the local distinctiveness, improving the character and quality of the area and the way it functions, raising the standard of design in the area.

3. Effective

As demonstrated above, with good design and landscaping, there are no constraints to the development of this site. It represents an important opportunity site which can help deliver local development needs.

The site is now prime for some form of development, with replacement cabling laid and access principles agreed. An outline planning application was submitted in November 2012 for up to 250 dwellings, employment development and associated infrastructure for Oakwood Park (the largest landholding within the allocation) (Ref: 12/01262/OUT). This demonstrates the benefits of allocating sites to bringing forward development.

4. Consistent with national policy

In delivering sustainable development (as demonstrated above) the allocation is consistent with national planning policy's presumption in favour of sustainable development.

The significant benefits of the allocation include:

- The most effective use of a largely committed development site in light of local market signals and the relative local needs for land uses
- A sustainable, inclusive and mixed community
- A significant boost to local housing supply
 - Widening the choice of high quality homes
 - Delivering a range of housing types which current and future generations of Tendring residents will aspire to live in, promoting prosperity and family life
 - Affordable housing to help meet local demand and reduce homelessness, addressing social exclusion issues
- New, accessible employment opportunities through the delivery of employment units and construction jobs
- High quality design and high standards of amenity
- Local distinctiveness, an improvement to the character and quality of the area and the way it functions, raising the standard of design in the area
- No impact on the intrinsic character and beauty of the countryside
- New cycle and pedestrian links
- Highways infrastructure with sufficient capacity for the scheme.

There are no adverse impacts of the allocation which would outweigh these significant benefits and there are no specific policies in the NPPF that indicate that this development should be restricted. The allocation is therefore consistent with national policy.

Minor Recommendations

It might assist the compliance of the policy with the "justified" test to make a number of minor amendments. These recommendations are made in light of the precedent set by the extant planning permission and the detailed work undertaken to support the November 2012 planning application for Oakwood Park.

Vehicular access to the site would be best delivered via Thorpe Road (for residential) and Fowler Road (for employment). The principle and design of these access arrangements have been agreed with the local authority and highway authority under the extant planning permission. Segregating the uses of these accesses brings benefits to the successful operation of both residential development and employment development and utilising the Fowler Road access would make effective use of existing infrastructure. The Fowler Road access can also deliver emergency access to the residential development (with collapsible, lockable bollards) and pedestrian and cycle

links to the employment and residential development, being the most direct link to facilities and services in the local area.

The following revised wording might assist the soundness of the policy:

“a) the principle point of vehicular access will be via a new spine road off Thorpe Road which will provide access to residential development ~~to the north~~ and a secondary access via Fowler Road to new employment land to the south;

b) the development must deliver improvements to Thorpe Road and the provision of a pedestrian footpath connection via Fowler Road to the established built up area at Centenary Way;

c) the development shall deliver safe, secure and direct routes through the development; and

d) a minimum 20m landscaping buffer will be created around the northern and western periphery of the site to minimise visual impacts”

(Additional wording underlined, deleted text struck through).

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the allocation of this site.

However it might assist the compliance of this text with the “justified” test to clarify access arrangements. Vehicular access to the site would be best delivered via Thorpe Road (for residential) and Fowler Road (for employment). The principle and design of these access arrangements have been agreed with the local authority and highway authority under the extant planning permission. Segregating the uses of these accesses brings benefits to the successful operation of both residential development and employment development and utilising the Fowler Road access would make effective use of existing infrastructure. The Fowler Road access can also deliver emergency access to the residential development (with collapsible, lockable bollards) and pedestrian and cycle links to the employment and residential development, being the most direct link to facilities and services in the local area.

The following revised wording might assist the soundness of the policy:

“The development will provide a mix of residential and employment development accessed via a new spine road off ~~of~~ Thorpe Road and a secondary access via Fowler Road”.

(Additional text underlined, deleted text struck through).

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Clacton Parish Council: The southern section of the proposed development has planning approval for industrial/commercial development. The Local Plan now designates the land for mainly residential dwellings and only a few commercial units – a complete change from the original and approved application. The Council has also included an additional parcel of land to the north of the original site as shown on Policies Map Inset 1. The northern parcel of land is within Little Clacton Parish boundary but is not shown on the Village Policies Map 10 nor the residential dwellings credited to the Village’s quota of new dwellings. If the northern section were ever to be developed, the suggested 20 metre landscaping buffer to the north and west of the site is inadequate and not acceptable as development of this size would bring urbanisation to this part of the village.

If the two developments (COS15 and COS16) are to proceed, although they are mainly in the Clacton catchment area, due to their proximity they have an enormous effect on the roads, facilities schools and the environment in and around Little Clacton. The planners must ensure that adequate services and infrastructure are in place and working well before almost 500 dwellings are built and provisions made to cater for up to two thousand new residents and around a thousand vehicles and provide the facilities to cater for their everyday needs.

Policy SD2 confirms the land allocated for development through Policy CO15 is a 'sub-area' of Clacton-on-Sea due to its proximity to Great Clacton. This would make the northern part of the development (within the Parish of Little Clacton) contrary to Policies SD2 and Sd3 and would result in our village losing its identity and rural character and being absorbed into the urban settlement by the back door. Little Clacton is classed as a Key Rural Service Centre and has in other locations, within its own Development Boundary, accommodated the sought after 6% growth in housing stock. As the northern section of the development is within Little Clacton, it would contravene Policy SD3 which states that no single housing development will exceed 50 dwellings.

There are also serious concerns over the number of traffic movements to and from the residential development via the one access road off Thorpe Road. The site virtually becomes a cul-de-sac contrary to Policy POE5 and the situation is further aggravated by the lack of educational places in the near vicinity of the development and would generate large traffic movements twice a day to accommodate school pupils' travel. This proposed development is also remote in the open countryside with very limited infrastructure and the nearest shops for the weekly demands are not within easy walking distance.

Comments from members of the public

Ms. T. Osben (St. Osyth): This site is one of the least sustainable sites for development. It would create effectively an entirely separate housing settlement and goes against national planning policy. These 300 houses, along with the 350 from Rouses Farm should be put in one large development to the north of Bockings Elm, adjoining the A133. This would be the most sustainable and justifiable option in planning terms.

Council consideration

All comments that have been received in relation to land east of Thorpe Road are acknowledged. Since the publication of the draft Local Plan (2012) planning permission has been granted for residential development.

The change suggested by Essex County Council regarding improvements to Thorpe Road (point b) is agreed and has been incorporated into the new policy.

Education

Essex County Council's concern over securing the educational needs of future residents is acknowledged. The Council's 2013 Infrastructure Study and consultations with Essex County Council as the Local Education Authority have identified that primary schools in Clacton are operating at capacity and that to sustain any significant growth in housing stock; the town will require new primary schools with commensurate early years and childcare provision. Because the main concentrations of new housing development will be in West Clacton, around Jaywick Lane, and in North Clacton, around Thorpe Road, it is proposed that a new 'single-form entry' primary school be constructed in each of those areas. To achieve this, the Local Plan allocates specific sites for the provision of these facilities. Each site is 2 hectares in size which is large enough to accommodate a single-form entry primary school with space to expand to two-form entry at a later

date to meet longer term needs, alongside the necessary provision for early years and childcare facilities. These sites will be acquired from the relevant landowners, freehold, by Essex County Council (as the Local Education Authority) at zero cost. The grant of planning permission for residential and mixed-use development on any of the large sites allocated in Policies COS12, COS13, COS14, COS15 and COS16 above will be subject to either planning conditions or legal agreements to ensure that no new dwelling can be occupied until the transfer of the corresponding site to the County Council has taken place.

As such, Policy COS15 has been amended so that the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution) toward the provision of a single-form entry primary school with commensurate early years and childcare facilities as proposed, through Policy COS19, on land East of Thorpe Road.

Sustainability

Silverton Aggregates concern that allocation COS15 is not a sustainable option for residential development and residential development should be concentrated in one large development to the north of Bockings Elm, adjoining the A133 is acknowledged.

The 2012 Draft Local Plan identified land east of Thorpe Road as a location for mixed-use development but was not originally identified for housing in the Council's 2010 Core Strategy because most of the land had an outstanding planning permission for business and industrial development and was allocated for that purpose in the 2007 Adopted Local Plan. There were also concerns at the time that these areas were too remote from established residential neighbourhoods compared with other available options. However, in deciding to abandon the proposals for a new neighbourhood in North-West Clacton and East Clacton in response to overwhelming public objection and genuine concerns over deliverability, this option was re-examined.

The status of this area was also reviewed in light of the new National Planning Policy Framework published in March 2012. Paragraph 22 of the Framework states: "*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*". Land north of Oakwood Business Park was granted outline planning permission for business and industrial use in 2000 and south of Centenary Way had been allocated for employment use in the Adopted Local Plan (2007) but neither had attracted any genuine interest from the commercial market and therefore considering residential and mixed use development was justified. When the proposals for development were published for consultation as part of the 2012 Draft Local Plan there was very little objection and, at the time of writing, land east of Thorpe Road was the subject of an outline application for 250 homes and some commercial development (yet to be determined). Other factors that made this option more favourable on further inspection included the considerable investment that had taken place in the nearby Clacton Factory Shopping Village (which could benefit economically from a boost in the catchment population) and the relatively direct access onto Centenary Way and the A133 provided a less harmful option, from a traffic and point of view and for the impact on existing residential areas, than the North-West and East Clacton neighbourhood developments.

Macepark (Oldbury Ltd) comments of support are noted. The respondent's suggestion to include its entire land holding has been carefully considered. It is considered that the additional land is not required and is therefore not allocated within this focused change document.

R.J Wilkin and Partners raised concern that the proposed allocation is currently employment land and residential development would be overdevelopment. In response, to ensure sufficient land is identified to deliver the housing growth requirement for the Clacton area in the plan period it has been necessary to allocate land off Thorpe Road, north of the Oakwood Business Park and Centenary Way, for residential and mixed-use development. In consultation with local people, it

was considered that development in this location will have a minimal impact on the environment and the amenities of existing communities. The site is well located in relation to access to Centenary Way, local supermarkets, existing employment sites and the Clacton Factory Shopping Village. The development will provide a mix of residential and employment development accessed via a new spine road off of Thorpe Road. In response to the concerns that the junction of Thorpe Road and Holland Road is already dangerous because of poor visibility from Thorpe Road and an increase in housing would result in additional accidents and fatalities is acknowledged. Essex County Highways have not raised any objections to the proposed mixed-use development. The objector states that if development were to take place, guarantees would be required to ensure that the boundary is not compromised. In response to this concern, proposed allocation COS15 would only related to the boundary included within the focused change document. The objectors concerns relating to the location of a Barn Owl box is acknowledged. The Council will raise this concern with the landowner and developer. The objectors concerns that development would need to be restricted in height along the eastern boundary so as not to restrict the light to the crops and hedges or earth banks should not be used along this boundary is acknowledged. These comments will be passed onto the landowner and developer. The concern raised over public access along the eastern boundary is acknowledged. The Countryside and Rights of Way Act 2000 governs the acceptable use of public footpaths.

Kevin Britton's (represented by Martin Robeson Planning Practice) comments of support are noted.

Access / wider allocation etc

The case put forward suggesting that the vehicular access to the site would be best delivered via Thorpe Road for residential and Fowler Road for employment is rejected. The Council acknowledges that the southern part of the site has an extant planning permission for B8 employment use which is accessed via Fowler Road. However, in the interests of being able to deliver a wider comprehensive development for this part of Clacton, the proposed access arrangements as set out in criteria a) is necessary to unlock additional development land to the south, east and north. In conclusion the Council considers that the principle point of vehicular access should be via a new spine road off Thorpe Road.

Footpath

The provision of a footpath via Fowler Road is currently being negotiated between the landowner and Essex County Council as part of planning application 12/01262/OUT which is yet to be determined.

Infrastructure / traffic / visual impact

Little Clacton Parish Council's comments regarding infrastructure provision and traffic movements are noted. The Council's Infrastructure Study (2013) does not highlight any potential barriers which could prevent delivery (in infrastructure terms) nor does Essex County Council raise any concern over increased traffic movements; therefore the site is considered suitable for development.

The Parish Council's concern that the northern part of allocation COS15 is located within the Parish of Little Clacton is acknowledged, however, this is not considered a valid planning reason not to proceed with allocation COS15.

In response to Macepark (oldbury ltd) and the Parish Council's concern over the visual impact of the development, general design and landscape-related policies in the plan and having a pragmatic approach when considering planning applications in this area should be more than sufficient to help protect or enhance the positive features of this area.

Other

Mrs Beryl Crees (representing Pomery Planning Consultants) comments of support are noted. In response to the concern that there is a need to ensure a comprehensive development including adjacent parcels of land that makes up the allocation, the Council will work with the landowners to prepare a development brief for the site which will address the concerns raised.

Outcome

The following **major changes (MAJ6.8)** to Policy COS15: 'Development east of Thorpe Road' on page 137 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY COS15: DEVELOPMENT EAST OFF THORPE ROAD

Land east and west of Thorpe Road, north of Oakwood Business Park, Clacton-on-Sea (as defined on Proposal Policies Map Inset 1) is allocated for residential development, employment-related development, community facilities and public open space. The Council will work with the developer (and relevant partners) landowner to prepare a development brief for the site prior to the submission of a planning application and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

- a) the principle point of vehicular access will be via a new roundabout and spine road off Thorpe Road which will provide access to residential development to the north and new employment land to the south, immediately north of the existing industrial estate;
- b) the development must deliver improvements to Thorpe Road and including the provision of a footway pedestrian footpath connection to the established built up area at Centenary Way;
- c) the development shall deliver safe, secure and direct routes through the development; and
- d) a minimum 20 metre landscaping buffer will be created around the northern and western periphery of the site to minimise visual impacts. Land west of the development and north of Centenary Way, as identified on Policies Map Inset 1, will be set aside for green infrastructure to help soften the impact of development and strengthen the Strategic Green Gap between Clacton and Little Clacton. This land will either be transferred to Tendring District Council with a financial contribution toward future maintenance and use for outdoor recreational activities, or suitable alternative management arrangements put in place to ensure long-term maintenance;
- e) the residential development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution where viable) toward the provision of a single-form entry primary school with commensurate early years and childcare facilities as proposed, through Policy COS19, on land west of Thorpe Road; and
- f) the Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains

The following **minor changes** (MIN6.26) to paragraph 6.55 on page 137 are proposed (additions shown as highlighted and deletions shown as struck through):

6.55 To ensure sufficient land is identified to deliver the housing growth requirement for the Clacton area in the plan period up to 2021, it has been necessary to allocate a modest amount of greenfield land east off Thorpe Road, north of the Oakwood Business Park and Centenary Way, for residential and mixed-use development. In consultation with local people, it was considered that development in this location will have a minimal impact on the environment and the amenities of existing communities. The site is well located in relation to access to Centenary Way, local supermarkets, existing employment sites and the Clacton Factory Shopping Village. The development will provide a mix of residential and employment development accessed via a new spine road off of Thorpe Road.

Other consequential changes include:

The following **minor changes** (MIN6.23) to insert a new bullet point into paragraph 6.49 on page 133 are proposed (additions shown as highlighted and deletions shown as struck through):

- New single-form entry primary school in North Clacton (with space to expand to two-form entry in the future) and commensurate early years and childcare facilities (see Policies COS15 and COS19 below);

The following **major changes** (MAJ6.10) to include new Policy COS19: 'New Primary, Early Years and Childcare Provision in Clacton' and supporting paragraphs 6.60 to 6.62 are proposed (additions shown as highlighted and deletions shown as struck through):

New Primary, Early Years and Childcare Provision in Clacton

6.60 The Council's 2013 Infrastructure Study and consultations with Essex County Council as the Local Education Authority have identified that primary schools in Clacton are operating at capacity and that to sustain any significant growth in housing stock, the town will require new primary schools with commensurate early years and childcare provision. Because the main concentrations of new housing development will be in West Clacton, around Jaywick Lane, and in North Clacton, around Thorpe Road, it is proposed that a new 'single-form entry' primary school be constructed in each of those areas.

6.61 To achieve this, the Local Plan allocates specific sites for the provision of these facilities. Each site is 2 hectares in size which is large enough to accommodate a single-form entry primary school with space to expand to two-form entry at a later date to meet longer term needs, alongside the necessary provision for early years and childcare facilities. These sites will be acquired from the relevant landowners, freehold, by Essex County Council (as the Local Education Authority) at zero cost. The grant of planning permission for residential and mixed-use development on any of the large sites allocated in Policies COS12, COS13, COS14, COS15 and COS16 above will be subject to either planning conditions or legal agreements to ensure that no new dwelling can be occupied until the transfer of the corresponding site to the County Council has taken place.

6.62 The actual construction of the new facilities will be overseen by the County Council which will ensure they meet the required specification. This work will be funded through the County Council's own capital funding programmes, money secured through Community Infrastructure Levy and other equivalent developer contributions (where viable) and other appropriate sources of funding.

POLICY COS19: NEW PRIMARY, EARLY YEARS AND CHILDCARE PROVISION IN CLACTON

To meet the educational needs of the growing population, each of the following sites is allocated for the provision of a single-form entry primary school (with space to expand to two-form entry in the future) along with commensurate Early-Years and Childcare facilities:

- 2 hectares of land west of Jaywick Lane; and
- 2 hectares of land west of Thorpe Road.

The first occupation of new dwellings on any of the large sites allocated for housing and mixed-use development through Policies COS12, COS13, COS14, COS15 and COS16 will be restricted through planning conditions or legal agreements attached to the grant of planning permission to ensure that the corresponding area of land for primary, early years and childcare provision has first been acquired by Essex County Council as the Local Education Authority.

The new facilities will be delivered by the Local Education Authority utilising money from its own capital funding programmes, money secured through Community Infrastructure Levy and other equivalent developer contributions (where viable) and other appropriate sources of funding.

The following changes to Policies Map Inset 1 (Clacton-on-Sea) are proposed (see proposed Policies Map change [PM1.5](#)):

- expand the land east of Thorpe Road housing allocation (and extend the Settlement Development Boundary);
- allocate land for a new school on the west side of Thorpe Road; and
- show a new area of proposed green infrastructure.

Policy COS16 – Development South of Centenary Way

(Pages 137 and 138 – including paragraph 6.56)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Both Policy COS15 and Policy COS16 should be amended to provide for the developments to proceed only when educational needs of future residents at the sites may be met. The local Primary School, Engaines Primary, is at capacity and cannot accommodate any further pupil product that may be generated from the development at either site. An additional bullet should be added to phase development of both sites until the 1 Form Entry Primary School that should be provided at the Thorpe Road site is operational (See Essex County Council response to Policy COS15). This will ensure that the educational needs of the future resident community within north Clacton is appropriately considered and delivered. There is sufficient capacity within secondary education provision to accommodate the pupil product generated from this development.

Comments from landowners, developers and businesses

Lorrimar Investments Ltd (Ipswich): support the allocation of land south of Centenary Way, Clacton because:

- It is a suitable site, rounding of the urban edge;
- There has been an under supply of dwellings in the last few years which is in need of correction and this greenfield site is easily deliverable;
- It is a small site that can be brought forward in the short term to fill the gap of housing undersupply in the district without significant infrastructure requirements;
- Anglia Water have agreed to accept foul and surface water discharge to public sewers and it is proposed to use sustainable drainage systems on site as part of the drainage strategy;
- An alternative site has been acquired to relocate the existing use in compliance with the allocation and the site can be brought forward in the short-term.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Clacton Parish Council: The Parish Council has no objections in principle regarding this proposed development, as Centenary Way ensures the Village identity, openness and character are maintained. We have serious concerns over the proposal to relocate the riding school to the north side of Centenary Way and locate it within a Strategic Green Gap.

If this proposal is approved, the site should be designated and comply with policies PEO19 and PEO20 and not shown as an employment site. In the future, if the owners applied for a change of use it must be refused to ensure the continuation of and provision of the amenities the original development provided for the community. Failure to control the current use of the riding school site would threaten further development along the north side of Centenary Way down to Montana roundabout thereby cancelling the desired separation of settlements.

If the two developments (COS15 and COS16) are to proceed, although they are mainly in the Clacton catchment area, due to their proximity they have an enormous effect on the roads, facilities schools and the environment in and around Little Clacton. The planners must ensure that adequate services and infrastructure are in place and working well before almost 500 dwellings are built and provisions made to cater for up to two thousand new residents and around a thousand vehicles and provide the facilities to cater for their everyday needs.

Comments from members of the public

Mr. & Mrs. P. E. Hawes (Clacton): We totally object to any development of land at Foots Farm, Thorpe Road.

Mr and Mrs Lucy (Clacton): Support proposals for development in this area.

G and S Alderton (Clacton-on-Sea): This allocation will have a detrimental impact in a number of ways:

- The loss (or relocation) of Foots Farm Community Facility which also caters for the disabled;
- The challenges of a population growth in an already densely populated area and its impact on an already poor job market in the local area;
- The extra strain on local resources, in particular, to health and education;
- The increased traffic congestion on Thorpe Road and surrounding residential streets;
- The loss of open space and its devastating consequences on wild life; and
- The additional noise and mess during construction stage.

Mr and Mrs Lewzey (Holland-on-Sea): We support the Centenary Way development, as suggested by Holland Residents Association.

Council consideration

Essex County Council's comments are noted. The Tendring Infrastructure Study (2013) identifies that across all the sites in Clacton, the cumulative impact of the proposed level of housing generates the need for approximately two forms of entry (2fe) of additional primary school provision and additional early EY&C provision. The suggested locations for these facilities are as part of the developments at Rouses Farm and land east of Thorpe Road/north of Oakwood Business Park. The total requirement for two primary school/EY&C developments would require a total site area of 2.2ha (two sites of 1.1ha each). Policy COS16 has been amended so that the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution) toward the provision of a single-form entry primary school with commensurate early years and childcare facilities as proposed, through Policy COS19, on land west of Thorpe Road.

In response to Little Clacton Parish Council's comments and concerns; the Council will work with the developer (and relevant partners) prior to the submission of a planning application to ensure that all relevant policy requirements are met and that adequate services and infrastructure support the new development.

Lorrimar Investments Ltd and Mr and Mrs Lucy's comments supporting the proposed development are noted.

At present, a horse riding school operates from the site and provides a valuable community facility which must be retained within the area. Therefore, before any residential development can take place, the horse riding school must be relocated onto suitable land north of Centenary Way, provided with any ancillary accommodation and built facilities necessary and become operational.

With reference to concerns over insufficient infrastructure capacity in the local area, the Council's Infrastructure Study (2013) does not highlight any potential barriers which could prevent delivery (in infrastructure terms); therefore the site is considered suitable for development.

To address concerns over surface-water flooding in the area, which also affects existing properties in Gorse Lane, the development must deliver sustainable drainage systems (SuDS) or an alternative engineering solution to eliminate any future surface water problems.

In response to the objections relating to increased traffic movements, Essex County Council Highways have not raised any concerns over the impact that residential development in this location may have on the local highway network.

Concerns over the loss of public open space are noted. The Council will work with the landowners through the development brief process to find an acceptable mechanism for delivering this sites public open space.

Concerns over general noise and mess during the construction process are noted. These issues will be addressed at the detailed planning application stage. Conditions can be attached to the planning permission which will endeavour to keep to a minimum any potential impacts upon local residents

Outcome

The following **major changes (MAJ6.9)** to Policy COS16: 'Development south of Centenary Way' on pages 137 and 138 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY COS16: DEVELOPMENT SOUTH OF CENTENARY WAY

Land south of Centenary Way, Clacton-on-Sea (as defined on ~~Proposed~~ Policies Map Inset 1) is allocated for residential development. The Council will work with the developer (and relevant partners) ~~landowner to prepare a development brief for the site~~ prior to the submission of a planning application ~~and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:~~

- a) the principle point of vehicular access will be via Thorpe Road;
- b) the development shall deliver safe, secure and direct routes through the development;
- c) residential development will not be allowed to commence until the existing riding school that occupies the site is relocated to suitable land north of Centenary Way, is provided with all necessary ancillary buildings (including a single dwelling house tied to the operation of the riding school) and becomes operational; ~~and~~
- d) the development must provide sustainable drainage systems or another alternative engineering solution to ensure that surface water flooding does not affect the development or residents of existing dwellings in the surrounding area.; ~~and~~
- e) the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution where viable) toward the provision of a single-form entry primary school with commensurate early years and childcare facilities as proposed, through Policy COS19, on land west of Thorpe Road.

Other consequential changes include:

- Amend the indicative capacity for the site within Appendix 3: Estimated Dwelling Numbers for Allocated Sites (table on pages 223 and 224) to 100 – see proposed change **MAJ14.1**.

Policy COS17 – Development at Gainsford Avenue

(Page 138 – including paragraphs 6.57 and 6.58)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Both Policy COS15 and Policy COS16 should be amended to provide for the developments to proceed only when educational needs of future residents at the sites may be met. The local Primary School, Engaines Primary, is at capacity and cannot accommodate any further pupil product that may be generated from the development at either site. An additional bullet should be added to phase development of both sites until the 1 Form Entry Primary School that should be provided at the Thorpe Road site is operational (See Essex County Council response to Policy COS15). This will ensure that the educational needs of the future resident community within north Clacton is appropriately considered and delivered. There is sufficient capacity within secondary education provision to accommodate the pupil product generated from this development.

Sport England: Objection is made to this proposal at this stage as it would involve residential development on part of the Colchester Institute playing field. It is acknowledged that the majority of the site would be retained as a playing field and that the enabling residential development would facilitate improvements to the remaining playing fields and the integration with the adjoining Eastcliff Recreation Ground. However, there would be a net loss of playing field provision in an area of the district where the Council's Open Space Strategy has identified deficiencies in provision. Furthermore, enabling development on playing fields would not accord with Government policy in paragraph 74 of the NPPF or Sport England's playing fields policy.

The Council will be aware of Sport England's role as a statutory consultee on planning applications affecting playing fields. To avoid potential objections and delays at a later date if this site is allocated for development which may affect its deliverability, it is advised that discussions take place with Sport England before the Local Plan is submitted for examination. Further advice can be provided on how our concerns could be potentially addressed as well as advice on how to avoid some of the problems experienced by other local authorities who have allocated playing fields for development in their local plans.

Due to the lack of information about the proposals in the local plan, Sport England is unable to provide an informed response to this potential allocation and therefore an objection is made. Due to these concerns, it is considered that the proposed allocation policy in its current form may not accord with justified, effective or consistent with national policy tests of soundness. To address this objection, it is suggested that discussions take place with Sport England so that a fully informed position can be reached before the local plan is finalised for submission. If this allocation is progressed, it is requested that Sport England be engaged in the preparation of a development brief.

Comments from landowners, developers and businesses

Little Clacton Lawn Tennis Club (represented by John Russel): The proposed policy for Gainsford Avenue COS17 is supported, allowing the site to become an important leisure facility for Clacton-on-Sea.

Holland Football Club (represented by Mark Sorrell): We object to that Policy on two grounds. First, we are clear as a Club that the proposals for playing pitch space set out on the indicative Masterplan (copy attached) prepared jointly between Holland FC and Colchester Institute is the

right approach for the site. We fully understand as a football club that the Institute need to secure sufficient funds to represent a meaningful investment for their future building programme.

For all those reasons, we as the football club would want to support the Institutes proposals for the site since we consider it provides sufficient new playing pitch space for the football club but most importantly it enables a permanent home to be finally established from which the club can then grow.

Second, we need the playing pitches for the sole use of the football club. We have agreed with the Institute that the all-weather pitch should be available to the community and offered for a range of sports. At the present time the club has a membership of approximately 260 and operate a number of football teams across all ages for both boys and girls. We see the football club as an important part of the local community and at the same time we also recognise the value of the Colchester Institute also as part of the community in the education facilities they provide.

We would urge therefore that Policy COS17 be amended to reflect the attached Indicative Masterplan to then enable Holland FC to continue to work with the Institute to bring about this important proposal.

Colchester Institute Corporation (represented by Boyer Planning Ltd): The land has not been used by the College for the provision of sport and recreation for a period of at least ten years. The land remained vacant until 2009 when Holland FC were granted an annual licence to use part of the land as a playing pitch. That remains a continuing arrangement under a Tenancy at Will agreement.

We consider the Policy as currently worded to be unsound on the basis that it is neither justified nor effective in delivering an appropriate form of development for the site.

It is unclear as to the evidence base that has informed the Policy since no new playing pitch assessment has been undertaken by the District Council to assess the level of playing pitch provision that might be required.

In any event, the proposals set out by the College and Holland FC will provide an increase in the provision of playing pitch space within the Clacton area through the one adult pitch and two junior pitches that are proposed, together with the all-weather pitch which will be available for multi-use sports purposes.

In addition, the Policy has had no regard to the status of the site as comprising surplus educational land and the receipts from the future development of the site will be directed entirely to provision of educational facilities.

The policy requirements as currently set out would not provide for a viable scheme of development and as such are unsound.

Equally the requirement that land be transferred to the District Council with a financial contribution for management and maintenance is equally unsound. Holland FC are currently in discussions with the District Council concerning the future management and maintenance of the Eastcliff playing fields adjacent and owned by the District Council. We understand that Holland FC are to submit a bid to manage and maintain the Eastcliff site whilst retaining full public access. The proposals by the College and Holland FC provide for effective future management of the land to be dedicated as playing pitch and the Policy should therefore be amended to reflect those proposals.

It is also unclear as to why development of the Gainsford Avenue site should make a contribution to new sports pavilion and changing facilities. Such facilities would not be related to housing provision on Gainsford Avenue. The housing development on that part of the site comprises

currently unused land. The proposal does not result in a reduction of playing pitch space. Indeed the joint proposals with Holland FC provide for new playing pitch space that is currently not available. In respect of criteria (c) and (d) these are matters that are agreed and can be achieved at the planning application stage.

Having regard to our objections above we would propose that the Policy be amended to read as follows:

Policy COS17: Development at Gainsford Avenue.

Land off Gainsford Avenue, south of Deanhill Road, Clacton-on-Sea (as defined on the Policies Map Inset) is allocated for residential development and new playing pitches.

Colchester Institute Corporation as land owners will prepare a planning application in conjunction with Holland FC to ensure delivery of the additional playing pitch space. Development will provide for the following requirements:

(a) Provision of 2.4 hectares of playing pitch space which will be made available to Holland FC to provide and maintain as playing pitches;

(b) The principal point of vehicle access will be from Gainsford Avenue;

(c) Development shall deliver safe, secure and direct route through the development to existing public open space and adjoining residential areas.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Clacton Football Club (FC): OBJECT: to this development proposal because this proposals would result in a reduction of football pitches and facilities.

Comments from members of the public

Anthony Bloom (Clacton): When it was proposed to build a school on these grounds, it was found that there was a covenant forbidding this. If the development does go ahead, the developer should increase the parking within the complex and forbid all workers parking in Gainsford Avenue which is a narrow road with a bend near the entrance. We already have blockages due to the school run with the school in Holland Road.

Mr. & Mrs. Bishop: Access to 50 houses via entrance to Gainsford Avenue is right on a bend with cars parked both sides of the road. Traffic has to weave up the avenue and it is therefore not very safe to get in and out. School traffic from the nearby two schools are parking further up the avenue.

Mr and Mrs Devaux (Clacton): We have to few green areas within the Clacton area, and to take away even part of this green site would be farcical; the area should be completely open to public use as a sports field and park.

With a school adjacent to this proposed site, the traffic build up is so heavy between 8:30-9:30am and 3:30-4:30pm any extra traffic via the proposed site would be accidents waiting to happen.

Mr. J. Ratford (Clacton-on-Sea): I am in favour of this development, but it is environmentally sensitive. Sea Lane, which borders the site, has perhaps the finest ancient oaks in Clacton, and is a popular footpath. The crowns of several of these oaks extend into the site. When gardens are extended into the crown and root zones of trees their well-being is always compromised, so a

protective meadow zone should be created between Sea Lane and any private property. Wild areas have developed on the old tennis courts. In order to maintain the level of biodiversity, there need to be equivalent semi-wild areas. This site would also be suitable for the much-needed local GP health centre. It is fairly central to the area covered by the Frinton Road Health Centre and could have good access from Melbourne Gardens.

Council consideration

Essex County Council's comments are noted. The Tendring Infrastructure Study (2013) identifies that across all the sites in Clacton, the cumulative impact of the proposed level of housing generates the need for approximately two forms of entry (2fe) of additional primary school provision and additional early EY&C provision. The suggested locations for these facilities are as part of the developments at Rouses Farm and land east of Thorpe Road/north of Oakwood Business Park. The total requirement for two primary school/EY&C developments would require a total site area of 2.2ha (two sites of 1.1ha each). This development will be required to pay financial contributions towards education and health provision in Clacton (either through Community Infrastructure Levy or an equivalent financial contribution). The Council acknowledges that the existing policy requirement linking this site to other developments in Clacton would be too restrictive which could impact negatively on the viability and deliverability of this site.

Sport England's concern that there would be a net loss of playing field provision in an area is acknowledged. Sport England object that the enabling development on playing fields would not accord with Government policy in paragraph 74 of the NPPF or Sport England's playing fields policy is rejected. In response to these concerns, Policy COS7 seeks to ensure that development must deliver a new sports pavilion and integral changing facilities to serve the expanded playing field. The Council considers that the loss of existing underused open space is justified because new development would deliver a modern 'fit for purpose' facility.

The general comments of support for Policy COS17 are noted.

Holland Football Club's comments are acknowledged. The Council will work with the landowner to prepare a development brief for the site prior to the submission of a planning application. The Council will endeavour to address Holland Football Club's concerns during the development brief process.

Colchester Institute's general (represented by Boyer Planning Ltd) comments are noted. Since the publication of the draft Local Plan this site has been obtained by Scott Properties Ltd and pre-application discussions are currently in progress.

Outcome

The following **minor changes** (MIN6.27) to the first paragraph of Policy COS17: 'Development at Gainsford Avenue' on page 138 are proposed (additions shown as highlighted and deletions shown as struck through):

Land off Gainsford Avenue, south of Deanhill Road, Clacton-on-Sea (as defined on Proposal Map Inset) is allocated for a mix of residential development, public open space and a new sports pavilion with integral changing rooms. The Council will work with the **developer (and relevant partners)** ~~landowner to prepare a development brief for the site~~ prior to the submission of a planning application ~~and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:~~

The following **minor changes** (MIN6.28) to criterion b) in Policy COS17: 'Development at Gainsford Avenue' on page 138 are proposed (additions shown as highlighted and deletions shown as struck through):

b) the development ~~must~~ will deliver (either on-site or through Community Infrastructure Levy or an equivalent financial contribution) a new sports pavilion and integral changing facilities to serve the expanded playing field;

The following **minor changes** (MIN6.29) to criterion c) in Policy COS17: 'Development at Gainsford Avenue' on page 138 are proposed (additions shown as highlighted and deletions shown as struck through):

c) the principle point of vehicular access ~~for housing~~ will be from Gainsford Avenue; and

Extend the site allocation area on Policies Map 1 – see proposed change **PM1.7**.

Policy COS18 – The Gardens Area of Special Character

(Page 139 – including paragraph 6.59)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. J. Ratford (Clacton-on-Sea): Care and nursing homes will be an important source of local employment as well as fulfilling a local need for a population that is well above the national average for older people. The gardens area is better suited for care and nursing homes than other parts of Clacton – large properties, good-sized gardens, quiet, low traffic flow, and green spaces that allow for therapeutic and social use. A reasonable number of such establishments would not alter the character of the area (and maybe would enhance it). Proposals for care and nursing homes in this area should each be judged on merit and there is no justification for not allowing them.

Council consideration

Mr Ratford's suggestion that a reasonable number of such establishments would not alter the character of the area and proposals for care and nursing homes in this area should each be judged on merit is noted. The Gardens area off the seafront in east Clacton was laid out in the 1920's and 1930's as a low density residential area of high quality, enhanced by 2.8 hectares of long formal gardens. It is important that the essentially Arcadian character of this area is preserved by ensuring that it remains an area of large detached houses on spacious plots in a well-landscaped setting.

Outcome

No change to the Local Plan.

Policies Map 1 – Clacton-on-Sea

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mr. R. O'Dell (represented by Robinson & Hall LLP): SUPPORT the inclusion of land east of Amber Leisure Holiday Park, St. John's Road within the Settlement Development Boundary.

Park Resorts Ltd (represented by GVA): The countryside designation affects both Weeley Bridge Holiday Park and Valley Farm Holiday Park. Firstly, we have to say that we are delighted to find that Valley Farm is now bordered to the east by countryside as opposed to the Strategic Green Gap as per the current adopted local plan. However, we note that a strip of land north of the Brook is not included within the pink safeguarded holiday park designation but is part of Valley Farm Holiday Park and is occupied by static caravans.

Now, we note that the land coloured white is within the settlement boundary and so we presume this is a simple drafting error which you will rectify but if not, then we have to OBJECT to this omission. The inclusion of this small strip of land as countryside will make it harder for our client to redevelop this land with new accommodation of facilities should Park Resorts wish to do so and this designation is therefore inconsistent with the NPPF and locally assessed needs.

Notwithstanding the above objection, we also wish to OBJECT to the countryside designation on the basis that we had previously submitted a representation (as outlined in 1.4-1.5) to have the land to the east of Valley Farm included on the proposals map as a new mixed housing/holiday park/open space and local community facility designation. True, the downgrading of the land from Strategic Green Gap to countryside does improve Park Resorts chances of one day obtaining planning permission to extend onto this land. However, without an extension of the pink safeguarded holiday park allocation into this land, Park Resorts have no certainty that undertaking preliminary work with respect to such an application (such as negotiating with the land owner) will be worthwhile.

Therefore, the inclusion of this land as countryside is not in accordance with the NPPF particularly paragraphs 154 and 157 (as set out above at 3.11-3.12) as the countryside policy designation in this location is not sufficiently clear in order to provide certainty to a developer as to how a

proposal will be received. We request that the countryside in this location is amended so as to provide for a part of the land to be included within the Valley Farm Safeguarded Holiday Park allocation.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

David Chadbourne (St. Osyth); Mrs. Wendy & Mr. Terence Charles (St. Osyth); Mrs. Patricia Cunningham (St. Osyth); Frances Hearn (St. Osyth); P. M. Hendy (St. Osyth); Mr. M. T. Joyce (St. Osyth); David & Fiona Lawton (St. Osyth); Beverley Lynn (St. Osyth); Mr. & Mrs. Merrill (St. Osyth); Barbara Norris (St. Osyth); Mr. Alfred Norris (St. Osyth); Mrs. L. Westripp (St. Osyth); S. John Wrigley (St. Osyth); Joan I. Wrigley (St. Osyth); OBJECT to the inclusion of St. Osyth Beach Holiday Settlement in the Settlement Development Boundary for Clacton because:

- there is no vehicular access from Jaywick and the only access is via St. Osyth's dangerous and congested village centre crossroads which is used by all 20,000 visitors;
- there is no public transport in the winter; and
- this area does not physically abut the built development of Jaywick.

P. M. Hendy (St. Osyth); The St Osyth Beach holiday settlement has been annexed within the SDB, as has the ribbon development Pump Hill to Earls Hall Lane hitherto designated as designated as countryside. This is totally unnecessary and I cite the removal of Mill Street and Overdam SDB's and therefore object.

Council consideration

The comments of support are noted.

In response to the comments from Park Resorts, the omission of the narrow strip of holiday park from the holiday park notation was an error and it is proposed through change **PM1.6** to rectify this. However, it is not agreed that the park should be expanded eastwards in the absence of firm plans or proposals as to whether this land is available for holiday park use or deliverable. Proposals for the expansion of the holiday park will therefore be considered on their merits through the development management process. It is important to note that it is proposed to remove all holiday parks located around the periphery of settlements from Settlement Development Boundaries to make it even clearer, alongside Policy PRO9: 'Holiday Parks', that these sites should remain in leisure/tourism use and that the Council is unlikely to support proposals for redevelopment. Removing these sites from Settlement Development Boundaries makes it clear that they are not considered to be part of the continuous residential built up area where residential development is usually directed to. This should also meet the concerns of the St. Osyth residents who objected to the inclusion of the St. Osyth Beach Holiday Park in the Clacton Settlement Development Boundary.

P. M. Hendy's comments regarding the removal of properties in Mill Street and Overdam from the Settlement Development Boundary are noted but these were removed as these properties were

not considered to be part of the continuous residential built up area of the village. This approach has been applied consistently across all settlements in reviewing the Settlement Development Boundaries.

Outcome

Remove St. Osyth Beach Holiday Park from the Clacton Settlement Development Boundary – see proposed change [PM1.1](#)

Remove Valley Farm Holiday Park from the Clacton Settlement Development Boundary and amend the holiday park notation slightly to include the narrow strip of land previously omitted – see proposed change [PM1.6](#)

Chapter 7: Harwich and Dovercourt

Harwich General Comments

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: In the Vision for Harwich and Dovercourt, we would like to see a stronger reference to the natural environment of the area (including the quality of landscape and seascape and biodiversity designations) as it presently focuses only on socio-economic issues. Whilst the final sentence of the Vision makes reference to the need to “safeguard its attractive countryside setting”, we feel this could be expanded and strengthened.

We will not comment on the suitability of individual sites at this strategic stage of the planning process. However, we would welcome the inclusion of a statement (along the lines of that referred to under Chapter 6) stating that the policies and proposals in this chapter will need to be considered alongside the requirements of district-wide policies contained in Chapters 2, 3, 4 and 5 of the Local Plan.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The comments from Natural England are noted and it is agreed that the references to the natural environment within the Vision for Harwich and Dovercourt could be strengthened.

The suggestion from Natural England that the area chapters of the plan should include a statement making it clear that the policies and proposals in these sections should be considered alongside the strategic, district-wide policies and proposals in chapters 2 to 5 is noted but it is not agreed that any further wording is required at this stage. Any further tweaks to aid the usability/navigation of the document will be determined once the plan is finalised.

Outcome

The following **minor changes** (MIN7.2) to the second paragraph of the Vision for Harwich and Dovercourt on page 142 are proposed (additions shown as highlighted and deletions shown as struck through):

The town will benefit from its rich maritime heritage focussed on the historic character of Old Harwich and its superb waterfront setting with excellent visitor facilities both in terms

of accommodation and attractions. New shops and visitor attractions will have made Harwich a popular destination and the home for new exciting sailing and water sports activities and events. The town will attract increasing numbers of day trippers and Cruise Liner visitors whose needs are met by new leisure experiences linked to the Mayflower theme, other maritime connections and the rich built-heritage of the town, all set against the backdrop of an attractive seascape. These aspects of the town will have been physically enhanced through investment in the appearance of public spaces.

The following **minor changes (MIN7.3)** to the third paragraph of the Vision for Harwich and Dovercourt on page 142 are proposed (additions shown as highlighted and deletions shown as struck through):

Following a recent economic resurgence, the town will have become a popular place to live and work by the sea, with award winning beaches at Dovercourt, a greater range of retail shops in the town, quality residential developments on the outskirts of the town and a new linear country park to safeguard its attractive countryside setting and landscape character, whilst also enhancing the important biodiversity designations of the area.”

Policy HAD1 – Regeneration in Harwich Old Town

(Pages 142 and 143 – including paragraphs 7.6 to 7.8)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Stour and Orwell Peninsula Habitat Protection UK (represented by Jenni Meredith): We are concerned that the council supports a small boat harbour proposal under the HAD1 policy. But that proposal is linked to the delivery of the container port and if that container port is not to be delivered, then the small boats harbour will not be supported under the policies above which state any development within the SPA protected areas will be refused in line with the Habitats Directive.

Essex County Council: Paragraph 7.7 should be amended by insertion of additional text so that the second bullet reads, “Protect and enhance the historic environment of the Old Town, including its special architectural and historic character, by ensuring development proposals, advertising and shop front design are sympathetic with their surroundings and contribute positively to the area. The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains”.

The final paragraph of Policy HAD1 should be amended by insertion of additional text so that it reads, “Proposals for new development within Harwich Old Town will be considered against the relevant provisions of the 2010 Harwich Quay Development Brief (or any subsequent update or amendments) and alongside all other relevant policy requirements. The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains”.

English Heritage (represented by Katharine Fletcher): English Heritage supports any initiatives to enhance the conservation area in Harwich old town and especially to improve the settings of its many designated heritage assets. This requires a thorough understanding of the significance of the place and we urge that a new conservation area appraisal and management plan are considered in order to reinforce policies and inform change. The entire town has a setting that should be considered alongside the many views across the town and out of it to the haven.

We recommend the following changes to policy HAD1:

Paragraph 3, amend to read '*...the public realm. The setting of the town should be considered alongside the many views across the town and out of it to the haven.*'

Final paragraph, add to end: '*...and an up-to-date conservation area appraisal and management plan.*'

Comments from landowners, developers and businesses

Hill Path Projects Ltd: The objective of developing Harwich further as a gateway to Europe, as an expanding container port, as a destination or terminal for cruise ships and to take advantage of evolving opportunities for maritime support services is surely welcome, both for the potential boost to the local economy and for expanding the local employment opportunities. In addition, improved facilities at Harwich could and should provide enhanced opportunities for tourism for the rest of Tendring and, in particular, for the villages bordering on the Rivers Stour and Orwell.

However, as recognised in the Local Plan, the ambiance, heritage attractions and tourist facilities will need to be enhanced if Harwich is to attract the tourist trade it otherwise deserves. As a commercial port, Harwich is competing with the well established facilities of Felixstowe and the rapidly developing Thames Gateway. Consequently it will be essential to find a niche in the market which does not compete, directly with these two much larger ports. As explained in response to Policy PRO13, there are dangers for the Port of Harwich in becoming overly dependent upon the offshore wind energy industry since that industry itself depends upon massive consumer subsidies for its expensive and intermittent electricity.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

The Harwich Society: The Council does not place sufficient emphasis on the imperative for adequate car parking facilities if visitors/tourists are to be attracted in sufficient numbers to make an enduring impact on the local economy. In particular the Society is critical that Gas House Creek, the only land owned by Tendring District Council that would provide an adequate public car park has been leased out for private activities. By its own action, the Council has undermined the success of the 2010 Harwich Quay Development Brief which, incidentally, appears to have been made public for the first time as part of this belated Draft Local Plan.

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): We are concerned that the Council supports a small boat harbour proposal under the HAD1 policy, but the proposal is linked to the delivery of the container port and if that container port is not to be delivered, then the small boats harbour will not be supported under the policies which state any development within the SPA protected areas will be refused in line with the Habitats Directive.

Comments from members of the public

Mr and Mrs. J. Noble: We are concerned that the Council supports a small boat harbour proposal under the HAD1 policy, but the proposal is linked to the delivery of the container port and if that container port is not to be delivered, then the small boats harbour will not be supported under the policies which state any development within the SPA protected areas will be refused in line with the Habitats Directive.

Council consideration

The Council considers the recommended insertion of text in both paragraph 7.7 and Policy HAD1, as suggested by Essex County Council, to be appropriate to ensure all other relevant policy requirements are taken into consideration for proposals of new development within Harwich Old Town and to ensure the potential existence of heritage assets of archaeological importance are protected, given the special architectural and historic character of Harwich Old Town.

Consequently, we do not see it necessary to amend the final paragraph of HAD1 as suggested by English Heritage and instead hope the amendment suggested by Essex County Council will satisfy English Heritage's concerns regarding the need to refer to an updated conservation area appraisal and management plan. Indeed, by referring to 'all other relevant policy requirements' we believe this would also encompass any conservation area appraisal and management plans produced for this area.

We agree that it is important to include initiatives to enhance the conservation area at Harwich and hope that the regeneration initiatives within Policy HAD1 and particularly the proposals and recommendations for the historic environment found within the Harwich Quay Development Brief help to satisfy English Heritage's concerns for the conservation area. We agree that a new conservation area management plan should be considered in order to reinforce policies and inform change in the Harwich conservation area. We urge respondents to refer to the section entitled 'Harwich, Dovercourt and Ramsey Conservation Areas', within the Harwich and Dovercourt Chapter of the Plan, and in particular paragraph 7.26, which sets out the Council's aspirations to produce Conservation Area Management Plans (CAMP) for all three conservation areas covered by this Chapter, to ensure the continued protection of these valuable areas of historic importance.

In response to English Heritage's comment that the entire town has a setting that should be considered alongside the many views across the town and out of it to the haven, we accept that this would be a suitable amendment to Policy HAD1, to ensure acceptable development would take place in and around Harwich, which is sympathetic to the town and its setting. The Council therefore supports the inclusion of the additional wording suggested by English Heritage, at the end of the third paragraph of the Policy.

In response to the comments made by Stour and Orwell Peninsula Habitat Protection UK, POSITIVE and Mr and Mrs. J. Noble regarding the Council's support for a small boat harbour at Gas House Creek, as referred to within Policy HAD1, this small boat harbour was just one of the many development opportunities outlined within the Harwich Quay Development Brief. The brief supports this development at Gas House Creek, which would provide an exciting new small boat harbour, associated facilities and waterside spaces, as part of the proposed container port development at Bathside Bay. Whilst it is true that this will primarily compensate for the loss of moorings in the estuary resulting from the core development, it also has the potential to become a distinct new visitor destination for the town whilst adding value to surrounding opportunity sites.

In January 2013, Hutchinson Ports were officially granted a 10-year extension within which to start work at Bathside Bay, giving the company up until 2023 to start the development. This Local Plan supports the proposed port expansion at Bathside Bay, however the Council also recognise that this development is unlikely to come forward within the short-term (see Policy PRO11) and as such the plan has been written so to support the proposals for the development (including the proposal for Gas House Creek) but as a long-term project. Respondents are referred to the Council's Consideration of Policy PRO11 for more detail on the proposed port expansion at Bathside Bay.

In response to the comments made by Hill Path Projects Ltd, we note their agreement that Harwich should be further developed as a gateway to Europe and that heritage attractions and tourist facilities will need to be enhanced for Harwich to attract tourism. Policy HAD1 seeks to achieve this and it is hoped that the development and regeneration proposals outlined within this Policy will

satisfy Hill Path Project's concern that Harwich needs to compete with surrounding, larger ports. It is true that the Council supports the Port of Harwich as a site to capitalise on offshore wind industries, as indicated within Policy PRO13, however, the proposals contained elsewhere within the Plan, including Policy HAD1, also include other proposals for the area, in particular making use of the rich historic environment and enhancing the tourism offer of the town to ensure a diverse range of industries and employment opportunities are available in Harwich, enabling the area to compete with ports at Felixstowe and the Thames Gateway.

In relation to the supply of adequate car parking facilities in Harwich, as raised by the Harwich Society, the Council understands the importance of ensuring appropriate facilities for additional visitors and tourists which we hope will be attracted to Harwich and the District as a whole. Policy HAD1 supports the proposals outlined within the 2010 Harwich Quay Development Brief and as such is supportive of proposals to alleviate parking and traffic problems which are included within the Brief. For instance, the Brief promotes the inclusion of parking spaces along The Quay and improved access between the station and the A120, as a key transportation gateway to Harwich Old Town. Indeed, the Development Brief seeks to improve linkages between the A120 and the Quayside and this would include improvements to the railway station at Harwich, with improved facilities at the station building and in the station square. This supports more sustainable modes of transport instead of the use of private cars. It is therefore considered unnecessary to make changes to Policy HAD1 to further emphasise the need for adequate car parking facilities, as it is considered that the proposals within the Harwich Quay Development Brief appropriately address this issue.

Outcome

The following **minor changes** (MIN7.4) to the second bullet-point of paragraph 7.7 on pages 142 and 143 are proposed (additions shown as highlighted and deletions shown as struck through):

- protect and enhance the historic environment of the Old Town, including its special architectural and historic character by ensuring development proposals, advertising and shop front design are sympathetic with their surroundings and contribute positively to the area. The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains;

The following **minor changes** (MIN7.5) to the first paragraph of Policy HAD1: 'Regeneration in Harwich Old Town' on page 142 are proposed (additions shown as highlighted and deletions shown as struck through):

Within the Harwich Old Town Priority Area for Regeneration, as shown on the Policies Map Inset, the following sites have been identified, in the 2010 Harwich Quay Development Brief for potential mixed-mixed use development:

The following **minor changes** (MIN7.6) to the third paragraph of Policy HAD1: 'Regeneration in Harwich Old Town' on page 142 are proposed (additions shown as highlighted and deletions shown as struck through):

New development will be required to contribute positively toward the appearance of the area and, wherever practical, deliver improvements to the public realm. The setting of the town should be considered alongside the many views across the town and out of it to the haven.

The following **minor changes** (MIN7.7) to the fourth paragraph of Policy HAD1: 'Regeneration in Harwich Old Town' on page 142 are proposed (additions shown as highlighted and deletions shown as struck through):

Proposals for new development within Harwich Old Town will be considered against the relevant provisions of the 2010 Harwich Quay Development Brief (or any subsequent update or amendments) and alongside all other relevant policy requirements. The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains.

Policy HAD2 – Regeneration in Dovercourt

(Pages 143 and 144 – including paragraphs 7.9 to 7.11)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The final paragraph of Policy HAD2 should be amended by insertion of additional text so that it reads, “Proposals for new development within Dovercourt Town Centre and adjoining areas will be considered against the relevant provisions of the 2011 Dovercourt Rediscovered Study (or subsequent update or amendments) and alongside all other relevant policy requirements”.

English Heritage (represented by Katharine Fletcher): Dovercourt conservation area is currently on the English Heritage ‘Heritage at Risk’ register. We are aware that serious problems have been experienced by owners in maintaining their buildings, despite assistance given by such initiatives as the recent Townscape Heritage Initiative. We support all initiatives to enhance the conservation area. This requires a thorough understanding of the significance of the place and we urge that a new conservation area appraisal and management plan are considered in order to reinforce policies and inform change.

We urge that development briefs are prepared for the vacant sites in the conservation area in order to achieve development that respects its context, and is of a high design quality.

We recommend the following changes to policy HAD2:

Line 13, amend to read ‘...*public realm. Development briefs will be prepared to secure high quality development of the main development sites.*’

Final paragraph, add to end: ‘...*and an up-to-date conservation area appraisal and management plan.*’

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The Council considers the recommended insertion of text to Policy HAD2, as suggested by Essex County Council, to be appropriate to ensure all other relevant policy requirements are taken into consideration for proposals of new development within Dovercourt Town Centre and its adjoining areas.

Consequently, we do not see it necessary to amend the final paragraph of HAD2 as suggested by English Heritage and instead hope the amendment suggested by Essex County Council will satisfy English Heritage's concerns regarding the need to refer to an updated conservation area appraisal and management plan. Indeed, by referring to 'all other relevant policy requirements' we believe this would also encompass any conservation area appraisal and management plans produced for this area.

We agree that it is important to include initiatives to enhance the conservation area at Dovercourt and hope that the regeneration initiatives within Policy HAD2 and particularly the proposals and recommendations for the historic environment found within the Dovercourt Rediscovered Study help to satisfy English Heritage's concerns for the conservation area. We agree that a new conservation area management plan should be considered in order to reinforce policies and inform change in the Dovercourt conservation area. We urge respondents to refer to the section entitled 'Harwich, Dovercourt and Ramsey Conservation Areas', within the Harwich and Dovercourt Chapter of the Plan, and in particular paragraph 7.26, which sets out the Council's aspirations to produce Conservation Area Management Plans (CAMP) for all three conservation areas covered by this Chapter, to ensure the continued protection of these valuable areas of historic importance.

In response to English Heritage's comment that development briefs should be prepared for the vacant sites in the conservation area in order to achieve development that respects its context, and is of a high design quality, we accept that this would be a suitable amendment to Policy HAD2, to ensure acceptable development would take place within these areas. The Council therefore supports the inclusion of the additional wording suggested by English Heritage, at the end of the third paragraph of the Policy.

Outcome

The following **minor changes** (MIN7.8) to the third paragraph of Policy HAD2: 'Regeneration in Dovercourt' on page 144 are proposed (additions shown as highlighted and deletions shown as struck through):

New development will be required to contribute positively toward the appearance of the area and, wherever practical, deliver improvements to the public realm. **Development briefs will be prepared to secure high quality development of the main development sites.**

The following **minor changes** (MIN7.9) to the fifth paragraph of Policy HAD2: 'Regeneration in Dovercourt' on page 144 are proposed (additions shown as highlighted and deletions shown as struck through):

Proposals for new development within Dovercourt Town Centre and adjoining areas will be considered against the relevant provisions of the 2011 Dovercourt Rediscovered Study (or subsequent update or amendments) **and alongside all other relevant policy requirements.**

Policy HAD3 – Dovercourt Town Centre

(Pages 144 and 145 – including paragraphs 7.12 to 7.15)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Harwich Town Council (HTC): We wish to see policy HAD3 amended to emulate Brightlingsea Policy BR11. We suggest amending the second paragraph (within the primary frontage) as follows: “Within the Primary Frontage in High Street ground floor commercial premises will be approved for Classes A1-A4 on condition that:

- Non Class A1 uses would not dominate or detract from the core objective of providing retail outlets for the shopper;
- The proportion of frontage in A2-A4 use does not exceed 20% of the length of individual street frontages; and
- There would be no detrimental effect on the amenities of occupiers of nearby residential accommodation in terms of noise, fumes, smell and general activity generated from the use.”

The Harwich Society: This policy should be amended to emulate Policy BR11 for Brightlingsea Town Centre. We suggest amending the policy as follows:

“Within the Primary Frontage in High Street ground floor commercial premises will be approved for Classes A1-A4 on condition that:

- Non Class A1 uses would not dominate or detract from the core objective of providing retail outlets for the shopper.
- The proportion of frontage in A2-A4 use does not exceed 20% of the length of individual street frontages.
- There would be no detrimental effect on the amenities of occupiers of nearby residential accommodation in terms of noise, fumes, smell and general activity generated from the use.”

Comments from members of the public

No comments received.

Council consideration

It is proposed to introduce a new policy PRO5a ‘Use of Shop Units in Town Centres’ into Chapter 3 of the Local Plan as a single replacement for policies COS2: ‘Clacton Town Centre’, HAD3:

'Dovercourt Town Centre', FWK2: 'Walton-on-the-Naze Town Centre', FWK3: 'Frinton-on-Sea Town Centre', MLM1: 'Manningtree Town Centre' and BRI1: 'Brightlingsea Town Centre'.

Outcome

The following **major changes** (MAJ8.1) to Policy HAD3: 'Dovercourt Town Centre' and supporting paragraphs 7.9 to 7.11 on pages 144 and 145 are proposed (additions shown as highlighted and deletions shown as struck through) to reflect the proposed addition of new Policy PRO5a: 'Use of Shop Units in Town Centres' and supporting paragraphs in Chapter 3 (see major change MAJ3.5):

Dovercourt Town Centre

~~7.12 Dovercourt Town Centre is the largest area of retail activity in the Harwich urban area but has witnessed a decline both economically and physically over a number of years and has therefore been identified as an area in need of regeneration. Being a primarily linear shopping area constrained by the geography of the town, there are few opportunities to physically expand. Therefore, the focus for stimulating economic growth in this area will be related to environmental enhancements designed to improve the shopping experience for both residents and tourists, enhance the historic character of the area and attract inward investment in retail and other town centre activities.~~

~~7.13 The Council's 2010 Retail Study identified that the town centre had more than 120 commercial units containing around 20,000 square metres of floorspace and that the number of vacant units, at around 15% of the total, was slightly above the national average. At the time of writing, the situation had improved with 10% vacancy. The study also observed that the presence of a good number of multiple retailers alongside a wide range of independent retailers ensures a varied retail offer within the town, which is broadly consistent with the national average in terms of retail composition, adding that the town centre performs reasonably well against the key health indicators in terms of vitality and viability.~~

~~7.14 Despite the many positive factors which the study identifies, which have helped secure a reasonably healthy town centre in Dovercourt, a number of weakness and areas of improvement were also recognised within the retail study, namely the slight variances from the national averages in terms of convenience and comparison uses present in the town centre and the increased presence of service uses (46% of the town centre floorspace, compared with the national average of around 39%). A further concern is the increasing vacancy rates of the town centre and in particular pockets of high vacancy rates, for example at the 'Starlings' site, located at the eastern end of the centre, at land bound by Bay Road, High Street and Orwell Road, where there is a particularly high concentration of vacant units.~~

~~7.15 The Policies Map Inset for Harwich and Dovercourt identifies a 'Primary Frontage' focussed on central parts of High Street and a 'Secondary Frontage' covering areas at Station Road, Kingsway and the southern side of High Street from Hill Road / Mill Lane to Patricks Lane. Policy HAD3 below will be applied in the determination of any planning applications for new development or changes of use, alongside Policy PRO5 in Chapter 3 of this Local Plan.~~

POLICY HAD3: DOVERCOURT TOWN CENTRE

Dovercourt Town Centre, Primary Shopping Area, Primary Frontage and Secondary Frontage are defined on the Policies Map Inset.

Within the Primary Frontage in High Street the following uses of ground-floor commercial premises will be approved:

- ~~A1: Shops;~~
- ~~A2: Financial and Professional Services;~~
- ~~A3: Restaurants and Cafés; and~~
- ~~A4: Drinking Establishments.~~

~~Within the Secondary Frontage, other uses of ground floor commercial premises may be acceptable subject to the detailed consideration of impacts.~~

~~Proposals that would result in the loss of ground floor commercial premises to residential use will not be permitted. The use of upper floor accommodation for residential use will be supported provided that it does not jeopardise the practical operation of the ground floor business or bring about external alterations.~~

Harwich Employment Sites

(Pages 145 and 146 – including paragraphs 7.16 to 7.19)

- Land East of Pond Hall Farm, Harwich (see Policy HAD4);
- Telephone Exchange, Harwich;
- Europa Way, Harwich;
- Stanton Europark (Harwich International Park and Land to the North);
- Land to West of Station Road, Parkeston;
- Former Delford Site, Main Road, Dovercourt; and
- Land north of Carless Petrochem, Parkeston.

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: We draw your attention to the Harwich Refinery (Petrochem Carless Ltd) which is a Permitted site. This should be considered in respect of allocations and possible receptors.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. R. Day (Harwich Town Councillor): I object only to some matters contained within section 7 of the Local Plan relating to employment sites as I believe that the proposed sites allocated for employment use will not be effective, due to majority of the land allocated either being totally unsuitable or not being economically viable for the proposed use.

Comments from members of the public

Rosemary Richardson (Parkeston): For land at Station Road and surrounding land to the north and west, only limited development should be allowed with watertight guarantees for residents' future welfare and adequate safeguards firmly in place.

Council consideration

We are disappointed that Cllr. R. Day of Harwich Town Council believes that the employment sites allocated within the Harwich area are unsuitable or not economically viable for employment land. The Council commissioned, as part of its detailed background evidence in support of the Local Plan, the Employment Study Part 1 (2009) and Part 2 (2010) and the Employment Land Review (2013), these studies have helped to inform the allocations and policies included within the Plan.

The Employment Study recognised that the primary future demand for premises within the Harwich and Dovercourt urban area would be 'B-class' uses and in particular storage and warehousing uses, not least because of the anticipated port development at Bathside Bay and the intermediate use of the existing port as a hub for the renewable energy sector. The study concluded that employment sites would be best located in close proximity to the port and the A120, as part of the strategic road network, in order to maximise the employment potential of the port and its related uses.

The Employment Study also surveyed existing and proposed employment sites across the District and came to conclusions as to which sites should be retained or allocated as employment sites. For Harwich, Land East of Pond Hall Farm, the Telephone Exchange, Europa Way and Stanton Europark were all seen as appropriate employment sites and were recommended to be retained as employment sites within the draft Local Plan and land west of Station Road, Parkeston, as a new site, was recommended for allocation. The former Delford Site, Main Road, Dovercourt was recommended by the study to be de-allocated, however it was considered that should the overall supply within the Harwich area for warehousing be lacking due to flood risk issues, this site could come forward for allocation. Similarly, land north of Carless Petrochem in Parkeston is also allocated within the Plan to supply employment land in the event that the land supply within or proximate to, Harwich is found to be undeliverable on the basis of flood risk.

Within the Employment Land Review a similar exercise was undertaken, the conclusion of which was that the Station Road employment site should also be de-allocated. This change to the Local Plan has been noted and will be taken forward. It is therefore considered that the remainder of the sites allocated within the Plan are suitable for employment development during this plan period, as supported by the Employment Study and Employment Land Review findings.

In relation to Rosemary Richardson's comment that development at Station Road, Parkeston should be limited so to ensure the welfare of residents of the land to the north and west of the site, it is important to note that any development proposed within the Plan has to meet the requirements of any other relevant policies within the Plan, including for example, Policy SD9: Design of New Development. This policy ensures that all new development must make a positive contribution to the quality of the local environment, meet all practical requirements for the site and must minimise adverse environmental impacts on the surrounding area. This includes ensuring a consideration of the amenities of occupiers of nearby properties. At this stage detailed plans of development proposed for land west of Station Road will not have been established, however, we can assure Ms Richardson that when plans for development at this site are drawn up they will have to take into consideration the surrounding area and the amenities of nearby properties in order for planning permission to be granted for development.

Similarly, the Harwich Refinery (Petrochem Carless Ltd) was suggested by the Environment Agency as a possible permitted allocation and will be considered as an omission site to the Plan and will also be dealt with at a later stage. The Environment Agency is also referred to paragraph 7.18 of the draft Local Plan where land north of Carless Petrochem, is allocated as an employment site.

Outcome

The following **minor changes** (MIN7.12) to paragraph 7.18 on page 146 are proposed (additions shown as highlighted and deletions shown as struck through):

7.18 The following sites are identified in purple on the Policies Maps and are safeguarded for employment use, where the provisions of Policy PRO14 in Chapter 3 of this Local Plan will apply:

- Land East of Pond Hall Farm, Harwich (see Policy HAD4);
- Telephone Exchange, Harwich;
- Europa Way, Harwich;
- Stanton Europark (Harwich International Park and Land to the North); and
- ~~Land to West of Station Road, Parkeston;~~
- ~~Former Delford Site, Main Road, Dovercourt; and~~
- Land north of Carless Petrochem, Parkeston.

Other consequential changes include:

- Deletion of the 'Land to west of Station Road, Parkeston' employment allocation (see proposed Policies Map Change **PM2.2**).

Harwich Housing Supply

(Pages 146 and 147 – including paragraphs 7.20 and 7.21)

- Land adjacent Harwich and Parkeston Football Club, Main Road, Dovercourt;
- Land adjacent 360 Main Road, Dovercourt;
- Land east of Pond Hall Farm (see Policy HAD4);
- Land south of Ramsey Road, Ramsey; and
- Land west of Mayes Lane, Ramsey (see Policy HAD5).

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Stour and Orwell Peninsula Habitat Protection UK (represented by Jenni Meredith): I object to the land adjacent to Harwich Football Club being allocated for mixed-use development. The land is currently a car park and any development of that would adversely impact on off road parking and more importantly on the survival of the football club. The ground currently hosts not only the home team but also a Colchester team. It provides essential opportunities for young people to participate in sport in a league situation. The facility should be safeguarded under the sports policy but that would not in practice protect the club should the essential parking spaces be built over.

The former Delfont factory is earmarked for development. This site is referred to as 'land adjacent to 360 Main Road, Dovercourt' in the draft document. But in order for this to be developed, access to the site has to be altered. And the already consented alteration involves taking some of the Village Green and replacing it with other land, apparently to be designated as Village Green. I

object to this take of a public open space and do not understand how a planning consent has already been agreed when the relevant parts of the village green have not been de registered. Additionally the Local Plan draft states that this land is available for residential and or mixed use when in fact it is traditionally part of the employment land of the area. It would be far more sensible to use employment land for employment and safeguard prime arable land for farming.

Comments from landowners, developers and businesses

Mr. & Mrs. P. Luxford (represented by Bidwells): Supports the extension of the Settlement Development Boundary to include land at Greenfields Farm, 664 Main Road, Dovercourt. This land is suitable and available for development. There are no known constraints which would prevent it coming forward to provide new housing in response to the objectively assessed needs of the area. We also own and control land on the northern side of the A120 which could come forward for recreational use at the same time as development on the land within the Settlement Development Boundary to help achieve the Council and Haven Gateway Partnership's vision for the proposed Harwich Linear Park.

Paragraphs 7.20 and 7.21 make no reference to the potential contribution that windfall sites within the Settlement Development Boundaries can make to housing supply in Harwich and Dovercourt during the plan period. Given the uncertainties about the deliverability of many of the sites in Harwich and Dovercourt, these paragraphs should be reworded as follows:

"7.20 In accordance with Policy SD2 in Chapter 2 of this Local Plan the Harwich and Dovercourt Urban Area will see **at least** a 6% increase in housing stock in the 10-year period between 1st April 2011 and 31st March 2021. With a total housing stock of approximately 8,900 dwellings on 1st April 2011, the 6% increase for this area equates to approximately 540 new homes."

"7.21 On 1st April 2011, there were sites with outstanding planning permissions to deliver approximately 300 dwellings in total, thus leaving a residual housing stock of at least 240 dwellings to be deliver on ~~allocated sites~~. Following careful consideration of the Council's Strategic Housing Land Availability (SHLAA), the following sites are allocated for residential and/or mixed-use development ~~comprising sufficient suitable, available and deliverable land to deliver the housing requirements for the area.~~"

The following passage should be added to the end of paragraph 7.21 after the bullet-point list of sites: "These sites are likely to be supplemented by development on 'windfall sites' within the Settlement Development Boundary i.e. sites not specifically allocated for development but which could obtain planning permission for new homes during the plan period. The Council will support proposals on these sites where they accord with policy SD5: 'Managing Growth' and other policies in this Plan."

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Harwich Town Council (HTC): For land Adjacent to Harwich Town Football Ground – HTC remains of the opinion that the overall density should be reduced to a maximum of 20 dwellings and the development restricted to the southern part of the site leaving the present car parking at the northern aspect in place.

For land Adjacent to 360 Main Road – Mayflower School Site – HTC remains of the opinion that the density should be reduced and no more than 20 dwellings should be allowed on the site.

For land East of Pond Hall Farm – HTC remains of the opinion that the density should be reduced and no more than 20 dwellings should be allowed on the site. The size and location of this development will require provisions of play areas and a centre for community use.

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): I object to the land adjacent to Harwich Football Club being allocated for mixed-use development. The land is currently a car park and any development of that would adversely impact on off road parking and more importantly on the survival of the football club. The ground currently hosts not only the home team but also a Colchester team. It provides essential opportunities for young people to participate in sport in a league situation. The facility should be safeguarded under the sports policy but that would not in practice protect the club should the essential parking spaces be built over.

The former Delfont factory is earmarked for development. This site is referred to as 'land adjacent to 360 Main Road, Dovercourt' in the draft document. But in order for this to be developed, access to the site has to be altered. And the already consented alteration involves taking some of the Village Green and replacing it with other land, apparently to be designated as Village Green. I object to this take of a public open space and do not understand how a planning consent has already been agreed when the relevant parts of the village green have not been de registered. Additionally the Local Plan draft states that this land is available for residential and or mixed use when in fact it is traditionally part of the employment land of the area. It would be far more sensible to use employment land for employment and safeguard prime arable land for farming.

Cllr Tom Howard Member for Great and Little Oakley Ward: Residents have expressed concern about the land allocated for housing in Ramsey ward that falls within the Harwich & Dovercourt development area. The key concern about this is the current use of much of this land by the Horse Rangers. I would like to see this land protected against housing development that would enable the continued viable operation of the Horse Rangers. If it is not practical to do this, then I would like this concern to be noted with a view to ensuring that any development that displaces them would result in a CIL payment to assist with or cover the cost of their relocation.

Comments from members of the public

Anthony W. Howard (Dovercourt): Supports the Local Plan and the need for more housing. However, he objects to the proposed development of the car park adjacent to the Royal Oak Football Ground.

Anthony Whitmarsh (Harwich): Objects to housing development taking place on land adjacent to Harwich and Parkeston Football club.

Miss. A. Goodwin (Harwich) (including a petition from Harwich & Parkeston Football Club of 92 names): As a lifelong resident of Harwich and a member of the Executive Committee of Harwich & Parkeston Football Club (HPFC) I object to the use of the car park, currently used by HPFC, as a site for residential development. The loss of this amenity would damage HPFC, who have used the Royal Oak Ground for approximately 120 years. The club requires the continued use of the car park to maintain the future sustainability of the club. The club is used by other various recreational organisations, on a regular basis, including the Colchester Gladiators American Football Team, that also require the use of this car parking facility, as well as it being used for football purposes, patrons park there to make use of the function hall and social club. The car park is an invaluable asset to the club as without it there would be nowhere for players, supporters and other users of the club to park. The loss of the car park would mean a loss of patrons and revenue and would be the final nail in the coffin for the club. The loss of the car park could also result in parking along Main Road, causing traffic congestion. The car park is also used by parents during the school run to Mayflower School and patrons of Tendring Adult Community College.

As Harwich is an area of low income and high unemployment, it does not seem sensible to build yet more houses when there are not sufficient infrastructure or employment opportunities to warrant more people moving into the town. Apart from houses already up for sale, there are houses standing empty within the Harwich Gateway development and with more due to be built on the former ATS site at Tollgate and the former site of Harwich County Primary School along Harwich Main Road, I cannot understand why yet another site is needed. The field behind houses in Clarkes Road will provide many more homes if built on and if more homes are really required other sites are available, which would benefit the residents of the area without the loss of the car park from HPFC, an essential facility for the area, for example: the previous hospital, Anchor Hotel, Victoria Hotel, Queens Hotel, Ingestre Street, the site behind the car park where the old Isolation Hospital once stood, with access provided via Vicarage Road and land adjacent to Maria Street/ Fernlea Road pedestrian rail crossing.

It is my personal opinion that TDC are aware that the loss of the car park would cause HPFC to close or to be forced to move to another less central location, leaving the grounds vacant to be purchased for yet another building plot. Cutting costs by selling off another amenity in Harwich is abhorrent. Too often residents of Harwich have seen money spent elsewhere in Clacton and Harwich, funded by the sale of, or lack of funding spent on Harwich amenities.

Mr and Mrs. J. Noble: I object to the land adjacent to Harwich Football Club being allocated for mixed-use development. The land is currently a car park and any development of that would adversely impact on off road parking and more importantly on the survival of the football club. The ground currently hosts not only the home team but also a Colchester team. It provides essential opportunities for young people to participate in sport in a league situation. The facility should be safeguarded under the sports policy but that would not in practice protect the club should the essential parking spaces be built over.

The former Delfont factory is earmarked for development. This site is referred to as 'land adjacent to 360 Main Road, Dovercourt' in the draft document. But in order for this to be developed, access to the site has to be altered. And the already consented alteration involves taking some of the Village Green and replacing it with other land, apparently to be designated as Village Green. I object to this take of a public open space and do not understand how a planning consent has already been agreed when the relevant parts of the village green have not been de registered. Additionally the Local Plan draft states that this land is available for residential and or mixed use when in fact it is traditionally part of the employment land of the area. It would be far more sensible to use employment land for employment and safeguard prime arable land for farming.

Mr. K. Abbott (Ramsey); Mrs. J. Allinson (Dovercourt); Mr and Mrs Allpress (Ramsey); Mrs I. Archer (Little Oakley); Ms J. Baker (Harwich); Mr. M. Cazneau (Ramsey); Mr D. Chilver (Harwich); Mr and Mrs Clackett (Ramsey); Mrs L. Howell (Harwich); Mr and Mrs Hunnaball (Harwich); Mr and Mrs K James (Harwich); Jacqueline Johnson (Ramsey); Mr and Mrs Joseph (Ramsey); Mr J. Kelly (Harwich); Ms B Knight (Ramsey); Mr S Lord (Ramsey); Mrs S.J. Mallinson (Ramsey); Mrs J.A. Mitcham (Ramsey); Leslie G. Neal (Ramsey); Mr J. Oakley (Ramsey); Mr and Mrs Paterson (Little Oakley); Mr and Mrs Sayer (Ramsey); Mr A. Seddon (Ramsey); Mr A. Sewell (Ramsey); Mrs. A. Themistocleous (Ramsey): We object to development on land south of Ramsey Road, Dovercourt for the following reasons:

- The existing infrastructure is inadequate for new housing development;
- The school would not be able to cope with the additional places that will be created by the housing development;
- The proposed development will result in increased levels of traffic movements, reduced road safety and congestion and will make the junction of Mayes Lane dangerous;

- Mayes Lane is not wide enough for an increase in traffic;
- The proposed development will result in a loss of important countryside, wildlife habitats and loss of amenities for local residents;
- The proposed development will displace valuable green land which is currently home to the Harwich Horse Rangers, a valued horse charity, which should be retained for leisure/educational use;
- Development in this area cannot be justified when there are other brownfield sites (particularly derelict and vacant sites) that could be developed first;
- The proposed development will de-value properties in the local area;
- The proposed development would harm the character of the area;
- The proposed development will result in a loss of amenities (overlooking and loss of privacy) to local residents;
- Mayes Lane has no footpath at present;
- The owner of Michaelstowe Farm has not put forward land for development;
- More houses are not needed for unemployed people or those on lower incomes/state incomes, who would worsen the level of unemployment and crime in the area;
- If this area is to be developed the historic barns and farm buildings of Michaelstowe Farm and the red brick wall fronting Ramsey Road should be retained;
- There is no demand for housing as a number of recently developed affordable homes remain vacant and unsold; and
- There are flood risk issues in the area and development on this land is likely to make flooding a major issue.

Council consideration

In the 2012 Draft Local Plan, Harwich, Dovercourt, Parkeston and part of Ramsey are considered together as a single 'Urban Settlement' and the approach to housing supply was for this to accommodate a 6% increase in housing development over 10 years with specific sites allocated for housing and/or mixed-use development to achieve that level of development. Five sites were allocated for such development in Harwich/Dovercourt. Most of the objections relate to the principle of housing growth in this location but a number relate specifically to the sites that have been allocated for housing.

This section addresses the general concerns that have been raised. Comments relating to the specific requirements of Policies HAD4: 'Development East of Pond Hall Farm' and HAD5: 'Development West of Mayes Lane' are considered in the responses to those policies. A number of comments relate to alternative sites that have been promoted for development. Readers are referred to the next section that addresses these comments where none of the alternative sites considered are proposed for inclusion in the Local Plan through focussed changes.

In response to comments received about the proposed approach to housing growth generally across the district, readers are referred to the responses to Policies SD2 and PEO1. The consideration of these comments has resulted in the Council proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account.

The level of growth for the Harwich/Dovercourt area has been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. The level of growth proposed is considered 'fair and proportionate' for this part of the district but still falls short of the high level of demand that exists, as evidenced in the Council's updated Strategic Housing Market Assessment.

A number of objections were received about the proposed allocation of land adjacent to the Harwich and Parkeston Football Club, Main Road, Dovercourt including an objection from Harwich Town Council which suggested that the site should only accommodate approximately 20 dwellings in order to retain the car parking area. In response to these concerns, the Council agrees that the site is unlikely to be deliverable in the first 10 years of the Local Plan period (as evidenced in the updated Strategic Housing Land Availability Assessment) and so it is no longer considered appropriate to allocate the site in the Local Plan. It is therefore proposed to delete the allocation of land adjacent to the football ground from the Local Plan (see change [MAJ7.3](#)) and change to Policies Map Inset 2a ([PM2a.1](#)) which, we trust, will result in the withdrawal of these objections and support for the Local Plan at the examination.

In addition, a large number of objections were received to the proposed allocation of housing on land south of Ramsey Road, Ramsey. In particular there were concerns over the loss of the current use of the site for use by the Horse Rangers and also concerns over insufficient infrastructure and increases in traffic in the vicinity. Whilst these concerns are understood, the level of growth proposed is unlikely to have a significant impact on the area's existing infrastructure and the site is considered to be suitable, available and deliverable for housing development as identified in the Council's Strategic Housing Land Availability Assessment. The Council will continue to work closely with its partners to ensure any adverse impacts are minimised and at the subsequent planning application stage, Policy SD7: 'Securing Facilities and Infrastructure' in the Local Plan will help ensure that all new development is accompanied by the necessary level of infrastructure. Whilst not explicit in the wording of the Local Plan, the Council will work with the current riding school to find an alternative location to ensure this important facility remains in the area for local people.

Objections were also received about the proposed allocation of land adjacent to 360 Main Road, Dovercourt for housing, including an objection from Harwich Town Council which suggested that the site should only accommodate approximately 20 dwellings. Whilst the concerns raised are understood, the site represents a sensible and logical location for infill development along the frontage of Main Road that reduces the need for greenfield land in the Harwich/Dovercourt area. It is believed that the respondents have The Council's Strategic Land Availability Assessment confirms that the site is suitable, available and deliverable and that there are no irresolvable issues and so development continues to be considered acceptable, in principle. The study also states that a development of 22 dwellings is more likely to be acceptable on this site rather than 30, which is reflected in proposed change [MAJ14.2](#), which is hoped meets the Town Council's objection.

The Town Council suggests that the land East of Pond Hall Farm allocation should only be for around 20 dwellings, rather than 150 as stated in the draft Local Plan. However, the Council disagrees with the Town Council as this site is considered capable of accommodating a much larger-scale mixed-use development comprising a mix of uses and housing. However, in order to

ensure the site remains predominantly non-residential it is proposed to decrease the indicative capacity of the site from 150 to 100, which is reflected in proposed change **MAJ14.2**.

The Council does not share Mr and Mrs P Luxford's view that changes should be made to paragraphs 7.20 and 7.21 to reference the potential contribution of windfall sites within the Settlement Development Boundaries of Harwich and Dovercourt. In accordance with Policy SD2 of the draft Local Plan to achieve a fair and proportionate increase in housing stock for each of Tendring's urban settlements, housing will be delivered on sites that are specifically allocated for housing or mixed-use development in the plan and through development on sites with outstanding planning permission. Paragraph 2.13 in Chapter 2 of the Local Plan does already make reference to the likelihood that a number of unidentified 'windfall' sites will obtain planning permission for housing, in accordance with the policies within this Local Plan and so it is felt unnecessary to repeat this in Chapter 7. However, it is proposed in change **MIN2.7** to make it clearer that the housing requirement in the Local Plan will be supplemented by other suitable sites within the Settlement Development Boundaries in the Local Plan, which is hoped will meet Mr and Mrs Luxford's suggestion. Respondents are referred to the Council's consideration of the comments received in relation to Policy SD2: Urban Settlements for more explanation of this.

Outcome

The following major changes (**MAJ7.2**) to paragraphs 7.20 and 7.21 under the heading of 'Housing Supply' on pages 146 and 147 are proposed (additions shown as highlighted and deletions shown as struck through):

7.20 The National Planning Policy Framework requires Councils to boost the supply of new housing to address objectively assessed needs. In accordance with Policy SD2 in Chapter 2 of this Local Plan, the urban settlement of Harwich and Dovercourt Urban Area will see a 6% play its part in delivering a sustainable, fair and proportionate increase in housing stock in the 10-year period between 1st April 2014 and 31st March 2024 over the first 10 years of the Local Plan period between 1st April 2014 and 31st March 2024. Based on the evidence contained in the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA), this Local Plan is able to make provision for a total net increase of at 451 dwellings in Harwich and Dovercourt over those 10 years. With a total housing stock of approximately 8,900 dwellings on 1st April 2011, the 6% increase for this area equates to approximately 540 new homes.

7.20a Approximately 179 of these new homes are expected to be delivered on large sites that already had planning permission for residential development on 1st April 2013 and 22 are expected to be delivered on sites specifically allocated for residential and mixed-use development in this Local Plan located within the existing built-up area. The remaining 250 new homes will be delivered on sites specifically allocated for residential and mixed-use development in this Local Plan on greenfield land on the edge of the built up area.

7.21 On 1st April 2011, there were sites with outstanding planning permissions to deliver approximately 300 dwellings in total, thus leaving a residual requirement of 240 dwellings to be delivered on allocated sites. Following careful consideration of the Council's Strategic Housing Land Availability (SHLAA), the following sites in and around the Harwich and Dovercourt urban settlement are allocated for residential and/or mixed use development in this Local Plan comprising sufficient suitable, available and deliverable land to deliver the housing requirements for the area:

- Land adjacent Harwich and Parkeston Football Club, Main Road, Dovercourt;
- Land adjacent 360 Main Road, Dovercourt;

- Land east of Pond Hall Farm (see Policy HAD4 below);
- Land south of Ramsey Road, Ramsey; and
- Land west of Mayes Lane, Ramsey (see Policy HAD5 below).

Other consequential changes include:

- Removal of the allocation on land adjacent Harwich and Parkeston Football Club, Main Road, Dovercourt from Appendix 3: 'Estimated Dwelling Numbers for Allocated Sites' on pages 223 and 224 (see proposed Major Change [MAJ14.2](#)).
- Deletion of the housing allocation on land adjacent Harwich and Parkeston Football Club, Main Road, Dovercourt on Policies Map Inset 2a (Harwich/Bathside Bay) (see proposed Policies Map change [PM2a.1](#)).

Harwich Alternative Housing Proposals

(Alternative proposals promoted by third parties with the potential for 10 or more dwellings)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mrs. E. Verhoef-Witte (represented by Robinson & Hall LLP): The Settlement Development Boundary around the Harwich Urban Settlement should be redrawn to include land off Church Hill (Former Winnie Groves Cottages), Ramsey. The Council previously recognised the need to deliver around 6,300 new dwellings between 2011 and 2031 and that much of the new growth would need to be delivered on greenfield land and that this should be focussed to the urban settlements within the district. The site is a largely rectangular plot located to the south of Church Hill and is part of the proposed Strategic Green Gap. There are residential properties to the east and west and it has a road frontage onto Church Hill to the north and backs onto a small woodland area ('Whinney Grove') which is identified as a Local Wildlife Site. The site is immediately adjacent to the 'Land West of Mayes Lane' housing allocation. The site is on a steep gradient and is therefore unsuitable for agricultural purposes. The width and depth of the site is considered inappropriate for a strategic green gap and residential development should continue between the allocation and the woodland. Appropriate vehicular and pedestrian access and egress points can be formed without impacting on existing highway users. The site can accommodate semi-detached or detached dwellings in a manner consistent with that proposed for the adjoining allocated site without compromising the established woodland to the south. The reasons for allocating the adjoining land can also be applied to this site.

Trustees of H. D. Stock Deceased (represented by Stanfords): The Settlement Development Boundary should be extended to include land north of Harwich Road, Little Oakley and this land be designated for future residential development. The site has good road access, mains sewerage and development would represent a natural expansion of Little Oakley. The land adjoins a modern recent residential development, has good access to the local facilities in the area and comprises an area of low to medium quality agricultural land which suffers illegal access by the public. We object to the site's inclusion within the Strategic Green Gap as the existing local playing field and surrounding land would provide a green gap if required.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Miss. A. Goodwin (Harwich) (including a petition from Harwich & Parkeston Football Club of 92 names): The field behind houses in Clarkes Road will provide many more homes if built on and if more homes are really required other sites are available, which would benefit the residents of the area without the loss of the car park from HPFC, an essential facility for the area, for example: the previous hospital, Anchor Hotel, Victoria Hotel, Queens Hotel, Ingestre Street, the site behind the car park where the old Isolation Hospital once stood, with access provided via Vicarage Road and land adjacent to Maria Street/ Fernlea Road pedestrian rail crossing (these comments relate to the objection against development on land adjacent to Harwich and Parkeston Football Club, Main Road, Dovercourt).

Council consideration

Numerous alternative proposals for development sites were submitted in response to the 2012 Draft Local Plan, some were new proposals and others had been submitted previously as part of the Council's 'call for sites' exercise. These proposals have the potential to deliver 10 or more dwellings. Smaller scale proposals that have requested relatively small amendments to Settlement Development Boundaries are considered under 'Proposed Small-Scale SDB Changes' below.

In the 2012 Draft Local Plan Harwich, Dovercourt, Parkeston and part of Ramsey are considered together as a single 'Urban Settlement' that is capable of accommodating a 6% increase in housing stock. However, in order to address concerns received about the proposed approach to growth, the Council is proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for the Harwich and Dovercourt area has therefore been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. Therefore any alternative proposals that would result in a significantly higher dwelling stock increase than what is considered 'fair and proportionate' are considered unsustainable and out of character.

Individual proposals are considered in more detail within a separate report but a summary of how each proposal has been considered is set out as follows.

Land off Church Hill, Ramsey

Mrs E Verhoef-Witte is promoting land off Church Hill, Ramsey for residential development. The site lies to the west of the proposed housing allocation on land to the west of Mayes Lane. Whilst it would appear to make sense to include this area of land together with the adjoining allocated site, the Council has some concerns about encouraging even more development along Ramsey Road/Church Lane beyond the area already allocated for housing as this would erode the gap of countryside that exists between the built up area of Dovercourt and Ramsey Village. This area of

land is designated as a 'Strategic Green Gap' in the 2012 Draft Local Plan for this reason. Furthermore, the development of this site would result in housing development over and above what is considered to be 'fair and proportionate' for the Harwich/Dovercourt area and so would be contrary to the plan's approach to housing growth. For these reasons and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if she so wishes, Mrs Verhoef-Witte will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, she can make the case for development through the development management process.

Land north of Harwich Road, Little Oakley

The trustees of H. D. Stock deceased are promoting the large area of land to the west of the Harwich/Dovercourt urban area and to the north of Little Oakley for residential development. Whilst it would appear to represent an obvious location for expansion of the Harwich/Dovercourt urban area but it would result in development that is way in excess of what is considered 'fair and proportionate' for Harwich/Dovercourt and Little Oakley and so would not be in accordance with the Local Plan spatial strategy. Furthermore, it would result in the total coalescence of the villages of Little Oakley and Ramsey with the western edge of Harwich and would have a high adverse impact on the area's landscape. There are also concerns about the low demand for housing that exists in this area, as confirmed in the Council's Strategic Housing Market Assessment. For these reasons and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if they so wish, the trustees of H. D. Stock deceased will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, they can make the case for development through the development management process.

Alternative land in Harwich instead of the Harwich and Parkeston Football Ground

As part of the objection received from Miss A Goodwin (accompanied with a petition) against the proposed housing allocation on land adjacent to the Harwich and Parkeston Football Ground, a number of alternative sites within the Harwich urban area have been suggested for development instead of the football ground. In response to this, only sites that have been specifically promoted for development by third parties and which are suitable for development, available and deliverable were considered for potential allocation through the plan-making process (respondents are referred to the Council's Strategic Housing Land Availability Assessment which provides an assessment of various sites within the built up area of Harwich/Dovercourt and which has helped to inform the preparation of the Local Plan).

Outcome

No change to the plan is recommended following consideration of these comments.

Harwich Proposed Small-Scale SDB Changes

(Proposals to amend the 'settlement development boundaries' promoted by third parties that could result in smaller developments with the potential for 9 or fewer dwellings. These affect Policies Map 2: Harwich, Dovercourt, Parkeston, Little Oakley and Ramsey).

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Comments from landowners, developers and businesses

Raymond Stemp Associates: Land adjacent Halesbury, Church Hill should be allocated in the Local Plan to accommodate a development of approximately five dwellings. This would help the Council achieve its housing targets, within a sustainable location on the periphery of the built up area and located adjacent to numerous existing dwellings. Whilst the site is partly within a Strategic Green Gap (Policy SD6) designed to maintain physical separation between Ramsey and Harwich & Dovercourt, Ramsey's location to the A120 means it is already somewhat protected from the emergence of Harwich & Dovercourt. The site is currently visually unattractive and unkempt with numerous derelict buildings and adds nothing to the Green Gap. The National Planning Policy Framework in paragraph 17 states that Councils should be encouraging the effective use of previous developed land providing it is not of high environmental value.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

Numerous alternative proposals for development sites were submitted in response to the 2012 Draft Local Plan, some were new proposals and others had been submitted previously as part of the Council's 'call for sites' exercise. This section addresses the smaller scale proposals for 9 or fewer dwellings through small amendments to Settlement Development Boundaries. Proposals for sites of 10 or more dwellings are considered in the 'Alternative Housing Sites' section.

In the 2012 Draft Local Plan Harwich, Dovercourt, Parkeston and part of Ramsey are considered together as a single 'Urban Settlement' that is capable of accommodating a 6% increase in housing stock. However, in order to address concerns received about the proposed approach to growth, the Council is proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for the Harwich and Dovercourt area has therefore been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. Therefore any alternative proposals that would result in a significantly higher dwelling stock increase than what is considered 'fair and proportionate' are considered unsustainable and out of character.

Individual proposals are considered in more detail within a separate report but a summary of how each proposal has been considered is set out as follows.

Land adjacent Halesbury, Church Hill, Ramsey

Raymond Stemp Associates is promoting land adjacent to Halesbury, Church Hill, Ramsey for inclusion within the Settlement Development Boundary to enable residential development. The site lies in the gap of countryside that exists between the built up area of Dovercourt and Ramsey Village and so is designated as a 'Strategic Green Gap' in the 2012 Draft Local Plan. Whilst close

to the built up area, further development in this location would erode this green gap and so it is not agreed that the boundary should be amended as suggested. If they so wish, Raymond Stemp Associates will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, they can make the case for development through the development management process.

Outcome

No change to the plan is recommended following consideration of these comments.

Policy HAD4 – Development East of Pond Hall Farm

(Page 148 – including paragraphs 7.27 and 7.28)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The catchment Primary School (Chase Lane) is forecast to be full to capacity. The County Council would therefore seek contributions to explore and develop options for expanding current provision to accommodate the educational needs arising from the development. There is enough capacity within secondary school provision to accommodate pupil product from this development.

Highways Agency: The assessments undertaken to identify the impact of development at Pond Hall Farm during the development of the currently adopted Local Plan identified that improvements may need to be required between the proposed roundabout and the existing A120 junction to the East. The plan should be amended to include a requirement to upgrade this section of A120 to sufficiently mitigate the impacts of the development.

Tendring Way and Essex Bridleway Association (represented by Patricia Cooper): This is an opportunity to create a bridleway (multi-user pathway) which would link with the existing bridleway beside the A120.

Comments from landowners, developers and businesses

J. Macaulay & Sons (represented by Boyer Planning): The Local Plan states in paragraph 7.27 that *“the costs involved in achieving access to the site via a new roundabout on the A120 mean that a mixed use development incorporating high value uses is necessary to enable the scheme to come forward”*. However, it also states that the Council will attempt to plan safe access to the residential element of the scheme by the existing road network. We are not aware that this has been tested or agreed in detail. Otherwise development is dependent upon the creation of a new roundabout directly onto the A120 and the Council proposes to “work with the landowners and the Highways Agency to deliver this access, to unlock this site and secure all the inward investment needed”.

The site is partially located within Flood Zone 3 (High Risk) as indicated on the Environment Agency Flood Maps and the Policies Map but the policy does not mention this.

The site was proposed as a strategic employment site in the 2007 Adopted Local Plan which identified a gross area of 27 hectares for the development of a new business park for storage and distribution, along with general and light industrial uses.

The site is bordered to the south by residential properties however the type of services and industry associated with the port are likely to be heavily transport orientated and involve the arrival, movement and departure of freight, on a twenty four hour basis. Transport activity of this type will generate significant levels of noise from engines and reverse warning alarms, air pollution and light pollution. As a result, the primary and significant constraint for this type of development relates to the proximity to residential development that exists at Dovercourt, and that proposed for the site.

The topography of this site is such that the land rises by approximately 10m from the road to the residential areas. Dwellings situated in the north of these estates will overlook the site and will be impacted upon as a result of noise, air and light emanating from the site. As a port-related operation the site would be operational through-out the day and night time. The proximity of this site to sensitive receptors is inappropriate for port logistics activities.

The flat area to the front of the site is in Flood Zone 3, therefore, to develop and mitigate against flood risk is likely to add to overall costs. Furthermore, to develop the relatively steep slopes would require significant civil engineering works, including earthworks to provide a level building slabs accessible to vehicles. Development of this part of the site will also severely impact upon visual amenity of a wider area including residents in the vicinity.

At the Call In Inquiry for the planning application for Horsley Cross, evidence was heard in respect of the then allocation of the land at Pond Hall Farm. At that inquiry, the Council were not overly supportive of the Pond Hall Farm site, despite its allocation. The evidence suggested that the Council had been in touch with the representatives of the landowner of Pond Hall Farm with the aim of bringing it forward for development. However, at that time the position was that there was no imminent likelihood of the site being the subject of a planning application. The evidence also stressed the high infrastructure costs associated with delivering the Pond Hall Farm site, stating that *"Pond Hall Farm is unlikely to be viable at the present time"*. There is little evidence to suggest that this is not still the case. The Inspector's Report concurred with this view and suggested that *"serious questions may need to be asked about some or all of the Harwich allocations. Any review of them will of course be a matter for the Core Strategy (CS). The CS should include the general location of sufficient readily developable and accessible employment land that is not subject to serious flood risk and where infrastructure is readily deliverable"*.

Harding Estates (represented by Edward Gittins & Associates): This allocation is supported. The ability to promote a mixed use scheme whilst retaining a major focus on the employment elements has made an enormous contribution to the viability of the package of proposals and has enabled the promoters to progress the scheme through to Draft Masterplan stage. There is newfound interest and confidence in the employment related elements and the alternative employment uses for retail, pub, restaurant and hotel use. The proposals now being drawn up include a food superstore for Sainsbury's as the anchor enabling development. Negotiations are well advanced in relation to other contracts associated with the retail elements and work is about to commence on the preparation of a Retail Impact Assessment to form part of a Planning Application to be submitted later this year. This will coincide with a tandem Application relating to a new junction on the A120 to serve the non-residential elements of the development.

With regard to the housing allocation, proposals are being drawn up for a new neighbourhood development served via Main Road. Technical studies have now been completed which demonstrate the ability of the local road system to serve this new neighbourhood which will include a wide range of house types as well as open space and local community facilities. The promoters are fully conscious of the importance attached to the early release of the land and the heightened role it will play in relation to the District's growth arising from delays affecting the development of Bathside Bay. We reaffirm the contribution that land controlled by Harding Estates north of the A120 can make towards Proposed Green Infrastructure under the auspices of Policy PEO19. The new roundabout access on the A120 will provide the obvious point of access into the new Harwich Linear Park which will be supplemented by pedestrian and cycleway links.

Whilst fully supporting the promotion of land east of Pond Hall Farm as proposed in the draft plan, we consider that there is a need for some greater clarity in the contents of the document and a need to remove certain discrepancies. The main point here is that the text of Policy HAD4 indicates the land east of Pond Hall Farm is allocated for a mix of residential development, community facilities, commercial development and open space. We draw attention, however, to the fact that the Policies Map Inset does not include the site within a Mixed Use notation but defines discrete allocations for housing and employment south of the A120 and Proposed Green Infrastructure (not Open Space) north of the A120. There is therefore no actual red line or policy area definition of the extent of the land East of Pond Hall Farm and it appears as a somewhat amorphous area governed by specific allocations. We take no particular issue with this depiction of the Plan's proposals but consider that the wording of Policy HAD4 could be amended to more accurately describe the proposals.

Harding Estates are committed to expediting the first release phases of the scheme as soon as possible and confirmation of the proposals put forward in the draft new plan will provide a further boost to confidence which will assist in making further progress during a difficult economic environment. The assistance already provided by the Council in its endeavours to secure the viability of the scheme is appreciated and it is envisaged that the positive stance taken by the Council will be rewarded through the early commencement and implementation of the Plan's proposals.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Harwich Town Council (HTC): For land East of Pond Hall Farm – HTC remains of the opinion that the density should be reduced and no more than 20 dwellings should be allowed on the site. The size and location of this development will require provisions of play areas and a centre for community use.

Comments from members of the public

No comments received.

Council consideration

The Council acknowledges the comment from Essex County Council that the catchment Primary School (Chase Lane), close to the proposed development site east of Pond Hall Farm, is forecast to be full to capacity and that contributions would therefore need to be sought to accommodate the educational needs arising from the development. It is also noted that there is enough capacity within secondary school provision within the area to accommodate pupil product from this development. We confirm that we will work in partnership with Essex County Council, developers and other relevant bodies to ensure appropriate education provision is achieved to serve this development.

The comment from Tendring Way and the Essex Bridleway Association regarding an opportunity for development east of Pond Hall Farm to create a bridleway (multi-user pathway) which would link with the existing bridleway beside the A120 has been noted. The respondent is referred to requirement 'f)' of Policy HAD4 which requires the development to contribute towards the delivery of the new Harwich Linear Park and the creation of pedestrian and cycle links between the Park and the development. The Council envisage that the Harwich Linear Park will provide a green corridor for walking, cycling and horse riding linking the north of the town with the 'Hangings' area. It is therefore considered that no change needs to be made to the Policy, as the Policy advocates

the Harwich Linear Park as an important provision which development east of Pond Hall Farm will contribute to, which will provide access for walkers, cyclists and horse riders alike.

In response to the comments made by the Highways Agency, we acknowledge the need for possible improvements to the A120 between the proposed roundabout and the existing A120 junction. In paragraphs 7.27 and 7.28 the Plan makes reference to the access to the site via a new roundabout. This section of the Plan also makes it clear that the Council will work with the Highways Agency to secure the inward investment required and safe access to the development to mitigate the impacts of the development. Whilst it is anticipated that the A120 will be improved as a direct obligation as part of the proposed Bathside Bay development it is also recognised that the Plan should be amended to clarify that this stretch of the A120 may require improvements to mitigate the impacts of the development in the absence of the proposed Bathside Bay development coming forward prior to development at Pond Hall Farm.

In response to Harwich Town Council that land east of Pond Hall Farm should accommodate only 20 dwellings, instead of the 150 estimated for the site, the estimated dwelling numbers for each site are based on a number of factors specific to each site, including accessibility to local services, minimum internal floor area and private amenity space standards as set out elsewhere in the Plan, the required mix of housing, the character of development in the immediate surrounding area and the on-site infrastructure requirements that need to be incorporated into the layout of the development. Respondents are referred to the Council's Consideration of responses to Policy PEO3: Housing Density for more detail on the density of housing development and how these have been established.

Due to the level of growth predicted in the Harwich area over the plan period. it is not possible to accommodate all of this on previously developed brownfield land and so a number of sites, including greenfield sites in the Harwich and Dovercourt area have been allocated for housing development.

In the 2010 Core Strategy, 900 homes were proposed over a longer 20-year period for the Harwich and Dovercourt urban area and it was envisaged that land east of Pond Hall Farm would accommodate approximately 200 of these homes, incorporating a sustainable mix of size, type and tenure (Project 17 'Land East of Pond Hall Farm'). However, the abandonment of the Core Strategy in favour of a single Local Plan has reduced the number of new homes proposed for the area to approximately 100 homes.

J. Macaulay and Sons have objected to the allocation at the site east of Pond Hall Farm, questioning its suitability and deliverability compared with their alternative suggestions for employment development further west along the A120. It is our understanding that they are promoting developments related to freight transport, distribution and logistics.

Within the current Tendring District Local Plan, adopted in 2007, land east of Pond Hall Farm is already allocated for a new business park for storage and distribution, along with general and light industrial uses, however, throughout the plan period development at this site has not come forward. However, despite this and other environmental constraints, the site remains a sustainable option for release as a strategic employment site, particularly to support the potential off-site employment development needs for the future expansion of Bathside Bay. To ensure deliverability of this site, east of Pond Hall Farm, during the new Local Plan period, both policy HAD4 and PRO14: 'Employment Sites' have been written with more flexibility to set out the Council's flexible approach to alternative employment development at this site.

Both the Stage Two Employment Study (2010) and the Employment Land Review (2013) which form part of the detailed evidence base to support the Local Plan; also lists Pond Hall Farm as an employment site that should be retained as an allocated employment site. The Employment Study emphasises the strong alignment of key sectors and the A120 corridor, and notes the need for

infrastructure and access requirements to be met with a roundabout on A120 to facilitate development of site. At this location the study also appreciates the potential for warehouse and distribution uses linked to future development at Bathside Bay, further supporting its inclusion within the plan. Whilst the site provides the most sustainable option for development along the A120, the costs involved in achieving access to the site via a new roundabout on the A120 mean that a mixed-use development, incorporating higher value uses, is necessary to enable the scheme to come forward.

Of the greenfield sites available around the wider Harwich and Dovercourt area, land east of Pond Hall Farm is considered to be by far the most sensible and sustainable – particularly given the allocated employment land also at land east of Pond Hall Farm and the community facilities, commercial development and public open space allocated as part of the development at this site. It is true that it lies to the immediate north of the existing built up area of Dovercourt however the Council believe it will benefit from the amenities which currently serve this area. In addition, residential development at this site will produce the higher value uses necessary to enable this development as a whole to come forward.

Access to the site, will be required from the A120 for the commercial uses and via Stour Close for the housing development at the site in accordance with advice from the Highways Agency; to ensure safe access to the site and to ensure that the site can be unlocked for the development to take place.

It is true that parts of the site are close to Ramsey Creek and are affected by Flood Zone 3, as pointed out by J. Macaulay and Sons. The Council would seek to minimise built development in these low lying area and integrate them with the adjoining Harwich Linear Park to provide an attractive setting for the development. It is agreed that this should be acknowledged within Policy HAD4.

Harding Estates' support of this allocation is noted. Harding Estates submitted the site east of Pond Hall Farm to the Council for consideration for allocation within the Local Plan. This has subsequently been allocated within the draft Plan and detailed within Policy HAD4. We agree with Harding Estates that there may be some confusion over the description of the site in Policy HAD4 as a mix of residential development, community facilities, commercial development and public open space and the depiction of the site on the Policies Map Inset as both a housing allocation and an employment site as opposed to a mixed-use allocation. It is therefore agreed that a more accurate description of the site should be included within Policy HAD4 to clarify the use and allocation of this site as both a comprehensive residential development and as an employment allocation.

Outcome

The following **minor changes** (MIN7.14) to paragraph 7.28 on page 148 are proposed (additions shown as highlighted and deletions shown as struck through):

7.28 The Council will work with the landowners and the Highways Agency to deliver this access; to unlock this site; to ensure any necessary improvements required to the A120 between this new access and the existing A120 junction to the east to mitigate the impacts of this development; and to secure the inward investment needed. In addition, the Council will work with the Highways Agency and Essex County Council as the Highways Authority to plan safe access to the residential element of the scheme, via the existing urban road network as opposed to the A120, to minimise local traffic and congestion on this strategic route. The development will also make a positive contribution toward the creation of the new Harwich Linear Park.

The following **minor changes** (MIN7.15) to the first paragraph of Policy HAD4: ‘Development East of Pond Hall Farm’ on page 148 are proposed (additions shown as highlighted and deletions shown as struck through):

Land East of Pond Hall Farm (as defined on the Policies Map Inset) is allocated for a comprehensive mix of residential development, incorporating residential development, community facilities, commercial development and public open space. The Council will work with the developer (and relevant partners) and owner to prepare a development brief for the site prior to the submission of a planning application and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements.

Other consequential changes include:

- Re-designation of the site as a single ‘mixed-use development site’ as opposed to separate employment and housing sites on Policies Map Inset 2 – see proposed Policies Map change **PM2.1**.
- Amend the indicative capacity for the site within Appendix 3: Estimated Dwelling Numbers for Allocated Sites (table on pages 223 and 224) to 100 – see proposed major change **MAJ14.2**.

Policy HAD5 – Development West of Mayes Lane

(Pages 148 and 149 – including paragraphs 7.29 and 7.30)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The catchment Primary School (Two Village) is forecast to be full to capacity. The County Council would therefore seek contributions to explore and develop options for expanding current provision to accommodate the educational needs arising from the development. There is enough capacity within secondary school provision within the area to accommodate pupil product from this development.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Jacqueline Johnson (Ramsey): Objects to the proposal because:

- The local school is at capacity and no provision has been made for extra school places.
- The GP surgeries are full and no provision has been made for extra health care.
- Dentists are struggling and cannot offer the usual sixth-month check up.

- There are no jobs for people already living in the area.
- There are many empty properties in the town so additional properties are not needed.
- Building should not take place on land being used for an outdoor activity for local children.

Council consideration

The Council acknowledges the comment from Essex County Council that the catchment Primary School (Two Village), close to the proposed site west of Mayes Lane, is forecast to be full to capacity and that contributions would therefore need to be sought to accommodate the educational needs arising from the development. It is also noted that there is enough capacity within secondary school provision within the area to accommodate pupil product from this development. We confirm that we will work in partnership with Essex County Council, developers and other relevant bodies to ensure appropriate education provision is achieved to serve this development.

Comments made by Jacqueline Johnson, objecting to this allocation should also be read in conjunction with the comments made to the 'Housing Supply' section of the Plan for Harwich, particularly some of the comments received in relation to housing on the land south of Ramsey Road, Ramsey. Many of these comments are relevant to Policy HAD5 as the sites are in reasonably close proximity and so therefore share similar concerns and issues. Respondents are also therefore referred to the Council's Consideration of 'Housing Supply- Harwich'.

The concerns raised by Ms. Johnson (and others to development elsewhere in this area of Ramsey) are understood and noted.

Outcome

The following **minor changes** (MIN7.16) to the first paragraph of Policy HAD5: 'Development West of Mayes Lane' on page 149 are proposed (additions shown as highlighted and deletions shown as struck through):

Land west of Mayes Lane, as defined on the Policies Map Inset is allocated for residential development. The Council will work with the developer (and relevant partners) landowner to ~~prepare a development brief for the site~~ prior to the submission of a planning application and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

Policy HAD6 – Development at Harwich School

(Pages 149 and 150 – including paragraphs 7.31 to 7.33)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Stour and Orwell Peninsula Habitat Protection UK (represented by Jenni Meredith): As the policies PLA6, and 8, protect historic environment and listed buildings it would be thought reading this that the grange would be converted to form a uniquely historic and atmospheric building to host the sixth form. However, elsewhere in the document it is mentioned that the council would consider approving the demolition of this building to make way for a modern building and some houses. I would be strongly opposed to any such moves and suggest that learning in a historic environment can be far more beneficial than attending classes in a modern building. Additionally the landscaped parkland around the Grange has a soothing effect and is enjoyed by all local residents and the ancient trees within those grounds should be protected too.

English Heritage (represented by Katharine Fletcher): This policy is ambiguous in relation to the retention of the listed building, and infers that compromise to its setting, and perhaps even demolition, may be considered acceptable. We consider that this conflicts with the approach in paragraph 126 of the NPPF. We are further concerned that the policy refers to 'enabling development'. Since such development is, by definition, contrary to adopted planning policy, it is unnecessary to include a reference in the policy.

We recommend the following changes to policy HAD6:

In part b) substitute '*requirement*' in place of '*potential*' and insert '*avoid any adverse impacts on the setting...*' instead of '*minimise the impact...*'.

Add to the end of the policy:

'A development brief that includes a heritage statement shall be prepared to inform potential developers of the site. It will guide any proposals for the house, its outbuildings and grounds. This will be adopted as a supplementary planning document.'

Essex County Council: The County Council welcomes the proposals within the policy regarding the proposed post-16 sixth form centre. However, the County Council would wish to further discuss in detail the proposals for this site with the District Council. The information currently available is insufficient to provide the County Council with an appreciation of the possible scale and extent of any residential development on the site. This means that it is not possible to interpret future educational and community infrastructure needs arising from the development and how they may impact on future provision of such facilities in the town.

Harwich and Dovercourt High School: The sale of The Grange, our present sixth form site, and a small strip of land next to Low Road is the only way the school can raise sufficient funds to build a new appropriate fit for purpose sixth form centre on the main school site. No other way is open to the school to achieve funding. The new sixth form will provide modern, clean, comfortable learning areas. It will provide facilities and equipment that will enable appropriate teaching of both academic A Levels and high level skill based qualifications that link directly to local employment opportunities, associated both with existing employment and expected employment linked to renewable energies and technology. It will provide learning opportunities for school based students and others within the local community throughout the day and evening. The facility will complement the partnerships established with Colchester Institute and AJ Woods training.

The facility will be equal to or better than the facilities presently offered by the Sixth Form College, the Institute and Suffolk One. Harwich young people and adult learners will have access to an enhanced quality education/training facility that equips them effectively to progress within the world of education, employment and training. Life opportunities are furthered.

The development of the Grange site will secure the future of the Grade II Listed building that requires significant up keep and maintenance. The Council will work with the school and English Heritage to ensure any development of the area around The Grange is sympathetic to the settings of a Grade II Listed building. This sale will not reduce the area of school field as this small strip is not utilised by the school as it is unsuitable for most sports activities.

Our young adults and community deserve the very best opportunities in this growingly competitive market place. The town will gain socially and economically from higher quality education/training post 16 and the long term future preservation of The Grange.

The Mayflower Primary School (Harwich): This policy is supported. Education in Harwich is improving all the time and the development proposed by Harwich School promises to be a major boost to the life chances of young people in this areas. This initiative is fully justified in the

circumstances and appears to be the only viable way forward. It must be supported if Harwich is to offer a modern, fit-for-purpose education in today's world.

All Saints' Church Of England Primary School (Harwich): This will be a welcome improvement to the educational opportunities for young people in Harwich and Dovercourt. In the primary school sector we are fully supportive of the brilliant progress that is being made at Harwich and Dovercourt High School and I therefore wholeheartedly support this application.

St Joseph's Primary School (Dovercourt): The young people of Harwich and Dovercourt deserve to have access to the best educational facilities available - and shouldn't have to travel out of town to get it.

Wix and Wrabness Primary School (Wix): Young people in our area deserve the very best facilities in order to conduct their studies. It is well documented that the area has the lowest incidence of young people moving on to university. In order to encourage this we need to make every opportunity to ensure the very best access to learning opportunities.

Colchester Institute: The sale of the Grange and the strip of land adjacent to Low Road will allow for the future development of a modern, fit for purpose Sixth Form Centre that will improve the ability to run successful AS and A2 provision. New facilities will encourage pupils to stay on in education, thus reducing the local Youth NEET population (Not in Education, Employment or Training). Colchester Institute would welcome such a development to further support the existing collaborative partnership. It is important that education takes place in buildings that are conducive to learning. The preservation of the Grange into residential is important and hopefully its sale and a well developed design plan should enable the resources for the sixth form centre build to go ahead.

Sport England: Objection is made to this proposal at this stage as it would involve the release of part of Harwich School's playing field/sports facilities fronting Low Road. It is acknowledged that the majority of the site is likely to be retained as a playing field and that the policy makes provision for retaining sufficient land for school playing fields. However, as the extent of the allocation affecting the playing field has not been identified it is difficult to make informed comment. However, there would be a potential net loss of playing field provision in an area of the district where the Council's Open Space Strategy has identified deficiencies in provision. Furthermore, the loss of playing fields to fund a new sixth form centre would not accord with Government policy in paragraph 74 of the NPPF or Sport England's playing fields policy.

The Council will be aware of Sport England's role as a statutory consultee on planning applications affecting playing fields. To avoid potential objections and delays at a later date if this site is allocated for development which may affect its deliverability, it is advised that discussions take place with Sport England before the Local Plan is submitted for examination. Further advice can be provided on how our concerns could be potentially addressed as well as advice on how to avoid some of the problems experienced by other local authorities who have allocated playing fields for development in their local plans.

Due to the lack of information about the proposals in the local plan, Sport England is unable to provide an informed response to this potential allocation and therefore an objection is made. Due to these concerns, it is considered that the proposed allocation policy in its current form may not accord with justified, effective or consistent with national policy tests of soundness. To address this objection, it is suggested that discussions take place with Sport England so that a fully informed position can be reached before the local plan is finalised for submission.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. R. Day (Harwich Town Councillor): I fully support the proposed sale of The Grange and the sensitive development of the site to finance the badly needed improvements to the sixth form facilities at the Harwich School.

Cllr. L. Double: The development of a new 21st Century 6th Form Centre at the Harwich and Dovercourt High School is long overdue. The present site is not fit for purpose. The young people of Harwich and Dovercourt deserve better.

Ramsey and Parkeston Parish Council: The present sixth form building is not fit for purpose. The only way the school can develop is to sell that site to fund a new centre within the present school grounds. A new sixth form centre will attract more students and be a positive addition to education facilities in the area.

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): As the policies PLA6, and 8, protect historic environment and listed buildings it would be thought reading this that the grange would be converted to form a uniquely historic and atmospheric building to host the sixth form. However, elsewhere in the document it is mentioned that the council would consider approving the demolition of this building to make way for a modern building and some houses. I would be strongly opposed to any such moves and suggest that learning in a historic environment can be far more beneficial than attending classes in a modern building. Additionally the landscaped parkland around the Grange has a soothing effect and is enjoyed by all local residents and the ancient trees within those grounds should be protected too.

Comments from members of the public

Mr. M. Rudland (Harwich): This policy is supported.

Mr. A. Leggett (Weeley): The development at the Harwich School is supported. This will not only allow the good work of the School to continue, but will offer vocational qualifications, and other training aligned to the renewable energy sector. To rebuild a robust sustainable local economy giving long term opportunity to future generations of young people in Harwich and Dovercourt it is essential that local jobs are filled by local people, and not an influx of people from other areas. For this reason the area needs this new facility to provide local people with the necessary skills to take advantage of job creation in the energy sector as well as more traditional employment skills and qualifications.

Mr. R. Chamberlain (Harwich) (Former LEA Governor): I fully support to this proposal. It is clear that the Council and the School are committed to preserving the setting of this Grade II listed building, which is itself unsuitable for the development of a modern educational facility. The proposed new college, which will serve both the school and the community, can provide classroom, laboratory and specialised equipment which will enable it to link in to focused educational and training needs of the business world nearby and where renewable energy development can be expected to offer substantial employment opportunities.

The partnership already established by the high school with local business in this field, and with existing colleges and schools, is paving the way for this very exciting initiative. The fact that the

school is now part of a 6 school consortium means further, that the new facility would be able to draw on teaching expertise widely and also through its Academy status funding, ensure appropriate, up to date technology and the services of the personnel from the business community who can offer top skills in their work both for in-service training as well as lecturing at the college itself.

This proposal relates to the needs of both school underachievers and subsequently job seekers who live in an area where there is serious income inequality. Many of the above young people swell the ranks of disconnected youth and are out of work because their educational achievements just haven't equipped them for what jobs are available. The sixth form college, if its courses and facilities are strongly linked to the business world of today and the foreseeable future, could and should provide an outstanding base for helping young people contribute effectively and with satisfaction to their society.

Mr. P. Hartwell (Little Oakley): As a converted house, the rooms in the Grange are far too small for purpose and the listed status makes it virtually impossible to install the modern technology associated with current teaching practices. The young people in the town and its environs need better. A new facility in the heart of the school would raise the profile of the Sixth Form and be aspirational for the younger students while providing state of the art provision for those more senior. Our town deserves nothing less if the sixth formers of the future are to emulate the successes of those who have passed through the school in years gone by.

Mr. M. Gilders (Harwich): Having been associated with the school for 40 years, I am delighted to see record GCSE results, this year. In order that post 16 results reach the same level, investment in a new sixth form area is essential. The proposed plan will allow older students to realise their potential in a purpose built facility, and the School can also offer new courses that specifically match the needs of the town. If the plan is approved, the Grange will be brought back to its former glory, and will become, again, a building of which the whole town can be proud. The young people of Harwich need and deserve this great opportunity. I cannot commend the plan any more highly.

Mrs. J. Sturges (Dovercourt): The Grange is not fit for purpose. If Harwich is to offer its young people a quality provision for sixth form education then new facilities need to be put in place. The only way that the school can achieve funds for this project is to sell The Grange and the small strip of land facing Low road. Successful implementation of this project will bring better quality education, more choice for our young people, facilities that match those offered in other local areas, and in addition, learning opportunities for the rest of the community to further their education.

Mrs. J. Little (Little Oakley): I fully support the Harwich and Dovercourt School to build a sixth form college within the school footprint. The school has worked hard improving the premises at the school, bringing them up to date and welcoming for our students, however, the sixth form is presently housed in the Grange, a delightful Grade II listed building which unfortunately is not suitable for educational purposes. The school propose selling the Grange and a small strip of land on Low Road to raise the money for this development. We need to raise the profile of sixth form education within the school to ensure that the students are well qualified for the opportunities in the Harwich area. We want to build a sixth form that will have modern facilities to enable young people to obtain these skills, to enable them to make job choices in the future. It is hoped that the Council and English Heritage will work together to ensure the future of the Grange as a Grade II listed building. This is an opportunity to improve the outcomes for the students and to ensure that skilled resources are available within Harwich for new projects in the town. It is important that we start now to ensure our students have the relevant qualifications to take advantage of the opportunities that will arise in the future.

Mrs. C. Homan (Harwich): One of the reasons that Harwich 16-18 year olds would rather learn out of town is that the Grange is a converted house, rather than a purpose-built educational facility. It has been that way for far too long and the students keen to further their education deserve better.

Mrs. A. Mulford (Harwich): The Grange is no longer fit for purpose as a Sixth Form. The students in the Sixth Form deserve to have a building/environment more conducive to learning. The logistics of working and learning in The Grange take a heavy toll on the time of teachers, support staff and students alike. A purpose built Sixth Form on the Main School site is the only way forward and is long overdue.

Mr and Mrs. J. Noble: As the policies PLA6, and 8, protect historic environment and listed buildings it would be thought reading this that the grange would be converted to form a uniquely historic and atmospheric building to host the sixth form. However, elsewhere in the document it is mentioned that the council would consider approving the demolition of this building to make way for a modern building and some houses. I would be strongly opposed to any such moves and suggest that learning in a historic environment can be far more beneficial than attending classes in a modern building. Additionally the landscaped parkland around the Grange has a soothing effect and is enjoyed by all local residents and the ancient trees within those grounds should be protected too.

Council consideration

The Council notes the many representations in support of the provision of a new purpose-built sixth-form centre at the Harwich and Dovercourt High School which they argue would help to expand the sixth-form education provided at the campus and encourage young people to stay, study and later perhaps work in this part of the District.

In relation to Essex County Council, English Heritage and Sport England's comments, the Council will, of course, work in partnership with Essex County Council, English Heritage, Sport England and other relevant bodies to further discuss the proposals for the site as and when these are made available.

The current position for the site is that the Harwich and Dovercourt High School operates its sixth-form college from 'The Grange' which is a Grade II Listed Building set within an area of open space adjoining the main school campus. According to the Head Teacher of the school, the building is old-fashioned, too small and too far from the main campus to provide a standard of education which is offered at other establishments such as Colchester Institute, Tendring Technology College and Suffolk One. As a result, young people in Harwich are either not staying on for sixth-form education at all, they are choosing to commute elsewhere or they have no choice but receiving a poor standard of education at the Harwich and Dovercourt High School which is hampering their future career prospects. Harwich already has a higher level of young people not in education; employment or training (NEETs) and this is set to continue into the future without investment in the sixth form college.

The School would like to build a modern purpose-built sixth-form centre which would not only offer sixth form education but also offer vocational training, possibly aligned with the emerging growth in the renewable energy sector. The new facility would cost around £3million and could be located on underused land within the main Harwich and Dovercourt High School campus. However, there is no public funding to undertake such works, so the School wants to fund the development through capital receipts from the disposal of The Grange and also potentially land fronting Low Road. To maximise the capital receipt and achieve the £3million target, the School would need to increase the value of these areas of land by selling them on to a developer with planning permission for development. In their current state without any planning permission, these sites would achieve a negligible return.

There are various issues affecting the development potential of the disposal sites, particularly the Grange. The Grange is a Grade II Listed Building and is therefore protected (along with its setting), through the Planning (Listed Buildings and Conservation Areas) Act 1990, from demolition and unsympathetic changes, in recognition of its special architectural or historic interest. The site is also hosts a number of important trees which are protected through Tree Preservation Orders (TPOs).

In addition to the issues at the Grange disposal site, the land fronting Low Road is partially within Flood Zone 3 where national planning policy only allows development in exceptional circumstances where it cannot be provided elsewhere. Initial views from the Environment Agency would therefore have to be sought to deem whether development of this land would be acceptable. Development fronting Low Road would also result in the partial loss of playing fields and sports areas, it would therefore be necessary to ensure that any proposals would ensure sufficient land is retained to ensure the provision of playing fields and sports areas for use of the Harwich and Dovercourt High School.

There are two options for development at the Grange, these are: the demolition and redevelopment of the Grange or the conversion of the Grange with new development.

The demolition of the Listed Building would maximise the site's potential for housing development. However, to demolish a Listed Building (in whole or in part), 'Listed Building Consent' would be required. Both national planning policy and policies in the Council's own Local Plan would only allow demolition in exceptional circumstances where the building cannot continue in its current or previous use and there is no other viable use for the building and the demolition would not harm the structure or setting of the remaining building or any other Listed Building.

In addition, as the listing of a building is a national designation, such applications for Listed Building Consent would be referred to English Heritage and all national amenity bodies in deciding whether consent should or should not be granted. English Heritage could then refer the matter to the Secretary of State for a decision. The protected trees would need to be safeguarded and incorporated into any development.

By converting the Grange the Listed Building would be retained and its conversion to residential use, could potentially deliver approximately nine apartments, plus new housing built within the grounds – including redeveloping the gardens associated with the Listed Building. There would also be scope to use some of the Grange's outbuildings for residential use. On the understanding that the protected trees must remain, the main issue here would be safeguarding the setting of the Listed Building, which is also subject of protection. To do this it would need to be established what constitutes the setting, which arguably includes the gardens, the open spaces and even certain trees.

Draft proposals have been discussed with officers over the last few years and there has been an acceptance, in principle for this approach, subject to the setting of the building being protected. However, the School argues that the cost of converting the Listed Building to residential use (estimated to be £1million); and the limit to the number of additional dwellings that could be built whilst retaining sufficient space around the building to protect its setting, would result in a development that does not generate a sufficient uplift in land value to achieve the necessary capital receipt and make a meaningful contribution toward the development of a new Sixth Form Centre. The School is therefore asking the Council to be more relaxed about wanting to protect the Listed Building's setting (if a conversion was acceptable) to allow more houses to be built within the grounds. The School suggests that a development of circa 60 dwellings in total (possibly across both disposal sites) would be necessary to achieve the required uplift in land value.

In response to Sport England's specific concern regarding the loss of the school playing field, and as detailed in the comments made by the Harwich and Dovercourt High School; the school states

that the sale of land at the school would not reduce the area of school field as this strip of land is not utilised by the school as it is considered unsuitable for most sports activities.

In response to English Heritage's specific comments, whilst we understand their concerns regarding the possible enabling development at the site, the Council consider that the Policy should not be amended and should remain flexible in its approach to development at the Harwich and Dovercourt High School. The Council is committed to the conservation, preservation and restoration of the District's listed buildings and their settings and will continue to work in partnership with English Heritage to achieve these aims. In this instance, the Council will work with English Heritage and the Harwich and Dovercourt High School to investigate the potential for residential enabling development at the Grange that will ideally retain and respect its setting but will also ensure that the development is economically viable and raises the necessary funds to create a new sixth-form centre. In order to achieve this new facility the possibility of redeveloping the site, in a sympathetic manner, cannot be ruled out and as such we are of the view that the Policy wording should remain unchanged to provide this flexibility.

In response to the comments made by Stour and Orwell Peninsula Habitat Protection UK, POSITIVE and Mr and Mrs. J. Noble, we accept the concerns they have raised in relation to the need to protect the historic environment including our listed buildings. The Council, as explained above, would ideally like to retain the Grange and its setting, in accordance with its commitment to conserve, preserve and restore the District's listed buildings and their settings. However, it is also considered important to create a new sixth-form centre in the area to cater for the needs of students in Harwich and Dovercourt. We therefore believe it is important to include this Policy within the Local Plan to allow the exploration of possible enabling development at this site.

Outcome

No change to the plan is recommended following consideration of these comments.

Policies Map 2 – Harwich & Dovercourt

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Royal Mail (represented by DTZ): Supports the designation of the 'Harwich delivery office' within the Local Plan as falling within Harwich Town Centre (Policy PRO5) and a Primary Shopping Area where economic growth is promoted and the vitality and viability of the town centre is to be protected and enhanced. We support the focus upon town centre uses in this location including retail, leisure, commercial, office, tourism and cultural development and community facilities, and consider that the existing Royal Mail property is in accordance with this designation.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

The Harwich Society: Object to the line of the Settlement Development Boundary at its southern extremity. The boundary is shown running to the west of Dovercourt Caravan Camp (a

Safeguarded Holiday Park) and then south of the shoreline passing through a RAMSAR site and, including to the east of this line, Coastal Protection Belt and Safeguarded Local Green Spaces. The Settlement Development Boundary should be amended to following the line shown in the 2007 Adopted Local Plan.

Cllr. Tom Howard (TDC member for Great and Little Oakley Ward): I completely support the removal of Little Oakley from the Harwich & Dovercourt urban development boundaries and for the reclassification of Little Oakley as a rural settlement. This will help protect the village identity of Little Oakley and provide important additional rural protection for the village pub and school.

I fully support the designation of a Strategic Green Gap on the fields between Little Oakley and Ramsey. This is an important aspect of the Local Plan that protects land known locally as the 'Great Field' from development. Similarly I support the continued provision of the Coastal Protection Belt on the seaward side of the Settlement Development Boundary of Little Oakley.

Comments from members of the public

Mr. D. Attrill (Little Oakley): The extension of the strategic green gap to include the triangular portion of land behind 49/51/53 Harwich Road, Little Oakley, is fully supported.

Council consideration

The comments of support are noted.

Comments relating to the promotion of sites or specific changes to the Settlement Development Boundary to include land for housing have been addressed earlier in this section.

In response to the comments from the Harwich Society, it is agreed that the Settlement Development Boundary in this location was drawn in error and so it is proposed to rectify this through proposed change **PM2.3** to ensure it follows the built up area boundary tightly.

It is also important to note that it is proposed to remove all holiday parks located around the periphery of settlements from Settlement Development Boundaries to make it even clearer, alongside Policy PRO9: 'Holiday Parks', that these sites should remain in leisure/tourism use and that the Council is unlikely to support proposals for redevelopment. Removing these sites from Settlement Development Boundaries makes it clear that they are not considered to be part of the continuous residential built up area where residential development is usually directed to.

Outcome

Redraw the Settlement Development Boundary along the southern edge of the Harwich/Dovercourt urban area to exclude the Dovercourt Caravan Park – see proposed change **PM2.3**

Chapter 8: Frinton, Walton and Kirby Cross

Frinton, Walton & Kirby Cross – General Comments

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: Again, we would welcome stronger references to the quality and character of the natural environment within the vision for Frinton, Walton and Kirby Cross. We will not comment on the suitability of individual sites at this strategic stage of the planning process. However, we would again welcome the inclusion of a statement (along the lines of that referred to under Chapter 6 above) stating that the policies and proposals in this chapter will need to be considered alongside the requirements of district-wide policies contained in Chapters 2, 3, 4 and 5 of the Local Plan.

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): There should be mention in the introductory paragraphs to the 'greensward and beaches' to substantiate the council's claim of 'unlike anywhere else'. Walton is more Georgian than Victorian, I think. The backwaters are to the north-west of the town. The vision is over ambitious, particularly in relation to 'offering year round employment in maritime and tourism industries' an area in which the Council has very little control as this relates to commercial activity. How many 'public spaces' are there 'in the town centre' in Frinton that can accommodate 'a number of improvements'? This sounds a very grand description of the new road surface, pavements and street furniture in Connaught Avenue, most of which has already been completed. With regards to the reference to improving access to the backwaters, there is and will be a direct correlation between increase in human activity and the decline of the backwaters as a wildlife area. It also tests to its limits Policy PRO7, which states that the promotion of the district's assets for tourism should not lead to them being exploited and potentially harmed or lost altogether.

Comments from landowners, developers and businesses

No comments received,

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received,

Comments from members of the public

No comments received,

Council consideration

The suggestion from Natural England to include a stronger reference in the vision section in this chapter to the outstanding character of the natural environment in this part of the district is noted but not agreed. The vision already makes strong reference to the attractive environmental setting and the role it will play in the future. It is important to remember that the vision statements are not policies and so do not need to state so strongly that these important wildlife sites need to be protected. Policy PLA4 provides sufficient protection for these areas and the strength of wording used in this would not be appropriate in a vision statement.

The points of clarification offered by the Frinton and Walton Heritage Trust are noted. It is agreed to improve the wording of this section to ensure it accurately reflects the qualities of the area, as suggested. However, in response to the comment that the vision for the Frinton and Walton area is over-ambitious, the vision is intended to reflect the overall purpose of the plan and its aims and objectives to create a all-year-round economy for the area by making best use of its assets and making it a place where people want to live, work and visit. By definition a vision is aspirational to some degree and is not a statement of fact – it is a statement of what the area could be like in 2029 if the aims and objectives of the plan get fulfilled. Whilst it is agreed that most commercial decisions are outside the Council's control, the local plan has an important role to play in creating the right conditions to attract businesses to the district and allow them to flourish.

The concern about the potential impact of promoting access to the backwaters is noted but not agreed. The policy is not advocating a mass influx of visitors to these delicate areas, which must be protected in accordance with the relevant legislation. Instead, the policy is suggesting that improvements could be made to improve physical access to these areas and peoples' enjoyment of these areas as it is recognised the natural environment is one of the district's biggest assets. Improving access should not be mistaken for exploitation or destruction of these areas.

The suggestion from Natural England that the area chapters of the plan should include a statement making it clear that the policies and proposals in these sections should be considered alongside the strategic, district-wide policies and proposals in chapters 2 to 5 is noted but it is not agreed that any further wording is required at this stage. Any further tweaks to aid the usability/navigation of the document will be determined once the plan is finalised.

Outcome

The following **minor changes** (MIN8.1) to paragraph 8.2 on page 151 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

8.2 Frinton-on-Sea, a town by the sea with **clean beaches and an attractive open greensward**, has a unique town centre and surrounding residential areas with a special historic and architectural character unlike anywhere else. The town centre comprises a linear shopping street confined to Connaught Avenue and, to a lesser extent, Old Road, east of the distinctive 'Avenues'. Forming part of the Frinton and Walton Conservation Area, the town centre contains many traditional shop fronts that contribute to the special character of the area.

The following **minor changes** (MIN8.2) to paragraph 8.3 on page 151 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

8.3 Walton-on-the-Naze is a smaller, more traditional, Victorian seaside resort with a range of tourist attractions highly dependent on seasonal trade. Also within the Conservation Area, the town is unique in its geography in that it has popular **clean beaches** to the east, the attractive backwaters to the **north-west** and the famous Naze cliffs to the north.

Policy FWK1 – Regeneration in Walton-on-the-Naze

(Pages 152 and 153 – including paragraphs 8.7 to 8.9)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): I assume the reference in the last paragraph to 'off-street car parking spaces with the Priority Area for Regeneration' means car parks. If so, how does this sit with the plans to allow development of land at Station Yard, which currently includes car parking spaces?

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): There is a clear and demonstrable need for new housing development in Walton in order to secure the regeneration of the town. This can be delivered at the Martello site in the short to medium term, within the plan period, and will act as the catalyst for regeneration of the area as a whole. The Mere should be reserved for a boating lake facility with a strictly limited amount of enabling development around the edge, which could be a mixture of residential and small-scale retail/commercial uses.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): We welcome the designation of the whole of Walton-on-the-Naze, including Walton Mere, within the Priority Area for Regeneration: we consider that this town-wide approach to regeneration offers the greatest potential for improving the economic prospects of the town and ensuring that there is the widest possible integration between different land uses and activities. We also welcome the inclusion of a site specific policy relating to Walton Mere (FWK7). We consider that this policy approach is consistent with the overall vision of the Plan and with the Regeneration Framework. See more detailed comments made against Policy FWK7.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton, for residential development. This policy is fully supported and sets out a strategy for regeneration of Walton Town Centre. The principles of this policy are strongly supported by guidance within the NPPF, which puts a strong emphasis on the need to ensure vitality of town centres.

In order to provide additional support for Walton's regeneration, additional housing needs to be provided within the town to provide the footfall the local retail and businesses in the area require all year round. It is considered that the allocation of land to the west of High Tree Lane would help in part to secure the regeneration of the local economy, with the increase in population that the new housing would provide helping increase footfall in the town centre. Given its sustainable location and good relationship to the town centre, the benefits of allocating this site considerably out-weigh the very modest loss of arable land as a result of the development.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. R. Naylor (Walton-on-the-Naze): It has not been demonstrated that there is a need for new development on any of the sites. The projection of census figures does not show an overall population growth. Development should therefore only be allowed on sites identified as most needing development and on a sequential basis. That sequence should be:

1. Station Yard and Avon Works site;
2. Rear of 'Migotti's Pile', Migotti's Pile;
3. Other small sites;

4. Martello site;
5. Walton Mere.

The policy has not been 'Positively Prepared' and is therefore unsound. The Church Street Car Park is a gross eyesore and should be developed for flatted housing (as it is near the town centre) leaving the ground floor for car parking, which would therefore be covered and useful perhaps as a market area in the future.

Council consideration

In response to the comment raised by the Frinton and Walton Heritage Trust, there appears to have been some confusion with the wording of the policy as the last paragraph of the policy clearly refers to 'off-street car parking', not 'car parks' as suggested. It is assumed this is an objection to the mixed-use allocation of the Station Yard and Avon Works Site, Walton-on-the-Naze. This allocation reflects the identification of the site as an 'opportunity site' in the Council's Walton Regeneration Framework to help bring about the regeneration of Walton. Please refer to the series of 'technical papers' accompanying the revised plan for the detailed justification for including this site in the plan.

Most of the comments relate to the promotion of alternative land for development in order to fulfil the Council's strategy for growth and regeneration in the Frinton/Walton Urban area. These have been addressed elsewhere in the plan. The comments relating to the Mere are addressed under Policy FWK7.

On reflection, it is considered appropriate that the policy should make specific reference to the Walton Regeneration Framework, which provides the evidence that underpins the Local Plan's approach to regeneration in Walton-on-the-Naze.

Outcome

The following **minor changes** (MIN8.4) to the first paragraph of Policy FWK1: 'Regeneration in Walton-on-the-Naze' on page 153 are proposed (additions shown as **highlighted** and deletions shown as **struck through**):

To help deliver the aims and objectives of the Walton Regeneration Framework, ~~W~~within the Walton-on-the-Naze Priority Area for Regeneration, as shown on the Policies Map Inset, the following sites are allocated for new development for which site-specific policies in this Local Plan will apply:

Policy FWK2 –Walton-on-the-Naze Town Centre

(Pages 153 and 154 – including paragraphs 8.10 to 8.12)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): The policy should include a statement about the ratio or mix/balance between the various classes of use mentioned. It is open to imbalance at the moment. I object to the statement in paragraph 8.12 that 'financial & professional services and restaurants and cafes will be allowed to compliment the range of retail outlets in the core of the town centre' as this commercial activity is not likely to be achieved within

the plan period, although it could be achieved over a longer period. This appears to be another hostage to fortune.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. R. Naylor (Walton-on-the-Naze): It should be noted that the recent approval of the Tesco application has potentially done significantly more damage to the maintenance of a town centre in Walton. Contrary to the claim in the text preceding the policy statement, no proper evidence-based assessment of the effect that the approval would have on the town's fragile retail spectrum was carried out and the claim that the development will have a regenerative effect on Walton is largely speculative and politically coloured.

Council consideration

It is proposed to introduce a new policy PRO5a 'Use of Shop Units in Town Centres' into Chapter 3 of the Local Plan as a single replacement for policies COS2: 'Clacton Town Centre', HAD3: 'Dovercourt Town Centre', FWK2: 'Walton-on-the-Naze Town Centre', FWK3: 'Frinton-on-Sea Town Centre', MLM1: 'Manningtree Town Centre' and BRI1: 'Brightlingsea Town Centre'.

Outcome

The following **major changes** (MAJ8.1) to Policy FWK2: 'Walton-on-the-Naze Town Centre' and supporting paragraphs 8.10 to 8.12 on pages 153 and 154 are proposed (additions shown as **highlighted** and deletions shown as **struck through**) to reflect the proposed addition of new Policy PRO5a: 'Use of Shop Units in Town Centres' and supporting paragraphs in Chapter 3 (see major change MAJ3.5):

Walton-on-the-Naze Town Centre

~~8.10~~ Walton's Town Centre is listed in Policy PRO5. Policy FWK2 below sets out the Council's approach to development in Walton-on-the-Naze Town Centre to promote the continued vitality and viability of town centres, in the face of changing shopping patterns. The Council will apply a flexible approach to the type of town centre uses that will be allowed in different parts of the town centre.

~~8.11~~ To expand Walton's retail offer, the Council granted planning permission in 2012 for a large food store, ancillary petrol filling station and customer car park on the southern part of the Martello Caravan Park site, broadly in accordance with one of the proposals suggested in the Regeneration Framework. The introduction of a big-name food retailer into the town will undoubtedly help claw

back a significant number of residents who currently choose to do the bulk of their shopping in the larger supermarkets at Clacton and Colchester. It could also attract the interest of other retailers that would otherwise show no interest in setting up shop in a small town like Walton and allow for more year-round activity, to the benefit of local residents.

8.12 In applying a flexible approach and promoting the leisure economy, financial and professional services and restaurants and cafes will be allowed to compliment the range of retail outlets in the core of the town centre. The Policies Map Inset for Walton identifies a 'Primary Frontage' focussed on central parts of the High Street. Policy FWK2 below will be applied in the determination of any planning applications for new development or changes of use, alongside Policy PRO5 'Town Centres'.

POLICY FWK2: WALTON-ON-THE-NAZE TOWN CENTRE

Walton-on-the-Naze Town Centre, Primary Shopping Area and Primary Frontage are defined on the Policies Map Inset.

Within the Primary Frontage only the following ground floor uses will be permitted:

- A1: Shops;
- A2: Financial and Professional Services; and
- A3: Restaurants and Cafes.

Elsewhere in the defined town centre, other commercial uses of ground floor commercial premises may be acceptable subject to the detailed consideration of their impacts against other relevant policies in this Local Plan.

Any proposals for development, change of use or shop front alterations should have regard to the Walton Shopfront Design Guidance and national and Local Plan policies relating to Conservation Areas.

Proposals that would result in the loss of ground floor commercial premises to residential use will not be permitted. The use of upper floor accommodation for residential use will be supported provided that it does not jeopardise the practical operation of the ground floor business.

Policy FWK3 – Frinton-on-Sea Town Centre (Connaught Avenue)

(Pages 154 to 156 – including paragraphs 8.13 to 8.18)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): The addition of further 'restaurants and cafes' in Frinton would be acceptable but not 'takeaways and pubs'. Surely it is a case of balance and proportionality. There is no indication of an acceptable balance or how that balance may be calculated in the future. There will never be sufficient parking provision for visitors to Frinton unless you build a multi-storey or underground car park somewhere.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. J. Robinson (Frinton-on-Sea): The proposals concerning Connaught Avenue are vague hopes, such as that the arrival of more cafes might help retailers to compete with Internet sellers, rather than the "positively prepared" and "effective" strategy that is needed. Structured dialogue with the retailers and their customers should identify specific actions to boost the area. Such measures could include action on high rental costs, addressing the problem of early closing times at almost all premises, improving the shabby appearance of many shop window displays, providing retailers with expert, objective advice on visual merchandising and encouraging the establishment of more shops with good quality products. Measures to improve pedestrian facilities must include Council action on the problem of fouling by pigeons, which makes the shopping experience both unpleasant and unsafe.

Council consideration

It is proposed to introduce a new policy PRO5a 'Use of Shop Units in Town Centres' into Chapter 3 of the Local Plan as a single replacement for policies COS2: 'Clacton Town Centre', HAD3: 'Dovercourt Town Centre', FWK2: 'Walton-on-the-Naze Town Centre', FWK3: 'Frinton-on-Sea Town Centre', MLM1: 'Manningtree Town Centre' and BRI1: 'Brightlingsea Town Centre'.

Outcome

The following **major changes** ([MAJ8.2](#)) to Policy FWK3: 'Frinton-on-Sea Town Centre' and supporting paragraphs 8.13 to 8.18 on pages 154 and 155 are proposed (additions shown as **highlighted** and deletions shown as **struck through**) to reflect the proposed addition of new Policy PRO5a: 'Use of Shop Units in Town Centres' and supporting paragraphs in Chapter 3 (see major change [MAJ3.5](#)):

Frinton-on-Sea Town Centre (Connaught Avenue)

~~8.13 Frinton's Town Centre is also listed in Policy PRO5. The Council's 2010 Retail Study identified that the town centre had more than 130 commercial units containing nearly 20,000 square metres of floorspace and that the number of vacant units, at around 5% of the total, was well below the national average, notwithstanding the affect of the economic downturn. The study also observed that the proportion of units in retail use, at 55%, was much higher than the national average of 43%. This suggests that the town centre had been performing relatively well despite the difficult economic conditions experienced in recent years.~~

~~8.14 The study suggests that Frinton Town Centre's success up until now is owed, in part, to its attractive and secure shopping environment, formed through the strong representation of independent retailers and the protection and enhancement provided by the Conservation Area designation. One main area of weakness that the study identified was the conflict between the car parking provision and pedestrian movement between shops however this has now been addressed through the recent public space improvements in Connaught Avenue which have introduced new paving, street furniture and planting whilst providing opportunities for shoppers to safely cross over~~

to shops on the other side of the road. The town centre has a strong representation of other services like building societies, estate agents and cafes but a below-average representation of fast food takeaways and pubs, which is not considered to be a bad thing as these kind of uses would undoubtedly detract from the special character of the area.

8.15 One of the biggest threats to Frinton's continued vitality and viability is the emergence of on-line shopping which, as demographics change and future generations become increasingly computer-literate, could hit Frinton's independent retailers particularly hard. Over the 10-year plan period, it is likely that leisure activities, particularly restaurants and cafes, will need to play an increasing role in ensuring people visit and spend their money in the town centre.

8.16 The Council, in partnership with Frinton and Walton Town Council prepared the 'Frinton Conservation Area Management Plan' (CAMP) which recommends further enhancements including improving the pedestrian link between the railway station and the town centre. The Council will work in partnership with local businesses, the Town Council and Essex County Council to implement the proposals in the Frinton CAMP and will protect and enhance the historic and architectural character of the area when considering proposals for new development.

8.17 To promote continued vitality and viability in Frinton-on-Sea's town centre, in the absence of any identifiable development opportunities, the strategy in this Local Plan is to:

- protect and enhance the special architectural and historic character by ensuring development proposals, changes of use, advertising and shopfront design are sympathetic with their surroundings and contribute positively to the appearance of the area;
- enhance the overall visitor experience through continued improvements to the streetscape including quality paving materials, street furniture, lighting and planting;
- ensure that sufficient parking provision is made for visitors to the area; and
- allow more flexibility for leisure uses such as restaurants and cafes to minimise the risk of vacant premises which would detract from the area but, at the same time, avoid commercial uses that could harm the unique character of the area such as takeaways and pubs.

8.18 The Policies Map for Frinton identifies a 'Primary Frontage' focussed on central parts of Connaught Avenue and a 'Secondary Frontage' covering peripheral parts of Connaught Avenue and Old Road. Policy FWK3 below will be applied in the determination of any planning applications for new development or changes of use, alongside Policy PRO5 'Town Centres'.

POLICY FWK3: FRINTON-ON-SEA TOWN CENTRE (CONNAUGHT AVENUE)

Frinton-on-Sea Town Centre, Primary Shopping Area and Primary Frontage are defined on the Policies Map Inset.

Within the Primary Frontage only the following ground-floor uses will be permitted:

- A1: Shops;
- A2: Financial and Professional Services; and
- A3: Restaurants and Cafes.

Proposals that would result in the loss of ground floor commercial premises to residential use will not be permitted. The use of upper floor accommodation for residential use will be supported provided that it does not jeopardise the practical operation of the ground floor business.

~~Any proposals for development, change of use or shop front alterations should have regard to the Frinton Conservation Area Management Plan, the Shopfront Design Guidance and national and Local Plan policies relating to Conservation Areas.~~

~~New development will be required to contribute positively toward the appearance of the area and, wherever practical, deliver improvements to the public realm.~~

Frinton, Walton & Kirby Cross – Housing Supply

(Pages 156 and 157 – including paragraphs 8.22 and 8.23)

- Martello Site, Kirby Road, Walton-on-the-Naze (see Policy FWK6);
- Station Yard and Avon Works, Station Road, Walton-on-the-Naze (See Policy FWK8);
- The Old Town Hall Site, Mill Lane, Walton-on-the-Naze;
- Southcliffe Trailer Park, Woodberry Way, Walton-on-the-Naze;
- Former Reservoir Site, Witton Wood Road, Frinton-on-Sea; and
- Land at Turpins Farm, Elm Tree Avenue, Frinton-on-Sea (see Policy FWK9).

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The County Council, as Local Education Authority, views additional residential development within Frinton, Walton and Kirby Cross as problematic from a Primary School education perspective. Primary schools within Frinton, Walton and Kirby Cross are forecast to be at capacity and, being on restricted sites, have no potential for expansion. Provision of a new school would be required but it would not be viable given the scale of development proposed for the area in the Local Plan. The current proposals of the Local Plan may mean that there would not be sufficient primary school places for future residents. The County Council would welcome further discussion with the District Council on this matter.

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): There is a clear and demonstrable need for new housing development in Walton in order to secure the regeneration of the town. This can be delivered at the Martello site in the short to medium term, within the plan period, and will act as the catalyst for regeneration of the area as a whole. The Mere should be reserved for a boating lake facility with a strictly limited amount of enabling development around the edge, which could be a mixture of residential and small-scale retail/commercial uses. The policy meets all the above criteria, but more importantly will kick-start the regeneration of the town, which otherwise will continue sliding into dereliction and decay. The proposed policy is sound, justified, effective and consistent with national policy.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): Despite the inclusion of mixed use development within the wording of Policy FWK7 and the Council's evidence base which supports residential development on the southern part of the site, the site is not identified in paragraph 8.23 as contributing towards the housing land requirements of the Plan. On balance, we have concluded that this is an appropriate course of action: having undertaken a considerable amount of technical investigations in relation to the current planning application we are aware of the complexities relating to the site. The conclusions of the technical work, and the accompanying Environmental Statement, however demonstrate that technical problems can be dealt with and that a balance can be achieved between built development and other issues. Policy FWK7 provides us with sufficient flexibility to explore comprehensive development packages, in collaboration with the

Council, other stakeholders and local people, without committing to the delivery of a specific number of dwellings within the relatively short plan period. Failure to demonstrate the delivery of such dwellings within the plan period could place at risk the strategy of the Plan to deliver the required number of dwellings by 2021. As drafted, however, the wording of the Policy FWK7 provides us with a planning policy framework that is sufficiently flexible to allow us to explore a number of different development scenarios whilst at the same time providing a statutory framework within which we can seek support from investment and development partners, essential to the overall regeneration strategy, without prejudicing the Council's ability to deliver a sound and robust Plan (see more detailed comments against Policy FWK7).

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): These comments are in relation to the promotion of our land to the west of High Tree Lane, Walton, for residential development. Paragraph 8.5 recognises that one of the key challenges facing Frinton, Walton and Kirby Cross is the high demand for new housing in the area. This results, in part, from its popularity as a place to retire and the impact this demand will have on future generations of local people and their ability to afford their own home unless some new housing, of the right type, is provided. Paragraph 8.5 of the Local Plan also recognises one of the key constraints of the area being the physical and environment constraints which limit the extent to which the urban area can expand without causing significant harm to the surrounding countryside and wildlife areas. Land to the west of High Tree Lane is one of the few sites that can be developed without impacting upon the strategic functions of the surrounding countryside and wildlife areas and would help address the current housing shortfall in Walton and Frinton.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. Powell (TDC Member for Beaumont and Thorpe): Any developments in Kirby, Frinton and Walton will cause further traffic problems in the village as currently all traffic from these settlements comes through Thorpe.

Weeley Parish Council: Although significant development is not proposed for Weeley, we are concerned that developments in villages and towns such as Frinton-on-Sea, Kirby Cross, Walton-on-the-Naze will put additional pressure on the roads in and around Weeley. Existing infrastructure is likely to be put under pressure, including additional demand for an already over-subscribed primary school.

Comments from members of the public

Kay Carswell (Frinton): Object to the Former Reservoir Site, Witton Wood Road, Frinton-on-Sea being allocated for housing development because:

- the infrastructure of the area cannot cope with the size of this development;
- the road is very narrow and only allows for one car at a time;
- the station end of Witton Wood Road gets very congested because houses have no driveways so cars are parked in the road, cars are parked in the road by commuters using the station and by visitors to the GP surgery, Frinton Primary School is accessed via Witton Wood Road and holiday makers use Witton Wood Road to avoid congestion in Connaught Avenue when the level crossing gates are closed;

- Frinton Primary school is oversubscribed and therefore additional children cannot be accommodated;
- the GP surgery is over-subscribed and the surgery has had to make some drastic changes to cope with the increasing number of patients;
- the developers have already shown disregard for the local environment by cutting down a beautiful tree under the cover of darkness, cutting down hedges and bushes at the height of the nesting season and then creating a huge bonfire that polluted the surrounding area;
- the site is occupied by endangered species including newts and slow worms;
- there is little prospect of employment in the area and many houses in the road have been up for sale for over a year without any movement; and
- if the development goes ahead, the number of properties should be reduced to ensure sufficient space for off-street parking (at least 2 spaces per house);

Mr. R. Naylor (Walton-on-the-Naze): There is no demonstrated need for overall increase in housing: therefore these developments are not needed and the proposals are unsound. Therefore all new housing can take place on redevelopment sites and these allocated sites need not (and therefore should not) be allocated to housing. Walton's housing problem is one of fitting the housing stock to suit need and demand. It is noted that mixed developments can provide housing gain.

Ms. D. Stedman (Kirby Cross): Our local schools are at full capacity and many are not large enough to accommodate more pupils, some have been extended but at the expense of outdoor recreational areas. Our doctor surgeries are too small at present and even with the proposed larger surgery there are not enough doctors, Walton Medical Centre has approximately 2300 patients per doctor, and it is sometimes impossible to get an appointment, unless more doctors are available the only benefit the patients will see is a larger car park when they visit. There are only two ways to exit the Walton area, one is through the quiet village of Kirby le Soken, which will no doubts see an increase in traffic following the construction of a supermarket within Walton, and through Kirby Cross, which I believe is already one of the busiest roads in the district. With regards to exiting or passing through Frinton, it has been on many occasions that Connaught Avenue has been grid locked, surely TDC realises that the road structure that we currently have is unsuitable at the best of times, without adding an extra 500 dwellings to this area.

Mr. & Mrs. J. F. Felgate (Kirby-le-Soken): The local access roads are not suitable for all the extra traffic and construction vehicles as some properties have no foundations to them and line these roads. Although there is mention of a new medical centre, there is nothing on enlarging or providing more schools, when current ones are at capacity.

Mr. R & Enid Holt (Frinton-on-Sea): We generally support the whole plan but we are disappointed that the major amount of new development is in Walton and not spread through the whole urban district. If the developments in Walton proceed it will be necessary to increase the number of school places. We accept that this is an Essex County Council matter but this issue should be addressed in the plan. The main roads from Walton to Weeley have not been improved for very many years and more development will cause more traffic problems.

Council consideration

In the 2012 Draft Local Plan, the three settlements of Frinton, Walton and Kirby Cross are considered together as a single 'Urban Settlement' and the approach to housing supply was for this to accommodate a 6% increase in housing development over 10 years with specific sites allocated for housing and/or mixed-use development to achieve that level of development. Six sites were allocated for such development in Frinton and Walton. Most of the objections relate to the principle of housing growth in this location but a number relate specifically to the sites that have been allocated for housing/mixed-use.

This section addresses the general concerns that have been raised. Comments relating to the specific requirements of Policies FWK6: 'The Martello Development', FWK7: 'Walton Mere', FWK8: 'Station Yard and Avon Works, Walton' and FWK9: 'Development at Turpins Farm' are considered in the responses to those policies. A number of comments relate to alternative sites that have been promoted for development. Readers are referred to the next section that addresses these comments where none of the alternative sites considered are proposed for inclusion in the Local Plan through focussed changes.

In response to comments received about the proposed approach to housing growth generally across the district, readers are referred to the responses to Policies SD2 and PEO1. The consideration of these comments has resulted in the Council proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for the Frinton, Walton and Kirby Cross area has been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. The level of growth proposed is considered 'fair and proportionate' for this part of the district but still falls short of the high level of demand that exists, as evidenced in the Council's updated Strategic Housing Market Assessment.

A number of respondents object to the way that growth has been distributed in this area in the draft Local Plan and focussed predominately in Walton. Whilst these concerns are noted, it is important to understand that a key objective of the approach to growth in this part of the district is to help bring about the regeneration of Walton. The sites that have been allocated for housing/mixed-use development in Walton in the Local Plan were specifically identified in the Walton Regeneration Framework for their potential to contribute to the wider regeneration of the area and help deliver the aims and objectives of the Framework. The Council's updated Strategic Housing Land Availability Assessment confirms that these sites are considered to be suitable, available and deliverable and so their inclusion in the plan is justified. Whilst most of the growth in this part of the district is focussed on Walton, it was recognised early on in the preparation of the Local Plan that some greenfield land would be needed to accommodate the remaining growth required in this part of the district to achieve the 6% increase in housing stock. Of all the areas of land promoted for development in this part of the district, land at Turpin's Farm, Frinton, was considered to be the most sustainable and suitable and so was allocated for housing development alongside the sites in Walton in the draft Local Plan.

Essex County Council and a number of local residents are concerned about the impact of the level of growth proposed in the 2012 Draft Local Plan on the area's existing primary schools. In response to these concerns, the change proposed to Policy FWK9: 'Development at Turpins Farm' should ensure that this issue is addressed before any dwellings from the new development are occupied (see the proposed changes to Policy FWK9: 'Development at Turpins Farm').

Local residents have also expressed concern about the potential impact of the growth on the area's existing infrastructure and in particular, Thorpe and Weeley Parish Councils have expressed concern about the potential impact of growth on their villages, which are located along the main road that links the Frinton/Walton area to Colchester. Whilst these concerns are understood, the level of growth proposed is unlikely to have a significant impact on the area's existing infrastructure or seriously affect the main road that runs through both Thorpe and Weeley. The Council will continue to work closely with Essex County Council as the highway authority to minimise any potential adverse impacts from the level of growth proposed in the Local Plan. At the planning application stage, Policy SD7: 'Securing Facilities and Infrastructure' in the Local Plan will help ensure that all new development is accompanied by the necessary level of infrastructure, which includes improvements to the transport network.

The comments from both Martello Land and Properties Ltd (represented by Highcroft Planning) and Silverbrook Estates Ltd (represented by Wei Yang and Partners) regarding the development potential of Walton Mere are noted. The changes proposed to Policy FWK7: 'Walton Mere' should make it even clearer that the Mere is considered to be an exceptional case and that any development at this site should be to help bring about its restoration as a leisure facility (see the proposed changes to Policy FWK7: 'Walton Mere').

The comment from Mr R Naylor that there is no demonstrated need for the housing in this area is unfounded as the Council has evidence in place (the Strategic Housing Market Assessment) that was prepared to support the Local Plan that confirms there is a high level of both demand and need for housing in this part of the district and so housing growth is justified.

The comments of concern from Ms Carswell about the housing allocation at the Former Reservoir Site, Witton Wood Road, Frinton are noted. However, many of these issues would be addressed at the planning application stage. The site is well within the existing built up area and surrounded by existing residential development and so represents a sensible and obvious location for development.

Outcome

The following **major changes** (MAJ8.3) to paragraphs 8.22 and 8.23 under the heading of 'Housing Supply' on pages 156 and 157 are proposed (additions shown as highlighted and deletions shown as struck through):

8.22 The National Planning Policy Framework requires Councils to boost the supply of new housing to address objectively assessed needs. In accordance with Policy SD2 in Chapter 2 in this Local Plan, the urban settlement of Frinton, Walton and Kirby Cross will ~~see a 6%~~ play its part in delivering a sustainable, fair and proportionate increase in housing stock ~~in the 10-year period between 1st April 2014 and 31st March 2024~~ over the first 10 years of the Local Plan period between 1st April 2014 and 31st March 2024. Based on the evidence contained in the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA), this Local Plan is able to make provision for a total net increase of at 454 dwellings in Frinton, Walton and Kirby Cross over those 10 years. ~~With a total housing stock of approximately 9,500 dwellings on 1st April 2011, the 6% increase for this area equates to approximately 570 new homes.~~

8.22a Approximately 44 of these new homes are expected to be delivered on large sites that already had planning permission for residential development on 1st April 2013 and 250 are expected to be delivered on sites specifically allocated for residential and mixed-use development in this Local Plan located within the existing built-up area. The remaining 160 new homes will be delivered on sites specifically allocated for residential and mixed-use development in this Local Plan on greenfield land on the edge of the built up area.

~~8.23 On 1st April 2011, there were sites with outstanding planning permissions to deliver approximately 120 dwellings in total, thus leaving a residual requirement of 450 dwellings to be delivered on allocated sites. Following careful consideration of the Council's Strategic Housing Land Availability Assessment (SHLAA), the following sites in and around the Frinton, Walton and Kirby Cross urban settlement are allocated for residential and/or mixed use development in this Local Plan comprising sufficient suitable, available and deliverable land to deliver around 450 new homes in total:~~

- Martello Site, Kirby Road, Walton-on-the-Naze (see Policy FWK6 below);
- Station Yard and Avon Works, Station Road, Walton-on-the-Naze (see Policy FWK8 below);
- The Old Town Hall Site, Mill Lane, Walton-on-the-Naze;
- Southcliffe Trailer Park, Woodberry Way, Walton-on-the-Naze;
- Former Reservoir Site, Witton Wood Road, Frinton-on-Sea; and
- Land at Turpins Farm, Elm Tree Avenue, Frinton-on-Sea (see Policy FWK9 below).

Other consequential changes include:

- Policy FWK9: Development at Turpins Farm on page 162 (see proposed Major Change **MAJ8.8**);
- Appendix 3: 'Estimated Dwelling Numbers for Allocated Sites' on pages 223 and 224 to reflect the amendments to the indicative capacity of the Martello Site in Walton-on-the-Naze and the Turpins Farm allocation in Frinton-on-Sea (see proposed Major Change **MAJ14.2**); and
- Expand the Turpins Farm allocation (and extend the Settlement Development Boundary and decrease the proposed green infrastructure notation) (see proposed Policies Map change **PM3.3**).

Frinton, Walton & Kirby Cross – Alternative Housing Proposals

(Alternative proposals promoted by third parties with the potential for 10 or more dwellings)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Raymond Stemp Associates: Land north east of the Shelton's, Kirby Cross should be allocated in the Local Plan to accommodate a development of approximately 15 dwellings. The site is in close proximity to a mainline railway station, in a village which has a wide range of facilities and substantial development. The site is accessed directly off the Shelton's - a relatively new development and, in the Draft Local Plan, the Strategic Green Gap notation (that had led to the refusal of previous planning applications for residential development) has now been removed.

The Land and Planning Company Ltd: Our representations relate to the following two key issues:

- an overall assessment of the key housing provisions of the Draft Local Plan (see comments made against Chapter 4); and
- a recommendation that on the basis of the above further housing land be allocated, including land at and rear of 185 Thorpe Road, Kirby Cross.

Land at and rear of 185 Thorpe Road, Kirby Cross should be allocated for housing (see more detailed comments relating to our overall assessment of the key housing provisions of the Draft Local Plan).

Kirby Cross falls within the Frinton, Walton and Kirby Cross urban area. Kirby Cross has a range of local retail and community facilities. It has a primary school and benefits from a railway station. Where the Draft Local Plan is considered to be deficient in terms of plan period and housing requirement, the opportunity needs to be taken to review proposed housing allocations generally, but to give consideration to the identification of further housing land at Kirby Cross.

Land at and rear of 185 Thorpe Road comprises an extensive residential curtilage and has the ability to make an achievable and deliverable contribution to the housing needs of the District. Currently comprising a single dwelling within gardens and parkland, the site is self-contained and well-bounded. It adjoins the existing settlement boundary which could be redefined around the site. The site has road frontage and set behind a wide verge adequate visibility splays can be provided, appropriate for a 30mph stretch of road. The capacity of the site can be regarded as up to 50-60 homes.

The site offers a unique setting within which a genuine quality housing area can be provided. A key aspect of the emerging Local Plan is the drive to provide quality housing supportive of economic growth. The site provides an important opportunity to contribute to this.

It is not necessary for the Settlement Development Boundary to be tightly drawn to protect and enhance the character and openness of the open countryside: the site is well defined and identifiable and has none of the characteristics of open countryside. It is not agricultural and does not benefit from open or expansive associations with the wider countryside southwards and beyond a substantially wooded boundary.

Kays Properties (represented by Robinson & Hall LLP): The Settlement Development Boundary around the Frinton/Walton Urban Settlement should be redrawn to include land west of Halstead Road, Kirby Cross. The Council previously recognised the need to deliver around 6,300 new dwellings between 2011 and 2031 and that much of the new growth would need to be delivered on greenfield land and that this should be focussed to the urban settlements within the district.

The site is a rectangular plot of low productive agricultural land located immediately adjacent to the Settlement Development Boundary for Kirby Cross and most importantly adjoins the main playing fields and recreation area for the settlement. An existing access could be improved to meet highways requirements. The opportunity to improve upon the leisure facilities would also be available. The site can accommodate semi-detached or detached dwellings to help meet the 6% increase for Frinton/Walton. There are no issues that would affect the development of the site.

Mr. J. and Mr. D. Eagles (represented by Strutt and Parker LLP): Land to the west of High Tree Lane, Walton-on-the-Naze should be allocated for a residential development of 14 dwellings. The reasoning that this should be included is due to its very good relationship with the current town development boundary in Walton-on-the-Naze and that it will provide choice and competition for market land as required by the NPPF. It is also proposed to demolish the five existing dwellings along High Tree Lane and replace with new high quality residential properties. This part of the

scheme is flexible and will be subject to detailed discussions with Tendring District Council. It is considered that the site meets all of the criteria set out in policy SD5 as follows:

- a) The development will help deliver market housing that the District needs and as required by the NPPF.
- b) The development is very well related to the existing development boundaries and therefore would not impact upon the wider functions of the open countryside.
- c) The site is located on the edge of Walton, which is a key urban settlement and is in close proximity to a range of services. It is therefore a very sustainable location for new growth.
- d) The technical documents summarised in sections 5-8 and shown in the Appendices in full demonstrate that the site is fully deliverable.

In order for the plan to be sound it is considered that an additional policy FWK10 should be added to section 8 of the Local Plan, which provides an allocation for 14 dwellings on land to the west of High Tree Lane. The suggested wording is set out as follows:

“Policy: FWK10: Development on Land to the West of High Tree Lane

Land to the west of High Tree Lane, Walton-on- the- Naze is allocated for a residential development of approximately 14 dwellings. This may include the demolition of 5 properties along High Tree Lane, which will be subject to detailed pre-application discussions. In total the development site will deliver a net increase in approximately 9 dwellings.

The Council will work with the landowner to prepare a high quality development for the site. Alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals will seek to meet the following requirements:

- a) A new access point will be provided from the site to Naze Park Road/Hall Lane.
- b) A landscape buffer will be provided along the west boundary of the site to provide screening from the open countryside to the west.”

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. K. Kandiah (represented by Tim Snow Architects Ltd): Policy Map 3 includes land near Butchers Lane and Chamberlain Avenue, Walton as a Safeguarded Local Green Space. This land is a former allotment site, now in private ownership, that has been unused since the late 1990's. A planning application on the site demonstrated that the site was no longer required for, or indeed suitable for, allotments. The area of the site is too small for realistic use as general open space and its proximity to existing properties means that it has limited use for formal play. The Council's Leisure Services Department have indicated that it is of no value to them and the site, being surrounded by property has limited public visual amenity value. The site has been considered as suitable for sustainable development within the Council's housing assessments and there is no evidence, that I can find, within the council's documents to justify its inclusion as safeguarded local space. I cannot find any proposals, within the documents, to enhance its amenity value or how the space benefits the area. The proposed allocation as a Safeguarded Site could mean that the site continues to deteriorate which would create on-going issues about access, maintenance and also security to the neighbouring properties.

Mr. R. Naylor (Walton-on-the-Naze): The Church Street Car Park is a gross eyesore and should be developed for flatted housing (as it is near the town centre) leaving the ground floor for car parking, which would therefore be covered and useful perhaps as a market area in the future.

Mr. F. Sanderson (Great Holland): I believe that the parcel of land between Frinton Tennis Club and the Frinton Golf Course should be included in the new Local Plan for development. It has been designated as public open space but this designation should be removed as it is suitable land for development.

Council consideration

Numerous alternative proposals for development sites were submitted in response to the 2012 Draft Local Plan, some were new proposals and others had been submitted previously as part of the Council's 'call for sites' exercise. These proposals have the potential to deliver 10 or more dwellings. Smaller scale proposals that have requested relatively small amendments to Settlement Development Boundaries are considered under 'Proposed Small-Scale SDB Changes' below.

In the 2012 Draft Local Plan the separate settlements of Frinton-on-Sea, Walton-on-the-Naze and Kirby Cross are considered together as a single 'Urban Settlement' that is capable of accommodating a 6% increase in housing stock. However, in order to address concerns received about the proposed approach to growth, the Council is proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for the Frinton, Walton and Kirby Cross area has therefore been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. Therefore any alternative proposals that would result in a significantly higher dwelling stock increase than what is considered 'fair and proportionate' are considered unsustainable and out of character.

Individual proposals are considered in more detail within a separate report but a summary of how each proposal has been considered is set out as follows.

Land north east of the Sheltons, Kirby Cross

Land north east of the Sheltons, Kirby Cross is being promoted by Raymond Stemp Associates. An important material consideration is the recent appeal decision where a proposal for 15 dwellings was dismissed. Whilst the site appears to represent a sensible and logical extension to the built up area it would erode the character of the open countryside beyond and vehicular access for service vehicles would be difficult to achieve. For these reasons, and because there is more suitable land elsewhere, this proposal has been rejected by the Council but the promoter will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, the case for development can be made again through the development management process.

Land to the rear of 185 Thorpe Road, Kirby Cross

The Land and Planning Company Limited is promoting land to the rear of 185 Thorpe Road, Kirby Cross for a development comprising 50 dwellings. The land lies to the rear of properties in Thorpe Road on the outskirts of Kirby Cross. The main issue with the site is that it would, if it was allocated, represent a piecemeal form of backland development that would run counter to the

Council's policy on 'backland development' which seeks to avoid long narrow access points and housing lying to the rear of existing properties behind an established road frontage. Furthermore, the development of this site would result in housing development over and above what is considered to be 'fair and proportionate' for the Frinton, Walton and Kirby Cross area and so would be contrary to the plan's approach to housing growth. For these reasons and because the site does not represent a logical extension to the existing built up area and there is more suitable land elsewhere, this proposal has been rejected by the Council but, if it so wishes, The Land and Planning Company Limited will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, it can make the case for development through the development management process.

Land west of Halstead Road, Kirby Cross

Land west of Halstead Road, Kirby Cross is being promoted for development by Kays Properties (represented by Robinson & Hall LLP). The site is not considered suitable for development in principle as it would result in the erosion of the gap of open countryside between the Frinton, Walton and Kirby Cross built up area and the nearby village of Kirby-le-Soken and so does not represent a sensible or logical extension to the built up area. For these reasons and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if it so wishes, Kays Properties will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, it can make the case for development through the development management process.

Land to the west of High Tree Lane, Walton-on-the-Naze

Mr J and Mr D Eagles (represented by Strutt and Parker LLP) is promoting land to the west of High Tree Lane, Walton-on-the-Naze for a residential development of 14 dwellings. The land lies to the rear of properties in Naze Park Road and High Tree Lane in Walton. Whilst the site would appear to represent a sensible and logical extension to the existing built up area, the main issue with the site is that it would, if it was allocated, represent a piecemeal form of backland development that would run counter to the Council's policy on 'backland development' which seeks to avoid long narrow access points and housing lying to the rear of existing properties behind an established road frontage. Furthermore, the development of this site would result in housing development over and above what is considered to be 'fair and proportionate' for the Frinton, Walton and Kirby Cross area and so would be contrary to the plan's approach to housing growth. For these reasons and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if they so wish, Messrs Eagles will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, they can make the case for development through the development management process.

Land to the rear of Butchers Lane, Walton-on-the-Naze

Mr Kandiah (represented by Tim Snow Architects Ltd) is objecting to the designation of land to the rear of Butchers Lane, Walton as a Local Green Space and is suggesting that it should instead be allocated for housing. Whilst the site would appear to represent a sensible location for infill development and is well within the built up area, as the site is a Local Green Space in the Draft Local Plan development is strongly resisted. It was designated as an area of open space due to its current open status and its previous use as an allotment and so it is recognised it may have some biodiversity value. Whilst it is agreed the space currently is not publicly accessible, it does provide a welcome break of green space within the continuous built up area and so the Council should seek to protect these areas of potential biodiversity value and informal open space where possible. It would also be difficult to achieve vehicular access as the site is awkwardly placed behind existing development, so there is the potential for development to appear cramped and for it to not relate well to its surroundings. For these reasons, and because there is more suitable land elsewhere, this proposal has been rejected by the Council but the promoter will have an opportunity to make a

case for this proposal as part of the examination process or, alternatively, the case for development can be made through the development management process.

Church Road Car Park, Walton-on-the-Naze

Mr R Naylor is suggesting the Church Road Car Park in Walton as a potential development site. Whilst the site would appear to represent a sensible location for infill development and is well within the built up area it is currently in use as a car park and it is noted that this land has not been promoted by the landowner (which is the Council) or a developer and so it is not considered to be available for development. For this reason, and because there is more suitable land elsewhere, this suggestion has been rejected by the Council but there is always the opportunity for future development proposals to be considered through the development management process if circumstances change.

Land between Frinton Tennis Club and Frinton Golf Course, Frinton

Mr F Sanderson is suggesting the parcel of land between Frinton Tennis Club and Frinton Golf Club as a potential development site. Whilst the site would appear to represent a sensible extension of the existing built up area, as the site is a Local Green Space in the Draft Local Plan development is strongly resisted. It was designated as an area of open space and drawn outside the Settlement Development Boundary due to its current open status and relationship to the adjoining open leisure uses. Whilst it is agreed the space is not a formal area of open space, it does provide a welcome break of green space within the continuous built up area and contributes to the open, green character of this part of Frinton and so the Council should seek to protect these areas where possible. The Council would also be opposed to further development in this location that could adversely impact on the landscape character of the area. For these reasons, and because there is more suitable land elsewhere, this proposal has been rejected by the Council but the promoter will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, the case for development can be made through the development management process.

Outcome

None of the alternative sites considered above are proposed for inclusion in the Local Plan through focussed changes.

Frinton, Walton & Kirby Cross – Proposed Small-Scale SDB Changes

(Proposals to amend the 'settlement development boundaries' promoted by third parties that could result in smaller developments with the potential for 9 or fewer dwellings. These affect Policy Map 3: Frinton, Walton and Kirby Cross).

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Wingfield Planning Consultancy: Land at Old Hall Lane, Walton-on-the-Naze, should be included within the Settlement Development Boundary.

Old Hall Lane contains large family sized detached residential dwellings all the way along the eastern side of the road, up to the boundary with Walton Hall Farm. Residential dwellings are also found on the western side of the road. However, for a reason unknown, this ribbon of development stops part the way along Old Hall Road. This has resulted in the formation of a clearly contained area of grassland, separate from the larger surrounding fields.

With regard to the physical implications of the development proposal it is not considered that it would have a significant impact upon the amenities of neighbouring residents and represents a logical continuation of development along Old Hall lane. The type and form of dwellings would be in keeping with the surrounding dwellings in respect of providing larger family homes. This would be in accordance with the Council's emerging policy to seek "Aspirational Housing" within the district.

It is acknowledged that the site is designated within the Coastal Protection Belt. However, what must be considered is the actual function that the site serves as part of this designation and whether the development of this site would prejudice the Coastal Protection Belt. Having regard to the relatively small scale of development and the already contained nature of the site, it is considered that the function of the Coastal Protection Belt can be preserved.

Mr. D. Fairly (represented by Robinson & Hall LLP): Support the inclusion of land between 176 and 178 Thorpe Road, Kirby Cross within the Settlement Development Boundary.

Mr. A. Ravehill (represented by Robinson & Hall LLP): The Settlement Development Boundary around the Frinton/Walton Urban Settlement should be redrawn to include land south of Chapel Lane, Kirby Cross for two dwellings. The Council previously recognised the need to deliver around 6,300 new dwellings between 2011 and 2031 and that much of the new growth would need to be delivered on greenfield land and that this should be focussed to the urban settlements within the district.

The site is a rectangular plot of agricultural land located to the south of No. 20 Chapel Lane and abuts the railway line to the south, which provides a formal barrier to any further development. With regards to the extent of development on the opposite side of the road it is illogical to not include this site. The site is flat and laid to grass with no agricultural activities taking place. Some trees across the site frontage are the subject of a TPO however an access could be achieved to serve the development of two dwellings without causing any prejudice to the health and vitality of the trees. There are no other constraints affecting the site. The Settlement Development Boundary is therefore considered to be arbitrary and irrational in this location.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

Numerous alternative proposals for development sites were submitted in response to the 2012 Draft Local Plan, some were new proposals and others had been submitted previously as part of the Council's 'call for sites' exercise. This section addresses the smaller scale proposals for 9 or

fewer dwellings through small amendments to Settlement Development Boundaries. Proposals for sites of 10 or more dwellings are considered in the 'Alternative Housing Sites' section.

In the 2012 Draft Local Plan the separate settlements of Frinton-on-Sea, Walton-on-the-Naze and Kirby Cross are considered together as a single 'Urban Settlement' that is capable of accommodating a 6% increase in housing stock. However, in order to address concerns received about the proposed approach to growth, the Council is proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for the Frinton, Walton and Kirby Cross area has therefore been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. Therefore any alternative proposals or suggested amendments to the Settlement Development Boundary that would result in a significantly higher dwelling stock increase than what is considered 'fair and proportionate' are considered unsustainable and out of character.

Individual proposals are considered in more detail within a separate report but a summary of how each proposal has been considered is set out as follows.

Land at Old Hall Lane, Walton-on-the-Naze

Wingfield Planning Consultancy is suggesting a change to the Settlement Development Boundary and removal of the Coastal Protection Belt notation to include a small strip of land to the west of Old Hall Lane to accommodate residential development. Whilst the suggested change appears sensible and would result in development that would mirror existing development on the opposite side of the road, the Council generally has opposed changes to Settlement Development Boundaries that would result in small piecemeal developments in favour of allocating larger areas of land capable of making a more meaningful contribution to the new infrastructure required to accommodate the level of growth planned for the area. For this reason the suggested change has been rejected by the Council but the promoter will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, the case for development can be made through the development management process.

Land south of Chapel Lane, Kirby Cross

Mr A Ravehill (represented by Robinson & Hall LLP) is requesting an amendment to the Settlement Development Boundary to include land south of Chapel Lane. Planning permission has since been granted on this site for two dwellings and so it is proposed to amend the Settlement Development Boundary on Policies Map 3 to reflect this (PM3.1) which, we trust, will result in the withdrawal of this objection and support for the Local Plan at the examination.

Land between 176 and 178 Thorpe Road, Kirby Cross

The comment of support from Mr Fairly (represented by Robinson & Hall LLP) regarding the proposed inclusion of land between 176 and 178 Thorpe Road in the Settlement Development Boundary is noted.

Outcome

It is proposed to amend Policies Map 3: 'Frinton, Walton and Kirby Cross' to include land south of Chapel Lane, Kirby Cross in the Settlement Development Boundary through proposed focussed change [PM3.1](#).

Policy FWK4 – Frinton and Walton Conservation Area

(Pages 157 and 158 – including paragraphs 8.26 to 8.29)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The County Council doubts the robustness and effectiveness of the policy. The area designated as a 'Proposed Conservation Area extension' appears to have been chosen arbitrarily on the basis of an administrative area (the electoral ward) rather than the merits of the historic character and appearance of the area. The adopted Frinton and Walton Conservation Area Management Plan (2007) is the vehicle through which recommendations should be based for amendments to the Conservation Area boundary. A desire to formally extend the Conservation Area should be informed by a further Conservation Area Appraisal. The County Council would be pleased to work on a further appraisal with the District Council, English Heritage and other partners.

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): Given that the monitoring and enforcement by Tendring District Council has not been sufficiently robust over many years, I have no confidence that it will be any better in the future.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. R. Naylor (Walton-on-the-Naze): The designation of the remainder of Frinton Ward as a 'Proposed Conservation Area Extension' has taken place without any significant consultation. The cancellation of the Local Listings initiative has meant that there are a significant number of buildings worthy of local architectural and historic merit still not benefiting from recognition and the lowest level of protection. Many of these buildings are in Walton. I therefore propose that the Frinton and Walton Conservation Area be extended to include all of Frinton settlement within the barriers and Walton settlement including the Naze.

Mrs. S. Cobbe (Frinton-on-Sea): I agree that the conservation area should be extended to cover the whole of the Frinton ward. In addition, I propose that the conservation area of Walton is extended to include the northern area of Walton, including the Foundry settlement and the Naze.

Mrs. B. Hatwell (Walton-on-the-Naze): I request that the conservation area should be extended to cover the whole of the Frinton and Walton electoral wards to ensure that the special historic and architectural character of both Frinton and Walton are reflected and reinforced when considering any development proposals affecting the wider parts of both Frinton and Walton.

Council consideration

The comments of support are noted and welcomed.

In response to the comment raised by the Frinton and Walton Heritage Trust, the council takes its statutory duty to protect or enhance the historic environment seriously. A key part of the council's conservation strategy is to continue to work with its partners, in particular English Heritage, Essex County Council and local parish/town councils and conservation groups in order to monitor the condition of the district's heritage assets and take appropriate action, when necessary, to bring about improvements and repairs. A number of powers exist and are available to councils to help bring about improvements and repairs but as advised by English Heritage and expanding on the requirements of the National Planning Policy Framework, the council should apply these proportionately in relation to the significance of the heritage asset concerned and the level of action required. It is therefore not agreed that any changes need to be made to this section in response to these concerns but changes are suggested to chapter 5 in order to better articulate the council's approach to conservation.

It is noted that Essex County Council objects to the inclusion of the proposed extension to the conservation area in the local plan. It is conceded that the local plan process is not the correct way to instigate a review or amendment to the conservation area boundary, which should be carried out in the way that is correctly stated in the County Council's response. Whilst the remainder of the Frinton Ward has many pleasant qualities, as concluded in the Conservation Area Management Plan it cannot be said to have the 'special architectural and historic interest' that is necessary for designation as a conservation area and there is a danger that this would simply dilute the special interest that justifies designation. Without firm evidence there is no justification to give this area special treatment and so it is proposed that this area is removed from the local plan.

Applying the general design and heritage-related policies in the plan and having a pragmatic approach when considering planning applications in this area should be more than sufficient to help protect or enhance the positive features of this area until there is a need for the council to work with its partners to carry out a fully informed and evidence-based review of the conservation area.

For the same reasons above, it is not appropriate to include other areas in conservation areas or 'proposed extension areas' without the necessary evidence to justify such a designation.

Outcome

The following **major changes** (MAJ8.4) to Policy FWK4: 'Frinton and Walton Conservation Area on page 158 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY FWK4: FRINTON AND WALTON CONSERVATION AREA

~~With the area defined as 'Proposed Conservation Area Extension', development will not be~~

permitted unless the proposal:

- ~~a) is of a design and/or scale that preserves or enhances the special character or appearance of the area and is compatible with neighbouring buildings and spaces;~~
- ~~b) uses building materials, finishes and building techniques, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context;~~
- ~~c) retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges;~~
- ~~d) retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention;~~
- ~~e) does not harm important views into, from or within the area;~~
- ~~f) protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the special character and appearance of the area; and~~
- ~~g) results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.~~

The following **minor changes** (MIN8.7) to paragraph 8.28 on page 158 are proposed (additions shown as highlighted and deletions shown as struck through):

8.28 Subsequent to the publication of this Management Plan, local Councillors have suggested that the Conservation Area should be extended to cover the whole of the Frinton electoral ward to ensure that the special historic and architectural character of the area is reflected and reinforced when considering any development proposals affecting the wider parts of Frinton. The legal process for designating or extending Conservation Areas is separate to the process of preparing a Local Plan therefore the Policies Map Inset shows the Conservation Area Boundary as it stood on 1st April 2012. ~~However the remainder of Frinton Ward is designated as a 'Proposed Conservation Area Extension' where the~~ **The** Council will work the Town Council, English Heritage and other partners to undertake the necessary process for formally **reviewing and redefining** the Conservation Area boundary.

The following **minor changes** (MIN8.8) to paragraph 8.29 on page 158 are proposed (additions shown as highlighted and deletions shown as struck through):

8.29 ~~Within the area covered by the 'Proposed Conservation Area Extension', all development proposals~~ **Until then, within the remainder of Frinton Ward, all applications for development will be carefully considered against the general design policies in this plan to ensure the character of this area is protected or enhanced** ~~criteria in Policy FWK4 below (which reflect the criteria of Policy PLA7 which applies in formally designated Conservation Areas). Only the highest standards of quality and design will be acceptable within this area and proposals that would result in the material loss of architectural or historical detail or any other aspect that contributes to the local character of the area will be refused. When the Conservation Area is formally extended, the legal provisions that control demolition and the alterations of trees also will apply.~~

Other consequential changes include:

- Removal of the 'Proposed Conservation Area Extension' notation from Policies Map Inset 3a: Connaught Avenue and "The Avenues", Frinton – see proposed change **PM3a.1**.

Policy FWK5 – The Avenues Area of Special Character

(Pages 158 and 159 – including paragraph 8.30)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): I think it is unfortunate that the area of north of Connaught Avenue i.e. the 'college roads' area, has not been included in this area. The whole of the residential area behind Frinton's Esplanade is of a similar high character and should be entitled to the same level of safeguarding. Oxford, Cambridge, Eton, Winchester Roads etc are of equal merit and should not be overlooked. The supporting text should be amended to reflect the changes of use mentioned have been going on for years and is thus disingenuous. If you add the words 'continue to' after 'allowed to' in the third sentence of paragraph 8.30 this would be more acceptable.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: The Town Council would like to see a minimum width of plots within the Avenues of 15m.

Comments from members of the public

No comments received.

Council consideration

In response to the request by Frinton and Walton Town Council for a minimum plot width of 15 metres in the Avenues Area of Special Character, the supporting text already states this and so it is not considered necessary to repeat this in the policy itself. The policy is already highly prescriptive and placing further restrictions would go against the spirit of the National Planning Policy Framework to encourage sustainable development in appropriate locations. The inclusion of this policy in the plan already demonstrates the council's commitment in preserving the unique character of this area as it states that development will be refused if it materially exceeds the general density of development within the area (between 7 and 17 dwellings per hectare). This and other policies in the plan therefore provide sufficient protection against inappropriate forms of development that would adversely affect the character of this area.

In response to the suggestion by the Frinton and Walton Heritage Trust that the residential area around the vicinity of Oxford, Cambridge, Eton and Winchester Roads, behind Frinton's Esplanade, should be included within the Avenues Area of Special Character, this is not agreed because, whilst it does have its own unique character and contains high quality housing, it is

physically separate from the Avenues area, which is fairly self contained and has its own unique separate sense of identity and place.

The draft plan proposed to include the remainder of the Frinton Ward within an area earmarked as an extension to the present Conservation Area. However, the local plan process is not the correct way to instigate a review or amendment to the conservation area boundary, which should be carried out in the way that is correctly stated in the County Council's response to Policy FWK4. Whilst the remainder of the Frinton Ward has many pleasant qualities, as concluded in the Conservation Area Management Plan it cannot be said to have the 'special architectural and historic interest' that is necessary for designation as a conservation area and there is a danger that this would simply dilute the special interest that justifies designation. Without firm evidence there is no justification to give this area special treatment and so it is proposed that this area is removed from the local plan.

Applying the general design and heritage-related policies in the plan and having a pragmatic approach when considering planning applications in this area should be more than sufficient to help protect or enhance the positive features of this area until there is a need for the council to work with its partners to carry out a fully informed and evidence-based review of the conservation area.

The suggested wording change for paragraph 8.30 is noted and agreed, to reflect the fact that the types of development referred to have already taken place within the area, which is one of the key reasons for the strict approach imposed by Policy FWK5.

Outcome

The following **minor changes** (MIN8.9) to paragraph 8.30 on pages 158 and 159 are proposed (additions shown as highlighted and deletions shown as struck through):

8.30 The Avenues to the west of Connaught Avenue shopping centre and north of the Esplanade, forms a sedate residential area of outstanding arcadian character, with wide, straight, tree and hedge lined avenues, grass verges and large, spacious detached houses set in mature gardens. This sedate residential character forms an important quality of this part of the Frinton and Walton Conservation Area and should be strictly safeguarded. If individual changes of use of large houses for example to institutional uses, private hotels or subdivision into flats or the redevelopment for higher density housing were allowed to **continue to** occur, it would erode the area's outstanding character and the quiet enjoyment of residents in the locality. Well designed infill development on plots at least 15 metres wide may be acceptable in some cases. Policy FWK5 below will therefore apply to the Avenues Area which is shown on the Policies Map Inset.

Policy FWK6 – The Martello Development

(Pages 159 and 160 – including paragraphs 8.31 and 8.32)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: The proposed allocation is partially located within Flood Zone 3 (high risk zone). Your Council will need to ensure the Sequential Test requirements set out in Paragraph 101 of the NPPF have been met: the Inspector carrying out the examination of the Local Plan will wish to see evidence from your Council that demonstrates the Sequential Test has been passed; this is important to ensure the Local Plan can be considered 'sound'. Assuming the Sequential Test can be passed for the site, we would recommend point i) of Policy FWK6 reads 'flood risk issues

should be addressed through the design of development including applying the sequential approach'.

New flood defence infrastructure may be required to support this scale and type of development which will have to be funded largely by developer contributions and local sources of funding.

Proposed site allocation FWK6 (The Martello Development) is in close proximity to Walton Mere, which is a Local Wildlife Site (LoWS). This provides additional habitat for notified species using and Hamford Water SPA, SAC, and SSSI. The proposed allocation could result in increased disturbance to over-wintering birds using the LoWS. It is important that any proposed plans for Walton Mere and its environs consider long term sustainability and enhance rather than damage this valuable habitat. Recent wildlife surveys have shown that Walton Mere is not only an important buffer area for the Hamford Water SAC, SPA and SSSI but also an important habitat in its own right. We have a policy in place to ensure no loss of intertidal habitat and to prevent development encroaching into estuarine habitat. Should any intertidal habitat be lost there would have to be a plan in place for its replacement with compensation habitat of comparable size and quality.

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): Using the phrase 'The Council will work with the landowner...' presumes that the landowner and the developer are one and the same. Is this necessarily the case and will it always be so?

Sub-paragraphs c) & j) on page 160: why are these two statements separated by six other sub-paragraphs when they appear to be very closely related? Would they not be better combined into one sub-paragraph?

Sub-paragraph (g) mentions the Frinton & Walton Heritage Trust specifically. There are no references to other local voluntary bodies in the plan so it is not appropriate to name our body, particularly as the Council has not received a positive indication in writing from both the building's owner and the Heritage Trust to indicate that discussions have progressed to such a degree that a public statement of intent has been made. The sentence should be amended to omit any reference to the Trust or provide any specific detail on this matter.

English Heritage: With reference to the text in paragraph 8.32, English Heritage regrets that the council has rejected the advice that we gave with regard to the food store application in 2012. We still consider this proposal, if implemented, will cause harm to the setting of the scheduled and listed Martello K, and its relationship with the nearby conservation area. Furthermore we are concerned that any economic benefits are likely to be to the detriment of the historic town centre and will assist its already discernable decline, leading to further impacts on its heritage assets. We consider this policy to be in conflict with paragraphs 126 and 131 of the NPPF. These comments are therefore made in the context that this is now a commitment, and are without prejudice to any future comments English Heritage may make should the planning permission not be implemented.

Any further development in this area should involve not only the restoration of Martello K but in order to partly mitigate against the impacts of food store development part e) of Policy FWK6 should be reworded to read: "an area of public open space shall be laid out around the Martello Tower, its extent to be determined following a thorough assessment of this heritage asset. Also key vistas shall be protected from incursion by new buildings"

Essex County Council: Retention of this site together with the Walton Mere site as proposals within the Local Plan would need the policy for each proposed development to make appropriate provision for primary school relocation to a new site. The catchment primary school (Walton-on-Naze) for these two proposed sites is forecast to be full, and is on a restricted site with no land to expand. It would not be possible within the existing primary school provision to accommodate

pupils from these two proposed developments. There is considered to be sufficient capacity within secondary provision to accommodate the pupil product from both sites.

The Tendring Historic Environment Characterisation Report (2009) identifies the Martello site (Policy FWK6) as having high potential for below ground archaeological deposits. Consequently, a further bullet should be added to the policy, to read, "The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains".

Bullet c) of Policy FWK6 should include reference to cycle links, and be amended to read, "a cycle/pedestrian link between the new food store and Walton Primary Shopping Area, via Mill Lane, will be created".

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): We support this policy, but require two amendments to the wording: the requirement that the Martello Tower should be gifted to the Walton and Frinton Heritage Trust is overly prescriptive and should be omitted and the one hectare area of open space around the Martello Tower has not been justified and whilst some open space will serve to enhance its setting this should be a matter of detailed design. Therefore, a precise figure for the open space should be omitted from the policy wording.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: Health centre must be operational before the housing is built.

Comments from members of the public

Mrs. Pauline Hunt (Walton): The new Local Plan wants to adopt more aspirational homes and affordable housing and for it to be built into communities rather than segregated into specific areas – for example the mixed-use development at the Martello site in Walton. This is the right way forward.

Nigel Hunt (Walton): I fully endorse the proposed allocation for new homes on the caravan park. They would bring new people and new money to the town, hopefully resulting in great employment and health to the area.

Mr. & Mrs. J. F. Felgate (Kirby-le-Soken): The Martello site should retain some holiday accommodation along with the current ballroom (Wellington Suite) which is the only decent ballroom in this area and which is used by many outside organisations for social events and parties.

Mrs. Mary Cook (Walton): If the Mere and surrounding area is built on, it will overload the town's doctors' surgeries, the schools, the police and the sewers. The alleyways and roadways are neglected now because lack of funds. The pathways are in a bad state of repair and if there is more building in the town it will put what is already there at risk of being overwhelmed, it will create a 'them and us' society splitting the town in two, with the old parts becoming more neglected. There will be a loss of green space leaving just bricks and mortar.

Mr. R. Naylor (Walton-on-the-Naze): There is no evidence that housing is required and therefore this scenario is not Positively Prepared, Justified or Effective.

Mr. Brian Green & Mrs. Valerie Green, Mrs. B. Hatwell, Eric North, Penelope Potter, R. Potter (Walton-on-the-Naze): The medical centre to be built elsewhere, within 1,600 metres (Policy PEO18) of the development site is not acceptable. Many people voted for the Tesco development because they were excited about the proposal of a new medical centre on the site. Was this just a 'carrot' to get more votes for a supermarket?

Diana Humphreys (Walton-on-the-Naze): Approval of Tesco should have been conditional on building the doctors' surgery rather than charging the PCT to lease the land. The Heritage Trust was surprised to hear that the Martello Town would become their new museum, as they had not been consulted. It is doubtful that English Heritage would allow a new building nearby for the museum but why would that be necessary? The Town itself would be the obvious choice and what other use would it have, having been restored?

Mrs P.M. Bates (Walton-on-the-Naze): I object to the proposal for the following reasons:

- Cartbridge Meadow, the area where a proposal for a new supermarket has been approved, has yet to be purchased by the retailer and instead should be used as a sports facility as it would be more complementary to the Martello Tower and the activities proposed for the Mere and would provide much needed recreation for local people and would help to revise the town; this need not interfere with the building of a new medical centre;
- Although Tesco has indicated that the pumping facilities to counteract the potential for flooding, recent extreme flooding events across the country have proven that such facilities are generally inadequate to cope with such events;
- With the number of supermarkets and local shops in both the Frinton, Walton and Clacton areas, there is no need for another – particularly as there appears to be an increasing trend for people to use smaller shops in an attempt to resist the temptation of buying more goods than they really need.

Mr and Mrs Newton (Great Holland): We support this site for new housing development and the delivery of a new purpose built medical facility.

Council consideration

The comments of support are noted and welcomed.

A number of comments relate to the recently approved Tesco application but are not relevant to the local plan as this has already been approved. The issues raised about retail impact on the town centre and its historic character were taken into consideration when the proposal was considered. No change is therefore required to this section of the plan in response to these concerns.

The policy specifically allocates the site for a mix of uses, which includes retail, in accordance with the vision for the site contained in the Walton Regeneration Framework. Should the recently approved scheme fail to materialise any future proposals will be considered on their merits against the new Local Plan and the issues raised will need to be re-examined. On reflection, it is considered appropriate that the policy should make specific reference to the Walton Regeneration Framework, which provides the evidence that underpins the Local Plan's approach to regeneration in Walton-on-the-Naze.

The Environment Agency is concerned that the allocation is partly located in Flood Zone 3 (which is a high risk flood zone) and reminds the Council of the requirement in national policy to

demonstrate that the sequential test has been carried out. It is advised that new flood defence infrastructure may be required to support this scale and type of development which will have to be funded largely by developer contributions and local sources of funding. The Council notes the concern from the Environment Agency and takes the issue of flood risk seriously. The responses to the comments against Policy PLA1 address how the Council has considered flood risk during the preparation of the Local Plan in general and how it has applied the principle of sequential testing to the identification and allocation of sites for housing. Notwithstanding these concerns and the importance to apply the principles of the sequential test rigorously, it is considered that the identification of this site as part of the wider package of measures to help regenerate Walton-on-the-Naze by improving its economy and encouraging additional inward investment is sufficient justification to continue to allocate the site for mixed-use development in the Local Plan. The inclusion in Policy FWK6 of the need to address flood risk matters makes it clear that the issue of flood risk must be properly addressed at the planning application stage in order to demonstrate how the development will be safe and resilient and not increase the risk of flooding elsewhere. The site will also need to be carefully assessed in order to direct vulnerable forms of development away from areas at risk of flooding. The proposed change to criterion i) suggested by the Environment Agency is noted and agreed.

As correctly stated by the Environment Agency, the site is in close proximity to Walton Mere, which provides additional habitat for notified species using the adjacent Hamford Water Special Protection Area, Special Area of Conservation and Site of Special Scientific Interest. The Environment Agency makes it clear that it is important that any proposed plans for this part of Walton consider its long term sustainability and enhance rather than damage this valuable habitat. Whilst it is agreed that the potential impact of development on the Martello Site must be properly assessed and be taken into consideration during the preparation of the development brief for the site and during the consideration of any future planning application, there is no need to repeat this in the policy, as Policy PLA4 in the Local Plan should provide a sufficient level of protection and applies across the whole district.

In response to the concerns that there is no evidence that housing is required on this site, the responses to objections against Policy PEO1 explain in detail how the Local Plan attempts to meet the need and demand for housing and fulfil the requirements of national policy to plan for growth by allocating sites for housing and a mix of development that includes housing. The Martello Site is the largest site in the Frinton and Walton area that is available for development and considered capable of providing housing to help meet the district's housing requirement and a mix of other uses to help bring about the regeneration of Walton in accordance with the Walton Regeneration Framework.

It has been suggested that the site should retain some holiday accommodation along with the current ballroom, which is currently used for social events and parties. The policy states that the site should be developed for a mix of uses, including visitor accommodation, in accordance with the vision for the site that is contained in the Walton Regeneration Framework. The concern about the ballroom is noted but if such a facility is no longer required for the current use of the site or is not required as part of the overall package of uses and facilities proposed for the site, then there is little the Council can do to insist that this is retained. Should it become evident that such a facility could easily be incorporated into the proposed future use of the site then the appropriate opportunity to explore this will be during the preparation of the development brief for the site.

The developer supports the policy but is concerned that it is overly prescriptive by stating that the Martello Tower should be gifted to the Frinton and Walton Heritage Trust and specifying that there must be one hectare of open space around the Tower. It is agreed that these elements of the policy are prescriptive and so the policy should be reworded. The reason for specifying that open space should be provided around the Martello Tower is to help protect or enhance its setting and so it is considered necessary to include a requirement in the Local Plan for some open space around the Tower to guide future development proposals. However, as suggested by English

Heritage the precise amount and location of this should be informed by a detailed assessment of the Martello Tower and its setting (including key vistas to and from the site) and so it is agreed the reference to one hectare should be removed. The wording suggested by English Heritage on this matter is therefore noted and agreed.

The policy does not state that the Martello Tower should be gifted to the Frinton and Walton Heritage Trust. Instead, it suggests that the restoration of the Tower should be accompanied by the provision of purpose-built premises from which the Frinton and Walton Heritage Trust can operate a museum. However, in response to this and the concern about the policy specifically mentioning the Frinton and Walton Heritage Trust, it is agreed that until the necessary detailed assessment of the Tower and its setting has been carried out it is inappropriate for the policy to stipulate the strategy for its conservation. Instead, the policy should state that the Council will treat proposals for the restoration or enhancement of the Tower and its setting favourably.

The comment by the Frinton and Walton Heritage Trust about the use of the word landowner in the policy is noted and agreed. The policy should therefore be changed to refer to the developer. The suggestion to combine criteria c and j of the policy, which essentially deal with the same issue of creating strong pedestrian links is noted and agreed but it should also include reference to cycle links, as suggested by Essex County Council.

The suggestion from Essex County Council to include reference in the policy about the need for a full archaeological evaluation to be carried out due to the potential presence of important archaeological remains is noted and agreed. Whilst Policy PLA6 in the Local Plan should provide a sufficient level of protection and applies across the whole district, there is no harm in including a specific reference in this policy where there is believed to be remains on this site, evidenced by the Tendring Historic Environment Characterisation Report.

It is also suggested by Essex County Council that both this policy and Policy FWK7 (Walton Mere) should include a specific requirement for each proposed development to make appropriate provision for primary school relocation to a new site. This is based on concerns that the primary school within the catchment area of both sites is forecast to be full and physical expansion is unlikely to be possible due to the restricted nature of the site. Whilst Policy SD7 in the Local Plan provides the overarching requirement for all new development to be supported by the necessary level of infrastructure and so would be the mechanism to use at the planning application stage to secure the level of provision suggested by Essex County Council, there is no harm in including a specific reference in this policy. This should provide further reassurance that the Council will work with Essex County Council and its partners to ensure the necessary level of infrastructure gets put in place to support the planned level of growth in this area.

A number of comments relate to the principle of a medical centre on the site. Whilst this was not explored as a potential use during the preparation of the Walton Regeneration Framework, there has since been significant local support for a new medical facility and is now considered to be an important part of the site's future. Whilst there was some discussion about the possibility of the recently approved Tesco store contributing towards the provision of such a facility and it is acknowledged that this received local support, there were insufficient planning grounds to request such a contribution through the planning application process or reason to refuse the proposal for not making such a contribution. The Council supports the principle of a new medical facility on this site which is why the policy includes a reference to the construction of a new medical centre. To reinforce this, the mix of uses in the first paragraph of the policy should also include reference to 'community facilities' to make the Council's support for the principle of this use as part of the overall package of uses on the site clear. As referred to by the Town Council, the policy should continue to state clearly that the new medical centre should be constructed and operational before the construction of new homes on the site can commence. This should provide sufficient reassurance that the Council agrees that the necessary level of infrastructure gets put in place to support the planned level of growth in this area.

A number of respondents object to the requirement in the policy for the provision of a medical centre within 1,600 metres of the site should it not be possible to incorporate such a facility on the site, which reflects the approach set out in Policy PEO18. As mentioned above, the Council supports the principle of a new medical centre on this site and will continue to work with the developer and partners to explore possible development scenarios that would deliver this important facility, without compromising the viability of the site or its potential to help bring about the regeneration of the town but it is considered important to set out an alternative approach should attempts to secure such a facility on site fail to materialise.

A number of objectors have questioned the need for any additional housing in Walton and are concerned about the potential impact of growth on the existing services and facilities in the area. These are concerns about the principle of growth in general in this area rather than specific concerns about development on this site and so are addressed in the housing section of this chapter. These matters would also be addressed in detail during the consideration of any application for the site.

Outcome

The following **major changes (MAJ8.5)** to Policy FWK6: 'The Martello Development' on pages 159 and 160 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY FWK6: THE MARTELLO DEVELOPMENT

To help deliver the aims and objectives of the Walton Regeneration Framework, ~~land~~ Land at the Martello Site, Kirby Road, Walton-on-the-Naze (as defined on Policies Map Inset) is allocated for a mix of retail, residential development, visitor accommodation, community facilities and public open space. The Council will work with the ~~developer (and relevant partners) landowner to prepare a development brief for the site~~ prior to the submission of a planning application and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

- a) a new medical centre with associated parking will be developed on 1 hectare of land within the southern part of the site – the specification to be agreed with the relevant primary health care provider;
- b) the construction of new homes will not commence until the new medical centre has been constructed and is operational, or an equivalent facility providing the necessary level of primary healthcare to serve the growing population has been delivered elsewhere within 1,600 metres of the development site;
- c) ~~the development should deliver strong cycle/a pedestrian links with its surroundings, in particular between the new food store and Walton Primary Shopping Area, via Mill Lane; will be created;~~
- d) the principle point of vehicular access will be from Kirby Road with a single spine road providing subsequent accesses to the various different uses within the site;
- e) ~~at least 1 hectare of land in the middle of the site surrounding the Martello Tower will be laid out as~~ an area of public open space shall be laid out around the Martello Tower, its extent to be determined following a thorough assessment of this heritage asset and key vistas shall be protected from incursion by new buildings;

- f) a minimum of 2.8 hectares of open space will be provided in the northern part of the development site to provide an attractive outlook for new residential properties and minimise landscape impacts on the wider countryside and will be transferred to either Tendring District Council or Frinton and Walton Town Council for future management, or suitable alternative management arrangements put in place to ensure long-term maintenance;
- g) proposals to restore or enhance the Martello Tower and its setting will be considered favourably ~~must be restored and its setting improved with the provision of purpose-built premises from which the Frinton and Walton Heritage Trust can operate a museum;~~
- h) a new hotel with a minimum of 20 rooms will be provided as part of the development;
- i) flood risk issues should be addressed through the design of development ~~including applying the National Planning Policy Framework's sequential approach;~~
- ~~j) the development should deliver strong pedestrian and cycle linkages with the Primary Frontages within the town centre along Mill Lane; and~~
- k) the development should deliver streetscape improvements to Mill Lane;
- l) a full archaeological evaluation will be expected to be carried out prior to any development due to the potential existence of heritage assets on the site, in the form of archaeological remains; and
- m) issues regarding the provision of school places in Walton and the wider Frinton, Walton and Kirby Cross area must be resolved before residential development can be occupied.

The detailed phasing will be set out in any legal agreement associated with the grant of planning permission.

Once completed, the land occupied by the food store and petrol filling station will carry the same status as an 'employment site' for future planning proposals and will be protected as such through Policy PRO14.

The following **minor changes** (MIN8.5) to paragraph 8.24 (under the section 'Green Infrastructure') on page 157 are proposed (additions shown as highlighted and deletions shown as struck through):

8.24 The Frinton and Walton area is relatively well served by Green Infrastructure, particularly with its large undeveloped greenswards. These areas are shown on the Policies Map Insets and will be protected from development in line with Policy PEO19 in Chapter 4 of this Local Plan. For the ~~40-year plan~~ period 2011 to 2021, the main green infrastructure projects proposed for the area will be:

- an area 4-hectare of new public open space at the Martello Site (see Policy FWK6); and
- at least 2 5-hectares of new open space as part of the Turpins Farm Development (see Policy FWK9).

The following **minor changes** (MIN8.6) to paragraph 8.25 (under the section 'Community Facilities') on page 157 are proposed (additions shown as highlighted and deletions shown as struck through):

8.25 Community facilities are protected through Policy PEO18 in Chapter 4 of this Local Plan and the Council will work with its partners to ensure the right facilities are provided in the right locations alongside new development. For the 10-year plan period 2011 to 2021, the following community facilities will be delivered alongside the above housing and mixed-use developments, where necessary utilising Community Infrastructure Levy and other funding:

- New Medical Centre at the Martello Site, Walton-on-the-Naze (see Policy FWK6); and
- ~~New Museum at the Martello Site;~~ and
- New health and fitness facilities at Frinton and Walton Swimming Pool.

Other consequential changes include:

- Amend the indicative capacity for the site within Appendix 3: Estimated Dwelling Numbers for Allocated Sites (table on pages 223 and 224) to 150 (see proposed Major Change MAJ14.2).

Policy FWK7 – Walton Mere

(Pages 160 and 161 – including paragraph 8.33)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: The proposed allocation is partially located within Flood Zone 3 (high risk zone). Your Council will need to ensure the Sequential Test requirements set out in Paragraph 101 of the NPPF have been met: the Inspector carrying out the examination of the Local Plan will wish to see evidence from your Council that demonstrates the Sequential Test has been passed; this is important to ensure the Local Plan can be considered ‘sound’. New flood defence infrastructure may be required to support this scale and type of development which will have to be funded largely by developer contributions and local sources of funding.

This site is a Local Wildlife Site (LoWS). This provides additional habitat for notified species using and Hamford Water SPA, SAC, and SSSI. The proposed allocation could result in increased disturbance to over-wintering birds using the LoWS. It is important that any proposed plans for Walton Mere and its environs consider long term sustainability and enhance rather than damage this valuable habitat. Recent wildlife surveys have shown that Walton Mere is not only an important buffer area for the Hamford Water SAC, SPA and SSSI but also an important habitat in its own right. We have a policy in place to ensure no loss of intertidal habitat and to prevent development encroaching into estuarine habitat. Should any intertidal habitat be lost there would have to be a plan in place for its replacement with compensation habitat of comparable size and quality.

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): Both sentences in this policy ignore the way this development site sits within the town setting. I would like to see the addition of the word “proportionate” into the second sentence so that it reads: “The Council will consider comprehensive proportionate development packages”. Using the word “may” in the penultimate sentence of the introduction to this section is disingenuous. The Council knows full well that some form of enabling development will be required. With regards to the last sentence ‘the Council will consider innovative development proposals’, there are no boundaries or limitations to this sentence or, apparently, to the development of this site. In fact, it feels that the constraints in the rest of the document do not apply to this development site at all.

Campaign to Protect Rural England: We are concerned about development around the Mere area. This policy seems to challenge the Council's statement on protecting heritage assets.

English Heritage: English Heritage considers the Mere, which is a remnant of the former water and windmill site, an undesignated heritage asset. We are concerned that the aspiration to create a second waterfront and town quay could have adverse impacts on this part of the historic landscape between Walton town and the Backwaters, including the setting of Martello K, which would not be compensated for by public benefits (paragraph 132, NPPF). We therefore urge that any development packages be thoroughly tested in terms of their impacts on these heritage assets. We are also concerned that the reference to 'enabling development' is unclear in terms of which established policies are to be set aside. We recommend the following wording should be added to the end of the final sentence of 8.33: "individual merits, subject to the scheme ensuring that environmental objectives, including the setting of heritage assets, are not compromised". Amend the final sentence of the policy to read: "...and in particular, any impacts on the distinctive character of the area, the setting of its heritage assets, and the implications for flood risk, nature...".

Essex County Council: Retention of this site together with the Martello Site as proposals within the Local Plan would need the policy for each proposed development to make appropriate provision for primary school relocation to a new site. The catchment primary school (Walton-on-Naze) for these two proposed sites is forecast to be full, and is on a restricted site with no land to expand. It would not be possible within the existing primary school provision to accommodate pupils from these two proposed developments. There is considered to be sufficient capacity within secondary provision to accommodate the pupil product from both sites.

Comments from landowners, developers and businesses

Martello Land and Properties Ltd (represented by Highcroft Planning): There is a clear and demonstrable need for new housing development in Walton in order to secure the regeneration of the town. This can be delivered at the Martello site in the short to medium term, within the plan period, and will act as the catalyst for regeneration of the area as a whole. The Mere should be reserved for a boating lake facility with a strictly limited amount of enabling development around the edge, which could be a mixture of residential and small-scale retail/commercial uses.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): We welcome the identification of Walton Mere as a key opportunity within the Plan, thereby acknowledging the need for change and highlighting the potential that is offered by the site to the regeneration of the town as a whole. We also welcome the site specific policy highlighting the potential of the site to deliver mixed use development, and the recognition that, in order to create a 'town quay', some form of enabling development may be required. We welcome the flexibility that is provided by the wording of the policy citing the desirability of mixed use development and the need for a comprehensive development package. There are two matters, however, on which we raise objection: the detail of the wording of Policy FWK7 and the boundary of the site shown on Policies Map Inset 3b.

We accept that the wording for Policy FWK7 allows mixed use development to be considered for the site but we consider that it needs to be more aspirational in terms of setting an appropriate policy framework for this important site. We therefore suggest that the policy should be amended to read:

"Walton Mere', as defined on the Policies Map Inset, is allocated for mixed-use development where the overriding objective will be to deliver an innovative and high quality mixed use development (including aspirational housing of a type appropriate to this waterside and edge of town centre location, speciality retailing, café/restaurants and water-based leisure and recreation activities around a second waterfront/'town quay') to support the regeneration of Walton-on-the-Naze. The Council will consider comprehensive development packages on their merits having

regards to other policies in this Local Plan and, in particular, any flood risk, nature conservation and transport impacts.”

Expressed in this way, we consider that the Policy more accurately captures the Council's aspirations for this important site and establishes a flexible framework which allows a mix of land uses to be determined at a later date.

The mixed-use notation on the Mere on Policies Map Inset 3b excludes the land adjacent to Mill Lane and a small parcel of land between Walton Mere and North Street (see detailed comments raised against the Policies Map).

The context for our objections is that:

- The Regeneration Framework describes the potential of Walton Mere to contribute to the social, economic and environmental regeneration of the town and identifies the southern part of the site as having the potential for residential development;
- The Council's Draft Strategic Housing Land Availability Assessment describes the potential of Walton Mere to contribute to the Council's housing land requirements;
- Walton Mere is the subject of a current planning application, submitted by Silverbrook Estates Ltd in August 2011. Currently the application includes a food store, residential development and ancillary mixed use development on the southern part of the Mere. In the light of the Council's recent decision to grant planning permission for a food store on the Martello site, this planning application will be the subject of further discussions with the Council but, as a substantial amount of technical work was undertaken in relation to this application including an Environmental Statement (covering such matters as flood risk, nature conservation, visual impact, etc.), we are confident that any technical issues in relation to development of the Mere can be overcome in the context of revised development proposals.
- The Regeneration Framework was adopted by the Council following extensive consultation and we broadly endorse the strategy for Walton Mere that is set out in that document. It is clear from the technical work that has been undertaken in respect of our current planning application that viability will be an important consideration and therefore the nature, form, content and timing of any development will need to be carefully addressed.
- Nevertheless the fact that Walton Mere lies in a critical position relative to Walton town centre and other important facilities within the town, existing and proposed, means that the Council should take advantage of the unique opportunity that is presented. Proximity to the Columbine Centre, the Backwaters, the proposed retail development on the Martello site (for which planning permission has been granted), the Council's main car park accessed from Mill Lane and various links to public open spaces and footpaths are all highlighted in the Regeneration Strategy together with the potential to create a circular route linking all of the facilities. With the additional development proposed in the Plan for the Martello site, it may be anticipated that the southern part of the Mere will assume an even more critical role in relation to the town as a whole with significantly increased footfall and levels of activity.

Development of the southern part of the Mere for a mix of land uses including leisure and recreation, residential, water-related activities and ancillary retail/café/restaurant uses would enhance the relationship between the site and the town centre. At present the Mere and its environs present a rather ambivalent response to the town which underplays their significance in terms of regeneration potential and ability to link various important activities. On the one hand, the Mere connects the town with the Backwaters, is visually important and has ecological benefits but

its former uses (a mill pond and a shallow boating lake) have long since ceased and little or no maintenance or remedial work has been undertaken in many years. Without such work, it may be expected that the physical appearance of the Mere will continue to deteriorate. Although there are acknowledged issues relating to flood risk, ecology and visual impact, we are confident that these can be sensitively dealt with and that a high quality, well-designed, attractive and accessible development at the southern end of the Mere will have the catalytic effect which is much needed to support, or even kick-start, regeneration within the town. Our analysis suggests that there is no other location within the town so well-placed to create the same impact: it is highly accessible, close to the town centre and to local employment opportunities.

R.E. Giles and Sons (represented by Robinson & Hall LLP): It is noted that a large number of the suggested housing allocation sites are situated within locations far less sustainable than the proposed site at Burrs Road and require extensive infrastructure, including sites at Rouses Farm, Walton Mere, Bromley Road in Lawford and Willows Farm in Weeley Heath.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Walton Community Conservation Group & Friends: The Mere should never be built on. It should be preserved and used for the benefit of all the people to enjoy water sports, nature walks, education trips, picnic areas, small tea shops, boating trips and cadets and make the place worth seeing. Bringing more people into town also provides work. Turn the old mill into long building and section it off for class rooms or dorms for photography, painting, bird watching, nature and other activities. This would not cost a lot to create and would be more rewarding to the people and the children, not just the elite. Development of the site would encroach on an area of inter-tidal foreshore that is hydrologically and functionally linked to the SPA and has significant nature conservation value. Therefore the impact on estuarine ecology would be unacceptable.

The Mere and surrounding area should be a conservation area. There are many old buildings in Walton that are in a poor state of repair, why can't the Council encourage the restoration of these properties, instead of destroying areas of Walton that should be conserved.

There is also a concern about the treatment of trees in North Street, the loss of trees around the Mere and the industrial fence erected around the site which has cut off a footpath off that has been in use for 30 years.

Comments from members of the public

Mr. R. Naylor (Walton-on-the-Naze): Responses from the RSPB and Natural England explain that the Walton Mere was excluded from the designation of the SSSI and subsequent SAC on the grounds that it was an artificially contained area of water (from having been the Mill Pond and the subsequent boating lake) and was thus detached from the tidal area of Hamford Water. However, subsequent to the disuse and dereliction of the boating lake over some thirty years elapse, a substantial breach has occurred rendering the whole area tidal once more. The previously contained area is now in an advanced state of reversion to salt marsh, and both bodies consider that they should revise their previous objection to its exclusion from both areas, as in its breached and reverted state, the Mere relates more to Hamford Water (than to an artificial landscape development) and should now be considered part of Hamford Water and part of the SSSI and SAC.

There is absolutely no need or requirement for this proposal. There is no demonstrated need for new housing on the site, therefore the proposal is unsound. The proposal is not economically viable for the foreseeable future. There is no need for a 'town quay'. Other policies prevent the

development of the Mere as a marina. There is thus no justification for a town quay. Other policies exclude development on environmental, drainage and sequential grounds. There are no other elements of 'mixed development' except leisure use that are viable or acceptable. The proposal does not meet with public acceptance. Furthermore it is highly inappropriate that such a proposal should be part of the Draft Local Plan when the proposal is radically contrary to the preceding adopted Local Plan; and there is a planning application pending consideration.

The treatment in the draft plan of the Walton Mere illustrates much of the ambiguity in the drafting of the plan.

- Firstly, the term 'mixed development' is employed: this phrase is neither clear nor unambiguous: instead of determining suitable type of development for site, it could be argued (by future applicants wishing to develop) that the plan says that any type of development will be acceptable on the site.
- Secondly, restoration and development (unless the development is only restoration) are mutually contradictory.
- Thirdly, the proposal of a 'town quay' is speculative and has no origin in the major reference source for drafting the policy – the Walton Regeneration Framework (2008). The embedment of this (as any) feature may allow a future proposal to circumvent democratic scrutiny. The inclusion of the feature exempts it from being tested against the criteria of the Plan itself.
- Fourthly, because the 'aspirational content' of the policy (as all policies) is undisclosed and unquantified, it becomes impossible to evaluate what is Plan and what is aspirational agenda. The DNLP in this respect is therefore not positively prepared, justified or effective.
- Fifthly, no alternative possibilities for the use of the site appear to have been considered, and as such, the policy cannot, therefore, be considered as having been 'positively prepared'.
- Sixthly, the policy differs profoundly with the corresponding references (para.s 10.20, 10.54) in the current LP (2007). No justified explanation is apparent for this significant change.
- Therefore the Policy FWK7 cannot be considered 'positively prepared' or 'justified'.

Such lack of definition (1), contradiction (2), embedment (3), lack of transparency (4), exclusion of alternatives (5) and unsubstantiated change (6) renders this particular policy unsound, in my opinion. Policy (FWK7) has been written with reference to, and to accommodate, a current outline planning application (11/01062), an application which, when tested against the current LP, should almost certainly be refused.

Mrs S. Cobbe (Frinton-on-Sea): The projection of census figures do not show an overall population growth so I cannot see the need for new housing on the Mere site, in addition to the housing development proposed for the Station Yard and Martello sites. The Mere should not be developed but be managed as a protected and enhanced part of the existing site of special scientific interest.

Mrs M Cook (Walton): If the Mere and surrounding area is built on, it will overload the town's doctors' surgeries, the schools, the police and the sewers. The alleyways and roadways are neglected now because lack of funds. The pathways are in a bad state of repair and if there is more building in the town it will put what is already there at risk of being overwhelmed, it will create a 'them and us' society splitting the town in two, with the old parts becoming more neglected.

There will be a loss of green space leaving just bricks and mortar. The Mere should be included in the Conservation area and protected for future generations.

Mrs M. Sandell (Walton): The Mere needs to be sensitively developed to meet future recreational needs of Walton as a seaside resort. I propose that the Mere be divided in two parts, the area near the town to be locked off as a pond for a floating maritime museum and with access from a restored town quay. This could be used for small scale water sports, rowing and sailing boats. The northern end should be left as a 'salt marsh' which it has become since the breach in the retaining wall was left. This would meet the requirements for more managed retreat and would be accessible from the Foundry and would attract bird watchers and could be designated as an SSSI. The requirement for a large food store is to be met by the Tesco's on the Martello site, which legislates against the requirement for a food store in the Mere Development. The proposed medical facilities would be better placed in the centre of town and the "prestige high rise housing" round the deep water marina would be too expensive for locals and would impose a blot on the landscape in the open area round the backwaters. Considering these objections to the plans for FWK7, it would be better to re-design the scheme to create a sports and tourist attraction for the site, and keep the character of Walton as an old fashioned seaside town.

Mr F. Robinson, Ms and Mrs Potter, Ms R. Palmer, Mrs S.W.H. Merry, Mr R. Thomas, Ms A. Evans, Mr and Mrs Green, Mr T. Haggis, Mr E. North, Mrs. B. Hatwell, A. Hatwell, Mr W.F. Bates, Mr and Mrs Hipkin, Ms D. Humphreys (Walton-on-the-Naze): We object to the principle of development on the Mere for the following reasons:

- The Mere is a unique asset to the Town and must be promoted for water based leisure activity, wildlife conservation and not destroyed. Once it is gone it is gone forever.
- The site is designated as a Local Wildlife Site because of its value to nature conservation, which should be protected.
- A previous scheme for a new marina on the Mere in 1980 was refused by the Secretary of State because in his view the movements of additional boats could cause congestion in Walton channel and put at risk the sensitive ecology of the Backwaters due to pollution and disturbance
- There is limited depth of water in the Mere and the fact that it is tidal would mean that a new quay would not be able to accommodate many boats;
- If any part of the Mere is filled in this could lead to flooding in the area;
- The proposals for the Mere are ambiguous and opens the door to wholly inappropriate over-development and overturns the previous plan's demand that any development be sensitive and low level;
- The idea of a town quay is a speculative proposal that has not gone to consultation and therefore is not democratic. The policy needs to be more specific about what is proposed. The proposals for the Mere are ambiguous and lack substantive information of intent.
- The site must be promoted for water-based leisure including conservation; any enabling development should be modest, appropriate and sympathetic as the Mere is a unique asset to the town which could be brought back to life with a little imagination;
- The proposals for the nearby Martello site should provide enough retail and housing for Walton without the need to jeopardise the Mere;

- The proposals appear to be dictated by a planning application rather than them being written to provide the framework for developers to work within;
- The Conservation Area should be extended to cover the Mere, which ought to be protected if Walton is to retain its character;
- No mention is made of the present provision of the yacht club which would be seriously damaged by mixed use development but could be enhanced by a more imaginative and sensitive alternative;
- The Mere has largely reverted to saltmarsh, and is considered to be linked to the wider Backwaters and therefore has significant conservation value. To destroy saltmarsh for residential development when suitable brownfield sites are available in the district would be unjustified under national environmental policy.
- The nature conservation value of the site and in particular the use of the site by migrating birds could help attract visitors with appropriate visitor facilities and the southern portion could be restored for water-based leisure activities with a head of water to keep the channel clear and generate hydro electricity;

Council consideration

This proposal has attracted a large number of objections from the public and objections have also been received from the Environment Agency, English Heritage and a number of local groups. The main concerns raised (in no particular order) can be summarised as follows:

- the principle of development and the aspirational nature of the proposal;
- flood risk; and
- the impact of development on the area's sensitive landscape, nature conservation and wildlife and its historic setting.

Principle of development and aspirational nature of proposal

It is acknowledged that an application on this site has recently been withdrawn from consideration by the Council's Development Management department. It is important to recognise that consideration for such a proposal will most likely come through the Development Management process should another application be submitted. It is therefore fair to assume that a number of the responses received against Policy FWK7 relate to the proposal that has been submitted. Nevertheless, the majority of concerns raised against this policy relate to the principle of development on this site and some question the Council's apparent change of approach regarding the future use of this land compared to the approach contained in the previous local plan. Concerns have also been raised about the aspirational nature of the proposal in the absence of firm evidence about what is technically and economically possible on the site and before the necessary testing has taken place to assess the impact of development in terms of flood risk and the impact on the area's historic setting, landscape, value to nature conservation and wildlife.

It is fully accepted that the proposal in the draft new Local Plan is aspirational in nature to some extent particularly in the absence of firm evidence about what may be permitted or what is technically or financially achievable. However, the intention to consider possible development scenarios at the Mere site to facilitate the regeneration of Walton is considered to be justified in order to deliver the aims and objectives of the Walton Regeneration Framework and the restoration of the Mere is considered to be a major component of this.

The draft Local Plan is not specifically allocating the Mere for housing. Instead, it is allocated for a mix of uses where the primary objective will be to restore the Mere for leisure/tourism use. Whilst the details of what development would be technically or economically possible are not yet established, it is accepted that for any major restoration to take place there will need to be some form of development (which may include some housing) to enable this and that, this may need to take place on part of the Mere. Furthermore, the landowner remains keen for the Local Plan to include some indication that development may be acceptable and for it to provide some detail about what might be permitted in this location. It is proposed to retain Policy FWK7 in the Local Plan, which gives a strong indication that the Council supports the principle of something happening at the site in order to help regenerate Walton but it should be amended to say clearly that the overriding objective is to restore the Mere and that it is allocated for leisure/tourism use, rather than a mix of uses. However, it is fully accepted that until the necessary technical evidence is gathered about the impacts of development and what compensatory measures would be required, it is not possible to state precisely what uses or forms of development would be appropriate on the site. This detailed consideration would need to take place at the subsequent planning application stage. The Council will continue to work with the landowner to explore possible development scenarios but the onus remains on the landowner to gather the necessary technical and economic viability evidence to make a case for any development at the planning application stage, particularly while there remain genuine concerns about the potential impact of any development in this location. It is therefore not agreed that the policy should be more prescriptive about uses or types of development until the necessary evidence is gathered. Policy FWK7 provides a sufficient mechanism to potentially allow development on this site (subject to the necessary testing required) without having to go into further detail.

The Sustainability Appraisal of the Local Plan assessed the option of having a specific proposal on the site to allocate it for mixed-use development, to create a 'town quay' and second water front to help rejuvenate Walton-on-the-Naze against the option of not having one. In that assessment it was recognised that there could be a possibility that some housing could be incorporated as part of a wider package of development in order to support the primary leisure/tourist use of the site. Whilst it is recognised that development on or close to the Mere could affect the nature conservation value of the area, and in particular, could affect the integrity of the adjoining Hamford Water, the policy does show regard to the issue of nature conservation and states that the Council will consider comprehensive development packages on their merits having regard to other policies in the plan and, in particular, flood risk, nature conservation and transport impacts. The Council is therefore satisfied that there are sufficient safeguards in Policy FWK7 and throughout the Local Plan to ensure such matters are properly assessed and considered before any development would be considered. However, it is agreed that reference should be made in the supporting text to the nature conservation value of the site and the need to provide appropriate compensatory habitat enhancement measures as part of any future proposal.

It seems that there is some confusion and misunderstanding surrounding the proposal contained in the draft plan and there appears to be the misconception that the entire area of the Mere, as depicted on the Policies Map, would be built on. It is accepted that the whole site being covered with a notation on the Policies Map coupled with the policy stating that it is allocated for mixed-use development could lead to confusion and the policy being misunderstood, even though the Local Plan clearly states that the overriding objective of the policy is to restore the Mere. However, the notation used on the Policies Map is unique and relates specifically to Policy FWK7 rather than the housing or mixed-use allocations associated with Policy PEO1 that apply to general housing and mixed-use allocations elsewhere in the district. This should indicate clearly that the Council is not relying on housing development in this location to help meet the district's housing requirements and that the overriding objective is for the site to be restored as a leisure/tourist attraction. This approach echoes the findings of the Council's Strategic Housing Land Availability Assessment, which recognises the various issues with the site. The changes proposed below to the wording of Policy FWK7 should make it clear that the site is allocated for leisure/tourism use where the overriding objective is to restore the Mere.

In response to the concerns about the policy contained in the draft new Local Plan being radically different to the previous Local Plan, the only difference between the two plans is that the draft new plan explicitly states that some form of mixed-use development may be required and attempts to better articulate the Regeneration Framework in terms of how the area could be improved through the creation of a new town quay or second waterfront. Even if the approach was radically different, the preparation of a new local plan provides a legitimate opportunity for a local authority to review its policies and proposals and identify opportunities for development or improvements where development has previously been resisted. The policy reflects the vision of the site contained in the Regeneration Framework, which states there is potential to create a second waterfront for the town. However, it is accepted that until the necessary evidence has been submitted the wording of the policy should not be so prescriptive. It is therefore agreed that the wording of the policy should be amended to remove reference to a 'town quay' and it should be made clear that there is potential to create a second waterfront as envisaged in the Regeneration Framework, rather than it being a strict requirement of the policy. The policy should also give specific reference to the Walton Regeneration Framework, which should be used to guide any future proposals on this site.

A number of objectors have questioned the need for any additional housing in Walton and are concerned about the potential impact of growth on the existing services and facilities in the area. These are concerns about the principle of growth in general in this area rather than specific concerns about development on this site and so are addressed in the 'housing supply' section of this chapter. These matters would also be addressed in detail during the consideration of any application for the site.

Flood risk

The Environment Agency is concerned that the allocation is partly located in Flood Zone 3 (which is a high risk flood zone) and reminds the Council of the requirement in national policy to demonstrate that the sequential test has been carried out. It is advised that new flood defence infrastructure may be required to support this scale and type of development which will have to be funded largely by developer contributions and local sources of funding. The Council notes the concern from the Environment Agency and takes the issue of flood risk seriously. The responses to the comments against Policy PLA1 address how the Council has considered flood risk during the preparation of the Local Plan in general and how it has applied the principle of sequential testing to the identification and allocation of sites for housing. Notwithstanding these concerns and the importance to apply the principles of the sequential test rigorously, it is considered that the identification of this site as part of the wider package of measures to help regenerate Walton-on-the-Naze by improving its economy and encouraging additional inward investment is sufficient justification to continue to allocate the site for mixed-use development in the Local Plan. The inclusion in Policy FWK7 of the need to address flood risk matters makes it clear that the issue of flood risk must be properly addressed at the planning application stage in order to demonstrate how the development will be safe and resilient and not increase the risk of flooding elsewhere. However, it is agreed reference to flood risk should also be made in the supporting text.

Impact on landscape and heritage

Both the Campaign to Protect Rural England and English Heritage are concerned about the impact of the proposal on the historic setting of the Mere. More specifically, English Heritage are concerned that the aspiration to create a second waterfront and town quay would have an adverse impact on the historic landscape between Walton town and the Backwaters and the setting of the Martello Tower, which would not be compensated for by public benefits. The specific wording changes suggested by English Heritage are noted and agreed would add further reassurance that such issues must be properly addressed at the subsequent planning application stage. It is also considered that reference to the need to address such issues should be made in the supporting text.

Impact on nature conservation and wildlife

As correctly stated by the Environment Agency, the site is identified in the draft Local Plan as a Local Wildlife Site, following the recommendations of the Local Wildlife Site Review carried out in 2008 due to it providing additional habitat for notified species using the adjacent Hamford Water Special Protection Area, Special Area of Conservation and Site of Special Scientific Interest. The Environment Agency makes it clear that it is important that any proposed plans for Walton Mere and its environs consider long term sustainability and enhance rather than damage this valuable habitat and that if there is a loss of any intertidal habitat from the encroachment of development then there would have to be a plan in place for its replacement with compensation habitat of comparable size and quality. The Sustainability Appraisal states that the development of Walton Mere could affect the integrity of Hamford Water and that the site itself contains a saltmarsh habitat and would be a natural extension to the Site of Special Scientific Interest but it is subject to too much disturbance to qualify.

Whilst the Council takes nature conservation seriously and will seek to rigorously protect habitats where possible, there will sometimes be instances where this needs to be weighed up against other (often competing) objectives. In this instance, the potential contribution the restoration of this site could make to the regeneration of Walton-on-the-Naze is considered to provide wider sustainability benefits than simply leaving it to nature in its current form. It is accepted that the potential for the nature conservation value of the site to play a role in the site's future must be properly explored before any development is permitted and that the onus is on the landowner to make the case to the Council why such an approach is not considered appropriate or viable. As advised by the Environment Agency, should the solution to this site involve the loss of any important habitat or nature conservation features then the Council will expect the applicant to include in any future proposal appropriate and proportionate compensatory habitat enhancement measures. The inclusion in Policy FWK7 of the need to address nature conservation makes it clear that this issue must be properly addressed at the planning application stage and it is proposed to include reference to the need to address this issue in the supporting text. However, in order to make the Council's support for the principle of restoring this site clear it is proposed that the Local Wildlife Site notation on the Policies Map is removed.

Other matters

A number of comments have been raised about the current boundary treatment around the site which is claimed has restricted access to a footpath and resulted in the destruction and loss of a number of trees but these issues do not relate to the Local Plan. The Council has a range of enforcement powers to help bring about the improvement of untidy sites but these should only be used if attempts to resolve matters with landowners fail. The calls for the footpath to become a public right of way are noted but are not related to the Local Plan. Concerns about rights of way should be directed to Essex County Council which acts as the highway authority.

The landowners raise the issue of the boundary of the notation that relates to Policy FWK7 shown on the Policies Map but this is addressed in detail in the responses to the Policies Maps.

A number of respondents call for the Mere to be included in the Walton Conservation Area but there is no evidence to justify this. The Walton Conservation Area was fully reviewed as part of the preparation of the Walton Conservation Area Management Plan in 2009 and this would have been the opportunity to consider any amendments to the boundary. Any future review of this will provide the opportunity to consider whether the Mere should be included within the boundary. Until then, the Local Plan process is not the appropriate time to consider any changes to the boundaries of conservation areas.

It is clear from the responses received that there is strong public opinion about what the site should be used for, and a number of respondents provide specific suggestions for the types of activities and development that would compliment these activities. Whilst the application remains withdrawn, it is agreed that there should be further opportunity for local people and groups to help shape future proposals for this site. It is therefore considered that the policy should make it clear that the Council will work with the landowner and its partners to work with the developers prior to the submission of a planning application to address any outstanding issues, which should provide local people and groups the opportunity to help shape any future plans for the site.

It is suggested by Essex County Council that both this policy and Policy FWK6 (The Martello Site) should include a specific requirement for each proposed development to make appropriate provision for primary school relocation to a new site. This is based on concerns that the primary school within the catchment area of both sites is forecast to be full and physical expansion is unlikely to be possible due to the restricted nature of the site. Policy SD7 in the Local Plan should provide the overarching requirement for all new development to be supported by the necessary level of infrastructure and so which would be the mechanism to secure the level of provision suggested by Essex County Council. Until it is known what uses are likely on this site it is not considered necessary to include a specific reference in this policy to this requirement, particularly as development is not expected to come forward until beyond the end of the first 10 years of the plan period and so circumstances may have changed by then.

Conclusion

The high number of objections received against this policy demonstrates that there is a strong feeling by local residents against any form of development on this site. Whilst it is accepted that there are some major issues that need to be thoroughly tested before any development could proceed in this location, it is considered appropriate to continue to identify the site as a possible broad location for development in the Local Plan to help bring about the regeneration of Walton and deliver the broad aims and objectives of the Walton Regeneration Framework.

However, it is accepted that until these tests are carried out and in the absence of any firm evidence about the economic viability of development, it is not considered appropriate to state specifically what uses would be appropriate. Instead, the policy will state that the site is allocated for leisure/tourism use where the overriding objective is to restore the Mere and that mixed-use development may be required to fund this. A unique notation relating to Policy FWK7 will continue to be shown on the Policies Map but the Local Wildlife Notation will be removed.

Outcome

The following **major changes** (MAJ8.6) to Policy FWK7: 'Walton Mere' (and supporting paragraph 8.33) on pages 160 and 161 are proposed (additions shown as highlighted and deletions shown as struck through):

8.33 The Walton-on-the-Naze Regeneration Framework identifies 'Walton Mere' as a key opportunity to deliver a leisure facility that will rejuvenate the tourism offer of the town. The critical outcome from any development proposal will be the restoration of the Mere ~~to create a 'town quay'~~ —a but the potential to create a second ~~waterside frontage~~ **waterfront** for the town, as envisaged in the Regeneration Framework, should be explored. To finance the necessary works, the Council acknowledges that some form of enabling development may be required, which should comprise an appropriate mix of uses and must be of an exceptional design in order to enhance this part of the town. However, rather than be overly prescriptive, the Council will consider innovative development proposals on their individual merits **subject to the scheme ensuring that environmental objectives are not compromised.** These matters and the implications of any

development on flood risk and transport impacts must be carefully addressed at the planning application stage and must be informed by the necessary technical evidence, to be agreed in advance between the applicant and the Council.

POLICY FWK7: WALTON MERE

'Walton Mere', as defined on the Policies Map Inset, is allocated for leisure, recreation and tourism use ~~mixed-use development~~ where the overriding objective will be to restore the Mere and to enhance the area in order to help bring about the regeneration of Walton-on-the-Naze, in accordance with the Walton Regeneration Framework. ~~Create a second waterfront and a 'town quay' to help rejuvenate Walton-on-the-Naze.~~

The Council will consider comprehensive development packages comprising a mix of appropriate uses on their merits and will work with the developer (and relevant partners) prior to the submission of a planning application to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also have ~~having regard to other policies in this Local Plan and, in particular,~~ any impacts on the distinctive character of the area, the setting of its heritage assets, and the implications for flood risk, nature conservation and transport impacts. Due to the site's nature conservation value, the Council will expect any future proposal to include appropriate and proportionate compensatory habitat enhancement measures.

Other consequential changes include:

- Extension of mixed-use development notation and removal of Local Wildlife Site Designation on the Mere site on Policies Map Inset 3b: Walton Town Centre – see proposed map change **PM3b.1**.

Policy FWK8 – Station Yard and Avon Works, Walton

(Page 161 – including paragraph 8.34)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): 2,000 square metres of commercial floor space would be a net loss as the Avents premises alone is many times larger than the new proposal. If this is the case, it should be made clear.

Comments from landowners, developers and businesses

Mitchellson Group of Companies (represented by Strutt and Parker LLP): We can confirm our support for Policy FWK8 and acknowledge that it attempts to articulate the Council's Walton Regeneration Framework and that the identification of the site for mixed use development would generally meet the tests of soundness. However whilst it is understood that the specific requirements of the policy are consistent with the regeneration strategy, we have objections to the policy on the following grounds:

- Requiring 2,000 square meters of commercial floor space is too inflexible in terms of the amount of development stipulated;

- The Regeneration Framework published in 2010 was based on economic circumstances before that date. Given the downturn of the economy it is unrealistic for the amount of commercial uses to be prescriptive; and
- The policy is too prescriptive in terms of the locations for residential and commercial development.

To expand on these points, the site is a brownfield site and the costs of redevelopment, for potential issues such as contamination and land clearance, have not been quantified. As described within the NPPF it will be important that the site is tested in terms of viability to ascertain that it is deliverable.

In relation to bullet point three, being so inflexible at the policy stage of the planning process could lead to isolated development of either the commercial or residential coming forward without achieving the policy objectives. The policy ought to make reference to the preparation of a master plan which provides for the quantum of uses on the site and deal with access issues. The masterplan needs to be accompanied by a proper viability assessment to ensure that development can be delivered on the site. Section 'a)' should be omitted from the policy as the initial paragraph of the policy already talks about mixed use.

It is suggested that the Policy be re-worded to read as follows:

“The ‘Station Yard’ and adjoining Avon Works, as defined on the Policies Map Inset, is allocated for mixed-use development of commercial premises and residential dwellings. Alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan a masterplan shall be prepared for the site supported by a viability assessment to provide for development to take place on a comprehensive basis. The masterplan shall set out:

- a) the description of land uses;
- b) the quantum of development;
- c) design and accessibility principles to ensure that
- d) the development must create an attractive entrance to the town and contribute toward public realm improvements around the entrance to the station.”

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Ms A Evans (Walton): I strongly object to this part of the plan which is in direct contradiction with Policy FWK1 as this would result in a net loss of off-street car parking. The Station Yard is the car park for the railway station. It is also used by visitors during the summer as it is very close to the beach. I cannot understand why the Council are considering building housing on this area as the car park is a huge asset. The Station Yard is also the location of the Sea Cadet unit and provides access to the adjacent allotments and parking for allotment holders.

Mr. R. Naylor (Walton-on-the-Naze): The site is called “Avent” Works not “Avon” Works. The development of this site would conflict with Policy FWK1 as this would result in a net loss of off-street car parking. Also the site is contaminated (having been the former railway sidings) and there is a problem about access as Network Rail have a ransom strip across the only realistic access to the site which has not been resolved in the last ten years and which is described by the Council as

having 'little or no possibility of being resolved in the foreseeable future'. This would also prohibit development of the Avent site which has the additional problem that there is another ransom strip blocking its access from Station Street.

Richard Thomas (Walton-on-the-Naze): Station Yard Car Park is one of only two large off-street parking facilities available near the beach. Building on it will be in direct contradiction of the policy outlined in FWK1.

Council consideration

In response to the claim that the site is correctly named in the plan, the official record for the site is 'Avon Works'. The large factory that formerly occupied the west of the site was occupied by Avents Ltd.

The Frinton and Walton Heritage Trust is concerned that the policy would result in a net loss of commercial floorspace on this site. The requirement comes from the Walton Regeneration Framework, which was prepared to explore ways to regenerate the town. The total floorspace of all the previous commercial premises on the site was approximately 1,500 square metres and so the policy would actually deliver more floorspace than there was previously.

The promoters of the Avon Works part of the allocated site have confirmed their interest in redeveloping the site for a mix of uses consistent with the Walton Regeneration Framework. Whilst the principle of mixed-use development is supported, the promoters are concerned that the policy is currently too inflexible and should not specify how much commercial floorspace is required until detailed viability testing and site masterplanning have been carried out. It is also recognised that there remains a number of outstanding issues that need to be resolved such as vehicular access and the future of the sea cadets premises and so a more flexible approach in the policy would be sensible. It is therefore conceded that the policy is currently too prescriptive and should provide greater flexibility for proposals to be considered on their merits, which would be more in accordance with the spirit of the National Planning Policy Framework. Instead of specifying how much commercial floorspace is expected, the policy already makes it clear that a mix of uses including commercial floorspace is expected but the precise amount will depend on the outcome of the viability testing and site masterplanning. Proposals for only residential development will not be supported as this is unlikely to bring about the desired regeneration of the area in the same way a mix of uses would, particularly taking into consideration the location adjacent to the railway station.

The policy should also make it clear that the council will work with the landowners and relevant partners prior to the submission of a planning application to guide future development proposals based on more up-to-date information about viability and what could realistically be achieved on the site and to resolve more complex technical issues such as vehicular access.

The site is broadly split into two portions that are in separate ownerships. However, it is important that the whole site is comprehensively redeveloped to ensure the full potential of the site is realised, as envisaged in the Walton Regeneration Framework. If a proposal for development comes forward on a portion of the site, permission will be refused if it is considered that the development would jeopardise the development on the remainder of the site coming forward.

A number of objections have been raised regarding the loss of car parking space, which appears to contradict Policy FWK1. However, the Council has assessed the site, which is considered to be underutilised for all but six weeks of the year.

Issues about possible contamination will be addressed at the subsequent planning application stage.

Outcome

The following **major changes** (MAJ8.7) to Policy FWK8: 'Station Yard and Avon Works, Walton' on page 161 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY FWK8: STATION YARD AND AVON WORKS, WALTON

The 'Station Yard' and adjoining Avon Works, as defined on the Policies Map Inset, is allocated for mixed-use development of commercial premises and residential dwellings. The Council will work with the developer (and relevant partners) prior to the submission of a planning application to ensure that ~~A~~alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

- a) the ~~redevelopment of this site~~ shall be carried out in a comprehensive way and any proposal for development on an individual part of the site that jeopardises the redevelopment of the remainder of the site will not be permitted ~~will provide at least 2,000 square metres of commercial floor space;~~
- b) the primary points of vehicular access shall be off Station Street and The Parade (to be agreed in advance with the Highway Authority) ~~operational access to the railway must be retained to enable necessary maintenance;~~
- c) the existing sea cadet's facility will be retained unless a new premises can be secured elsewhere in Walton or the existing facility is included as part of the overall redevelopment of the site; ~~the development must create an attractive entrance to the town and contribute toward public realm improvements around the entrance to the station.~~
- d) operational access to the railway must be retained to enable necessary maintenance and a dedicated 'drop-off' area in front of the station building must be secured; and
- e) the development must create an attractive entrance to the town and contribute toward public realm improvements around the entrance to the station.

Policy FWK9 – Development at Turpins Farm

(Pages 161 and 162 – including paragraphs 8.35 to 8.39)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Frinton and Walton Heritage Trust (represented by Rachel Baldwin): There is no justification for not applying the normal policies in housing mix to this site – will the levels of social housing have to rise at other sites to compensate for the lack of social housing here? Since there is a primary school adjacent to the site it would seem to be an ideal location for social housing.

Sub-paragraph (b) uses the phrase 'within 1600 metres of the development site' which is the same phrase used at the end of (b) in policy FWK6. In the latter it implies that if a healthcare care centre is not developed on the Martello then it must be within 1600m instead. In Policy FWK9, it implies that the facility must be within 1600m of Turpins Farm. That is all very well if the facility is built at

the Martello but may not be the case if it is not. If it was on the Mere site, would it be within 1600 metres?

The use of the phrase 'modest amount' in paragraph 8.35 is far too vague.

Comments from landowners, developers and businesses

The Burghes Estate (represented by Smiths Gore Planning): These comments are in relation to our land at Turpins Farm that is included as a housing allocation in the draft plan. The Burghes family has a long history of land ownership in the Frinton area and in the early/mid 1980s much of the Estate has been developed for housing (the Turpin's Farm development to the west of Elm Tree Avenue), open space and education facilities. The Estate retains land in two parcels to the east and west of Turpin's. One of the parcels of land has been specifically allocated for housing in the draft Local Plan.

Whilst we support the allocation of Turpins Farm for residential development, we object to this policy for the following reasons:

1. Firstly, we object to several of the requirements in Policy FWK9 for the reason that they are neither justified or effective;
2. Secondly, we object to the estimated dwelling numbers for the site; and
3. Thirdly, we object to the development boundary of the site.

1. Objections against the requirements of Policy FWK9

Criterion a): We object to the requirement that residential development will comprise 100% Aspirational Housing. Whilst we support the need for some aspirational housing within the housing mix we do not agree that this should apply to the whole site. There is no evidence base to support this and we cannot imagine that there is a market demand for that provision.

As detailed in the NPPF, local planning authorities should use their evidence base to ensure that the LP meets the needs for market and affordable housing in the housing market area. According to the SHMA, approximately 60% of the total demand for new housing will be for 'market housing' either to buy or rent. Furthermore, that "over two thirds of the market housing demand will be for two and three bedroom properties, with about 18% of the demand for larger 4+ bed dwellings and around 12% of the demand being for one-bed units" (para 5.38). The SHLAA (2010) found that house prices in the rural west of the district are significantly higher than those in the coastal towns with the exception of Frinton-on-Sea where there are a high number of larger properties. Researching the evidence base, it would suggest that there is more demand for two and three bedroom properties and that Frinton already has a sizeable proportion of larger properties. We would therefore question whether Turpins Farm needs to provide 100% aspirational housing if there is such limited demand. It is highly unusual to expect a development of this size to be focussed on such a narrow market sector as it will result in very low density, inefficient use of land and not cost effective. We believe it is more appropriate to have a clear housing mix that incorporates a wider range of dwelling types and responds to local demand.

As discussed in our comments for Policy PEO8 we specifically object to the standards outlined for 'Aspirational Housing'. On the assumption that an aspirational housing unit has a minimum of 4 bedrooms this will result in a minimum plot area of around 350sqm (assuming a building footprint of 100 sqm, a garden of 200 sqm and at least 50 sqm of driveway space for 4 cars). We believe these requirements are wholly impractical and over prescriptive. The NPPF states in para 59 that "Local planning authorities should consider using design codes where they could help deliver high

quality outcomes. However, design policies should avoid unnecessary prescription or detail". We question whether the principle of the Local Plan is to provide this level of detail and believe that its main purpose is to outline the broad strategy of growth for the district.

The scale of the requirements for aspirational housing completely ignores site constraints such as Conservation Areas, flooding and contaminated land which could all alter the way that a site is planned and the scale of the housing and amenity space. In addition, the requirements do not cater for all sections of the housing market. NPPF states in para 50 that "local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)".

If the policy was non-mandatory, this would allow an appropriate and context-sensitive design response.

Criterion b): We accept this policy requirement, but believe the development should also be allowed to commence if the level of primary healthcare is 'planned'. We do not agree with the requirement that the primary healthcare is to be within 1,600 metres of the development site. It is over prescriptive and impractical to outline such a defined distance.

Criterion c): We are in agreement that the principle point of vehicular access will be off Elm Tree Avenue. A secondary emergency access point may also need to be considered subject to dwelling numbers.

Criterion d): We are not in agreement that a minimum 20 metre landscaping buffer should be created along the western edge of the site. Trees and hedgerows surrounding Turpins Farm currently provide a reasonable level of screening and enclosure for the site when viewed from the west. As stated within the accompanying Development Concept Report by WSP, the screening can also be enhanced through the strengthening of the existing hedgerow along the track leading to Turpins Farm, or by the provision of a planted buffer within the field immediately to the west of the site which is also in the same ownership. This is a site-specific design issue to be addressed in a planning application.

Criterion e): Whilst we support the inclusion of some public open space within the development, we object to the inclusion of an area of 5 hectares in the north west part of the site, and believe it to be wholly unjustified. Firstly, the level of provision is not in line with the Tendring Open Spaces Supplementary Planning Document May 2008 (SPD) which states on page 33 that "Frinton has a generous provision of open space of 2.02ha/1000 population". In addition, the SPD did not identify any shortfall of any type of provision of open space apart from parks and gardens to the south of Frinton, where existing facilities at the seafront require enhancement.

Secondly, NPPF para 73 states that "planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and identify opportunities for new provision". The evidence clearly states that there is no identified shortfall in Frinton and we therefore question why such a large amount of open space is required at Turpins Farm. We are in agreement that the development will need to provide an appropriate level of open space in line with the requirements flowing from the scale and type of housing proposed. However, we question the amount and argue that this should be in accordance with the number of dwellings on the site, and proximity to other existing open space facilities. Appendix 3 in the LP suggests 50 dwellings and so 5ha of public open space provision is totally out of proportion.

We have prepared a 'Development Concept Report' which investigates further 'Concept Options' and considers three different approaches/scenarios:

- Scenario 1: Based on the development boundary as shown in the Proposed Submission Draft (Green Infrastructure 5.91 ha);
- Scenario 2: Based on the revised development boundary as discussed in Section 4 'Design Issues' of the report (Green Infrastructure 3.94 ha); and
- Scenario 3: Based on the same development boundary as Scenario 2, but some roads are designed as shared surfaces and a greater range of higher density housing is provided (Green Infrastructure 2.83 ha).

Arguably, Scenario's 1 and 2 provide a level of Green Infrastructure that is in excess of what is required to meet the needs of the development. We believe that Scenario 3 provides a level of open space that will adequately meet local needs and form a high quality centrepiece to the new development. Given that there is no shortfall in open space in the wider urban area of Frinton, we suggest that this is an appropriate quantum in this location.

Criterion f): We support this policy requirement and the development of the site will provide an integrated network of pedestrian routes and green corridors within the site and linking to the surrounding area.

Criterion g): We support the requirement of a green corridor forming a centre piece of the development. It would be possible to incorporate an open space of this nature however, the orientation, size and character of such a space must be appropriate to the design context and dwelling capacity.

Criterion h): We are in agreement that the development should provide a safe pedestrian footpath between the residential development and the Hamford Primary School and Triangle Shopping Centre. The development of the site will provide an integrated network of pedestrian routes and green corridors within the site and linking to the surrounding area.

2. Objection against estimated number of dwellings

We object to the indicative capacity of 50 dwellings for the Turpins Farm site. As discussed in Section 5 of our accompanying Development Concept Report and mentioned above, three different development scenarios are explored. Scenario 1 is based on the development boundary shown in the Submission Draft of the Tendring Local Plan and assumes 100% Aspirational Housing in accordance with the layout and design principles contained in policies PE04 and PE05. This approach has a development capacity of about 114 dwellings, significantly more than the 50 dwellings proposed in Appendix 3 of the Proposed Submission Draft of the Local Plan. Scenario 2 covers a larger development area based on the analysis of the site and its setting. The principle of 100% Aspirational Housing and the design principles in policies PE04 and PE05 are adopted. This approach has a development capacity of about 145 dwellings. The Scenario 3 approach is based on the same development boundary as Scenario 2, but some roads are designed as shared surfaces and a greater range of higher density housing is provided. This approach has a development capacity of about 270 dwellings.

In support, various studies within the LDF evidence base have outlined the site as suitable for development and stated its potential for a higher level of development namely:

- Identifying Broad Areas for Potential Settlement Expansion Report (October 2008) – The study defines the Turpin's Farm site as a "potential growth area" and makes the following comments regarding the potential for development: Paragraph 7.49 - Development in the Green Gap "should be of as low sensitivity as possible".

- Landscape Impact Assessment Stage 1 (AMEC April 2009) – The appraisal concludes “Moderate adverse landscape effects based on development of all of the area. Effects would be reduced if the northernmost (say) third of the area were to remain undeveloped”.
- Landscape Assessment Stage 2 (AMEC March 2010) – The report concluded by illustrating a Suggested Development Form and Approach and setting out the key principles. It proposes an indicative land use budget on a site area of 12.2ha, structural landscape 1.4ha and developable area 10.8ha. (6.3ha @ 30dph = 190 dwellings).
- Sustainability Appraisal of Third Party Housing and Employment Sites (Nov 2012) – The report concludes that “Turpins Farm offers the potential for 240 dwellings and although the site is located in the Local Green Gap it would not reduce the minimum width of the Local Green Gap. The provision of a green buffer and open space to the north of the site would minimise the impact of the development from the surrounding landscape and the views from Hamford Water” (pp. 597).

The Scenario 3 development concept provides ample opportunity to deliver a comprehensive green infrastructure to provide local amenity as well as appropriate links to the site's surroundings. To the north, a major area of open space can be provided to provide a green setting for the northern development edge and a transitional space between development and the open countryside. To the south a linear green corridor will help to provide an interface between the new development and Hamford Primary School and the adjoining residential development. In the south eastern corner adjacent to Hamford Primary School there is the opportunity for a green space, potentially incorporating a play area. This could act as a new meeting and greeting place for parents dropping off or picking up their children as suggested by Essex County Council Education Department. On the eastern side adjoining Elm Tree Avenue, there is the potential to set development back slightly from the road to mirror the existing open space on the eastern side of the road. Within the central part of the development, there is the opportunity to incorporate a green spine leading to the main open space on the northern edge.

In order to maintain the Local Green Gap Policy FWK9d proposes a 20m wide landscaped buffer along the western edge of the site to mitigate visual impact. We propose strengthening of the existing hedgerow along the track to Turpin's Farm as an initial means of visually enclosing new development when viewed from the west. If further mitigation is considered necessary, this can be provided by a linear strip of tree planting on land to the west that is in the same ownership as the site.

Key features of the development concept include:

- The northern edge of development follows the boundary proposed in this document;
- Vehicular access is from Elm Tree Avenue;
- A main east-west and north-south spine road are of “Boulevard” style being single carriageway with footpaths and grass verges with tree planting on either side;
- Other roads are shared surfaces;
- To provide mitigation of visual impact into the Local Green Gap, a linear green buffer is provided in the field immediately to the west;
- A green spine is provided through the centre of the development; and
- There is the potential for a green space to be provided in the south-eastern corner of the site adjacent to the school.

We therefore propose that Scenario 3 and a development capacity of 270 dwellings is adopted for Turpins Farm as it provides a more sustainable mix of housing types and green infrastructure to create a balanced community in response to the site's physical characteristics.

3. Objection against the Settlement Development Boundary

The development boundary for the Turpins Farm site (FWK9) as illustrated on the Policy Map in the Proposed Submission Draft is drawn cutting across the site in a diagonal line from the junction of Elm Tree Avenue to a point on the western boundary close to the south western corner of the site. We question the justification for defining this particular boundary which seems to pay little attention to site characteristics and is somewhat arbitrary.

We are not aware of the justification for defining this particular alignment which seems to pay little heed to the topography or context of the site. It also does not reflect the conclusions of the Stage 2 Landscape Assessment work carried out by AMEC for TDC, which is summarised in section 2.8.3 in the Development Concept Report. We believe the Turpin's Farm site is a valuable land resource for Frinton and it is important that it is developed efficiently to make best use of the available development sites that result in long term sustainable development. We believe that the boundary as drawn in Inset Map 3 does not do this. We would strongly recommend that a development boundary for the site must be supported by a clear evidence base informed by a sound understanding of the site context and topography and key design issues as discussed in our accompanying Development Concept Report.

We agree that there is a need to define a defensible urban edge to the north of the development and the analysis of the visibility of the site from the Walton/Kirby Road Corridor suggests that a line projected westwards from the front of properties in Kirby Road would be an appropriate northern edge for development as illustrated in Scenario 3 in Figure 21 in the accompanying Development Concept Report. This approach will:

- Ensure that the more visible part of the site in the north west remains open and contributes visually to the Local Green Gap;
- Restrict development to a logical line that takes its visual clue from the existing urban form; and
- Provide a sensibly shaped development area that can be developed efficiently whilst respecting the sensitive northern edge and views out across Hamford Water.

It should also be mentioned that the Policy FWK9 Development at Turpins Farm proposes at least 5 hectares of land to the north west of the development to be laid out as public open space. However, the Proposals Map clearly illustrates that this land will not be included within the development boundary, and will be classed in policy terms as open countryside which is clearly not the case. We believe this to be highly ineffective and unjustified as the open space will form an integral part of the development and of Frinton as a whole. We therefore believe that the area of public open space should be included within the development boundary.

We therefore propose that the development boundary of Turpins Farm is amended as illustrated in Scenario 3 in Figure 21 in the accompanying Development Concept Report. In addition, that the area of public open space is included within the development boundary.

Suggested Change:

1) Re-word the policy to read:

“Land at Turpin's Farm, west of Elm Tree Avenue, Frinton-on-Sea (as defined on the Policies Map Inset) is allocated for a mix of residential development and public open space. The Council will work with the landowner to prepare a development brief for the site prior to the submission of a planning application and ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

- a) the residential development will comprise up to 25% 'Aspirational Housing', as defined in Policy PEO8 of this Local Plan;
- b) it is envisaged the residential development will have a capacity of some 250 dwellings;
- c) development will not be allowed to commence unless the necessary level of primary healthcare to serve the growing population is provided planned;
- d) the principle point of vehicular access will be off of Elm Tree Avenue;
- e) a minimum 20 metre landscaping buffer will be created along the western edge of the site to strengthen the edge of the Strategic Green Gap between the urban area and the village of Kirby-le-Soken;
- f) at least 2 hectares of land to the north west of the development will be laid out as public open space and transferred to either Tendring District Council or Frinton and Walton Town Council for future management and maintenance, or suitable alternative management arrangements put in place to ensure long-term maintenance;
- g) the development must expand upon and connect with the network of footpaths and green corridors that serve the adjoining residential area to reduce impacts of development on neighbouring properties and allow for pedestrian movement between the newly created open space and the existing residential area to the south;
- h) one of the new green corridors will form a centre-piece of the development and open out onto the new area of open space and affording attractive views over the coastal slopes and Hamford Water; and
- i) there will be a safe pedestrian footpath between the residential development and the Hamford Primary School and Triangle Shopping Centre."

2) The development boundary of Turpins Farm site (FWK9) as shown on Inset Map 3 in the Proposed Submission Draft of the Tendring Local Plan of Turpins Farm is amended to the development boundary as illustrated in Scenario 3 in Figure 21 in the accompanying Development Concept Report. In addition, that the area of public open space is included within the development boundary.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Frinton and Walton Town Council: Primary healthcare must be resolved before development commences.

Comments from members of the public

No comments received.

Council consideration

The comments on behalf of the Frinton and Walton Heritage Trust are noted and agreed with. The Council consider that it would be reasonable to apply the same mix of housing at this site to any

other in the District. It is also considered that the phrase 'modest amount of development' is too vague, this too shall be amended.

The Council understands the possible confusion caused by paragraph (b) of FWK9. It is considered confusing to make reference to medical facilities in two different Policies (FWK6 and FWK9) with potentially two different locations for said facilities. It is therefore considered that that the specifics of the proposed healthcare facility will remain in Policy FWK6 and that criterion (b) of FWK9 will make reference only to a financial contribution toward this through Community Infrastructure Levy (or other mechanism).

Frinton and Walton Town Council: require that Primary healthcare must be resolved before development commences. Whilst this is noted, it may be that this is addressed within the development at the Martello site (FWK6). The Parish Council's request would appear to be acceptable, as recognised in criterion (b) of FWK6.

It is acknowledged that the promoter of the site is supportive of the allocation in the draft plan for residential development but raises a number of concerns about the specific requirements of the policy, the indicative number of dwellings for the site and the development boundary depicted on the Policies Map.

The principal issue with the current wording of the policy is the requirement for the development to comprise 100% aspirational housing, this, and the indicative number of dwellings on site are issues raised by both the developer and the Frinton and Walton Heritage Trust. These interlocking issues are considered further on in this response.

It is therefore proposed that the plan be amended to allow for a fair and proportionate mix of housing type on this site in accordance with Policy PEO7 (it is important to recognise that some changes are proposed to this in order to better reflect the updated Strategic Housing Market Assessment – see proposed change MAJ4.6).

With regard to the developer's comments on criterion (b), whilst this has been addressed above we also consider that a time constraint would be onerous on any application and need not be applied. This part of the Policy has been amended to reflect these concerns.

The proposed housing allocation is located at an edge-of-settlement position. Due to the potentially visually sensitive nature of the site, the Council considers that some provision for landscaping within the Policy wording is acceptable. It is however considered that to dogmatically refer to a specific width of planting protection would not take full account of the individual setting of this site. The Council will therefore remove reference to a specific distance but keep some level of protection in the policy wording.

In regard to the provision of public open space, the Council consider that this need not necessarily accord with the open space Supplementary Planning Guidance referred to. We consider that due to the change in site area, (explained elsewhere) and the fact that the open space element of the development is located outside of the actual allocation area, this need not conform to the above mentioned guidance.

The purpose of this space is principally to separate the proposed development to the south with the open countryside to the north. It is considered that an area of 5 ha would be excessive in this task and place an unacceptably onerous burden on the developer. This would not accord with the thrust of the NPPF; the Council therefore consider that a substantially reduced area of open space is justified and would allow for a larger development. We recommend that the area of proposed open space is reduced to some 2 ha, which better relates to the landscape setting and existing built form of surrounding development.

The developer objects to the indicative number of dwellings which could form the allocation, contained within Appendix 3 of the 2012 submission draft. The Council considered that an indicative capacity of 50 dwellings should have been accommodated on this site. It was considered that such a low density at aspirational standards would produce a truly opulently spacious development which would attract high-end professionals to the district.

Since the consultation closed in January 2013 the Council has published its update to the Strategic Housing Land Availability Assessment (SHLAA). This update assessed where housing land could be found within the district and gave information as to capacity and deliverability of individual sites. The Assessment found that the Turpins Farm site (UE2.6) could comfortably accommodate over 160 dwellings at a density of 20/ha. This revised density would better suit that of the surrounding development whilst still producing a high quality development that would comply with the space standards in the Local Plan. The Assessment also highlighted the fact that education needs had to be met and that this could take between 2 and 3 years. The site was therefore considered to be deliverable. It is therefore considered that the number of dwellings on site could be increased to reflect the findings of this Assessment.

During the Local Plan process the Council has worked closely with the developer of this site. The developer has prepared a number of development scenarios which are backed by sound evidence. The developer proposes in scenario 3 to include facilities which would benefit Hamford School, to the south of the allocation site. These additional facilities and green infrastructure would mean that the overall site area would need to be increased to accommodate them. The Council consider this to be a reasonable request. The site area and settlement development boundary will therefore be amended to this end.

With regard to the settlement development boundary, whilst this has been addressed above, the Council can add the following. The proposed location (as seen on Policies Map Inset 3 of the 2012 submission draft) the Council considered that this would be a logical location which 'squared off' the corner of the settlement. It is however considered that, given the above the settlement development boundary can be pushed further north.

Whilst the Council agree in principle with the amended location of the settlement development boundary, it is considered that this should 'hug' the developed area of the site. We consider that in this way the area of public open space to the northwest will strongly retain its open character. Furthermore, due to the sensitive nature of land use further north, it would be reasonable to insist on this additional layer of protection.

Whilst a rewording of the Policy has been provided by the developer, the Council consider that these issues have been addressed above and no further comments as to this proposed wording is required.

Outcome

The following **minor changes** (MIN8.11) to paragraph 8.35 on page 161 are proposed (additions shown as highlighted and deletions shown as struck through):

8.35 To ensure sufficient land is identified to deliver the new housing growth requirement for in the Frinton, Walton and Kirby Cross area up to 2024 2024 in line with the sustainable, fair and proportionate strategy for growth across all parts of the district, it has been necessary to allocate a modest amount of some greenfield land on the edge of the settlement for residential development. To ensure good access to shops, services and community facilities, avoid an over-concentration of development in Walton and minimise environmental impacts, the Council has identified land at Turpins Farm to the west of Elm Tree Avenue as the most appropriate and sustainable location for this modest development. The site is well located in relation to the Tendring Technology College,

Hamford Primary School and the Triangle Shopping Centre and is in an area of relatively modern development at Turpins Farm that has taken place in various phases over the last 30 years.

The following **minor changes** (MIN8.12) to paragraph 8.36 on page 161 are proposed (additions shown as highlighted and deletions shown as struck through):

8.36 Consultation with Frinton and Walton Town Council and local residents has highlighted that development in this location will only be supported if it minimises any impact on the open gap between the urban settlement and the nearby village of Kirby-le-Soken, respects the visual sensitivity of land north of Walton Road which slopes down toward Hamford Water, provides good quality, predominantly larger aspirational housing that is more representative of the wider Frinton area and can be accommodated by the provision of education and healthcare in the area.

The following **minor changes** (MIN8.13) to paragraph 8.37 on pages 161 and 162 are proposed (additions shown as highlighted and deletions shown as struck through):

8.37 Accordingly, residential development will be limited to the south eastern part of the site and accompanied with a large area of public open space will be created to the north west and along the northern edge of the site in order to preserve the views over Hamford Water, minimise the impact of built development in this location and strengthen the gap of open countryside between Walton and nearby to Kirby-le-Soken. A high standard of design will be expected in order to create a new quality residential area for the town and larger, more aspirational homes that are characteristic of the wider Frinton area will be encouraged. Normal policies on housing mix will not apply to this site and 100% of new homes on this will be required meet the definition of 'Aspirational Housing' as set out in Policy PEO8 of this Local Plan. Also development will not be allowed to commence until must contribute, either through Community Infrastructure or other appropriate means, toward the new Doctors Surgery proposed for the Martello Site in Walton has been developed and is operational— unless equivalent provision has been made elsewhere within the urban area.

The following **major changes** (MAJ8.8) to Policy FWK9: 'Development at Turpins Farm' on page 162 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY FWK9: DEVELOPMENT AT TURPINS FARM

Land at Turpin's Farm, west of Elm Tree Avenue, Frinton-on-Sea (as defined on the Policies Map Inset) is allocated for a mix of residential development and public open space. The Council will work with the developer (and relevant partners) landowner to prepare a development brief for the site prior to the submission of a planning application and to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

- a) the residential development will comprise 100% 'Aspirational Housing', as defined in Policy PEO8 of this Local Plan;
- b) the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution) toward the provision of the purpose-built medical centre proposed, through Policy FWK6, on land at Martello Caravan Park, Walton (or an alternative facility elsewhere within the urban area) not be allowed to commence unless the necessary level of primary healthcare to serve the growing population is provided within 1,600 metres of the development site;

- c) the principle point of vehicular access will be off of Elm Tree Avenue;
- d) ~~a minimum 20 metre~~ the development will provide appropriate landscaping ~~buffer will be created along the western edge of the site~~ particularly along its western edge to strengthen the edge of the Strategic Green Gap between the urban area and the village of Kirby-le-Soken;
- l) at least 5 ~~2~~ hectares of land ~~to~~ along the northern edge west of the development will be laid out as public open space and transferred to either Tendring District Council or Frinton and Walton Town Council for future management and maintenance, or suitable alternative management arrangements put in place to ensure long-term maintenance;
- e) the development must expand upon and connect with the network of footpaths and green corridors that serve the adjoining residential area to reduce impacts of development on neighbouring properties and allow for pedestrian movement between the newly created open space and the existing residential area to the south;
- f) one of the new green corridors will form a centre-piece of the development and open out onto the new area of open space and affording attractive views over the coastal slopes and Hamford Water; ~~and~~
- g) there will be a safe pedestrian footpath between the residential development and the Hamford Primary School and Triangle Shopping Centre;
- h) the development must be well designed and laid out in order to establish a new area of exceptional urban character; and
- i) issues regarding the provision of school places in Walton and the wider Frinton, Walton and Kirby Cross area must be resolved before residential development can be occupied.

Other consequential changes include:

- Expand the Turpins Farm allocation (and extend the Settlement Development Boundary and decrease the proposed green infrastructure notation) (see proposed Policies Map change **PM3.3**).
- Appendix 3: 'Estimated Dwelling Numbers for Allocated Sites' on pages 223 and 224 to reflect the amendments to the indicative capacity of the Martello Site in Walton-on-the-Naze and the Turpins Farm allocation in Frinton-on-Sea (see proposed Major Change **MAJ14.2**).

Policies Map 3 – Frinton, Walton & Kirby Cross

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Royal Mail (represented by DTZ): Supports the designation of the 'Frinton delivery office' within the Local Plan as falling within Frinton-on-Sea Town Centre (policy FWK3) and a Primary Shopping Area where economic growth is promoted and the vitality and viability of the town centre is to be protected and enhanced. We support the focus upon town centre uses in this location including retail, leisure, commercial, office, tourism and cultural development and community facilities, and consider that the existing Royal Mail property is in accordance with this designation.

Silverbrook Estates Ltd (represented by Wei Yang and Partners): The Settlement Development Boundary for Walton should be amended to include the southern part of Walton Mere with a very minor adjustment to exclude a small parcel of land and water not in our ownership (adjacent to the former mill building). Furthermore, the mixed-use notation should include the land adjacent to Mill Lane and a small parcel of land between Walton Mere and North Street. See more detailed comments made against Policy FWK7.

Park Resorts Ltd (represented by GVA): We OBJECT to the Coastal Protection Belt and Employment Land allocations as located just North of Naze Marine Holiday Park as they both serve as a potential barrier to the expansion of the popular Naze Marine Holiday Park. However we would withdraw these objections if either (a) the Naze Marine safeguarded holiday park allocation were amended in order to include the strip of land to the north or (b) a new site specific policy designation were added to comprise of this strip of land and for a new corresponding Policy to be added within Chapter 8 (hence we make these representations here). Such a new site specific Policy would allow for the dual use of the eastern part of the strip of land (i.e. that shown as employment land) for either holiday park or employment land and would allow for holiday park expansion on the western part of the strip of land (i.e. that shown as coastal protection belt). This would accord with national planning policy and locally assessed needs in terms of allowing for the growth of holiday parks.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. and Mrs. Hipkin (Walton): We are delighted to see Dairy Meadow (to the rear of 49,51 & 53, Kirby Road) allocated as a 'green area' as it is essential to retain some undeveloped areas for wildlife. We should vehemently oppose any plans to build on this site in the future as the only access is via Grove Avenue which would result in higher levels of traffic.

Council consideration

The comments of support are noted.

In response to the comments from Silverbrook Estates Ltd, it is proposed through change **PM3b.1** to amend the boundary of the Walton Mere allocation as suggested. However, as explained in responses elsewhere in Chapter 8, it is not agreed that the Settlement Development Boundary should be amended to include the site as this helps to make it clear that the primary objective is to restore the Mere for leisure / recreational use and that any development would be considered an exception to enable this to happen.

In response to the comments from Park Resorts Ltd, it is not agreed that the park should be expanded northwards in the absence of firm plans or proposals as to whether this land is available

for holiday park use or deliverable. Proposals for the expansion of the holiday park will therefore be considered on their merits through the development management process. However, it is proposed to remove the Coastal Protection Belt notation from this narrow piece of land using the creek to the north as a clear defensive boundary. It is important to note that it is proposed to remove all holiday parks located around the periphery of settlements from Settlement Development Boundaries to make it even clearer, alongside Policy PRO9: 'Holiday Parks', that these sites should remain in leisure/tourism use and that the Council is unlikely to support proposals for redevelopment. Removing these sites from Settlement Development Boundaries makes it clear that they are not considered to be part of the continuous residential built up area where residential development is usually directed to (see proposed change [PM3.4](#)).

Outcome

Remove Naze Marine Holiday Park from the Walton Settlement Development Boundary and amend the Coastal Protection Belt notation slightly to exclude the narrow strip of land to the north – see proposed change [PM3.4](#)

Chapter 9: Manningtree, Lawford and Mistley

Manningtree, Lawford & Mistley – General Comments

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We welcome the reference to high quality landscapes in the Vision for Manningtree, Lawford and Mistley; however we would like to see stronger references to the wider natural environment also included. We would welcome the inclusion of a statement at the start of this section stating that the policies and proposals in this chapter will need to be considered alongside the requirements of district-wide policies contained in Chapters 2, 3, 4 and 5 of the Local Plan.

Tendring Way and Essex Bridleway Association (represented by Patricia Cooper): There is an opportunity to improve the bridleway network by creating a new bridleway along the length of 'The Essex Way'.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Lawford Parish Council: The Industrial area must be safeguarded for employment use, there are now several fast food outlets operating from there. The council feels this area should be for industry.

Manningtree Town Council: We support the Local Plan subject to the following comments. The Water Works site in Mill Hill was discussed and it was pointed out that it is becoming less operational. It is a Grade II listed building surrounded by a large amount of open space and the only place where new development could be considered in Manningtree. Can the Council please indicate what it has in mind for this major asset?

Comments from members of the public

Mr. R. Horlock (Mistley): I hope the Council will protect and enhance the special architectural and historic character of these areas. I refer to the Edme quay site where an awful modern structure is proposed in the centre of the historic village. This does not protect or enhance the character of the area.

Council consideration

The comments of support are noted and welcomed.

The suggestion from Natural England that the area chapters of the plan should include a statement making it clear that the policies and proposals in these sections should be considered alongside the strategic, district-wide policies and proposals in chapters 2 to 5 is noted but it is not agreed that any further wording is required at this stage. Any further tweaks to aid the usability/navigation of the document will be determined once the plan is finalised.

The suggestion to improve the district's bridleway network along the Essex Way is noted but the responsibility for the protection and maintenance of public rights of way in Tendring lies with Essex County Council. As stated in Policy PLA5, the Local Plan supports the principle of improving access to the countryside in order to make it more accessible for both visitors and residents to enjoy but land cannot be allocated or safeguarded unless there is a real prospect of it being delivered in the plan period. Instead, the Council will continue to work with its partners including Essex County Council and landowners to maximise opportunities to protect, expand and improve the district's public footpath network.

The concern raised by Manningtree Town Council regarding a specific listed building in their area is noted. However, unless the future of a listed building is a key consideration as part of a specific proposal in the plan, it would not be appropriate or practical to comment on the present state or future of every heritage asset in the district. As stated in chapter 5 of the plan, the Council takes its statutory duty to protect or enhance the historic environment seriously. A key part of the Council's conservation strategy is to continue to work with its partners, in particular English Heritage, Essex County Council and local parish/town councils and conservation groups in order to monitor the condition of the district's heritage assets and take appropriate action, when necessary, to bring about improvements and repairs. A number of powers exist and are available to councils to help bring about improvements and repairs but as advised by English Heritage and expanding on the requirements of the National Planning Policy Framework, the Council should apply these proportionately in relation to the significance of the heritage asset concerned and the level of action required. It is therefore not agreed that any changes need to be made to this section in response to these concerns but changes are suggested to chapter 5 in order to better articulate the Council's approach to conservation.

The comment about the Edme Thorn Quay Warehouse planning application is noted and further details on this specific issue can be found in the response to Policy MLM2.

In response to the comment raised by Lawford Parish Council, the existing Lawford Dale Industrial Estate is primarily safeguarded and promoted for B1 (b & c), B2 and B8 employment use by Policy PRO14 but other employment uses may be permitted if it can be demonstrated how the proposal will either create new employment opportunities or support existing ones and not conflict with any other policies in the plan. This approach reflects the spirit of the National Planning Policy Framework by being more flexible and allowing proposals to be considered on their merits.

Outcome

No change.

Policy MLM1 – Manningtree Town Centre

(Pages 164 and 165 – including paragraphs 9.5 to 9.11)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Hill Path Projects Ltd: This policy is supported but with reservations. Manningtree is indeed an attractive and historic small town but the scope for the continuation of the High Street as a

shopping centre in the way it has been in the past is constrained by the advent of widespread on-line shopping and by the continuing dominance of supermarkets. Thus the future would seem to be more as a tourist centre for people from nearby, a base for exploring the rivers Stour and Orwell and as a holiday location in its own right. We believe that, for this to occur, better public access to the riverside will be required and one or more family friendly hotels, where parents might bring their children for a few days stay, are highly desirable. Consequently it would be desirable that the Local Plan should make it clear that it would be acceptable that premises currently used for commercial or warehousing could be redeveloped in a way that would encourage tourism.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. R. Horlock (Mistley): With reference to paragraph 9.9 I suggest that the present roadside parking (by Townsends and opposite the Skinners Arms) be given marked bays (a simple job). So many people park so badly that others cannot get in. I cannot see how the Council can promote economic growth in Manningtree Town Centre when it has approved a huge supermarket which will, in my opinion, do great harm to the town, especially as there is already a Co-op store.

Council consideration

It is proposed to introduce a new policy PRO5a 'Use of Shop Units in Town Centres' into Chapter 3 of the Local Plan as a single replacement for policies COS2: 'Clacton Town Centre', HAD3: 'Dovercourt Town Centre', FWK2: 'Walton-on-the-Naze Town Centre', FWK3: 'Frinton-on-Sea Town Centre', MLM1: 'Manningtree Town Centre' and BRI1: 'Brightlingsea Town Centre'.

Outcome

The following **major changes** ([MAJ9.1](#)) to Policy MLM1: 'Manningtree Town Centre' and supporting paragraphs 9.5 to 9.11 on pages 164 and 165 are proposed (additions shown as **highlighted** and deletions shown as **struck through**) to reflect the proposed addition of new Policy PRO5a: 'Use of Shop Units in Town Centres' and supporting paragraphs in Chapter 3 (see major change [MAJ3.5](#)):

Manningtree Town Centre

~~9.5 Manningtree's Town Centre is listed in Policy PRO5 and is broadly linear in shape, following the historic High Street, but also includes part of South Street and an underused and unattractive part of the Lawford Dale Industrial Estate to the west. In 2011, retail provided approximately 15% of all jobs in the Manningtree, Lawford and Mistley area. Therefore, it is crucial that the vitality and viability of Manningtree Town Centre is maintained and enhanced in the face of major competition from larger town centres both in Tendring and in neighbouring areas and the emergence of online shopping.~~

~~9.6 Most of the town centre lies within the Manningtree and Mistley Conservation Area and therefore boasts an attractive townscape with a fine selection of historic buildings, which form a solid backbone for the town's appeal. For the town centre to thrive and compete with other urban~~

centres and on-line shopping, it not only needs to attract people in the first instance but also retain their interest and encourage them to stay and spend time and money in the town centre.

~~9.7 The Council's 2010 Retail Study identified Manningtree as a healthy, vital and viable town centre that attracts a good range of retailers and businesses and which has remained strong despite the economic downturn. However, there are concerns that the lack of suitable car parking, the poor pedestrian links between the town centre and the railway station and the negative appearance of the industrial area immediately to the west of the town centre put's people off visiting the town centre.~~

~~9.8 In 2010 a Design and Development Brief was prepared to help resolve these problems by identifying a number of potential development opportunities to enhance the town's physical appearance, broaden the range of uses in the town centre and improve parking, traffic flow and pedestrian movement around the town. Over the plan period, it is likely that leisure/recreational uses, particularly those related to the town's riverside location and restaurants and cafes will need to play an increasing role in attracting people to the town centre.~~

~~9.9 Since that study was published, a proposal for a new foodstore, offering a further 1,920sqm of retail floorspace, was granted planning permission on vacant, derelict industrial land to the west of the town centre to 'claw back' trade lost to other town centres nearby. Once complete, this scheme will enhance the western end of the town centre and Conservation Area and will provide additional off-street car parking. Additionally, permission has been granted to allow the Market Place site, off Brook Street, to be used as a free public car park on days when the market is not operational. Both of these proposals should help relieve the pressure for car parking in the heart of the town centre, where there is limited space for parking due to its historic character and narrow streets.~~

~~9.10 The Council, in partnership with Manningtree Town Council and Mistley Parish Council has also prepared a 'Conservation Area Management Plan' ('CAMP') for the Manningtree and Mistley Conservation Area, which covers most of the town centre. The CAMP recommends further enhancements including improving the pedestrian link between the railway station and the town centre and other measures to protect and enhance the historic and architectural character of the area. The Council will work in partnership with local businesses, the Town Council and Essex County Council to implement the proposals in both the Manningtree and Mistley CAMP and the Manningtree Town Centre Design and Development Brief.~~

~~9.11 At the heart of the town centre lies the 'Primary Shopping Area' (as defined on the Policies Map Inset), which shows the extent of the town centre where the town centre uses set out in Policy MLM1 below should be concentrated. The 'Primary Frontages' (also defined on the Policies Map Inset) are where these uses interact with the street, at ground floor level. In Manningtree Town Centre, the Primary Frontage is focussed on the central part of the High Street.~~

POLICY MLM1: MANNINGTREE TOWN CENTRE

Manningtree Town Centre, the Primary Shopping Area and the Primary Frontages are defined on the Policies Map Inset.

Within the Primary Frontage the following uses of ground floor commercial premises will be permitted:

- A1: Shops;
- A2: Financial and Professional Services;
- A3: Restaurants and Cafes; and

● ~~A4: Drinking Establishments.~~

~~Elsewhere in the defined town centre, other commercial uses of ground-floor commercial premises may be acceptable subject to the detailed consideration of their impacts against other relevant policies in this Local Plan.~~

~~Proposals that would result in the loss of ground floor commercial premises to residential use will not be permitted. The use of upper floor accommodation for residential use will be supported provided that it does not jeopardise the practical operation of the ground floor business.~~

~~New development will be required to contribute positively toward the appearance of the area and, wherever practical, deliver improvements to the public realm.~~

~~Development that would result in an overall net decrease in off-street car parking space within the town centre will not be permitted.~~

~~All proposals should have regard to the Manningtree and Mistley Conservation Area Management Plan, the guidance contained in the Manningtree Town Centre Design and Development Brief and other relevant policies contained in this Local Plan and in national planning policy.~~

Manningtree, Lawford and Mistley Housing Supply

(Page 166 – including paragraphs 9.15 and 9.16)

- Land east of Cox's Hill, Lawford (see Policy MLM4); and
- Land east of Bromley Road, Lawford (See Policy MLM5).

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Peter French (represented by Navigus Planning): All the housing growth for the Manningtree, Lawford and Mistley area is proposed to be located in Lawford. Allocating only two sites to accommodate all the growth and drawing very tight Settlement Development Boundaries lacks flexibility and fails to recognise the needs of Mistley, which is not completely contiguous with Manningtree and Lawford. The Council has included Mistley as part of the urban area, yet no growth is proposed. Not only are there no allocations in Mistley, there is unlikely to be any development at all because the only commitment, land at Harwich Road (15 affordable units), appears to be undeliverable. Two allocations in the same part of the same parish will put significant strain on the existing primary and secondary schools. Whilst the allocations allow for these schools to be extended, it is questionable whether the funding will be in place to deliver these improvements in the early phases of development as is required. By contrast, the Mistley Norman Primary School has existing spare capacity and would support development on land at Stour View, Close, Mistley (comments relate to alternative land being promoted at Stour View Close, Mistley).

Hill Path Projects Ltd: The housing allocation on Land East of Cox's Hill is supported but the allocation on Land East of Bromley Road is not. The concept of building an additional 100

dwellings on what is currently good agricultural land well outside the present village envelope is flawed for the following reasons:

- This part of the Local Plan is not Positively Prepared since is no need for a further 100 dwellings, in addition to those planned for the area to the East of Cox's Hill, in Lawford, Manningtree and Mistley to meet the requirements of the three parishes the present population of which might be expected to expand by only some 3% during the coming decade.
- These additional 100 dwellings cannot be justified to meet local requirements in view of the large house building programme in nearby Colchester.
- The plan for proposed development is not Positively Prepared since it would be remote from the railway station and Manningtree town centre so they will generally drive, adding to the parking congestion at both.
- The proposed development is not Consistent with National Policy since it cannot be sustainable to build unnecessarily on good agricultural land thus increasing the 40% of our national food we currently import, thus further widening our balance of payments deficit and consuming adding to the UK's carbon footprint.

The development needs in Lawford, Manningtree and Mistley point to increased local employment opportunities, based upon tourism and light industry, rather than more than a minimal amount of increased housing. Agriculture in the area should be encouraged for both national and local benefit.

Veolia Water (Affinity) (represented by Robinson & Hall LLP): The site we are promoting off Colchester Road, Lawford, is considered far more suitable for residential development than the other sites allocated for housing in the draft plan, particularly land allocated east of Bromley Road, Lawford, which bears no relationship to the pattern of character of housing within the locality.

Mr. Brooks (represented by Robinson & Hall LLP): The site we are promoting off Trinity Road, Mistley, is considered far more suitable for residential development than the other sites allocated for housing in the draft plan, particularly land allocated east of Bromley Road, Lawford, which bears no relationship to the pattern of character of housing within the locality.

Anglia Maltings (Holdings) Ltd (represented by VRG Planning): These comments relate to our objection to the allocation of the Edme site for employment. The Thorn Quay Warehouse should be allocated as housing, together with the remainder of the Edme site, to accommodate 100 dwellings within the plan period. The area should remain as mixed use.

It appears that every opportunity has been taken in the appraisal to award negative ratings to the Edme site. This has resulted in green field land that is remote to public transport being recommended for development in favour of a genuinely sustainable site. The findings cannot therefore be considered either accurate or sound. The inaccurate findings of the SA have been used to justify the housing allocations contained in policies MLM4 and MLM5. The positive attributes of the Edme site as a potential site for housing have been overlooked.

The inaccuracies in the SHLAA must be corrected before the draft plan progresses any further. In addition, the proposed housing allocations for Manningtree, Mistley and Lawford need to be revisited in the light of the skewed policies that have resulted from these inaccuracies. It is considered that the Edme site should be allocated in preference to other green field sites referred to in policies MLM4 and MLM5.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Lawford Parish Council: The Parish Council accepts there will be modest amounts of new residential housing provision in Lawford. The parish council whilst accepting that as in the past they will have to have further developments especially as there are new government guidelines there are now becoming fewer areas/sites for development within Lawford itself and that the remaining two parishes (Manningtree and Mistley) must accept that there will be further development within their parish boundaries.

The Steering Committee of the Lawford Residents Group (including a petition of 175 names): Whilst we are sympathetic to the Council's position to accommodate additional housing, it is unacceptable that Lawford should bear the burden of the current required development. Housing should be considered across sites in Manningtree, Lawford and Mistley. Several areas on the outer fringe of the conurbation will readily allow for a small number of developments with good access and minimal disruption, whilst having the advantage of being able to utilise the existing natural boundaries to create further strategic green gaps between the developments. In some instances, minor changes to the road layout should result in a safer design as a direct impact of the smaller developments.

By separating the development into smaller blocks, shared throughout the three interconnected villages, it would reduce the negative impact of traffic congestion at the two main roundabouts each end of Cox's Hill. Developments on the outer border of Mistley would have a direct link to the A120, providing a route to Colchester, thus further reducing the negative impact of additional traffic. The possibility of some of the development being absorbed into the outlying areas (e.g. Ardleigh, Wrabness, Little Bromley, Upper Mistley and Bradfield etc) should be considered.

There are large areas of brownfield land available for housing in Manningtree, Lawford and Mistley. However these seem to have been ignored, presumably due to decontamination costs. Brownfield can be decontaminated for development, but it cannot be decontaminated for farming.

There are several areas around the Manningtree, Lawford and Mistley conurbation that are more suitable to accommodate small developments, whilst minimising the environmental impacts on the area. These areas could also be developed with natural boundaries to prevent future over development whilst automatically introducing new areas that should be designated as 'strategic green gap'. Several of these areas have existing road access or would require relatively minor changes that could only benefit the safety of the existing roads (perhaps through the use of roundabouts). These areas would compensate the 'loss' of areas MLM4 and MLM5. They are unobtrusive sites and do not dispel the rural atmosphere that infiltrates the otherwise urban area. In keeping with the existing neighbouring housing densities the sites could deliver around 200 homes.

Comments from members of the public

Mr P. Deasy (Lawford): These additional areas of significant residential development should ideally provide a limit to the expansion of the size of Lawford village. Any future additional general housing needs in the locality should be based on controlled expansion of established village centres of Bradfield, Mistley and Mistley Heath (see specific comments against Policies MLM4 and MLM5).

Mr R. Corbin (Lawford): Development should be spread more evenly between Manningtree and Mistley (relates to the promotion of land north of Long Road, Mistley).

Mrs E. Thurlow (Lawford): I oppose the housing developments proposed for Lawford. Over the last 30 years Lawford has already doubled in size with the Dale Hall development and these 650 homes have caused many extra problems. Every house seems to have at least 2 cars that block the roads, and pavements, and many of these people do not want to join in locally. The level of new housing proposed for this area should be shared fairly between all three parishes. Lawford alone could probably manage to fit in 30-40 homes by filling in odd spaces along Long Road and Colchester Road if really necessary but the local people need small first homes not big executive ones to be filled by investors and outsiders (who use the area as a dormitory). These 230 homes would mean another 500 extra cars to cause more trouble and congestion within the area. We simply do not need all these extra houses in this place. It will ruin Lawford.

Mr. R. Horlock (Mistley): It is important that Mistley remains physically separated from Lawford and Manningtree. The 'Green Gaps' off Trinity Road and between New Road and the Walls should be retained.

Council consideration

In the 2012 Draft Local Plan, the three settlements of Manningtree, Lawford and Mistley are considered together as a single 'Urban Settlement' and the approach to housing supply was for this to accommodate a 6% increase in housing development over 10 years with specific sites allocated for housing and/or mixed-use development to achieve that level of development. Two sites were allocated for such development in Lawford. Most of the objections to this section relate to the principle of all the area's growth being concentrated in Lawford rather than it being shared between all three settlements but a number of comments also relate to concerns about the two sites allocated. This section addresses the general concerns that have been raised. Comments relating to the specific requirements of Policies MLM4: 'Development East of Cox's Hill, Lawford' and MLM5: 'Development East of Bromley Road, Lawford' are considered in the responses to those policies. A number of comments relate to alternative sites that have been promoted for development. Readers are referred to the next section that addresses these comments. With the exception of land off Stour View Close, Mistley, none of the alternative sites considered are proposed for inclusion in the Local Plan through focussed changes.

In response to comments received about the proposed approach to housing growth generally across the district, readers are referred to the responses to Policies SD2 and PEO1. The consideration of these comments has resulted in the Council proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for the Manningtree, Lawford and Mistley area has been increased slightly to around 8% but this reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. The level of growth proposed is considered 'fair and proportionate' for this part of the district but still falls short of the high level of demand that exists, as evidenced in the Council's updated Strategic Housing Market Assessment.

In response to concerns about the use of greenfield land over brownfield land, the Council's updated Strategic Housing Land Availability Assessment confirms that there is limited previously-developed land available within the existing built up area in this part of the district, which justifies the need to consider greenfield land for urban extensions. The two areas of land that are allocated in Lawford were identified during the early stages of the plan-preparation process as potential areas for growth and received relatively little objection compared to more contentious areas of land elsewhere in the district, in particular around Clacton-on-Sea. There is little suitable land within or around Manningtree capable of accommodating the level of growth required and at the time it was

not considered necessary to allocate land in Mistley as the land in Lawford was sufficient to accommodate the 6% increase in housing stock in accordance with the proposed spatial strategy. The Council was therefore satisfied that the two areas of land allocated in Lawford represented the most sensible and sustainable option for growth for this part of the district. However, it is accepted that the draft Local Plan fails to recognise the needs of Mistley Village and so is proposing to allocate land north of Stour View Close for a development of 60 dwellings through the proposed inclusion of new policy MLM5a (MAJ9.3) and change to Policies Map Inset 4 (PM4.4) which, we trust, will result in the withdrawal of these objections and support for the Local Plan at the examination.

With regards to the level of objection that has been raised by local residents regarding the principle of development on the two allocated sites in Lawford, it should be noted that in September 2013 outline planning permission was granted for 150 houses on the land east of Cox's Hill and so the comments relating to this site are now invalid and no longer apply. Many of the more detailed concerns will be addressed and considered at the detailed reserved matters stage where local residents will have the chance to comment at that stage through the usual consultation process. The level of concern about the potential increase in traffic and other forms of infrastructure are noted but the area's existing infrastructure is considered capable of accommodating the level of development proposed. Where there are deficiencies, the draft Local Plan provides the mechanism for these to be addressed before any development occurs.

Outcome

The following major changes (MAJ9.2) to paragraphs 9.15 and 9.16 under the heading of 'Housing Supply' on page 166 are proposed (additions shown as highlighted and deletions shown as struck through):

9.15 The National Planning Policy Framework requires Councils to boost the supply of new housing to address objectively assessed needs. In accordance with Policy SD2 in Chapter 2 in this Local Plan, the urban settlement of Manningtree, Lawford and Mistley urban area will play its part in delivering a sustainable, fair and proportionate ~~see a 6% increase in housing stock in the 10-year period between 1st April 2011 and 31st March 2021~~ **see a 6% increase in housing stock in the 10-year period between 1st April 2014 and 31st March 2024.** Based on the evidence contained in the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA), this Local Plan is able to make provision for a total net increase of 310 dwellings in Manningtree, Lawford and Mistley over those 10 years. ~~With a total housing stock of approximately 3,800 dwellings on 1st April 2011, the 6% increase for this area equates to approximately 230 new homes.~~

9.16 This area has a very limited supply of potential development sites within the existing built-up area so the majority of this development will take place on greenfield sites specifically allocated for residential and mixed-use development in this Local Plan. ~~Since 1st April 2011, 20 dwellings have either already been built or have outstanding planning permission but have yet to be built, thus leaving a residual requirement of around 210 dwellings to be delivered on allocated sites within the remaining plan period up to 31st March 2021. Following careful consideration of the Council's Strategic Housing Land Availability Assessment (SHLAA) and the Sustainability Appraisal, the~~ **The following sites on the edge of the Manningtree, Lawford and Mistley urban settlement are allocated for residential and/or mixed-use development in this Local Plan comprising sufficient suitable, available and deliverable land to deliver around 210 new homes in total:**

- Land east of Cox's Hill, Lawford (see Policy MLM4 below); ~~and~~
- Land east of Bromley Road, Lawford (see Policy MLM5 below); ~~and~~

- Land north of Stourview Close, Mistley (see Policy MLM5a below).

Other consequential changes include:

- new Policy MLM5a: 'Development North of Stourview Close, Mistley' to reflect the addition of the new housing allocation on land north of Stourview Close, Mistley (see proposed Major Change MAJ9.3);
- Appendix 3: 'Estimated Dwelling Numbers for Allocated Sites' on pages 223 and 224 to reflect amendment to the indicative capacity of the housing site on land east of Cox's Hill, Lawford and the addition of the new site on land north of Stourview Close, Mistley (see proposed Major Change MAJ14.2); and
- Add a new housing allocation on land north of Stourview Close, Mistley (and extend the Settlement Development Boundary and remove the Coastal Protection Belt) to Policies Map Inset 4 (Manningtree, Lawford, Mistley and Mistley Heath) (see proposed Policies Map change PM4.4).

Manningtree, Lawford and Mistley – Alternative Housing Proposals

(Alternative proposals promoted by third parties with the potential for 10 or more dwellings)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Peter French (represented by Navigus Planning): Promoting a development of 60 houses on land at Stour View Close, Mistley.

Rose Properties Ltd (represented by ADPLTD): Additional land under our control in Lawford has a capacity for a further 200 dwellings. The Council's Sustainability Appraisal of 'Third party housing and employment sites' acknowledges all land within our control in Lawford is sustainable and scores the highest points when compared with all reasonable options in the area. In addition to its positive sustainability scores the area is a popular location and unlike Clacton has no un-built housing sites remaining from the last local plan period. Lawford has a strong housing market with unmet demand. The nearby town centre of Manningtree has a wide range of shops [including a new planning consent for a Tesco store in addition to the existing Co-operative store] and community facilities. There are varied local employment possibilities and a main line rail link to Colchester, Ipswich Chelmsford and London. Lawford is a location where people want to live and work. As a development location for an additional 200 dwellings offer a sound opportunity to contribute to the five year land supply and to the necessary increase in housing provision for Tending District. The plan identifies insufficient land to meet the likely full need for housing, or a NPPF recommended 15 year plan period. The allocation of additional land for 200 houses located to the east of Bromley Road and to the north of Dead Lane is capable of contributing to the undersupply of land for a 5-year land supply and the total undersupply for a longer plan period.

Mr. S. Ivell (represented by Forbes Associates): Land between Harwich Road and Hungerdown Lane, Lawford, should be allocated for a mix of housing and commercial development. This 4.8 ha site could accommodate 160 units (at approx. 35 dwellings per hectare), although this would be a

maximum given the need for access and amenity areas. Some commercial would also be proposed. Access would be via Harwich Road by means of removal of one existing property, with two secondary points from Hungerdown Lane.

Veolia Water (Affinity) (represented by Robinson & Hall LLP): The Settlement Development Boundary around the Manningtree/Lawford/Mistley Urban Settlement should be redrawn to include land off Colchester Road, Lawford to accommodate 15 residential units and the Strategic Green Gap notation covering the site should be removed. The Council previously recognised the need to deliver around 6,300 new dwellings between 2011 and 2031 and that much of the new growth would need to be delivered on greenfield land and that this should be focussed to the urban settlements within the district.

The site extends to 0.55 ha and comprises a field which has in part been used as operational land for the provision of water supply. The land is level to the west where it adjoins Colchester Road but the remainder slopes steeply to the east and northeast. The easternmost boundary of the owners land features a small stream and to the northeast is a pond. The extent of the site takes in the frontage onto Colchester Road adjoining No. 94 to the north. It extends to the rear as far as the rear boundary of No. 94 and the terrace of houses along the east side of Colchester Road, reducing in extent as an arc of development to the southwest corner of the site. The area is comprised of unkempt scrub with self seeded semi mature seeds and a small enclosed compound (that used to contain an oil tank) along the northern boundary this is the only part of the site which has previously been operational land for the water company. Colchester Road is characterised by very different forms of housing on either side of the road and virtually all of the properties have no car parking facilities. It is considered that development would improve its current poor visual appearance and would address a number of concerns raised in the Landscape Character Assessment. Whilst it would close the frontage onto Colchester Road the provision of a footpath link and access into the remainder of the site and beyond will enable the opening up of key views towards Long Road to the south and Trinity Road to the east. The site is considered far more suitable for residential development than the other sites allocated for housing in the draft plan, particularly land allocated east of Bromley Road, Lawford, which bears no relationship to the pattern of character of housing within the locality.

Mr. Brooks (represented by Robinson & Hall LLP): The Settlement Development Boundary around the Manningtree/Lawford/Mistley Urban Settlement should be redrawn to include land off Trinity Road, Mistley to accommodate housing and the Strategic Green Gap notation covering the site should be removed. The Council previously recognised the need to deliver around 6,300 new dwellings between 2011 and 2031 and that much of the new growth would need to be delivered on greenfield land and that this should be focussed to the urban settlements within the district.

The site extends to 8.82 hectares and is privately owned scrub land that serves no value or useful purpose for local residents other than providing a view from a limited number of viewpoints. The land can be secured with no means of access or benefit to the community. The proposed development of this site would provide a mix of dwelling types and accessible open space and a contribution would be offered towards the improvement of existing community facilities. It is considered that development would improve its current poor visual appearance and would address a number of concerns raised in the Landscape Character Assessment. Whilst it would close the frontage onto Trinity Road the provision of a footpath link and access into the remainder of the site and beyond will enable the opening up of key views towards Long Road to the south and Colchester Road to the west. The site is considered far more suitable for residential development than the other sites allocated for housing in the draft plan, particularly land allocated east of Bromley Road, Lawford, which bears no relationship to the pattern of character of housing within the locality.

Messrs. M. and P. Taylor (represented by Edward Gittins and Associates): Our site (0.81 hectares) in the corner of Mistley Place Park should be allocated for housing in order to raise capital for

investment to enhance and regenerate the remainder of the Park. The site constitutes over-mature landscape and has operated as an animal sanctuary open to the general public as a small visitor attraction.

The cafeteria and entrance fees have enabled the sanctuary to operate on a shoestring but this use has a harmful visual impact on the character and openness of the parkland. Furthermore, the lake within the park is seriously silted up and will require very substantial funding to be restored to its former glory. The site is a prominent one when seen from The Walls in the vicinity of Hopping Bridge and from New Road.

The Council has not made any provision for enabling development to restore the Park's landscape. We also object to the proposed blanket coverage of the site as a Local Green Space which would be protected under the terms of Policy PEO19.

The area identified for housing would not constitute a significant loss of parkland and could be delivered without visual intrusion into the parkland vistas when associated with the proposed landscaping belt. The landscaping belt together with the remainder of Mistley Place Park would be upgraded by a substantial contribution from the proceeds of the housing land sale and would reflect the level of investment necessary to restore the historic parkland.

Other than in relation to the proposed housing allocation area, the Landowners have no objection to the allocation of the majority of their site as Local Green Space or Proposed Green Infrastructure on Policies Map Inset 4. Mistley Place Park is a highly significant site for its historic and amenity value and for the contribution it makes to the setting of both Manningtree and Mistley. It also performs a valuable function as a buffer which avoids the coalescence of the settlements. The fabric of the park is nevertheless over-mature and will continue to deteriorate without significant investment. The current lawful uses of the site are unlikely to generate the level of funds necessary to manage and improve the parkland to a high standard in order to enhance its appearance. It is considered that the best prospect for upgrading of the historic parkland lies through enabling development which will generate funding to improve and secure the future of Mistley Place Park.

Landfast Limited and Mr. and Mrs. Foster (represent by Edward Gittins and Associates): The Employment Allocation alongside Mistley Quayside should be replaced with a Mixed Use Allocation (relates to site being promoted for a mix of uses including housing – see more detailed comments made against Policy MLM3).

Anglia Maltings (Holdings) Ltd (represented by VRG Planning): These comments relate to our objection to the allocation of the Edme site for employment. The Thorn Quay Warehouse should be allocated as housing, together with the remainder of the Edme site, to accommodate 100 dwellings within the plan period. The area should remain as mixed use.

The Sustainability Appraisal of Third Party Housing and Employment Sites and the SHLAA do not present a factually accurate representation of the Edme site and cannot be considered a sound technical base for preparation of the plan.

The SA of Third Part Sites is inaccurate for the following reasons:

- The title refers only to the Thorn Quay Warehouse (spelt incorrectly), but the commentary refers to the whole Edme site. It is important to note that the Thorn Quay Warehouse is not the only part of the Edme site that has potential to accommodate dwellings. Residential development within the No 2 Maltings presents the only means of bringing the building back into productive use. The study should therefore clearly identify that it is considering the whole Edme site.

- The commentary states that the site can accommodate 50 dwellings, but the basis of this is not explained and it is not clear to which area this relates.
- Adverse ratings have been awarded in relation to inward investment and regeneration. This seems astonishing, given the highly constrained nature of the existing buildings and the ongoing efforts by the new investors to retain Edme at the site since acquiring the business in 2005.
- An adverse rating is awarded in relation to pollution, but this unexplained and entirely without foundation.
- An adverse rating is awarded in relation to reducing greenhouse gas emissions, again this is unexplained and without foundation. It should be noted that Edme's location both within a grain-growing area and Harwich and Felixstowe enables sustainable exports of finished food products.
- An adverse rating is awarded in relation to reducing the risk of flooding. However, the Flood Risk Assessment submitted with the current planning application for the Thorn Quay Warehouse demonstrates that no such concerns exist.
- Adverse ratings are awarded in relation to biodiversity and protecting environmentally sensitive sites. The Ecology Assessment submitted with the planning application for the Thorn Quay Warehouse demonstrates that this is unfounded.
- The commentary states that the proposals for the site would result in a loss of jobs in the district. This is entirely untrue and without any foundation.
- The commentary omits to note that planning permission has been granted to convert the Abbey House and to create a total of 6 new dwellings on the south-side of the High Street.
- The commentary omits to note that English Heritage and Tendring District Council have stated that the three 19th / early 20th century brick built houses, currently used as offices, were originally built as dwelling houses. Their long-term best use will be to revert as dwellings.
- The commentary omits to note that the proximity to Mistley Station enhances the availability for residents to travel to work by public transport.
- The commentary concludes that the site is not sustainable. However, the site is highly sustainable. It is an underused brownfield site in a sustainable location. The Thorn Quay Warehouse in particular is vacant.

The SHLAA is inaccurate for the following reasons:

- It is not clear why the Edme site has been assessed together with land owned by TW Logistics. The two sites are entirely different and the appropriate conclusions in relation to each will differ.
- Contamination is referred to as a 'major issue', but documentation submitted with the planning application for the Thorn Quay Warehouse demonstrates that this is not a significant constraint to development. In addition, contamination issues have been adequately addressed in the recent planning permission granted for the six new dwellings around the Abbey House.

- The document states that 'Development is unlikely to be viable in the current economic climate'. This is entirely without foundation.
- The commentary states that 100 dwellings could be delivered towards the end of the plan period, but the phasing section then concludes that no dwellings would be delivered within the plan period. This is clearly highly inconsistent.
- The finding that 100 dwellings can be delivered at the site within the plan period is supported. However, the document should be clear that these dwellings would be located at the Edme site.
- Paragraph 6.42 of the SHLAA states that 'The assessment identifies no dwelling potential from within the existing urban area of Manningtree and Lawford so the 150 dwelling target will need to be met from greenfield urban extensions. The proposal for the Dale Hall area will deliver this target.' It is not clear why Mistley is not considered together with Manningtree and Lawford, as at Policy SD2 of the draft Local Plan and also within the adopted Local Plan. Sustainable brownfield land is available for development at the Edme site in Mistley, but has been ignored by the conclusions in favour of recommending green field development.

It appears that every opportunity has been taken in the appraisal to award negative ratings to the Edme site. This has resulted in green field land that is remote to public transport being recommended for development in favour of a genuinely sustainable site. The findings cannot therefore be considered either accurate or sound. The inaccurate findings of the SA have been used to justify the housing allocations contained in policies MLM4 and MLM5. The positive attributes of the Edme site as a potential site for housing have been overlooked.

The inaccuracies in the SHLAA must be corrected before the draft plan progresses any further. In addition, the proposed housing allocations for Manningtree, Mistley and Lawford need to be revisited in the light of the skewed policies that have resulted from these inaccuracies. It is considered that the Edme site should be allocated in preference to other green field sites referred to in policies MLM4 and MLM5.

City & Country: City & Country believe that the Settlement Development Boundary should be extended to the south past Long Road/B1325 as this area has excellent potential for either residential or mixed use. This coupled with releasing employment land on the waterfront for residential development by relocating the current uses to more appropriate locations on the edge of Manningtree.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

The Steering Committee of the Lawford Residents Group (including a petition of 175 names):

There are several areas around the Manningtree, Lawford and Mistley conurbation that are more suitable than the areas proposed in Lawford to accommodate small developments, whilst minimising the environmental impacts on the area. These areas could also be developed with natural boundaries to prevent future over development whilst automatically introducing new areas that should be designated as 'strategic green gap'. Several of these areas have existing road access or would require relatively minor changes that could only benefit the safety of the existing roads (perhaps through the use of roundabouts). These areas would compensate the 'loss' of areas MLM4 and MLM5. They are unobtrusive sites and do not dispel the rural atmosphere that infiltrates the otherwise urban area. In keeping with the existing neighbouring housing densities the sites could deliver around 200 homes.

Comments from members of the public

Mr. I. Sharer (represented by Tim Snow Architects Ltd): This relates to comments objecting about the inclusion of a small area of Local Green Space to the south of Harwich Road and the West of Middlefield Road, Mistley. There is an opportunity for a development on the site that would provide housing to support the councils housing need and could transfer land for allotments and amenity land to the south to the Parish Council, as part of a Section 106 Agreement. I believe that the council have assessed the site and found it suitable for sustainable development. I have consulted the Highway Authority who have raised no objections to a new access, in this location, on to Harwich Road. The site is adjacent to a substantial area of public open space. The illustrative scheme demonstrates how a scheme could be achieved providing a high quality of development, retaining a great deal of openness visually and providing allotment space and further public open space, through the Parish Council, in perpetuity. There is good reason to believe that the allocated housing land within the plan may not have been accurately assessed in terms of numbers and land area (that I have addressed elsewhere) We would suggest a more flexible approach that does not necessarily allocate the land for housing but does not prevent its future development by the placing of this protection which is not justified and the proposal provides a positive scheme to provide sustainable development.

Mr R. Corbin (Lawford): Development should be spread more evenly between Manningtree and Mistley. There are alternative locations in Mistley that could accommodate development. The most obvious large area is the green gap located north of Long Road. This gap was historically established to keep Lawford and Mistley separate but if this area is now considered as one urban area (for housing purposes) then this gap is no longer justified. Unlike land off Cox's Hill, there is no obvious access issue here and there is no AONB.

Council consideration

Numerous alternative proposals for development sites were submitted in response to the 2012 Draft Local Plan, some were new proposals and others had been submitted previously as part of the Council's 'call for sites' exercise. These proposals have the potential to deliver 10 or more dwellings. Smaller scale proposals that have requested relatively small amendments to Settlement Development Boundaries are considered under 'Proposed Small-Scale SDB Changes' below.

In the 2012 Draft Local Plan the three separate settlements of Manningtree, Lawford and Mistley are considered together as a single 'Urban Settlement' that is capable of accommodating a 6% increase in housing stock. However, in order to address concerns received about the proposed approach to growth, the Council is proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for the Manningtree, Lawford and Mistley area has therefore been increased slightly to around 8% but this reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. Therefore any alternative proposals that would result in a significantly higher dwelling stock increase than what is considered 'fair and proportionate' are considered unsustainable and out of character.

Individual proposals are considered in more detail within a separate report but a summary of how each proposal has been considered is set out as follows.

Land north of Stour View Close, Mistley

Land north of Stour View Close, Mistley is being promoted by Mr French (represented by Navigus Planning) as a modest extension to the north-east corner of Mistley Village for around 60 houses. The promotion of this site is also related to comments that have been made about the Draft Local Plan's proposed growth strategy for this part of the district and the concern about the lack of any planned growth in Mistley. In response to these concerns, it is agreed that there needs to be some flexibility in the growth strategy for this part of the district to ensure the needs of Mistley are also met. Therefore, the proposal has been accepted through the proposed inclusion of new policy MLM5a (MAJ9.3) and change to Policies Map Inset 4 (PM4.4) which, we trust, will result in the withdrawal of these objections and support for the Local Plan at the examination. The new policy, alongside the general policies in the plan, will seek amongst other things to ensure any potential adverse effects on the proposed extension to the Suffolk Coast and Heaths AONB are kept to a minimum and that the development of a high quality design.

Additional land east of Bromley Road and north of Dead Lane, Lawford

Rose Properties Ltd (represented by ADPLTD) already has control over the two areas of land in Lawford that are allocated for mixed-use development in the 2012 Draft Local Plan but is seeking the allocation of additional land (also in its control) to the east of the site off Bromley Road for a further 200 homes. This location is also suggested as a possible location by City & Country and the Lawford Residents Group as an alternative the two large areas of land allocated in Lawford in the draft Local Plan. Whilst the land is adjacent to an existing proposed allocation and appears to represent a sensible and logical extension of the settlement, the allocation of this additional area of land would result in housing development over and above what is considered to be 'fair and proportionate' for the Manningtree, Lawford and Mistley area and so would be contrary to the plan's approach to housing growth. Furthermore, the level of development proposed is unlikely to be deliverable within the plan period as highlighted in the Council's Strategic Housing Land Availability Assessment. It is therefore not agreed that further land should be allocated but it could be considered as a possible option for further growth at a later stage when the Local Plan is reviewed and only if Lawford remains a suitable location for growth. For these reasons, this proposal has been rejected by the Council but, if it so wishes, Rose Properties Ltd will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, it can make the case for development through the development management process.

Land between Harwich Road and Hungerdown Lane, Lawford

Mr S Ivell (represented by Forbes Associates) is promoting the development of land between Harwich Road and Hungerdown Lane, Lawford for housing and possibly some commercial development. The land lies to the rear of properties in Harwich Road. The main issue with the site is that it would, if it was allocated, represent a piecemeal form of backland development that would run counter to the Council's policy on 'backland development' which seeks to avoid long narrow access points and housing lying to the rear of existing properties behind an established road frontage. Furthermore, there is no obvious point off access from Harwich Road and access off Hungerdown Lane is unlikely to be supported. Additionally, the development of this site would result in housing development over and above what is considered to be 'fair and proportionate' for the Manningtree, Lawford and Mistley area and so would be contrary to the plan's approach to housing growth. For these reasons and because the site does not represent a logical extension to the existing built up area and there is more suitable land elsewhere, this proposal has been rejected by the Council but, if he so wishes, Mr Ivell will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, he can make the case for development through the development management process.

Land off Colchester Road, Lawford

Veolia Water (Affinity) (represented by Robinson & Hall LLP) is requesting the allocation of land off Colchester Road, Lawford, for a development of 15 houses. Whilst the site may seem a sensible area for infill development, it is not considered suitable as development would erode the gap of open countryside between the main built up area of Lawford/Manningtree and the neighbouring Mistley Village, which is considered to be worthy of protection and is therefore designated as a 'Strategic Green Gap' in the draft Local Plan, where development is strongly resisted. Furthermore, the area of land is part of the wider Manningtree and Mistley Conservation Area and this area of land was specifically included as part of the last review of the Conservation Area due to its contribution to the overall character and appearance of the area. Additionally, the development of this site would result in housing development over and above what is considered to be 'fair and proportionate' for the Manningtree, Lawford and Mistley area and so would be contrary to the plan's approach to housing growth. For these reasons, and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if it so wishes, Veolia Water (Affinity) will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, it can continue make the case for development through the development management process where, amongst other things, the strict criteria in Policy SD6: 'Strategic Green Gaps' and Policy PLA7: 'Conservation Areas' would need to be met (it is noted, however, that there is currently a planning application for development that is pending consideration).

Land off Trinity Road, Mistley

Mr Brooks (represented by Robinson & Hall LLP) is requesting the allocation of land off Trinity Road, Mistley, for housing development. Whilst the site may seem a sensible area for infill development, it is not considered suitable as development would erode the gap of open countryside between the main built up area of Lawford/Manningtree and the neighbouring Mistley Village, which is considered to be worthy of protection and is therefore designated as a 'Strategic Green Gap' in the draft Local Plan, where development is strongly resisted. Furthermore, the area of land is part of the wider Manningtree and Mistley Conservation Area and this area of land was specifically included as part of the last review of the Conservation Area due to its contribution to the overall character and appearance of the area. Additionally, the development of this site would result in housing development over and above what is considered to be 'fair and proportionate' for the Manningtree, Lawford and Mistley area and so would be contrary to the plan's approach to housing growth. For these reasons, and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if he so wishes, Mr Brooks will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, he can continue to make the case for development through the development management process where, amongst other things, the strict criteria in Policy SD6: 'Strategic Green Gaps' and Policy PLA7: 'Conservation Areas' would need to be met (it is noted, however, that there is currently a planning application for development that is pending consideration).

Land at Mistley Place Park, Mistley

Land on part of Mistley Place Park has been promoted for development by Messrs M and P Taylor (represented by Edward Gittins and Associates) in order to fund improvements to the remainder of the park and secure its long term future. Whilst the Council is sympathetic to the principle of securing the park's long-term future, it is not considered appropriate to allocate this land for housing in the Local Plan for a number of reasons. The main issue is that the land forms an important part of the green gap between the Lawford/Manningtree built up area and Mistley Village and is therefore allocated as a 'Strategic Green Gap' where development is strongly resisted unless strict criteria set out in Policy SD6: 'Strategic Green Gaps' in the Draft Local Plan can be met. Additionally, the land is part of the wider Manningtree and Mistley Conservation Area where it is specifically identified as an important open space that contributes to the overall character and

appearance of the area. Furthermore, the land is designated as a 'Local Green Space' in the Draft Local Plan. For these reasons, and because there is more suitable land elsewhere, this proposal has been rejected by the Council but if they so wish, Messrs Taylor will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, they can make the case for development through the development management process where, amongst other things, the strict criteria in Policy SD6: 'Strategic Green Gaps' and Policy PLA7: 'Conservation Areas' would need to be met and balanced against the business case put forward.

Land at Northumberland Wharf, Mistley

Land to the east of Mistley Port, known as 'Northumberland Wharf', has been promoted for a mixed-use development by Landfast Limited (represented by Edward Gittins and Associates). The main issue with the site is that the northern portion closest to the shoreline is currently in employment use and is therefore safeguarded and promoted for B1(b & c), B2 and B8 use by Policy PRO14: 'Employment Sites' in the Draft Local Plan. This portion of the site is also affected by Policy MLM3: 'Mistley Port and Mistley Marine' where in the supporting text to that policy it is acknowledged that this site represents one of only a few realistic locations within the vicinity of the existing port that it could expand onto and so the potential for this should be taken into consideration. However, it must be noted that the site is now no longer safeguarded specifically for port use in the draft New Local Plan as it had been in previous local plans. The site would not represent a sensible or logical extension to the existing built up area and would introduce residential development in an area that is currently non-residential in character, with poor vehicular access via Anchor Lane. Additionally, the site is included within the wider Manningtree and Mistley Conservation Area and this area of land was specifically included as part of the last review of the Conservation Area due to its contribution to the overall character and appearance of the area. For these reasons, and because there is more suitable land elsewhere, this proposal has been rejected by the Council but if they so wish, Landfast Limited will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, they can continue to make the case for development through the development management process (it is noted there is currently a planning application for development that is pending consideration).

Thorn Quay Warehouse and Edme Maltings Site, Mistley

Anglia Maltings (Holdings) Ltd (represented by VRG Planning) is requesting the allocation of the Thorn Quay Warehouse and remainder of the Edme site for mixed-use development, comprising housing. It should be noted that planning permission was granted in October 2013 for the mixed-use redevelopment of the Thorn Quay Warehouse and so this issue is now irrelevant. With regards to the main part of the Edme site on the south side of Mistley High Street, the main issue with this is that it is currently in employment use and is therefore safeguarded and promoted for B1(b & c), B2 and B8 use by Policy PRO14: 'Employment Sites' in the Draft Local Plan. For this reason, and because there is more suitable land elsewhere, this proposal has been rejected by the Council but if they so wish, Anglia Maltings (Holdings) Ltd will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, they can make the case for development through the development management process where the onus will be on the applicant to demonstrate how their proposal would create new employment opportunities or support existing ones. See the Council's response to comments raised against Policy MLM2: 'Edme Maltings Site, Mistley') for a more detailed consideration of the issues raised by Anglia Maltings (Holdings) Ltd.

Land to the south of Harwich Road and west of Heath Road, Mistley

Land to the south of Harwich Road and west of Heath Road, Mistley is one of four broad areas of land being suggested by the Steering Committee of the Lawford Residents Group, which is opposed to the proposed development of the two sites in Lawford. It is noted that this land has not been promoted by the landowner or a developer. The site is not considered suitable in principle as

it would result in the merging of Mistley village with the nearby hamlet of Mistley Heath. For this reason, and because there is more suitable land elsewhere, this suggestion has been rejected by the Council but if it so wishes, the landowner is free to make the case for development through the development management process.

Land to the south of Harwich Road, Mistley

Land to the south of Harwich Road, Mistley was originally promoted for development by the landowner during the 'call for sites' exercise but has also been suggested as a potential location for development by Mr Sharer (represented by Tim Snow Architects Ltd) and the Steering Committee of the Lawford Residents Group, which is opposed to the proposed development of the two sites in Lawford. Whilst the site would appear to represent a sensible area for infill development, the northern portion of the site is currently in use as allotments and is therefore designated as a 'Local Green Space' in the Draft Local Plan where development is strongly resisted. It would therefore be difficult to achieve vehicular access direct from Harwich Road. For these reasons, and because there is more suitable land elsewhere (and in particular the land north of Stour View Close that is now being recommended for allocation to provide some new housing in Mistley), this proposal has been rejected by the Council but the promoter will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, the case for development can be made through the development management process.

Land north of Long Road, Mistley

Mr Corbin is suggesting that the gap of land between Lawford/Manningtree and Mistley Village, north of Long Road, should be considered for housing development. It is noted that this land has not been promoted by the landowner or a developer. The site is not considered suitable in principle for the same reasons as given above for land to the north, off Trinity Road. For this reason, and because there is more suitable land elsewhere, this suggestion has been rejected by the Council but if it so wishes, the landowner is free to make the case for development through the development management process.

Outcome

With the exception of land off Stour View Close, Mistley, none of the alternative sites considered above are proposed for inclusion in the Local Plan through focussed changes. The following **major changes** (MAJ9.3) to insert new Policy MLM5a and supporting text after Policy MLM5 on page 172 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

Development north of Stourview Close, Mistley

9.38a Land north of Stourview Close, Mistley, is allocated for residential development to ensure a better spread of housing within the Manningtree, Lawford and Mistley urban area and to provide housing to meet more specifically the local needs of Mistley. Due to the site's location within the proposed extension to the Suffolk Coast and Heaths AONB, emphasis will be placed on a high quality of design and appropriate landscaping to provide a more sympathetic settlement edge to help conserve and enhance the wider surrounding landscape. In addition to other policies in this Local Plan, the additional requirements set out in Policy MLM5a below will also be met.

POLICY MLM5a: DEVELOPMENT NORTH OF STOURVIEW CLOSE, MISTLEY

Land north of Stourview Close, Mistley (as defined on the Policies Map Inset) is allocated for residential development. The Council will work with the developer (and relevant partners) prior to

the submission of a planning application to ensure that alongside other relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

- a) the vehicular access point into the site will be off Stourview Avenue;
- b) a minimum 20 metre landscaping buffer will be created along the north and eastern edges of the site to help minimise any material adverse impacts on the proposed extension to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty, using appropriate species of vegetation native to the area; and
- c) the development will be well designed in order to help minimise any material adverse impacts on existing surrounding development, the surrounding landscape and views of the site from the Stour Estuary and opposite shoreline.

Other consequential changes include:

- List the site under paragraph 9.16 under the heading of ‘Housing Supply’ on page 166 – see major change **MAJ9.2**.
- Include the site in Appendix 3: ‘Estimated Dwelling Numbers for Allocated Sites’ on pages 223 and 224 – see major change **MAJ14.2**.
- Add a new housing allocation on land north of Stourview Close, Mistley (and extend the Settlement Development Boundary and remove the Coastal Protection Belt) on Policies Map 4: ‘Manningtree, Lawford and Mistley’ – see proposed Policies Map change **PM4.4**.

Policy MLM2 – Edme Maltings Site, Mistley

(Pages 168 and 169 – including paragraphs 9.25 to 9.27)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Anglia Maltings (Holdings) Ltd (represented by VRG Planning): We object to the proposal to designate the Edme site as an employment site. This designation will be highly inflexible, ignores planned mixed use development that has been the subject of long standing discussions with the Council, and fails to recognise both the presence of Listed Buildings and the constraints of the Conservation area.

The Edme site is highly constrained. This has been widely documented through representations to the previous Local Plan Review and recent planning applications. Some of the constraints may be summarised as follows:

- The No. 2 Maltings is a Listed building with high costs of ongoing maintenance.
- Structures such as the Edme Chimney occupy a large area of the site, but cannot be used for employment purposes.

- The Manningtree & Mistley Conservation Area Management Plan indicates that smaller buildings such as the existing 'houses' must front the High Street. This again prevents the delivery of buildings that can house a production line or similar employment accommodation.
- The existing production buildings are dated and thus have high running costs; this represents a significant burden to Edme as a business in a highly competitive European market for food ingredients.
- The existing buildings, due to their age and design, require expensive investment to meet hygiene requirements which are regularly up-rated.
- The site is constrained in terms of lorry access, but the scope to address this is limited by the need to retain existing buildings.

The viability of the Edme business at the existing site is finely balanced. Edme previously intended to relocate to another site, in order to address challenges to its business and to deliver the accommodation it needs. The decision to relocate has been deferred due to recent market conditions. However, it will become necessary to re-visit that decision if the Company's attempts to re-plan the existing site cannot be brought to fruition economically.

Edme, having deferred a decision on moving site, has invested circa £1.5m on upgrading lines in order to meet increasingly stringent hygiene requirements. Due to the constraints of the old buildings, the capital cost is estimated as being circa 30% higher than if invested within purpose built modern accommodation.

The proposed policy for the Edme site ignores the challenge presented by existing buildings such as the No 2 Maltings. This is a Listed Building, the upper floors of which are in poor condition, and have remained unused for many years. The Manningtree & Mistley Conservation Area Management Plan states that the building is 'in urgent need of rehabilitation' and recognises the potential need for residential use in order to secure its future. The building has been marketed since 2006, but no employment occupiers have expressed any interest. The only interest has been from a single wholesale retailer, which could not be accommodated due to the requirement for extensive car parking. Residential use is clearly the only option if the building is to be brought back into productive use, rather than remaining a vacant and slowly deteriorating historic asset. The proposed plan policies should seek to plan positively for the future of such buildings.

It is noteworthy that Edme has invested £125,000 in 2011 to re-roof No.2 Maltings, with no economic return. In relation to the Edme Chimney, this is a prominent landscape feature. As a result of the need to reduce maintenance costs, an application to demolish the chimney was made, but this was refused. Again, Edme has an ongoing maintenance liability with no economic return. In relation to the Mistley High Street frontage and Edme offices, there are three 19th Century / early 20th Century houses on the south-side of Mistley High Street, currently used as offices. English Heritage and Tendring District Council have stated, in discussions with Edme, that these houses must be maintained as individual buildings in order to preserve the character of the High Street. Implicitly this means that, other than for inefficient office use, the long-term future of these buildings must be residential. That being the case, any residential use will require clearance of adjacent industrial buildings in order to provide gardens or back yards and off-street parking.

The existing adopted Local Plan identifies the Edme site as a mixed use area and allocates the site for the delivery of 100 dwellings. An independently appointed inspector determined this policy approach to be most appropriate following detailed consideration of evidence presented at the Local Plan Inquiry in 2006. The existing adopted policy recognises the need for a flexible approach

to the future of the site. Edme's operational needs as an employer require that the site can be developed flexibly, and that full value from the site can be used to support ongoing investment. No argument has been advanced for a change in the existing designated usage. The previous policy should therefore be re-instated.

Whilst not listed in the draft plan, the study 'Assessment of Mistley Port' has been used as evidence informing the approach in the plan. The report was commissioned by the Council and undertaken by Adams Hendry to inform the Mistley SPD, which is no longer being prepared as a policy document. The study is distinguished by its uncritical stance to the propositions of need advanced to its authors by TW Logistics largely on the basis of undisclosed or unchecked data. Many of the claims about the need for expansion land are either exaggerated or contrary to the available evidence. The report was not circulated in draft, and therefore no critical examination was made of its assertions. In particular the study contains 2 important omissions. First, no analysis was undertaken of the tonnage of material received on site by road, and then transported off site by road, activity which is therefore not port-related. Second, the nature of cargoes was not examined, with no assessment of the relative value or sustainability of the cargoes being handled. The report suggests that the existing Thorn Quay Warehouse is suitable for use by the port. The authors of the report appear to be unaware of the substantial shortcomings that the present dilapidated warehouse has for port or any other storage or employment use. The floor to ceiling heights at quay floor and above are very sub-standard and the floor area is impeded by many columns. It can only be used for long term storage of bulk goods and they can only be unloaded or removed with time and labour consuming difficulty. It is simply outmoded and inflexible space. The Thorn Quay Warehouse has been fully surveyed by the port operator TWL, but no proposal for conversion has been advanced by TWL over the last two years, and no request was made for a lease to convert the building for port use.

Anglia Maltings (Holdings) Ltd, owners of Edme, has extensive experience of using Mistley port for shipment of bulk malt. It is noted that the considerable opportunity to improve facilities for handling of grain for human consumption already exists but these have not been advanced by the port operator. As a result the utilization of the bulk grain stores is about 76% of capacity. In addition, the port operator has not dredged the port, with the result that the size of vessels that the port can accommodate has decreased over recent years.

For the above reasons, the applicants do not consider that the study can be used to inform planning policies. Rather than addressing these points, the draft Local Plan ignores the future of the Thorn Quay Warehouse.

TW Logistics Ltd: Whilst it is appreciated Thorn Quay Warehouse falls outside the scope of Policy MLM2, continuing the approach of the current Adopted Local Plan, reference is made within the supporting text 9.26-9.27 to the development of a strategy by Anglia Maltings (Holdings) in consultation with the Council. No strategy for the Edme Maltings Site appears within the technical studies library for the Draft Local Plan and reference to an agreed strategy within the Draft Local Plan is therefore unsound and should be deleted.

The Council's recent Sustainability Appraisal of Third Party Housing and Employment Sites appraises Anglia Maltings (Holdings) proposal to redevelop the Thorn Quay Warehouse from employment use to residential use to be unsustainable. We strongly support that finding. Appropriate appraisal of the impact of the redevelopment proposal on key sustainability objectives promoting port development and protecting the historic environment will identify further substantial harm threatened by redevelopment and add further weight to the sustainability appraisal's conclusion that Third Party Proposed Housing Site 4.22 is unsustainable.

A February 2012 public consultation masterplan by Anglia Maltings (Holdings), in addition to outline proposals for the Edme Maltings Site, included illustrations of the Thorn Quay Warehouse

as a housing site. This is a further reason why reference to supporting an undefined agreed development strategy for the Edme Maltings Site that cannot be referenced is unsound.

With regard to the content of Policy MLM2, elements of the strategy by Anglia Maltings (Holdings) referenced within the specific requirements of this policy run directly counter to evidence presented by Anglia Maltings (Holdings) at the Local Plan Inquiry in 2007 and supporting evidence submitted with planning applications by Edme within the last decade. In particular, the policy contemplates the repair and rehabilitation of the No.2 Maltings for employment use (in a public consultation document shown for use as offices), the redevelopment of operational land once considered vital for HGV circulation purposes to infill housing in conjunction with the expansion of warehousing and production on the site.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The issues raised against this section of the local plan are from two companies that both have a commercial interest in Mistley. TW Logistics Ltd own and operate Mistley Port which occupies the whole length of quayside at Mistley, north of Mistley High Street. Anglia Maltings (Holdings) Ltd own and operate the Edme Maltings business, which occupies the area of land on the south side of the High Street and a large, redundant warehouse on the north side of the High Street. This warehouse was the subject of an approved planning application which proposed demolition of the existing warehouse and its replacement with a mixed-use development comprising housing, office space and floorspace for port use.

The thrust of the points raised by both companies seem to relate to both companies wanting to use this warehouse for their own activities. Many of the issues raised against this section of the plan have already been considered during the long-running legal dispute between the council and TW Logistics Ltd with Anglia Maltings (Holdings) Ltd as an interested party relating to the council's decision to adopt the Manningtree and Mistley Conservation Area Management Plan. However, as reinforced by the judge's verdict, which found in favour of the council, the appropriate time for the detailed consideration of many of these issues was during the consideration of the current (or any other future) planning application. The Warehouse is not specifically covered by any notation on the policies map but was formerly in employment use and so Policy PRO14 would apply.

The key areas of concern raised by Anglia Maltings (Holdings) Ltd can be summarised as follows: the designation of the Edme site as an employment site ignores long standing discussions between the council and the company, is inflexible and ignores the presence of listed buildings and the constraints imposed by its conservation area status.

The previous policy in the old local plan was overly prescriptive, complex and created ambiguity. The new local plan reflects the spirit of the National Planning Policy Framework by being more flexible and allowing proposals to be considered on their merits. Anglia Maltings (Holdings) Ltd objects to the plan treating the main Edme site south of the High Street as a general employment site. However, whilst the council has been involved in long standing discussions about the future of

this site and broadly supports (in principle) the strategy that the business has developed to guide their future plans, it is important that the local plan treats this site in the same way as all other employment land in the district to be consistent and fair. A key aspect of the council's approach to planning for prosperity is to ensure there remains a sufficient and flexible supply of suitable employment land to meet the needs of existing businesses in the district and those who may want to move to Tendring. Policy PRO14 achieves this by safeguarding existing employment land and premises in employment use and resisting proposals for non-employment uses unless applicants can demonstrate how their proposal would create new employment opportunities or support existing ones. Policy MLM2 expands on this by stating quite clearly that the council will support the release of underused parts of the Edme site for mixed-use development where it can be demonstrated it is part of a wider package of proposals needed to deliver further improvements elsewhere in the site to protect existing opportunities or create new ones. It is therefore not agreed that the policy ignores the needs of the business as, in fact, it does the opposite of this by stating clearly the key aspects of their plans and that the Council is likely to support mixed-use development, provided the site predominantly remains in some form of employment use.

The plan does not prevent the residential conversion of No 2 Maltings. Instead, the policies in the plan seek to ensure all reasonable efforts have been made to explore all forms of appropriate economic use before allowing residential use, which would need to be demonstrated at any subsequent planning application stage.

It is understood how the site's conservation area status and presence of listed buildings on an employment site could be regarded as a constraint to a business, particularly when this places additional requirements on that business to keep those buildings maintained, often using more expensive materials in order to retain their unique character and places tighter controls on development. Whilst the council wishes to support existing businesses, their needs must be properly balanced with the council's wide range of aims and objectives. Any business that is occupied in an area with a rich historic environment must share some of the responsibility with the council in protecting or enhancing that environment. A key aspect of the council's conservation strategy is to work closely with owners of listed buildings and owners of prominent sites in conservation areas in order to devise a strategy that meets the needs of that business whilst also enabling the council to meet its aims and objectives. The fact a site is located within a conservation area or contains listed buildings does not necessarily mean that the council is not supportive of change. What is important is that any change is managed carefully and the need to protect or enhance that area is treated as an overriding concern when deciding what change is necessary and appropriate. As referred to in the local plan, a 'Conservation Area Management Plan' has been prepared that contains guidance on how to protect or enhance this conservation area. This should only be used as a guide but it attempts to express some of the key issues and challenges faced in the conservation area and how these could be resolved in order to protect or enhance the character of the area.

Outcome

The following **minor changes (MIN9.6)** to the second paragraph of Policy MLM2: 'Edme Maltings Site, Mistley' on pages 168 and 169 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

The Council will work with the **developer (and relevant partners)** ~~landowner to prepare a development brief for the site~~ prior to the submission of further planning applications **and to ensure** that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, and the guidance contained in the Manningtree and Mistley Conservation Area Management Plan, development proposals also meet the following specific requirements:

Policy MLM3 – Mistley Port and Mistley Marine

(Pages 169 and 170 – including paragraphs 9.28 to 9.32)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Landfast Limited and Mr and Mrs Foster (represent by Edward Gittins and Associates): We object to the suggestion that land at Mistley Marine is suitable for port-related use without any empirical evidence to suggest its impacts can be suitably mitigated is regarded as rash in the extreme. As far as we are aware, the Council has not conducted focused research on the impact of open and covered storage and associated vehicular activity on this site either on the estuary itself or on the landscape, nor has it demonstrated this use would be less harmful than the existing lawful use.

In contemplating the possibility of port expansion the identification of the “two most suitable sites” referred to in paragraph 9.29 is not based on any research or study which indicates that these specific sites, if used to extend port operations, could meet the Council’s stringent policy tests required in order to safeguard wildlife and landscape resources. It is therefore inappropriate for the lower case text to suggest the suitability of these sites for port expansion in the absence of the known nature and level of impacts and accordingly we seek the deletion of the last sentence in paragraph 9.29.

Mistley Port, Mistley Marine and the Trailer Park sites are safeguarded for employment use and not specifically for port expansion. Policy MLM3 makes no reference to port expansion and rightly in our view draws no distinction between port-related and other employment uses nor affords any priority for port-related uses within this broad employment allocation. The absence of any specific policy support or priority for port expansion further justifies our case for seeking the removal of lower case text referring to suitable sites for port expansion in paragraph 9.29.

For the same reasons set out above, there can be no justification for suggesting in paragraph 9.30 that the Mistley Marine site: “could be used for port-related storage should the land become available in future”. There is no evidence to suggest this might be compatible with the environmental protection test imposed in Policy MLM3 or, as noted, any wording within the policy which affords priority to port expansion over and above other forms of employment use. The second sentence in paragraph 9.30 should therefore be deleted.

Storage associated with port uses would inevitably involve intrusive open storage and/or large storage sheds with intensive and noisy vehicular activity alongside the estuary and there is an obvious potential conflict with wildlife and landscape conservation objectives which fully justify the proviso expressed in the wording of the policy. It is likely that any proposals for port expansion will need to be the subject of an Environmental Impact Assessment. The Council’s support in principle for the port’s aspirations for growth on the one hand but nevertheless its insistence that such must be in line with Policy MLM3 (as expressed in the first sentence in paragraph 9.31 quoted above) is unjustified in the absence of any testing of individual sites, types of development and impacts.

The Council’s support in principle for the port’s growth aspirations is further weakened by the last sentence in Policy MLM3. In the unlikely event that port-related uses could be accepted on the Mistley Marine site, there will inevitably be substantially increased HGV movements into the port via Mistley High Street to gain access to the existing port entrance opposite Mistley Station. The only alternative is for all inbound and outbound port traffic to use the High Street access alongside

Mistley Towers, an Ancient Monument, continuing along the full length of the quaysides past the residentially converted warehouses. The restraint on commercial traffic for sound environmental reasons in Policy MLM3 effectively rules out port expansion and to suggest there is support in principle for port expansion is therefore disingenuous.

The draft plan perpetuates the uncertainty and the absence of rationale for port expansion in Adopted Local Plan Policy LMM1a. The Council has pursued a path of seeking to retain and encourage employment in and around Mistley Port and this is laudable in certain respects. The Council is nevertheless riding two horses at the same time, purporting to support port expansion in principle whilst also seeking to safeguard delicate environmental resources and residential amenity – objectives which are almost certainly incompatible. It has also previously supported a mixed use approach which has introduced residential development into the heart of the port area before now focusing entirely on employment allocations. The level of research and thought needed to resolve existing and potential land use conflicts which were being investigated in the Mistley Waterfront and Village Urban Regeneration SPD has been abandoned and is apparently now to be replaced with a simplistic blanket employment allocation and policy. We do not believe that the contents of the Local Plan are adequate to deal with the current and potential environmental conflicts arising from future development and consider the Council should decide what its actual policy is in terms of acceptable land use and levels of activity and impact.

The above view is supported by the comments and concerns previously registered by Natural England in relation to the likely effect of development on the estuary and the surrounding landscape during the preparation of the Draft SPD. In responding to various development scenarios suggested in the Draft SPD, Natural England also stated that it was “sympathetic to the mixed use development proposed for the Mistley Waterfront area, subject to the major environmental constraints set out above, as we feel that the integration of commercial and residential uses along the waterfront is most likely to result in a sustainable development solution for the area as a whole.”

We see no evidence that the Council has heeded this key Natural England advice in preparing its policy and proposals for the Mistley Port and Mistley Marine sites. Policy MLM3 and its related allocation safeguards the whole area for employment uses only. Whilst in theory residential uses might exceptionally be agreed under the terms of Policy PRO14, it is unlikely in practice that such uses could meet the necessary criteria to oust a primary employment use. The Council is therefore choosing to promote waterside employment (which could include port-related employment) through a blanket employment allocation despite Natural England’s warning such uses are likely to have the greatest impact on the SPA and should only be contemplated if it can be demonstrated that their environmental impacts are acceptable. By the same token, Natural England has not indicated it wishes to oppose waterside development per se and has suggested a balance between new employment and residential uses. This view pointing to a compromise is also not reflected in the draft plan.

In summary, we regard the approach now being adopted to promote and guide future development on the Mistley Port and Mistley Marine sites to be ill-considered and inappropriate. The draft plan neither appreciates nor satisfactorily addresses the current harmful impact of port operations and other marine-related commercial activities on the estuary’s wildlife and landscape resources nor provides the necessary assurance that the proposed employment allocation will remove or reduce these harmful impacts. On the contrary, the harmful effects of the current proposals, both in terms of their impacts on wildlife and landscape, are likely to increase the level of harmful impacts in future - a view endorsed by Natural England. Current proposals ignore the concerns previously expressed by Natural England and reject the positive view put forward that mixed employment and residential forms of development would be likely to be more compatible with wider environmental objectives. We therefore register the strongest objection to the blanket employment allocation and its expression in Policy MLM3. We further object to the current proposals in terms of the effect the proposals would have not only on Mistley High Street but on the wider Conservation Area,

including the setting of Mistley Towers – an Ancient Monument. Increases in HGV movements associated with the port or other forms of employment pose a serious threat to the character of the area and to residential amenity in particular. The Plan makes no proposals to close the port's in-only access opposite Mistley Station which means that port-related traffic will continue to pass along High Street as well as utilising the Mistley Towers access. All egressing traffic must use the Mistley Towers access having passed along the quaysides – with unwelcome implications for the occupiers of the converted warehouse. Any intensification of employment uses on the Mistley Marine site will either increase traffic along Anchor Lane or, if this is closed to commercial traffic, add to that along the quaysides – with consequences for residential amenity in either case. Port expansion in particular would have serious consequences for the SPA/Ramsar/SSSI in terms of noise and activity on or close to the waterside. Large commercial warehouses or open storage would be visually intrusive in the estuary landscape and be incompatible with the aspirations for extending the AONB.

Taking all these considerations into account, it is submitted that the Plan should promote regenerative development which is least likely to materially harm the estuary's natural resources and residential amenity. We therefore advocate that any policies and proposals for Mistley Port and Mistley Marine sites should reflect mixed employment and residential uses.

Paragraphs 9.28-9.32 and Policy MLM3 should be replaced with the following text and the Employment Allocation alongside Mistley Quayside should be replaced with a Mixed Use Allocation:

“9.28 Mistley Quayside is currently occupied by a range of various commercial and residential uses. Its western and central sections operate as Mistley Port - a small independent port handling a range of cargoes, including the transhipment of bulk malts to distant markets. These operations provide a strong industrial character as well as being a source of local employment within the warehousing and distribution sectors. The recent residential conversion of some of the former warehouses, and the Listed commercial and residential buildings along High Street and around Swan Basin, are physically and visually connected with the port and, with the industrial character of the quayside, are also part of the character of the wider Manningtree and Mistley Conservation Area and contribute to Mistley's unique sense of place. The eastern end of the Quayside area is occupied by Mistley Marine and the lower parts of the site are used for the maintenance, construction and breaking of marine vessels, storage and the provision of services to the users of the Estuary, including dredging. The site here is contaminated and there has been deposition alongside the estuary whilst the quaysides are in a poor state of repair or have disappeared. The upper parts of the site, however, contain protected trees which form an attractive landscape feature.

9.29 Mistley Quayside therefore remains predominantly in commercial use but the Council has supported diversification through the promotion of the residential change of use of a warehouse within the central part of the quayside whilst established housing lies alongside or close to the commercial areas. It remains imperative that any future development is able to be undertaken without material harm being caused to the natural resources of the Estuary or the Conservation Area, whilst safeguarding the residential amenity of all existing and future residents alongside or close to the river is also a high priority.

9.30 The Council consider that with careful planning and land management, the Mistley Quayside area is capable of continuing to accommodate mixed uses in the form of commercial and residential development but proposals must not materially harm the sensitive setting or historic character of the area or the amenity of its residents. The Mistley Quayside area is therefore identified as an Area for Mixed Commercial and Residential Uses in the Proposals Map as governed by Policy MLM3: Mistley Quayside. Specifically, all proposals for development anywhere along the waterfront will be required to demonstrate that there would be no material adverse impacts on the adjacent wildlife sites, to the character of the Suffolk Coasts and Heaths AONB or

its proposed extension, to the character of the Mistley Conservation Area or other heritage assets, and to residential amenity.

Policy MLM3: Mistley Quayside

The Mistley Quayside area is allocated for Mixed Commercial and Residential Uses. Alongside other relevant policies in this Local Plan, all proposals for development anywhere along the waterfront will be required to demonstrate that there would be no material adverse impacts on the adjacent wildlife sites. All development will respect the character of the Suffolk Coast and Heaths AONB and its proposed extension to include the southern shore of the estuary, the Manningtree and Mistley Conservation Area, and all Heritage Assets. Development that would materially intensify traffic, including lorry traffic, within the surrounding area will be refused.”

TW Logistics Ltd: The Inspector at the 2007 Local Plan Inquiry considered the Thorn Quay Warehouse to fit with the waterfront policy considerations because of its location and required the whole of the quayside to the north of the High Street, below the Swan Basin, to be known as Mistley Waterfront. Mistley Port Expansion land at Northumberland Wharf (Mistley Marine) to the east of Baltic Quay is shown in the Adopted Local Plan with a site specific notation. These site specific policy considerations give additional protection to the port operations and to employment land and buildings with the potential for port related uses in accordance with national ports policy and national and regional planning policy. We do not consider the draft replacement Local Plan to be effective in supporting the port in accordance with key sustainability objectives.

A site specific notation should be used for all employment land to the north of the High Street where waterfront policy considerations LMM1(iii) and LMM1(iv) currently apply, in addition to policy ER3, and for all the land at Northumberland Wharf where LMM1(iii), (iv) and LMM1a currently apply, in addition to policy ER3. This site specific notation should be Policy MLM3.

Whilst paragraph 9.29 supports the potential to achieve modest growth to meet future demands by developing value-added processing and acquiring buildings in the immediate vicinity, this needs to be shown clearly in policy MLM3. The policy text currently only refers to the opportunities for expanding open storage at Northumberland Wharf (Mistley Marine) and the trailer park. The policy and supporting text at paragraph 9.29 need to make specific reference to the only opportunity for the port to expand its covered storage and develop value-added processing at the Thorn Quay Warehouse. In the Draft Local Plan this building falls to be considered only under district-wide employment land policy provisions and it is necessary to continue to apply site specific port related waterfront policy considerations so as not to prejudice the future of Mistley Port.

Policy MLM3 also needs to state much more clearly the objective of the policy to support and deliver port related use and development as currently this objective appears in the supporting statement and the policy states the specific requirements with which port related development will comply only. This draft policy wording is ineffective and unsound and as such will jeopardise the future of Mistley Port and its very limited opportunities for expansion of space using available open and covered space in its immediate vicinity.

The existing provisions under policies LMM1 and LMM1a which promote port related use and development in the Adopted Local Plan to protect the future of Mistley Port should be continued into MLM3.

Reference should be made within the supporting text to the Council's technical study by Adams Hendry / MDS Modal Assessment of Mistley Port (2009) which appears in the technical studies library.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. R. Horlock (Mistley): Paragraph 9.29 – the trailer park has been sold to Gladedale. Paragraph 9.30 – good news about Anchor Lane. The Parish Council has had many problems here. Paragraph 9.31 – excellent statement for Mistley.

Council consideration

The comment of support is noted and welcomed.

There has been much discussion in recent years over the future of this part of Mistley in an attempt to allow some growth and regeneration whilst respecting the area's sensitive natural and built environment but it has not been possible to reach an agreement with landowners and other interested parties as to how this could be achieved. Additionally, the previous policies in the old local plan relating to this area were overly prescriptive, complex and created ambiguity. The approach in the draft new local plan is intended to reflect the spirit of the National Planning Policy Framework by being more flexible and allowing proposals to be considered on their merits.

The Council remains supportive in principle for the growth of Mistley Port but as no firm plans have ever emerged as to how this could be achieved the Council has no alternative other than expressing this support generally in the supporting text, safeguarding the existing port as an employment site and to consider any future proposals that come forward on their merits. Furthermore, this support must be balanced with the other objectives of the plan and the needs and demands of other interested parties in the area.

With regards to the Mistley Marine site, the Council does not agree that it is suitable for residential development which is why it is not allocated for such use in the local plan and much of the site is outside the Settlement Development Boundary. The designation of the lower portion of the site as an employment site reflects its current employment use. In accordance with paragraph 22 of the National Planning Policy Framework, it is no longer considered appropriate to continue safeguarding or allocating the site for port use when there is no reasonable prospect of this use coming forward in the plan period. This is because the land is in different ownership and no proposals for port use have ever come forward in the years it has been safeguarded for port use in previous local plans. However, in recognition that the opportunities for expansion of the port are limited, it is considered appropriate to indicate in the supporting text the areas where port expansion could theoretically occur, subject to meeting relevant policies in the plan, in particular those that protect the adjacent wildlife designations and the landscape/historic character of the area. However, it is accepted that the present wording used in paragraph 9.29 is misleading as quite clearly there are a wide range of factors that would need careful consideration before these sites could be considered 'suitable' for port use. This should therefore be clearly expressed in the supporting text.

The Edme Thorn Quay Warehouse was the subject of a planning application which, at the time of writing, has been recommended for approval by officers and resolved for approval, subject to a legal agreement by Members. One of the key issues that the proposal was judged on was whether there had been sufficient regard to the potential for port uses, in accordance with the policy contained in the previous local plan. Further details on this can be found in the relevant committee

report. The Council considered that sufficient regard was paid to port uses and that this was not an objectionable part of the approved application.

The building is not affected by any specific designation in the new local plan to allow proposals to come forward and be considered on their merits. However, as the building was used for employment purposes, Policy PRO14 would apply. This policy would have required (at the time of determination) the applicant to demonstrate, with evidence, that the site or premises was no longer economically viable or that it was inherently unsuitable for any form of alternative employment use or that the employment activity would be relocated to one of the district's employment sites. These issues too were considered within the relevant committee report.

Outcome

No changes to this policy or its supporting text are proposed through focussed changes.

Policy MLM4 – Development East of Cox's Hill, Lawford

(Pages 170 and 171 – including paragraphs 9.33 to 9.35)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: This proposed site allocation includes a Traditional Orchard (BAP habitat) and an existing pond on this site. In line with proposed Policy SD9 these features should be retained. It will also be necessary to establish or retain connecting wildlife corridors to conserve and enhance any protected species populations here. We would recommend this design requirement is also included within the Policy. We also take the opportunity to advise that protected species surveys will need to be carried out. Should Great Crested Newts be found an appropriate area of rough grassland will need to be maintained for foraging around each breeding pond.

Suffolk County Council: The county council is working with Babergh District Council to secure the regeneration of the redundant industrial land at Brantham and welcomes the reference made to cross boundary cooperation on Brantham. On that basis the county council would expect to see the cumulative traffic impacts of proposals Brantham and Manningtree considered in any transport assessment for development at Manningtree. A key pinch point is the railway crossing between Manningtree and Brantham, where effective mitigation measures from development at both settlements will be important, particularly to ensure pedestrian and cycle access to Manningtree Station to and from Brantham. Further transport mitigation measures may be required in Suffolk, at East Bergholt and/or Tattingstone, pending a transport assessment.

English Heritage (represented by Katharine Fletcher): English Heritage welcomes the commitment to produce a development brief for this prominent site. We urge that the brief addresses such issues as the height and massing of buildings. We are concerned that despite the proposal for a landscaped belt on the western edge of the site if the above issues are not addressed there may be impacts on views from the grade I listed Lawford Church and other points within the Lawford conservation area. We recommend the following change to policy MLM4 – in part h) add '*...of Cox's Hill, and views from Lawford church and conservation area, using appropriate species...*'

Essex County Council: The Tendring Historic Environment Characterisation report (2009) identifies the development sites proposed in Policy MLM4 and Policy MLM5 to have a high potential for below ground archaeological deposits. Consequently, a further bullet should be added to the policy, to read, "The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological

remains". It should be noted that the County Council would seek developer contributions for expansion of both primary and secondary school provision to meet demands arising from this development. The catchment primary school (Highfields Primary) currently has surplus capacity, but it would not be sufficient to accommodate the potential pupil product from the proposed development. Similarly, secondary school provision at Manningtree High School is also forecast to reach capacity.

Dedham Vale and Suffolk Coast and Heaths AONB: We consider that further requirements to protect the views to and from the nationally designated Dedham Vale Area of Outstanding Natural Beauty should be included in this policy in accordance with the Local Plan's draft policy PLA5 that seeks to protect the Dedham Vale Area of Outstanding Natural Beauty. This would ensure that the policy would align to the Dedham Vale AONB Partnership's Position Statement on the setting of the Area of Outstanding Natural Beauty. We consider that the addition of a further point, similar to the following to be appropriate: "The location, within the development site, scale and materials of the proposed development should be carefully chosen so as to not adversely impact upon the views out of the AONB and into the AONB, particularly from publicly accessible places". This would ensure that the Local plan is in accordance with section 85 of the Countryside and Rights Of Way act (2000).

Sport England: Support for the principle of the development making provision for extending Manningtree High School's playing fields and for the provision of a MUGA if this is responsive to local needs although further explanation should be provided of the need for these facilities as not made explicit in the Council's open space strategy in terms of recommendations to address the identified deficiencies. Would advocate that provision is made for securing community access to Manningtree High School's playing fields as a requirement of development if these playing fields are intended to help meet the needs of the proposed development and/or address existing community deficiencies.

Comments from landowners, developers and businesses

Hill Path Projects Ltd: The policy seems well thought out and would provide welcome additional accessible public "green space", improved access for public transport to Manningtree High School and some further 100 dwellings which, taken together with the 20 new build dwellings already approved and on the assumption that there is reasonable provision for some of affordable housing and single story dwellings, would increase the housing stock of the Mistley, Manningtree and Lawford area by some 3.2% over the ten year period which is consistent with our response to Policy SD2. The "Section 106" gains to the public that are hoped to result from this development will require careful monitoring since the requirements for developer funded facilities are high and it is possible that the UK Government may relax its requirements for such gains.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

The Steering Committee of the Lawford Residents Group (including a petition of 175 names): Object to this development proposal because:

- this area of land has been designated a Strategic Green Gap for 40 years and forms a natural buffer zone between the Leftleys Estate and Lower Dale Hall Estate that has functioned well in preserving the village atmosphere and preventing suburban sprawl;
- the plan proposes office property to be included in the development which is a large jump in strategic planning to go from high quality farmland to residential and commercial use;

- considering the integration of our three close villages, it is not acceptable for Lawford solely to bear the burden of further developments at the cost of the strategic green gap;
- whilst the development includes additional parking for vehicles accessing the schools, it should not detract from the fact that development will result in a huge increase in traffic that still has to utilise existing roads to gain access to the new car parks;
- there is a real concern that safe traffic movements would not be achieved using the proposed points of access on Cox's Hill and Colchester Road. This would necessitate opening the cul-de-sacs of Hunters Drive and Cavendish Drive for access which would, in turn, create a rat run through a residential estate in close proximity to three schools;
- the development could produce at least an additional 400 vehicles on the roads, concentrated at one end of Lawford. The introduction of a Tesco's store in Manningtree will also impose significant additional traffic congestion due to an increase in the shopping catchment area. Traffic around the railway bridge and over the level crossing is already problematic and congestion would only increase with additional vehicles on the roads;
- there appears to be no provision for pedestrian access to the industrial estate, railway station, Tesco's and the existing High Street;
- more traffic will increase noise levels for new and existing residents of the area. Those most affected are likely to be the houses each side of Cox's Hill and Long Road. Concentrated traffic will also result in a significant increase in exhaust emissions, within an enclosed built up area which is far less likely to allow natural dissipation. There will also be an increase in greenhouse gases from heated and gas fired systems of the new developments;
- schools will be overloaded by the new proposed development and children within the local catchment may be forced to go to schools outside the areas. This could result in increased traffic when parents have to complete the school run to other areas;
- the single Lawford Doctor's Surgery cannot handle additional patients. The impact of the proposed MLM4 development on health care would therefore be highly detrimental. Parking and traffic in the vicinity of the surgery would also cause a potentially dangerous and thoroughly overcrowded situation;
- local policing has been cut back with the closure of Mistley police station. There is no local infrastructure to support the additional population growth and there seems to be nothing in the plan which makes provision for such;
- there are concerns as to whether the existing arrangements for fire services could sufficiently cope with an increased housing. The concentration of urban sprawl would also create several issues for emergency services in relation to access and response times;
- the proposed development will be visible from areas such as the rear of Lawford Church and the adjacent area of outstanding natural beauty, creating a negative affect on the landscape;
- Essex Highways appears to be monitoring traffic in the area; however, this has been undertaken during December, where traffic patterns are different to the rest of the year, due to holidays and adverse weather conditions. This will directly impact the data collection and these results are therefore invalid and should not form the basis for any decision making process.

Please note, there appears to be a contradiction between the TDC allocation proposal of 100 houses to the east of Cox's Hill and the circular published and distributed by Rose Builders, where 150 houses are indicated on the land.

Lawford Town Council: have provided the following comments:

- MLM 4 (incorporating 9.16, 9.18, 9.19,) This deals with a proposed development site East of Cox's Hill. In our submission 23/11/2011 we detailed our recommendations if this site was allocated for development and it is fair to say they have been covered in MLM 4 items a to i.
- Policy PEO5 states that "Cul-de-sacs" will not be permitted on developments of 50 or more dwellings. The parish council feels that as this development could have 2 entrances (Cox's Hill and Colchester Road) if they were linked this will become a "rat run" especially in the mornings as the alternative routing is via Long Road Lawford which has a primary school, car drivers will want to avoid this area and therefore will use the new development to cut through. Additionally a previous development (Lefleys Estate) which will have 2 roads (Cavendish Drive and Springbank Avenue) butting up to this new development and the council would not like to see them opened up for traffic from this development so therefore they need to remain "cul-de-sacs";
- There are farm units for conversion to office based units and the council wants them to be B1 (a) type of employment conversion only as in policy COU 3;
- The Parish Council would want the community facilities in paragraph 9.19 to be delivered especially the school bus park which should ease congestion in Colchester Road;
- As one entrance proposed is on to Cox's Hill (A137) this must be carefully designed in conjunction with the Essex County Council highways department to ensure that it is built to handle the amount of traffic coming on and off a major trunk road safely. Consideration should be considered to slowing down the traffic on the A137 at the same time with either a speed limit or design details. The parish council want to remain as a major stakeholder with any discussion on any development;
- The design of these new developments should adhere to the standards laid out in Policy SD9 Parts A-C;
- The standards for new housing Policy PEO 4 must be used in conjunction with the dwellings to be built on both developments;
- Policy PEO10 discusses council housing stock. The parish council would want to see any "Affordable Housing" allocated within these developments to become housing stock that will remain for the community and not become part of the right to buy scheme i.e. to be run along the same system as Alms Houses; and
- Although Policy SD8 deals with improving and promoting sustainable transport and to reduce dependence on the private car the proposed developments and that of the proposed new superstore to be built in Station Road Manningtree will have an impact at the Station Railway Bridge on the A137 which can become congested especially in the rush hours. Consideration must be given to improving this area by looking at the priority of the traffic flow under the bridge, the provision two-way traffic flow in the future and providing a filter lane into the railway station. This should be a major priority for future road improvements.

- It would be better to separate the development into smaller blocks, shared throughout the three interconnected villages.

Comments from members of the public

Mr J. Welham, Mr and Mrs Gynn, Mr R. Corbin, Mr P. Peacock; Mrs Peacock; Mr M. Peacock; Mrs L. Benton; Mr and Mrs Samuelson (Lawford): Object to the proposed development east of Cox's Hill Lawford because:

- there are too many extra houses proposed for Lawford – areas like Bradfield, Wix and Mistley should take more and more of the housing should be spread between Manningtree and Mistley;
- there is a struggle to get into Highfields and Manningtree School – it would be better to build more homes in Mistley where the Mistley Norman School needs more children;
- with so many empty shop units and buildings in Manningtree, we do not need any more offices;
- Cox's Hill is already a nightmare and another housing estate with access onto it will make it worse;
- The infrastructure is unable to cope with more housing (i.e. not enough police, no amenities);
- no new development should be allowed until parking at the station is made cheaper and commuters stop parking in the roads;
- it would devalue existing property;
- building Council Housing next to existing properties will lead to an increase in crime;
- existing properties will lose their views over the Stour Valley and adjoining Dedham Vale AONB;
- Lawford is already overdeveloped with only houses
- the roads in and around Lawford are already congested and this proposal will add at least 500 vehicles to this problem; the congestion that will be created will be uncharacteristic of a small town and could lead to fatal accidents;
- countless complaints have been made about parking on Colchester Road with its two blind bends but nothing has ever been done;
- the problem with existing congestion at the rail bridge and roundabout with the A137 needs to be solved before any further development can take place;
- the access point on Cox's Hill would be extremely dangerous, particularly for traffic heading down the hill having to cross the oncoming traffic stream from Manningtree with the present road situation;

- whenever a problem occurs on the A12, the police usually divert traffic along the route passing through Cox's Hill;
- the access point onto Colchester Road is not supported;
- this proposal undermines the Local Green Gap policy from the 2007 Adopted Local Plan – this designation should remain;
- Development will adversely impact the adjacent Dedham Vale AONB and the Essex Way footpath;
- Development would impact the existing gas supply pip that runs along the western and southern boundaries of the site; the buffer as proposed would be inadequate and would take a long time to establish (which should also be planted along the southern boundary to avoid the coalescence of settlements);
- The disposal of rainwater needs to be carefully considered as flooding already happens under the rail bridge and this will worsen with additional housing;

Mr. & Mrs. Samuelson (Lawford): Rather than building offices, money would be better spent on social housing that we lack in this area for local people. Springbank Avenue should not be opened up as an access to the new development;

Mrs. Lucy Benton (Lawford): If the development goes ahead, I do not want Springbank Avenue being opened for the access to the development. Although it is proposed that access will be on Cox's Hill and Colchester Road, plans can change. I am also concerned as to the proximity of any new houses, as I do not want to be overlooked. I would not want the proposed play area to be near my house as it would be frequented by teenagers with nothing to do in the evening. I would not want the proposed footpath link to Cox's Hill to be beside my house. I note that there is going to be a 20 metre boundary of green area running along Cox's Hill. Could this not be extended along the boundaries of the properties on the Leftley's Estate with trees and such like? I would not want the access onto Cox's Hill to be close to the existing estate – I would not want lots of traffic going past my garden.

Mr. & Mrs. Samuelson: There are already too many houses near that site. There is already a struggle to get into Highfields and Manningtree school. Why not build them in Mistley? Mistley Norman school needs children to attend. With all the empty shops units and buildings in Manningtree why do we need more offices? Surely that money would be better spent on social housing that we lack in his area for local people. Cox's Hill is already a nightmare and another housing estate with access on to it will make it worse.

Mr. R. Isted: This email is to show my objections at the proposals to destroy the green belts surrounding Lawford Village. I am concerned that only Lawford has been selected, whereas Mistley has not even been reviewed at all. Was this a political view favouring others with an improved influence over areas compared to others? Lawford and Manningtree have areas of natural outstanding beauty, depicted in paintings by some of the world's most famous painters. We moved from the city's to enjoy a relaxed country lifestyle, which will now be ruined, by turning a village into a mini-city. I know that the local councillors want this, as they have local businesses that will profit. I do hope that many others will object and that you see the destruction here, with this and Tesco eating away our countryside.

Ms B. Isted: The housing required for the three parishes combined should be fairly distributed between all three parishes. The green gaps in Mistley should also accommodate housing, instead of it all going to Lawford. Put 50 houses in Lawford off Cox's Hill and the rest in Mistley, share them

out don't take away all the green space from our children. How much of these new houses will be social housing? I understand people need affordable housing but for the rest of us who work damn hard to pay our exceedingly expensive mortgages to be able to live in such a lovely area, what will they do for our house prices? Suddenly we'll all be living in a built up area, when we've all moved here for the green space for our children and the quality of life. I also wonder how you can add all these houses to an area where the police station has just closed and there is hardly any visible police presence and the PCSO's aren't particularly worth their money. Our schools are full and although I understand Manningtree High School will be getting a sweetener deal, where are all these new children going to go to school, or are you planning to take away even more green area in the future to build a new school? I understand that if you get enough people complaining about this then you "may" re-consider, I am hoping this is true but somehow I feel that it is not the case. Please remember when making your decision that for the people who actually live here it's about our quality of life and not money.

Mr. P. Deasy (Lawford): This provides a logical infill of current residential areas but careful consideration of vehicular access from both Cox's Hill and Colchester Road to ensure safety and minimise congestion will be required.

Mr A.C. Day (Lawford): I oppose the proposed development at this site.

Mr R.G. Ruffell (Lawford): A further 100 new homes in Bromley Road plus proposed development east of Cox's Hill with associated traffic is excessive development for a small village

Council consideration

The comments made by the Environment Agency are noted. As identified by the Environment Agency, the policy already acknowledges the need to protect the existing environmental features that contribute to the setting of the listed Dale Hall and the landscaped area to the north. Outline planning permission has since been granted for the development of 150 homes, which was accompanied by an ecological statement that addressed all the concerns raised by the Environment Agency (and others) and was considered acceptable at the planning application stage. The Council will work with the developer prior to the submission of any reserved matters planning application to ensure all aspects of this policy (and other policies in the plan) are complied with. This will include ensuring wildlife corridors throughout the site are provided, as suggested by the Environment Agency. To ensure this requirement is met, it is agreed to include an additional requirement in the policy, as suggested.

The issues raised by Suffolk County Council are noted and were considered in the transport assessment that accompanied the outline planning application, which was recently approved. Should circumstances change prior to the submission of reserved matters, the Council will expect revised assessments to be carried out to ensure the development addresses any issues that might arise at that time, particularly with regards to transport and traffic impact.

The Council welcomes the comments made by English Heritage and the view that the policy, alongside more general policies in the plan, provides sufficient protection of the historic environment. However, it is agreed that the policy should also make specific reference to the need to minimise any adverse impacts on the views from Lawford Church and Conservation Area, as suggested.

The Council welcomes the points raised by Essex County Council and it is agreed that an additional requirement should be included in the policy to ensure a full archaeological evaluation is carried out prior to any development. The County Council's further comments in relation to contributions for education are noted; however, this issue was considered at the outline planning application stage.

The comments from the AONB Partnership are welcomed. These matters were considered at the outline planning application stage, where the applicants were required to demonstrate that the proposed development, in principle, would not adversely impact upon the adjoining Dedham Vale AONB. The Council agrees that the wording suggested should continue to be incorporated into the policy, which would ensure that more detailed design matters which will be considered as part of any future reserved matters application takes this important requirement into account.

The Council is grateful for the support given by Sport England. The Council considers that even if the proposed facilities such as the extension to the school playing field and MUGA are not required within the Council's Open Space Strategy, they should still be welcomed. The applicant and Parish Council have entered into extended discussions as to what may be required on site and it accords with the principles of localism to provide facilities required by local stakeholders. The Council is reluctant to dissuade such proposals and so it is considered that these requirements will remain in the policy.

A number of comments of support have been received, which are noted and welcomed but the policy and principle of development on this site has also received a large number of objections from local residents and the Lawford Residents Group. Lawford Parish Council has also provided detailed comments about the specific requirements of the policy. However, following the granting of outline planning permission, many of these comments are now invalid and no longer apply as the principle of development has been established. Many of the more detailed concerns will be addressed and considered at the detailed reserved matters stage where local residents will have the chance to comment at that stage through the usual consultation process. The level of concern about the potential increase in traffic and other forms of infrastructure are noted but the area's existing infrastructure is considered capable of accommodating the level of development proposed. Where there are deficiencies, the draft Local Plan provides the mechanism for these to be addressed before any development occurs. Comments relating to the way growth has been distributed between the three settlements are referred to the 'Manningtree, Lawford and Mistley housing supply' section.

With regards to the objections against the loss of the green gap in this location, it is important to remember that this policy is a local designation and the preparation of a new Local Plan is the opportunity to review such a designation and areas of land that are affected by the designation. In the pursuit of suitable land in the Manningtree, Lawford and Mistley area to accommodate growth, this site was considered an obvious and logical location for 'infill development' to reduce the need for greenfield land around the periphery of the settlement and to help create a more defined settlement edge along Cox's Hill and opposite the adjoining AONB, both of which serve as strong and defensible boundaries to further expansion of the settlement westwards.

Outcome

The following **minor changes** (MIN9.7) to the first paragraph of Policy MLM4: 'Development East of Cox's Hill, Lawford' on page 171 are proposed (additions shown as highlighted and deletions shown as struck through):

The Council will work with the **developer (and relevant partners)** ~~landowner to prepare a development brief for the site~~ prior to the submission of a planning application ~~and to~~ ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

The following **minor changes** (MIN9.8) to criterion h of Policy MLM4: 'Development East of Cox's Hill, Lawford' on page 171 are proposed (additions shown as highlighted and deletions shown as struck through):

h) a minimum 20 metre landscaping buffer will be created along the western edge of the site to help minimise any material adverse impacts on the Dedham Vale Area of Outstanding Natural Beauty, located on the opposite side of Cox's Hill, and views from Lawford Church and Conservation Area, using appropriate species of vegetation native to the area; and

The following **minor changes (MIN9.9)** to insert three new criteria at the end of Policy MLM4: 'Development East of Cox's Hill, Lawford' on page 171 are proposed (additions shown as highlighted and deletions shown as struck through):

j) any development on the site must pay due regard to the Traditional Orchard BAP site. The application site will also deliver wildlife corridors connecting the development to the wider ecological landscape;

k) the Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains; and

l) the location, scale and materials of the proposed development will be designed to respect its locality and not adversely impact upon the views in to or out of the AONB, particularly from publicly accessible places.

Other consequential changes include:

- Amend the indicative capacity in Appendix 3: 'Estimated Dwelling Numbers for Allocated Sites' on pages 223 and 224 to 150 from 100 – see major change **MAJ14.2**.

Policy MLM5 – Development East of Bromley Road, Lawford

(Pages 171 and 172 – including paragraphs 9.36 to 9.38)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Suffolk County Council: The county council is working with Babergh District Council to secure the regeneration of the redundant industrial land at Brantham and welcomes the reference made to cross boundary cooperation on Brantham. On that basis the county council would expect to see the cumulative traffic impacts of proposals Brantham and Manningtree considered in any transport assessment for development at Manningtree. A key pinch point is the railway crossing between Manningtree and Brantham, where effective mitigation measures from development at both settlements will be important, particularly to ensure pedestrian and cycle access to Manningtree Station to and from Brantham. Further transport mitigation measures may be required in Suffolk, at East Bergholt and/or Tattingstone, pending a transport assessment.

Essex County Council: The Tendring Historic Environment Characterisation report (2009) identifies the development sites proposed in Policy MLM4 and Policy MLM5 to have a high potential for below ground archaeological deposits. Consequently, a further bullet should be added to the policy, to read, "The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains". The Lawford Church of England Primary School should be advised of the proposal in bullet e) for a dedicated 'pick-up' and 'drop-off' area off Bromley Road, with the current access to Long Road being closed in order that the school may positively contribute to mitigation of the potential health, safety and insurance issues.

Comments from landowners, developers and businesses

Hill Path Projects Ltd: There are aspects of this policy, in particular the enhanced recreational facilities and the improved access to Lawford Church of England Primary School, which are attractive and one must hope that some way can be found to fund these. However the concept of building an additional 100 dwellings on what is currently good agricultural land well outside the present village envelope is flawed (see more detailed comments made against housing supply section of chapter 9).

R.E. Giles and Sons – Land off Burrs Road, Clacton (represented by Robinson & Hall LLP): It is noted that a large number of the suggested housing allocation sites are situated within locations far less sustainable than the proposed site at Burrs Road and require extensive infrastructure. These sites include:

- Rouses Farm;
- Walton Mere (policy FWK7);
- Bromley Road, Lawford (policy MLM5); and
- Willows Farm, Weeley Heath (policy KEY4).

Mr. Brooks and Veolia Water (Affinity) (represented by Robinson & Hall LLP): The sites we are promoting at Colchester Road, Lawford and Trinity Road, Mistley are considered far more suitable for residential development than the other sites allocated for housing in the draft plan, particularly land allocated east of Bromley Road, Lawford, which bears no relationship to the pattern of character of housing within the locality.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Lawford Town Council: Have the following comments to make:

- In our submission 23/11/2011 we detailed our recommendations if this site was allocated for development and it is fair to say they have been covered in MLM 5 items a to l;
- Consideration must be given to the road layout prior to this development at the junction of Wignall Street and Bromley Road as there will be a significant increase in traffic due to the school car park and housing;
- It would be ideal if the main entrance to the school were now via this new car park and parking restrictions placed on the existing entrance in Long Road to stop cars parking there;
- The parish council are concerned that by permitting this development it could open up the remainder of the land stretching to Clacton Road Mistley for development this must be carefully monitored so this does not happen;
- The district councils proposals for green infrastructure are covered in Policy PEO 19 and the green space created must compliment and enhance the surrounding residential area;
- The council would want the community facilities in 9.19 (3-6) to be delivered, as this will ease congestion in Long Road;

- The parish council want to remain as a major stakeholder with any discussion on any development;
- The design of these new developments should adhere to the standards laid out in Policy SD9 Parts A-C;
- The standards for new housing Policy PEO 4 must be used in conjunction with the dwellings to be built on both developments;
- Policy PEO10 discusses council housing stock. The parish council would want to see any "Affordable Housing" allocated within these developments to become housing stock that will remain for the community and not become part of the right to buy scheme i.e. to be run along the same system as Alms Houses; and
- Although Policy SD8 deals with improving and promoting sustainable transport and to reduce dependence on the private car the proposed developments and that of the proposed new superstore to be built in Station Road Manningtree will have an impact at the Station Railway Bridge on the A137 which can become congested especially in the rush hours. Consideration must be given to improving this area by looking at the priority of the traffic flow under the bridge, the provision two-way traffic flow in the future and providing a filter lane into the railway station. This should be a major priority for future road improvements.

Comments from members of the public

Mr. P. Deasy (Lawford): This provides additional residential capacity within the Lawford village framework together with a range of facilities which will enhance the general village environment. The proposed new access to Lawford Church of England Primary School will provide a major improvement to the quality of village life and greatly reduce the current unacceptably high levels of traffic congestion along Long Road during school opening and closing times.

Mr. N. Turnbull (Lawford): In my opinion this plan has not been "positively prepared" and is not "justified". It is difficult to argue with the improved access to the Primary School, but the plan to build an additional 100 houses is ill-conceived for the following reasons:

- Where is the evidence of local demand for 100 additional dwellings in this location - remote from the railway station and Manningtree town centre?
- What is the overriding justification for removing this area of good agricultural land from the village? How is this sustainable?
- It is reasonable to assume that a large proportion of occupants will work outside the local area, either driving to Colchester or Ipswich, or commuting from Manningtree railway station. This will put pressure on the local road network that is already under strain at peak times.
- Putting additional traffic into the local road infrastructure at peak times will increase problems at the top of Bromley Road and it will follow that Grange Road and School Lane will become 'rat-runs' for traffic heading towards Colchester (there is a children's nursery in School Lane).
- Congestion at the railway bridge and at the bottom of Cox's Hill will increase due to the increased traffic heading from Bromley Road towards Ipswich (which is already due to get

worse when the new Tesco store opens and the 150 additional houses off Cox's Hill). Changing the priority of the traffic at the bridge will not solve the problem.

- How will the risk of flooding be addressed? A significant amount of land will be concreted over – has there been any assessment of whether the surrounding land can cope with the run-off (considering the recent rain-fall and saturation of the land which is set to become the norm)?

Ms S. Allbones (Lawford): Opposed to the allocation of development off Bromley Road, Lawford. There is no existing infrastructure or proposed infrastructure in the plan to support this development. A single access point to the proposed school parking would be inadequate and dangerous. Bromley Road is already a busy road at peak commuting times with access to the A137 difficult. There will be increased traffic in this area when Tesco starts its operations. No traffic surveys have been carried out. Too many houses are being proposed. Mistley has been left out of the plan although it has buildings available for redevelopment.

Mr A.C. Day (Lawford): I oppose the proposed development at this site.

Mrs L. Merritt (Lawford): I oppose this allocation for the following reasons:

- Development will cause traffic problems at the junction of Bromley Road and the A137, which can already be extremely busy at times. This junction will require traffic lights or a new roundabout.
- I welcome placing a new access point for the primary school in Bromley Road but it will require a fair-sized dropping off area.
- I support the proposed 20 metre landscape buffer but it is important that this does not get forgotten.
- This housing won't be such a bad idea if the local infrastructure is also improved to accommodate new housing in this area (i.e. the railway bridge at Manningtree, a bigger doctor's surgery, new police station) and that the existing schools can cope.

Mr R.G. Ruffell (Lawford): I oppose this allocation for the following reasons:

- Millennium 2000 were given assurances by TDC/LPC that the development of the Venture Centre was an exception and it was the intention to maintain a Green Wedge at the end of Bromley Road and no further development would be permitted.
- Bromley Road is already a 'Rat Run' from the A120. It is also a bus route used by school buses, it is used by many farm vehicles, an access route and car park for the Tendring Hundred Show and used for activities on School Lane playing field.
- Bromley Road is already used for overspill parking for the school, garden centre and activities at the Venture Centre.
- Making a new entrance to the School in Bromley Road will just be moving the problem in Long Road to Bromley Road.
- A need for new public multi purpose meeting building is not Justified. Upper Lawford is well provided for with the Ogilvie Hall and Venture Centre and their several meeting rooms/halls. If a need exists it must surely be in Lower Lawford not Bromley Road with yet more noise and parking issues.

- Bromley Road is a minor road and not provided with street lights or a footpath to the east side for its full length, nor does it have mains drainage
- A further 100 new homes in Bromley Road plus proposed development east of Cox's Hill with associated traffic is excessive development for a small village

Council consideration

The Council welcomes the comments submitted by Suffolk County Council. In respect to joined-up thinking within a traffic survey, any prospective applicant will be expected to demonstrate that highway and traffic issues have been considered, including impacts on the surrounding transport network. The Council will work with the developer prior to the submission of a planning application to ensure that Policy SD9: 'Design of New Development' is complied with, which requires, amongst other things, that the highway network will be able to safely accommodate the additional traffic generated by the proposal.

The Council welcomes the points raised by Essex County Council and it is agreed that an additional requirement should be included in the policy to ensure a full archaeological evaluation is carried out prior to any development. The County Council's further comments in relation to working closely with the neighbouring Church of England Primary School when seeking to fulfil requirement e) of the policy are noted. The Council will work with the developer to ensure interested parties, including the neighbouring school, are involved prior to the submission of a planning application. Interested parties will also have the opportunity to comment at the planning application stage.

The comments of supported are noted and welcomed. A number of objections have been received against the principle of development on this site and the way growth has been distributed between the three settlements of Manningtree, Lawford and Mistley. Readers are referred to the responses to the 'Manningtree, Lawford and Mistley housing supply' section, which addresses these issues and recommends the allocation of additional land at Mistley through major change [MAJ9.3](#).

Some objections relate to the promotion of alternative sites for development either instead of, or in addition to, the land east of Bromley Road, Lawford. Readers are referred to the section that deals with these 'alternative sites', where only one out of all the sites promoted is recommended for allocation through major change [MAJ9.3](#).

Most of the objections are from residents and which relate to the specific requirements of the policy. Many of these more detailed concerns will be addressed and considered at the subsequent planning application stage where local residents will have the chance to comment at that stage through the usual consultation process. It is noted that Lawford Parish Council does not appear to be objecting to the policy, subject to all of the requirements of this policy (and other relevant policies in the Local Plan) being met.

With regards to the concerns about the impact of the proposed development on traffic and the transport network, the Council has worked with its partners (including Essex County Council as the highway authority) during the preparation of the Local Plan to identify and resolve any potential issues. As no objection has been received by Essex County Council during the consultation regarding highway or traffic impact it is assumed that there are no concerns. As mentioned above, the Council will work with the developer prior to the submission of a planning application to ensure that Policy SD9: 'Design of New Development' is complied with, which requires, amongst other things, that the highway network will be able to safely accommodate the additional traffic generated by the proposal.

With regards to the comment that the proposed allocation would open land to the east of the site to Clacton Road up to new development, it should be noted that this area of land is not included within the Settlement Development Boundary in the 2012 Draft New Local Plan and has protection as a Strategic Green Gap (through Policy SD6). The Council therefore considers that sufficient protection is in place in the Local Plan to prevent further development in this area. However, it must be noted that there is potential for this location to be considered during any future review of the Local Plan to deal with growth post-2024, which is reflected in the Council's updated Strategic Housing Land Availability Assessment.

In response to the comments that argue there is no need for the development, respondents are referred to the Council's Strategic Housing Market Assessment which identifies that there is a high level of both demand and need for housing in this part of the district, which helps to justify the allocation of the site. It should be noted, however, that the level of growth planned for in the 2012 draft Local Plan (and through the proposed focussed changes following consultation) still falls short of the level of growth that the Strategic Housing Market Assessment states is required in Tendring.

In response to the concerns about whether there is sufficient infrastructure to accommodate the proposed development, the area's existing infrastructure is considered capable of accommodating the level of development proposed. Where there are deficiencies, the draft Local Plan provides the mechanism for these to be addressed before any development occurs. Paragraph 9.19 specifically identifies the community facilities that are required in the area during the plan period which will be delivered alongside the new housing and mixed-use developments proposed.

With regards to the concerns about flood risk on site, as part of the consultation process, the Council sought comments from both the Environment Agency and Essex County Council but neither partner had objections to make with regards to flood risk. Additionally, as the site is not located within the flood zone it is considered sequentially suitable in accordance with the National Planning Policy Framework. The site is over 1 hectare in size and so as stated in Policy PLA1, any planning application would need to be accompanied by a Flood Risk Assessment, which will be the appropriate opportunity to identify and address any unknown flood risk issues. In any event any residual groundwater flooding which may take place can be mitigated against by Sustainable Urban Drainage Systems, which would be required by Policy PLA3.

Outcome

The following **minor changes (MIN9.10)** to the first paragraph of Policy MLM5: 'Development East of Bromley Road, Lawford' on page 172 are proposed (additions shown as highlighted and deletions shown as struck through):

The Council will work with the **developer (and relevant partners)** ~~landowner to prepare a development brief for the site~~ prior to the submission of a planning application ~~and to~~ ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

The following **minor changes (MIN9.11)** to insert a new criterion at the end of Policy MLM5: 'Development East of Bromley Road, Lawford' on page 172 are proposed (additions shown as highlighted and deletions shown as struck through):

j) the Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains".

Policy MLM6 – Development at Horsley Cross

(Pages 173 and 174 – including paragraphs 9.39 to 9.42)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Colchester Borough Council (represented by Karen Syrett – Spatial Policy Manager): There is again concern about the evidence base used to underpin new allocations.

The Sustainability Appraisal (SA) of the Plan recommends that Horsley Cross should be discounted from further consideration because of the negative impacts identified; however the site is now allocated in the Plan.

The SA states that Horsley Cross is an isolated location, remote from centres of population and the need to travel would increase and travel by the private car would be the only option for the vast majority of workers. The Employment Study says the following about Horsley Cross “Site is seen as deliverable but is not closely aligned with the strategic aspirations for growth at a spatial level or to the prioritisation of development within urban centres or in areas aligned to areas of residential development.

For this reason we recommend that the site is not allocated for employment uses.” It is not therefore clear on what basis Horsley Cross has been identified as being suitable for employment development.

The Haven Gateway Partnership is co-ordinating a study to plan for future development along the A120 between Stansted and Harwich. This is intended to provide a context for the review of the Colchester and Braintree Core Strategies and the development of Tendring’s Local Plan and the CLG funded study that will look at the most sustainable locations for future development. Any allocations along this corridor would be premature in advance of this work and it is not known if alternative locations along the A120 have been assessed.

Colchester BC is committed to close working with Tendring to provide an acceptable means of meeting the two council’s shared duty to cooperate. In addition both Councils will need to have a robust evidence base to inform plans for long term strategic growth.

Highways Agency: The Agency has some concern with this proposed allocation as in line with previous reviews of the proposal, as stated in the plan, we consider the site too remote from populated areas and that the development would therefore encourage unsustainable car journeys. Preference would be for employment to be located nearer to centres of population. In the event that the site is allocated, the Highways Agency agree that access to the site should be from the B1035. However this is subject to appropriate assessments to ensure any impact on the A120 is minimised.

Stour and Orwell Peninsula Habitat Protection UK (represented by Jenni Meredith): The Horsley Cross proposal dealt with under Policy MLM6 proposes to change good quality agricultural land to employment and residential use. This does not seem to accord with all the statements about reducing carbon emissions and about sustainable development etc in the Local Plan Draft. I object to the proposal which would destroy some high-quality agricultural land and would place any residents outside the developed conurbations of Tendring with poor public transport connections and lack of facilities. Essex farmland is the most valuable agricultural land in the country since it is relatively flat, thus easy to work and is rich in nutrients, thus abundantly productive. It is not in line with sustainable principles to develop rich farmland for unsustainably situated mixed residential and light industrial uses. I strongly object to this policy.

Essex County Council: The County Council recognises that there are accessibility issues with development at the Horsley Cross site. However, no objection is raised to the proposed employment uses in Class B2 (General Industrial) and Class B8 (Storage and Distribution). The County Council would be concerned if permission was given for other uses which generated a greater impact on the transportation network.

Campaign to Protect Rural England (represented by A.J. Grant): We are concerned about the proposals at Horsley Cross which is a significant development and will have a major impact on the surrounding development.

Comments from landowners, developers and businesses

Pallet Plus Ltd (represented by Gary Rowe): SUPPORTS development at Horsley Cross. The inclusion of Horsley Cross is an absolute must in the Local Plan. The future development and ability to expand my business and increase employment opportunity depends on suitable employment sites being included in the Local Plan and having read the draft document carefully Horsley Cross is the only viable option. Previous plans have failed to deliver employment opportunity because the land allocations were problematic or poorly located. The previous land allocations, most of which are again included this time around, have not been brought forward for development. Horsley Cross is different. Horsley Cross can and will be delivered immediately after adoption of the Local Plan. This is a vital factor as the local economy needs stimulating immediately and cannot afford a further prolonged period of stagnation. All too often in the past land allocations have ticked all the planning policies but failed the practical test of deliverability. The inclusion of Horsley Cross is paramount for the recovery of our local economy and I applaud the Council for including the allocation in this Local Plan.

Nema Fabrications Ltd (represented by Mr Neil Manning): SUPPORTS development at Horsley Cross. As a local resident and businessman trying to find suitable manufacturing/warehousing sites in the tendring area is hard enough as it is . With high unemployment and skills shortages in the engineering sector, i find it very hard to believe that tendring council has not given planning approval sooner . If buinesses ,small or large were given the chance to bring a small ammount of wealth to this lacking area maybe it would have a knock on effect and bring our area back to life.

J. Macaulay & Sons (represented by Boyer Planning): Policy MLM6 is not a sound policy and it runs completely counter to the frontloaded nature of the Local Plan process. It has not been subject to the rigorous testing, and comparative environmental and sustainability analysis, that is required.

The Draft Local Plan recognises itself that an earlier planning application in 2006 was rejected following a Call-in Inquiry, by the government, as being too remote from populated areas and would encourage unsustainable car journeys. There is no justification for the allocation by the Council, only a comment that the landowners requested that the site be considered as a potential employment site, in 2010. Para 9.40 then confirms that the Full Council on 11th September 2012 agreed to the allocation.

Looking back through the Core Strategy/Local Plan process confirms that Horsley Cross has been consistently rejected by the Council as an employment site (more details contained in the representation) and this research confirms that, at no stage prior to the Full Council meeting in September 2012, was the site at Horsley Cross considered favourably. On analysing the Council's own assessments, the proposal is unsound and should be deleted from the Local Plan.

Tendring Europark (represented by Pegasus Group): My client SUPPORTS the proposed allocation of this site for employment uses and provides further justification for the proposal.

1. **Highway Considerations:** The highway impact of the redevelopment of the south west quadrant of this site was fully assessed at the time of the 2006 application, which was subsequently determined by the Secretary of State in 2008. The Inspector for the call-in inquiry noted that there was no highway objection to the proposed development and that the absence of adverse impact was a matter of common ground between the relevant parties. This position was reached with the full knowledge of the Bathside Bay proposal and its implications. The Inspector did not subsequently conclude this position to be incorrect and neither did the Secretary of State. This position remains true today.

In terms of capacity on the highway network it has been noted that the effects of the recession since 2008 has seen some reduction in traffic on most primary corridors and the Strategic Road Network which includes the A120. It was noted in the Tendring Infrastructure Study (2009/10) that the A120 is operating within capacity. Specifically, data held by the DfT shows that observed traffic volumes on the A120 to the west of Horsley Cross in 2012 have reduced by some 8% since 2008. It is noted that a comparative assessment of traffic conditions on the A120 had been completed in 2010 to support the application to extend the planning permission at Bathside Bay. This showed that traffic conditions previously forecast in 2008 were generally higher than comprehensive surveys undertaken in 2008. This position was accepted by the HA.

It is extremely likely that traffic would have been higher still at the time of the planning application at Horsley Cross in 2006 which was based on 2005 surveys. On this basis, the agreed position reached for the previous scheme in respect of traffic impact is unlikely to be breached and is therefore robust. Assessment of traffic conditions will be examined with the Authorities in more detail as part of the preparation of the planning application.

The development of the north west quadrant will be a matter considered within this further analysis with the benefit of confirmed details of the scale of development in this location although initial assessments indicate that there is sufficient acceptable operational capacity within the highway network to support the redevelopment of this site at the required future year horizon of 2023 (plus 10 years), which is beyond the Local Plan period to 2021.

The development of this site is restricted to lower density employment uses that would not generate such high levels of traffic that would be more appropriate on employment sites in the urban areas. This is sustainable as the use of such sites for the uses considered at this allocation would not be complimentary or achievable. The development will still need to bring forward Travel Plan proposals to deal with employees travel to/from the site as sustainably as possible and will form a binding requirement on the developer and end users of the site. Such Travel Plans are now more common than they were at the time of the previous application and best practice can be reviewed and will be promoted as part of this development. It is clear that employee's are very aware of the personal cost of travel given the escalation in fuel costs and this is actively influencing car use, with car share becoming more common as a result.

The proposed policy includes a requirement to demonstrate that the proposed development will not jeopardise the future development of Bathside Bay and the implementation of the associated highway works along the A120. In relation to the associated Highways works is understood that these have yet to be defined in full for the Bathside Bay development as the relevant studies were never completed. In discussion with the Highways Agency it is apparent that their stance in relation to improvement of the A120 considers that when Bathside Bay eventually comes forward it will need to take account of other relevant developments and deliver such improvement to mitigate their requirements on conditions at that time. There is therefore no concern on the part of the Highways Agency that other development will jeopardise the delivery of improvements associated with Bathside Bay when they are required. The Policy also requires the provision of safeguarded land along

the A120 to allow for these future improvements although it is unclear where this land is located given that the improvement works associated with Bathside Bay have yet to be fully defined. Again, the 2010 assessment supporting the application to extend the Bathside Bay planning permission specifically states that A120 improvements will follow its existing alignment in the area of proposed works, although no detail of those works was made available. The alignment of the A120 on the approach to/from Horsley Cross is already dual carriageway for a short length. This will minimise the land required to provide further widening, particularly to the west and examination of the likely requirements shows limited need for land that forms part of this allocation. Together these provide sufficient safeguards in the decision-making process to ensure that any development at this site takes into account the future development of Bathside Bay. Notwithstanding, my client will make the necessary land available to the Highways Agency if such is required for improvement to facilitate Bathside Bay. Acquisition will be by agreement with no need for compulsory purchase.

- 2. Economic Considerations:** It is important to realise that the National Planning Policy Framework (NPPF) clearly identifies that sustainable development has three important roles: economic, social and environmental (paragraph 7). At paragraph 19 of the NPPF it states that significant weight should be placed on the need to support economic growth through the planning system. In rural areas (such as this location) paragraph 28 states that the sustainable growth and expansion of all types of business and enterprise should be supported in order to create jobs and prosperity and to promote a strong rural economy.

The Inspector acknowledged, and the Secretary of State accepted, that there was a strong economic case for the development of this site. This case remains and is even more compelling given the continued failure of the alternative sites mentioned at the Inquiry to be delivered, the ongoing delays with Bathside Bay and the economic downturn.

The Tendring area has several unique characteristics that can be better utilised for the benefit of the economic strength of both the District and the region. The most significant of these is its proximity to existing and future off-shore windfarms (East Anglia One and Greater Gabbard) and the limited port-side facilities elsewhere along the eastern coast to service this growing industry. This industry provides 15-25 years of initial construction work followed by ongoing work associated with the maintenance and future enhancement of these facilities. This provides a generous source of employment of varying skill levels including training in new skills. There is also the spin-off industry associated with the increased activity at supporting facilities within the wider area e.g. shops, restaurants and hotels.

With the help of Government funding a new Energy Skills Centre is currently being created in Harwich that will have an engineering focus. This joint venture between Colchester Institute and Harwich International Port will fulfil the existing and future training needs of employers in the area. Its main focus will be to serve the offshore wind energy industry. Harwich currently provides port-side facilities to serve the off-shore windfarms and this is set to expand further in the future through the activities of existing operators in the area. The importance of this industry has been recently recognised by Essex County Council and the South East Local Enterprise Partnership, which has provided a funding to a local manufacturing company in Harwich in excess of £2,000,000 through the Growing Places Fund to provide a dedicated harbour and operations centre. There has also been a grant of £860,000 from the UKCES Employer Skills for Growth Award to a consortium of local employers based in the Harwich over the coming two years to train local people in the future skills needed for particularly fabrication, engineering for the new growth coming in to the area.

All of this will allow Harwich to accommodate a substantial element of what is known as the supply chain for the wind farm industry. The supply chain is essentially the manufacture of the initial component parts of the turbines including the parts for ongoing maintenance.

However, expansion of port-side facilities is just one part of the equation for this industry. In order to capitalise on the employment needs generated by the supply chain requirement for this industry it is essential that suitable employment units are provided in accessible locations. The land at Horsley Cross represents one such location. It is connected to Harwich via the A120, which as set out above has sufficient capacity to support the associated highway movements. The site is capable of development without significant infrastructure constraints (as acknowledged by the Inspector in the previous decision at this site) and will be delivered quickly. This need exists now and is a need that is not being catered for by the previous employment allocations closer to Harwich. Failure to capitalise on this industry will result in it relocating elsewhere in the eastern region (outside of Tendring) or worse still to locations outside of the UK. My client has occupiers interested in taking units at Horsley Cross. These occupiers are associated with the supply chain and provide a range of jobs associated with the manufacture and installation of component parts for wind turbines. These occupiers could bring an additional 2,000 jobs to the area. The allocation of this site would allow for the growth of local companies and encouragement of inward investors to the area with the added potential for future European Headquarters. This is a significant and worthy material consideration weighing heavily in favour of the allocation of this site.

The allocation of this site and the employment opportunities it will bring directly complies with the five objectives of the recently published Essex Economic Growth Strategy (2012) by Essex County Council. These objectives are to create more jobs, to compete internationally, to improve skills, to improve access to jobs in deprived areas (Tendring is acknowledged to be a deprived area) and to secure infrastructure to enable businesses to grow. The Economic Growth Strategy reveals that:

- Tendring is an unemployment hotspot with high levels of youth unemployment (paragraph 3.19);
- The renewable energy is one of four main sectors offering the greatest potential for economic growth in Essex (paragraph 3.32);
- The region is already recognised as being a key location for the renewable energy sector with the potential 'to deliver the workforce that this fast-growing sector requires' and benefit from inward investment from overseas (paragraph 3.40).

The EGS builds on the Integrated County Strategy produced in 2010 by all of the Essex authorities. It identifies Tendring as containing some of the most deprived areas in the region (page 30). It also acknowledges the role of the renewable energy sector in improving the economic fortunes of the area, identifying it as a key opportunity for growth in the area (diagram 2). Given the specific interest in this site by operators involved in the wind farm supply chain my client suggests that the policy include reference to the contribution that this site could make to the key growth sector of the renewable energy industry.

3. **Social impact:** The redevelopment of this site in the manner set out in the proposed site allocation will create an abundant supply of new jobs for the area that in turn will contribute to the economic prosperity of the District. The redevelopment of this site to enhance this innovate growth sector and the new skills that it will generate will assist in increasing the skills-base of the local population offering the very real potential for improvements to the social well-being of this deprived area. Such impacts are difficult to quantify but it is self-evident that a population with greater access to education, skills and wealth will exhibit positive social impacts.

4. **Environmental Impact:** The NPPF recognises the importance of contributing and protecting the natural environment with specific reference to the need to move towards a low carbon economy (paragraph 7). Although this site is a Greenfield site the NPPF does not explicitly restrict development in this location. The policy-making process is about making best use of the development opportunities that present themselves by adopting a balanced approach to considering the sustainable development credentials of proposed allocations. In this case the unremarkable nature of the landscape without any wildlife sensitivities (as acknowledges by the Inspector for the previous scheme) and with no designating landscape qualities presents an opportunity to address of sustainability issues – namely economic and associated social development.

The Inspector for the previous appeal at this site acknowledged that the decision was finely balanced and raised concerns about the potential precedent that the approval of development at this unallocated site could create. This latest plan-making process offers the opportunity to deliver the benefits acknowledged by the Inspector and accepted by the Secretary of State through a site allocation. The NPPF is abundantly clear that sustainable development is about plan-led development and as such the identification of this site in the Local Plan will not create a precedent for other Greenfield sites in the locality as such unallocated sites would be contrary to the development plan. The Council can therefore be reassured that the allocation of this site for development will not create an undesirable precedent under the current requirements of the NPPF.

The development proposals currently being prepared by my client directly support the growth of the renewable energy sector. This in turn will assist the country in meeting its high target for renewable energy generation in the future. This is an important environmental consideration that should weigh heavily in favour of the allocation of this site and should feature in the wording of the policy.

5. **Absence of other impacts:** The Inspector noted that it was common ground between the parties that the development of the south-west quadrant of this site did not present any technical difficulties. This was not disputed by the Inspector or the Secretary of State. The revised planning application will show that this continues to be the case. The north-west quadrant exhibits no obvious impediments to delivery and none are anticipated.
6. **Local Support:** The allocation of the site benefits from the support of Harwich Town Council (as evidenced in the local press) which recognises the importance of the development of this site for the wider area and the fortunes of Harwich. It is also worthy of note that the previous proposal for the redevelopment of the south-western quadrant benefitted from the support of Mistley Parish Council, within which the site is located. Our clients have spoken to many people locally in recent weeks but could not discern any opposition to their proposal

Conclusion and suggestions

The proposed site allocation represents an opportunity to achieve sustainable development, which the NPPF acknowledges is more than just locating development in town centre locations. The development of the south-western quadrant of this site has been a long-standing aspiration and has been assessed in great detail. It resulted in a 'finely balanced' decision to refuse the proposal based on its unallocated, Greenfield status and potential for precedent. Since that time the economic need for the development has strengthened and the opportunity exists to allocate the site and thus address the issue of precedent.

My client urges officers to continue to maintain the allocation of this site for employment and for Members to accept this recommendation. To further enhance the allocation my client suggests the following additions to the policy:

1. Include reference to the fact that the previous application at the south-west quadrant was approved by the Council and subsequently called in by the Secretary of State;
2. Include reference in the policy to the potential importance of this site to the supply chain industry for the growing renewable energy industry developing in Harwich and off of the eastern coast.
3. For development management purposes modify the B8 provision by relating it to site area rather than floorspace since the site area is known and future floorspace is not.

Nema Fabrications Ltd: It is difficult trying to find suitable manufacturing/warehousing sites in the Tendring area. With high unemployment and skills shortages in the engineering sector, it is very hard to believe why the Council has not given planning approval sooner. If businesses, small or large, were given the chance to bring a small amount of wealth to this lacking area maybe it would have a knock on effect and bring our area back to life.

Pallet Plus Ltd: The inclusion of Horsley Cross is an absolute must in the Local Plan. The future development and ability to expand my business and increase employment opportunity depends on suitable employment sites being included in the Local Plan and having read the draft document carefully Horsley Cross is the only viable option. Previous plans have failed to deliver employment opportunity because the land allocations were problematic or poorly located. The previous land allocations, most of which are again included this time around, have not been brought forward for development. Horsley Cross is different. Horsley Cross can and will be delivered immediately after adoption of the Local Plan. This is a vital factor as the local economy needs stimulating immediately and cannot afford a further prolonged period of stagnation. All too often, previous land allocations have ticked all the planning policies but failed the practical test of deliverability. The inclusion of Horsley Cross is paramount for the recovery of our local economy and I applaud the Council for including the allocation in this Local Plan.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. Rosemary Heaney (TDC Member for Thorrington, Frating, Elmstead and Great Bromley): Objects to the proposed development at Horsley Cross because:

- The site is 55 acres of open countryside on the top of a hill which is the 2nd highest place in Essex;
- Agricultural land will be required in the next 50 years to combat the shortage of food the world will be experiencing;
- The site is not near a settlement of any size. The villages surrounding it include Tendring, Wix and Little Bromley are small scattered villages. Bradfield and Mistley are only slightly larger, but the settlements centres are some distance from Horsley Cross;
- There is no public transport to the site and the workforce would have to travel some distance to get there by private vehicles;

- Putting this industrial site at Horsley Cross could adversely affect the new route of the A120 which is as yet undetermined. This will have to be built before the Port at Bathside Bay can commence building. This fact was mentioned in a report commissioned by Tendring District Council when the last plan for Tendring was prepared;
- The two roundabouts proposed for the B1035 North and South of the Horsley Cross roundabout are going to hold up the free flow of traffic, as will the vehicles from the proposed site turning onto the A120;
- If we want to create jobs for Tendring Residents we should not be developing an industrial site in the Colchester drive to work zone;
- There are vacant sites in Clacton. Gorse Lane Industrial Site was recently given a large extension by the planning committee;
- There is no mains drainage any where near Horsley Cross;
- There is no firm evidence of businesses actually wanting to come to Horsley Cross. It appears to be all rumours. The development has been put forward by the farmer who owns the land;
- Being the 2nd highest place in Essex this industrial site will be clearly visible over a wider area. The water tower is now;
- A Planning Inspector turned down this site at Horsley Cross as being unsustainable in 2008. Nothing has changed; and
- Without the Horsley Cross site in the LDP it is left for people who wish to start a business to come forward with proposals for development over a wide area.

Cllr. Tom Howard (TDC Member for Great and Little Oakley Ward): I fully support the inclusion of the Horsley Cross development in this Local Plan. It is well located midway between the A12/A120 interchange and Harwich and at an existing substantial junction that provides links northwards and southwards from the proposed site as well as along the West/East A120 corridor. The need for this site has been clearly demonstrated as companies previously in Harwich that have needed to expand have had to relocate to Colchester as no suitable site was available in Harwich. One of these companies was interested in relocating to Horsley Cross, but unfortunately due to its omission from the previous Local Plan was forced to leave the district and take its business to Colchester resulting in the loss of some local jobs in Harwich. Concerns about extra journeys to Horsley Cross are easily outweighed when:

- the alternative is for additional journeys to be made along the A120 to Colchester where companies would otherwise have to relocate to, still being made from Harwich;
- the relocation of companies or establishment of companies in Colchester instead of Horsley Cross would mean a loss of jobs or a failure to introduce jobs to some of the most economically deprived areas of the country; and
- the bulk of alternative employment sites allocated in Harwich have been in previous Local Plan plans and have never been developed due to their lack of suitability to target businesses.

Cllr. R. Day (Harwich Town Councillor): I fully support the inclusion of Horsley Cross as a major employment site in the New Local Plan, as there are few employment sites that are deliverable

within a reasonable timescale, and within reasonable commuting distance of Harwich, identified or included within the plan. This Horsley Cross site was in 2008 the subject of a Public Inquiry for a similar use as a major employment site and the Inspector concluded that the decision to refuse the application was finely balanced. The local economy and future economic prospects of Harwich have deteriorated considerably since the Horsley Cross Public Inquiry took place, and unemployment and deprivation in the area has risen to historically high levels.

Furthermore it is highly unlikely that any realistically priced new employment sites in Harwich will readily become available, as the proposed Bathside Bay Container Port will not be delivered until at least 2021, and probably beyond, due to an unconditional extension of planning permission for the development being granted.

Cllr. I. Henderson (TDC Member for Harwich East and Harwich Town Councillor): I support the inclusion of the development at Horsley Cross as I believe that this site offers the best opportunity for immediately deliverable inward investment and growth.

Thorrington Parish Council; Tendring Parish Council; Frating Parish Council: OBJECT to the proposed development at Horsley Cross because:

- the proposal was not part of the preparation in stages 1, 2, 3 or of the Local Plan but only inserted at stage 5;
- there was no consultation with affected parties adjacent the development;
- the Local Plan states in paragraph 3.50 that there is unlikely to be any justification for logistics facilities development along the A120 but part of the proposed development at Horsley Cross is for warehouse and distribution;
- entrances to the development would only be allowed from the B1035 which is not part of the Policy PRO1 Transport Network improvement strategy;
- as the Local Plan states, unemployment is mainly concentrated in parts of Clacton, Harwich and Walton and urban settlements such as these have been identified as priority areas for regeneration;
- all the settlements around the proposed development are smaller rural settlements considered in the Local Plan to be less sustainable locations for growth and concern that encouraging too much development in these areas will increase reliance on car travel;
- there are no public transport links to the proposed development therefore it will lead to an increase in car traffic and most probably road freight traffic from Clacton and Walton (the areas identified as having higher unemployment) through the village of Tendring, along roads not suitable for any increase in traffic;
- there are currently no utilities to the site and no public transport;
- this is agricultural land in the open countryside which is part of the rural economy of Tendring for the production of agricultural produce or for development consistent with Policy PRO15;
- in the future, an industrial site at this location could be adversely affected by the aspirations for the development of Bathside Bay;

- the site would create increased traffic congestion on the A120 by obstructing the free flow of all forms of traffic from the post of Harwich, causing delays at the Horsley Cross roundabout for through traffic to the A12 and beyond and to annual tourists visiting Tendring;
- there are remaining vacant industrial units in Tendring and Colchester which questions the need for the site at this time or the foreseeable future;
- a demand for limited growth of this nature within the life of this Local Plan is adequately catered for through Policy PRO14 making the inclusion of this specific site unnecessary;
- there is already much concern about the amount of freight transport that uses the roads through Tendring and Thorington as a shortcut to the A120; and
- in 2006 a far smaller development on part of this site was rejected by the Secretary of State on an Inspector's advice that the site was too remote from the populated area and that development would encourage unsustainable car journeys.

Harwich Town Council (HTC): HTC welcomes and endorses the inclusion of the development at Horsley Cross as it believes that this site offers the best opportunity for immediately deliverable inward investment and growth.

Little Bromley Parish Council: formally opposes the Horsley Cross development because:

- There are concerns about the large size of the development;
- This is a green field site of high grade agricultural land; and
- The Parish Council questions whether or not it will be sustainable and the impact it will have on the Bathside Bay proposal.

Wix Parish Council: The main concern about this development is its rural location. The previous application was rejected over concerns the area was "too remote from populated areas and that development would therefore encourage unsustainable car journeys". This situation remains the same, and it seems to go against Essex County Council (and the wider government approach) to reduce travel and encourage sustainable travel plans. I do not see the benefit of pulling traffic away from towns into the countryside, and although I appreciate this site has good links with the trunk road and Harwich International Port, I feel it does not justify development at such a beautiful, rural location. It seems such a shame to spoil such an area. While we should be in favour of encouraging employment opportunities in the area it is not felt that a large haulage and industrial development will truly benefit the local population. Due to the haulage, storage and distribution nature of the site the number of employment opportunities this will provide is in proportion to the size of the site. With the port expansion at Bathside Bay, it seems there is likely to be more suitable sites in the Bathside vicinity that would add value to the port, whilst not compromising an area that is fully rural.

Nothing of material consequence has changed since Wix Parish Council objected to the previous planning application except more land is now being promoted. Our original objections regarding pollution can now be considered to be double in intensity. Whilst the site is within Mistley Parish, the heart of our village is a full mile closer than the heart of Mistley village and so our village will be subjected to considerably more traffic pollution. Any increase in traffic will cause distress to residents and could lead to further traffic accidents. There are no footpaths or cycle paths and a very infrequent bus service. We also fear that this could lead to residential development along the A120 between Horsley Cross and Dovercourt.

POSITIVE (Public Open Space In Tendring Is Vital for Everyone): The Horsley Cross proposal dealt with under Policy MLM6 proposes to change good quality agricultural land to employment and residential use. This does not seem to accord with all the statements about reducing carbon emissions and about sustainable development etc in the Local Plan Draft. I object to the proposal which would destroy some high-quality agricultural land and would place any residents outside the developed conurbations of Tendring with poor public transport connections and lack of facilities. Essex farmland is the most valuable agricultural land in the country since it is relatively flat, thus easy to work and is rich in nutrients, thus abundantly productive. It is not in line with sustainable principles to develop rich farmland for unsustainably situated mixed residential and light industrial uses. I strongly object to this policy.

Little Bentley Parish Council: The Parish Council considers the allocation at Horsley Cross to be unsound as it is in an unsustainable location and is accordingly not consistent with national policy. The site is a greenfield site which is remote from population centres and is not supported by infrastructure or public transport links.

Allocation of the site for employment purposes is not justified by the Council's evidence base, and in fact two key documents in the Council's evidence base argue that the site should not be included. Furthermore, the Inspector in the 2009 appeal did not consider that the site should be developed for employment purposes.

This Council previously objected to inclusion of the site in its representations to the Core Strategy consultation documents and does not feel that circumstances or the proposal has changed in any way that would justify a change to this objection in principle.

Additional traffic generated by the development would only add to these hazards, particularly in the context of the uncertainty over the Bathside Bay development that was intended to fund A120 improvements.

Little Oakley Parish Council: The proposed light industrial/warehousing site could provide more employment for the district. It does have good access to both east/west and north/south roads in a central area of the district.

Comments from members of the public

David Barber (Tendring); Mr. & Mrs. Clive Brown (Horsley Cross); C. J. Bryant (Horsley Cross); Mrs. L. J. Bryant (Horsley Cross); Mr. & Mrs. P. C. Burchell (Tendring); Brian Jasper Burford (Tendring); L. B. Christodoulides (Frating); Jim Clifton (Little Bentley); Mr. Roger Cooper (Horsley Cross); Julia Cottee (Tendring); Mr. & Mrs. Daniells (Tendring); Edward Daniels (Tendring); Ms. Yvonne Lynda Dolphin (Horsley Cross); Reginald Ellis (Bradfield); James Heaney (Great Bromley); Mr. R. Horlock (Mistley); R. W. Ireland (Horsley Cross); Mr. H. Kelleher (Tendring); B. W. King (Little Bentley); Mr. & Mrs. J. Munnings (Tendring); D. J. Negus (Tendring); Guy Nelson (Wix); Frederick Nicholls (Great Bromley); John Parkes (Tendring); Sir Nicholas Patten (Tendring); Michael D. Petty (Great Bromley); Kyle Richardson (Tendring); Mr. Peter S. Scott (Great Bromley); Mr. & Mrs. B. Slack (Tendring); Neil Skinner (Great Bromley); Stuart Smith; Mr. Brian Soames (Horsley Cross); Mrs. Anne Soames (Horsley Cross); Ms. A. Spall (Little Bromley); Mr. N. Turnbull (Lawford); **OBJECT** to the proposed development at Horsley Cross because:

- the site is not served by public transport therefore any workers would all have to travel by car, going against the concepts of sustainability, reducing the need to travel and protecting the environment;

- the B1035 (which runs through a number of villages) would see heavier use and there are no plans for dealing with the blockages that will surely occur, often caused by accidents at the bottom of the hill between the A120 and Sundial Nursery;
- the traffic situation on the B1035 was improved when R T Stewart Transport Co moved out of Manningtree, but this development would bring it back to square one;
- development would be close to two accident black spots – Pelhams Corner and the Great Bromley junction which have not been improved by the recent re-design and would not be helped by any increase in traffic resulting from this development;
- there has been no consultation with people living in the local areas;
- brownfield sites should be utilised for this kind of development;
- the A120 roundabout is overloaded with traffic and this development will make it worse;
- the development would surely interfere with future plans for Bathside Bay and the necessary upgrading of the A120;
- the proposed access to the two sites would need to be via three-branch roundabouts, but the Council is known to favour four-branch roundabouts as being the most effective;
- there is no proven need for this development and not many industrialists with an appetite to build factories or warehouses on a rural site without the extensive services that would be required;
- basic utilities such as water and gas are not available at this site;
- allowing development here would set a precedent for other landowners to actively pursue ribbon development;
- this development would result in the permanent loss of prime agricultural land which will be needed to feed future generations;
- traffic through the village of Tendring would increase where the roads were not designed to take heavy traffic and where properties are close to the road making it difficult for people to exit from their driveways;
- increased traffic would increase the risk of accidents at the Tendring Primary School;
- the development would cause air, noise and light pollution and contamination of surrounding land;
- the development would be out of character with the Tendring rural area and would represent destruction of the countryside and introduce an eyesore to the landscape;
- privately owned properties in a currently unspoilt rural setting will be devalued;
- the development is not supported by local Parish Councils;
- the development would damage wildlife;

- more suitable locations for industrial development are available off the A133 at Frating, the Harwich/Parkeston area, Manningtree and the Colchester end of the A120;
- this kind of development should be built near to a town where the employment would be greatly welcomed, such as the deprived areas of Harwich and Clacton;
- this idea arose to somehow tie in with the planned development of Bathside Bay at Harwich however this is now unlikely to happen in the near future, if at all;
- only 2% of the world's surface is able to grow food for its ever growing population and land in question at Horsley Cross has always been quite capable of growing good crops, so surely it would be wrong to cover it with concrete;
- the land on the south side of the A120 has been left as set-aside or permanent grass for convenience sake it would appear, although something to encourage birds and other endangered wildlife might have been a better idea.
- farmers are constantly being reminded of their duty to provide a better environment for our wildlife, and blamed for the demise of several species of birds and insects etc. Hedgerows have been replanted on some farms in our area, and shelter belts sown etc., but not on the land in question;
- this proposal was the subject of a planning application in 2006 that was against the wishes of the local population, the then Local Plan, the County Council, the East of England Plan and the Haven Gateway partnership and was consequently turned down by the Secretary of State so the reasons for rejecting it last time must surely still apply today;
- the fact that the proposal has been included in the Local Plan despite its previous rejection would suggest there are vested interests;
- the farmer/landowner wants to make some easy money and has convinced the Council to accept the proposal with limited knowledge of the likely ramifications;
- there are plenty of industrial sites that have unused capacity and buildings that have been vacated;
- the proposal is in conflict with the statements set out in Policy PLA5 paragraph 5 which seeks to protect the countryside landscape – this is a very elevated and prominent site;
- it would be better for transport depots to be located near the ports;
- a recent article in the Mail suggested that 80% of the population wanted the natural environment to be protected at all costs;
- the only people that will benefit from the development are the landowner and their planning consultants and lawyers; and
- the proposals were rushed through at Full Council, not allowing Councillors to reach a considered decision with regard to the viability of the proposal.

:

- There is no proposal to upgrade the A120 and a development at Horsley Cross cannot be approved in the hope that this will happen.
- The current road infrastructure is unsafe and cannot cope with the additional traffic that would be generated.
- The location would effectively only serve the Harwich area as links to the A12 and A14 are unsuitable, and should therefore be located on existing brown-field land at Parkstone.
- The flat landscape is unsuitable for industrial development due to the visual impact.
- According to the Council's own Employment Study "the future demand for premises to accommodate 'B-class' uses (i.e. business, industrial, storage and distribution) is most likely to be within the Harwich area, as opposed to other areas of the District". To include within the plan the development at Horsley Cross is a contradiction and therefore directly questions the justification for its inclusion.

Rosemary Richardson (Parkeston): Supports the development in principle but development should be strictly controlled because past developments have proved that you cannot always control what happens afterwards.

Ms. T. Osben (St. Osyth): I support the inclusion of this policy. An alternative to the Council's proposed policy of 6% housing increase across the District would be to develop a new town alongside the employment development at Horsley Cross. This could be accompanied by the dualling of the A120 and would be a sustainable development with direct links to the port at Harwich, which would also benefit from the proposed development at Bathside Bay and the recent investment in green technologies at Harwich. My suggestion for a new town at Horsley Cross should be revised according to planning principles and evidence based research embodied in the Core Strategy Document.

Mr and Mrs. J. Noble: The Horsley Cross proposal dealt with under Policy MLM6 proposes to change good quality agricultural land to employment and residential use. This does not seem to accord with all the statements about reducing carbon emissions and about sustainable development etc in the Local Plan Draft. I object to the proposal which would destroy some high-quality agricultural land and would place any residents outside the developed conurbations of Tendring with poor public transport connections and lack of facilities. Essex farmland is the most valuable agricultural land in the country since it is relatively flat, thus easy to work and is rich in nutrients, thus abundantly productive. It is not in line with sustainable principles to develop rich farmland for unsustainably situated mixed residential and light industrial uses. I strongly object to this policy.

Council consideration

This Policy, which was included in the draft Local Plan at the Full Council meeting in September 2012, attracted a large number of objections during the consultation period. The main concerns were over the sustainability of development in this location and the potential impact on traffic, highway safety and the character of the open countryside. This proposal has divided opinion amongst residents, Town and Parish Councils and indeed District Councillors so officers have taken great care to come to a balanced view informed by the very latest evidence provided by the Economic Development Strategy and Employment Land Review.

On balance, officers recommended the deletion of the proposal in the Local Plan due to the site being in a remote location, a considerable distance from any major area of population and the

proposal being questionable in terms of deliverability. The Council's 2013 Employment Land Review suggests that there is unlikely to be any significant commercial interest from the business and industrial sector for accommodation in this location. At the time of writing, there was a planning application under consideration for the southern half of the site however it has not been possible to ascertain with any certainty, from the landowner, whether there was any genuine commercial interest in the site or whether the proposal is simply speculative. However, at Full Council on 26 November 2013 it was agreed to retain the proposal and associated policy in the Local Plan.

Outcome

No change to the Local Plan.

Policies Map 4 – Manningtree, Lawford, Mistley and Mistley Heath

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

TW Logistics Ltd: The extent of land to which the Policy PLA1 applies (i.e. at risk of flooding) is unclear on the Policies Map. The reason for the changes between the current Adopted Local Plan Proposals Map and the Proposed Submission Draft Policies Map is unclear respecting the differing areas of land covered by the notation.

The reason for the changes between the current Adopted Local Plan Proposals Map and the Proposed Submission Draft Policies Map is unclear respecting the areas of land shown as green space. The open space study does not recommend the changes. Provision should also be made within the policy to allow for alternative provision in certain circumstances, in accordance with the NPPF.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Mistley Allotment and Leisure Gardeners Association: I support the Brunswick Allotments, Harwich Road, Mistley and the land to the rear of the allotments being retained as protected green land. The extended AONB area borders the south and west boundaries, which are also the boundaries of the designated Local Wildlife Site. The allotments and field behind, maintained as arable land, form a natural safe progression between the Wildlife Site and the housing of Rigby Avenue. The west boundary of the field comes to within a few feet of the Licensed Village Hall and other public amenities. It is my understanding that new housing is not permitted to be constructed close to such amenities. The waiting list for allotments stands at 8, with 12 current allotment holders on sites less than half size and hoping more land can be made available so that they can extend to full size plots. This could include land to the south of the current allotments and to the east of the Village Hall, maintaining a buffer between housing and public amenities.

Mistley Parish Council: While the land off Harwich Road to the south between Furze Hills fields and Middlefield Road to the east is designated as Safeguarded Local Green Space (PEO19) the

remainder of the plot that is designated in the 2007 Adopted Local Plan should be kept as a Strategic Green Gap.

Comments from members of the public

Mr. R. Horlock (Mistley): Land behind the present allotments on Harwich Road was shown as 'Strategic Green Gap' in the 2007 Adopted Local Plan but this designation has not been recorded as such in the 2012 Proposed Submission Draft. This omission should be corrected. This land is and has always been an open space. Early maps show it as agricultural land and I remember it as such. It is also outside the settlement boundary.

After phone conversations and discussions with involved officers at Suffolk Coast and Heaths and a site visit with Council Officers, I thought it was agreed that the boundary of the proposed AONB extension would follow the Conservation Area boundary along the Clacton Road but this has not been done. The boundary shown follows a footpath through the middle of a field thereby missing out the attractive valley. I hope that these two alterations are sensible and will help to protect the open countryside around our village.

Council consideration

In response to the comments by TW Logistics Ltd, the flood zones are taken directly from the Environment Agency flood risk maps. Flood zones are a 'snapshot' in time and are therefore susceptible to change over time. With regards to the comment about green spaces, the preparation of a new Local Plan provides the opportunity to review what areas of land are affected by different notations. The Open Spaces Strategy provides recommendations about what strategic and more formal areas of land should be safeguarded as open space but the Local Plan also includes more informal areas of open land that are considered worthy of protection.

With regards to the objections against the reduction of the green gap in Mistley, it is important to remember that this policy is a local designation and the preparation of a new Local Plan is the opportunity to review such a designation and areas of land that are affected by the designation. In reviewing the boundaries, it was considered not necessary to continue protecting the land as strategic green gap when general countryside policies are sufficient to protect the land from development. Only gaps within settlements that are vulnerable to coalescence have been designated as strategic green gaps in the new Local Plan.

Mr Horlock is also opposed to the boundary shown in the Local Plan for the proposed extension to the Suffolk Coast and Heaths AONB. Whilst Mr Horlock's concerns are noted, the Local Plan process is not the correct process to influence this boundary. The Local Plan simply reflects previous work carried out. There will be opportunities in the future for Mr Horlock and others to help shape the final extent of the area that is proposed for inclusion within the extension to the AONB.

Outcome

No change to the Local Plan.

Chapter 10: Brightlingsea

Brightlingsea – General Comments

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We would like to see some reference to the quality of the natural environment within the Vision for Brightlingsea. We will not comment on the suitability of individual sites at this strategic stage of the planning process. However, we would again welcome the inclusion of a statement (along the lines of that referred to under Chapter 6 above) stating that the policies and proposals in this chapter will need to be considered alongside the requirements of district-wide policies contained in Chapters 2, 3, 4 and 5 of the Local Plan.

Tendring Way and Essex Bridleway Association (represented by Patricia Cooper): In general there needs to be a networked bridleway (multi-user path) created in the Brightlingsea area as there are many vulnerable road users with no access to the countryside.

Comments from landowners, developers and businesses

Royal Mail (represented by DTZ): We support the designation of the 'Brightlingsea delivery office' within the Local Plan as falling within Brightlingsea Town Centre (policy PRO5) and a Primary Shopping Area (policy BRI1) where economic growth is promoted and the vitality and viability of the town centre is to be protected and enhanced. We support the focus upon town centre uses in this location including retail, leisure, commercial, office, tourism and cultural development and community facilities, and consider that the existing Royal Mail property is in accordance with this designation.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mrs. E. Barrenger (Brightlingsea): I think you have treated the town with thought and care and I find your proposals and policies very sound.

Mr and Mr. L. Costello (Brightlingsea): The first bullet point under paragraph 10.3 discusses the housing need in Brightlingsea. However, what is 'the right type' of housing you mention? Who is this housing to be made available to? Is it for 'local' younger people already in Brightlingsea or is it to relieve pressure from surrounding areas or further afield? Is there evidence available of the housing need in Brightlingsea? The plan states there is outstanding planning permission for 120 properties in Brightlingsea, are residents for these properties already identified from within Brightlingsea? Are there studies that look at the impact of housing on local amenities thus far, for example the doctors surgery and schools? Although a different 'type' of development, the Marina development took a long time to be occupied, suggesting that housing need of this type was inadequate. We are concerned that the same thing might happen with this new plan.

Council considerations

The suggestion from Natural England to include a stronger reference in the vision section in this chapter to the outstanding character of the natural environment in this part of the district is noted but not agreed. The vision already makes strong reference to the attractive environmental setting and the role it will play in the future. It is important to remember that the vision statements are not policies and so do not need to state so strongly that these important wildlife sites need to be protected. Policy PLA4 in the Local Plan will provide sufficient protection for these areas and the strength of wording suggested would not be appropriate in a vision statement.

The suggestion to improve the district's bridleway network along the Essex Way is noted but the responsibility for the protection and maintenance of public rights of way in Tendring is with Essex County Council. The Local Plan supports the principle of improving access to the countryside in order to make it more accessible for both visitors and residents to enjoy but land cannot be allocated or safeguarded unless there is a real prospect of it being delivered in the plan period. Instead, the council will continue to work with its partners including Essex County Council and landowners to maximise opportunities to protect, expand and improve the district's public footpath network.

The Council welcomes the support given by the Town Council and Royal Mail, for including the Brightlingsea delivery office within the Primary Shopping Area on Policies Map 5.

The Council cannot prescribe where people within the District live. Within the draft Plan the Council is seeking to promote a mix of housing types so that all members of society have means to a home within the District. The Council can also not guarantee that local people remain in certain areas (and nor would we want to). Rather, the Council is providing affordable housing, family housing and aspirational housing: all of a high quality and of differing tenures to suit the diverse population that the District supports and is likely to support in the future, informed by the Council's Strategic Housing Market Assessment.

Outcomes

No change.

Policy BRI1 – Brightlingsea Town Centre

(Pages 176 and 177 – including paragraphs 10.5 to 10.9)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Brightlingsea Town Council: Policy BRI1 is achievable and sustainable.

Brightlingsea Allotment Holder's Association (Jane Robinson): With the proposal to maintain the shop frontage in the town, allowance should be made for temporary 'pop up shops' to maintain the vibrancy of the town centre.

Comments from members of the public

Penny Youll (Brightlingsea): Agree with policy but more needs to be done to encourage and support new and exciting shops.

Council consideration

It is proposed to introduce a new policy PRO5a 'Use of Shop Units in Town Centres' into Chapter 3 of the Local Plan as a single replacement for policies COS2: 'Clacton Town Centre', HAD3: 'Dovercourt Town Centre', FWK2: 'Walton-on-the-Naze Town Centre', FWK3: 'Frinton-on-Sea Town Centre', MLM1: 'Manningtree Town Centre' and BRI1: 'Brightlingsea Town Centre'.

Outcome

The following **major changes (MAJ10.1)** to Policy BRI1: 'Brightlingsea Town Centre' and supporting paragraphs 10.5 to 10.9 on pages 176 and 177 are proposed (additions shown as **highlighted** and deletions shown as **struck through**) to reflect the proposed addition of new Policy PRO5a: 'Use of Shop Units in Town Centres' and supporting paragraphs in Chapter 3 (see major change **MAJ3.5**):

Brightlingsea Town Centre

~~10.5~~ Brightlingsea Town Centre is listed in Policy PRO5 and is defined on the Policies Map. Brightlingsea is a small coastal town, located in the picturesque southern part of the district. The town centre is broadly linear in shape, following the historic High Street, but also includes Victoria Place. However, the town is environmentally sensitive to peripheral growth, is poorly served by public transport with no railway station and has extremely poor connections with the strategic road network, served only by the B1029.

~~10.6~~ The Council's 2010 Retail Study identified that the town centre had more than 41 commercial units containing nearly 3,000 square metres of floorspace and that the number of vacant units, at around 8% of the total, was well below the national average, notwithstanding the affect of the economic downturn. At the time of writing, the situation has actually improved and all of Brightlingsea's shop units were occupied. This suggests that the town centre had been performing very well despite the difficult economic conditions experienced in recent years and remoteness of the town from the surrounding district.

~~10.7~~ The town has some representation from multiple convenience goods retailers Tesco Express and Spar, and since the previous study, comparison retailer Boots has opened on Victoria Place whilst the Unwins and the British Red Cross stores have closed. There are still several independent convenience retailers in Brightlingsea including a fishmongers, a butchers, a bakery and a confectionery, tobacco and news store. Independent retailers also have a strong presence in comparison goods retailing with florists, clothing shops, gift shops and electrical stores.

~~10.8~~ To promote continued vitality and viability in Brightlingsea's town centre, in the absence of any identifiable development opportunities, the strategy in this Local Plan is to:

- protect and enhance the special architectural and historic character by ensuring development proposals, changes of use, advertising and shopfront design are sympathetic with their surroundings and contribute positively to the appearance of the area;
- enhance the overall visitor experience through continued improvements to the streetscape including quality paving materials, street furniture, lighting and planting;
- ensure that sufficient parking provision is made for visitors to the area; and
- allow more flexibility for leisure uses such as restaurants and cafes to minimise the risk of vacant premises which would detract from the area but, at the same time, avoid commercial uses that could harm the character of the area such as takeaways and pubs.

~~10.9 The Policies Map for Brightlingsea identifies a 'Primary Frontage' focussed on Victoria Place and the High Street and a 'Secondary Frontage' located within the waterfront development to the south of the town centre. Policy BRI1 below will be applied in the determination of any planning applications for new development or changes of use, alongside Policy PRO5 'Town Centres'.~~

POLICY BRI1: BRIGHTLINGSEA TOWN CENTRE

~~Brightlingsea Town Centre, Primary Shopping Area and Primary Frontage are defined on the Policies Map Inset.~~

~~Within the Primary Frontage in Victoria Place and High Street, proposals for a change of use from Class A1 shops at ground floor level to Classes A2—A5 will only be permitted where:-~~

- ~~non Class A1 uses would not dominate or detract from the core objective of providing retail outlets for the shopper;~~
- ~~the proportion of frontage in A2- A5 use does not exceed 20% of the length of individual street frontages;~~
- ~~there would be no detrimental effect on the amenities of occupiers of nearby residential accommodation in terms of noise, fumes, smell and general activity generated from the use; and~~
- ~~there would be no unacceptable levels of traffic to the detriment of highway safety.~~

~~Proposals that would result in the loss of ground floor commercial premises to residential use will not be permitted. The use of upper floor accommodation for residential use will be supported provided that it does not jeopardise the practical operation of the ground floor business.~~

Brightlingsea – Housing Supply

(Page 178 – including paragraphs 10.13 and 10.14)

- Land south of Robinson Road, Brightlingsea (see Policy BRI2).

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Trinity College Cambridge (represented by Bidwells): The strategy in the draft Local Plan is not the most appropriate strategy for the delivery of housing in Brightlingsea when considered against the reasonable alternatives. Furthermore, the proposals put forward are not based on evidence that has been subject to public scrutiny. As such, we would contend that the Council's approach in this regard is not justified or sound. The Council has chosen to allocate land south of Robinson Road for new housing and public open space in preference to other deliverable sites put forward for consideration, including our land at Brightlingsea Hall Farm to the west of the town. No justification for this decision is provided in the Plan other than at paragraph 10.14's reference to "careful consideration of the Council's Strategic Housing Land Availability Assessment (SHLAA)". The SHLAA has not yet been published for consultation and as a consequence has not been subject to scrutiny by third parties. As such, we would contend that it does not provide a robust basis for decision making.

To compound these concerns, no justification has been provided for not allocating land at Brightlingsea Hall Farm. Our land could deliver as many if not more benefits for the town and should be developed in preference to it (see more detailed comments which are addressed in the 'alternative housing sites' section).

Jennifer M. Osbourne: The proposal to allow further residential development in Brightlingsea should be welcomed because it will bring a much needed economic boost to the town and help keep our shops and other local services alive and vibrant for all to use.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Ms E Artindale (Brightlingsea): A 6% increase in every urban settlement is fundamentally flawed in practice whilst seeming to be fair. Brightlingsea is effectively a peninsula bordered on three sides by water and so has finite borders for development. In addition, it has many internationally designated wildlife and conservation sites within the peninsula. To achieve a 6% increase in housing in an area also described in the plan as having limited brownfield land to deliver the low density housing required, the plan is to build the fifth biggest single development in the whole of Tendring on one greenfield site, therefore adversely affecting other stated local plan policies, PLA2, PLA4 and PLA5. So, a 6% increase in Brightlingsea cannot be justified if this is the only way to achieve it. The low density requirement has meant that already more open land than originally planned for will be lost to the town.

Mr R Tabor (Brightlingsea): The 6% increase in housing stock across all the districts settlements is inherently unfair. To roll out any percentage for all settlements to be fair would assume all populations are in the landmass of the district. Brightlingsea is surrounded by sea and wetlands and local, national and international wildlife and conservation designated protection, mathematically it is not the same as increasing a housing population with a continuous surrounding area. Consequently not all settlements in Tendring can have the 6% applied with equal risk. The plan must either take special cases into account or consider case by case basis. This affects stated plan policies PLA2, 4 and 5.

Mr and Mr L Costello (Brightlingsea): A 6% increase in housing stock in the 10-years between 1st April 2011 and 31st March 2021 does not seem to be measured as a need for Brightlingsea, more that there is a need for a 6% need nationally and Brightlingsea 'must have their share'. It is not clear whether the 6% increase takes into account natural reduction through deaths and leavers or whether it is based on actual trends and past evidence. Details of how a 6% increase was reached should be made available to the public. Consideration of brownfield sites in Brightlingsea should also be made available. Whilst we understand the need for additional housing, it seems the 6% figure has been reached less by modelling and monitoring and more by standards and 'fairness'. Whilst your profile of Brightlingsea describes it as a traditional town, with a distinctive character, your strategies to implement standards and fairness only serve to treat it the same as surrounding, larger towns, which Brightlingsea infrastructure is unable to accommodate, and if it did, the traditions and uniqueness would be lost.

In relation to amenities and services, evidence should be provided to show how the following have been robustly reviewed and agreed, including how the following services will cope with additional development: medical facilities, schools, police, communication networks, fire service, sewerage and drainage and highways.

Existing facilities are already struggling to meet demand. In relation to schools, The Plan mentions that development will financially contribute towards the expansion of existing primary and secondary schools to accommodate the increase in demand – We do not see expansion of our schools as a positive, part of the attraction of our children attending these schools is their size. Research should be carried out within the local community to find out how many people would be happy for our schools to be expanded.

The Plan states that the town is poorly served by public transport with no railway station and has extremely poor connections with the strategic road network, served only by the B1029. We strongly dispute whether the transport infrastructure can cope with any additional traffic. Additional housing will inevitably increase the traffic on the only road in and out of Brightlingsea.

Mrs. O. Davey (Brightlingsea): I have read the plans for more development in Brightlingsea although there is no plan for making a second road in or out of the town and no plans to improve other infrastructure. Residents are worried about the amount of traffic coming into the town and there have been times that Church Hill has been closed and there is no way in or out of the town.

Council considerations

In the 2012 Draft Local Plan Brightlingsea is identified as a single 'Urban Settlement' and the approach to housing supply was for this to accommodate a 6% increase in housing development over 10 years with specific sites allocated for housing and/or mixed-use development to achieve that level of development. A single site was allocated for such development in Brightlingsea.

The objections received in this section relate to the principle of housing growth in this location. Comments relating to the specific requirements of Policy BRI2: 'Land south of Robinson Road, Brightlingsea' are considered in the response to that policy. One of the comments relates to an alternative site that has been promoted for development. Readers are referred to the next section that addresses these comments where none of the alternative sites considered are proposed for inclusion in the Local Plan through focussed changes.

In response to comments received about the proposed approach to housing growth generally across the district, readers are referred to the responses to Policies SD2 and PEO1. The consideration of these comments has resulted in the Council proposing to replace the rigid 6%

increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account.

The level of growth for Brightlingsea has been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. The level of growth proposed is considered 'fair and proportionate' for this part of the district but still falls short of the high level of demand that exists, as evidenced in the Council's updated Strategic Housing Market Assessment.

In addition, a number of respondents raised concern about the impact of any development on the area's existing infrastructure and the fact that there is only one road in and out of the town and no railway. Whilst these concerns are understood, the level of growth proposed is unlikely to have a significant impact on the area's existing infrastructure. The Council will continue to work closely with its partners to ensure any adverse impacts are minimised and at the subsequent planning application stage, Policy SD7: 'Securing Facilities and Infrastructure' in the Local Plan will help ensure that all new development is accompanied by the necessary level of infrastructure. With regard to highway capacity, Essex County Council Highways Authority is the statutory body who informs the Council as to the likely impact upon highway safety. In this instance, the Highway Authority had no adverse comments to make in regard to the overarching strategy for development in Brightlingsea, which infers that they are broadly satisfied that the existing road network can accommodate the level of growth proposed.

Outcome

The following **major changes** (MAJ10.2) to paragraphs 10.13 and 10.14 under the heading of 'Housing Supply' on page 178 are proposed (additions shown as highlighted and deletions shown as struck through):

10.13 The National Planning Policy Framework requires Councils to boost the supply of new housing to address objectively assessed needs. In accordance with Policy SD2 POE4 in Chapter 2 this Local Plan, the urban settlement of Brightlingsea will play its part in delivering a sustainable, fair and proportionate ~~see a 6% increase in housing stock in the 10-year between 1st April 2014 and 31st March 2024~~ over the first 10 years of the Local Plan period between 1st April 2014 and 31st March 2024. Based on the evidence contained in the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA), this Local Plan is able to make provision for a total net increase of at 188 dwellings in Brightlingsea over those 10 years. ~~With a total housing stock of approximately 3972 dwellings on 1st April 2011, the 6% increase for this area equates to approximately 240 new homes.~~

10.14 Approximately 68 of these new homes are expected to be delivered on large sites that already had planning permission for residential development on 1st April 2013. The remaining 120 new homes will be delivered on greenfield ~~On 1st April 2011, there were sites with outstanding planning permissions to deliver approximately 120 dwellings in total, thus leaving a residual requirement of 120 dwellings to be delivered on allocated sites. Following careful consideration of the Council's Strategic Housing Land Availability Assessment (SHLAA), land east of Robinson Road, Brightlingsea (see policy BR12 below) is allocated for residential development to meet the remainder of Brightlingsea's housing requirement.~~

Other consequential changes include:

- Expand the housing allocation on land at Robinson Road, Brightlingsea (and extend the Settlement Development Boundary and reduce the Proposed Green Infrastructure notation) (see proposed Policies Map change **PM5.3**).

Brightlingsea – Alternative Housing Proposals

(Alternative proposals promoted by third parties with the potential for 10 or more dwellings)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Trinity College Cambridge (represented by Bidwells): The land at Brightlingsea Hall Farm could deliver as many if not more benefits for the town and should be developed in preference to land off Robinson Road. The site has capacity to deliver, as a minimum, the amount of housing and green infrastructure earmarked for land at Robinson Road. Indeed, the amount of land available for development would enable the Council to ensure that its housing objectives for Brightlingsea are achieved even if the sites with outstanding planning permission anticipated to come forward during the Plan period fail to do so.

In addition, development of the land at Brightlingsea Hall Farm would have considerable sustainability benefits that should be taken into account.

- Unlike much of the land to the south, east and west of Brightlingsea, the majority of the site is not identified to be at risk from flooding and is not subject to any statutory or non-statutory nature conservation designations.
- The site can be accessed directly from the B1029, which serves as the only public and private transport corridor into and out of the town. As such, development on this site, as opposed to land to the east of the settlement, would be better connected to existing public transport services and link directly to the rail connections available within three miles at Alresford and Great Bentley.
- Developing this site as opposed to the land to the east of the town, which can only be accessed through existing residential areas, would considerably reduce the impact of traffic generation and congestion on the existing urban area. Indeed, given its location adjacent to the B1029, development of this site has the potential to relieve congestion through the provision of enhanced transport infrastructure.
- The site is located within walking and cycling distance of the town's main secondary school (Colne Community School and College), its main Parish Church (All Saints), and the Morses Lane employment area, which is proposed for expansion in the Local Plan. Indeed, the site is situated far more favourably in relation to these key centres than the proposed growth area south of Robinson Road.
- The land at Brightlingsea Hall Farm adjoins the Morses Lane industrial area and could form part of a comprehensive mixed use development that would complement the Morses Lane scheme in the most accessible area of the town. We would strongly urge the Council to consider the benefits of such a scheme.

The Council may cite the conclusions drawn in its 'Identifying Broad Areas for Potential Settlement Expansion' document as a reason for not allocating the site. This suggests that 'sprawl' to the north of Brightlingsea should be avoided given the existing pattern of ribbon development along the B1029 and the desire to encourage a more compact urban form. We would contend that comprehensive, planned development at Brightlingsea Hall Farm would not constitute ribbon development and would provide a logical and sustainable urban extension to the existing settlement. Indeed, development of this site would contribute no more to 'sprawl' into the open countryside than the development proposed to the south of Robinson Road or north of Morses Lane. The 'Identifying Areas for Potential Settlement Expansion' document identifies that there are no absolute constraints to development to the north, east or west of Brightlingsea's existing settlement boundary, suggesting that there is considerable scope for growth.

To take account of this evidence and ensure that the most appropriate strategy is taken forward, Policy BRI2 could be amended as follows:

POLICY BRI2: DEVELOPMENT AT BRIGHTLINGSEA HALL FARM

Land at Brightlingsea Hall Farm, Brightlingsea (as defined on the Policies Map Inset) is allocated for a mix of residential and public open space. The Council will work with the landowner to prepare a development brief for the site prior to the submission of a planning application and ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

- a) The principle point of vehicular access will be off of the B1029 or Samson's Road;
- b) The development shall deliver safe, secure and direct routes through the development;
- c) The development will set aside approximately 4.4 hectares of land for green infrastructure, including land for allotments, that will be laid out to incorporate sustainable drainage systems, landscaping and informal open space which will be transferred to either Tendring District Council or Brightlingsea Town Council for future management and maintenance, or suitable alternative management arrangements put in place to ensure long-term maintenance; and
- d) The development must expand upon and connect with the network of footpaths and green corridors that serve the adjoining residential area.

The text supporting this policy elsewhere in the Plan and the Policies Map for Brightlingsea would need to be amended to take account of these suggested changes.

Alternately, the Council could simply extend the Settlement Development Boundary for Brightlingsea to include all or part of our land to allow it come forward for development in accordance with the provisions of Policy SD5: Managing Growth in addition to the land at Robinson Road. We would contend that there is a real risk that the Council is not planning for the release of sufficient land to facilitate the housing growth objectives for Brightlingsea due to an over reliance on existing planning permissions (anticipated to provide half of the 240 dwellings expected to come forward). Again, evidence underpinning the assumption that all of these dwellings will be developed has not been published or been made available for scrutiny – the Council has not published a full housing trajectory to support the Plan or provided evidence in a SHLAA or Annual Monitoring Report that demonstrates that the sites with planning permission are deliverable or developable. Including all or part of our land to allow it to come forward for development in accordance with the provisions of Policy SD5 would allow a more flexible approach to be taken and ensure that sufficient new housing is developed in Brightlingsea to respond to identified needs.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council considerations

Numerous alternative proposals for development sites were submitted in response to the 2012 Draft Local Plan, some were new proposals and others had been submitted previously as part of the Council's 'call for sites' exercise. These proposals have the potential to deliver 10 or more dwellings. Smaller scale proposals that have requested relatively small amendments to Settlement Development Boundaries are considered under 'Proposed Small-Scale SDB Changes' below.

In the 2012 Draft Local Plan Brightlingsea is identified as a single 'Urban Settlement' that is capable of accommodating a 6% increase in housing stock. However, in order to address concerns received about the proposed approach to growth, the Council is proposing to replace the rigid 6% increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for Brightlingsea has therefore been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. Therefore any alternative proposals that would result in a significantly higher dwelling stock increase than what is considered 'fair and proportionate' are considered unsustainable and out of character.

Individual proposals are considered in more detail within a separate report but a summary of how each proposal has been considered is set out as follows:

Land at Brightlingsea Hall Farm

Trinity College is promoting land to the north west of the town for development. The site would not represent a logical or sustainable extension to the existing built up area as the site is located some distance from the town centre and its shops, services and facilities and environmental sensitivity is more of an issue to the west of Brightlingsea due to its coastal landscape character and the likely presence of wildlife in the adjacent former gravel pits. Furthermore, the northern part of the site would be adjacent to the Brightlingsea Hall Conservation Area, which has historically been separate from the main part of the town so development and the 'over-urbanisation' of this part of the town would be out of character. For these reasons and because there is more suitable land elsewhere, this proposal has been rejected by the Council but, if they wish, Trinity College will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, it can make the case for development through the development management process, where amongst other things, the requirements of Policy SD6: 'Strategic Green Gaps' would need to be met.

Outcome

The alternative site considered above is not proposed for inclusion in the Local Plan through focussed changes.

Brightlingsea – Proposed Small-Scale SDB Changes

(Proposals to amend the ‘settlement development boundaries’ promoted by third parties that could result in smaller developments with the potential for 9 or fewer dwellings. These affect Policies Map 5: Brightlingsea).

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mr. G. Bradfield (represented by Wright Ruffell Cameron): The plan should be amended to include Land at Vicarage Field, Church Road, Brightlingsea for housing by adjusting the Settlement Development Boundary. The proposed site is in a location that is accessible to existing local services and facilities and where development would have a minimal affect on the surrounding environment. The site has the potential to accommodate five new dwellings, which would help meet the need for housing set out in paragraph 10.16 of the draft plan.

Jennifer M. Osbourne: Whilst the proposal for residential development at Robinson Road has merit, other smaller sites should also be considered for residential development that otherwise have no useful purpose such as land on the north side of Samson Road which is an unused and unkempt eyesore and a magnet for unlawful tipping and vandalism. It has no agricultural, ecological or environmental significance and does not form part of a scenic vista or panoramic backdrop.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council considerations

Numerous alternative proposals for development sites were submitted in response to the 2012 Draft Local Plan, some were new proposals and others had been submitted previously as part of the Council’s ‘call for sites’ exercise. This section addresses the smaller scale proposals for 9 or fewer dwellings through small amendments to Settlement Development Boundaries. Proposals for sites of 10 or more dwellings are considered in the ‘Alternative Housing Sites’ section.

In the 2012 Draft Local Plan Brightlingsea is identified as a single ‘Urban Settlement’ that is capable of accommodating a 6% increase in housing stock. However, in order to address concerns received about the proposed approach to growth, the Council is proposing to replace the rigid 6%

increase in housing stock for all settlements with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. The level of growth for Brightlingsea has therefore been decreased slightly to around 5% (through a combination of planned allocations and commitments) which reflects latest evidence available in the updated Strategic Housing Land Availability Assessment about the availability and deliverability of sites for housing taking into account practical physical, environmental (including flood risk), infrastructure and economic constraints that limit how much new housing development can realistically be achieved within the revised Local Plan period. Therefore any alternative proposals that would result in a significantly higher dwelling stock increase than what is considered 'fair and proportionate' are considered unsustainable and out of character.

Individual proposals are considered in more detail within a separate report but a summary of how each proposal has been considered is set out as follows:

Land at Vicarage Field, Church Road

Mr Bradfield (represented by Wright Ruffell Cameron) is promoting land at Vicarage Field, Church Road for inclusion within the Settlement Development Boundary to enable a residential development of 5 dwellings. The proposed amendment to the boundary does not represent a sensible or logical extension to the existing built up area and so it is not agreed that the boundary should be amended as suggested, particularly as there is more suitable and sustainable land elsewhere for housing that is closer to the town centre. If he so wishes, Mr Bradfield will have an opportunity to make a case for this proposal as part of the examination process or, alternatively, he can make the case for development through the development management process.

Land north of Samson Road

Ms Osbourne is promoting the inclusion of a narrow strip of land north of Samson Road within the Settlement Development Boundary to enable residential development. The site is a previously developed site as it was once occupied by a depot and the mature landscaping to the north would help minimise any potential adverse impacts on the character of the open countryside to the north. It is therefore proposed to amend the boundary to include this small piece of land through proposed change **PM5.2** to Policies Map 5: 'Brightlingsea'.

Outcome

It is proposed to amend Policies Map 5: 'Brightlingsea' to include land north of Samson Road in the Settlement Development Boundary through proposed focussed change **PM5.2**.

Policy BRI2 – Development at Robinson Road

(Pages 178 and 179 – including paragraphs 10.16 to 10.18)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: This proposed site allocation is located next to East End Green, which is a lowland grassland Local Wildlife Site (LoWS). We recommend that any development provides adequate buffering to the East of the development site to ensure that the species rich grassland is sufficiently protected from the impacts of dog walking and household pets. Household pets can have an extremely negative impact on reptiles in particular which are locally abundant and fully protected under the Wildlife and Countryside Act 1981. We recommend wording is included in the policy to reflect the need for buffering.

Essex County Council: It should be noted that the County Council would seek developer contributions for expansion of both primary and secondary school provision to meet demands arising from this development. The catchment primary schools (Brightlingsea Infant and Junior Schools) are forecast to be at capacity and it would not be able to accommodate the potential pupil product from the proposed development. Similarly, secondary school provision at Colne Community High School is also forecast to reach capacity.

The Tendring Historic Environment Characterisation report (2009) identifies the development site at Robinson Road to have a high potential for below ground archaeological deposits. Consequently, a further bullet should be added to the policy, to read, "The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains".

Comments from landowners, developers and businesses

Trinity College Cambridge (represented by Bidwells): We object to this policy because it is not the most appropriate strategy for the delivery of housing in Brightlingsea when considered against the reasonable alternatives (see comments made against housing supply in Brightlingsea promoting our land at Brightlingsea Hall Farm and comments made against Policies SD2 and PEO1).

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Brightlingsea Town Council: Policy BRI2 is achievable and sustainable and the area is appropriate.

Brightlingsea Allotment Holder's Association (Jane Robinson): Pleased to see that the proposed housing development is clearly linked to that of amenity land including recreation and allotments. It is important that the number of allotments available is in proportion to the number of residents of the town. This is not the current situation with a long waiting list of allotments.

Comments from members of the public

Penny Youll (Brightlingsea): Agree that this is an area for low density and mixed residential development. Must ensure all aspects of infrastructure (drainage, water, schools, health care, transport access etc) are well provided and are sufficient. It is understood why the extended area of 'potential' development may come into negotiation and I would certainly agree with this rather than using alternative land within the town. I welcome the proposed green area but its usage may need to be prioritised.

Malcolm Tayler and Julia Tayler (Brightlingsea): Object to the proposed development because they were not made aware of any previous Local Plan consultations. However, if the proposed development obtains planning permission they would like to make the following points:

- a) Full access to the housing plans so they can see for themselves that they will not lose the public footpath to the rear of their garden;

- b) They would like the footpath widened to provide a barrier between the proposed building site and their garden;
- c) Ensure that development does not result in any overlooking of their garden;
- d) They would like to see the building site cleared of any residual rubbish etc;
- e) Provide lighting along Robinson Road as it is currently dark;
- f) Improve the road surface in Robinson Road;
- g) There must be other sites in Brightlingsea that could be considered for development other than Robinson Road;
- h) Insufficient infrastructure to cope with more housing; and
- i) One road into and out of Brightlingsea is insufficient for the level of traffic proposed.

Mr. C. Dines (Brightlingsea): The principle of development is supported but there are a number of issues regarding access and infrastructure:

- There should be two points of access perhaps through Robinson Road and Whitegate Road to allow the flow of traffic to the waterfront and town centre to avoid the top of Robinson Road.
- If, as the plan suggests, there will be retirement properties, access on foot should be improved, at present there is no street lighting in Robinson Road, there are points where pools of water form on the road which splash onto the pavement and make it slippery in icy conditions.
- The development of new retirement properties would allow people in their 60's and 70's to downsize but still have an active life with a reasonable sized garden or adjoining open space with ability to store a boat/caravan, which will free up the larger properties in the area
- This corner of Brightlingsea including the Whitegate estate is badly served by transport within the local community.

Mr and Mr. L. Costello (Brightlingsea): This development will undermine many of the attributes which attract residents here i.e. a small coastal town, relatively isolated from the rest of the district, with small schools providing a high standard of education; a peaceful environment; with a low crime rate; and a non-commercial environment.

You state that Brightlingsea is well served by green infrastructure, yet development at Robinson Road will greatly affect the environment and local wildlife. The development will increase noise pollution, light pollution and also CO2 from the extra traffic produced by the cars of the new residents. On the grounds of Robinson Road fishing lakes there are roaming deer and a wide variety of birds. Reports should be made available from Natural England that shows they are happy that the proposals are not unduly detrimental to the environment.

We would like clarification as to the type of housing planned for at Robinson Road and who the housing is intended for. We feel that existing services cannot cope with an increase in demand and to expand them would change the ethos of the town, which is traditional and unique and the reason why many of Brightlingsea's residents live here.

We note the Plan is to include land for a small ambulance station to serve the town. While we would welcome this, why is the service at Weeley being highlighted for closure only to build a new one in Brightlingsea? If Brightlingsea is eligible for the much required ambulance service, why is funding only available in tandem with the 120 new homes to be built?

Whilst we appreciate you are not at the detailed planning stages yet, we struggle to see how 120 homes plus recreational spaces; allotments; a country park; an ambulance station and a network of walking and cycle areas can be fitted onto the plot allocated for this development, whilst at the same time minimising the visual impact of development on views to and from the coastal slopes of Brightlingsea Creek.

Existing house prices will drop nearby, we will be overlooked and we will no longer have views over Brightlingsea Creek. Increased traffic along Robinson Road will impact on traffic in Granville Way.

Mr and Mrs. S. Salkeld (Brightlingsea): Development at Robinson Road would affect the light, privacy and enjoyment of our garden. There is a waiting list to join the local dentist and there is only one doctor's surgery. We wonder about the impact of such a large number of new residents on the existing facilities. In addition, the top end of Robinson Road floods regularly, as does the single road serving the town near All Saints Church. The density of new housing and the loss of natural soak away garden surfaces are bound to impact on surface water.

During the housing consultation carried out in 2011, it was stated 'field A' at Robinson Road can only accommodate 60 homes, is this still correct?

Ms. E. Artindale (Brightlingsea): The open land and wildlife habitats will have been lost by the development and allotments mean even less public space. There will be a visual impact, minimised or not. Recreational open spaces and a country park mean more suburbanisation of a rural area. There is no lack of recreational open spaces in Brightlingsea but countryside left to be just that is at a premium and once lost is difficult to regain.

Mr. R. Tabor (Brightlingsea): Open land and wildlife habitats will be lost by imposition of the increased size of development when the density of housing and number of units increase the area footprint. Allotments are not a replacement for open field buffers to wildlife protected areas and should not be considered in a community that has good allotment provision. Recreational space and allotments are not limited in Brightlingsea, but the rural and wild character of the community surrounding landscape requires protection.

Council consideration

The Council welcomes the comments and recommendations within the Environment Agency's representation. The Council will work with the developers prior to the submission of a planning application to ensure proposals include appropriate landscaping and buffering in order to address the concerns raised by the Environment Agency.

Comments on behalf of Essex County Council are noted and the Council will make the developer aware of the contributions required relating to education and the surveys needed for an archaeological evaluation. The Council considers that a further bullet point regarding archaeology would be acceptable in this instance.

The objections made by Trinity College Cambridge are considered within the 'Brightlingsea housing supply' and 'alternative sites' sections of this report.

The Council welcomes the support on behalf of the Parish Council and the Brightlingsea Allotment Holder's Association. Furthermore, we welcome the comments on behalf of Penny Youll. The Council will work with the developers prior to the submission of a planning application to ensure the issues raised regarding design, infrastructure and the appropriate size of allotments are addressed and meet the necessary policy requirements. With regard to infrastructure, please see the Council's comments in the 'general' section of this chapter.

A number of comments relate to alternative sites that were promoted in the Brightlingsea area . These were considered within the Sustainability Appraisal of Third Party Housing and Employment Sites document where the majority were discounted as being unsustainable.

A number of respondents request a second access to the allocated site; however, the Council is reluctant to support this as this may make a through-road within the site. This type of arrangement often causes a disturbance to residential amenity. It is further considered that as the Highways Authority had no objection to the single access, the Council should take note of the implied support from the highway experts.

With regard to any alterations to Robinson Road, the Council will work with the developer and Highways Authority to deliver a suitable arrangement prior to the submission of a planning application. Furthermore, with regards to access to footpaths, bullet point (d) requires that the development is well served by public footpath connections to the surrounding residential area and the surrounding countryside landscape.

A number of respondents also commented on the '6% rule' that is applied to Brightlingsea and which is also applied to all settlements in the district. These comments are dealt with within Policy PEO1 and the 'Brightlingsea housing supply' section of this response. However, with regard to housing growth in the town of Brightlingsea, it is considered that a hierarchy of growth: where the bigger towns support more growth is a fair approach to growth. Whilst it is recognised that Brightlingsea has constraints, including internationally designated features surrounding it and relatively poor transport links compared to other towns in Tendring, the modest level of growth at Robinson Road is considered to be a sensible and sustainable addition to the town that is capable of being accommodated within the town's existing infrastructure and sensitive environment. The Council considers that, far from undermining the unique character of the town of Brightlingsea, the proposed development at Robinson Road will enhance the settlement by adding vibrancy and vitality and a well-designed addition to it.

With regard to loss of habitat at the Robinson Road site, The Council does not consider this to be a significant issue as Natural England, which was consulted on the proposed submission draft of the Local Plan and which has commented elsewhere, makes no specific comment in regard to the proposed allocation. The Environment Agency recommends that a landscape buffer is located to the east of the allocation site to soften the impact on the surrounding landscape. There is, in any event no record of nationally protected species on site and the developer would have to carry out a Phase One Habitat Survey at application stage to satisfy the Council's strict protected species criteria.

The Council cannot prescribe where people within the District live. Within the draft Plan the Council is seeking to promote a mix of housing types so that all members of society have means to a home within the District. The Council can also not guarantee that local people remain in certain areas (and nor would we want to). Rather, the Council is providing affordable housing, family housing and aspirational housing: all of a high quality and of differing tenures to suit the diverse population that the District supports and is likely to support in the future, informed by the Council's Strategic Housing Market Assessment.

The Council is not in a position to comment upon the ambulance station at Weeley as it does not concern the delivery of the allocation site at Robinson Road.

Changes in house prices and the right to a view are not planning considerations and as such require no further comment. Issues of overlooking, loss of light and impact on residential amenity if any exist, can be dealt with when the Council works with the developer prior to the submission of a planning application.

With regard to impacts on local infrastructure, the Council's Infrastructure Study confirms that the level of growth proposed for Brightlingsea can be comfortably accommodated within the town's existing infrastructure. Where any deficiencies exist, the Local Plan provides the mechanism through Policy SD7 to secure the necessary infrastructure required by the development proposed through the development management process. None of the proposed allocation site is located within the flood risk zone, moreover, the Environment Agency; the statutory stakeholder with regard to flooding, have been consulted on the proposed allocation and raised no objection to the development in terms of flood risk.

Extension to the development site

As a result of on-going discussions with the developer and landowner the Council has agreed that, to produce a viable, high quality development that better relates to its surroundings and accords fully with other policy requirements in the Draft Local Plan, slightly more land than what is shown on the draft Policies Map will be required. It is therefore agreed through proposed focussed change **PM5.3** to extend the housing allocation (and Settlement Development Boundary) to include more land to the east. Any detriment caused by this amendment would be slight due to the modest area and relatively low quality of land to be additionally allocated. Due to this change in site area, point c) will need to be amended within the Policy wording.

Outcome

It is proposed to amend Policies Map 5: 'Brightlingsea' through focussed change **PM5.3**.

The following **minor changes** (**MIN10.4**) to the first paragraph of Policy BRI2: 'Development at Robinson Road' on page 179 are proposed (additions shown as highlighted and deletions shown as struck through):

The Council will work with the **developer (and relevant partners)** ~~landowner to prepare a development brief for the site~~ prior to the submission of a planning application ~~and to~~ ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:

The following **minor changes** (**MIN10.5**) to criterion c of Policy BRI2: 'Development at Robinson Road' on page 179 are proposed (additions shown as highlighted and deletions shown as struck through):

c) The development will set aside approximately 4.4 **3.8** hectares of land to the ~~east~~ **south** of the development for green infrastructure, including land for allotments, that will be laid out to incorporate sustainable drainage systems, landscaping and informal open space which will be transferred to either Tendring District Council or Brightlingsea Town Council for future management and maintenance, or suitable alternative management arrangements put in place to ensure long-term maintenance; ~~and~~

The following **minor changes** (**MIN10.6**) to Policy BRI2: 'Development at Robinson Road' on page 179 are proposed (additions shown as highlighted and deletions shown as struck through):

e) The development shall deliver a landscaping buffer of no less than 20m (width) along the entire eastern boundary of the allocation site. The species, number and size of trees can be identified within a landscaping scheme or as part of a design brief.

f) The Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains.

Policy BRI3 – Lime Street

(Pages 179 and 180 – including paragraphs 10.19 to 10.22)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Brightlingsea Town Council: Policy BRI3 is achievable and sustainable.

Brightlingsea Allotment Holder's Association (Jane Robinson): Very happy to see that regulations for the storage of boats will be implemented.

Comments from members of the public

Penny Youll (Brightlingsea): Agree that land to east of Lime Street should be confined to boat and caravan storage.

Council consideration

The Council welcomes the general support for this Policy.

Outcome

No changes to this policy or its supporting text are proposed through focussed changes.

Chapter 11: Key Rural Service Centres

Key Rural Service Centres – Introductory Paragraphs

(Pages 181 to 183 – including paragraphs 11.1 to 11.9)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We welcome the statement in the Vision for the Key Rural Service Centres that *“the individual character of each Key Rural Service Centre will have been retained, with key environment and heritage assets protected or enhanced for future generations to enjoy, including the provision of new areas of ‘green infrastructure’”*.

We welcome the clear statement in Policies KEY1-4 that development proposals will need to meet “relevant policy requirements in Chapters 2 to 5” in addition to specific requirements set out in those policies.

English Heritage (represented by Katharine Fletcher): Paragraph 11.6, p182: The reference to the restoration of St Osyth’s Priory as ‘a major tourist attraction’ is open ended, and too unguarded in the context of the high significance of the site. It is important that the promotion of the site as a possible tourist attraction should not be at the expense of the conservation of its significance. The draft text under-estimates the importance and potential appeal of the repaired Priory were it to be opened to the public in an imaginative and sympathetic manner. We recommend a change below to ensure an appropriate level of protection in accordance with the NPPF.

We recommend the following change to paragraph 11.6: Delete the final sentence and replace with *‘The Council is committed to seeing the repair and reuse of St. Osyth’s Priory, and keen to see the opening of the Priory and its park as a tourist attraction in a manner compatible with its exceptional archaeological, historic and architectural significance.’*

Paragraph 11.9, p183: It would be appropriate for the vision to include a reference to the future of St Osyth’s Priory being secured, as part of a positive strategy for the historic environment.

We recommend the following change to paragraph 11.9: Insert in the penultimate paragraph of the vision statement: *‘In particular the major buildings of St. Osyth’s Priory will have been restored and returned to use, and the repair of the remainder of the buildings will be continuing.’*

Comments from landowners, developers and businesses

Gary Brackley: The proposal to allow additional log cabins in Thorpe-le-Soken next to the allotments will exacerbate gridlock in the village during the summer months. The decision to allow this proposal has not taken into account the damage to the surrounding areas in respect of roads and drains.

Kevin Britton (represented by Martin Robeson Planning Practice): Support is given to the vision for rural service centres.

City & Country It would be cost effective to include a similar policy as EN27a (of 2007 Plan) relating specifically to St. Osyth Priory.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No specific comments.

Comments from members of the public

P. M. Hendy (St. Osyth): I wish to see a Strategic Green Gap established between the urban sprawl of Clacton-on-Sea, Jaywick and St Osyth. My preferred site for this would be south of the B1027, east of the St Osyth parish boundary Lodge Farm Lane, west of Rouses Farm Lane and north of Cocketwick Farm Lane. Until 1937 the Civil Parish boundary for St Osyth was the west side of Jaywick Lane, this is still the St Osyth Ecclesiastical Parish boundary.

There is a very real threat that expansion of development at the west of Clacton-on-Sea and expansion east of the present development limits of St Osyth could quickly destroy the necessary physical gap, St Osyth residents have consistently made it clear they do not want to be subsumed by our neighbouring modern settlements.

Council consideration

These paragraphs of the Draft Local Plan explain the Council's approach to development in the district's seven Key Rural Service Centres, elaborating upon the guidance in Policy SD3. Whilst no specific comments were raised in objection to these paragraphs specifically, a number of 'general comments' were expressed which are addressed below. The Council has taken the opportunity to propose some minor changes as a consequence of changes to other parts of the plan. These changes only affect paragraphs 11.1 and 11.6 and the vision statement on page 183 of the plan.

In response to the recommendations suggested by English Heritage regarding specific references to St. Osyth Priory within Chapter 11, the Council agrees, in part, with the comments raised. Some changes to paragraph 11.6 with regard to the potential tourism value of the Priory are proposed. The proposed wording reflects the importance and potential appeal of the repaired Priory were it to be opened to the public in an imaginative and sympathetic manner, as per English Heritage's recommendation. However, we do not feel it necessary to make specific reference to St. Osyth Priory within the Vision for the Key Rural Service Centres. This Vision provides a broad image of what the Council anticipates life will be like in the Key Rural Service Centres by the end of the Plan period but does not specifically mention development within the individual Key Rural Service Centres. It is hoped that the changes made to paragraph 11.6 will satisfy the concerns raised by English Heritage in relation to the Council's commitment to restoring St. Osyth Priory.

The suggestion from Miss Hendy and Ms. Smith of St. Osyth to introduce a Strategic Green Gap between Clacton and St. Osyth is understood but not accepted. Clacton is a sustainable location for urban expansion to meet objectively assessed needs for housing and other development and it would not be prudent to rule out some expansion westwards in years 1-10 (2014-2024) and potential beyond 2024. If the possibility of settlement coalescence in this location becomes a genuine concern, a green gap could be introduced through a future review of the Local Plan.

In response to Mr Brackley's concern that additional log cabins in Thorpe-le-Soken will exacerbate traffic issues in the village and also damage the roads and drains in the area, Elm Tree Caravan Park has been safeguarded as a holiday park within the Plan and identified on the Policies Map Inset for Thorpe-le-Soken. The area identified includes the area of the park allocated for additional caravans, as per a permitted planning application in 2008, where an additional 32 caravans were granted permission. During the planning application process issues such as traffic and damage to existing infrastructure would have been explored before permission was granted. Therefore whilst Mr Brackley's comments have been noted, the Council are satisfied that the area should remain a safeguarded site for holiday accommodation.

Outcome

The following **minor changes** ([MIN11.1](#), [MIN11.2](#) and [MIN11.3](#)) to paragraphs 11.1 and 11.6 and the first paragraph of the vision statement on page 183 are proposed (additions shown as highlighted and deletions shown as struck through):

11.1 The villages of Alresford, Elmstead Market, Great Bentley, Little Clacton, St. Osyth/~~Point Clear~~, Thorpe-le-Soken and Weeley/Weeley Heath are identified as 'Key Rural Service Centres' in Policy SD3 in Chapter 2 of this Local Plan. ~~These~~ With the exception of St. Osyth, each of these settlements are considered capable of accommodating a modest amount of sustainable housing growth ~~in~~ during the ~~40-year~~ first 10 years of the plan period ~~2011-2024~~ up to 2024 at a scale related to local needs, compatible with existing local character and deliverable without the need for major infrastructure investment. There are also ~~some~~ opportunities for small-scale employment-related developments, environmental enhancements, creation of new (or improvement of existing) areas of green infrastructure, new or improved community facilities and improvements to the existing transport network and infrastructure.

11.6 The historic village of St. Osyth ~~and neighbouring Point Clear are~~ is located close to Clacton-on-Sea on the B1027 main road to Colchester and so is likely to benefit from the additional services and facilities that will be provided as part of the mixed-use developments planned for the western edge of Clacton (see Chapter 6 of this Local Plan for more details). The village has no suitable and deliverable housing sites of a size to deliver any substantial growth during the first 10 years of the Local Plan period ~~is capable of accommodating a small amount of growth to meet local needs but there is limited suitable land available due to the~~ its historic character of the village, its compact shape and limited shops, services and facilities and legal restrictions on some areas of greenfield land on the edge of the village. The Council is keen to seeing the ~~full restoration~~ repair and reuse of the St. Osyth Priory and its extensive parkland as a major tourist attraction in a manner compatible with its exceptional archaeological, historic and architectural significance. ~~which~~ This would help boost the local economy, particularly in the summer months, by encouraging visitors who stay in the nearby caravan parks at Point Clear and Seawick to use the shops and services in the village centre.

"In 2021 2029, the district's Key Rural Service Centres will have benefited from small-scale planned developments which will provide local employment and modest amounts of new housing, including affordable housing, to support existing local shops, services and facilities maintain thriving rural communities.

No changes to paragraphs 11.2, 11.3, 11.4, 11.5, 11.7, 11.8 and 11.9 are proposed.

Key Rural Service Centres - Employment Sites

(Page 183 – including paragraph 11.10)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments.

Comments from landowners, developers and businesses

N & J Barruyton-Fuller and A & D Fuller (represented by Jonathan Reubin): In the past Tendring District Council have allowed sporadic virtually non-feasible small scale business opportunity development within its Local Plan and the new plan continues this policy. There is no emphasis on

attracting well paid professional research, scientific, professional and financial based businesses to the area. These businesses require development of architectural merit in semi-rural locations with good road access and within a few minutes drive of a railway station. This is not positive planning and is unjustified and inconsistent with National Policy.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Clacton Parish Council: The site shown (purple) on Policies Map 1 on the corner of Centenary Way and Thorpe Road represents the relocated horse riding school that is owner run with private livery facilities and should not be indicated as an employment venue but as a community facility covered in Policy PEO19: Green Infrastructure.

Comments from members of the public

No comments.

Council consideration

The only comments received in response to paragraph 11.10 were from N and J Barrington-Fuller and A and D Fuller questioning the Council's overall approach to attracting inward investment and creating new jobs and Little Clacton Parish Council objecting to the allocation of land south of Centenary Way for employment use. Readers are referred to the proposed change to the introductory paragraphs of Chapter 3 to reflect the findings of a new Economic Development Strategy (see [MAJ3.1](#)).

In response to the concern about the allocation of land south of Centenary Way, readers are referred to proposed change [PM1.5](#) which proposes the deletion of the employment allocation and its replacement with the strategic green gap.

Whilst no specific changes to paragraph 11.10 are proposed in response to this objection, minor amendments are proposed to reflect the change of approach to development of land off Cockaynes Lane, Alresford which is explained in more detail in response to the comments raised in objection to Policy KEY1.

Outcome

The following **minor change** ([MIN11.4](#)) to the first bullet-point under paragraph 11.10 is proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

- Cockaynes Lane Business Area, Cockaynes Lane, Alresford (~~which has potential to be expanded as part of the mixed-use development on land south of Cockaynes Lane – see Policy KEY1 below~~);

Key Rural Service Centres – Housing Supply

(Pages 183 to 185 – including paragraphs 11.11 to 11.15)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Environment Agency: Land South of Rochford Road (Housing Allocation): We have records of Water Vole in St. Osyth drains to the South of the housing allocation shown. Water Voles are protected under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act (2000)). If the development is to extend within 9 metres of the watercourse a Water Vole survey will need to be carried out by a suitably qualified ecologist and mitigation proposed as required.

Comments from landowners, developers and businesses

Wivenhoe Park Estate (represented by Strutt and Parker): Supports the allocation of land off Holly Way/Meadow Close, Elmstead Market.

Greengates Development Ltd (represented by Robinson & Hall LLP): Housing development has now been completed on site. The site meets the requirements of the NPPF.

Mr G Knights (Represented by Robinson & Hall LLP); Gerald and Brenda Knight (represented by Stanfords): Support the inclusion of land rear of Clacton Road and Rochford Road and land south of Clacton Road in the Local Plan for residential development. St. Osyth has a long established small shopping centre and the proposed 90 residential units on the three sites will help maintain these vital local facilities. The development of this land will preserve the historic centre of the St. Osyth and is supported by good road links and access to all main services. The sites are well related to the village and are not in areas of high flood risk. The sites meet the requirements of the NPPF.

C F Lumber & Son (represented by Stanfords): We support the allocation of land at Ash Farm, Thorpe Road (land south of Thorpe Road) for residential development. The inclusion of this area of a minimum of 20 dwellings is feasible, the site having good access to the main highway and thereby easy access to transport links. Also support the revision to the Settlement Development Boundary of Weeley to give a more comprehensive and rounding effect to those boundaries without any detriment to the rural aspect of the village.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Elmstead Market Community Hall Action Team (EMCHAT): EMCHAT was formed with the support of the community of Elmstead Market and Elmstead Parish Council with the primary aim to identify if there is support for a new community hall and to establish where this might be provided in the village. Whilst initially we were looking to enter negotiations with landowners to purchase suitable land for a new community hall, several proposals for development have come forward in the area and we are now looking at these proposals, with the landowners involved gifting a suitable parcel of land to the community to provide other various enhancements to the village. All proposals are broadly similar, in that they are for the building of properties; formal community open space; allotments; grounds sufficient for a new community hall; and associated infrastructure for the development as a whole. We have conducted a survey of villagers, requesting them to put their preference in order of 1, 2, 3 or 4 for development in Elmstead at four locations: land off Church

Road, land off Meadow Close, land off School Road and land off Grove Farm. The results were as follows (158 responses to the survey):

Land off Church Road 108 (68.35%)
Land off Meadow Close 22 (13.92%)
Land off School Lane 23 (14.55%)
Land off Grove Farm 5 (3.16%)

This demonstrates that the significant majority of people who expressed a first choice have opted for the Church Road development. This should be taken into consideration during the next phase of the planning process.

Elmstead Parish Council: The PC submitted the results of a survey taken from residents and business owners of the village. The results indicate that 41% of respondents wanted to see two developments of 20 dwellings each rather than a single development.

Little Clacton Parish Council: Only two sites are allocated for housing in Little Clacton. Two further sites that had been put forward for consideration now fall within the Settlement Development Boundary. Applications could now be made to develop these sites but they have not been credited to meet the village housing needs or indicated as such on Policies Map 10. These sites are Homing Road/Talbot Road and land at the corner of The Street/Harwich Road (known as the Bray site). The Settlement Development Boundary should be amended at the southern end of Holland Road (map provided) to ensure that community facilities (Policy PEO18) and green infrastructure (Policy PEO19) are protected and stop backland residential development, as specified in Policy PEO6.

Save Our St. Osyth (SOS): The existing Plan and previous LDF Core Strategy consultation in 2010 recognised that development in Smaller Rural Settlements was unsustainable. In relation to St. Osyth, the Core Strategy recognised that the village will not accommodate any planned growth in jobs or housing and there would be no large scale developments in St Osyth. It was also accepted that since 2001, St Osyth had received more housing development than most villages and that there was a lack of adequate infrastructure. There have been no improvements locally in infrastructure or employment.

The amalgamation of the two previously separate communities of St Osyth village and Point Clear into a single Key Rural Service Centre was made at a Cabinet meeting on 22nd August, in the recognition that the 6% growth strategy is unlikely to be deliverable in Point Clear. This resulted in a total of 112 homes to be allocated in St Osyth- the highest development in rural areas. This is not acceptable. Previously, TDC has opposed the amalgamation of the two communities and this was upheld by an Inspector. TDC have attempted to change the rules to fit their new Plan.

We object to the blanket 6% new allocation for the following reasons:

- It is not based on sound planning principles.
- It is not sustainable as it disperses population growth to communities which have inadequate infrastructure. It would mean necessary travel to work, schools and doctors etc.
- The Core Strategy had valid and cogent reasons for the decision that development within St Osyth would be restricted to windfall or infill sites only until 2031.
- It fails to take into account previous planning history.
- It fails to take into account the lack of employment opportunities; there are no employment proposals for St Osyth.
- It fails to acknowledge the effect of having large holiday camps within the parish of St Osyth sited to the west and south of the central crossroads.
- It attempts to re-designate the communities of St Osyth village and Point Clear as a single Key Rural Service Centre simply to accommodate an additional 50 new houses.

- It allocates a total of 112 new houses to a single field within St Osyth Village, with little separation between the three blocks contrary to the stated maximum of 50 dwellings within a single block.
- The site in St Osyth would create a 'hard development edge' at the eastern approach to the village contrary to current policy.
- St Osyth is being penalised for being pro-active in the past. The system will be cumulative in effect, if established in 2021 pro-active settlements will be penalised again.
- We do not believe the existing housing stock of the parish of St Osyth has been correctly identified.

The majority of new housing should be situated close to the major population centres, whereby making the best use of existing infrastructure.

St. Osyth Parish Council: We object to the 6% increase for St. Osyth as it takes no account of previous growth in the village, unlike the previous Core Strategy which noted that St. Osyth had received more housing development than most villages. The Council should take account of villages which have had considerable growth against those which have had comparatively little.

Thorpe-le-Soken Parish Council: The proposed housing growth will lead to an ingress of people into the District where the infrastructure already can not cope. The PC do not want to see further development with the exception of the station/maltings development. Concerns raised over the levels of traffic generated by developments across the District. Concerns over surface water flooding and the sewage system. The local GP surgery is already at capacity. Problems raised regarding capacity of Tendring Technical College.

Weeley Parish Council: We are content with the small proposed development of 10 houses at Willow's Farm because Weeley Heath does not have the infrastructure to cope with more, and low density housing is preferable in that rural area. We note that the SDB extending along Thorpe Road does not include all the properties in the road. We object however to the allocation of land in Little Clacton behind Springfield Meadows. Although the replacement with housing of the small residential caravan park may be an improvement, a development of 20 properties is felt to be an unacceptably high density especially taking into consideration the potentially dangerous access onto Weeley Road.

Cllr. P. De-Vaux Balbirnie (TDC Member for Little Clacton and Weeley Ward): Petition submitted with 103 signatures opposed to any development in the green gap on Centenary Way, Little Clacton, in order to preserve the identity of the village.

Cllr. Powell (TDC Member for Beaumont and Thorpe Ward): I feel the proposed development for Thorpe-le-Soken is too much. We already have trouble with sewage and water, which would be exasperated with further new development. The junior school section of the secondary school should be moved out of the village. Further development would lead to more traffic in the village. The Maltings would be a preferred site.

Cllr A J Newman (Parish Councillor for Thorpe-le-Soken): The current District Plan identifies about 10 sites in Thorpe, equating to about 450 possible dwellings, where property owners have requested development approval; these 10 sites include both the Maltings and the Allotments, so in my opinion, we could be about to get approximately 90 properties, not just the 40 promised.

The traffic Impact Study is three years out of date and therefore the plan does not accord with the National Planning Policy Framework.

- The A120/A133 junction needs completing to allow traffic to flow between Clacton to Harwich.

- A Roundabout needs to be constructed on the A133 at Heckfords Road to allow traffic from Brightlingsea and Great Bentley to exit and join the A133.
- A bypass needs to be constructed for Thorpe-le-Soken. On no account should any developments take place before the land for a bypass for our village is secured and saved.

In my opinion the District Council having deliberately avoided mention of the old deteriorating and Victorian sewer in the High Street and not carrying out an up to date Traffic Assessment Survey. The cost of a bypass will only increase over the coming years and may become unaffordable within the plan period. Another important aspect of the Draft Plan is the possibility of an out of date Traffic Assessment Survey.

Comments from members of the public

Mr. B. Crewe (Thorrington): I would seriously object to any further development in what I believe should be called Green Belt Area, our green and pleasant land. I live in the next village to Alresford and if you increase building in the area, I will also be affected adversely.

Mrs. T. Boland-Crewe (Alresford); Mr. D. Crewe (Alresford): The Council should be more specific about how any proposed development will manifest itself. The plan for Alresford for example identifies an area for housing development which is far bigger than required for the number of dwellings allocated. There are many thousands of unused homes and buildings, which if utilised properly would negate the plans for further development of our green belt areas. The site at Cockaynes Lane is functioning farmland, used to grow crops, surely it is not right to use land for development when there are plenty of brown field sites available.

Mr and Mrs. P. Watson (Alresford): Several years ago it was stated that the village infrastructure could not support further developments, yet more houses have been built in Alresford. The local broadband service is poor, mobile signal is poor and there is a long wait for land line connection. Sewerage, gas, electricity and water supplies are stretched. The local school has a waiting list and the local surgery is often without cover due to lack of sufficient recruitment of medical staff. Roads are already congested with traffic and parked vehicles, cars park on the pavements to create room on the highway but this causes problems for pedestrians. The shopping area is congested due to limited parking and the surrounding roads are used as free parking for commuters. With more housing there will be more people and more cars. Local shops will not benefit as people will choose to go elsewhere, where there is more sufficient parking.

Mrs. J. Routledge (Elmstead Market): I do not believe Land at Holly Way is the best site for development in Elmstead Market. There are at least 2 other sites in the village which merit consideration before a final decision is made. These alternative sites should be thoroughly investigated and the villagers fully consulted with the details, as both have many potential advantages. Land west of Church Road would provide facilities for the school and assist with parking issues and Land west of School Road is more central to the village envelope and vehicular access off School Road would cause fewer traffic issues (see further comments against Policy KEY2 about the allocation off Holly Way).

Mr. Peter M. Cobbold (Elmstead); P. Cowell (Elmstead): OBJECT to any proposal for new development in Elmstead Market because:

- the strategy to increase housing stock by 6% in every village is not sound (see comments in relation to Policies SD2, SD3 and SD4) and does not work in Elmstead Market;
- the village should be considered as an exception to the standard 6% increase in housing stock due to its infrastructure limitations;
- the development would increase the number of vehicles in the village which will increase traffic due to the majority of working residents being commuters;

- there is a lack of public and private transport provision;
- there is very limited choice of shops and services in Elmstead Market to serve the village population;
- the primary school is at capacity and will not be able to accommodate additional children;
- children should not have to travel miles to get an education;
- doctors do not have the capacity to cope with any increase in population and the local practice is only part time;
- there is very limited choice of shops and services in Elmstead Market to serve the village population;
- Elmstead Market is a village and more development will lead to it becoming urbanised;
- the streets are of poor quality and would need improvement which may well attract further development in the future; and
- development will impact badly on the retired and elderly of the village.

Mr. Gibbs (Great Bentley): People need houses, proposals for more homes in Great Bentley should not be stopped.

Valerie Batchelor (St. Osyth); Mrs. Veronica Bevans (St. Osyth); Mrs. A. M. E. Blockley (St. Osyth); Gerald Brandom (St. Osyth); Mrs. J. B. Brandom (St. Osyth); Mr. J. Brett (St. Osyth); Mrs. Patricia Brett (St. Osyth); David Chadbourne (St. Osyth); Mrs. Wendy & Mr. Terence Charles (St. Osyth); Colin Chiswell (St. Osyth); Mrs. J. Cole (St. Osyth); Stephen A. Cole (St. Osyth); David Cooper (St. Osyth); M. J. A. & M. Couchman (St. Osyth); Tim Cronin (St. Osyth); Mrs. Patricia Cunningham (St. Osyth); Mr. J. M. Dewing; Mrs. M. Dewing (St. Osyth); Mr. D. Fox (St. Osyth); Raymond James Green (St. Osyth); Mr. A. Harper (St. Osyth); Mrs. Betty Harper (St. Osyth); Mrs. C. Harper (St. Osyth); Mr. J. Harper (St. Osyth); Francis Hearn (St. Osyth); Mrs. J. Hennessey (St. Osyth); Paul & Christine Harman (St. Osyth); P. M. Hendy (St. Osyth); Mr. M. T. Joyce (St. Osyth); A. Keal (St. Osyth); David & Fiona Lawton (St. Osyth); Beverley Lynn (St. Osyth); Mr. & Mrs. Merrill (St. Osyth); Andrea Newton (St. Osyth); Robert Newton (St. Osyth); Mr. Alfred Norris (St. Osyth); Barbara Norris (St. Osyth); Mrs. P. Osben (St. Osyth); William Vaughan (St. Osyth); Mr. Scott Wass (St. Osyth); Mrs. Jessica Wass (St. Osyth); S. John Wrigley (St. Osyth); Joan I. Wrigley (St. Osyth): OBJECT to the three sites allocated for housing development in St. Osyth because:

- the strategy to increase housing stock by 6% in every village is not sound (see comments in relation to Policies SD2, SD3 and SD4) and does not work in St. Osyth;
- the Council's now abandoned 2010 Core Strategy document stated that the village should not accommodate any planned growth for the next 20 years over concerns about recent high levels of housing development and the potential traffic impact of continued growth;
- development would lead to additional traffic going through the dangerous and congested crossroads in the centre of the village and the junctions onto Colchester Road;
- current school and doctors will not be able to cope with additional housing;
- there are limited job opportunities in the area meaning that residents will have to look elsewhere for employment;
- development on these sites would form a hard urban edge at the eastern approach to the village;
- there is not enough parking in the village;
- the village has no traffic lights;
- St. Osyth has no rail facilities;
- St. Osyth is a village, not a town – it should be kept that way;
- the village is medieval in structure and could not cope with further development;
- the village suffers with water supply and drainage difficulties and occasional power cuts;
- sewerage, water, gas and electricity would all have to be upgraded;
- an earlier draft of the Local Plan proposed 51 dwellings for Point Clear and 62 for St. Osyth village but this was changed in the final approved version;

- the development would have a catastrophic effect on the village residents and their ability to live and work in the village;
- the plan does not recognise the seasonal population changes in areas like St. Osyth where there are many holiday parks which have a significant affect on local traffic;
- access along Rochford Road is very difficult, particularly in the evening and at school closing times and access for emergency vehicles is often impossible;
- the streets surrounding the sites are already over-developed and with the high density development that has taken place, parking is very difficult;
- the village has already had a new estate built and there are other proposals in place for further development;
- owners of properties in Park Road are finding it difficult to sell their properties because of the amount of social housing that has been built in the adjoining area;
- there are thousands of empty houses in Essex, some of which have been empty or only used two for two or three weeks in the year;
- as of January 2010 nine applications for 332 units (Priory Enabling Development) are being considered so no allocation should be made until these have been determined; and
- these developments together contradict Policy SD3 which states that no single development will exceed 50 dwellings in one location.

Basil Hutley (St. Osyth); Jean Hutley (St. Osyth): Supports the proposals for St. Osyth but suggests that there should be a mini-roundabout connection to Clacton Road.

Ms. T. Osben (St. Osyth): The previous LDF Core Strategy consultation in 2010 recognised that development in Smaller Rural Settlements was unsustainable. In relation to St. Osyth, the Core Strategy recognised that the village will not accommodate any planned growth in jobs or housing and there would be no large scale developments in St Osyth. It was also accepted that since 2001, St Osyth had received more housing development than most villages and that there was a lack of adequate infrastructure. There have been no improvements locally in infrastructure or employment.

The proposed development sites in St Osyth are inappropriate. In recent years Rochford Road has borne the brunt of most development in St Osyth. Access at Rochford Road is very difficult particularly as it is the sole access route to the village primary school which causes traffic and parking issues. Development South of Rochford Road would encroach on the 'Brook Corridor', a wildlife site in the village, development here would have a detrimental affect on this valuable wildlife site.

All three sites proposed for St Osyth are essentially in one field. 112 homes on the eastern border of St Osyth would therefore go against the Council's policy that no development shall be larger than 50 houses. It would create a hard edge to the village and would create a precedent for further development. If the 6% allocation is carried forward, could St Osyth expect a further 119 homes? St Osyth seems to be being penalised for already having developments exceeding that of most other rural areas.

St Osyth is currently awaiting a decision about an application for enabling development of 350 houses. This would increase the housing stock of the village by 36% and does not seem to have been taken into account.

Mr. P. Cannons (Thorpe-le-Soken): Use of the former allotment gardens is not considered justified until the redevelopment of the former Maltings site is complete. The latter can provide up to 46 dwellings, is situated adjacent to Public Transport and with the provision of a Transport 'Hub', linking trains and buses would greatly improve access for the village as a whole. It would also meet the long term objective outlined in the CABA study jointly undertaken in conjunction with the District Council to site future development near public transport.

Council consideration

The approach to housing supply in the Key Rural Service Centres set out in the 2012 Draft Local Plan was for each of the seven villages to accommodate a 6% increase in housing development over 10 years with specific sites allocated for housing and/or mixed-use development to achieve that level of development. Thirteen sites were allocated for such development.

The principle of whether development should take place in Key Rural Service Centres is considered, in more detail, in relation to comments on Policies SD2, SD3 and SD4. This consideration has resulted in the Council proposing to replace the rigid 6% increase in housing stock for all villages with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. For St. Osyth/Point Clear, exceptional constraints have been identified that mean the planned 6% increase in housing stock is considered undeliverable and housing sites are consequently proposed for deletion. For the other Key Rural Service Centres however, it is still envisaged that an approximate 6% increase in housing stock will be achievable in the 10 year period 2014-2024 but, for the period post 2024, development is likely to be mainly focussed on 'broad locations' around Clacton, Harwich and West Tendring/Colchester.

The comments raised in relation to housing supply for specific villages are considered below.

Alresford

A 6% increase in housing development for Alresford over 10 years would equate to 48 dwellings. Land off Cockaynes Lane was allocated, including space for business uses and public open space to meet this requirement and this was the subject of a specific policy KEY1. That policy attracted a number of objections and led to a public meeting held by the Parish Council later on in 2012 which has required some changes to the approach to development in Alresford. These issues, including the comments raised by Mr. B. Crewe, Mrs. Boland-Crewe, Mr. D. Crewe and Mr. & Mrs. Watson are covered in more detail in relation to Policy KEY1 specifically – to which readers are referred.

Elmstead Market

A 6% increase in housing development for Elmstead Market over 10 years would equate to 43 dwellings for which land off Holly Way was allocated, including space for community uses and public open space. This land was the subject of a specific policy KEY2.

The Policy KEY2 proposal was one of the most contentious in the Local Plan attracting around 200 responses in total. The comments received in relation to housing development in Elmstead Market should be read in conjunction with the Council's Consideration of the comments received in relation to Policy KEY2: Development off Holly Way, Elmstead Market.

The representations from Elmstead Market Community Hall Action Team (EMCHAT), Elmstead Parish Council and Mrs. Routledge highlight the results of local surveys indicating a preference for development to be located in Church Road and for the possibility of splitting development in Elmstead across two or more sites as opposed to being developed in one location. There is widespread disagreement amongst the residents of the village about which site or sites should be allocated for housing, respondents are therefore referred to the Council's Consideration of Policy KEY2 for more detail on the re-evaluation of these sites which has resulted in some changes being proposed – namely the allocation of land off Church Road and the halving of the site off Meadow Close/Holly Way.

Great Bentley

A 6% increase in housing development for Great Bentley over 10 years would equate to 41 dwellings for which two sites were allocated – one east of Station Road and one east of Sturrick's Lane. The Parish Council was involved in the site selection process and neither site attracted any objections. On 12th October 2012, the site off Station Road obtained outline planning permission (Ref: 11/01443/OUT) for 22 dwellings and because the starting date of the plan period is changing from 2011 to 2014 (see major change MAJ1.1), it is proposed that this site be removed as a specific housing allocation and instead classed as a 'commitment'. The Council does not propose allocating any additional land for housing development in Great Bentley, as suggested by Mr. Gibbs.

Little Clacton

A 6% increase in housing development for Little Clacton over 10 years would equate to 59 dwellings for which two sites were allocated – one off Springfield Meadows to the north of the village and one north-east east of the Montana Roundabout, to the south of the village. The Parish Council was involved in the site selection process and neither site attracted many objections – just one objection from Weeley Parish Council.

Weeley Parish Council's objection is to the estimated dwelling capacity of 20 homes suggested, in Appendix 3 of the Draft Local Plan, for the Springfield Meadows site. It must be emphasised that the estimated dwelling capacities are only a guide and are not a substitute for the detailed consideration of proposals through the planning application process. Given that this site already contains a number of mobile homes which take access from Springfield Meadows, which would need to be replaced in any 'bricks and mortar' residential scheme, we do not share Weeley Parish Council's concern and do not propose any changes to the Local Plan in response to this objection.

Little Clacton Parish Council has written in to observe that additional land included within the Settlement Development Boundary of the village, namely around Homing Road/Talbot Road and the 'Bray Site' has not been included, specifically, within the allocated housing numbers. The Council has only specifically allocated sites for residential development where they have the potential for 10 or more dwellings. Alongside developments on allocated sites, there will always be smaller 'infill' developments within Settlement Development Boundaries that will be considered as 'windfalls' and that will be assessed, on their merits, through the planning application process as and when they come forward. Small windfall sites can help promote choice and competition in the market for housing land, add variety to the housing stock and support the overall growth of the district. Whilst the Parish Council's observations are noted, no changes to the Local Plan are considered necessary.

St. Osyth/Point Clear

A 6% increase in housing development for St. Osyth and Point Clear over 10 years would equate to 112 dwellings for which three sites were allocated to deliver around 90 of these – all to the south of St. Osyth village in the vicinity of Clacton Road and Rochford Road. These development proposals proved to be one of the most controversial in the Local Plan attracting more than 50 objections from local residents and robust objections from St. Osyth Parish Council and the 'Save Our St. Osyth' (SOS) campaign group.

The landowners Mr. and Mrs. Knights have kindly written in support of the allocations with some reasons as to why the developments could benefit the village. However, since the publication of the Draft Local Plan, the Council has discovered that the sites are affected by restrictive covenants that were put in place when the land was sold to the current owners by Essex County Council. These covenants prevent the sale of the land for development until after 2020 without the County Council's consent, entitling them to claim a proportion of any profits. For this reason, there are

serious doubts over the deliverability of new homes on these sites within at least the first six years of the revised plan period 2014-2029.

The situation is complicated by the proposals for residential 'enabling development' associated with the restoration of St. Osyth Priory. At the time of writing, the Council was in the process of considering a series of planning applications that, together, would have the potential to deliver 328 dwellings in the village – a potential 18% increase in housing stock. Quite understandably, some local people are concerned that the 'planned' increase of 112 dwellings in the village over 10 years could end up being virtually quadrupled if the full package of enabling development is permitted, as an exception to normal policy, to fund the restoration of the priory. No other settlement in the district is affected by such a proposal and whilst enabling developments are exceptional and have to be considered outside of the normal policy approach, and there is no guarantee (at the time of writing) that such proposals will be permitted, the Council has some empathy with residents in the parish.

The Council also accepts that the only reason for classifying St. Osyth and Point Clear as a single settlement was to enable sufficient deliverable land to be identified to meet the area's 6% housing increase in recognition that no suitable sites in or around Point Clear could be identified due to its significant physical constraints. In reverting from a rigid percentage-based strategy to a more pragmatic, albeit still fair and proportionate, distribution of growth the Council accepts the argument for re-classifying St. Osyth and Point Clear as separate settlements with the latter being a 'Smaller Rural Settlement' for inclusion in Policy SD4.

These changes to the Local Plan should result in most, if not all, the objections from Save Our St. Osyth and residents of the St. Osyth area being addressed – although we would anticipate counter objections, to these changes, from the landowner in question.

Thorpe-le-Soken

A 6% increase in housing development for Thorpe-le-Soken over 10 years would equate to 40 dwellings for which land off Abbey Street was allocated, including space for new allotments. This land was the subject of a specific policy KEY3.

Thorpe-le-Soken Parish Council and the local TDC Ward Member as well as Cllr. Newman and Mr. Cannons have objected to this modest increase in housing raising concerns about the impact on the sewerage network, the need for a bypass, a suggestion that the Tendring Technology College campus should be relocated out of the village and a suggestion that development at the nearby Thorpe Maltings and Station area should be the preferred location for development.

There are numerous proposals from third parties promoting land around Thorpe for development. The land north of Abbey Street in Thorpe-le-Soken however is considered to be, by far, the most appropriate and most sustainable being located close to the village centre and its shops, services and facilities and avoids the need to extending the settlement into the surrounding open countryside.

As part of the evidence base to support the Local Plan, the Council commissioned an Infrastructure Study which confirms that the level of growth planned for the village would be easily accommodated within the existing infrastructure. If there are any concerns, Policy SD7: 'Securing Facilities and Infrastructure' will ensure any new development is supported by the necessary infrastructure (including utilities such as sewerage and drainage) through the development management process.

In response to Councillor Newman's concern that more homes will be permitted than the 40 suggested within the Plan, it is important to note that this level of growth in the New Local Plan is only an indicative guide and relates to the level of planned growth for the village on allocated land

and should not be treated as a cap on development. The approach to growth for the district's Key Rural Service Centres set out in Policy SD3 and SD5 (as mentioned above) also allows for sensible 'infill' developments within the proposed Settlement Development Boundaries to be considered as 'windfalls' and on their merits through the development management process and so this could result in more than 40 dwellings being built in the village during the plan period.

In response to Councillor Newman's comments regarding a bypass for Thorpe-le-Soken to help cope with traffic issues in the village, we are aware that traffic congestion in the centre of the village does occur, mainly as a result of on-street parking and school traffic during the week, which can be exasperated by tourist traffic going to Frinton and Walton on busy weekends and during the summer months. This is an inherent consequence of the village's location on the main road from Frinton to Colchester and the back road between Clacton and Harwich. The Council has worked with Essex County Council as the Highway Authority to investigate the possibility of bypassing the village with a new road or a bypass to relieve the village centre but this is not considered to be economically viable. To completely bypass the village, a new road of at least 1.5 miles would be required at a cost well in excess of £8-10million for which there is no committed or available funding from the Highway Authority. To deliver such a bypass as an integral part of a new residential development, a development of around 2,000-3,000 dwellings would be required, which would be a scale of development that would not be relative to local needs, unlikely to be delivered within the constraints of the housing market and certainly not sympathetic to local character. To deliver such a package of development would undoubtedly turn Thorpe-le-Soken from a village into a small town. If this continues to be a local aspiration with significant local support then it may be worthy of consideration in the longer term and addressed through the preparation of future local plans but is not an option at this stage. Instead, the Council will continue to work with its partners to explore alternative measures to help manage the traffic problems in the village.

Apart from the viability issue surrounding the delivery of a bypass there is also a major concern that the introduction of a bypass could have a detrimental impact upon the village's character and its vitality and vibrancy. There are numerous examples of villages that, as a result of being bypassed, have effectively become dormant residential areas and have witnessed significant decline in local shops and services as a result. It is understood that currently, out of all the Key Rural Service Centres in the district, Thorpe-le-Soken has a relatively high number of businesses, shops and services compared to the number of households in the village, which could be lost if the village is bypassed. However, should the principle of a large amount of growth be accepted to help fund a new bypass, this might help mitigate these issues as such a large amount of new housing could help to support the local economy and mitigate against the loss of 'passing trade' that the village currently benefits from.

The proposal for development at Thorpe Maltings is considered in relation to 'alternative housing proposals' elsewhere in this report.

Weeley/Weeley Heath

A 6% increase in housing development for Weeley/Weeley over 10 years would equate to 45 dwellings for which three sites were allocated – one south of Thorpe Road to the north of the village, one off St. Andrew's to the east of the village and one off Mill Lane, further south, in Weeley Heath. The Parish Council was involved in the site selection process and none of the sites attracted any objections. On 15th July 2013, the site off Mill Lane obtained outline planning permission (Ref: 13/00412/OUT) for 10 'aspirational homes' in accordance with the requirements of Policy KEY4 in the Draft Local Plan.

Outcome

The following **major changes (MAJ11.1)** to paragraphs 11.11 and 11.12 are proposed (additions shown as highlighted and deletions shown as struck through):

11.11 The National Planning Policy Framework requires Councils to boost the supply of new housing to address objectively assessed needs. In accordance with Policy SD3 in Chapter 2 of this Plan each Key Rural Service Centres will see a 6% accommodate a sustainable, fair and proportionate increase in housing stock in the 10-year period between 1st April 2014 and 31st March 2024 over the first 10 years of the Local Plan period between 1st April 2014 and 31st March 2024 which will support the overall housing growth proposed for the district; help address local housing needs and support the rural economy; and provide flexibility and choice in the market for housing sites, as required by national policy. This will deliver Developments on allocated sites in and around Key Rural Service Centres are expected to deliver approximately 340 267 homes in total over that period. Of which just over 30 have either already been built or had outstanding planning permissions on 1st April 2012. For each individual village, this equates to a net requirement of approximately 50 dwellings each for Alresford, Little Clacton and St. Osyth and around 40 dwellings each for Elmstead Market, Great Bentley, Thorpe-le-Soken and Weeley/Weeley Heath to be delivered through specific site allocations in this Local Plan.

11.12 Following careful consideration of the Council's Strategic Housing Land Availability Assessment (SHLAA) and the Sustainability Appraisal, the following sites are allocated for residential and/or mixed-use development comprising sufficient suitable, available and deliverable land to achieve the housing numbers required for each Key Rural Service Centre:

- Land south of Cockaynes Lane, Alresford (see Policy KEY1 below);
- Land off St. Andrew's Close, Alresford;
- Land west of Church Road, Elmstead Market (See Policy KEY2 below);
- Land off Meadow Close Holly Way, Elmstead Market (see Policy KEY2 below);
- Land east of Station Road, Great Bentley;
- Land east of Sturrick's Lane, Great Bentley;
- Land off Springfield Meadows, Little Clacton;
- Land north-east of the Montana Roundabout, London Road, Little Clacton;
- Land south of Rochford Road, St. Osyth;
- Land rear of Clacton Road and Rochford Road, St. Osyth;
- Land south of Clacton Road, St. Osyth;
- Land north of Abbey Street, Thorpe-le-Soken (see Policy KEY3 below);
- Land south of Thorpe Road, Weeley;
- Land off St. Andrew's Road, Weeley; and
- Land at Willows Farm, Mill Lane, Weeley Heath (see Policy KEY4 below).

Key Rural Service Centres – Alternative Housing Proposals

(Alternative proposals promoted by third parties with the potential for 10 or more dwellings)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mr. T. A. Tinneveld (represented by Stanfords): Land off St. Andrew's Close should be included in the Local Plan for future residential development, reducing the number of proposed properties to be constructed to the north of Alresford on land south of Cockaynes Lane (Policy KEY1). Building some 20 dwellings on land off St. Andrew's Close and reducing, to 30, the number of units proposed off Cockaynes Lane will improve traffic flow in the village and reduce congestion around the access to the Cockaynes Lane site without materially extending the Settlement Development Boundaries of Alresford to the south. There is a local primary school adjacent the site together with good pedestrian and vehicular access to the local railway station and the recreation ground. This land is available for immediate development, is not subject to any tenancies or exclusions from development and is owned in its entirety by the current landowner.

Mr. J. Mitchell and Mr. R Mitchell: Land west of Church Road, Elmstead Market, should be the preferred location for development in the village.

Knight Developments Ltd (represented by Phase 2 Planning and Development Ltd): Land West of Church Road, Elmstead Market should be developed.

Trustees of Winsley's Charity (represented by Edward Gittins and Associates): Land west of School Road, Elmstead Market should be allocated for housing.

N & J Barrington-Fuller and A & D Fuller (represented by Jonathan Reubin): This Plan is not positively prepared as it conflicts with the plan to promote and preserve Key Rural Service Centres. A substantially greater development than a 6% increase in housing will be required to do this. This part of the Plan is not justified in as much it takes no account of absorption possibilities of various Key Rural Service Centres. Little Clacton has sufficient land available to consolidate already sporadic developments and create a more identifiable homogenous settlement. The Plan as drafted would justify a slow decline of services. The plan is not effective in delivering projected and enhanced Key Rural Service Centres especially when a more progressive Council at Colchester has introduced more effective policies. This policy is not consistent with National Policy in delivering a sustainable development, especially when Key Rural Service Centres are concerned.

If the plan were to meet the stated requirements it would have to protect and develop recognise Key Rural Service Centres and encourage development of these. In Little Clacton this could be done on land around Swains Farm, which is already partially developed and at the same time preserve the green wedge to the north and south and the open countryside to the east. The village would become a more consolidated entity. This would protect the more attractive open countryside to the east and maintain the green wedge to the south which separates the village from Clacton-on-Sea.

City & Country: At St Osyth there is suitable land that can provide sustainable housing and can also restore the important Priory buildings which can act as a focal tourism point. Developments of more than 50 dwellings will be necessary if Tendring intends to meet the required housing targets

and areas that can provide this key requirement will be in line with national policy. The designated sites for housing in point clear are currently all under use as caravan/static caravan parks and to replace them with housing would cause detrimental to the local economy. Such an extensive removal of holiday accommodation would directly contravene the policy. We believe that the allocation of 112 new units in Point Clear and St Osyth should just be related to St Osyth. We also believe that the proposed housing allocations site is not appropriate. St Osyth Priory has the potential to fulfil the required housing quota for the area through the use of policy PLA9.

Mr. G. Weeks (St Osyth): The settlement development boundary of St Osyth (Point Clear East) should be extended to include the area of land adjacent to the access road to my property along Point Clear Road to allow housing development at this site. It is behind (to the north) of a line of roadside houses and to the front (south) of existing holiday units. To the east is the high Leylandi hedge of the adjoining dwelling and to the west is the access road which opens up to the Point Clear Road. There are no sight line or visibility problems and all services, including gas are available. Sewer connection is also within close proximity. This area of land has no agricultural value and is currently a grassed plot, suitable for 'in-fill' development.

Rosegrade Ltd (represented by Ian Tod and Company): Thorpe Station and Malting has been designated as a 'Smaller Rural Settlement' yet it is integral to the village of Thorpe-le-Soken and is considered as such by residents and by the Parish Council. The station area should be considered as part of the main village of Thorpe-le-Soken, which is a Key Rural Service Centre, and considered as a housing area in its own right (i.e. allocated for housing and listed in the schedule of sites in Appendix 3). The site is a brownfield site with regional transport connections. The draft CAMP that has been drawn up, which envisages a scope of development in excess of the 6% figure set out in the draft plan, should take precedence.

Strutt and Parker Farms (represented by Strutt and Parker LLP): The Thorpe-le-Soken Settlement Development Boundary should be extended to include our land east of Landermere Road. The site lies adjacent to the settlement boundary and benefits from access to Landermere Road (B1414). The land extends to approximately 4 ha. We object to the allocation of land north of Abbey Street as it is likely to be cramped, which would be out of keeping with character of the village. We propose our land is considered as an allocation as part of the new Local Plan to create a development that will meet housing needs. By including this land in addition with the allocated site greater opportunities would available to meet community needs for open space and/or allotments with development that would be more appropriate to the village.

This scheme could, for example also include the addition of land for allotments and improve the existing facilities in the community. Such a scheme would relate well to the existing village as a whole and the settlement boundary. Inclusion of the site has the potential to maintain the current ratio of dwellings to recreational facilities currently enjoyed by the residents of Thorpe-le-Soken.

At the very least it is considered the council should reserve housing sites that are suitable and deliverable to provide the necessary flexibility in housing supply and prepare for any shortfalls that may occur over the plan period on the basis of a plan, monitor and manage approach.

Mystar Homes (represented by Boyer Planning): Our land at Woodpeckers/Hilltop Nursery, Weeley Heath, should also be allocated for housing to provide 40 units and included within the Settlement Development Boundary. Our site provides an opportunity to provide for mixed housing together with provision of new public open space. The objectives of the Local Plan are to provide a range of housing within the District and the Key Rural Service Centres – the allocation of land for Aspirational Housing at Weeley Heath will not achieve that objective. Accordingly, if the policy objectives are to be met an additional site at Weeley Heath needs to be allocated.

Big Car Boots Co Ltd: We are the landowners of Land at Hawk Farm, Weeley, which should be allocated for development. It is at the central hub of Tendring's transport network and Weeley has

been earmarked for some development. The land at Hawk Farm is a more reasonable alternative for the village than the current proposed areas. The general planning criteria for village sustainability etc carry the same weight here. There are advantages for this land such as the new church beside the crematorium being able to take a place with a more central village role. The site is enclosed, not open landscape, like the land to the south of the B1033. The service area at the junction of the A133 and B1033, which is used regularly by Weeley residents on foot, would be tied into the village. The impact of extra vehicular movements would have a less detrimental effect on the village centre. Above all, it is clearly far better placed in Weeley to link with the transport systems, particularly for road transport, both private and public.

Mr. G. Swinscoe (represented by Robinson & Hall LLP): Land forming part of Homestead Caravan Centre should be developed for housing (so the safeguarded holiday park notation should be removed from this part of the site). The boundary should also be extended to include land between Freelands and Brook Farm, Thorpe Road, Weeley, for housing.

The Homestead site is a brownfield site with direct access onto Thorpe Road. The area comprises the front part of the caravan park, which is unsightly. The site extends to approximately 1.5 hectares and could accommodate 30 dwellings, while retaining essential facilities for the caravan park. This scale of development would also enable some social housing and enable further investment to upgrade the existing caravan park.

The land on the south side of Thorpe Road is a rectangular plot of scrub land immediately adjacent to the existing boundary. With the Council's acceptance of land further along this side of the road to be developed for housing, there is an implicit recognition that this site is equally suitable and sustainable. It has a frontage of 54m and could accommodate four/five detached or semi-detached homes.

The sites are well suited to housing and will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Kays Properties (represented by Robinson & Hall LLP): The Settlement Development Boundary should be extended to include land off Gutteridge Hall Lane, Weeley Heath, for housing. We object to the allocation of land at Willow's Farm for aspirational housing based on the justification that it is an existing pig farm adjacent to the settlement boundary. This is not considered to be sufficient reason for permitting housing in the countryside. Nevertheless, should the Council pursue this approach then our land is considered more appropriate than land at Willow's Farm. Not only is our site closer to local facilities and less than 200m from the railway station, it would also have a more direct access onto Clacton Road and closer to a local bus stop. With the Council's acceptance of land at Willow's Farm to be developed for housing, there is an implicit recognition that this site is equally suitable and sustainable.

The sites will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Mr. S. Hunt (represented by Smart Planning Ltd): Our land at Gutteridge Hall Lane, Weeley Heath, should be included within the Settlement Development Boundary and allocated for housing. The site is convenient to the existing village edge and it is available, deliverable and in a sustainable location when compared with realistic alternatives. It is capable of being developed to a high

standard as well as accommodating any shortfall in local open space provision that can be demonstrated.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. A. Diggins (Alresford): The St Andrews Close site should become the preferred site for development in Alresford, instead of development south of Cockaynes Lane because:

- The land at St Andrews Close is fallow and makes no contribution to the economy of the country, whereas the land south of Cockaynes Lane is farmed and contributes to the food required by this country;
- The St Andrews Close site is a smaller, enclosed parcel of land and if developed would have less of an impact on the surrounding area, however the Cockaynes Lane site is a large area of open farmland and if developed the impact on the surrounding area would be considerable;
- Development at St Andrews Close is central to the village and would simply be an extension of the existing road, the site south of Cockaynes Lane however, is outside of the village shape and development here would become isolated from the rest of the community;
- The St Andrews Close site is a smaller site so the impact of the loss of natural habitat would be less than the larger site proposed south of Cockaynes Lane;
- Access to the St Andrews Close site would be via a simple extension to the St Andrews Close carriage way, whereas development south of Cockaynes Lane would require a new access to be constructed, presumably onto Station Road which would generate additional cost to the development and would cause disruption during construction;
- Foul and surface water drainage and gas, water, electricity and telecom services would seem to be straightforward for development at St Andrews Close, running from the existing provisions, however, for development south of Cockaynes Lane, new service connections would have to be formed, presumably to Station Road, which would be more expensive and disruptive when under construction.

KRE and I Marsden (Thorpe-le-Soken): We object to future development on the area adjacent to New Town Road, Thorpe-le-Soken. This area of Thorpe is currently arable farmland and development here would be over-development and over-provision for the future. There are already other sites in Thorpe allocated for development or that are more suitable for development. We have concerns regarding the infrastructure of Thorpe, in particular school places and adequate health provision. The sewer system in Thorpe High Street is in a near permanent state of collapse and needs upgrading. The sewer system at the Vicarage Lane is part private and less than half a metre from the surface; also many houses have private systems and maintain their own pumping stations. Traffic congestion is a problem, with all previous bypass schemes having faded into obscurity. Increased traffic caused by new homes will further exacerbate the problem. Many of the roads in Thorpe are privately owned and unmade/ unadopted and maintained at resident's expense. In the past TDC has resisted development outside the current development boundary, however, we are now facing the prospect of a 'housing estate' and whilst it is accepted we need more homes in the future it is important to recognise that certain areas require a different approach to 'one size fits all'. Backland development should be resisted in this location and a more suitable local site, with access to mains drainage and publicly maintained highways should be found.

Council consideration

Numerous alternative proposals for development sites were submitted in response to the 2012 Draft Local Plan, some were new proposals and others had been submitted previously as part of the Council's 'call for sites' exercises. These proposals have the potential to deliver 10 or more dwellings. Smaller scale proposals that have requested relatively small amendments to Settlement Development Boundaries are considered under 'Proposed Small-Scale SDB Changes' below.

Because Key Rural Service Centres are accepted as offering less sustainable locations for development than Urban Settlements, the sustainable, fair and proportionate approach to growth that results in an approximate 6% increase in housing stock in those villages, where practical, in years 1-10 (2014-2024) remains the Council's preferred approach. Therefore any alternative proposals that would result in a significantly higher dwelling stock increase than 6% are considered unsustainable and out of character.

Individual proposals are considered in more detail within a separate report but a summary of how each proposal has been considered is set out as follows.

Land off St. Andrew's Close, Alresford

This land was promoted by the landowner Mr. Tinneveld and advocated by resident Mr. Diggins as an alternative to the proposal for development off Cockaynes Lane, Alresford. This proposal has been accepted through the deletion of Policy KEY2 of the Local Plan (MAJ11.3) and changes to Policies Map Inset 8 (PM8.1) which, we trust, will result in the withdrawal of these objections and support for the Local Plan at the examination. For more detail, readers are referred to the consideration of objection to Policy KEY2.

Land west of Church Road, Elmstead Market

This land was promoted by Messrs Mitchell and Knight Developments for development and was also advocated by a large number of Elmstead Market residents as an alternative to land off Holly Way. This proposal has been accepted through a major change to Policy KEY2 of the Local Plan (MAJ11.3) and Policies Map Inset 8 (PM8.1) which, we trust, will result in the withdrawal of these objections and support for the Local Plan at the examination. For more detail, readers are referred to the consideration of objection to Policy KEY2.

Land west of School Road, Elmstead Market

This site is discussed in more detail in relation the objections to Policy KEY2, to which readers are referred. The allocation of this land has not been accepted.

Land at Swaines Farm, Little Clacton

Mr. Barrington-Fuller's proposal for development in the centre of Little Clacton, on open land between the separate northern and southern parts of the village is a larger development than required by the approximate 6% increase in housing considered sustainable for Key Rural Service Centres. It has also been resisted by the Parish Council in favour of the two sites that have been included in the Local Plan. For these reasons, this proposal has been rejected by the Council but, if he so wishes, Mr. Barrington-Fuller will have an opportunity to make a case for his proposal as part of the examination process.

Land at and around St. Osyth Priory

City & Country, who are proposing 'enabling development' through a series of planning applications to fund the restoration of the Priory have erroneously suggested that holiday parks in

the area are being re-designated for housing development. This is not the case. They are also referred to the proposed changes in St. Osyth (PM11.1) that allow an exception to the 6% rule for ST. Osyth in acceptance of some of the arguments put forward by objectors and the discovery of restrictive covenants affecting the sites that were allocated for housing in St. Osyth. It is the Council's preference to treat the proposals for enabling development (which add up to 238 dwellings in total) as an exception to normal Local Plan policy rather than include them within the housing figures within the plan.

Land off Point Clear Road, Point Clear

In the 2012 Draft Local Plan, all of the housing development proposed for St. Osyth/Point Clear was directed to sites to the south of Point Clear Village in acceptance that adding additional properties to Point Clear would only serve to exacerbate concerns about traffic passing through the tight crossroads in the centre of the village. Even though the housing originally proposed for St. Osyth village is now proposed for deletion, the Council still believes that development in Point Clear should be limited and Mr. Weeks' proposal is therefore rejected.

Thorpe Station and Maltings

Rosegrade Ltd, the owners of Thorpe Maltings and Station Road, have suggested that this area should be considered as a location for development in the same way as the main Key Rural Service Centre of Thorpe-le-Soken and allocated for residential and mixed-use development in its own right. The Council accepts that the Station Maltings area could accommodate a major development as a means to physically regenerate the area and restore certain elements of the listed Maltings buildings and this is explained in Policy COU8. The Council has worked closely with this developer to progress a comprehensive scheme for the area and is hopeful that an application for an appropriate form of development can be submitted and approved within the next year. Such a development would be classed as a 'windfall' and will compliment, rather than replace, the 40 home proposal for Abbey Street.

Land East of Landermere Road, Thorpe-le-Soken

Strutt and Parker Farms' proposal for development on greenfield land to the north of Thorpe-le-Soken is a larger development than required by the approximate 6% increase in housing considered sustainable for Key Rural Service Centres. The site off Abbey Street is considered to be a far more sustainable and far less harmful location for the development and therefore the proposal for Landermere Road has been rejected by the Council. Strutt and Parker will have an opportunity, if they so wish, to make a case for their proposal as part of the examination process.

Land at Woodpeckers/Hilltop Nursery, Weeley Heath

Mystar Homes suggest that their site in Weeley Heath should be allocated for a development of 40 units. A significant proportion of this land however is already shown within the Settlement Development Boundary of the Draft Local Plan. Access to the more open land at the rear of the Nursery (Woodpeckers) will only be obtained through the redevelopment of the nursery and would therefore be more likely to take place at a later stage. Sufficient land to meet Weeley/Weeley Heath's planned sustainable, fair and proportionate dwelling stock increase has been identified in the Local Plan and anything that comes forward at the nursery would count as a windfall. The potential for any further development at Woodpeckers is best considered in the longer term either through a review of the Local Plan or through a locally prepared Neighbourhood Plan.

Hawk Farm, Weeley

The landowners of Hawk Farm suggest that their site should be allocated for development. Although they do not specify what form of development is proposed, we have assumed housing

development is the preference for the purpose of this exercise. The site is somewhat detached from the main defined built-up area of the village and so development in this location would represent an illogical form of expansion. If Weeley were designated as a strategic growth area where several thousand homes were proposed as part of a comprehensive package, then Hawk Farm might have a role to play. However, this is not the strategy in the Local Plan and Weeley/Weeley Heath will accommodate a sustainable, fair and proportionate dwelling stock increase like other towns and villages, for which sufficient land has been identified.

Homestead Caravan Park, Weeley

Sufficient land has been included in the Local Plan to meet Weeley/Weeley Heath's sustainable, fair and proportionate dwelling stock increase without the need to remove safeguarding notation from a successful holiday park and caravan sales/repair business. No change is proposed. In respect of the small area of land south of Thorpe Road, also being promoted by the landowner, again further sites are not considered necessary as sufficient land has been identified closer to the centre of the village.

Land south of Gutteridge Hall Lane, Weeley

Mr. Hunt's proposal for housing development off Gutteridge Hall Lane, Weeley Heath is not accepted. There are major concerns about the appropriateness of Gutteridge Hall Lane to accommodate additional vehicular movements, as has been expressed in relation to proposals for traveller pitches on land elsewhere along the lane. Sufficient land to meet Weeley/Weeley Heath's planned sustainable, fair and proportionate dwelling stock increase has been identified in the Local Plan on sites far less problematic than this.

New Town Road, Thorpe-le-Soken

KRE and I Marsden have raised concerns about development on land adjacent to New Town Road, Thorpe-le-Soken. There are no proposals for development in this location in the Local Plan and no amendments are proposed.

Outcome

With the exception of land west of Church Road, Elmstead Market and land off St. Andrew's Close, Alresford, none of the alternative sites considered above are proposed for inclusion in the Local Plan through focussed changes.

Key Rural Service Centres – Proposed Small-Scale SDB Changes

(Proposals to amend the 'settlement development boundaries' promoted by third parties that could result in smaller developments with the potential for 9 or fewer dwellings. These affect Policies Maps 7, 8, 9, 10, 11, 11a, 11b, 12 and 13).

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mr J W Thompson (represented by Edward Gittins and Associates): We support the inclusion in the SDB of land between dwellings fronting Wivenhoe Road and the railway line. All of these

dwellings have very long gardens and cumulatively there are opportunities for land assembly for village housing. Such development will be highly sustainable – being within easy reach of community, educational and social facilities and services in Alresford.

Raymond Stemp Associates: Land adjacent to 2 Wivenhoe Road should be allocated in the Local Plan to accommodate a development of approximately five dwellings. This would help the Council achieve its housing targets, within a sustainable location on the periphery of the built up area and located adjacent to numerous existing dwellings. Whilst Alresford already has land allocated for mixed-use development, there is no fallback position for the Council if the site allocated for these new dwellings cannot meet the 6% requirement (48 dwellings). This site offers easy access onto two main roads in Alresford and allows opportunity for development which runs adjacent to existing accommodation maintaining the traditional village layout. Whilst the site in question is currently classed as agricultural land, the shape of the site and area in relation to rest of the field being retained is minimal and would not have an adverse effect on the ability to farm the field sufficiently.

Mr. Dulai (represented by Joseph Greenhow Planning Ltd): I object to the exclusion of development fronting the southern side of Clacton Road from the SDB. There is a cluster of four established properties to the south and east of the current SDB limit together with a significant number of associated outbuildings and the village car park. It is requested that established development fronting the southern side of Clacton Road – including Shaftsbury House and its associated outbuildings – is included within the SDB for Elmstead Market. Two options for amending the SDB are provided:

- The first Option shows the SDB extended to the south of Clacton Road to include the aforementioned properties but excludes the village car park. In view of the close-knit nature of the four properties, it is unlikely that the extended SDB would give rise to a significant number of infill plots or redevelopment opportunities. It is considered that the extended SDB would not prejudice the development of the primary housing site currently defined as KEY2.
- The second Option shows the same extension to the SDB but retains the status quo in the scale of the village by removing the large tract of undeveloped greenfield land currently shown within the SDB to the south of Bromley Road on the eastern side of the village. In my view, development of this land would represent an unacceptable encroachment onto the countryside and given the cap on new village development imposed by draft Policy SD5, may also prejudice the development of site KEY2.

Wright Ruffell Cameron (represented by Roger Wright): The Settlement Development Boundary should be extended to square up the boundary by including a single plot on the western side of Sturicks Lane and thus allowing a single dwelling to be constructed.

The Land and Planning Company Ltd: We support the Settlement Development Boundary as shown on the Policies Map Inset 10 in particular the inclusion of land at 84 Harwich Road, Little Clacton.

Mr. Fraser Bell (represented by Robinson & Hall LLP): Support the inclusion of land to the north east of Betts Green Road (Little Clacton) within the Settlement Development Boundary.

ACE Properties (represented by Robinson & Hall LLP): Support the inclusion of land in Thorington Road (Little Clacton) within the Settlement Development Boundary.

David Carter, Mrs. Mary Chamley & Mrs. Pat Kench (represented by Stanfords): Support the amendments to the Settlement Development Boundary for Little Clacton which will enable sensible growth in the residential population without joining the village to the town of Clacton-on-Sea, maintaining a green wedge between the two settlements. The local shops will also benefit by the

extra number of residential units in Little Clacton which is vital to maintain the future of the local facilities.

Little Clacton Lawn Tennis Club (represented by John Russel): Supports the general approach that the Planning Department have taken towards development in the District. We are pleased that the tight settlement boundaries in Little Clacton have been relaxed. In addition, the proposed policy for Gainsford Avenue COS17 is supported, allowing the site to become an important leisure facility for Clacton-on-Sea.

Mr R Hayes (represented by Edward Gittins and Associates): We seek an amendment to the SDB for Little Clacton as shown in Policies Map Inset 10 to reflect one of the following land use options for land to the rear of Hayes Garage, The Street. Option 1: An amendment to the SDB to provide an area for housing alongside the Village Centre boundary. Option 2: Amendments to both the SDB and Village Centre boundary to accommodate an employment allocation. Option 3: Amendments to both the SDB and Village Centre boundary to accommodate a reduced employment allocation with the remainder of the site being made available for housing.

Miss. Y. U. Clark (Little Clacton): Object to the exclusion of Crackstakes Farm, Tan Lane from the Settlement Development Boundary because:

- a blanket policy excludes all proposals outside development boundaries;
- it eliminates the opportunity for sensitive and sustainable development linked to the tourism industry;
- reducing the Little Clacton settlement development boundary by ¼ mile does not recognise that Thorpe-le-Soken railway station provides a major transport hub; and
- it would not adversely affect the nature and substance of the countryside but would provide a valuable amenity with access to fast public transport.

Mrs. Edna Fairclough: The small piece of land rear of Lindisfarne and North of the Montana Roundabout should be included within the area proposed for development. There is no reason why this land should not be included and would entail extending the boundary line on its natural path to the roadway, thus making it easier for the future development and for all concerned.

Beech Hill Property (represented by Robinson & Hall LLP): We support the inclusion of land to the rear of Harry's Bar, High Street, Thorpe-le-Soken, within the Settlement Development Boundary for a housing development of 6 dwellings.

Miss. L. Philpot (St.Osyth): Land to the south of Golden Lane, Thorpe-le-Soken should be included within the Settlement Development Boundary for Thorpe to allow development of one property, to be in keeping with the area. Access has already been granted by highways and there is full running water and electricity on the site.

Mr. A. Jackson (represented by Robinson & Hall LLP): The Thorpe-le-Soken Settlement Development Boundary should be extended to include land adjacent 78 Landermere Road, Thorpe-le-Soken to allow the development of one dwelling. The site is a triangular plot of scrub immediately adjacent to the existing boundary. Access into the site is available via an existing dropped kerb and is screened by a native hedgerow on the road frontage. The site is partly enclosed by timber fencing on the southern boundary and the shared boundary with No. 78. The plot backs onto agricultural land to the south. The site can accommodate one dwelling, which would be in keeping with existing development in Landermere Road, and the boundary should be extended to mirror the opposite side of the road, creating a logical end to the village. The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core

planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Mr. H. Rix (Thorpe-le-Soken): Land adjacent to Dairy Cottage, Hall Lane, Thorpe-le-Soken, should be allocated for housing development of 1 dwelling, a 2/3 bedroom cottage or chalet bungalow. Access would be onto Hall Lane, via the existing entrance to No1 Hall Lane. No's 1 and 2 are now used as one property.

Gary Brackley: The proposals for development in Thorpe fail to meet local demands for people who want to invest in the area via small businesses. The current proposals will be delivered by major developers in only one or two clusters of homes. They fail to meet demands for livestock protection without having to drive to local fields. They fail to meet the demands of an ageing society placing the elderly in homes rather than providing properties with annexes so that elderly relatives can be cared for, at home, by their family. They also fail to provide the potential for individuals to create unique greener properties. I would therefore like land at the end of St. Michael's Road to be included in the Settlement Development Boundary. The proposal to build four properties on this small area of land would:

- allow local tradesmen to gain work;
- provide property for people who do not want to live on an estate to walk to the village and local schools.
- allow local businesses to grow – especially as neighbouring fields have horses and potential land that could be used for livestock; and
- address the difficulty in finding large affordable homes in Thorpe which have an annexe which would help with care for the elderly whilst still provide the independence they have enjoyed throughout their lives.

Brian Kidby (represented by Edward Gittins and Associates): We support the inclusion of the Kidby's Nurseries site in the Settlement Development Boundary, which has now closed for all commercial business and the inclusion of the site within the SDB is therefore timely and will enable regeneration.

Mr. D. Gowans (Little Clacton): Support the proposed extension to the Weeley Heath Settlement Development Boundary.

Brian Crook (Represented by Edward Gittins & Associates): We welcome the amendment to the Settlement Development Boundary to include established development along Roxburghe Road, Weeley Heath. This now includes available housing land fronting Roxburghe Road.

Mr Hutley, Mrs Mollyneux and Mrs Went (represented by Mathew Clarke): Whilst it is welcomed that the settlement boundary has been re-drawn so as to include part of the frontage of my clients' site (land East of Bentley Road), it is disappointing that the potential of the site has not been fully recognised in the context of a proposed allocation, or indeed more extensive amendment of the settlement boundary. The site provides flexibility for comprehensive development in this context, or alternatively for a more modest level of housing focussed on infilling of the frontages to Bentley Road and Mill Lane. We object to the proposed allocation of land at Willow's Farm as it is considered to be unclear how this will affect the existing farm operation on the site. It is felt that it would be logical to include the remaining frontage along Bentley Road and Mill Lane within the revised settlement boundary. This would provide additional flexibility to respond to changing circumstances over the plan period, as required by the NPPF. This may represent a more appropriate site for allocation as an alternative to the other sites at Weeley.

Kevin Britton (represented by Martin Robeson Planning Practice): The Local Plan is not sound as the Settlement Boundary for Weeley and Weeley Heath is neither justified nor effective. The proposed settlement boundary around Weeley and Weeley Heath should be extended southeast

along the B141 Clacton Road, Botany Road and Victoria Road to ensure consistency with policy approach of the draft Local Plan. In Weeley/Weeley Heath the Settlement Boundary fails to reflect the extent of the existing built development, let alone beyond the built up area. The draft Local Plan identifies 45 new dwellings and associated infrastructure to be delivered within Weeley and Weeley Heath and therefore every opportunity should be given to support the delivery of this growth within previously developed land. Adjusting the boundary would be more consistent with the policy approach outlined in the draft Local Plan. It would also secure a more coherent settlement pattern (of previously developed land) which is better able to meet the growth targets identified in the draft Local Plan and thus ensure the strategy is deliverable.

Wright Ruffell Cameron (represented by Roger Wright): The Settlement Development Boundary should be extended to include land adjacent Church Lane next to the recently developed Hillside House. The site has been previously occupied by a dwelling and the foundations are still in existence, there is a habitable structure on the site, has an existing entrance gate from Church Lane and can accommodate a new dwelling which will have no detrimental impact on protected trees.

Mr. K. Page: Land in Victoria Road, Weeley Heath, should be included within the Settlement Development Boundary and developed for housing. There are inconsistencies in the plan as some greenfield sites in agricultural use have been allocated for housing over, other sites, such as my land, which would be suitable for housing. Development of my site would not impact on current local residents.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. S. Baker (Weeley): The small parcel of land at Roxburghe Road, Weeley is an ideal infill plot for 4-5 dwellings. This plot, and many others, would benefit from being utilised as opposed to sitting neglected. I support development at this plot and many others.

Council consideration

Alresford SDB

For Alresford the representation of support from Mr. J. W. Thompson is welcomed. The only proposal for including additional land within the settlement development boundary is from planning agents Raymond Stemp Associates submitted a proposal residential development on a 1.1 hectare site at the eastern end of the village adjacent 2 Wivenhoe Road. This proposal has been considered in more detail in relation to objections to Policy KEY1 where concerns over highway access have been raised. For this reason, the Council has not accepted this proposal for inclusion in the Local Plan, although it should be noted that in July 2013, the Council received an outline planning application for 5 dwellings on this site that was later refused.

Elmstead Market SDB

The only proposal for revising the settlement development boundary in Elmstead Market was from Mr. Dulai, promoting the inclusion of land and property to the south east of the village. This proposal has not been accepted because it would represent an illogical extension to the boundary

that would bring into question the exclusion of other parcels of land and property within the vicinity. The settlement development boundary, as drawn, represents a tidy approach to maintaining a separation between urban form and countryside.

Great Bentley SDB

The representation from Wright Ruffell Cameron requesting the inclusion of land west of Sturrick's Lane, Great Bentley has been accepted (see policies map change [PM9.3](#)).

Little Clacton SDB

The representations of support for the Little Clacton settlement development boundary from the Land and Planning Company Ltd, Mr. Fraser Bell, ACE Properties, David Carter, Mrs. Mary Chamley, Mrs. Pat Kench and Little Clacton Lawn Tennis Club are welcomed.

The suggestion for expanding the settlement development boundary at Hayes Garage has not been accepted as the site in question could accommodate a significant number of dwellings for which sufficient provision has been made, with the support of the Parish Council.

Miss. Clark's suggestion for Crackstakes Farm to be included in the settlement development boundary for Little Clacton is not accepted as it is some physical distance from the core built up area of the village and would bring into question the non-inclusion of other similar peripheral land and property.

The representation from Mrs. Fairclough requesting the inclusion of additional land within the settlement development boundary at the allocated housing site north-east of the Montana Roundabout has been accepted (see policies map change [PM10.2](#)).

Thorpe-le-Soken SDB

The representation of support for support for the Thorpe-le-Soken settlement development boundary from Beech Properties is welcomed.

Mr. Jackson and Mr. Brackley's requests for an extension to the settlement development boundary adjoining 78 Landermere Road and St. Michael's Road (respectively) are noted but not accepted because it would represent further extension of development into the open countryside and encourage ribbon development when there is sufficient land identified to meet Thorpe-le-Soken's requirements for housing.

Mr. Rix's request for the settlement development boundary to incorporate land and property in Hall Lane is noted but not accepted because it would represent the extension of the boundary to the south of Frinton Road which currently provides a strong defensible edge to the settlement. The inclusion of this additional land could increase the pressure to release further sites south of Frinton Road.

Weeley/Weeley Heath SDB

The representations of support for the Weeley/Weeley Heath settlement development boundary from Mr. Kidby, Mr. Gowans and Mr. Crook are welcomed. Mr. Baker's comment is noted and planning permission for residential dwellings in Roxburghe Road has since been granted.

Mr Hutley, Mrs Mollyneux and Mrs Went's request for additional land off Bentley Road to be included in the settlement development boundary to enable a more comprehensive scheme is noted however not accepted as sufficient land has been identified to meet Weeley's requirements

for housing and there is a concern that this part of the village, which is very rural in its character, would not be appropriate for a major residential scheme.

Mr. Britton and Mr. Page's requests for the settlement development boundary to be extended southward to include more of the built up area of Weeley Heath are noted however the southern parts of the village are far more loose-knit and defining an appropriate and defensible boundary is problematic. There is a concern that this part of the village, which is very rural in its character, would not be appropriate significant development and that too loose a boundary could lead to urbanisation.

The representation from Wright Ruffell Cameron requesting the inclusion of land west of adjacent the Hillside House development has not been accepted because the land in question has, through the course of time, taken on highly rural characteristics and a nature habitat has developed.

Aspirational Housing Policy

For those landowners whose requests for settlement development boundary extensions have not been accepted, the revised Policy PEO8 'Aspirational Housing' may be of interest because it allows new homes to be built outside of settlement development boundaries subject to a series of special criteria.

Outcome

With the exception of land of Sturrick's Lane, Great Bentley none of the changes to the settlement development boundaries requested are proposed for inclusion in the Local Plan through focussed changes.

Green Infrastructure – Key Rural Service Centres

(Page 185 – including paragraphs 11.16 and 11.17)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments.

Comments from landowners, developers and businesses

No comments

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments.

Comments from members of the public

No comments.

Council consideration

Whilst no specific comments were raised in relation to this section of the Local Plan, some changes are proposed as a consequence of proposed changes to land in Alresford (Policy KEY1) and Elmstead Market (KEY2).

Outcome

The following **minor change (MIN11.6)** to paragraph 11.17 is proposed (additions shown as highlighted and deletions shown as struck through):

11.17 For the ~~plan~~10-year period 2011 to 2021, the main green infrastructure projects relate to the proposed major residential and mixed-use developments:

- ~~1 hectare of public open space to be delivered as part of the Cockaynes Lane development (see Policy KEY1 below)~~
- 20.5 hectares of public open space and allotments to be delivered as part of the Church Road Meadow Close mixed-use development (see Policy KEY2 below); and
- 0.5 hectares of public open space and allotments to be delivered as part of the Abbey Street housing development (see Policy KEY3 below); and

Conservation Areas – Key Rural Service Centres

(Page 185 – including paragraphs 11.18 and 11.19)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments.

Comments from landowners, developers and businesses

No comments

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments.

Comments from members of the public

No comments.

Council consideration

No specific comments were raised in relation to this section of the Local Plan and no changes are proposed.

Outcome

No changes to paragraphs 11.18 and 11.19 are proposed.

Policy KEY1 – Development South of Cockaynes Lane, Alresford

(Page 186 – including paragraph 11.20)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: It should be noted that the County Council would seek developer contributions for expansion of both primary and secondary school provision to meet demands arising from this development. The catchment primary school (Alresford Primary) may not be able to accommodate the pupil product from the proposed development. Similarly, secondary school provision at Colne Community High School is also forecast to reach capacity.

Bullet c) should include reference to cycle links, and be amended to read, “the development must provide a safe pedestrian footpath/cycleway through the development with a new cycle/pedestrian access into the site from the Railway Station, off Station Road and links to the countryside beyond”.

Comments from landowners, developers and businesses

Raymond Stemp Associates: The policy states that no development can take place until the necessary improvements are made to Cockaynes Lane and its junction with Station Road to create a safe access into the site. This is contrary to Policy SD3 which suggests that the housing targets for the area should be deliverable without the need for major infrastructure investment. The Local Plan provides no workable timescale or type, style and number of housing required for the site and provides no fallback position if this site is unable to achieve the local housing requirements as they present themselves.

Taylor Wimpey UK Ltd (representation by Boyer Planning): We support the allocation of this site (Cockaynes Lane, Alresford) for development during the Plan period. The Council's Sustainability Appraisal (2012) estimated that the land could accommodate some 115 dwellings, yet the land was only allocated for 50 dwellings. We would like to see a higher number on this site. Whilst these points do not of themselves require a formal policy change, given the generalised wording of Policy KEY1, we consider that in the interests of soundness the estimated housing capacity of sites should be included in the allocation policies. Thus Taylor Wimpey proposes that Policy KEY1 includes reference to an indicative housing capacity of up to 150 dwellings on the site.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Alresford Parish Council: In relation to the site allocated for development only the area below datum line 16 is acceptable for development and vehicular access should only be from Station Road and specifically not from Cockaynes Lane. Any development of the area coloured purple on

the same plan should solely be accessed from Cockaynes Lane and such development should only be within the current use class B1 A use (office).

Comments from members of the public

Mrs. T. Boland-Crewe (Alresford); Mr. D. Crewe (Alresford): The Council should be more specific about how any proposed development will manifest itself. The plan for Alresford for example identifies an area for housing development which is far bigger than required for the number of dwellings allocated. There are many thousands of unused homes and buildings, which if utilised properly would negate the plans for further development of our green belt areas. The site at Cockaynes Lane is functioning farmland, used to grow crops, surely it is not right to use land for development when there are plenty of brown field sites available.

Mr. A. Diggins (Alresford): Accessing any development behind Station Road from Cockaynes Lane is totally wrong. Cockaynes Lane is a single vehicle width rural lane with few residencies along its length. It is used by Alresford residents for dog walking and recreation and for access to Cockaynes Wood. Any permanent access to a new development would require that Cockaynes Lane is widened to a full carriage way and that it has footpaths and street lights installed. This would change the rural character of Cockaynes Lane forever.

Mr and Mrs. P. Watson (Alresford): Development of this size would change the character of the village; we do not want to become a small town or large village. The site is flanked on one side by railway tracks and to the west by trees surrounding fishing pits. We have already lost some of the ancient woodland due to sand and gravel extraction. Wildlife is now returning and the site plays host to several rare species of fungi, plants and insects. The proposed development would force out animals and birds that use this site as a natural habitat. We would also lose our 'village feel' if we were to lose any more natural open spaces.

We understand the Council is against the development of rear garden extensions, as they consider these as a risk to the character of open land. If the possibility of garden sheds and out houses are considered a threat to the open character of farmland, how much more detrimental is a housing development, with houses, garages, sheds, fences, roads and paths?

The proposed access, via Cockaynes Lane must be deemed as fool hardy. To improve the junction with Station Road would involve redevelopment of the housing already in place. The junction is on a bend which regularly floods. Cockaynes Lane is a single track lane which is already used by large articulated lorries going to and from the industrial development in the lane. The ditches hold natural habitat for various types of wildlife. Access from Alresford Main Road is again via a narrow lane, onto a busy straight road, used by heavy traffic including buses and so traffic stopping to turn right into Cockaynes Lane would be at risk of causing accidents.

Council consideration

The 2012 Draft Local Plan proposed a mixed-use development capable of delivering Alresford's 6% increase in housing stock (around 50 dwellings) in one location off Cockaynes Lane to the west of the village. During the consultation period, a relatively small number of objections were received both from local residents and from landowners and developers promoting alternative sites. However, following the consultation exercise, public interest in the proposals increased and a public meeting was organised by the TDC Ward Member for Alresford and the Parish Council to debate the proposal.

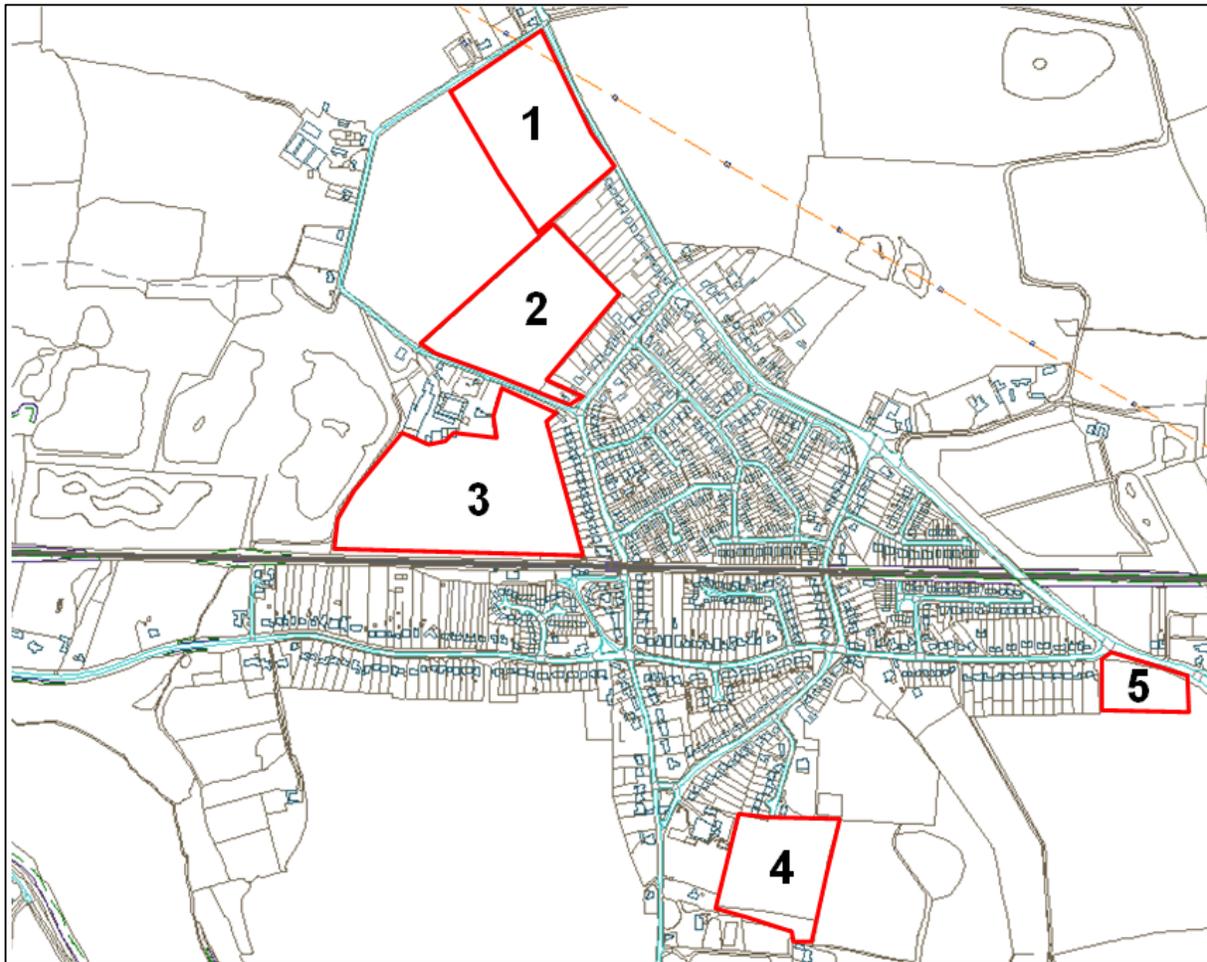
The meeting of 17th April 2013 was well attended and a large number of residents expressed concerns over the allocation in the Local Plan – particularly with regard to highways, traffic and

amenity impacts. Whilst there was a general acceptance that some residential development in the village would be beneficial, it was requested that the various site options be re-examined before a final decision. Officers agreed to undertake that exercise.

The principle as to whether or not Key Rural Service Centres such as Alresford should accommodate a 6% increase in housing stock is explored in response to comments on Policies SD2, SD3 and SD4 where the Council now proposes to replace the rigid 6% increase in housing stock for all villages with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. For all Key Rural Service Centres with the exception of St. Osyth, it is still envisaged that an approximate 6% increase in housing stock will be achievable in the 10 year period 2014-2024 but, for the period post 2024, development is likely to be mainly focussed on 'broad locations' around Clacton, Harwich and West Tending/Colchester.

Re-examination of Options

The specific site options that were presented to the public meeting are shown on the map below and represent proposals submitted to the Council both through the 'call for sites' exercises in the run up to the preparation of the Draft Local Plan (Options 1 to 4) and a new proposal (Option 5) that had been submitted as part of the consultation exercise on the Draft Local Plan itself.



Following the April 2013 public meeting, the Council requested specific advice from Essex County Council as the highway authority with regard to the suitability or otherwise of each of the options

from a highways and transportation perspective. The Council also commissioned an ecological survey of Option 4, as requested by residents at the public meeting. The site options are re-examined, in light of the new evidence, in the following paragraphs.

Option 1: Land west of Colchester Main Road

This 4 hectare site was promoted as part of the 2011 call for sites exercise by landowner Mr. Hubert. The site was not included in the Local Plan however because it was considered too remote from the heart of the village, would represent a sprawling ribbon development as opposed to logical consolidation of the built up area and would require direct access from the busy B1027.

The latest advice of ECC Highways is as follows: *“It does seem likely the promoter has control over sufficient frontage along both the B1027 and Cockaynes Lane to provide a site access or accesses to the required highway design standards. They would also appear to control sufficient frontage along Cockaynes Lanes to enable its improvement both in terms of the carriageway width and provision of footways.”* This advice suggests that, from a pure highways and transportation perspective, there would be no major issues.

However, from a safety and quality of life perspective, any pedestrians would be required to walk along a footpath next to the B1027 to access the village's shops, services and railway station which would raise concerns about pedestrian safety. Despite the call from some residents to allocate this site because it affects fewer people, we maintain that this is a poor location for residential development, from a planning perspective, compared with other options.

Option 2: Land North of Cockaynes Lane

This site, again comprising 4 hectares, was promoted by landowner Mr. Fox as part of the call for sites exercise. The site was not included in the Local Plan simply because it was further from the centre of the village than land south of Cockaynes Lane but would still require access from the same point. There were also more concerns over deliverability within the plan period because unlike land to the south of Cockaynes Lane (which is controlled and promoted by Taylor Wimpey) there is no developer involvement (to the Council's knowledge) in the land to the north. With that said, the landowner to the north does have the advantage of controlling the property on the north west corner of Cockaynes Lane and Station Road which could be utilised to achieve better width for vehicular access.

The advice of ECC Highways in this regard was: *“It would seem the promoter has control over sufficient frontage along Cockaynes Lane to provide a site access to the required highway design standards. Again, it is likely Cockaynes Lane would require improvements (width of carriageway, provision of footways) and again, it would seem the promoter has control over sufficient land to deliver these improvements.”* This advice suggests that a development north of Cockaynes Lane could work from a pure technical highways and transportation perspective – although access via Cockaynes Lane would be contrary to the Parish Council's wishes, as expressed in its representations.

Initially, officers considered the possibility of allocating part of this site through the focussed changes in recognition that the landowner owned the property that could unlock access to both this site and the land to the south. However, in response to this initial proposal, the Council received a large number of correspondence from residents, in the lead up to a meeting of the Community Leadership and Partnership Committee on 21st October 2013 to discuss the plan, highlighting concerns about the potential damage to the character and environmental attributes of the land that would result from widening. These included the loss of trees and hedgerows and the need to culvert the ditch.

In response to these local concerns, officers re-examined the site once more and came to the conclusion that the residents' concerns were justified and that widening Cockaynes Lane would most likely result in considerable damage to key environmental features in the lane.

Option 3: Land South of Cockaynes Lane

Option 3, land south of Cockaynes Lane, was the Council's 'preferred site' as allocated for mixed-use development in the 2012 Draft Local Plan. This site was promoted by major developers Taylor Wimpey through the Local Plan process whose comments above indicate a desire for a much larger residential development up to 150 dwellings (an 18% increase in housing stock for the village) and potentially more. This suggestion is not accepted by the Council as it would clearly go against the thrust of the sustainable, fair and proportionate approach to growth that lies at the heart of the Local Plan's spatial strategy.

Many of the local concerns relate to vehicular access, impact on the character of Cockaynes Lane and the impact on the amenities of existing residents in Station Road. The advice from ECC Highways was as follows: *"It is not clear whether the promoter has control over sufficient frontage along Cockaynes Lane to provide a site access to the required highway design standards. Again, it is likely Cockaynes Lane would require improvements (width of carriageway, provision of footways) but it is not clear as to whether the promoter has control over sufficient land to deliver these improvements."* This new advice casts serious doubt of the suitability of land south of Cockaynes Lane for development – despite the developer's view that the land could accommodate a significantly larger scheme.

The Parish Council's initial representations indicated support for the development subject to access being via Station Road as opposed to Cockaynes Lane. However, whilst Taylor Wimpey's representations suggest that the developer has control over one property in Station Road (No. 56) which, if demolished, could provide a pedestrian/cycle access, it would not provide sufficient width to provide a suitable vehicular access.

Initially, officers considered the possibility of de-allocating most of the site but retaining a northern section of the site, closest to Cockaynes Lane, in the Local Plan with access to be achieved through the widening proposed by the promoter of land to the north of the lane, who has control over the key property. However, as explained above, there was a large number of correspondence from residents highlighting concerns about the potential damage to the character and environmental attributes of the land that would result from any widening.

In response to these local concerns, officers re-examined the site once more and came to the conclusion that the residents' concerns were justified and that widening Cockaynes Lane would most likely result in considerable damage to key environmental features in the lane.

Option 4: Land off St. Andrew's Close

This 2.6 hectare site was promoted by landowner Mr. Tinneveld as part of the 2006 Local Plan Public Inquiry, the subsequent call for sites exercises and through representation in objection to the 2012 Draft Local Plan. Located close to the primary school, church and village hall and well contained by surrounding trees and vegetation, this site would be very suitable for residential development if not for the fact that it has been designated as a Local Wildlife Site (LoWS) on the recommendation of the Council's 2008 Local Wildlife Site Review undertaken by the Essex Ecology Services Ltd (EECOS), the commercial wing of the Essex Wildlife Trust. This review looked at all land across the district to determine whether or not any new LoWS designations should be made through the emerging LDF/Local Plan process.

The main reason for protecting the site as LoWS related to the presence of glow-worm beetles (*Lampyrus noctiluca*) – a declining species. The survey of other sites in and around Alresford (which would have included options 1, 2, 3 and 5) did not propose any other LoWS designations.

At the April 2013 public meeting, residents requested that the survey be updated to confirm whether or not these species were still present with some residents sceptical about the presence and value of the glow-worm beetles. Others suggested that even if the species was present, this factor should carry limited weight and that the land of St. Andrews Close, on balance, was a far more suitable site for development than sites around Cockaynes Lane.

Officers of the Council agreed to have the survey undertaken again and commissioned EECOS in June 2013 to revisit and survey the site. The result of the survey was as follows: *“This rectangular grassland site adjacent to Crestland Wood is understood to have established following the cessation of arable cultivation and now comprises rough grassland with a reasonable diversity of flowering species. The sward is predominantly made up of False Oat-grass (*Arrhenatherum elatius*) with Yorkshire-fog (*Holcus lanatus*) and Red Fescue (*Festuca rubra*) also prominent. Creeping Buttercup (*Ranunculus repens*), Smooth Hawk’s-beard (*Crepis capillaris*) and Perforate St. John’s-wort (*Hypericum perforatum*) are the most frequent herbaceous species with Mouse-eared Hawkweed (*Pilosella officinarum*) the most notable grassland plant. Changing Forget-me-not (*Myosotis discolor*), an Essex Red Data List species, is found in more open areas of the sward. Bramble and the saplings of a range of woody species are frequent throughout the meadow. Along the eastern edge, adjacent to Crestlands Wood, is a narrow band of trees beneath which Bracken (*Pteridium aquilinum*), Bluebell (*Hyacinthoides non-scriptus*) and Climbing Corydalis (*Ceratocarpus claviculata*) have spread from the wood.”*

*The site supports a large population of Glow-worm beetles (*Lampyrus noctiluca*), a declining species in Essex.”*

EECOS then gives the following justification for continuing to protect the land as a LoWS: *“Although not subject to any formal designation or status, Glow-worms are of considerable cultural value and are declining throughout Essex as a result of habitat loss. The population at this site is significant with over 100 glowing females recorded in recent years, and it is believed that this is a key site in the local context.”*

The advice from ECC Highways about access to the site was as follows: *“It seems likely the site could be accessed from St. Andrew’s Close.”* This indicates that there would be no highways or transportation concerns if this site were to be developed.

Initially, officers were mindful of continuing to protect this site as a LoWS in response to the updated ecological survey, however in the Council received a large number of correspondence from residents, in the lead up to a meeting of the Community Leadership and Partnership Committee on 21st October 2013 to discuss the plan, highlighting concerns about the revised development being considered for Cockaynes Lane – again suggesting that St. Andrew’s Close would be a more acceptable alternative.

On re-examining the issue and accepting local concerns that development off Cockaynes Lane could be environmentally damaging in its own right, officers undertook more research into glow worm beetles in liaison with the Essex Wildlife Trust and learned that, whilst relocation of such species is normally treated as a ‘last resort’, this could be achieved if development were to be allowed.

In acceptance of local concerns about the impact of development on the character and environmental attributes of Cockaynes Lane and in establishing that the habitat of glow worm beetles in St. Andrew’s Close can be relocated, officers acknowledged, at the Community Leadership and Partnership Committee meeting, that there was potential to allocate this site for

residential development as an alternative to that originally proposed off Cockaynes Lane, in line with the views expressed by local residents and the Parish Council.

Option 5: Land adjacent 2 Wivenhoe Road

Through representations in response to the 2012 Draft Local Plan, planning agents Raymond Stemp Associates submitted a proposal residential development on a 1.1 hectare site at the eastern end of the village adjacent 2 Wivenhoe Road. The main concern with this site was the likely positioning of the access point and its close proximity to Wivenhoe Road's junction with the B1027. The advice from ECC Highways was *"It seems unlikely the promoter has control over sufficient frontage along both the B1027 and Wivenhoe Road to provide a site access to the required highway design standards. To provide an access off Wivenhoe Road in the location shown would be unacceptably close to the B1027/Wivenhoe Road junction."*

For this reason, the Council has not accepted this proposal for inclusion in the Local Plan, although it should be noted that in July 2013, the Council received an outline planning application for 5 dwellings on this site that, at the time of writing, had yet to be determined.

Conclusion

Having re-examined all of the options for possible development in and around Alresford, the Council maintains that land off the B1027 (Option 1) and land off Wivenhoe Road (Option 5) are wholly unsuitable for residential development.

Initially, it was considered that the sites north and south of Cockaynes Lane (Options 2 and 3) could be allocated for development (25 dwellings for each site) as the landowner of the northern site had control over the key property on Cockaynes Lane that could have been demolished to facilitate the necessary widening of the lane for vehicular access. However, in response to a large number of correspondence from concerned residents about the environmental impact of this widening on trees, hedgerows and ditches, officers re-examined this suggestion and the Council now accepts that this solution would not be appropriate.

This leaves land off St. Andrew's Close (Option 4) which was initially discounted on one planning issue only, the presence of glow worm beetles and the Local Wildlife Site designation. However, in response to calls from Alresford residents to have this re-examined, the Council has learned, through liaison with the Essex Wildlife Trust, that the glow worm beetles can be relocated through the provisions of Policy PLA4.

In acceptance of the problems facing Cockaynes Lane, the Council proposes the removal of the LoWS designation from land at St. Andrew's Road and the allocation of that land for residential development as a substitute for the Cockaynes Lane Development allocated through Policy KEY1.

It is proposed that Policy KEY1 and supporting paragraph 11.20 be deleted from the Local Plan as specific criteria for this site are not considered necessary. The list of allocated sites under paragraph 11.12 will be amended to delete reference to 'Land south of Cockaynes Lane (see Policy KEY1 below)' and replaced with 'Land off St. Andrew's Close, Alresford'. Appendix 3 is proposed for a similar amendment, retaining the estimated dwelling capacity of 50 which, at a gross density of 19 dwellings per hectare is considered to be easily achievable for this site.

Policies Map Inset 7 is also proposed for amendment to delete the mixed-use allocation off Cockaynes Lane and for land off St. Andrew's Close, delete the LoWS designation and allocate the site for housing.

Outcome

Following consideration of the above comments and other new evidence, the following **major change (MAJ11.2)** is proposed to delete Policy KEY1 from the Local Plan (additions shown as highlighted and deletions shown as struck through):

POLICY KEY1: DEVELOPMENT SOUTH OF COCKAYNES LANE, ALRESFORD

~~Land south of Cockaynes Lane, Alresford (as defined on the Policies Map Inset) is allocated for a mix of residential development, business uses and public open space. Alongside other relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals must also meet the following specific requirements:~~

- ~~a) no development can take place until the necessary improvements are made to Cockaynes Lane and its junction with Station Road to create a safe access into the site (to be agreed in advance with the Highways Authority);~~
- ~~b) vehicular access will be off Cockaynes Lane;~~
- ~~c) the development must provide a safe pedestrian footpath/cycleway through the development with a new cycle/pedestrian access into the site from the Railway Station, off Station Road and links to the countryside beyond;~~
- ~~d) business uses will be carefully controlled in order to minimise any material adverse impacts on both existing and proposed residential development; and~~
- ~~e) the development will set aside a minimum of 1 hectare of land as 'green infrastructure' that will incorporate a new playing field, sustainable drainage systems, landscaping and informal open space that will be laid out as a 'green corridor' through the site which will be transferred to either Tendring District Council or Alresford Parish Council for future management and maintenance, or suitable alternative management arrangements put in place to ensure long-term maintenance.~~

Paragraph 11.20 in support of Policy KEY1 is also proposed for deletion through a consequential minor change (MIN11.7):

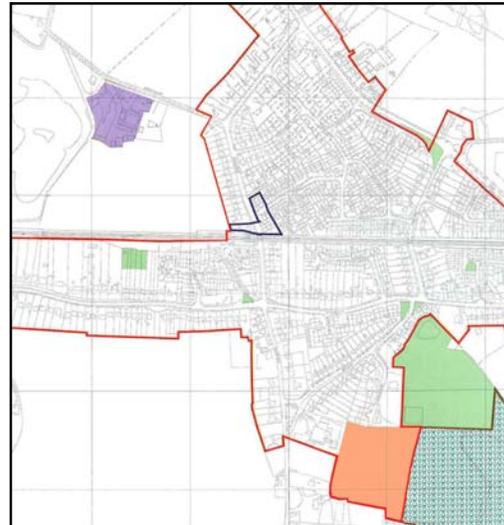
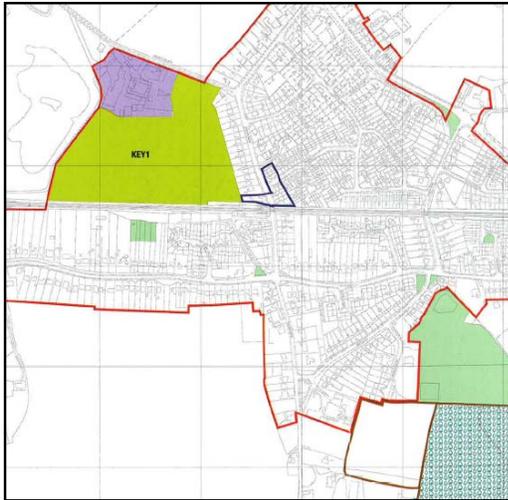
Development South of Cockaynes Lane, in Alresford

~~**11.20** The mixed-use allocation on land south of Cockaynes Lane, Alresford, will deliver a small amount of housing to meet local needs, new business uses and public open space. The site is located close to the centre of the village and its railway station and will be carefully designed to minimise impacts on existing residential development and surrounding open countryside. In addition to other policies in this Local Plan and in the National Planning Policy Framework, the additional requirements set out in Policy KEY1 below must also be met.~~

The following change to Policies Map Inset 8 (PM7.1) to paragraph 11.21 is also proposed (additions shown as highlighted and deletions shown as struck through):

2012 Draft Local Plan

Proposed Change



Other consequential changes include:

- Insertion of new bullet and deletion of existing bullet in Paragraph 11.12 under the heading of ‘Housing Supply’ on pages 183 and 184 (bullet point list)
 - Land south of Cockaynes Lane, Alresford (see Policy KEY1 below);
 - Land off St. Andrew’s Close, Alresford;
- Amend the Appendix 3: Estimated Dwelling Numbers for Allocated Sites (table on pages 223 and 224) to reflect the above change.

Policy KEY2 – Development off Holly Way, Elmstead Market

(Pages 186 and 187 – including paragraph 11.21)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: It should be noted that the County Council would seek developer contributions for expansion of both primary and secondary school provision to meet demands arising from this development. The catchment primary school (Elmstead Primary) may not be able to accommodate the pupil product from the proposed development. Similarly, secondary school provision at Colne Community High School is also forecast to reach capacity.

Bullet a) should include reference to cycle links, and be amended to read, “the principle point of vehicular access will be off Holly Way with cycle/pedestrian access only via Meadow Close”.

Bullet (b) should be amended to read, “the development shall deliver off-site traffic calming measures and a new pedestrian crossing in Colchester Road at the western end of the village (subject to securing agreement with the Highway Authority)”.

Comments from landowners, developers and businesses

Wivenhoe Park Estate (represented by Strutt and Parker): The policy is supported and considered sound. Sections 4 and 5 (*of the submitted representation*) demonstrate that the requirements of the policy can be met to confirm that it has been positively prepared, justified, effective and consistent

with national planning policy. It is considered that none of the sites promoted by third parties, whether considered individually or cumulatively, are as appropriate in comparison to the land at Holly Way in meeting the requirements made by TDC. A detailed planning statement has been submitted in support of these comments.

Knight Developments (represented by Phase 2 Planning and Development Ltd): It is submitted that the draft Local Plan proposed housing site allocation at Elmstead is not the most appropriate or sustainable site for development in Elmstead. By the Council's own admissions its Sustainability Appraisal (2012) identifies the land west of Church Road (the subject of this representation) as the most sustainable site for allocation in the Local Plan. The site significantly outscores the current allocated site in policy KEY2 and scores considerably better in meeting the Council's sustainability indicators. The land west of Church Road should receive an allocation in the Local Plan.

Knight Developments wish to undertake a development of around 20 homes with a new community hall, provision of sports pitch/area of open space, allotments, improvements to the Church Road/Colchester Road junction and footpath links to the village. It is our view that for the village as a whole, the best location for any new community hall is next to the existing school and the new sports pitch adjoining the existing playing fields.

However, if the Local Plan is to retain an allocation for 40 dwellings within Elmstead irrespective of our findings above, the best outcome for the village would be two smaller developments of around 20 houses (split between Church Road and Holly Way), rather than one large estate. This approach would maximise the benefits to the village, and minimise the effect that the development would have on any one group of residents.

Knight Developments have recently undertaken a public consultation for its proposals with the local community and received overwhelming local support. Further details of the local responses are available on request.

This consultation follows two previous consultations in Elmstead. Elmstead Market Community Hall Action Trust (EMCHAT) has undertaken their own independent consultation/survey in relation to establishing the villages preferred option for a housing site allocation in the village. The results show an overwhelming support in the village for allocation of the land west of Church Road. In addition, Elmstead Market Parish Council undertook its own survey in October 2012 with distribution to over 750 households within the village. The whole village was consulted in relation to the population of the village preference for a housing site allocation within the village. The results were significantly in favour of the land west of Church Road and are enclosed at Appendix 1 *of the representation*.

Elmstead Market Parish Council has recently undertaken a further public survey in December 2012 to validate the results of the previous survey. Again, the surveys were distributed to over 750 households within the village with regard to preference for a housing site allocation within the village. The results were significantly in favour of the land west of Church Road.

The land west of Church Road has therefore received overwhelming support from the population of Elmstead through 3 different surveys all carried out independently from ourselves and is therefore identified as the stand out candidate for housing allocation within the village.

The land west of Church Road is well related to the existing settlement pattern, being adjacent to the edge of the development boundary. It has defensible boundaries, with the existing playing fields to the south, existing residential development to the south east and south west, and the school to the west. The proposed development would have no significant impact on the maintenance of a strategic gap between settlements. The land to the north of Elmstead has no function in terms of separating urban areas, and planned development would not lead to unchecked sprawl. Development would result in the loss of only a limited amount of agricultural

land, and it is considered that other planning merits far outweigh this loss. We enclose Knight Developments illustrative proposals for the site as Appendix 3 *of the representation*, which shows the proposed location of the development that has been put forward for housing development.

We do not disagree with the view that any greenfield site allocation should not exceed 50 dwellings or more to protect the character of the settlement in the rural areas and therefore Elmstead would require more than one site to meet a greater growth requirement. Therefore, if the Council was to increase the growth requirement for Elmstead there is the potential to retain the existing Holly Way allocation and allocate a further site. The land west of Church Road is a superior candidate for such allocation and will deliver a number of unique local community benefits.

Richard Mitchell; John Mitchell: Promoter wishes to have Land at Church re-examined and possibly allocated instead of Land at Holly Way.

1. The primary school would benefit from the community centre and playing field being located close by.
2. The site currently allocated will add to the existing traffic problems at the school and on Holly way. The promoters site (Church Road) could provide a drop off point for the school.
3. The Parish Council did not communicate the Church Road site to the Planning Department. The Holly Way development requires to take possession of the community centre on completion – The Church Road development does not.
4. The Church Road site would affect fewer properties and is more central than the Holly Way site.
5. The Church Road site could provide very attractive open space combined with education, sport and leisure facilities.
6. The residents were not given a chance to comment on the Church Road site.
7. The proposed pedestrian access at Holly Way could cause traffic issues.
8. Three surveys have been carried out showing that residents prefer the site at Church Road.

Trustees of the Winsley's Charity (represented by Edward Gittins and Associates): We do not consider the proposals in the Draft Local Plan to provide additional village housing and associated community facilities represent the most sustainable or convenient location for expanding the village. Site KEY2 is relatively remote from the Village Centre and will involve the extension of a cul-de-sac and result in the passage of additional traffic through established residential development; in particular, traffic generated by functions held in Village Halls and associated noise could be harmful to residential amenity. Having regard to the requirements of Policy KEY2, we consider it locate such facilities on a fringe site distant from the Village Centre and not well-placed in relation to public transport.

We advocate that the selection of the most appropriate site for development should have regard to the long term structure of the village, to accessibility for the majority of village residents, if possible, to locate new village housing and facilities as close as possible to the Village Centre and to public transport. The selection of Site KEY2 is deficient in these crucial respects and hence does not represent the most sustainable or sensible choice when compared to the availability of the land fronting School Road.

Locationally, the Winsley's Charity site is closer to community facilities within the Village Centre. It can be accessed directly off School Road and would not result in vehicular traffic passing along established residential estate roads. Our proposals would deliver a new Village Hall, a 2.55 hectare Public Open Space on the southern flank of the development, and a landscape buffer along the site's northern and western boundaries. Vehicular access would be via School Road with the possibility of providing footpath and cycleway links into the adjoining built-up area. The ability to provide the new access onto School Road has been technically assessed and its feasibility demonstrated by our Client's Highway Consultants. Obligations relating to any necessary off-site highway improvements and to the future ownership and ongoing management of the Public Open

Space will be drawn up subject to the inclusion of land for 40 new village houses being included within the Elmstead Boundary.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Elmstead Parish Council: The Parish Council submitted the results of a survey taken from residents and business owners of the village. The results indicate that 43% of respondent's preferred the Church Road site to the others promoted. 26 respondents want to see the access of site KEY2 from Tye Road. Residents also commented that Holly Way is already too busy, road improvements and traffic calming measures were generally recommended throughout the village.

Comments from members of the public

Paul Beard (Elmstead); Mr. G. H. Bevan (Elmstead); Mr. J. M. Bevan (Elmstead); S. R. Birch (Elmstead); Mr. R. S. & Mrs. J. A. Bond (Elmstead); V. J. Buckey (Elmstead); Mrs. G. Bytas (Elmstead); Sandra Caird (Elmstead); Stefanie Caird (Elmstead); Janet Canter (Elmstead); Elliot Castle (Elmstead); Mr. John Clubb (Elmstead); Elizabeth Connelly (Ardleigh); Kevyn Connelly (Ardleigh); Ellen Curtis (Elmstead); Jason Curtis (Elmstead); Mrs. J. Dehaney (Elmstead); Paul Robert Diggins (Elmstead); Mrs. Cheryl Diggins (Elmstead); Mr. P. Duke (Elmstead); E. Ellis (Elmstead); Mrs. J. D. Evan (Elmstead); Lee Francis (Elmstead); Mrs. J. Francis (Elmstead); Mr. & Mrs. Gosling (Elmstead); John Gray (Elmstead); Sandra Gray (Elmstead); Peter Hackett (Elmstead); Robert Hambling (Elmstead); Samantha Harrington (Elmstead); Miss. A. Hood (Elmstead); Mr. Hood (Elmstead); Mrs. L. Hood (Elmstead); Peter Horn & Elizabeth A. Horn (Elmstead); Mrs. J. Hughes (Elmstead); David Hunter (Elmstead); Rosie Hunter (Elmstead); Mr. Michael Kirby (Elmstead); Samantha Lilley (Elmstead); William Lochore (Elmstead); Katherine Malbon (Elmstead); Ann Mann (Elmstead); Joe Mann (Elmstead); Mr. William Mitchell (Elmstead); Susan Mitchell (Elmstead); Mr. A. Moss (Elmstead); Mr. J. Moss (Elmstead); Mrs. S. Moss (Elmstead); Alison Orman (Elmstead); Carole Anne Orman (Elmstead); Michael Frederick Orman (Elmstead); Mr. Stephen Orman (Elmstead); Adrian O'Rourke (Elmstead); Lucy O'Rourke (Elmstead); Mrs. L. O'Rourke (Elmstead); Thomas O'Rourke (Elmstead); Greame Parrett (Elmstead); Anne Payne (Elmstead); Mr. D. J. Payne (Elmstead); G. Perry (Elmstead); J. Perry (Elmstead); Mr. & Mrs. Potter (Elmstead); Charlotte Sanders-Crook (Dovercourt); Mrs. J. Scott (Elmstead); Mrs. S. Seaden (Elmstead); Kelly Searle (Elmstead); Mrs. P. Sewell (Elmstead); Clare Short (Elmstead); J. Shorter (Elmstead); Mr. Tom Shorter (Elmstead); Mr. William Shorter (Elmstead); Mrs. Valerie Siggins (Elmstead); B. G. Smith (Elmstead); John Russell Smith (Brightlingsea); Mr. Terence Snow (Elmstead); Jacqueline Taylor-Roberts (Elmstead); Leslie Terry (Elmstead); Mr. John Thomas (Elmstead); Mrs. Sheila Thomas (Elmstead); Elaine Tuckwell (Elmstead); Lincoln Tuckwell (Elmstead); Lilian Elizabeth Varnes (Elmstead); Peter John Varnes (Elmstead); Jackie Vaughan (Elmstead); Mr. A. Vaughan (Elmstead); Mr. Connor Vaughan (Elmstead); Mr. Jeff Vaughan (Elmstead); Mr. Rhys Vaughan (Elmstead); Mr. Rick Vaughan (Elmstead); Mr. Tyla Vaughan (Elmstead); Mrs. J. Vaughan (Elmstead); Mrs. Nicci Vaughan (Elmstead); Stuart Vaughan (Elmstead); Tracy Vaughan (Elmstead); Martine Ward (Elmstead); Mr. & Mrs. E. Ward (Elmstead); Mrs. Josephine Weller (Ardleigh); A. E. Williams (Elmstead); Mrs. S. C. Williams (Elmstead); Ms. Sheila Williams (Elmstead): These respondents have each submitted almost identically-worded representations to object specifically to the proposed development off of Holly Way because:

- the proposed pedestrian access from Meadow Close would cause traffic problems in and around a peaceful retirement development;

- no provision for parking to serve the proposed allotments has been made so gardeners are likely to park in Meadow Close where there is already insufficient parking for existing residents; and
- residents were not given a fair or realistic chance to comment on this proposal in line with the Localism Act.

These respondents however support the alternative proposal for development in Church Road because:

- the benefits to the village of this development are greater than those proposed at the Holly Way site;
- it would relieve the problem of traffic in Holly Way to drop off and collect children from the school;
- the developer would provide additional land for allotments;
- the primary school would benefit from the new community centre and playing field being provided close by;
- the Parish Council failed to communicate the full benefits of the Church Road proposal to Tendring District Council's planners;
- the developer does not need to take possession of the existing community centre, unlike the landowner for the Holly Way site;
- development would affect fewer properties and is more central being just 500 metres from the hub of the village;
- the development has the potential to provide a very attractive open space next to an existing protected area that could combine education, sport and leisure into one convenient area of the village – almost akin to a park; and
- there have been two surveys, both of which have shown a very strong majority in favour of the Church Road site.

Clifford Robert Ashton (Elmstead); Patricia Ashton (Elmstead); Sarah Beard (Elmstead); Jarrad Beddow (Elmstead); Stanley Beecham (Elmstead); Joy P. M. Bell (Elmstead); Mr. N. Bell (Elmstead); Mrs. Margaret Bell (Colchester); Sally Bezant (Elmstead); Mr. & Mrs. R. Bond (Elmstead); Mr. Corbin Brock (Elmstead); Philip Brooks (Nuneaton); James Brown (Elmstead); Mr. & Mrs. J. Brown (Elmstead); Ian Caruana (Elmstead); Steven Cattier (Elmstead); Dr. Natalie Caveney (Elmstead); Mr. Craig Caveney (Elmstead); Ellen Chubb (Elmstead); Lindsay Clark (Elmstead); Mr. & Mrs. P. Clark (Elmstead); Philip Clarke (Elmstead); Mr. J. Clubb (Elmstead); Mr. Peter M. Cobbold (Elmstead); Mrs. Y. M. Collen (Elmstead); Mrs. Melissa Cooke (Alresford); P. Cowell (Elmstead); Tina Coyne (Elmstead); S. Denby (Elmstead); Stan Douglas (Elmstead); Norman Fenner (Elmstead); Clare Hopkinson (Elmstead); Martin Hopkinson (Elmstead); Elizabeth & Peter Horn (Elmstead); Mrs. S. Izard (Elmstead); W. Jennings (Elmstead); Viplove Knightheart (Reading); Leah Lisgo (Letchworth Garden City); Rosealin Lowther (Elmstead); Vera Mawby (Elmstead); Edgar and Heather Miller (Elmstead); Miss Janet Miller (Elmstead); Mrs. Christine Mitchell (Elmstead); Ralph W. Mitchell (Elmstead); E. A. Moore (Elmstead); Keith Robert Munden (Dunmow); Ann Parker (Elmstead); Richard Parker (Elmstead); Annette Pasotti (Elmstead); Danny Pasotti (Elmstead); K. J. Peach (Elmstead); Sasha Phillips (Elmstead); Mr. David Philips (Elmstead); Mr. Robert John Philips (Thorrington); Ms. Kate Pugh (Elmstead); Mr. Alan Raynor

(Elmstead); Rob & Pam Redding (Elmstead); Kevin Robinson (Elmstead); Carol Siseman (Elmstead); David Siseman (Elmstead); Mark Robert Trowbridge (Elmstead); Mrs. Moira Turley (Alresford); Tony Vaughan (Elmstead); Mrs. M. Walker (Elmstead); George Ward (Elmstead); Holly Ward (Elmstead); Marilyn S. Ward (Elmstead); James Weir (Elmstead); Mr. Michael Willis (Elmstead); Mrs. Lisa Willis (Elmstead); D. G. Woods (Elmstead); John Wright (Elmstead); These respondents have made individual representations to object to the proposed development off of Holly Way raising a variety of concerns and issues as set out below.

- the strategy to increase housing stock by 6% in every village is not sound (see comments in relation to Policies SD2, SD3 and SD4) and does not work for Elmstead Market which should be treated as an exception to this approach;
- the level of housing allocated to the area has been a hasty decision without sufficient planning;
- the development would increase the number of vehicles in the village which will increase traffic due to the majority of working residents being commuters;
- development in the village conflicts with the Council's own objectives through Policy SD8 to promote sustainable transport and reduce dependence on the private car;
- there is a lack of public and private transport provision;
- greenfield sites should not be used when brownfield land is available;
- the primary school is at capacity and is too small to accommodate any additional children that would result from this development and children should not have to travel miles to get an education;
- doctors do not have the capacity to cope with any increase in population and the local practice is only part time;
- there is very limited choice of shops and services in Elmstead Market to serve the village population;
- Elmstead Market is a village and more development will lead to it becoming urbanised;
- the countryside is one of the district's main attractions and should not be built on;
- the streets are of poor quality and would need improvement which may well attract further development in the future; and
- development will impact badly on the retired and elderly of the village.
- development would increase noise to residents;
- the village already suffers with problems with water pressure and further development would make it worse;
- Holly Way has a number of blind bends and is too narrow to sustain additional traffic and ensure access for emergency services and other larger vehicles (including refuse lorries and construction vehicles). This is exacerbated by the number of cars parked on the pavement both sides of the road – a particular issue during the school run;

- the increase in vehicular movements arising from new housing and a new village hall in this location will worsen the existing problems and increase the danger for pedestrians, including children;
- many children play in the streets around Holly Way, particularly in the summer months, therefore more houses and vehicles will increase the risk of an accident involving a child;
- when the road was built and expected to be developed further in the early 1970s, there was nowhere near the amount of traffic experienced now;
- the construction traffic would cause major disturbance to residents;
- there are often difficulties exiting Oaklands to turn right onto the busy Colchester Road and additional vehicles will make this problem worse;
- there is no public money for traffic lights or traffic calming measures;
- people moved to Meadow Close for a quiet and peaceful retirement however this development would lead to children and adults walking through Meadow Close retirement complex to access the main road and some residents will lose their pleasant views;
- the proposed pedestrian access from Meadow Close would cause traffic problems in and around a peaceful retirement development;
- no provision for parking to serve the proposed allotments has been made so gardeners are likely to park in Meadow Close where there is already insufficient parking for existing residents;
- Meadow Close is not suitable for pedestrian access as it is too narrow and would require a footpath to be dug up;
- a recent village survey showed that 68.4% were in favour of the land off Church Road, 14.5% in favour of the land off school Road and only 13.8% in favour of the land off Holly Way/Meadow Close;
- residents were not given a fair or realistic chance to comment on this proposal in line with the Localism Act;
- the open space proposed for the development is likely to be used for the next phase of development in the future;
- the proper consultation between residents and the Parish Council, as required by the Localism Act has not been undertaken to enable the District Council to obtain the local view; and
- Holly Way has a good sense of community spirit and the cul-de-sac has been closed off in the past to hold street parties and other celebratory events. A new development at the end of the cul-de-sac will destroy this sense of community.

Ian & Mary Allston (Elmstead); Mr. & Mrs. Graves (Elmstead); Dawn Stammers (Elmstead):
Support the proposed development off of Holly Way because:

- it is the correct site for our village;

- it would blend in with buildings that are already there;
- the road at Holly Way was left with an entrance for further houses when built in 1968;
- it is near to the school so children can walk safely to it; and
- nearly all infrastructure is in place and what isn't can easily be delivered.

Mr. & Mrs. R. Bond (Elmstead); James Brown (Elmstead); Lindsay Clark (Elmstead); Mrs. Melissa Cooke (Alresford); Mr. Alan Raynor (Elmstead); P. Cowell (Elmstead); Stan Douglas (Elmstead); Martin Gatmercole (Elmstead); Martin Hopkinson (Elmstead); Leah Lisgo (Letchworth Garden City); Edgar and Heather Miller (Elmstead); Keith Robert Munden (Dunmow); Mrs. P. Parfitt (Elmstead Market); Rob & Pam Redding (Elmstead); Mrs. M. Walker (Elmstead); Mr. James Weir (Elmstead); Object to the proposed construction of a new village hall (criterion c)) as part of the development because:

- it is not necessary;
- the current community centre is under utilised and could be refurbished to meet the needs of the village;
- it is of minority usage and not justified by this housing proposal alone;
- none of the proposals for development would be able to viably achieve the requirements for new Council Housing (Policy PEO10) because of the Parish Council and other minority interest groups' unproven demands to deliver a new village hall and other facilities;
- the provision of affordable housing is more important to the village than a new village hall;
- it is simply an incentive from the landowner to gain local support for new development and achieve further development in the future;
- the provision of a village hall and other benefits is what has justified one large development in one location however there is still no comprehensive evidence that the majority of the village actually want these benefits;
- the EMCHAT survey is not an accurate measure of public opinion in the village and there is reason to believe that the majority of residents would prefer affordable housing for local people as a priority;
- moving the village hall to Holly Way would be like moving the centre of the village to the outskirts;
- it will become a magnet for the youth of the village; and
- alongside the housing it will generate even more traffic movements in Meadow Close.

Jarrad Beddow (Elmstead); Stanley Beecham (Elmstead); N. J. Brock (Elmstead); S. Denby (Elmstead); Judith Dyson (Elmstead); Mr. & Mrs. Graves (Elmstead); Clare Hopkinson (Elmstead); Miss Janet Miller (Elmstead); K. J. Peach (Elmstead); Rob & Pam Redding (Elmstead) Mr. Michael Willis (Elmstead); Mrs. Lisa Willis (Elmstead); If the development does happen, there should be an alternative access point from Tye Road.

Joy P. M. Bell (Elmstead); V. Buckley (Elmstead); Dr. Natalie Caveney (Elmstead); Mr. Craig Caveney (Elmstead); Ellen Chubb (Elmstead); Mrs. Y. M. Collen (Elmstead); Tina Coyne (Elmstead); Mrs. S. Izard (Elmstead); Viplove Knightheart (Reading); Mrs. Christine Mitchell (Elmstead); E. A. Moore (Elmstead); Ann Parker (Elmstead); Richard Parker (Elmstead); Annette Pasotti (Elmstead); Danny Pasotti (Elmstead); Mr. Robert John Philips (Thorrington); Sasha Phillips (Elmstead); Carol Siseman (Elmstead); David Siseman (Elmstead); Mrs. Moira Turley (Alresford); Mr. A. Vaughan (Elmstead); Mrs. J. Vaughan (Elmstead); Tony Vaughan (Elmstead); George Ward (Elmstead); Holly Ward (Elmstead); Marilyn S. Ward (Elmstead); Mr. Michael Willis (Elmstead); Mrs. Lisa Willis (Elmstead); D. G. Woods (Elmstead): Support the alternative third-party proposal for development off Church Road because:

- the benefits to the village of this development are greater than those proposed at the Holly Way site;
- it would relieve the problem of traffic in Holly Way to drop off and collect children from the school;
- the developer would provide additional land for allotments;
- the primary school would benefit from the new community centre and playing field being provided close by;
- the existing properties in Church Road are larger with bigger frontages and more space for off-street parking, therefore the on-street parking problems are not as bad in Church Road as they are in Holly Way where the properties have smaller frontages;
- the Parish Council failed to communicate the full benefits of the Church Road proposal to Tendring District Council's planners and the community was not originally given a fair chance to consider these benefits;
- the developer does not need to take possession of the existing community centre, unlike the landowner for the Holly Way site;
- development would affect fewer properties and is more central being just 500 metres from the hub of the village;
- the development has the potential to provide a very attractive open space next to an existing protected area that could combine education, sport and leisure into one convenient area of the village – almost akin to a park;
- there have been two surveys, both of which have shown a very strong majority in favour of the Church Road site;
- unless the plan is changed, the village Cricket Field is vulnerable and needs to be protected as far as possible. The Church Road proposal would provide extra protection for this valuable village asset;
- there are open fields there;
- a smaller number of dwellings are proposed and therefore the infrastructure demands would be lower;
- the road access is better than Holly Way and with the addition of a pavement along the left hand side it would be safer;

- it would be a better position for the community facilities as it is in the middle of the village and people would be reluctant to walk or drive too far to a facility at the western extremity of the village (i.e. Holly Way); and
- a recent village survey showed that 68.4% were in favour of the land off Church Road, 14.5% in favour of the land off school Road and only 13.8% in favour of the land off Holly Way/Meadow Close.

Jarrad Beddow (Elmstead); Stanley Beecham (Elmstead); N. J. Brock (Elmstead); Steven Cattier (Elmstead); Lindsay Clark (Elmstead); P. Cowell (Elmstead); Stan Douglas (Elmstead); Mr. A. N. Fenner (Elmstead); Norman Fenner (Elmstead); Edgar and Heather Miller (Elmstead); Ms. Kate Pugh (Elmstead); Rob & Pam Redding (Elmstead); Mark Robert Trowbridge (Elmstead): Object to the alternative third-party proposal for development in Church Road because:

- the access road is too narrow to sustain additional traffic and is impossible for emergency services to get through;
- development in the village conflicts with the Council's own objectives through Policy SD8 to promote sustainable transport and reduce dependence on the private car;
- Church Road has no pavements;
- this proposal has been characterised by some questionable door-to-door campaigning methods which call into question the validity of the signed forms as representing independently held views;
- it would represent undesirable sprawl northwards into the open countryside;
- Church Road is already well used and additional development would be detrimental to its residents; and
- The Church Road/Colchester Road junction is at saturation point during peak periods.

Clifford Robert Ashton (Elmstead); Patricia Ashton (Elmstead); Jarrad Beddow (Elmstead); Stanley Beecham (Elmstead); Joy P. M. Bell (Elmstead); Mr. N. Bell (Elmstead); Stan Douglas (Elmstead); Judith Dyson (Elmstead); Martin Hopkinson (Elmstead); R. E. Warren (Elmstead): Support the alternative third-party proposal for development on the Winsley Charity field west of School Road because:

- development in this location would cause the least disturbance to the existing overloaded roads;
- land opposite the existing community centre would allow for longer term planning of less imbalance and impact to existing residents and give the village more balance;
- the proposed extension of Market Field School will create additional parking to accommodate people using the school, the community centre, sports facilities and allotments and also parking for the residents of the new development;
- access could be from School Road and Alfells Road therefore giving drivers a choice of route in and out of the development;
- School Road is more suitably constructed in width and Alfells Road is of a modern standard;

- it would offer a pleasant and landscaped area with potential for new path/cycle ways which could link with existing pathways to Wivenhoe;
- This land is owned by a charity which would benefit from the revenue generated from the sale of this land;
- the site could provide community housing;
- it would take traffic away from the populated north of the village; and
- it could provide for the longer term development of the village beyond this plan period.

S. Denby (Elmstead); Tony Vaughan (Elmstead): Object to the alternative third-party proposal for development on the Winsley Charity field west of School Road because:

- adding even more traffic to School Road without traffic control (lights or junction) will make an existing dangerous crossing even worse; and
- it is on the wrong side of the A133.

P. Cowell (Elmstead); Mrs. Melissa Cooke (Alresford); Viplove Knightheart (Reading); Rosealin Lowther (Elmstead); Mrs. E. Downes (Elmstead); Rob & Pam Redding (Elmstead); Mrs. Scott & Miss. Wa (Elmstead); Mark Robert Trowbridge (Elmstead) Mr. James Weir (Elmstead): Support the alternative third-party proposal for development at Grove Farm east of School Road because:

- it is more central to the village;
- it could have two exits by way of the main road in the village and the main road to Alresford which would ease congestion and make the main road safer for cars and pedestrians;
- it would provide the opportunity to build infrastructure from the ground up;
- it minimises impact on existing residents;
- it could facilitate the construction of a footpath along School Road to allow people to walk safely to the farm shop; and
- it could also provide for the longer term development of the village beyond this plan period.

S. Denby (Elmstead): Object to the alternative third-party proposal for development at Grove Farm east of School Road because:

- the site is far too big for 40 houses;
- adding even more traffic to School Road without traffic control (lights or junction) will make an existing dangerous crossing even worse; and
- development here would fail to keep the village nuclear in shape.

P. Cowell (Elmstead); Ms. Kate Pugh (Elmstead); Ellen Chubb (Elmstead); Lindsay Clark (Elmstead); Martin Gatmercole (Elmstead); Miss Janet Miller (Elmstead); Rob & Pam Redding (Elmstead Market); Mark Robert Trowbridge (Elmstead); D. G. Woods (Elmstead): The housing

requirement for Elmstead Market should be divided between a number of smaller sites around the village because:

- it would lessen the impact in one area;
- would increase the likelihood of smaller building companies showing interest in the projects and enable them to remain competitive in the current market.
- It would deliver more affordable housing; and
- It would enable the use of brownfield sites.

Norman Fenner (Elmstead): Any new village hall should be easily accessible from the main road to ensure it is well used.

Rosealin Lowther (Elmstead): There are brownfield sites in Wivehoe that should accommodate additional housing needed for Elmstead Market.

Mr. & Mrs. J. Brown: The Council should consider buying the recently vacated Kings Arms Public House in Elmstead, demolishing the present building and erecting enough flats/apartments/houses to deliver the number of homes required in the plan period.

Mr. & Mrs. R. Bond (Elmstead): Infill sites should be used to attain the required number of homes and not utilise agricultural land which will be needed to feed the ever growing population in the coming years. We are in favour of no development as infrastructure will not support further development.

Mr. Alan Raynor (Elmstead): Holly Way should be made one-way only.

Mr. Frederick Smith (Elmstead): I do not object as long as we do not get too much traffic in Holly Way.

Judith Dyson (Elmstead); Mr. & Mrs. Graves (Elmstead): An extra crossing near Oatlands would mean it would be safer for children cross to school at both ends of the village, also for people (especially the elderly) crossing to the bus stop or post box. It would also slow down the flow of traffic through the village.

Ian Caruana (Elmstead): If the new community centre was built at the northern end of the site, pedestrian access could be from Holly Way and vehicular access could be from Tye Road to ensure minimal disruption for residents. This would result in the time difference between locals walking to the community centre via Holly Way and those driving via Tye Road being negligible. If the new houses were built at the southern end of the site with access through Meadow Close, the additional cars would only drive past a handful of existing residence and not the entire village to get to their designation.

Mr. M. and Mrs. K. Hopkinson (Elmstead Market): This policy is supported.

Mrs. M. Pearce (Elmstead Market): Development in Elmstead Market is supported in principle but there are some concerns with this proposal.

- A new Community Centre is not needed immediately adjacent to the school but I would not object if one was developed.

- Traffic is likely to be a problem and extra traffic generated by this proposal is likely to enter/leave the village via Oatlands / Wheatlands, rather than the Church Road junction as envisaged, as this is usually a pain.
- A development of 40 houses, including some affordable houses, is unlikely to support the construction of a new community centre and so this is unlikely to be deliverable.
- A temporary access via Tye Road should be used during the construction period to avoid construction-traffic movements and associated hazards through the village. Tye Road would be suitable as it was improved to accommodate quarry traffic associated with the construction of the nearby reservoir.

Mrs. J. Routledge (Elmstead Market): I do not believe this is the best site for the development proposed for the following reasons:

- The vehicular access via Holly Way will add to traffic problems, especially around school start and finish times.
- The pedestrian access from Meadow Close is likely to cause parking problems, as there are few available parking places on Meadow Close and nearby Oatlands (this is especially true for those wishing to access the allotments).
- The residents were not given sufficient opportunity to comment on the proposal and there are other sites which merit consideration before a final decision is made (see further comments against the housing supply in Elmstead Market section).

Mrs. E. Downes (Elmstead); Mrs. Scott & Miss. Wa (Elmstead): Support land opposite Bottles Hall because it has better access and would be better for the village.

Mrs. J. R. Roberts (Colchester); Mr. A. Vaughan (Elmstead); Mrs. J. Vaughan (Elmstead); Tony Vaughan (Elmstead); Mrs. M. Warne (Elmstead): Alternative land from Bromley Road, which has been put forward for residential use, should be included in the Local Plan. This land has been lost to agriculture since 1974 or thereabouts and should not be classed as greenfield. This could land could provide new homes and thus reduce the amount required on other sites either at Holly Way or Church Road.

Council consideration

The proposal for housing development in the village of Elmstead Market through Policy KEY2 proved to be the most contentious issue in the Local Plan in terms of the number of representations received. Approximately 25% of all representations in response to the Local Plan related to this proposal. Whilst there are many residents who question the principle of having any development in the village at all, there does appear to be a general acceptance of the need to accommodate some growth, in line with the 'fair and proportionate' approach to distributing development across the district's urban and rural settlements. However, there is wide-spread disagreement amongst the residents of the village about which site or sites should be allocated for housing and this makes these representations all the more complicated to address.

The principle as to whether or not Key Rural Service Centres such as Elmstead Market should accommodate a 6% increase in housing stock is explored in response to comments on Policies SD2, SD3 and SD4 where the Council now proposes to replace the rigid 6% increase in housing stock for all villages with a 'sustainable, fair and proportionate approach' to development that is evidence-based and that takes local limitations and constraints into account. For all Key Rural

Service Centres with the exception of St. Osyth, it is still envisaged that an approximate 6% increase in housing stock will be achievable in the 10 year period 2014-2024 but, for the period post 2024, development is likely to be mainly focussed on 'broad locations' around Clacton, Harwich and/or West Tending/Colchester.

Turning to specific sites, the general flavour of the representations indicate a preference for the Local Plan to be amended to include land west of Church Road (a site being promoted by Knight Developments), to the north of the village, as an alternative to the proposed site off Holly Way (promoted by Wivenhoe Park Estates). However, the fact that half of the representations are identical and are simply signed by residents (of whom a significant proportion are residents of Holly Way), it would be wrong to assume that this is the general consensus of Elmstead Market's population of over 700. The Council is fully aware of an active campaign in the village to generate support for the Church Road site which has clearly skewed the results of the public consultation, much to the horror of residents in Church Road.

With that said, it is important that the Local Plan meets the tests of soundness in the National Planning Policy Framework and, given the public interest in this particular proposal, it is only right to honour the request of local people and re-examine the decision to allocate the Holly Way site with those tests in mind. In doing this, the most practical approach has been to re-examine the various site options of which there are five.

Before the re-examination of site options, there are a couple of issues of village-wide significance that have been raised by residents which including the impact of development on the character of the village and the need for a new community hall which are explored below.

Village Character

The arguments from those who suggest Elmstead Market would lose its village identity as a result of 40 new homes are noted but not accepted. Most of the development in the village is relatively modern with only the core around Colchester Road, Clacton Road and Church Road dating before the major expansion that took place in the 1960s and 70s. The following extract from the Council's Adopted Local Plan from 1998 explains the village's character and history of its growth:

"24.3.1 Elmstead Market is a larger compact village of about 630 dwellings. The majority of housing is post 1960, including large numbers of bungalows on open-plan estates. The Holly Park Estate, comprising some 240 dwellings, occupies the whole north-west of the village and is the largest area of recent housing.

24.3.2 There are, however, a number of older properties in Elmstead Market, principally dating from the 18th and 19th centuries. These are mostly grouped around The Green, Colchester Road and Church Road and include, within the inset map area, thirteen buildings listed as being of special architectural or historic interest.

24.3.3 Whilst modern open-plan estates are virtually devoid of trees, there are a few notable tree groups in older residential areas. The tree-lined northern approach to the village along Church Road is especially attractive and, in addition, certain trees in Wheatlands are already protected by a Tree Preservation Order."

This statement suggests that, if anything, Church Road is the most characteristically rural part of the village yet despite concerns about the impact of development on character, the majority of residents are calling for land in Church Road to accommodate development.

The 1998 Adopted Local Plan goes on to read:

“24.5.1 The population of Elmstead Parish has more than trebled in size in less than thirty years, rising from 854 in 1961 to 2340 in 1981, and an estimated 2500 in 1991. However, Elmstead Market village itself has grown dramatically in size from a small village of less than 200 dwellings in 1961 to some 630 dwellings in 1991. The village population in 1991 was estimated at approximately 1640 residents.

24.5.2 In the eleven year period 1981-92, 76 new dwellings were built in the parish including 62 in Elmstead Market. There were outstanding commitments on large sites, (capacity six or more dwellings), for an estimated 24 dwellings at 1 November 1992 within the defined housing settlement limits for Elmstead Market.”

This passage highlights the significant growth that took place in the 1960s, 1970s and 1980s – some 430 dwellings at an average of 14 dwellings per annum. Set against this context, the proposals for 40 dwellings over 10 years in the Draft Local Plan would appear to be relative modest and it is difficult to see how this development will undermine the character of a village that is already dominated by post-war estate development.

Delivering a New Community Hall

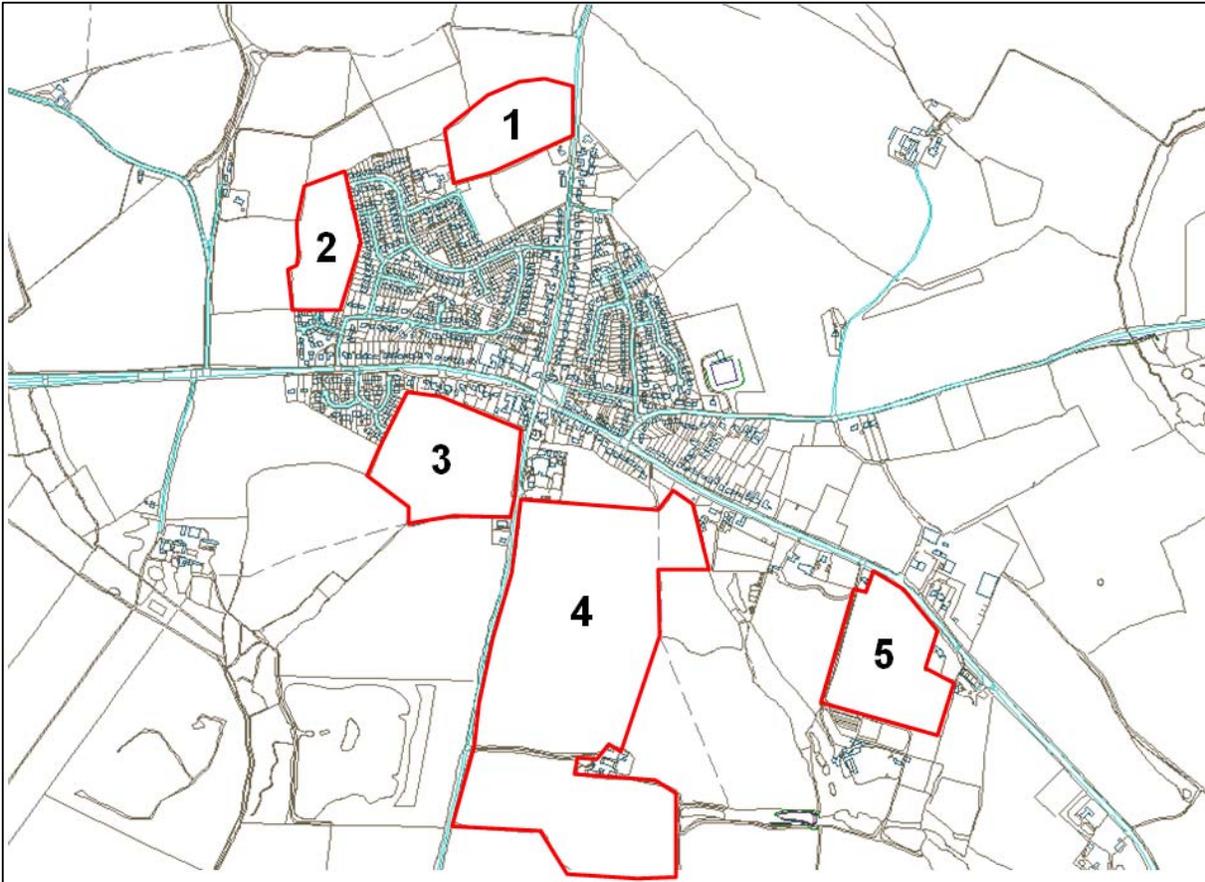
One of the objectives of the Parish Council and the local Elmstead Market Community Hall Action Team (EMCHAT) is to deliver a brand new purpose-built community hall and the Local Plan process has provided the opportunity to embrace a residential development that would enable this. The cost of constructing the new village hall would need to be borne by the landowner and therefore the Council was conscious that development needed to achieve a certain critical mass in order for it to be viable. This is the main reason why it was proposed that all 40 homes be delivered on one site.

There are a significant number of residents that suggest a new village hall is not required and that there is not justification for all the development to be accommodated by a single large site. The Parish Council and EMCHAT however claim otherwise, suggesting that upgrading the existing hall would not be cost effective or viable. In the spirit of the government's localism agenda, the Council notes the local scepticism about the need for a new village hall but does not consider it appropriate to question the Parish Council or EMCHAT's justification for wanting one and will therefore continue to support the concept through the Local Plan. The critical factor, as far as the District Council is concerned, is whether or not the project has a reasonable prospect of being delivered and, if so, which potential mixed-use development site would best placed to deliver it.

Knight Developments, who is now promoting and have acquired the alternative site west of Church Road, claims that a development of approximately 20 residential units with a new village hall will be economically viable, thanks to a good working relationship and a constructive land sale agreement with the previous landowner, but subject to negotiation with the Council on the provision of affordable housing.

Re-examination of Options

The specific site options that the Council considered as potential housing and mixed-use development sites are shown on the map below and represent proposals submitted to the Council through the 'call for sites' exercises in the run up to the preparation of the Draft Local Plan. There is a sixth option of land south of Bromley Road but because this is a smaller site not likely to accommodate any more than 10 dwellings, it is considered in a different light, as a potential windfall site, later on in this report.



Option 1: Land west of Church Road

The 'people's choice' according to the survey results is to have the development on land west of Church Road on land advocated by Knight Developments. The main reasons why this site was originally discounted was due to the questionable suitability of Church Road - a road very much rural in its character (as described in the extracts from the 1998 Adopted Local Plan above), the questionable logic of northward expansion into open fields detached from the established built up area and the questionable wisdom of 'land-locking' the existing playing fields thus preventing any prospect of future expansion. However, this judgement pre-dated Knight Developments' involvement in the site and the subsequent refinements to the proposal to provide a more detailed layout.

The more detailed proposal from Knight Developments actually incorporates land for additional playing field space immediately adjoining the existing field; land that, arguably, would not become available for recreational use without the incentive of the development. The proposal also makes provision for allotments and a community hall to the west of the site with pedestrian access near the school with a car park that could be used by parents dropping off and picking up their children (which clearly appeals to residents of Holly Way concerned about current informal arrangements).

Vehicular access to the 20 dwellings and the community hall/car park would be from Church Road and it would appear that the landowner and developer have forged a strong working relationship to ensure that, subject to negotiation on affordable housing, a development of 20 dwellings and the associated up-lift in land would be sufficient to fund the development of the new facilities.

The remaining concern over a development in this location is the impact of additional vehicular movements on Church Road and its junction with Clacton Road/Colchester Road. The developer has supplied evidence demonstrating how the junctions would be widened and improved to

address these concerns. Essex County Council in its role as the highways authority has been consulted on the proposal and has made the following comments:

“It does seem likely the promoter has control over sufficient frontage along Church Road to provide a site access to the required highway design standards. However as currently shown, there may be a problem with providing visibility to the south and therefore the proposed site access may need to be moved further north. It is not clear whether the promoter would be able to provide a footway(s) between the proposal site and the existing footway along Church Road. We would also require a safety/capacity analysis of the A133/Church Road/School Road junction to establish if the current layout would be adequate or mitigation/improvements would be required.”

From this advice, it would appear that there is scope to make the scheme work subject to even more detailed analysis and modelling – the level of work that would be required as part of a planning application.

Option 2: Land off Meadow Close/Holly Way

This is the site that was allocated in the 2012 Draft Local Plan and which attracted a considerable number of objections. The land would be accessed via an established estate road with minimal need for improvements and would represent a logical ‘rounding off’ of the settlement within close proximity of the primary school, thus minimising the need for children having to be driven to school. The community however does not accept this position and has raised a whole variety of concerns, mainly relating to highways and pedestrian safety. The main concerns raised by residents, specifically about development on this site, were:

- The potential dangers for children walking to school and playing in Holly Way resulting from more homes and more cars/construction vehicles;
- Holly Way has a cul-de-sac community feel where street parties are held for special occasions – which would be ruined if development beyond Holly Way were to take place;
- Holly Way is too narrow and bendy to accommodate additional vehicles, particularly with the on-street parking experienced during the school dropping-off and picking-up periods;
- The impact on the quality of life of residents in the retirement complex of Meadow Close;
- The likelihood of people parking in Meadow Close to access the new allotments;
- The increase of noise to residents; and
- The impact on infrastructure provision including schools, doctors and utilities.

Looking at highways, the site actually has two potential access points, one off Holly Way (as was proposed in the Draft Local Plan) and one off Meadow Close. From a pure highways perspective, the preferred point of access would be via Meadow Close to ensure the easiest and most logical exit onto (and entry from) the A133 via Oatlands. However discussions with the Parish Council and comments from Meadow Close residents, going back some years, expressed strong resistance to this approach in order to safeguard the quality of life for the residents of the retirement complex. In accepting this view, Holly Way was proposed as the principal point of vehicular access. The implication, naturally, is that residents of Holly Way were then concerned about increased vehicular movements past their properties – movements that would be much less if access via Meadow Close were to be permitted.

ECC Highways have made the following comments: *“It seems likely the site could be accessed from Holly Way and/or Meadow Close. We would also require a safety/capacity analysis of the Holly Way/Church Road junction and A133/Church Road/School Road junction to establish if the current layout would be adequate or mitigation/improvements would be required.”* This advice suggests that, from a technical perspective – subject to more detailed analysis and modelling, a development in this location could be acceptable.

The use of Holly Way for street parties which add to the sense of community in the area is noted and, whilst not really a planning consideration, it adds weight to the argument that, of the two, Meadow Close would be a better access point.

The narrow and bendy nature of Holly Way is noted although it is clear that the picking up and dropping off of school children only serves to exacerbate the problems experienced. If anything, this is an argument for having residential development as close to schools as possible to minimise the need for car trips too and from school, but we know that residents do not accept this argument.

The impact on Meadow Close residents, even if only pedestrian access via Meadow Close to the allotments and other facilities is permitted, is also noted. Disturbance during the construction phase is something that can be mitigated, but not necessarily avoided altogether, but post-construction disturbance resulting from young families and retired residents living close together is something that the Council has given considerable thought to in reaching the conclusions below.

The increase of noise to residents, again, is an implication of all forms of development wherever they take place and the Council can implement measures to try and minimise this.

Infrastructure provision is a matter of principle that would affect any of the five sites under consideration. The education authority and NHS have a duty to ensure sufficient school places and doctors are in place to serve the growing population and through planning obligations and/or Community Infrastructure Levy, the Council can obtain developer contributions towards such facilities if needed. The Council, in consultation with utility providers, is not aware of any overriding issues with utilities that might prevent a relatively modest development of 40 homes being delivered.

The above consideration suggests that, from a pure planning perspective, the Council was perfectly justified in allocating this site for residential and mixed-use development however the strength of feeling in the village has led the Council to consider making some changes, in the spirit of the localism agenda, explained in more detail below.

Option 3: Land west of School Lane

In terms of providing a sensible ‘rounding off’ of the village, being close to the village centre and having housing in a location where highway access is relatively straight forward, the site west of School Lane performs very well. The Winsley Charity who own this land have put forward a very compelling case for why their site is a better alternative for the development – an argument that is supported by a number of residents.

The comments from ECC Highways are as follows: *“It seems likely the site could be accessed from Alfells Road and/or School Road. Although there may be a problem in providing a continuous footway between the site and the A133/School Road junction. We would require a safety/capacity analysis of the A133/Alfells Road junction and A133/Church Road/School Road junction to establish if the current layout would be adequate or mitigation/improvements would be required.”* This advice suggests that, subject to detailed analysis and modelling, development in this location could be acceptable from a highways point of view.

The main reasons why the School Road site was originally discounted was due to an understanding, at the time, that the Parish Council (whose membership has changed considerably in a short space of time) was against the southern expansion of the village and concern about building new homes on the opposite side of the village would encourage the need for pupils to cross the busy main road. It is clear from representations from Essex County Council as the education authority that ensuring safe routes to school is a high priority. The local mainstream primary school is to the north of the village and on the opposite side of the busy A133. By implication, all children living south of the main road would have to cross the main road to get to the school, or else be driven – thus exacerbating concerns raised by Holly Way residents.

It is understood from discussions with residents that many do not see this as a major issue, which is somewhat surprising given the weight local people appear to be attaching to child safety in Holly Way. Logic might suggest that it would be safer for school children to walk from one end of Holly Way to the other along a footpath than it would for them to cross the A133 – but again, this is an argument that is not accepted by many residents.

Apart from this issue, land off School Lane would appear to offer a reasonable site for housing development if it were determined that sites north of the village were either unsuitable or insufficient to deliver the required number of homes.

Whilst not a fundamental reason for rejecting this proposal on grounds of suitability, the lack of developer involvement and detailed studies and layouts from the landowner at this late stage in the process suggest that development on this site could be some way off. Deliverability and developability are key issues that the Council has to consider, in line with the National Planning Policy Framework, when allocating sites in the Local Plan and, given the close performance of site options 1, 2 and 3, it would be difficult to justify allocating site 3 above sites 1 and 2 when those landowners are clearly at a more advanced stage.

Option 4: Land at Grove Farm, east of School Lane

There is a substantial area of land at Grove Farm on the eastern side of School Lane that was put forward by the landowner as part of the call for sites exercise. It is understood however that the landowner is not actively promoting a development on the site.

ECC Highways have provided the following comments: *“It seems likely the promoter has control over sufficient frontage along School Road to provide a site access to the required highway design standards. Although again there may be a problem in providing a continuous footway between the site and the A133/School Road junction. We would require a safety/capacity analysis of the A133/Church Road/School Road junction to establish if the current layout would be adequate or mitigation/improvements would be required.”*

Unlike options 1, 2 and 3, the land at Grove Farm is very much detached from the village and development in this location would not represent a logical form of settlement expansion. The site is also rather large and exposed unlike the more contained sites elsewhere on the edge of the village so there could be concerns about landscape impact and establishing a logical defensible boundary. Whilst Grove Farm might be a popular option because it does not affect many residents, this is not a sound approach to allocating land for development and this option was discounted for the above reasons.

Option 5: Land south of Clacton Road, opposite Bottles Hall

This site is some distance from the established built up area and a major residential development here would not represent a sustainable pattern of development, would only serving to encourage car journeys and social exclusion and could set a precedent for sporadic developments elsewhere. This site is therefore wholly unsuitable and was discounted for this reason.

Other Options

A number of residents have put forward other alternative options for delivering housing development in Elmstead Market. These include the intensification of smaller brownfield infill sites, the demolition of the Kings Arms Pub to build higher density flats, the use of vacant land in Wivenhoe and the development of land south of Bromley Road.

There are very few vacant sites within the built up area of Elmstead Market to a meaningful level of housing stock increase in the village and certainly not enough to help deliver the new community hall. The replacement of the Kings Arms Pub with a block of flats would be wholly out of character with the village and it is doubtful that this would receive much support from the majority of residents. The vacant use of land in Wivenhoe, which falls under the jurisdiction of Colchester Borough Council, is not an appropriate solution given that the Colchester area has its own pressures for housing development that will need to be met through its Local Plan. The land south of Bromley Road is within the Settlement Development Boundary for the village and could deliver a small number of dwellings as a 'windfall site' but is not large enough to be identified as a specific allocation in its own right.

Conclusion

The analysis above shows that sites 1, 2 and 3 are all suitable for residential and/or mixed-use development and there is very little difference between them which has made it difficult to come to a robust conclusion. Whatever choice the Council makes is likely to continue to divide opinion within the village. Sites 4 and 5 are considered unsuitable for development due to their poor physical relationship with the established built up area.

Of the three suitable sites, land off Church Road is clearly the people's choice and whilst some concerns remain about the highways impact of a development in this location, such issues would appear to be resolvable subject to more detailed analysis and modelling. The proposal is for 20 dwellings, a new community hall with associated car park, an extension to the playing fields and new allotments with vehicular access from Church Road and pedestrian access via Elmcroft to the primary school.

The landowner and developer have confirmed that this is a viable package of development and are keen to progress with a planning application at the appropriate time. The provision of a car park that could be used by parents dropping off and picking up children from the school could help address some of the concerns raised by Holly Way residents about the existing informal arrangements which are perceived to be an ever increasing danger to children. The provision of allotments on the Church Road site would also address any concerns from Meadow Close residents about people parking in their road to gain access to allotments on the Holly Way site.

Whilst the weight of public support for this scheme is arguably skewed by the high number of Holly Way residents wishing to see the allocation in the 2012 Draft Local Plan deleted, the objectives of the Parish Council and EMCHAT and the enthusiasm displayed by Knight Developments and the landowner in pulling together a viable and deliverable proposal does carry considerable weight in the Council's eyes. It is therefore proposed that the Church Road site is included in the Local Plan through focussed changes.

With that said, the Council still contends that land off Holly Way and Meadow Close is suitable for development, despite many of the local concerns and that, based on the information that was available at the time of drafting the Local Plan, was justified in allocating that site.

In recognition of the feelings expressed by residents and the support for the development at Church Road, the promoter of the Holly Way/Meadow Close site (Wivehoe Park Estate) has

taken the opportunity to review its proposals. In accepting that its scheme for 40 dwellings with community facilities has been heavily criticised by residents, it has explored the possibility of a smaller scheme that would compliment, rather than compete with, that proposed by Knight Developments at Church Road. Wivenhoe Park Estate and Knight Developments have reached an agreement by which a development of 20 homes and community facilities would take place on land off Church Road and a development of no more than 20 homes would take place on land off Meadow Close – thus fulfilling the 6% increase in housing stock of 40 dwellings over 10 years.

The Council has given this proposal careful consideration and has concluded that it would represent a suitable solution for the village as long as any development off Meadow Close is in keeping with the form of development at the retirement complex. For this reason development would be limited to no more than 20 single-story homes with an allowance for the provision of extra care housing. This should address any concerns about the conflict between families and older residents. The development would also pay for the pedestrian crossing at the western end of the village requested by many residents.

The land west of School Road promoted by the Winsley Charity is considered to be a suitable site for residential development in its own right but there are genuine concerns about the lack of connection with the primary school compared with sites to the north of the village. There are also some question marks about deliverability compared with the other sites where more detailed layouts, incorporating community halls and other facilities have been prepared by the promoters.

This approach should address all of the objections raised by Holly Way residents and supporters of the Church Road development which represent the majority of people that objected to Policy KEY2. The Council does however anticipate some counter-objections from Meadow Close and Church Road residents who will be impacted upon more by the revised approach.

The suggestions from Essex County Council are also agreed and included in the revised policy.

Outcome

Following consideration of the above comments it is recommended the following **major change (MAJ11.3)** to Policy KEY2 is proposed (additions shown as **highlighted** and deletions shown as **struck through**):

POLICY KEY2: DEVELOPMENT ~~IN~~ OFF HOLLY WAY, ELMSTEAD MARKET

Land ~~west of Church Road off Holly Way~~, Elmstead Market (as defined on the Policies Map Inset) is allocated for a mix of residential development (comprising around 20 dwellings), community uses and public open space. The Council will work with the developers (and relevant partners) prior to the submission of a planning application to ensure that ~~a~~Alongside other relevant policy requirements in Chapters 2 to 5 of this Local Plan, ~~any~~ development proposals ~~for this site~~ ~~must~~ also meet the following specific requirements:

- a) the principle point of vehicular access will be off ~~Church Road Holly Way~~ with pedestrian access only via ~~Elmcroft Meadow Close~~;
- b) the development shall deliver off-site ~~traffic calming measures~~ ~~highway improvements~~ including improvements to the junction of Church Road and Colchester/Clacton Road to the satisfaction of Essex County Council as the Highways Authority ~~and a new pedestrian crossing across Colchester Road at the western end of the village~~;
- c) the development will provide a new ~~village~~ ~~community~~ hall ~~and car park~~ at the ~~western~~

~~northern~~ end of the development with access via ~~Holly Way~~, the specification of which will be agreed with Elmstead Parish Council; and

- d) the development will set aside a minimum of 0.52 hectares of land as 'green infrastructure' that will incorporate allotments at the ~~western southern~~ end of the site (~~to minimise visual impacts on existing properties in Meadow Way~~) and public open space alongside the new village community hall and adjoining the cricket ground, to be transferred to Elmstead Parish Council for future management and maintenance, or suitable alternative management arrangements put in place to ensure long-term maintenance.

Land off Meadow Close, Elmstead Market (as defined on the Policies Map Inset) is allocated for residential development of no more than 20 dwellings that, alongside other relevant policy requirements in Chapter 2 to 5 of this Local Plan, will also be required to fund the provision of a new pedestrian crossing across Colchester Road at the western end of the village, to the specification of Essex County Council, as the Highway Authority. The development will consist of predominantly single storey or chalet bungalows to reflect the character of adjoining properties in Meadow Close and Harvest Way and can incorporate an element of specialist retirement and extra care housing.

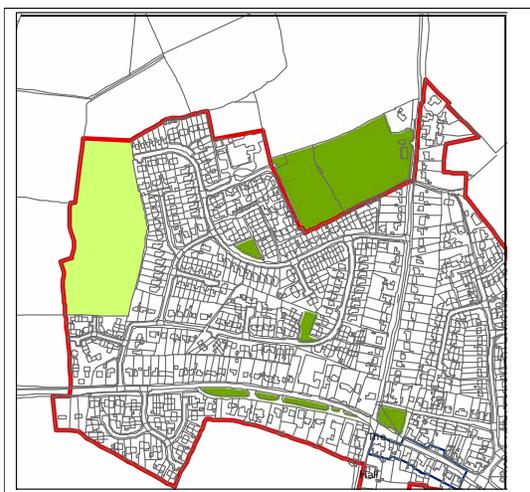
The following **minor change (MIN11.8)** to paragraph 11.21 is also proposed (additions shown as highlighted and deletions shown as struck through):

Development ~~off Holly Way~~, in Elmstead Market

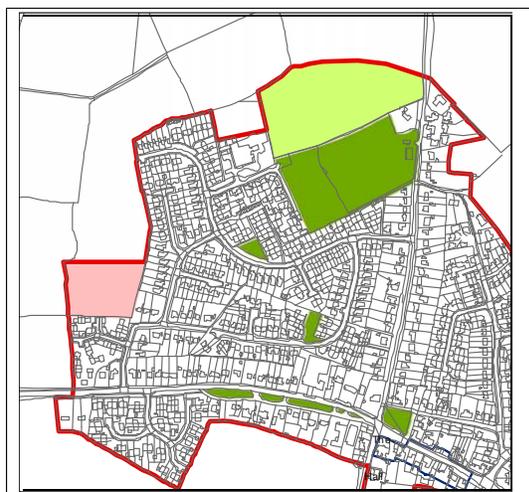
11.21 Consultation with Elmstead Parish Council has indicated the need for a new village hall, land for allotments and a safe pedestrian crossing on the main road at the western end of the village. To deliver these community benefits and deliver Elmstead Market's housing requirement, two sites in the village are allocated for development in the Local Plan. Land west of Church Road is allocated for mixed-use development and land off Meadow Close ~~Holly Way~~ is allocated for residential ~~mixed-use development in this Local Plan~~. The development will be carefully designed to minimise impacts on existing residential development and surrounding open countryside. In addition to other policies in this Local Plan and in the National Planning Policy Framework, the additional requirements set out in Policy KEY2 below must also be met.

The following change to Policies Map Inset 8 (**PM8.1**) to paragraph 11.21 is also proposed (additions shown as highlighted and deletions shown as struck through):

2012 Draft Local Plan



Proposed Change



Other consequential changes include:

- Insertion of new bullet in Paragraph 11.12 under the heading of 'Housing Supply' on pages 183 and 184 (bullet point list)
 - Land west of Church Road, Elmstead Market (See Policy KEY2 below);
- Amend the following bullet in Paragraph 11.12 under the heading of 'Housing Supply' on pages 183 and 184 (bullet point list) to read as follows
 - Land off Meadow Close Holly Way, Elmstead Market (see Policy KEY2 below);
- Amend the indicative capacity for the site 'Land off Holly Way, Elmstead Market' within Appendix 3: Estimated Dwelling Numbers for Allocated Sites (table on pages 223 and 224) to read 'Land off Meadow Close, Elmstead Market' with an indicative capacity of 20
- Add the following 'Land west of Church Road, Elmstead Market' to Appendix 3: Estimated Dwelling Numbers for Allocated Sites (table on pages 223 and 224) with an indicative capacity of 20.

Policy KEY3 – Development North of Abbey Street, Thorpe-le-Soken

(Pages 187 and 188 – including paragraph 11.22)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The catchment primary school (Rolph Primary) will be unable to accommodate the pupil product arising from this development. The County Council will therefore seek developer contributions for expansion of existing primary school provision. At present there is sufficient capacity for secondary provision to accommodate the pupil product.

Comments from landowners, developers and businesses

Bennett Homes (represented by Bidwells): We support the allocation of land at Abbey Street to provide new homes and allotments and majority of the aims of Policy KEY3 are deliverable. The requirement to provide a footpath and cycleway link between the development and Oak Close to the west is unlikely to be achievable given that there is no public access to the site from Oak Close at present. Land adjoining the site to the west is in private ownership for the entire length of the site boundary and outside the control of Bennett Homes. Notwithstanding this, the benefits of a pedestrian and cycle link to Oak Close would be marginal. We suggest that criterion d) be amended as follows:

“the development must provide a safe pedestrian footpath/cycleway through the development from Beldam’s Close in the north to Abbey Street to the south and Oak Close to the west, including links to the countryside beyond”

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Thorpe-le-Soken Parish Council: We object to the allocation of this site for the following reasons:

1. Housing stock will increase by 12%
2. There is a local need for allotments
3. Proposals suggest cul-de-sac development

Cllr A J Newman (Parish Councillor for Thorpe-le-Soken): Some history is given as to the allotment site. This proposal does not accord with the NPPF which does not allow development on allotments. In our 2010 Village appraisal 180 people out of 491 responses stated they would be interested in renting an allotment. The site covers 6.158 acres and is more than our village will ever need for allotments; I feel that 4 acres could be built on at the rear of the site.

The plans put forward by the allotments developers show just 0.4 hectares for future Allotments, but no parking facility is shown, I understand the current recommendation for our village, according to the National Allotment Association is 20 ten rod plots.

Comments from members of the public

No comments.

Council consideration

The Council acknowledge the comment from Essex County Council that the catchment Primary School (Rolph Primary) for this development is forecast to be full to capacity and that contributions would therefore need to be sought to accommodate the educational needs arising from the development. It is also noted that there is enough capacity within secondary school provision within the area to accommodate pupil product from this development. We confirm that we will work in partnership with Essex County Council, developers and other relevant bodies to ensure appropriate education provision is achieved to serve this development.

We note the support for this housing allocation on land off Abbey Street, Thorpe-le-Soken from Bennett Homes, as the developer of the site and also note their comments regarding the lack of public access to the site from Oak Close. This lack of access would make the provision of a safe pedestrian footpath/ cycleway through the development from Oak Close difficult to achieve. Whilst this access is desirable, if it is indeed the case that the entire length of the site boundary to the west of the site is in private ownership, it is reasonable that this criterion within Policy KEY3 should be amended in line with the suggestion from Bennett Homes.

Land north of Abbey Street, Thorpe-le-Soken was submitted as a site during the Call for Sites exercise, as a suggestion from third party landowners and developers, for possible housing development. Each of the sites submitted during this exercise were appraised to ascertain whether they should become allocations within the draft Local Plan. This site received a reasonable sustainability score in the Sustainability Appraisal of Third Party Housing and Employment Sites Document, 2012. This greenfield site offers the potential to provide a development of approximately 40 dwellings to help to sustain a rural settlement and its local economy. It offers links with the surrounding towns and villages with access to public transport to these settlements and direct rail links London, Colchester and the Coastal towns. The settlement itself provides a number of local employment opportunities and good access to schools. The development would have a low impact on the surrounding landscape due to the built up nature of the area around it and subject to further survey work, the development proposal offers an enhancement to a greenfield site that has low ecological value with a proportion of the site being reinstated for use as allotments. Therefore, of the greenfield sites available around Thorpe, land north of Abbey Street,

is considered to be one of the most sensible and sustainable and the Council are therefore of the view that this site should be allocated within the Local Plan as per the draft Policy KEY3.

Based on the existing dwelling stock of Thorpe-le-Soken being approximately 660 as of 1st April 2011, the development north of Abbey Street would provide a 6% increase in housing stock for the village, with around 40 homes provided, not the 12% as suggested by the Parish Council. We assume that the Parish Council is basing its view on the potential for a residential-led development at Thorpe Maltings which could deliver around 40 dwellings in its own right. If such a proposal is deemed suitable, it would be counted as a 'windfall' and the new homes would contribute further toward the supply of housing. The sustainable, fair and proportionate approach to growth, which results in a 6% increase in housing stock for most settlements, does not and should not prevent such windfall sites being considered on their individual merits.

In response to the concerns raised by Thorpe-le-Soken Parish Council that this development would be designed as a cul-de-sac, the Council believe that this development would in fact be in keeping with the existing character and settlement pattern of this part of the village. Oak Close, Beldam's Close and Rolph Close border the site and are all cul-de-sac developments. The Council are of a view that the proposed development north of Abbey Street would therefore complement the existing character of Thorpe. It should be noted that, in response to objections, major changes to Policy PEO5 'Housing Layout in Tendring' (see major change MAJ4.5) are proposed, including the removal of the embargo on cul-de-sacs. It is accepted that, in some locations, this form of development may be acceptable.

In response to both Cllr Newman of Thorpe-le-Soken Parish Council and Thorpe-le-Soken Parish Council itself, the Council agree that there is a need for allotments in Thorpe. We therefore refer respondents to point f) of Policy KEY3 which states that a minimum of 0.5 hectares of land will be set aside for green infrastructure, 0.4 hectares of which will form allotments, to be transferred to the Parish Council for future management. The site is a former allotment site that is currently vacant and overgrown and so the Council are of the view that the development of this site does not reduce allotment provision in the village and instead would actually aid the delivery of new allotments that the parish needs and that would have been difficult to provide elsewhere in the village.

Outcome

Following consideration of the above comments, particularly those of Bennett Homes, it is recommended the following minor changes (MIN11.9 and 11.10) are made to the first paragraph and criterion d) of Policy KEY3 (additions shown as highlighted and deletions shown as struck through):

Land north of Abbey Street, Thorpe-le-Soken (as defined on the Policies Map Inset) is allocated for residential development and new allotments. The Council will work with the developer (and relevant partners) prior to the submission of a planning application to ensure that Aalongside other relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals must also meet the following specific requirements:

d) the development must provide a safe pedestrian footpath/cycleway through the development from Beldam's Close in the north to Abbey Street to the south and Oak Close to the west, including links to the countryside beyond;

Policy KEY4 – Development at Willow’s Farm, Weeley Heath

(Page 188 – including paragraph 11.23)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

R.E. Giles and Sons (represented by Robinson & Hall LLP): It is noted that a large number of the suggested housing allocation sites are situated within locations far less sustainable than the proposed site at Burrs Road and require extensive infrastructure. These sites include:

- Rouses Farm;
- Walton Mere (policy FWK7);
- Bromley Road, Lawford (policy MLM5); and
- Willow’s Farm, Weeley Heath (policy KEY4).

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Weeley Parish Council: We are content with the small proposed development of 10 houses at Willow’s Farm because Weeley Heath does not have the infrastructure to cope with more, and low density housing is preferable in that rural area.

Comments from members of the public

No comments received.

Council consideration

The site at Willow’s Farm was promoted for development by the landowner during the ‘Call for Sites’ exercise and was subsequently allocated for residential development in the 2012 Draft Local Plan. Whilst the promoter of the site initially promoted a mixed-use development of housing, business units and open space, it is considered that a smaller-scale residential development would be more compatible with surrounding development and the relatively rural setting of Weeley Heath.

On 15th July 2013, this site obtained outline planning permission (Ref: 13/00412/OUT) for 10 ‘aspirational homes’ in accordance with the requirements of Policy KEY4.

In response to R. E. Giles and Sons’ comment which ultimately seeks to understand how some sites (including this site) have been allocated for housing within the Local Plan when other sites in more strategic and sustainable locations have not, including the land they are promoting in Clacton, it is important to remember that the approach set out in the Local Plan is based on the outcome of local consultation which indicated support for a strategy that distributed growth fairly and proportionately across all settlements in the district, both urban and rural. The site at Willow Farm features as an allocation in the Local Plan as it is considered to be suitable, available and deliverable, particularly when considered against other sites promoted in the village.

As demonstrated in the Council's Strategic Housing Land Availability Assessment (SHLAA) a high number of sites were promoted for development in and around Weeley/Weeley Heath which indicates the level of interest in this location from landowners and developers. The SHLAA concludes that there is potential for this location to be considered as an option when reviewing the Local Plan to meet the district's longer-term housing requirements, depending on what the strategy for growth is at that time.

A number of objections were received against the principle of 'aspirational housing' and the strict requirements in Policies PEO7: 'Housing Choice' and PEO8: 'Aspirational Housing'. To address these concerns, a number of changes are being proposed to these policies to ensure they reflect latest evidence but they will still contain the thrust of one of the Council's main objectives to achieve lower density, more spacious properties to support economic growth and provide a good quality of life for its residents. As a consequence, it is proposed to amend this policy to ensure it is consistent with changes made elsewhere but the expectation will remain for the site to deliver lower density, high quality development. Weeley Parish Council's representation of support for low density development at this site is noted.

Outcome

Following consideration of the above comments it is recommended the following minor changes (MIN11.12 and MIN11.13) are made to the first paragraph and criterion a) of Policy KEY4 (additions shown as highlighted and deletions shown as struck through):

Land at Willow's Farm, Weeley Heath (as defined on the Policies Map Inset) is allocated for a development of Aspirational Housing. The Council will work with the developer (and relevant partners) prior to the submission of a planning application to ensure that Aalongside other relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals must also meet the following specific requirements:

a) all dwellings must meet the ~~definition of~~ aspirational housing ~~standards~~ set out in Policy PEO8 PEO4;

The following minor change (MIN11.11) to supporting paragraph 11.23 is also proposed (additions shown as highlighted and deletions shown as struck through):

11.23 Consultation with Weeley Parish Council has indicated that the preferred approach to housing growth in the village should be to spread the requirement over a number of smaller sites as opposed to concentrating it one location. One proposal that was submitted for the Council's consideration was the redevelopment of land at Willow's Farm, Mill Lane for a comprehensive mixed-use development of housing, business units and open space. However it was considered that, whilst Willow's Farm would be a good location for a small development, a large comprehensive development would be out of place in its rural setting and would raise major concerns over potential traffic. Therefore, land at Willow's Farm is allocated for a smaller development of Aspirational Housing (see ~~definition~~ ~~standards~~ in Policy PEO8 PEO4) to be developed in accordance with Policy KEY4 below and the requirements of other relevant policies in this Local Plan.

Policies Map 7 – Alresford

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mr. T. A. Tinneveld (represented by Stanfords): We object to the definition of land off St. Andrew's Close as a Local Wildlife Site (Policy PLA4). Although the land lies adjacent to Crestland Wood, the field subject of this representation is an area of farmland with little benefit to local wildlife.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

With regards to the objection about the proposed Local Wildlife site on land off St. Andrew's Close, readers are referred to the consideration of comments against Policy KEY1: 'Development South of Cockaynes Lane, Alresford' in chapter 11, which sets out the Council's latest position with regards to this area of land. In brief, change proposes the allocation of this site for housing and the removal of the proposed Local Wildlife Site notation (see proposed changes [MAJ11.2](#) and [PM7.1](#)).

Outcome

Removal of the Local Wildlife Site notation from land off St. Andrew's Close and allocation for housing (see proposed changes [MAJ11.2](#) and [PM7.1](#)).

Policies Map 8 – Elmstead Market

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. A. Vaughan (Elmstead); Mrs. J. Vaughan (Elmstead): We are concerned about the removal of protected open space status for the Primary School playing field and the current playing field behind the Market Field School in School Road – this seems illogical and questionable.

Council consideration

The comments from Mr and Mrs Vaughan are noted; however, when reviewing the open space notations it was decided that there was no need to include school playing fields within this notation as many are not publicly accessible and are already protected as a community facility through Policy PLA18. Furthermore, removing this notation provides the district's schools with sufficient flexibility should they wish to expand, relocate or modernise.

Outcome

No change to the Local Plan.

Policies Map 10 – Little Clacton

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Amperswick Ltd (represented by GVA Hotels and Leisure): The Firs Caravan Park should be allowed to extend eastwards by extending the Holiday Park notation and removing the Proposed Strategic Green Gap notation on an area of land to the east of the existing caravan park. We would want the Settlement Development Boundary to stay as per the 2007 Adopted Local Plan as this would be a further safeguard to the expansion of Firs Park.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Clacton Parish Council: The policies map does not show the full Parish of Little Clacton and adjacent areas. This omission is very significant when considering the proposed developments COS15 and COS16.

Only one small employment site (Policy PRO14) is shown on Policy Map 10. There are larger existing employment sites outside the Village Centre that should be shown such as ECC & BT at Plough Corner, industrial units in Grove Road, abattoir and road haulage in Lodge Road, biological nursery in Holland Road and car sales/servicing in London Road. If these sites had been included it would illustrate that there are employment opportunities in the village in addition to the many residents who are self employed or run a small business.

Weeley Parish Council: It should be noted that Connaught Road and Kempton Park are in Weeley, although they have been included on the Little Clacton Policy Map. The residents living in these roads are included on the Electoral Roll for Weeley. The confusion may have come about as it would appear that the sign indicating “Little Clacton Village” is in the wrong place.

Comments from members of the public

No comments received.

Council consideration

The concerns raised by Little Clacton Parish Council and Weeley Parish Council are noted. However, the Inset Maps are not designed to show necessarily the full extent of a Parish Council area. Instead, they are designed to show the full extent of the built up area of each settlement that is included within the Settlement Development Boundary. The main Policies Map clearly shows the whole district and what other Inset Maps should be referred to. It is always important to remember that the whole series of Policies Maps and the written statement should be read in conjunction with each other. Whilst it is agreed that the dwellings in Connaught Road and Kempton Park are within the Parish of Weeley, they are located close to the boundary of Little Clacton Parish and abut the continuous built up area of Little Clacton and so are included within the Settlement Development Boundary for Little Clacton. For practical reasons, it makes sense to show these on the Policies Map for Little Clacton, as these have been drawn to surround the main built up areas of each settlement rather than show each Parish area.

When deciding what areas to depict as ‘Employment Sites’ on the Policies Maps, only the main employment areas within each settlement were covered by this notation. However, it is important to remember that there are many premises outside these areas that still provide valuable sources of employment and which are also protected through Policy PRO14: ‘Employment Sites’. It is therefore not agreed to show these individual premises as employment sites on the Policies Map.

In response to the request from Amperswick Ltd to extend the holiday park notation eastwards, the Council wishes to support local businesses where possible, particularly ones that wish to expand but must carefully balance this with other objectives in the Local Plan. It is acknowledged that there is a strong local feeling against any encroachment of development into the green gap that lies between Little Clacton and nearby Clacton-on-Sea but extending the holiday park notation would provide some flexibility for the caravan park to expand, as it is understood there is limited space within the existing park to accommodate any further holiday units. Whilst an extension of the park would encroach into the gap, which may not be popular with some, the Council is of the view that leisure use would help to strengthen the function and character of the gap and help prevent the land being lost to permanent residential development. Furthermore, development would help provide a stronger settlement edge that can be reinforced with appropriate landscaping. Extending the notation would give a clear message that the Council would support the principle of further holiday park development in this area but individual proposals would still need to be considered in detail on their merits, against the relevant policies in the Local Plan, which would seek to ensure development is compatible with its surroundings and minimises wider impacts to the remainder of the green gap.

It is therefore agreed to extend the Holiday Park notation eastwards (and remove the Strategic Green Gap notation) to enable the caravan park to extend eastwards. The Settlement Development Boundary will be drawn tighter to exclude The Firs Caravan Park to make it clear that the Council wishes to see this area remain in use as a holiday park and is therefore not suitable for residential development (see proposed change **PM10.3**).

Outcome

Extend the holiday park notation on The Firs Caravan Park eastwards and remove the Strategic Green Gap notation from this area of land – see proposed change **PM10.3**.

Policies Map 11 – St. Osyth

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

City & Country: There should also be an extension of the Settlement Development Boundary to include St Osyth Priory. The policy identifies St Osyth Priory – as a unique rural location, but the fact is that Clacton-on-sea is only 4 miles away, and therefore we do not see St Osyth as been a rural area. St Osyth is in fact very close to many services and facilities. We believe that the Local Plan should drop the reference to Rural in their title - so they are called “Key Service Centres” and as said greater housing numbers should be promoted in this area.

The Settlement Development Boundaries in several places including St Osyth cover the back of houses gardens that mean this would allow people to parcel up their gardens in the search of development in areas that are not suitable for house building or other forms of development.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

St. Osyth Parish Council: We accept the removal of the Development Limits from the corner of Mill Street to Lee Wick Lane. Additionally, as it is now understood that as better protection will now be afforded to Point Clear Bay and St. Osyth Beach, both of which are in known flood risk areas, any development is very unlikely to be permitted.

Comments from members of the public

Barbara Norris (St. Osyth): The settlement development boundary has been removed from Mill Street and Overdam. This could possibly allow building in these areas and should therefore be reinstated as per the 2007 Adopted Local Plan.

Council consideration

The comments of support are noted and welcomed.

The comments from City & Country relate to the promotion of development at and around St. Osyth Priory to enable its restoration, which is considered in the responses to chapter 11 – Key Rural Service Centres.

Ms Norris's comments regarding the removal of properties in Mill Street and Overdam from the Settlement Development Boundary are noted but these were removed as these properties were not considered to be part of the continuous residential built up area of the village. This approach has been applied consistently across all settlements in reviewing the Settlement Development Boundaries.

Outcome

No change to the Local Plan.

Policies Maps 11a and 11b – Point Clear East and Point Clear West

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Save Our St. Osyth (SOS): There appears to be completely irrational and contradictory reasons for the changes to the SDBs relating to Mill Street/ Overdam and Chisbon Heath. There appears to be no logic in the proposed changes.

We see no reason for the widening of the SDB along Point Clear Road. This now includes the extensive rear gardens and would lead to many applications for 'backland development' which, to date, TDC have opposed.

These SDBs should remain as they were in the 2007 District Plan.

Comments from members of the public

P. M. Hendy (St. Osyth): OBJECT to the inclusion of Maps 11a and 11b in the Local Plan because:

- the areas shown do not need to be defined within Settlement Development Boundaries;
- the widening of the SDB to include the rear gardens/ land contravenes Backland Development constraints, upheld by TDC since the 1980's.

David Chadbourne (St. Osyth); Frances Hearn (St. Osyth); S. John Wrigley (St. Osyth); Mr. Alfred Norris (St. Osyth); Barbara Norris (St. Osyth); Mrs. Patricia Cunningham (St. Osyth); Beverley Lynn (St. Osyth); David & Fiona Lawton (St. Osyth); Mr. M. T. Joyce (St. Osyth); Mr. & Mrs. Merrill (St. Osyth); Mrs. Wendy & Mr. Terence Charles (St. Osyth); P. M. Hendy (St. Osyth); Mrs. L.

Westripp (St. Osyth): OBJECT to the inclusion of Point Clear Bay Holiday Settlement within the Settlement Development Boundaries because:

- it is in a flood risk area;
- it is in the sensitive coastal protection area;
- the 300+ chalets that occupy the site are not designated as holiday accommodation through policy PRO9 (Holiday Parks);
- this is not an area of 'built development'; and
- there is no public transport and all roads are unadopted.

Barbara Norris (St. Osyth); Mr. Crawford (St. Osyth): OBJECT to the removal of a Settlement Development Boundary from Mill Street and Overdam as was shown in the 2007 Adopted Local Plan because it could possibly allow building in these areas.

Mr. Alfred Norris (St. Osyth); S. John Wrigley (St. Osyth); Mr. M. T. Joyce (St. Osyth); Mr. & Mrs. Merrill (St. Osyth); David Chadbourne (St. Osyth); Mrs. Wendy & Mr. Terence Charles (St. Osyth); Mr. Crawford (St. Osyth); David & Fiona Lawton (St. Osyth): OBJECT to the widening of the settlement boundary along Point Clear Road to gardens previously designated as backland.

Ms. M. Smith (St Osyth): Mill Street, St Osyth, is one of the four principle roads comprising the village and one of the oldest. It is illogical to remove the building development limits from an integral part of the village. I see no logic in this action especially compared with the identification of a new building development limit round the isolated and dispersed community of Chisbon Heath.

Widening the building development limit along Point Clear Road will now increase the potential for backland development which the Council have to date opposed.

Council consideration

In response to the concerns about the inclusion of the St. Osyth Beach Holiday Park in the Clacton Settlement Development Boundary, it is proposed to remove all holiday parks located around the periphery of settlements from Settlement Development Boundaries to make it even clearer, alongside Policy PRO9: 'Holiday Parks', that these sites should remain in leisure/tourism use and that the Council is unlikely to support proposals for redevelopment. Removing these sites from Settlement Development Boundaries makes it clear that they are not considered to be part of the continuous residential built up area where residential development is usually directed to (see proposed change **PM1.1**).

A number of comments relate to the removal of properties in Mill Street and Overdam from the Settlement Development Boundary. These were removed as these properties were not considered to be part of the continuous residential built up area of the village. This approach has been applied consistently across all settlements in reviewing the Settlement Development Boundaries.

When reviewing the district's Settlement Development Boundaries it was decided to include the whole curtilage of properties wherever possible – even if those curtilages were not included in the 2007 adopted local plan. This is to help provide a clear distinction between the built up area and the open countryside beyond – following defensive physical boundaries where ever possible. Whilst concerns about possible backland development are noted, it is considered that there is sufficient protection against inappropriate forms of development in the Local Plan – in particular

Policy PEO6: 'Backland Residential Development' and Policy SD9: 'Design of New Development' which requires all new development to be well designed and relate well to its surroundings.

Outcome

Remove St. Osyth Beach Holiday Park from the Clacton Settlement Development Boundary – see proposed change [PM1.1](#)

Policies Map 12 – Thorpe-le-Soken and Thorpe Station and Maltings

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Adrian Fuller (represented by Tim Snow Architects Ltd): Object to the proposed extension to a county wildlife site to the south of Edward Road, Thorpe-le-Soken. This site comprises a former field now partially covered with very poor quality self seeded shrubs and trees of no importance and scrub land. It is an unattractive former open space which has been left unmanaged by its previous owner. There is no reason given for this and appears to be an arbitrary or random proposal. This proposal is therefore unjustified and ineffective and therefore neither is positive nor consistent with National Policy.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mr. G. Fuller (Frinton-on-Sea): I object to the restriction on my land at The Woodlands, Edward Road, Thorpe-le-Soken, allocated within the plan as a Local Wildlife Site (LoWS). The land is used for keeping horses and has changed considerably since the last Local Plan was put in place. The description of the land contained in the Tendring District Local Wildlife Sites Review is no longer accurate. The area is currently not included as a LoWS and I see no reason why this restriction should now be applied.

Council consideration

With regards to the objections about the proposed County Wildlife site affecting land to the south of Edward Road, this falls within the wider area of land referred to as 'Upper Holland Brook, Lt Clacton/Gt Holland' identified within the Council's 2008 Local Wildlife Site Review document as an area containing an important plant species and so is protected from development in the Local Plan. However, it is accepted that this study only provides a 'snap shot' in time and so should the situation ever change the position will be reviewed in future local plans. Additionally, should an

application be submitted for development and it was considered that the situation had changed then the onus would be on the applicant to demonstrate this as part of the application.

Outcome

No change to the Local Plan.

Policies Map 13 – Weeley and Weeley Heath

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Park Resorts Ltd (represented by GVA): With respect to Weeley Bridge Holiday Park, we note that the adjacent land to the north is designated as countryside and that this is as per the adopted local plan. However, we request the inclusion of at least a triangle of land to the north. Without such a designation, whilst the Draft Local Plan Policy PLA5 does make it easier subject to landscape conservation & enhancement, to extend holiday parks into the countryside, Park Resorts would have no certainty that preparing and making a planning application would be worthwhile. For this reason, we have to object to the designation of part of the land to the north of Weeley Bridge on the grounds that the Policy is not in accordance with the NPPF in respect to paragraphs 154 and 157. We request that the countryside in this location is amended so as to provide for a part of the land to be included within the Weeley Bridge Safeguarded Holiday Park allocation.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Weeley Parish Council: The Policies Map shows the incorrect boundaries of Homestead Caravan Park. On the map, the boundary appears to extend down to the bottom of the gardens of Brook View and Dale Brow. This is incorrect. The south east boundaries of the site also appear to be incorrect, including within the pink area two additional, roughly rectangular areas. We are surprised to note that a flood zone is located within the Settled Development Boundary, particularly as this would seem to confer a presumption of pre-approved re-location in respect of Weeley Bridge Caravan Park under Policy PRO9.

Comments from members of the public

Mrs. S. Hubbard (Weeley); Ms. D. Blowers (Weeley): Please check the boundaries concerning Homestead Lake Holiday Park. The proposed safeguarded land comes right up to our properties. Surely we should have been informed in writing of this. Please check and verify that there has been a mistake and kindly let us know the result in writing.

Council consideration

In response to the comments regarding the boundaries of Homestead Caravan Centre, in retrospect the inclusion of additional land to the south east was a cartographical error and so it is agreed that the Holiday Park notation should be amended to better reflect the actual boundary of the caravan park.

The comments from Weeley Parish Council regarding the inclusion of the Weeley Bridge Caravan Park in the Settlement Development Boundary are noted. In retrospect, it is accepted that this holiday park is not part of the continuous built up area and lies just outside the settlement in the area of open countryside between the built up area of Weeley and the adjacent built up area of Weeley Heath. It should therefore be removed from the Settlement Development Boundary. This will make it clear that the Council wishes to see this area remain in use as a holiday park and is therefore not suitable for residential development. Should circumstances change in the future then this will be addressed in future local plans. Furthermore, this should not prejudice any future proposals to extend the holiday park, which would be considered on their merits through the development management process and against the relevant policies in the Local Plan, in particular Policy PRO9: 'Holiday Parks'. It is noted that the operator of the park wishes to see the holiday park notation extended to the north, but it is not understood whether this land is in the control or ownership of the holiday park and so it would not be appropriate to allocate additional land at this stage. Proposals to extend the park will be considered on a case by case basis through the development management process.

Outcome

Amend the boundary of the Safeguarded Holiday Park notation at Homestead Caravan Park to better reflect the actual boundary of the caravan park – see proposed change [PM13.2](#).

Remove the Settlement Development Boundary from around the Weeley Bridge Caravan Park – see proposed change [PM13.2](#).

Chapter 12: Countryside and Smaller Rural Settlements

Chapter 12 – General Comments

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: In the Vision for the countryside and rural settlements, we welcome the references to the quality of the landscape; however we would welcome further references to the quality of the wider natural environment, rather than just its visual appearance.

Comments from landowners, developers and businesses

EPC-UK PLC (represented by Leith Planning Ltd): EPC-UK PLC has for many years operated as a major hazard site for the Manufacture, Storage of Explosives and Hazardous products at Bramble Island, Great Oakley. We raise objection to the lack of an enabling policy to support the continuation and viability of the operation at Bramble Island which is of national significance.

We consider it important that the need to support and protect the existing operations at Bramble Island should be given greater weight in the emerging development plan process and in this regard have drafted a proposed enabling policy which would read:

'Policy XXX Bramble Island, Great Oakley

During the continued operation of the site identified on Plan Reference XX as a Major Hazard Site, planning permission will be granted for employment development or variation of existing permissions at Bramble Island, provided that:

- 1) The development needs to be located there because of its connection with the operation of the site as a Major Hazard Site; and
- 2) The development would not extend the area affected by the Safeguarding Zones for the site.

Should the site cease to operate as a Major Hazard Site, planning permission will be granted for redevelopment proposals which secure the permanent cessation of the Major Hazard Use subject to the following:

- a) Proposals must incorporate significant environmental improvements, taking account of the Site of Special Scientific Interest; and
- b) Proposals must be sited within the existing built envelope of the site; and
- c) Development proposals must provide some opportunities for employment diversification.'

Having reviewed the proposals for growth in Great Oakley and Little Oakley we have no objection to the settlement boundaries as delineated in the plans, nor to the proposed extent of growth within these settlements and are pleased to note that the local authority have paid due regard to our earlier submissions in this regard. It is essential that the area surrounding Bramble Island is protected from proposals which will encroach onto the operations at the site which may impact upon the future viability of the business. As such we would not be in position to support additional growth proposals which would extend these settlement boundaries any closer to the safeguarding zones associated with Bramble Island.

We are surprised that the Council have not applied the approach laid out within Policy COU9 to the site at Bramble Island. We would therefore request that the Council seek to revisit this issue and if deemed appropriate to provide a comparable policy for Bramble Island to protect the operation

from encroachment. To approach the protection of Bramble Island and the Civil Technical site differently would appear to demonstrate an inconsistency on behalf of the Council and hence would raise concern on the soundness of the Plan. We do not consider that the Local Plan as drafted is sound on the basis that it is not consistent in its approach to the protection of certain sites and uses. Furthermore, the Council have not proposed a policy for Bramble Island which would seek to positively promote the growth and protection of the operations at the site. The Local Plan as currently drafted is not sufficiently positively prepared in relation to the protection and promotion of the activities at Bramble Island. The insertion of the proposed enabling policy and the insertion of a policy for Bramble Island comparable to Policy COU9 would overcome our objections and would result in a sound plan which would be in a position to support.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Mrs. S. Woodman (Ardleigh): I strongly object to comments relating to residential development outside of settlement development boundaries generally being resisted. Private residential development cannot surely be limited to within defined or extended boundary limits. Some controlled development within the countryside is essential for the growth of Tendring during the term of the new plan. This development, of course, should be closely controlled and all of the other policies within the plan taken into account. However, it should not be limited to the requirements for affordable housing and growth for the rural economy. The draft plan suggests that the ageing population of the district is linked to the potential decline of the local economy, and so the Council should be actively promoting limited new development within the countryside, to encourage future generations and local businesses to reside there. Rural areas also need to grow and develop sensitively, to maintain their uniqueness and survive. Otherwise, in time, they simply diminish and often become just a thoroughfare for neighbouring larger towns and villages, as has happened in other parts of Essex.

I support the introduction of 'aspirational housing' in this local plan, however, this section of the plan seems to contradict points a-g of Policy PEO8 and so appears ambiguous. Surely each application should also be judged on its own merits, in line with the NPPF and Policy SD1, with a 'presumption in favour of sustainable development'.

Council consideration

The Council notes the representations made in support of this section of the Plan in relation to the Countryside and Smaller Rural Settlements.

The comments from Natural England are noted. However, it is not agreed that specific reference needs to be made in the vision in this section to the importance of the natural environment as the general vision contained in Chapter 1 of the plan already highlights this.

As detailed within the proposed paragraphs 12.9 and 12.10 of this Chapter of the Draft Local Plan, the Council are of the view that development outside Settlement Development Boundaries should generally be resisted. Therefore whilst we agree with comments made by Mrs Woodman that some controlled development within the countryside is important to, for example, bring about positive growth in the rural economy or to provide affordable housing to meet local needs, we do not agree

that the overall strategy to resist development outside of Settlement Development Boundaries should be changed.

Indeed, in accordance with the National Planning Policy Framework and the presumption in favour of sustainable development it is important to help manage urban growth and deliver sustainable forms of development and the Council believe this is best achieved through the use of set Settlement Development Boundaries, with a presumption in favour of development within these boundaries. The adopted Local Plan 2007 did not establish Settlement Development Boundaries for smaller rural settlements in the District, so it is considered that this new Draft Local Plan already provides greater flexibility in helping more rural locations within the District to grow and develop sustainably through the inclusion of Settlement Development Boundaries for the Smaller Rural Settlements of the District. In accordance with Policy SD5: Managing Growth, within the Draft Local Plan, the character and openness of the countryside will be protected and planning permission refused for development, unless certain criteria can be met. It is considered that this approach should provide the flexibility required to prevent development that could damage the character and openness of the countryside whilst also helping support development, which for practical or economic reasons, cannot be located on land within defined Settlement Development Boundaries. Respondents are referred to the Council's Consideration of responses received in relation to Policy SD5 for a more detailed justification of this approach.

In response to Mrs Woodman's further concern that Chapter 12 of the Draft Local Plan contradicts the Plan's approach to Aspirational Housing in the District, again we disagree that this is the case. Policy PEO8: Aspirational Housing clearly outlines a number of criteria that must be met for a single unit of Aspirational Housing in the countryside, outside of Settlement Development Boundaries, not involving a replacement of an existing dwelling to be permitted. Essentially, this restricts development outside of Settlement Development Boundaries, in accordance with Policy SD5 and concurs with the statements made in Chapter 12 that residential development outside Settlement Development Boundaries will generally be resisted. The proposed draft paragraph 12.10 does make reference to possible exceptional circumstances where residential development may take place outside of Settlement Development Boundaries, which provides the flexibility for Aspirational Homes to be built, provided that the criteria within Policy PEO8 can be met. Respondents are referred to the Council's Consideration of responses received in relation to Policy PEO8 for a more detailed response in relation to the criteria that must be met for a single unit of Aspirational Housing in the countryside, outside of Settlement Development Boundaries, not involving a replacement of an existing dwelling to be permitted.

EPC-UK PLC, operators of a major hazard site for the Manufacture, Storage of Explosives and Hazardous products at Bramble Island, Great Oakley, have called for an enabling policy to support and protect the continued operation of their site. However, we believe that other policies within the Plan already provide sufficient protection and support of employment sites. Respondents are specifically referred to Policy PRO14: Employment Sites, which specifically protects employment sites throughout the District, including those not specifically identified as employment sites within the Local Plan.

Furthermore, EPC-UK PLC's request for a policy, in a similar vein to that of proposed Policy COU9: Safeguarding of Civil Technical Site, North of Little Clacton and South of Thorpe-le-Soken, is also considered unnecessary. Whilst the Council appreciate the safety issues present in relation to the operation of EPC-UK's site, development in the vicinity of existing industries and businesses will be considered on the individual merits of the scheme proposed; judged against the policies contained elsewhere within the Local Plan, including Policy SD9: Design of New Development, which recognises the importance of the health and safety of the community when permitting any development.

Outcome

No change to the Local Plan.

Chapter 12 – Housing Supply and Settlement Development Boundaries on the Colchester Fringe

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Lands Improvement Holdings (LIH) (represented by Strutt and Parker): The following 2 changes should be made to the Colchester Fringe Settlement Development Boundary:

- Inclusion of the whole of the Betts Factory site – if our current planning application (12/00885/OUT) is approved then the boundary should be altered. Given the Betts Factory planning application within this location and the Development Brief (2010) which has been ratified by Tendring Officers, the principle of development within this location has already been established and accepted by the Council.
- The boundary should be further extended to include the Orchard Land to provide for growth in line with the recommendation provided above for Policy SD2. Particularly given the key services and infrastructure within Colchester, a main town in close proximity to the Colchester urban fringe that falls within Tendring.

We consider that the Council should identify reserve housing sites that are suitable and deliverable to provide the necessary flexibility in housing supply and deal with the current shortfalls and those that may occur over the plan period on the basis of a plan monitor and manage approach. Therefore if the Council are minded not to allocate the site within the current Local Plan, it should be put forward as a reserve site to meet any potential shortfall in delivery over the plan period. See more detailed comments made against Policy SD2.

Mersea Homes Ltd (represented by ADPLTD): Land on the fringe of Colchester should be promoted as a major mixed-use urban extension to Colchester. The total site is in excess of 300 hectares, of which approximately 110ha are in Colchester Borough and 220ha are within Tendring District; the proposal is this site becomes a broad location for growth straddling Colchester and Tendring. The land was the subject of a sustainability appraisal, which formed part of the previous Regulation 28 response to the Council's first submission draft Core Strategy. Since that time the Council has undertaken its own sustainability appraisal of all alternative housing and employment sites, which concludes the site is sustainable as a development option.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The comments received in relation to housing omissions in the vicinity of the Colchester Fringe are from two landowners/developers who are seeking to promote their land for inclusion within the Local Plan.

The Mersea Homes Ltd site is a large area of land to the east of Colchester being promoted for a mixed-use development of 7,500 dwellings. The development of this site would represent a major urban extension to Colchester extending into the administrative area of Tendring and the Parishes of Ardleigh and Elmstead. In principle, this is a highly sustainable location and, if not for the presence of the administrative boundary between the two districts, would be an obvious option for future strategic growth. Indeed, this was the largest site promoted for inclusion within the Draft Local Plan and whilst a development of 7,500 dwellings could easily be accommodated on this large site the scale of development proposed in this location is not in accordance with the Draft Local Plan's spatial strategy and is unlikely to be deliverable within the plan period due to the high infrastructure costs, particularly if the development would also be required to pay for major highway infrastructure. For any large-scale development in the western part of the district to come forward this will require joint strategic working between Tendring District Council and Colchester Borough Council to ensure the impacts of such a proposal are kept to a minimum and that it helps to deliver the strategic priorities for each authority. The Council's Strategic Housing Land Availability Assessment (SHLAA) identifies the potential for the site and that it will be worthy of consideration as part of the next Local Plan review but would need to be proposed jointly by Colchester Borough Council and Tendring District Council. This approach is reflected in the proposed changes to the Local Plan's spatial strategy (see [MAJ2.1](#), [MAJ2.2](#) and [MAJ2.3](#)). For more detailed consideration of this issue, see the responses to comments raised in relation to the Local Plan spatial strategy and housing supply (Policies PEO1 and SD2).

Lands Improvement Holdings is requesting an amendment to the Settlement Development Boundary to include the whole of the Betts Factory site within the boundary in order to bring it in line with the current planning application (that is pending consideration) and is also promoting an area of land to the north, known as 'the Orchard Land' for housing development. In response to the request to include the whole of the Betts Factory Site within the Settlement Development Boundary for the Colchester Fringe area, it is important to note that a large proportion of this site falls under the jurisdiction of the neighbouring Local Planning Authority, Colchester Borough Council. It is therefore not possible to include the part of the site that is within their boundary within our Local Plan. With regards to the parts of the site that fall within the Tendring District, the developer is requesting the inclusion of a strip of land along the northern edge of the Betts Factory site within the Settlement Development Boundary and a small amendment to the eastern edge to bring it in line with the current planning application site area. It is agreed to include the northern strip of land within the Settlement Development Boundary but the amendment proposed along the eastern edge is not agreed as this area of land lies within the adjacent SSSI and ancient woodland and inclusion would infer a presumption in favour of development, when in fact we would seek to protect these important designations. It is therefore not agreed to amend the eastern edge of the Settlement Development Boundary. As these designations are not determined by the Council the Local Plan process is not the appropriate opportunity to amend these boundaries. Should circumstances change in the future then this would be reflected in future Local Plans. In retrospect, it is also considered sensible to tighten the southern edge of the Settlement Development Boundary to remove the strip of land affected by the SSSI designation (see proposed change [PM6.1](#)).

With regards to 'the Orchard Land', the site is situated just outside of the proposed Settlement Development Boundary for the Colchester Fringe area. Again, whilst the location is generally regarded as sustainable in principle, the scale of the proposed development would not be large enough to justify the same level of infrastructure as the above proposal would be able to generate and further expansion of the Colchester urban area into Tendring is currently not supported as part of the growth strategy in the Local Plan. As referred to above, the Council will carefully consider the option of this broad location for growth as part of the full evidenced review of the Local Plan to consider the district's longer term housing requirements. No change is therefore proposed to the Settlement Development Boundary with regards to this area of land.

Outcome

It is proposed to amend Policies Map 6: 'Colchester Fringe' to amend the Settlement Development Boundary, Ancient Woodland and SSSI notations around the site through proposed focussed change [PM6.1](#).

Chapter 12 – Housing Supply and Settlement Development Boundaries in the Countryside and Smaller Rural Settlements

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Ardleigh:

Omnivale Limited (represented by Antony Aspbury Associates Limited): We support the extension of the village envelope.

Notcutts Limited (represented by Pomery Planning Consultants): We support the inclusion of the former Notcutts Garden Centre in Station Road, Ardleigh into the settlement boundary. However, the precise boundaries of this should be amended to follow the current planning application site boundary (see also comments made against Policy SD4).

Mr. S. Naylor (represented by Lawson Planning Partnership): Our client wishes to convert and redevelop a timber framed barn in his ownership, Broomhangings Farm Barn, Crockleford Heath. The scheme would comprise a high quality development involving a Class B1 business with associated living accommodation as part of a live-work unit. The proposal would introduce up to three new jobs within the District.

Balls Green:

Mr. O. Barber (represented by CSJ Planning Consultants Ltd): The inclusion of Frating, Great Bromley and Little Bentley/Bromley within the smaller rural settlements is accepted. We support the new extended settlement boundary at northern Frating in the first instance but the boundary should be further extended to include our land at Marks Farm.

Beaumont-cum-Moze:

Mrs. M. Peirson (Thorpe-le-Soken): The whole of Chapel Road, Beaumont-Cum-Moze, including our land, should be included within the village envelope and therefore be eligible for building (as shown on map accompanying representation).

Bradfield:

Mrs. Hooks & Mr. Stock (represented by Robinson & Hall LLP): We support the inclusion of land at Windmill Park, Bradfield within the Settlement Development Boundary.

Mr. G. Bliss (represented by Bidwells): Supports the extension of the Settlement Development Boundary to include land at the Orchards, Barrack Street, Bradfield. This land is available for development and there are no known constraints which would prevent it coming forward to provide a small scale scheme for new family housing to help support and enhance existing services in the village. Initial discussions held with the Highway Authority suggest that further development off Barrack Street is likely to be acceptable without the need for further highway works.

Mr. D. Mitchell: The Settlement Development Boundary for Bradfield should be amended to include land east of the Street (site plan provided). The area is now a derelict plum orchard which I am no longer able to manage and understand that some members of the Parish Council have expressed a view in favour of development in this area.

Mr. J. Lockwood (represented by Stour Valley Design): The Settlement Development Boundary for Bradfield should be amended to include land at Triangle Cottages, 1 & 2 Windmill Road. These had been used for residential purposes for over two hundred years and lies between two existing properties that are within the current boundary. Any development would be minor infill on a previously residential site and would not result in any loss of amenity or overbearing impact on either of the neighbouring properties.

NNC Homes (represented by Edward Gittins & Associates): We support the inclusion of land at Steam Mill Road, Bradfield, within the Bradfield Settlement Development Boundary for housing development. The site is available for housing immediately. This disused reservoir and waterworks constitutes previously developed land as defined in NPPF Annex 2. Redevelopment of the site for housing is thus considered a sensible proposal and would help reduce the need for additional greenfield releases elsewhere within the District. We are also pleased to see the inclusion of established ribbon development on the eastern side of Straight Road within the SDB as this will create opportunities for land assembly and improved pedestrian linkages between the new housing and the rest of the village.

Wright Ruffell Cameron (represented by Roger Wright): The Settlement Development Boundary should be extended to include land to the rear of Zakros, Windmill Road, Bradfield to allow residential development that would comply with the Council's backland development policy. This area should be included as:

- The resultant gardens for the proposed and remaining gardens are above the minimum amenity space standards set out in PEO4.
- The proposed work would be via a "private drive" with access from off Windmill Road between Zakros and Lavender Cottage.
- The neighbours to Zakros will be providing the land for the development, so they will not be unduly disturbed.
- The private drive designed for access could be extended at a later date to the North and take in more of the land available.

- The proposed development of 5 bungalows would not be out of character with the surrounding area and will give the ageing local population some sensible ground level accommodation, within walking distance of the local shop and post office.

Bromley Cross:

Mr. R. Steward (represented by Robinson & Hall LLP): Land to the northeast of Ardleigh Road, Bromley Cross, should be included within the housing allocation for Ardleigh. The site is a rectangular plot of agricultural land located to the north east side of Ardleigh Road and is situated immediately adjacent to the settlement limits for Bromley Cross. There are residential dwellings to the south east and south west of the site fronting Ardleigh Road and the layout of the proposed dwellings would follow on from the existing ribbon development across the site frontage and up to the junction with Mill Lane. It is anticipated that 6 dwellings could be provided as detached or semi-detached houses, similar in scale and design to other dwellings fronting Ardleigh Road. The hamlet of Bromley Cross is an active community situated in a sustainable location on the main B1029, with regular bus services passing through the village. It is also noted that the Council has extended the settlement limits to include other land fronting Colchester Road.

The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Frating:

Wentworth Developments Ltd (represented by E+M Design Partnership): The small area of land to the rear of the Snooty Fox Public House (the subject of recent planning application 12/00614/OUT) should be included within the Settlement Development Boundary to enable the construction of five 3-bedroom chalets. The Settlement Development Boundary for Frating has only been relaxed to incorporate existing properties, rear gardens and employment areas – none of which would appear ideally suited for further residential development to meet the 6% increase (11 dwellings) proposed for this area.

Great Holland:

A H Brown Farms (represented by Edward Gittins & Associates): Land at Larges Farm, Rectory Road, Great Holland should be included within the Great Holland Settlement Development Boundary. The site comprises outbuildings once associated with Larges Farm but now in separate ownership. The site is currently accessed by way of a farm access road from the junction of Rectory Road with Main Road B1032. This access also serves an electricity sub-station and adjoining farm land.

In view of the position of the access, which generates slowing and turning movements directly on the junction, a detailed assessment of the current access in terms of its suitability to serve up to 5 dwellings and the opportunity to provide an alternative access, was commissioned from Intermodal Transportation Ltd. Their detailed recommendations advise the provision of a new access 59m to the north so that the access falls fully onto the B1032 Main Road and there is sufficient separation of this access from Rectory Road.

The site could provide a small housing scheme for 4 village houses with associated open space and a new access. A redefined Settlement Development Boundary would include the access within the SDB and also provide access to the sub-station and farm land enabling the existing farm access to be closed. The new access therefore represents a highway safety gain. The proposed open space area extends to 0.10 ha and will include the currently run-down roadside pond and the

creation of an attractive landscaped area at an entrance to the village. The proposed layout provides for landscaping along the northern edge of the site which will further integrate the development into the wider landscape. The proposed inclusion of a developed farmstead site and associated land within the SDB will deliver a sustainable housing scheme with community benefits arising from the open space and highway safety improvements.

Mr. J. Gilbert (represented by Robinson & Hall LLP): Support the inclusion of land forming part of Lion's Den, Little Clacton Road, Great Holland within the Settlement Development Boundary, which is suitable for residential development. Notwithstanding the criticism of the Council's policies towards the allocation of housing sites elsewhere, the consideration of a small scale development site is seen as both appropriate and reasonable for Great Holland. The Policies Map for Great Holland suggests including the land formerly used as the car park to the public house which ceased use more than 10 years ago. This land is a brownfield site and would accommodate two bungalows fronting Little Clacton Road. Although the access is close to a road junction, it will be replacing the access used for approximately 20 vehicles when the public house was in use. The inclusion of this land within the settlement boundary is supported as it will provide for an appropriate increase in residential development on a brownfield site that will sustain the existing level of services yet not prejudice the overall character and nature of the settlement.

The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Great Oakley:

Chelmsford Diocesan Board of Finance (represented by Strutt and Parker LLP): We support this policy and the inclusion of our allotment land in the Great Oakley Settlement Development Boundary. This provides an opportunity to take forward proposals to meet housing and local community requirements for the village working with the Parish Council, other landowners and key stakeholders. However, the boundary should be further amended to include land to the north of the settlement. We consider it would be important to also include this area of land so that there is flexibility to the District and Parish Council in terms of delivering housing requirements and related community benefits.

Cooper Brothers (Wix) Ltd (represented by Robinson & Hall LLP): Support the inclusion of land at Red Barn Farm, Red Barn Lane, Great Oakley within the Settlement Development Boundary, which is suitable for residential development. Notwithstanding the criticism of the Council's policies towards the allocation of housing sites elsewhere, the consideration of a small scale development site is seen as both appropriate and reasonable for Great Oakley. The Policies Map for Great Oakley suggests including the existing farm yard which comprises two redundant farm buildings. With the farm operations now taking place elsewhere within the district, and with the unsuitability of the two barns for modern farming practices, we have contemplated alternative commercial uses. However, the proximity of other unrelated residential properties in close proximity has caused some doubt whether such uses would be appropriate. Each of the buildings are of a substantial size. The inclusion of this land within the settlement boundary is supported as it will provide for an appropriate increase in residential development on a brownfield site that will sustain the existing level of services yet not prejudice the overall character and nature of the settlement.

The site has an existing vehicular access which meets the highway requirements to serve a development of approximately 5 detached or semi-detached houses. This development will be able to follow the prevailing character, appearance and pattern of development in the vicinity. Depending on the number, position and layout of dwellings, it is considered that any adverse

impact upon the amenities of neighbouring dwellings will be negligible. The site is not in an area of flood risk or other policy constraints and therefore will be appropriate for residential development.

The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Hare Green:

Mr. and Mrs. G. Bennett (represented by Robinson & Hall LLP): Land off Back Lane, Hare Green, Great Bromley should be included within the Settlement Development Boundary and developed for housing.

The site is an irregular shaped plot of rough grazing land extending to 1.3 hectares which is located to the west of Back Lane East and backs Strutt's Farm. The site is next to the defined settlement boundary and falls outside any area of policy constraint. To the north of the site is an existing boundary of mature trees and beyond this is the A120. Access and egress to and from the site would be via Back Lane East. The site is an ideal location for new residential development as the boundary treatment to the north and the A120 acts as a physical barrier to prevent further sprawl of the village. The boundary of mature trees will not be affected by any development proposed on this site. The site has an extensive road frontage and can accommodate at least 16 detached dwelling houses to accord with the density of the surrounding properties. At this scale, the development can include an element of social housing which currently is not available within the immediate area. The design, siting, layout and appearance of the dwellings will be in keeping with the existing prevailing pattern of development along Back Lane East. The site is in a sustainable location and is well served with bus stops along Harwich Road A604, which is within walking distance from the site and is no further in distance than existing dwellings that are located to the north of Fairfield Close and Chase Road West.

The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Kirby-le-Soken:

Stanley Jarvis Ltd: Land at the rear of no. 3 Walton Road, Kirby-le-Soken, should be included within the Local Plan for housing as there is a local need for housing shortage generally in the Tendring area; there are houses built to the Tendring refuge dump lane at Kirby; and issues regarding traffic issues at this site have been addressed through a traffic appraisal, where three possible junction options have been appraised. The preferred option being a signalled controlled junction at the junction of the B1034 The Street with Halstead Road.

Kays Properties (represented by Robinson & Hall LLP): Land east of Halstead Road, Kirby-le-Soken would be a more satisfactory alternative for housing development, as opposed to the proposed schemes for 17 dwellings fronting Walton Road and 8 dwellings on the site of the barns, opposite Devereux Farm. The land east of Halstead Road, between the existing settlement boundary on the south side of the village and up to Hill House Farm, is a larger area and would mean only a single site need be developed, which is closer to the existing village facilities and would consolidate the settlement rather than perpetuate a ribbon of housing.

The site is a rectangular plot, which is of low agricultural productive value. The area is approximately 3 hectares and the site could accommodate 25 dwellings to meet the needs of the settlement. This development will be able to follow the prevailing character, appearance and pattern of development in the vicinity. Depending on the number, position and layout of the dwellings, it is considered that any adverse impact upon the amenities of neighbouring dwellings will be negligible. The site is not in an area of flood risk or other policy constraint and is therefore appropriate for residential development.

The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Mr. N. Goss (represented by Robinson & Hall LLP): I object to the rather arbitrary scheme to continue the ribbon of housing along Walton Road, Kirby-le-Soken, where schemes for 17 dwellings fronting Walton Road and 8 dwellings on the site of the barns, opposite Devereux Farm have been proposed.

The site, located to the west side of Devereux Farm is still used for agricultural purposes and remains an important break to the end of the existing village. While the compound of Devereux Farm hides numerous commercial uses, the field proposed for development is a clear open gap and effectively defines the appropriate end to the village. The pattern of development, scale, design, layout and appearance shown upon the indicative plans would be out of keeping with the character of the village and those existing residential properties along Walton Road, and consolidate the group of dwellings and business in this locality. As more than 35 dwellings can be expected at this end of the village, it is considered that the 6% policy should be reconsidered and the extent of the settlement limits for Kirby-le-Soken redefined to an appropriate level. Otherwise the scale of development and impact upon immediate neighbours would fail to accord with the requirements of the NPPF, particularly paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will fail accord with the core planning principles as set out within paragraph 17 by creating a scheme that will be excessive and over dominate the character of this community.

Miss. C. Born (represented by Mr. D. Stebbing): My client owns land to the North of Walton Road, to the north of her property at Granary Cottage and the neighbouring property of Brick Barns, Kirby-le-Soken, which can be made available for suitable Housing development immediately. This can be achieved and secured – with certainty – by extending the Settlement Boundary of Kirby-le-Soken eastwards to include land north of Walton Road, as far as Island Lane. Kirby-le-Soken has good access to the established retail and employment centres of Frinton and Walton. It already supports a range of local facilities, and it functions in many ways more akin to settlements higher in the Settlement Hierarchy than many of the other Smaller Rural Settlements with which it is grouped. Development at this site would provide a sustainable pattern of development, close to the village centre, on land that is free of any environmental constraints – and any new housing would be developed at a density appropriate to the character of the settlement as a whole. This land can be made available for development within the first 5 years of the Plan period, to secure delivery of new housing in accordance with the necessary Five Year Supply, in contrast to a number of other sites allocated for potential development in the Draft Plan.

Little Bentley:

Mr. B. W. King: A strategy for nil development in Little Bentley is not positive; there is not a fair distribution of new development in Little Bentley. Of the sites included in the Plan, one has already been built on and the other is on a blind corner near a road junction. There should be a 1-2% per annum increase in housing, to include low cost housing for local people. There have only been two

houses built in Little Bentley in the last 12 years, with no expansion the village will become an 'old people' hamlet. Possible sites for housing in Little Bentley should not be ribbon development, should satisfy in-filling policy, should be within the village envelope and should be sustainable with all services available, including water, power and sewerage. Sites that should meet this criteria in Little Bentley and should be considered as possible sites for housing are: land at the electricity sub station, fronting Tendring Road; land at Mill House, Tendring Road; land to the rear of 'Coppins' and 'The Grange' fronting Manningtree Road; and land adjacent to 6 Manningtree Road (as shown on map accompanying representation).

Little Bromley:

Mr. S. Wilcox (represented by Edward Gittins & Associates): The opportunities for judicious infilling within the proposed Settlement Development Boundary for Little Bromley are virtually non-existent and there will need to be some adjustment to accommodate the 6% increase (3 dwellings) required otherwise it is not consistent with Policy SD5 and the text in paragraph 2.24. Land alongside Brook House, Shop Road should be included in Settlement Development Boundary because it had been included in an earlier draft of the new Local Plan and no cogent planning reasons have been put forward for excluding the site.

P. M. Manning: I would like two plots included in the Local Plan in Chequers Road, Little Bromley.

Ravens Green:

Mr and Mrs. B. Evans (represented by Robinson & Hall LLP): Land at Brampton Hall, Ravens Green, Little Bentley should be included within the housing allocation for Ravens Green. The site is an irregular shaped plot of agricultural land located immediately to the north of the defined settlement of Ravens Green. To the north of the plot is the listed building 'Red Tiles', to the east is Brampton Hall Farm. The site is flat and is laid to grass with established hedgerow and mature trees around the perimeter. A shared vehicular and pedestrian access and egress point to the site can be taken from the track which currently serves Brampton Hall Farm and Red Tiles. This will ensure that the established hedgerow and mature trees will be retained on site, minimising the visual impact in the rural area.

It is considered that the settlement development boundary, drawn by the Council is incomplete as it fails to take into account probably the most notable building within the locality, Brampton Hall, and the extensive area of commercial workshop units operating at Brampton Hall Farm. The village boundary should be extended to encompass the proposed site, which will then more properly and historically relate to the village environs.

The development of the site will be in keeping with the prevailing pattern of development that is currently drawn up in the Proposed Local Plan. The site is appropriate as it can accommodate semi-detached or detached dwellings, meeting the Council's 6% distribution of housing growth in villages in the Tendring District. The site will meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Stones Green:

Cooper Brothers (Great Oakley) Ltd (represented by Robinson & Hall LLP): Support the inclusion of land north of Stones Green Road within the Settlement Development Boundary, which is suitable for residential development. Notwithstanding the criticism of the Council's policies towards

the allocation of housing sites elsewhere, the consideration of a small scale development site is seen as both appropriate and reasonable for Stones Green. The Policies Map for Stones Green suggests a frontage site onto Stones Green Road may be supported, which would replicate the development on the opposite side of the road. This is supported as it will provide for an appropriate increase in residential development that will sustain the existing level of services yet not prejudice the overall character and nature of the settlement.

With a frontage of 80m, it is anticipated that 5-6 detached or semi-detached houses could be accommodated. This will be able to follow the prevailing character, appearance and pattern of development in the vicinity. Depending on the number, position and layout of dwellings, it is considered that any adverse impact upon the amenities of neighbouring dwellings will be negligible. The sites are not in an area of flood risk or other policy constraints and therefore will be appropriate for residential development. New access and egress points to the site will be created with adequate visibility without impacting on highway or pedestrian safety.

The site will accord with the policies contained in chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Tendring Green:

Mr. C. Richardson (represented by Robinson & Hall LLP): Tendring Heath should be included in the list of Smaller Rural Settlements and have its own Settlement Development Boundary. This relates to the promotion of land at haulage yard, Heath Road, Tendring Heath, for housing.

The site is a rectangular shaped plot that has the benefit of lawful use rights as a haulage yard, despite its close proximity to a public house and several residential properties in a small hamlet. The removal of the commercial use (and by implication the development of a brownfield site) will improve the character of the area and amenities for local residents. The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Mr. T. Blake (represented by Robinson & Hall LLP): Land adjacent Heath Road, Goose Green, Tendring, should be developed for housing. The site is a triangular plot of land located on the inside of a bend to the north east of Heath Road, south of Tendring Green. The development of this site will not prejudice the amenities of existing residential dwellings to the east. The site is within walking distance to existing village facilities. The site could accommodate either detached or semi-detached dwellings of a similar design and appearance to those adjacent to this plot. A shared vehicular access and egress point onto Heath Road can be formed to ensure the visibility splay accords with highways standards, this will minimise the requirement to remove the established hedgerow and the retention of it can also form part of the overall landscaping scheme.

The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

James Fairley & Sons (Farms) Ltd (represented by Robinson & Hall LLP): We support the inclusion of land to the north-west and north-east of Parsonage Lane, Tendring Green, within the Settlement Development Boundary for housing. Notwithstanding the criticism of the Council's policies towards the allocation of housing sites elsewhere, the consideration of a small scale development site is seen as both appropriate and reasonable for Tendring Green. The inclusion of our land within the settlement boundary is supported as it will provide for an appropriate increase in residential development that will sustain the existing level of services yet not prejudice the overall character and nature of the settlement. The sites are two triangular plots of agricultural land and are adjacent to the defined settlement boundary of Tendring Green. The inclusion of these will consolidate the development in the locality without creating an urban sprawl. Any future proposals within these sites will be able to follow the prevailing character, appearance and pattern of development within the vicinity. Depending on the number, position and layout of dwellings, it is considered that any adverse impact upon the amenities of neighbouring dwellings will be negligible. The sites are not in an area of flood risk or other policy constraints and therefore will be appropriate for residential development. New access and egress points to the sites will be created with adequate visibility without impacting on highway or pedestrian safety. The sites are in a sustainable location and within walking distance to bus stops at Heath Road B1035.

The sites will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Glebe Farm Trustees (represented by Bowen Planning): We object to the proposed Settlement Development Boundary for Tendring Green, which should include our land at Glebe Farm, which is suitable for housing.

We object to the inclusion of the two areas of land along the northern side of Parsonage Lane for the following reasons:

- The sites are on rising land at the ends of existing development. They are very visible in the landscape and have unsuitable shapes for development tapering to points at the extremities. The narrow pointed parts of the site will be unusable.
- The sites are 'greenfield' plots and development will reduce the land available for agricultural use.
- The sites have long road frontages that would be about twice the length of the road frontage to the Glebe Farm site suggested for inclusion in the SDB in the earlier Call for Sites exercise. Bearing in mind that the number of new dwellings to be located in Tendring Green is only three, an unsatisfactory form of layout would be created.
- Private garden areas that would conventionally be located behind the dwelling (as is the existing arrangement of dwellings in Parsonage Lane) would be to the side exposing all the normal garden paraphernalia such as sheds, washing lines, children's play equipment etc. to view. This will extend the harmful effects of urbanisation and will have a detrimental visual impact on the surrounding countryside.
- The sites do not have any significant existing landscape structure on the boundaries and any development would be open to view especially from the B1035 Heath Road and Chapel Lane respectively.

- The sites are located at the wrong end of the settlement. There are large industrial and farm complexes to the east of the B1035 Heath Road which extend the built-up character of the area to the south.

We also object to the inclusion of properties on the west side of Heath Road. The rear boundaries of the existing dwellings would be extended into the countryside with a detrimental impact on visual amenity. The enlargement of the gardens does not appear to follow any natural limits.

There is no sound reason why this area should be included whilst Glebe Farm is excluded. Indeed, there is an argument that Glebe Farm has a much better landscape context and so would be less prominent in the countryside.

Glebe Farm is a far more sustainable site for residential development than the other areas of land included in the SDB as it will not add significantly to a sense of urbanisation. Reasons for the inclusion of Glebe Farm within the SDB are as follows:

- In the past, parts of Glebe Farm have been in commercial use with planning permission being granted for mechanical repairs and servicing of motor vehicles including bodywork paint spraying and storage of vehicles in association with the use. Any development would, therefore, occur on previously-developed land in keeping with Government policy.
- The site has a strong landscape structure and development could be easily absorbed into the surroundings.
- The site is closer to the Tendring Primary School and other facilities.
- Services available on-site include, electricity, mains foul and surface water drainage and a mains water supply.
- The site is presently lying idle and its development would make efficient use of land resources.
- The site has an existing access to the main road network.

Chelmsford Diocesan Board of Finance (represented by Strutt and Parker LLP): Land west of Chapel Lane, Tendring Green, should be included within the Settlement Development Boundary. This extension of the settlement boundary would also provide the opportunity to create a legible development edge along the B1035 and Chapel Lane.

Thorpe Green:

Mr. M. Stobbs (represented by Robinson & Hall LLP): Land to the north-west of Golden Lane, Thorpe-le-Soken, should be developed for housing. The site is a plot of land to the north west of Golden Lane that has not been used for agricultural purposes for many years. The site is unkempt and is bounded by established trees and native hedgerow with an existing access and egress point onto Golden Lane. The site is surrounded by existing residential dwellings in a sporadic manner. It is considered that the site is suited for a small cluster of private and affordable housing similar in character to the dwellings to the south east and south west of this site. Any development on this site will have regard to the rural nature of the area and will ensure that the existing trees and native hedgerow will be retained and maintained. The site is within walking distance to bus stops for services to Clacton, Colchester and Thorpe-le-Soken and is therefore considered suitable and sustainable in terms of location. The proposal will also be achievable and deliverable as required by the NPPF.

Thorpe Station and Maltings:

Adrian Fuller (represented by Tim Snow Architects Ltd): While supporting the conservation of Thorpe Maltings the settlement boundary in the vicinity of Edward Road has been redrawn tightly around the existing built structure whereas it previously followed the line of the conservation Area which appears to be unchanged. It is recognised within the various documents prepared in relation to the Conservation Area the importance of Edward Road and the desire for improvements. This seems to be confirmed because of the retention of the conservation area. Environmental improvements to this area are only going to be achieved by granting enabling development and effectively preventing development by the proposed position of the settlement boundary will considerably reduce the opportunity for the area to be enhanced.

Thorrington:

J. P. Phelan (represented by Robinson & Hall LLP): Land off Church Road, Thorrington, should be developed for housing. The site is a rectangular plot of land located to the north east side of Church Road, close to the railway crossing. The site is currently laid to grass with established hedgerow and mature trees planted on the south eastern boundary and on the road frontage of Church Road. Existing development lies to the north and south. The site is in a sustainable location with bus stops within walking distance on Station Road and is in close proximity to the main village facilities and those in the surrounding satellite villages. The site is well suited to rural housing and can accommodate semi-detached or detached dwellings. The pattern of development, scale, design, layout and appearance would be in keeping with the existing residential properties along Church Road and Station Road and consolidate the group of dwellings and businesses in this locality. The site will accord with the policies contained in chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Mr. R. Long (represented by Robinson & Hall LLP): Land adjacent to Cross Farm, Station Road, Thorrington, should be developed for housing. The site is a rectangular plot of land located to the west side of Station Road. The land is no longer used for agricultural purposes and remains as a scrub area of paddock. It has an established hedgerow and mature trees across part of the frontage. Cross Farm comprises a bungalow which is not occupied in connection with any agricultural activities. It is the penultimate dwelling leading from Thorrington Cross road junction, with an almost continuous line of dwellings, worship hall and former farm buildings. Immediately opposite is a continuous ribbon of housing that features on all three sides of the triangle formed by Church Road, Station Road and Clacton Road.

The site is in a sustainable location with bus stops within walking distance on Clacton Road. The site is also in close proximity to existing village facilities and those in surrounding satellite villages. The site is well suited to rural housing and will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Mr. D. Edwards (represented by Robinson & Hall LLP): Land adjacent Edwards Drive, Thorrington, should be included within the Settlement Development Boundary and developed for housing and land on the south side of Clacton Road should be deleted from the Settlement Development Boundary.

The site is in two parts: phase 1 would include the access from Clacton Road adjacent to Edwards Drive. This would enable the development of the remainder of the field from which the social housing scheme was recently developed. The second area would be immediately to the rear of phase 1 and adjoin the development in Clover Drive and Hazel Close. This would also adjoin the existing area of open space and afford the opportunity to improve this space with additional facilities for local residents. It may also be possible to provide an alternative means of access to Clover Drive and/or Hazel Close which avoids the junctions of Chapel Lane and Church Road with Clacton Road. The site is in a sustainable location with bus stops within walking distance on Clacton Road. The site is also in close proximity to existing village facilities and those in surrounding satellite villages. The site is well suited to rural housing. The pattern of development, scale, layout would be in keeping with the existing residential properties in the area, while a contemporary approach to consolidate the development at Edwards Drive could be imaginative and highly successful.

The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Immediately opposite the site and on the south side of Clacton Road land has been included within the settlement limit for ribbon of housing. This land is largely open and provides considerable degree of openness to the south of the settlement. It is considered that this area is highly unsuitable for housing, particularly given the number of new vehicular access points that will be required fronting onto this busy classified road. The proposed phase 1 site is considered far more appropriate while having limited impact on the rural character surrounding the village, particularly following the contemporary development on the adjacent land.

Wix:

G and K Groundworks Ltd (represented by Smart Planning Ltd): Land at the former White Hart Public House, Harwich Road, Wix has a unique history allocated for potential development of a motel in 1982, with the allocation repeated in the Local Plan Adopted April 1998 and retained in the current Local Plan adopted December 2007. A series of planning applications have been granted for a motel on the site, with a technical start to the development of a 36 bed motel notified to the Council on the 2nd November 2012.

The hotel allocation is not acknowledged within the Draft Local Plan, nor is the extant planning permission shown on the Draft Policies Map for Wix. The evidence base for the LDF, now transferred to support the Draft Local Plan- in particular the Tendring Coastal Resorts Hotel and Guesthouse Retention Study, 2009 and the Hotel Futures and Site Assessment Report, 2010- concluded that the site was isolated from other activity and too small to be taken up by branded offers and so therefore was not a priority site. Support for a site specific hotel allocation can therefore no longer be justified.

Land at the former White Hart Public House, Harwich Road, Wix should therefore be allocated for housing development in the Draft Local Plan (i.e. 10 dwellings on the site), and by implication other sites that are less well performing against sustainability criteria (for example the 14 houses proposed on the site to the east of Chapelfields, Harwich Road by Gipping Construction Ltd- although similarly comparisons could be made with other draft inclusions) should be removed. Reasons for the inclusion of the G and K Groundworks site within the Draft Local Plan include:

- The G and K Groundworks proposal provides affordable housing commensurate with local need, the Gipping site does not.

- The G and K Groundworks proposal includes a variety of house sizes and styles to reflect demographic need. The Gipping proposal does not; the designs are uniform and homogenous in size and style.
- The G and K Groundworks proposal is on land that has been anticipated for development for at least thirty years. A two-storey development has already commenced on the site. To what extent would development need to proceed before the previously developed nature of the site is fully accepted? The hotel could be built, but not operated, and then planning permission sought to convert it to residential use, this ought not to be necessary. There is no imperative to insist on retention of the hotel within the plan, and yet no judgement as to what could stand in its place is made, leaving the future of the site unresolved. The Gippings site is almost exclusively on green field land and does nothing to preserve the openness, character and undeveloped nature of the countryside, instead it relies on the removal of a frontage hedgerow and standard trees in a highly visible position within the rural village scene.
- The G and K Groundworks proposal is within the tolerance of Policy SD4's requirement that development should be no more than 10 dwellings. The Gipping proposal is not.
- The G and K proposal is on a site presently under development and an access road has been commenced under the Hotel planning permission. The site is therefore ready for development. The Gipping proposal would require several more stages of pre-commencement activity before delivery.

The Draft Local Plan has not been positively prepared and is not justified with reference to reasonable alternatives. It would not be as effective as any plan that included the objection site as a first candidate for housing development and it does not observe the principles of sustainable development in the NPPF, particularly with reference to the imperative to use PDL in lieu of green field land.

Wrabness:

J Macaulay & Son (represented by Robinson & Hall LLP): We support the inclusion of land to the south of Station Road, Wrabness, within the Settlement Development Boundary for housing but further land should be included. The Wrabness Parish Plan reflected the general opinion that the scale of new housing in the village to be about right and expressed support for a maximum of 10 new homes. The Plan also recognised the inadequate provision of public open space, the need to improve the playing field and the provision of allotments.

Notwithstanding the criticism of the Council's policies towards the allocation of housing sites elsewhere, the consideration of a small scale development site is seen as both appropriate and reasonable for Wrabness. The inclusion of land to the west of the village, south of Station Road within the settlement boundary is supported as it will provide for an appropriate increase in residential development on a brownfield site that will sustain the existing level of services yet not prejudice the overall character and nature of the settlement. The boundary should be extended to allow for a development of 10 private market houses and a further 4 dwellings for social housing. This suggestion would also enable a mix of new housing both in the size/number of bedrooms and the tenure. At present only 2% of the houses within the village are available for rent. Land would also be provided for a play area and allotments.

The site will accord with the policies contained in Chapter 4 and meet the requirements of the NPPF, particularly those comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area. Moreover, the allocation of this site will accord with the core planning principles set out in paragraph 17 by ensuring that a scheme enhances and improves the place in which people live their lives. The proposal would also be achievable and deliverable.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr. Robert Bucke (TDC Member for Holland and Kirby-le-Soken): I do not object to sensitive development to the south of, and extension of Chartfield Drive, nor to sensitive rural housing to the west of Brick Barn, south of Walton Road. Any development to the north of Walton Road between Meadow View and Island Lane, should be 'low-profile' bungalows, preferably low cost / affordable semi-detached properties in order to not compromise rural views to the north towards Hamford Water (Walton Backwaters). Elsewhere in Kirby le Soken, The Street conservation area should remain subject to restriction of infill development, in order to retain a rural street scene and views to the north and south between existing properties as one exits the village in a westerly direction. Kirby Cross developments to the west end of the village should be sensitive to the rural street scene as Thorpe Road exits the village into open countryside east of Thorpe le Soken.

Great Holland has an adopted Parish Plan and Village Design Statement which carries weight in planning terms. I support that plan and object to the following sites being included in the proposals:

1. Land at Manor Farm
2. The Paddock, Kirby Road
3. Land off Pork Lane
4. Land to the south of Hamilton Road

These site proposals have a negative impact on the village through overdevelopment, poor access to the public highway, intrusion into the green gap towards Kirby Cross, and overstretched infrastructure.

'Concerned Bradfield Residents' (petition of 64 names): The Plan to increase the Bradfield village envelope is not the most appropriate strategy; it is not positively prepared, justified, effective or consistent with national policy. It is too large and goes far beyond what is required to meet the 6% rule on housing development. The envelope can be increased if the need arises in the future. The area lying between Straight Road, Steam Mill Road and Windmill Road is an area that most villagers would like to protect. They have no wish to have a large housing estate that would spoil the character of the village. There is no need to have all of that area in the envelope; the envelope should be drawn at the end of the gardens, so not to include this land.

The change to the village envelope is far too great and has been proposed by the Parish Council without any consultation with the village people and by ignoring those who have stated an opposing view. The Parish Council seems determined to follow its own course and people are suspicious, fearing the Parish Council will later agree to permit development between Straight Road, Steam Mill Road and Windmill Road.

We request that this area and possibly smaller green areas around the village be removed from the proposed footprint of the village, as they would only serve as backfilling areas to existing properties. The requirement for them to be included at the present time is deemed unnecessary and would only serve to allow expansion far beyond the 6% rule.

'Great Holland Village Voice' (Editor- Linda O'Reilly): Land south of Hamilton Road, Great Holland, has been included within the Settlement Development Boundary for Great Holland, with no real regard for the possible long term consequences. There should have been a sustainability appraisal of this particular proposed boundary extension. The site is totally unsuitable for any future development because of a lack of suitable access and drainage issues.

The site is enclosed on three sides by dwellings and can be accessed only by a gate that leads off Hamilton Road. This road is a track that is narrow and leads out to the busy main Road (Kirby Road). The track is uneven, with large potholes, prone to flooding and is often muddy, which makes pedestrian access difficult. The track is unsuitable for large vehicles and turning into and out of Hamilton Road is hazardous due to limited visibility and the fast speeding traffic on Kirby Road.

Until recently one small dwelling was located in Hamilton Road, this was demolished and replaced with a large detached dwelling and annex around five years ago. The building of the house impacted very negatively on Westbury Road and I suspect any development would have similar consequences. During the building of the house, numerous large construction and delivery vehicles constantly used Westbury Road to access the site as there was no other practical way to access the site. Westbury Road is an unmade, unadopted/ private road and is regularly used by dog walkers and ramblers. The road is prone to potholes and the residents of Westbury Road have to maintain the road surfaces themselves. The construction work led to significant damage to the road and since occupation of the house on Hamilton Road there has been more traffic along Westbury Road by cars, vans and delivery vehicles. More homes built on the proposed site would increase traffic further and cause more damage to Westbury Road. Approval of planning applications for development at the site should depend on the prospective developer(s) agreeing to a clause prohibiting related construction/ delivery vehicles from using Westbury Road to gain access to the site.

There is no surface water drains in Westbury Road. Poor drainage and surface water flooding have caused problems in the road for many years. If land south of Hamilton Road were to be developed, these problems could worsen. The mains drainage system was installed in Westbury Road 2005-6. At the time we understood that the system would be adequate only for the existing properties. The works were disruptive and our road surface was badly damaged as a result. Possible new dwellings south of Hamilton Road may need to be linked to the system. This would cause further disruption to Westbury Road.

Great Holland Residents Association: Object to the inclusion of four parcels of land with the Settlement Development Boundary for Great Holland, reinforcing the earlier site-specific objections to 3 of these sites as expressed during the 2011 consultation exercise:

- Land at Manor Farm is a particularly sensitive site occupying a prominent position when viewed from the south and the east. In the 2007 Adopted Local Plan, protection comes from policies EN2 and EN3 to which the site is a major contributor. The greatest problem with it is traffic generation onto one of the busiest B roads in Tendring at, or close to, a very difficult road junction. At peak times conditions could become very dangerous. Foul sewerage would discharge towards Holland Point.
- Land east of Pork Lane makes a valuable contribution to the Local Green Gap, as defined in the 2007 Adopted Local Plan. It is also a wildlife sanctuary contributing enormously to the local bird population. Sewerage disposal would be a problem because the existing system is already overloaded and additional dwellings would overburden it. It would also not be possible to create an adoptable highway sufficient to take emergency and other service vehicles. The proposed access is very close to the 30mph speed limit sign on a narrow road that is a rat run between the Main Road and the B1033 and traffic speeds at that point are often well in excess of the speed limit.
- Land at the Paddocks, Kirby Road (site 51) was the subject of a planning refusal 11/00270/FUL which was later dismissed on appeal. This land is one of the green gaps prized in Tendring and its preservation is needed to prevent any coalescence with Kirby Cross.

Land to the south of Hamilton Road has been included but it is an unadopted highway. The highway visibility at the junction with Main Road is appalling and residents of Hamilton Road and Westbury Road tell me that drainage and other utility issues will cause severe difficulties to residents of both roads.

Land at the Lion's Den is a disused pub in a prominent position at the junction of Main Road and Little Clacton Road. It is outside the Settlement Development Boundary of the 2007 Adopted Local Plan and is the subject of a planning application to convert the building into residential use and build two bungalows. If the boundary is extended to include the site, as proposed, permission is more likely to be granted (albeit on a reduced scale) and at that point the Great Holland Parish Plan and Village Design Statement would come into play as it is only two years old and reflects the views of the village.

Great Oakley Parish Council: The Parish Council supports at least one dwelling on each of the proposed sites now included within the Settlement Development Boundary for Stones Green despite this exceeding the 6%. With regards to the largest of these sites (land adjoining Field View) we would also support additional dwellings, up to the proposed maximum of 4, although the final density on that site, as on the other two sites, should be determined by the District Council as and when an application is received.

The Parish Council confirms its support, in line with Policy SD4, for the full 30 properties west of Beaumont Road, Great Oakley as part of a mixed-use development, potentially including a new village hall, despite it exceeding both the 6% figure and the 10 dwelling per site maximum.

Cllr. Tom Howard (TDC Member for Great and Little Oakley Ward): The small scale of development permitted by redrawing the settlement boundary for Stones Green is welcomed. The proposed two additional dwellings is appropriate. However, it should be noted that there has been some local concern about the inclusion of the extra land to the north of Stones Green Road to the eastern end of the village.

The proposed scale of development in Great Oakley is reasonable. The inclusion of a new area for development adjacent to the village school will provide the opportunity for some additional housing and to provide additional facilities and amenities for the village in a sustainable location. There is also an opportunity to develop this area to take some of the car parking away from the roads immediately adjacent to the school and improve the safety for local residents and particularly for school children. This area has also been suggested for a replacement village hall and would appear to be a sensible location for such a development. I also support the continued designation of much of the land between the village of Great Oakley and the sea as Coastal Protection Belt.

Kirby Village Preservation Society: Land to the north side of Walton Road, east of Meadow View, Kirby-le-Soken is agricultural land and should not be developed. Development here would result in the loss of our village and rural status. The proposed site is also very close to the SSSI area.

To use the village of Kirby-le-Soken to compensate for a lack of building space in Clacton and other built up areas is wrong. We wish to remain a village. There are not enough vital amenities and services, including schools, doctors and dentists in the village. This expansion would also affect traffic and safety for pedestrians and cyclists. There is already a problem in 'The Street' entering the village, as it is far too narrow which is detrimental to properties and safety. We understand that the development to the north of Walton Road does not encompass any affordable housing, which the Government was advocating in its policies. In addition, people will not be able to afford the rising cost of fuels and public transport in the future as we are not close to any amenities, without the need to travel. This is a big consideration for the future.

Little Bromley Parish Council: The Parish Council suggests the inclusion of land at Brook House, Shop Road within the Settlement Development Boundary for Little Bromley. This site is ideal for development. Already has suitable access from the road, is at the end of an existing ribbon development and opposite existing dwellings. The site is screened by trees and hedges and will therefore have a minimal impact on the character of the village. The revised Settlement Development boundary is drawn so close around the village that there is no room for development to meet the proposed 6% increase in housing. The Little Bromley SDB does not make provision for 3 further dwellings and is inconsistent with Policy SD5, so there is a clear need to amend the SDB to make provision for the increase in the village's housing stock. No cogent planning reasons have been put forward for excluding a site previously earmarked for meeting at least some of the Local Plan's projected new housing stock at Little Bromley (site at Shop Road). The position of the site opposite Newhouse Farm strengthens the physical and visual link between the parts of the village either side of Shop Road. It is felt that the inclusion of the land at Brook House will largely address the current anomaly. The council requests that the Proposed SB in Policies Map Inset 33 is amended to include land fronting Shop Road adjacent to Brook House within the SDB.

Wrabness Parish Council: Object to the inclusion of the 0.2 ha area of land immediately to the west of the Village Hall within the Settlement Development Boundary, which should be safeguarded as proposed local green space and additional land to accommodate dwellings should be re-sited westward along Station Road.

Comments from members of the public

Beaumont-cum-Moze:

Leslie David Marshall (Holland-on-Sea): suggests that the proposed development boundary should include land to the side of Five Woods, Chapel Road, Beaumont-Cum-Moze.

Bradfield:

Petition submitted signed by 43 local residents (Bradfield): Opposed to the proposed expansion of the Bradfield Settlement Development Boundary, particularly the inclusion of land off Straight Road, Windmill Road and Steam Mill Road, which could be developed for housing.

J. Wheal and S.G. Harwood; Mrs J.M. Ward, Mr and Mrs Rowe, Mr P. Dowson, Mr and Mrs Cronin, Mr and Mrs K. Barford (Bradfield): Object to the proposed expansion of the Bradfield Settlement Development Boundary to include land between Straight Road and Windmill Road for the following reasons:

- Due to the size and configuration of the land any potential development would almost certainly mean the building of an estate. Such a large project would be totally out of keeping with the rest of the village and would be to the detriment of residents in the vicinity.
- We are concerned that there is already a planning application for a large part of this land.
- If the intention was not for housing why was this area of land included? Land closer to the nucleus of the village would have been more appropriate;
- Only recently a planning application was refused by the Council and dismissed on appeal over the potential impact on the rural character of the area and highway safety;

- Windmill Road is a bus route and the road becomes very narrow which often causes passing traffic to mount the kerb to get past. This problem will worsen with more development;
- This area should remain as open green pasture;
- The inclusion of existing properties along Straight Road is sensible;

M. Boyle, Mr O. Peacock (Bradfield): Object to the omission of land at Zakros, Windmill Road from the Settlement Development Boundary.

Mr. J. Brown (Bradfield): Object to the omission of land north of Wix Road from the Settlement Development Boundary.

Mr A. Scott and Ms J. Heath, Mr and Mrs B. Tyler (Bradfield): We object to the inclusion of the Orchard, Barrack Street within the Settlement Development Boundary. There are better plots in the village that would appear to be better positioned to cope with extra housing. A previous planning application was refused and later dismissed on appeal over concerns about traffic emerging at the junction from Barrack Street onto Heath Road due to poor visibility.

Great Holland:

Dr and Mrs Goundary (Great Holland): The range of facilities in Great Holland is still too limited to support a growth in housing. The isolation of the many elderly residents in Orchard Drive, Laxton Grove and Rosery Mews is an existing problem which should not be added to. There are significant extensions proposed which would be contrary to the Village Design Statement.

Mr R J Prike (Great Holland): Only infill development should be allowed.

Mr and Mrs D Masters (Great Holland): Little thought was given to the Great Holland Village Design Guide, most notably that a 'green boundary' was not put in place around the village.

Mr P Withams (Great Holland): I feel strongly that the size, density and location of development proposed within Great Holland is not only un-necessary, but also inappropriate. Great Holland's infrastructure (drainage, sewerage, transport & amenities etc) is un-able to support the suggested development. The draft plan does not take into account the Great Holland Village Design Statement and Parish Plan.

Mr R. Moulton (Great Holland): Object to the proposed 6% increase of Great Holland. If this is implemented it would remove all the protections currently afforded to all Other Defined Villages and Rural Settlements such as Great Holland. Great Holland produced a Parish Plan/Village Design Statement (PP/VDS) and its community were heavily involved in all stages of the 3 year process. On the issue of development, 64% indicated that they did not want major development, but that the current policy of infill of 1-3 houses on windfall sites was acceptable, as were all other policies i.e. Green Gap, Coastal protection etc. which supported keeping Small Rural Settlements just that.

It is known that 4 locations in the Parish have been forwarded to TDC Planning as areas for potential development and the village envelope has been adjusted to accommodate the above sites. Should these be developed for the number promoted this would result in a much higher figure than the 6% and in 3 of the 4 locations it would have a detrimental impact on the very limited existing infrastructure of the village.

If housing is required, it is in my opinion better located adjacent to the larger urban settlements where roads, rail, shops, doctors and supporting infrastructure are already well established and able to absorb the impact. Great Holland values the current Local Plan as it stands. It affords all the protections a small community needs. It is recognised that some modifications to the existing Local Plan may be required, but the major proposals contained in the draft plan are in my opinion not the way forward with regard to the housing policy needs of Tendring.

Mr and Mrs A.W. Crispin (Great Holland): Further development will add further traffic on our lanes, which are already busy and often get flooded and will create further parking problems. Westbury Road is currently a private unadopted road and development will put more pressure and expense on residents who pay to maintain this road.

Mrs. Pauline Hunt (Walton): Supports the changes to the Settlement Development Boundaries at Great Holland between Green End Land and Pleasance Farm which is a sensible infill space without deterring away from the village as a whole.

Nigel Hunt (Walton): I agree with the changes made to Settlement Development Boundaries at Great Holland between Green Lane and the Kirby Cross end of the village. This appears to be sensible infill without detracting from the village boundary.

Robert Newton (Great Holland): Susan Newton (Great Holland): Supports the changes made to the Settlement Development Boundary which will allow a modest amount of new housing.

Mr. Thomas Newton (Great Holland): Object to the expansion of the Settlement Development Boundaries because the village Great Holland has already accepted the Dementia Care Home and subsequent extensions to it. Any more buildings would put a strain on the water table and the infrastructure of the area.

Ian Taylor (Great Holland): The Settlement Development boundary should be moved to exclude the area of woodland rear of properties in Dead Lane and Laxton Drive. This area contains mature trees and wildlife, access is extremely difficult and would involve interference with a public footpath, the area requires investigation for possible flooding and does not support any planning policy objectives and would only create unnecessary housing density in the area.

Kirby-le-Soken:

Mr & Mrs. J. F. Felgate (Kirby-le-Soken): The development boundary around Kirby-le-Soken has been changed to include some previously excluded areas without consultation with residents.

Mr C. Byford Smith (Kirby-le-Soken): Object to the proposed extension of the Kirby-le-Soken Settlement Development Boundary to include land north of Walton Road and east of Meadow View. This land is agricultural land and should not be used for development. Development would be contrary to national policy and not justified.

Mr and Mrs West, M. J. Haig-Thomas (Kirby-le-Soken): Object to the proposed extension of the Kirby-le-Soken Settlement Development Boundary to include land north of Walton Road for the following reasons:

- Object to the requirement that every village must have a certain number of houses built. Kirby-le-Soken is not suitable for expansion.
- The area proposed for inclusion is on the edge of a SSSI and designated area of natural beauty. Houses would be detrimental and would obscure the view for people in Chatfield Drive and nearby residents and walkers.

- The proposed houses would also obscure views of people walking or sailing in the backwaters.
- The rural green gap between Kirby-le-Soken and Walton is becoming dangerously small. We want this village to remain separate.
- The traffic is already heavy along this road and will be worse with the recently approved Tesco in Walton. More homes will increase this traffic. Problems are worse because there are few footpaths.
- Existing amenities and infrastructure is in short supply. Further development will add pressure to these.
- Development should take place on existing brownfield land within the existing boundaries – not greenfield land outside the village.
- Housing should be accompanied by new jobs.

Mr and Mrs Wood (Kirby-le-Soken) (with a petition containing 20 signatures from local residents): Object to the proposed extension of the Kirby-le-Soken Settlement Development Boundary to include land north of Walton Road, Devereux Farm Stables and top end of Chartfield Drive. Any development in the village should be sympathetic to existing local character. Unfortunately, there has been some recent development that is out of keeping with the existing character of the village. It needs to be attractive to younger, working families, who will add value to the local community and be spacious to provide adequate room to benefit young families.

- Chartfield Drive – A previous application for part of the site was granted permission but development never came forward. This site is a derelict orchard and is now an important habitat for wildlife. If this area is developed important trees and vegetation should be retained. The site also presents serious drainage issues, being part of the area affected by Kirby Springs. In order to preserve both the village character and local wildlife any development on this site should be limited in number and scale and not be allowed to become a concentrated housing development.
- Devereux Farm Stables – This site has also been the subject of previous planning applications that have all been refused. The site has a number of redundant farm buildings (barns and stables) and whilst these are generally beyond repair, a sympathetic development of housing replicating as much as possible the traditional style of agricultural buildings that were formerly on the site would be in keeping with the character of the village and would enhance the appearance of this part of the village. To lessen the impact on the adjacent SSSI the height of development should be restricted. This site has the additional problem of the vehicular access to Walton Road which at that point offers a restricted view for vehicles joining the road and any additional houses will exacerbate the problem.
- Opposite Chartfield Drive (northern side of Walton Road): No building should be permitted on this land as it is agricultural greenfield land, development would have an adverse impact on the SSSI, would erode the gap between the village and Walton thus destroying the village status and there would be serious access issues.

Little Bentley:

Mr. E. Bradshaw (Little Bentley): There appears to be a draughtsman's error of the settlement development boundary shown on Policy Map Inset 34, Little Bentley. There is a sanded area, used for horse exercise to the south of properties 'Catkins' and 'Carbria' on Tendring Road. This area is

fenced, however the settlement development boundary shown, goes through the middle of the sanded area and not along the actual fenced boundary. I believe the land forms part of the property '4 Church Road' (presently known as '2 Oak Tree Cottages').

Council consideration

The general comments of support for the proposed Settlement Development Boundaries are noted.

A large number of objections were received in respect to this section of the Plan, with the majority coming from landowners and developers seeking to promote their sites in countryside and small rural settlement locations for inclusion within the emerging Plan. In addition, objections were also received, from residents and community groups, in particular, those from Bradfield, Great Holland and Kirby-le-Soken, objecting to areas of land within these settlements which have been included within the proposed Settlement Development Boundaries.

In accordance with Policies SD4: Smaller Rural Settlements and SD5: Managing Growth, in Chapter 2 of this Draft Local Plan, specific sites for housing have not been allocated within the smaller rural settlements (as identified within this Plan) and instead housing stock increase in these locations will be met through sensible 'infill' developments within the proposed Settlement Development Boundaries that will be considered as 'windfalls' and on their merits through the development management process. Outside of these smaller rural settlement's Settlement Development Boundaries, development would be generally resisted. Consequently, representations requesting to include land for development in the Local Plan in the open countryside have generally been rejected in order to protect the character and appearance of the open countryside. Proposals for development in these locations will be considered on their merits through the development management process and will be judged against policies in the Local Plan, in particular Policy SD5, which sets out the criteria against which such proposals will be considered. Representations requesting amendments to Settlement Development Boundaries around the edge of the district's Smaller Rural Settlements have been considered on a case by case basis as follows:

Ardleigh:

Mr. S. Naylor seeks to convert and redevelop a timber framed barn in Crockleford Heath for business use and associated living accommodation as part of a live-work unit. This is a single unit site situated outside of the proposed Settlement Development Boundary for Crockleford Heath and so development here would generally be resisted. The barn is in a remote location and not part of the continuous built up area of any defined settlement. Any subsequent proposal would therefore be considered on its merits against the relevant policies of the Local Plan as part of the development management process. Mr. Naylor proposes a number of other changes to the plan, which will be addressed within the relevant sections of the plan.

We note that Notcutts Limited support the inclusion of the former Notcutts Garden Centre in Station Road within the Settlement Development Boundary for Ardleigh but requests that the precise boundary follows the current planning application for the site. In this case, it is agreed that it makes sense for the Settlement Development Boundary to be extended slightly so that it matches the planning application site area (13/00036/OUT) which is currently pending consideration and will be considered on its merits against the relevant policies of the Local Plan as part of the development management process (see proposed change **PM15.1**).

Balls Green:

Mr Barber seeks to include land at Marks Farm, Balls Green within the Settlement Development Boundary for the area. This site is situated just outside of the proposed Settlement Development Boundary for Balls Green and so development here would generally be resisted. The site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. Furthermore, the size of the area of land proposed would also result in development at a scale that is over and above what is considered 'fair and proportionate' for Balls Green and so should be resisted. No change is therefore proposed to the Settlement Development Boundary.

Beaumont-Cum-Moze:

Mrs. M. Peirson calls for the inclusion of land at Chapel Road to be included within the Settlement Development Boundary for Beaumont-Cum-Moze. This site is situated well outside of the proposed Settlement Development Boundary for Beaumont-Cum-Moze and so development here would generally be resisted. This site has already been submitted for consideration for development by the Council but was rejected as it is in a remote location where development would undermine the principles of delivering sustainable development. Furthermore, the site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. The size of the area of land proposed could also result in development at a scale that is over and above what is considered 'fair and proportionate' for Beaumont-cum-Moze and so should be resisted. No change is therefore proposed to the Settlement Development Boundary.

Bradfield:

We note that NCC Homes support the inclusion of land at Steam Mill Road, the disused reservoir and waterworks, within the Settlement Development Boundary for Bradfield. Any proposal for development would be considered on its merits against the relevant policies of the Local Plan as part of the development management process.

Wright Ruffell Cameron promotes land to the rear of Zakros, Windmill Road for development. The site abuts the proposed Settlement Development Boundary for Bradfield and so development here would generally be resisted. Although a similar site was submitted for consideration for development by the Council (and subsequently rejected), this proposal is for a smaller number of homes on a smaller site area. However, the reasons for rejecting this area of land still remain (i.e. the land is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. No change is therefore proposed to the Settlement Development Boundary.

We note that Mrs Hooks and Mr Stock support the inclusion of land at Windmill Road within the Settlement Development Boundary for Bradfield. In the consideration of comments from members of the public and community representatives below, it is agreed that the proposed Settlement Development Boundary has been drawn too loosely and over time could result in development that is over and above a scale of development that is considered 'fair and proportionate' for Bradfield. It is therefore agreed that the boundary should be redrawn a little tighter to exclude most of this area of land where development is not considered appropriate, in principle, but it is proposed to keep the front part of the site within the boundary to allow some development fronting Windmill Road to come forward (see proposed change **PM18.1**). Any proposal for development would then be considered on its merits against the relevant policies of the Local Plan as part of the development management process.

We note that Mr. G. Bliss supports the inclusion of land at the Orchards, Barrack Street, within the Settlement Development Boundary for Bradfield. Any proposal for development would be

considered on its merits against the relevant policies of the Local Plan as part of the development management process. In particular, policies would seek to ensure that development would be appropriate and in keeping with its surroundings.

Mr Mitchell promotes land to the east of The Street for residential development. This site is situated just outside of the proposed Settlement Development Boundary for Bradfield and so development here would generally be resisted. The site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. Furthermore, the size of the area of land proposed would also result in development at a scale that is over and above what is considered 'fair and proportionate' for Balls Green and so should be resisted, particularly when there is land elsewhere within the settlement that is considered capable of accommodating growth (in principle). No change is therefore proposed to the Settlement Development Boundary.

Mr. J. Lockwood promotes the inclusion of land at Triangle Cottages, 1 & 2 Windmill Road in the Settlement Development Boundary for development. This site is situated just outside of the proposed Settlement Development Boundary for both Bradfield and Bradfield Heath and so development here would generally be resisted. The site is open in nature and presently undeveloped (although it is recognised it previously had development on it) and development of this site would represent an unwanted intrusion of both settlements into the surrounding countryside, which should be avoided. Furthermore, the size of the area of land proposed would also result in development at a scale that is over and above what is considered 'fair and proportionate' for both Bradfield and Bradfield Heath and so should be resisted, particularly when there is land elsewhere within both settlements that is considered capable of accommodating growth (in principle). In reviewing the boundaries it is proposed to re-draw the boundaries for both Bradfield and Bradfield Heath more tightly in order to make a clear distinction between the open countryside where countryside policies will apply and the built up area and to strengthen the gap of open countryside that currently exists between the two separate built up areas, which will help to make it clear where development is not considered appropriate, in principle. Together with the amendments proposed to the Settlement Development Boundary to remove the large area of land to the rear of Straight Road, Steam Mill Road and Windmill Road, it is proposed to remove the Settlement Development Boundary from around Sunset View, Windmill Road, as this is considered to contribute more to the character of the surrounding rural area than the built up area.

Bromley Cross:

Mr. R. Steward seeks to promote his site to the northeast of Ardleigh Road at Bromley Cross for housing development. The site abuts the proposed Settlement Development Boundary for Bromley Cross and so development here would generally be resisted. This site has already been submitted for consideration for development by the Council but was rejected as the site is in a remote location where development would undermine the principles of delivering sustainable development. Furthermore, the site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. The size of the area of land proposed could also result in development at a scale that is over and above what is considered 'fair and proportionate' for Bromley Cross and so should be resisted. No change is therefore proposed to the Settlement Development Boundary.

Frating:

Wentworth Developments Ltd seeks to include land to the rear of the Snooty Fox Public House, Great Bromley and was the subject of a recent planning application (12/00614/OUT), which was refused. This site is situated just outside of the proposed Settlement Development Boundary for Frating and so development here would generally be resisted. The site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the

settlement into the surrounding countryside, which should be avoided. No change is therefore proposed to the Settlement Development Boundary.

Great Holland:

A H Brown Farms seek to promote land at Larges Farm, Rectory Road for inclusion within the Settlement Development Boundary. This site is situated outside of the proposed Settlement Development Boundary for Great Holland and so development here would generally be resisted. Whilst there are some existing structures on the site it is predominantly open in nature and contributes more to the character of the open countryside than the built up area and so development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. No change is therefore proposed to the Settlement Development Boundary.

We note Mr Gilbert's support for the inclusion of land at Lion's Den, Little Clacton Road, within the Settlement Development Boundary for Great Holland. Any proposal for development would be considered on its merits against the relevant policies of the Local Plan as part of the development management process.

Great Oakley:

We note the Chelmsford Diocesan Board of Finance's support for the inclusion of the allotment land along Beaumont Road within the Great Oakley Settlement Development Boundary. This land is however allocated as Safeguarded Local Green Space within the Draft Local Plan where development will generally be resisted. Any proposal will therefore be considered on its merits against the relevant policies of the Local Plan as part of the development management process. Land along Wix Road is also being promoted, which is just outside the Settlement Development Boundary and so development here would generally be resisted. The site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. Furthermore, the size of the area of land proposed would also result in development at a scale that is over and above what is considered 'fair and proportionate' for Great Oakley and so should be resisted, particularly when there is land elsewhere in the village that is considered capable of accommodating growth (in principle) and which is supported by both the Parish Council and local Ward Member. No change is therefore proposed to the Settlement Development Boundary.

We note the Cooper Brothers (Wix) Ltd's support for the inclusion of land at Red Barn Farm, Red Barn Lane within the Settlement Development Boundary for Great Oakley. Any proposal for development would be considered on its merits against the relevant policies of the Local Plan as part of the development management process.

Hare Green:

Mr. and Mrs. G. Bennett seek to promote land off Back Lane, Hare Green to be included within the Settlement Development Boundary for housing. This site is situated just outside of the proposed Settlement Development Boundary for Hare Green and so development here would generally be resisted. This site has already been submitted for consideration for development by the Council but was rejected as the site is in a remote location where development would undermine the principles of delivering sustainable development. Furthermore, the site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. The size of the area of land proposed could also result in development at a scale that is over and above what is considered 'fair and proportionate' for Hare Green and so should be resisted. No change is therefore proposed to the Settlement Development Boundary.

Kirby-le-Soken:

Stanley Jarvis Ltd promotes land at the rear of no. 3 Walton Road, Kirby-le-Soken for inclusion within Settlement Development Boundary for housing. This site is situated outside of the proposed Settlement Development Boundary for Kirby-le-Soken and lies within the Coastal Protection Belt and so development here would generally be resisted. This site has already been submitted for consideration for development by the Council but was rejected as the site is in a remote location where development would undermine the principles of delivering sustainable development. Furthermore, the site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside (and the Coastal Protection Belt) and would be a form of backland development, which should be avoided. No change is therefore proposed to the Settlement Development Boundary.

Kay Properties seek to promote land east of Halstead Road for inclusion within the Settlement Development Boundary for Kirby-le-Soken. This site is situated outside of the proposed Settlement Development Boundary for Kirby-le-Soken and is located in the Strategic Green Gap between Kirby-le-Soken and Kirby Cross and so development here would generally be resisted. The site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. Furthermore, the site would erode the Strategic Green Gap between Kirby-le-Soken and Kirby Cross, which has been designated in order to prevent the coalescence of the two settlements. No change is therefore proposed to the Settlement Development Boundary.

Miss Born seeks to promote her land north of Walton Road for inclusion within the Settlement Development Boundary for Kirby-le-Soken. This site is situated outside of the proposed Settlement Development Boundary for Kirby-le-Soken and lies within the Coastal Protection Belt and so development here would generally be resisted. The inclusion of the neighbouring strip of land to the west along the northern edge of Walton Road attracted a high number of objections. In order to address these, it is proposed to remove this area of land from the Settlement Development Boundary (see change **PM32.1** and the reasons below). It would therefore not be appropriate to include this area of land that is located further to the east for the same reasons (i.e. the land is open in nature and contributes more to the rural character of the countryside rather than the built up area and would represent an unwanted intrusion of the settlement into the surrounding countryside and the Coastal Protection Belt). No change is therefore proposed to the Settlement Development Boundary.

Little Bentley:

Mr King argues that the level of housing proposed for Little Bentley is too low. Respondents are referred to the Council's Consideration of representations received in relation to Policy SD4: Smaller Rural Settlements of this Draft Local Plan for a detailed justification of the proposed housing strategy within the Plan. Mr King also promotes four areas within Little Bentley as possible housing sites to be included within the Settlement Development Boundary of Little Bentley, namely land at the electricity sub station, fronting Tendring Road; land at Mill House, Tendring Road; land to the rear of 'Coppins' and 'The Grange' fronting Manningtree Road; and land adjacent to 6 Manningtree Road. The sites are situated just outside of the proposed Settlement Development Boundary for Little Bentley and so development here would generally be resisted. The sites are open in nature and presently undeveloped (except for the land at Mill House) and development of these sites would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. Furthermore, the combined size of the areas of land proposed would also result in development at a scale that is over and above what is considered 'fair and proportionate' for Little Bentley and so should be resisted. No change is therefore proposed to the Settlement Development Boundary.

Little Bromley:

Mr. S. Wilcox objects to the proposed Settlement Development Boundary for Little Bentley as it would not accommodate the level of growth that the draft Local Plan suggests is appropriate for the settlement and suggests that it should be amended to include land adjacent to Brook House for housing development. This site had previously been submitted for consideration for development during the 'call for sites' exercise but was rejected and so not included in the Settlement Development Boundary in the draft Local Plan. It is noted that the parish Council would support the inclusion of this small piece of land within the boundary; however, there are concerns about the suitability of the site in terms of flood risk. No change is therefore proposed to the Settlement Development Boundary.

P. M. Manning requests for the inclusion of two small plots of land in Chequers Road, Little Bromley within the Settlement Development Boundary. These sites are situated well away from any defined Settlement Development Boundary and so development here would generally be resisted. The sites are open in nature and presently undeveloped and development of these sites would represent unwanted development in a countryside location, which should be avoided in principle as it would undermine the principles of sustainable development. No change is therefore proposed to the Settlement Development Boundary.

Ravens Green:

Mr and Mrs Evans submit land at Brampton Hall to be allocated for housing in Ravens Green. This site is situated outside of the proposed Settlement Development Boundary and so development here would generally be resisted. This site has already been submitted for consideration for development by the Council but was rejected as the site is in a remote location where development would undermine the principles of delivering sustainable development. Furthermore, the site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. The size of the area of land proposed could also result in development at a scale that is over and above what is considered 'fair and proportionate' for Ravens Green and so should be resisted. No change is therefore proposed to the Settlement Development Boundary.

Stones Green:

We note that the Cooper Brothers (Great Oakley) Ltd support the inclusion of land north of Stones Green Road within the Settlement Development Boundary for Stones Green. Any proposal for development would be considered on its merits against the relevant policies of the Local Plan as part of the development management process.

Tendring Green:

Mr Richardson argues that Tendring Heath should be included as a Smaller Rural Settlement within the Plan. The Council, however feel that this is a dispersed cluster of dwellings that does not warrant being listed as a separate settlement. More detail on the listed Smaller Rural Settlements can be found in the Council's Consideration of responses received in relation to Policy SD4: Smaller Rural Settlements. Mr Richardson also seeks to promote land at the Haulage Yard, Heath Road for housing development within his representation. This site is situated outside of the proposed Settlement Development Boundary for both Tendring and Tendring Green and so development here would generally be resisted. This site has already been submitted for consideration for development by the Council but was rejected as the site is in a remote location where development would undermine the principles of delivering sustainable development. Furthermore, the site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. The size of the area of land proposed could also result in development at a

scale that is over and above what is considered 'fair and proportionate' for both Tendring and Tendring Green and so should be resisted. No change is therefore proposed to the Settlement Development Boundary.

Mr Blake seeks to promote land adjacent Heath Road, Goose Green, for housing. This site is situated outside of the proposed Settlement Development Boundary for both Tendring and Tendring Green and so development here would generally be resisted. This site has already been submitted for consideration for development by the Council but was rejected as the site is in a remote location where development would undermine the principles of delivering sustainable development. Furthermore, the site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. The size of the area of land proposed could also result in development at a scale that is over and above what is considered 'fair and proportionate' for both Tendring and Tendring Green and so should be resisted. No change is therefore proposed to the Settlement Development Boundary.

We note that James Fairly & Sons (Farms) Ltd support the inclusion of land to the north-west and north-east of Parsonage Lane within the Settlement Development Boundary for Tendring Green. Any proposal for development would be considered on its merits against the relevant policies of the Local Plan as part of the development management process.

Glebe Farm Trustees call for their land at Glebe Farm to be included within the Settlement Development Boundary for Tendring Green, as opposed to the two areas of land along the northern side of Parsonage Lane and on the west side of Heath Road. The Council are of a view that the areas included within the proposed Settlement Development Boundary for Tendring Green would form logical and sensible extensions to the built up area of the settlement. Indeed land to the north-west and north-east of Parsonage Lane has already been submitted for consideration for development by the Council and have been included within the Settlement Development Boundary because whilst the sites are open in nature and currently in agricultural use, it is considered that the development of these sites as an extension of the existing row of dwellings would not be too much of a physical intrusion into the surrounding countryside. With regards to the land at Glebe Farm the site is considered to contribute more to the rural character of the surrounding open countryside than the continuous built up area. It is therefore not agreed that the Settlement Development Boundary should be extended to include this area of land.

The Chelmsford Diocesan Board of Finance seeks to promote land west of Chapel Lane, Tendring Green for inclusion within the Settlement Development Boundary. This site is situated outside of the proposed Settlement Development Boundary for Tendring Green and so development here would generally be resisted. The site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. Furthermore, the size of the area of land proposed would also result in development at a scale that is over and above what is considered 'fair and proportionate' for Tendring Green and so should be resisted, particularly when there is land elsewhere in the settlement that is considered capable of accommodating growth (in principle). No change is therefore proposed to the Settlement Development Boundary. The size of the area of land proposed could also result in development at a scale that is over and above what is considered 'fair and proportionate' for both Tendring and Tendring Green and so should be resisted. No change is therefore proposed to the Settlement Development Boundary.

Thorpe Green:

Mr Stobbs promotes land to the north-west of Golden Lane for housing development. This site is situated outside of the proposed Settlement Development Boundary for Thorpe Green and Thorpe-Soken and so development here would generally be resisted. This site has already been submitted for consideration for development by the Council but was rejected as the site is in a

remote location, where development is loosely knit and sporadic in nature and the site is open in nature and presently undeveloped. Development of this site would therefore represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided and would undermine the principles of delivering sustainable development. Furthermore, the size of the area of land proposed could also result in development at a scale that is over and above what is considered 'fair and proportionate' for both Thorpe Green and Thorpe-le-Soken and so should be resisted, particularly when there is land elsewhere in the settlement that is considered capable of accommodating growth (in principle). No change is therefore proposed to the Settlement Development Boundary.

Thorpe Station and Maltings:

Mr Fuller suggests that the Settlement Development Boundary around Edward Road in the Thorpe Station and Maltings Conservation Area should be redrawn a little more flexibly in order to allow some development to help bring about improvements. However, it is not agreed that the boundary should be extended as the draft Conservation Area Management Plan identifies the green landscaping on the southern side of the road with views through to the river flood plain as being an important aspect of the character of the area that should be retained. Should an application be submitted through the development management process then it will be considered on its merits against the relevant policies in the Local Plan, using the Conservation Area Management Plan as guidance. It is, however, proposed to tighten the boundary to the north of the Maltings in order to align it with the Conservation Area boundary and to exclude land that is considered to contribute more to the character of the open countryside than the built up area (see [PM12.2](#)).

Thorrington:

J. P. Phelan has submitted land off Church Road, Thorrington for housing development. This site is situated outside of the proposed Settlement Development Boundary for Thorrington and so development here would generally be resisted. This site has already been submitted for consideration for development by the Council but was rejected as the site is part of a cluster of dwellings that are in a remote location, located away from the main part of the built up area of the village, where development would undermine the principles of delivering sustainable development. Furthermore, the site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. Furthermore, the size of the area of land proposed would also result in development at a scale that is over and above what is considered 'fair and proportionate' for Thorrington and so should be resisted, particularly when there is land elsewhere in the settlement that is considered capable of accommodating growth (in principle). No change is therefore proposed to the Settlement Development Boundary.

Mr Long seeks to include land at adjacent to Cross Farm, Station Road within the Plan for housing development in Thorrington. The site is part of a cluster of dwellings that are in a remote location, located away from the main part of the built up area of the village, where development would undermine the principles of delivering sustainable development. Furthermore, the site is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. Furthermore, the size of the area of land proposed would also result in development at a scale that is over and above what is considered 'fair and proportionate' for Thorrington and so should be resisted, particularly when there is land elsewhere in the settlement that is considered capable of accommodating growth (in principle). No change is therefore proposed to the Settlement Development Boundary.

Mr. D. Edwards calls for the inclusion of land adjacent to Edwards Drive to be included within the Settlement Development Boundary for Thorrington, for housing development, as opposed to the land on the south side of Clacton Road. The land Mr Edwards submits, adjacent to Edwards Drive,

has been previously submitted for consideration for development through submissions of separate parcels of land in this general location but they were rejected as the land is in a remote location where development would undermine the principles of delivering sustainable development. Furthermore, the land is open in nature and presently undeveloped and development of this site would represent an unwanted intrusion of the settlement into the surrounding countryside, which should be avoided. The size of the area of land proposed could also result in development at a scale that is over and above what is considered 'fair and proportionate' for Thorrington and so should be resisted. No change is therefore proposed to the Settlement Development Boundary. The inclusion of land to the south of Clacton Road, within the proposed Settlement Development Boundary has been considered by the Council as a logical and sensible extension to the built-up area of Thorrington. Indeed, a portion of this land, known as land south of Clacton Road has already been submitted for consideration for development by the Council and has been included within the Settlement Development Boundary because whilst the site is open in nature and is presently undeveloped, it is considered that development here would fill in the gap between existing properties, mirroring development on the opposite side of the road. The development would also have the potential to enhance the built character of the area and would provide housing without the village intruding into the surrounding countryside.

Wix:

G and K Groundworks Ltd call for the inclusion of land at the former White Hart Public House, Harwich Road to be included within the Settlement Development Boundary for Wix, for housing development, as opposed to the land on the east of Chapelfields, Harwich Road. The Council are however of the view that the land to the east of Chapelfields, Harwich Road creates a logical and sensible extension to the built-up area of Wix. It is considered that development here would fill in the gap between existing properties, mirroring development on the opposite side of the road. The development would also have the potential to enhance the built character of the area and would provide housing without the village intruding into the surrounding countryside, as the area of land abuts existing built development in Wix. No change is therefore proposed to this part of the Settlement Development Boundary. However, following the recent granting of planning permission for housing development on the land to the rear of the former White Hart Public House, it is agreed that the Settlement Development Boundary should be redrawn to include this area of land (see proposed change **PM40.1**).

Wrabness:

The Council notes J Macaulay & Son's support of the inclusion of land to the south of Station Road within the Settlement Development Boundary of Wrabness. However, J Macaulay & Son seek to promote a larger area of land (incorporating this land) for inclusion within the Settlement Development Boundary, for residential development. The Council believe development, in principle, could be appropriate in this area (in principle) as a logical and sensible extension to the built-up area of Wrabness, as indicated by the extended Settlement Development Boundary in the 2012 Draft Local Plan. However, it is not agreed that the boundary should be extended further, as suggested, as this would result in the further encroachment of the settlement into the surrounding countryside, which should be resisted.

Comments on proposed Settlement Development Boundaries from community representatives and members of the public

Comments were also received from community representatives and members of the public, specifically in relation to possible housing development in Bradfield, Great Holland and Kirby-le-Soken. Whilst the Council is not specifically allocating any land for residential development in any of its Smaller Rural Settlements, it is accepted that by including an area of land within the Settlement Development Boundary this gives a strong indication that the Council accepts the principle of development, in principle. However, it is important to remember that all proposed

developments would be subject to the granting of planning permission where issues of scale and impact on the village location would be assessed as part of the development management process. In addition, the Council will ensure smaller rural settlements do not become over-developed by ensuring that development is at a scale that is 'fair and proportionate' to that location where any proposals over and above what is considered fair and proportionate are unlikely to be supported (unless there is strong support from the local Parish Council and the wider community for growth or for an identified local need for affordable housing, addressed through a rural exception site).

Beaumont-cum-Moze:

Mr. D. Marshall suggests that land at Chapel Road should be included within the Settlement Development Boundary for Beaumont-Cum-Moze. See response above for the reasons why this is not supported.

Bradfield:

A number of comments received in relation to the proposed Settlement Development Boundary for Bradfield question the areas of land included within this boundary, arguing that this boundary is too large and incorporates too much additional land, which could then be developed for residential use.

The 'Concerned Bradfield Residents' and other local Bradfield residents express particular concern about potential for development on land behind Straight Road, Windmill Road and Steam Mill Road, during the Call for Sites exercise, land at Heath Farm, Windmill Road was submitted for consideration for development. Through the review of Settlement Development Boundaries this area of land was included as it made sense to extend the boundary to include properties along Straight Road and further along Windmill Road, which are clearly part of the continuous built-up area of the village. Extending the village boundary in such a way brought this large triangular area of land within the Settlement Development Boundary. Whilst planning policies in the Local Plan would seek to resist inappropriate forms of development, such as Policy SD4: Smaller Rural Settlements, which makes it clear that the Council will not allow single housing developments in the Smaller Rural Settlements (of which Bradfield is one) to exceed 10 dwellings in size (unless the Parish Council supports larger developments to achieve certain local benefits) and policies designed to control backland development – to ensure development is appropriate to the area in terms of its layout, access and design and that minimum space standards are applied, in retrospect, it is agreed that the proposed Settlement Development Boundary has been drawn too loosely and over time could result in development that is over and above a scale of development that is considered 'fair and proportionate' for Bradfield. It is therefore agreed that the boundary should be redrawn a little tighter to exclude this large area of land where development is not considered appropriate, in principle (see proposed change **PM18.1**).

In response to Mr A. Scott, Ms J. Heath and Mr and Mrs B. Tyler, who object to the inclusion of the Orchard, Barrack Street within the Settlement Development Boundary for Bradfield, this site, too was submitted for consideration for development. It is recognised that whilst the site is open in nature, its character is of residential garden rather than open countryside. When reviewing Bradfield's Settlement Development Boundaries it made sense to include this area of land to provide a clear distinction between the built-up area of the village and the open countryside beyond, using Lott's Lane to the south as a more defensive physical boundary. This would allow the flexibility for a development proposal such as that being promoted to be considered on its merits through the submission of a planning application. Planning policies would then apply to ensure development is appropriate to the area in terms of its layout, access and design and that minimum space standards are applied. The concerns regarding traffic emerging at the junction from Barrack Street onto Heath Road are noted and would need to be addressed in order for any development to be accepted on this site.

M. Boyle, Mr Peacock and Mr Brown all object to the omission of areas of land within the Settlement Development Boundary for Bradfield. Both separate areas of land: land at Zakros, Windmill Road and land north of Wix Road were submitted for consideration for development by the Council but were rejected. The section above sets out the reasons for rejecting the land rear of Zakros, Windmill Road. The land north of Wix Road would, the Council believe, represent an unwanted intrusion of the settlement of Bradfield into the surrounding countryside, which should be avoided particularly when there are other, more suitable sites within the existing built up area.

Great Holland:

Cllr. Bucke, The Great Holland Residents' Association and a number of residents in Great Holland have expressed concerns over the extent of the Settlement Development Boundary for the settlement although there has also been some support for the proposed changes. Many of the residents argue the proposed level of growth that the Settlement Development Boundary would allow for the area is too large to be met by existing infrastructure and that additional development would harm the character of the settlement.

Many of the comments received from Great Holland residents refer to the need for the proposals in the Local Plan to take into account the recommendations found within the Great Holland Parish Plan/Village Design Statement in relation to the level and location of development that should be permitted in the Village. Whilst the Parish Plan/Village Design Statement has been taken into consideration, the Council must balance this with the requirements of national planning policy and other objectives in order to deliver new housing to meet the needs of a growing population.

Through the review of Settlement Development Boundaries, a number of small areas of land were included where it was considered sensible to follow logical physical features and to provide a clear distinction between the built up area and the open countryside beyond. For instance, the land off Hamilton Road was included as it made sense to extend the boundary to follow Hamilton Road, which was considered to be a sensible and defensible boundary and to include the row of properties in Kirby Road, in order to provide a clear distinction between the continuous built up area and the open countryside beyond. It was also considered sensible to include the area of land to the rear of properties in Pork Lane in order to provide a neat settlement edge. Extending the village boundary in such a way brought these areas of land within the Settlement Development Boundary. As stated above, whilst planning policies in the Local Plan would seek to resist inappropriate forms of development, in retrospect, it is agreed that the proposed Settlement Development Boundary has been drawn too loosely in these two locations and over time could result in development that is over and above a scale of development that is considered 'fair and proportionate' for Great Holland. It is therefore agreed that the boundary should be redrawn a little tighter to exclude these two areas of land where development is not considered appropriate, in principle (see proposed change **PM28.1**). Should the landowners wish to submit a planning application then it will be considered on its merits through the development management process where the onus would be on the applicant to demonstrate the criteria set out in Policy SD5: Managing Growth, which seeks to restrict growth beyond defined Settlement Development Boundaries.

With regards to the other changes made, these are considered to be sensible extensions to the existing built up area and any proposals for development would be considered on their merits through the development management process.

Kirby-le-Soken:

Residents in Kirby-le-Soken have expressed concern over the extent of the Settlement Development Boundary for the settlement. Many of the residents argue that the proposed level of growth that the Settlement Development Boundary would allow for the area is too large to be met by existing infrastructure and that additional development would harm the character of the

settlement. However, the comments of support from Cllr. Bucke are noted. Through the review of the Settlement Development Boundaries, land on the north side of Walton Road, on the south side of Walton Road at Devereux Farm Stables and to the south of Chartfield Drive were included as they were considered to be sensible and logical extensions to the built-up area of the village and would have the potential to provide additional housing without the settlement intruding too much into the surrounding countryside.

Extending the village boundary in such a way brought these areas of land within the Settlement Development Boundary. As stated above, whilst planning policies in the Local Plan would seek to resist inappropriate forms of development, in retrospect, it is agreed that the proposed Settlement Development Boundary has been drawn too loosely with respect to the land on the north side of Walton Road as development in this location would obstruct important views out across the attractive landscape and setting of Hamford Water to the north. It is therefore agreed that the boundary should be redrawn a little tighter to exclude this area of land where development is not considered appropriate, in principle (see proposed change [PM32.1](#)). Should the landowner wish to submit a planning application then it will be considered on its merits through the development management process where the onus would be on the applicant to demonstrate the criteria set out in Policy SD5: Managing Growth, which seeks to restrict growth beyond defined Settlement Development Boundaries. However, with regards to land on the south side of Walton Road at Devereux Farm Stables and land to the south of Chartfield Drive, these areas of land are still considered to be sensible and logical extensions to the built-up area and policies in the Local Plan would seek to ensure any development that comes forward through the development management process would be appropriate and in keeping with its surroundings. With regards to the land south of Chartfield Drive, this is considered to be a logical extension to the existing road layout and would provide a modest amount of growth without the settlement intruding too much further into the Strategic Green Gap that exists between the village and nearby Walton-on-the-Naze. No change to the Settlement Development Boundary in these locations is therefore proposed.

Little Bentley:

The comment from Mr. E. Bradshaw about the proposed Settlement Development Boundary for Little Bentley is noted. It is therefore agreed that the boundary in this location should be redrawn a little tighter to exclude this area of land and the extraordinarily long rear gardens of properties to the north in Tendring Road, which are considered to contribute more to the character of the open countryside than the built up area (see proposed change [PM34.1](#)).

Stones Green:

The comments of support about the proposed Settlement Development Boundary for Stones Green are noted but Cllr. Howard alludes to there being some local concern about the inclusion of the land at the eastern end of the settlement along the northern site of Stones Green Road, but there have been no specific objections to this. When reviewing the Settlement Development Boundaries for Stones Green it made sense to include this area of land to provide a clear distinction between the built-up area of the village and the open countryside beyond, using the boundary of the curtilage as a defensive physical boundary. This would allow the flexibility for a development proposal to be considered on its merits through the submission of a planning application. Planning policies would then apply to ensure development is appropriate to the area in terms of its layout, access and design and that minimum space standards are applied. No change to the Settlement Development is therefore proposed.

Wrabness:

Wrabness Parish Council suggest that land immediately to the west of the Village Hall should be safeguarded as proposed local green space and additional land to accommodate dwellings should

be re-sited westward along Station Road by further extending the Settlement Development Boundary. See response above for the reasons why this is not supported.

Outcome

The following changes to the Settlement Development Boundaries on the Policies Maps are proposed:

- Policies Map Inset 12: Thorpe Station and Maltings to bring the boundary more in line with the Conservation Area boundary – see [PM12.2](#)
- Policies Map Inset 15: Ardleigh to expand the boundary around the former Notcutts Nursery – see [PM15.1](#)
- Policies Map Inset 18: Bradfield and Bradfield Heath to tighten the boundary to remove the large area of land between Straight Road and Windmill Road and to strengthen the gap between Bradfield and Bradfield Heath – see [PM18.1](#)
- Policies Map Inset 28: Great Holland to tighten the boundary to exclude land off Hamilton Road and land to the rear of properties in Pork Lane – see [PM28.1](#)
- Policies Map Inset 32: Kirby-le-Soken to tighten the boundary to exclude land north of Walton Road – see [PM32.1](#)
- Policies Map Inset 34: Little Bentley to tighten the boundary to exclude land to the rear of Tendring Road and Church Road – see [PM34.1](#)

Chapter 12 – Employment Sites

(Page 194 – including paragraphs 12.23 to 12.24)

- Martell's Pit, Slough Lane, south of Ardleigh Village;
- Former Rolts Nursery, Clacton Road, east of Elmstead Market;
- TBS/A Smith (Gt Bentley)/Manheim Car Auctions, Colchester Road, east of Frating Green;
- Rice Bridge Industrial Estate, Station Road, Thorpe-le-Soken;
- The Market Place Business Units, Station Road, Thorpe-le-Soken; and
- Paskell's Timber Yard and adjoining land, Bradfield Road, Wix.

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Dedham Parish Council: Two industrial/commercial sites, Park Farm and Martell's Pit, are designated for potential expansion. The Parish Council is concerned that expansion and development of these sites could lead to a significant increase in traffic movements through the village and would ask to be consulted on plans to control and restrict the volume of traffic, the size of vehicles, routes to be used, hours of operation and, most importantly, methods of enforcing these plans.

Comments from members of the public

No comments received.

Council consideration

The comment from Dedham Parish Council is noted and whilst we understand the concerns the Parish Council have in relation to industrial and commercial traffic within the vicinity of their village we refer the respondents to policies contained elsewhere within the Plan which seek to control any adverse impacts of new development. In particular respondents are referred to Policy SD9: Design of New Development, which seeks to reduce negative impacts of new development on neighbouring areas, including any negative impacts from additional road traffic arising from the new development. Any proposals for new development would have to meet the requirements within this and other policies within the Plan prior to the granting of planning permission. As part of the planning application process, issues of traffic and hours of operation will be addressed and in accordance with paragraphs 13.9 to 13.20 of the Implementation and Monitoring Chapter in this Draft Local Plan, conditions of planning approval would be enforced.

Outcome

No change to the Local Plan.

Chapter 12 – Colchester Fringe Employment Omissions

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

David Brasted (represented by Robinson & Hall LLP): The Council's policy on employment sites is considered to be out of date and inaccurate, failing to make a reasonable assessment of the land available for such purposes and by safeguarding other land which should be considered for other more appropriate uses.

Reference is made to the Employment Study which fails to take into account the grant of planning permission for the development of 6.9 hectares of land to the north of Telford Road, Clacton-on-Sea for such purposes. The draft plan also fails to take into account the relationship with land alongside the Old Ipswich Road and Colchester. With a number of planning permissions granted in

recent years for various commercial developments fronting onto the former A12, an overall comprehensive approach is now required for this area.

In this case, the objector owns a rectangular plot of open green land located to the east of Old Ipswich Road. To the north of the site is a motor repair garage. Directly opposite is an hotel and newly built office development. There is a reservoir which runs parallel to the southern boundary of the site.

The site is on the fringe of Colchester. As Colchester is identified as an area for economic growth and employment opportunities, this is considered a suitable site for further light industrial development as it is just off the A120 and in an accessible location between Tendring District and Colchester Borough. As considerable development has taken place around this plot, it is considered that any commercial proposals on this site will not prejudice other development in the locality. The future development of this site will also be in accordance with the 'Core Planning Principles' as contained in the NPPF which advises that local planning authorities should proactively drive and support sustainable economic development to deliver business and industrial units that the country needs and that every effort should be made objectively to identify and then meet the business and other development needs of an area and respond positively to wider opportunities for growth. Furthermore, it is considered that the proposal will meet the comments within paragraph 14 in respect of a positive opportunity to meet the development needs of an area.

Mr. C. Jarvis (represented by Edward Gittins and Associates): Land at Old Ipswich Road should be allocated as an employment site. The site extends to approx. 5 hectares and is currently in use as a golf driving range with an associated small rural enterprise area and farmland to the immediate south. The draft plan should be amended to reflect the contribution that this site can make to a more cohesive employment strategy for the district as a whole and as a specific focus for new employment within the Tendring area lying within the Colchester Fringe.

This area lies within the A12 and A120 corridors and is accessible by near-motorway standard roads which serve the populations of Colchester and the Tendring peninsula as well as lying on inter-urban bus routes.

The site has been technically assessed in terms of highway access. Having regard to the major gravel excavation workings nearby and the proposed restoration of this area in the longer term, the proposed employment area will be in a landscaped setting and have no perceptible impact on the countryside. There are major opportunities to improve the accessibility of the Ardleigh Crown interchange area by bus transport. Recent developments in the area will deliver increased ridership and the routing of services between Colchester and Ipswich and also local village services along Old Ipswich Road is perfectly feasible. The proposed new Employment Site is sustainably located to benefit from public transport improvements and the introduction of Travel Plans to secure modal transfer from private to public transport.

Mr. W. Kerry (represented by Edward Gittins and Associates): Land at Turnpike Close, Ardleigh should be allocated as an employment site. The site is strategically located close to the Ardleigh Crown interchange and to a Local Employment Zone allocated at Langham Airfield in the Colchester Local Development Framework. It is well placed to provide for small businesses within the Business Use Classes which would be unable to afford accommodation in the Strategic Employment Zones in Colchester or the prestige Business and Industrial Parks elsewhere. The allocation of this site would have minimal impact on the countryside and would exploit the strategic location of the Colchester fringe for the benefit of Tendring District.

Mersea Homes Ltd (represented by ADPLTD): Land on the fringe of Colchester should be promoted as a major mixed-use urban extension to Colchester. The total site is in excess of 300 hectares, of which approximately 110ha are in Colchester Borough and 220ha are within Tendring District; the proposal is this site becomes a broad location for growth straddling Colchester and

Tendring. The land was the subject of a sustainability appraisal, which formed part of the previous Regulation 28 response to the Council's first submission draft Core Strategy. Since that time the Council has undertaken its own sustainability appraisal of all alternative housing and employment sites, which concludes the site is sustainable as a development option.

The East of England Economic Strategy [2008] will have lapsed with the final revocation of the Regional Plan anticipated on January 3rd 2013. This will leave the Council with the responsibility of developing its own economic strategy and, in particular, to meet the NPPF requirement to "plan proactively to meet the development needs of business and support an economy fit for the 21st century".

The Council's Employment Study gives a clear indication that the best possibility for economic growth involves the Colchester Fringe and takes advantage of the economically successful sub-regional town of Colchester. On page 76 the study sets out its "Shimmering Golden Pond" scenario of a dual approach dependent on a 'gateway to the world' via Bathside Bay [container port development] and via collaboration with Colchester Council and Essex University in a 'gateway to a global knowledge based economy' by development of the Colchester Fringe.

At the time of writing the Employment Study its authors considered this strategy had a sustainability disadvantage if Clacton was to be the major location for housing in Tendring. However, the new local plan no longer sees Clacton's role as a strategic location for housing growth thus removing the only sustainability objection, yet the evidence based 'Shimmering Golden Pond' strategy involving the Colchester Fringe has not been pursued. Mersea Homes agree that housing and employment should not be separated, but is aware of Clacton's historic inability to generate sufficient employment to meet demand. Clacton is therefore most unlikely to be able to accommodate the lion's share of housing delivery as envisaged by the previous submission draft local plan. The Colchester Fringe broad location is capable of delivering both employment and housing. It is therefore the most sustainable option for a growth location in association with appropriate regeneration in the Coastal Towns.

The development of the Colchester Fringe is supported by national & regional policy, the Council's own evidence and key stakeholders. The location would become a key area for growth able to deliver better paid jobs in emerging business sectors capable of supporting a ripple effect across the coastal towns and villages of Tendring. The supporting housing delivery within new neighbourhoods would be locations where people will want to live and work. These key attributes offer a way forward for Tendring from its poor record of social achievement, unemployment and deprivation whereas the currently proposed local plan accepts under achievement as inevitable. For these reasons Mersea Homes consider it timely for the Council to take a proactive approach to planning for growth within their district. They should introduce a plan period that is sufficiently long to implement the objectives of the NPPF and begin work with their partners across district boundaries to resolve strategic matters as required by the Localism Act and National Policy.

Soundness: The plan is unsound because it has not been positively prepared so as to meet objectively assessed development requirements. It is not justified because without a robust economic strategy no proper consideration has been given to the reasonable alternative of adopting the recommendations within its Employment Study evidence base regarding development of the Colchester Fringe. Without a replacement to the Regional Economic Strategy 2008 the plan is unsound because it does not accord with national planning policy's requirement to deliver sustainable development.

Recommendation to make the plan sound: The Council should prepare a robust economic strategy capable of delivering the economic growth needed to boost the economy and support the full housing delivery prior to the Examination in public and this should have been the subject of public consultation. This strategy should accept the evidence based recommendations to include the Colchester Fringe as a broad location for growth.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

All of the comments received in relation to employment site omissions in the vicinity of the Colchester Fringe are from landowners and developers who are seeking to promote their land for inclusion within the Local Plan as possible employment sites.

The site promoted by Mersea Homes Ltd has already been submitted for consideration for development by the Council as a mixed-use site but was rejected. Indeed, this was the largest site promoted for inclusion within the Draft Local Plan and whilst a development of 7,500 dwellings could easily be accommodated on this large site the scale of development proposed in this location is not in accordance with the Draft Local Plan's spatial strategy and is unlikely to be deliverable within the plan period due to the infrastructure costs of the new development, particularly if the development would also be required to pay for major highway infrastructure. This mixed-use site, including the employment uses put forward by Mersea Homes Ltd has therefore not been allocated within the Draft Plan. However, the Council's Strategic Housing Land Availability Assessment (SHLAA) identifies the potential for the site and that it will be worthy of consideration as part of the next Local Plan review to deal with growth post-2024 but would need to be proposed jointly by Colchester Borough Council and Tendring District Council. This approach is reflected in the proposed changes to the Local Plan's spatial strategy (see [MAJ2.1](#), [MAJ2.2](#) and [MAJ2.3](#)).

Whilst we accept the District's Employment Study produced in support of the Local Plan recognises the important role Colchester plays in respect of employment opportunities for the District, the Council stand by its strategy to concentrate employment development close to Tendring's urban centres, where the greatest number of homes are allocated, an approach supported within the Council's Employment Study and in accordance with sustainability principles contained within the National Planning Policy Framework. Given the scale of growth that Colchester is already planning for within their own adopted Plan, it is not considered appropriate or sustainable to add further development to the Colchester area within this Plan period. After this Plan period, there may be justification for further growth in the Colchester area, which could be achieved through joint working between Colchester Borough Council and Tendring District Council, however, during this Plan period new development in this vicinity will be strictly confined to the land within the Settlement Development Boundary for the Colchester Fringe. Respondents are referred to Policy PRO14: Employment Sites within the Draft Local Plan, for further detail regarding employment sites allocated in the District and justification for the approach of employment growth in the Plan.

In addition, we accept that the East of England Economic Strategy has now lapsed following the revocation of the Regional Spatial Strategy and the Council is currently developing its own Economic Strategy in accordance with the National Planning Policy Framework. We can confirm that once completed this will be subject to public consultation and will then form part of the robust evidence base in support of the Local Plan.

Sites promoted by David Brasted, Mr Jervis and Mr Kerry have all been previously submitted for consideration for employment development to the Council. However, they have all been rejected, in part due to the reasons set out in the 'Sustainability Appraisal of Third Party Housing and Employment Site Submissions'. Indeed, these sites were all considered unsustainable due to their rural locations, located away from Settlement Development Boundaries where there could be possible adverse visual impacts to the surrounding areas. As stated above, given the scale of growth that Colchester is already planning for within their own adopted Plan, it is not considered appropriate or sustainable to add further development to the Colchester area within this Plan period, indeed the Council propose that any new development in this area will be strictly confined to the land within the Settlement Development Boundary for the Colchester Fringe.

Outcome

No change to the Local Plan.

Policy COU1 – Plotland Development

(Pages 191 to 193 – including paragraphs 12.11 to 12.18)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Wrabness Parish Council: Object, the wording of this policy is confused in so far as it relates to Wrabness. The policy fails to adequately control development of holiday units or the periods of occupation.

Comments from members of the public

No comments received.

Council consideration

Only one representation was received in relation to Policy COU1: Plotland Development, which objects to the Policy on the grounds that it is confusing and that it would fail to adequately control plotland development.

We agree with Wrabness Parish Council that the Policy is complicated and difficult to understand and therefore propose the draft Policy should be reworded to make the Policy easier to follow.

In addition, the Policy, as currently drafted, refers to 'tolerances of permitted development rights', however, as permitted development rights are subject to changes made by central Government, it is considered inappropriate for the Policy to rely on these tolerances. Indeed, the Council are concerned that if there were changes made to permitted development rights, in particular, changes that made these rights more flexible, this could allow for very large extensions on plotland sites, which we would currently look to refuse. We therefore propose Policy COU1 and its supporting text are amended to reflect a simpler Policy approach that would also not be reliant on tolerances set by permitted development rights.

In relation to the control of holiday units on plotland sites and in particular the associated periods of occupation of these units, the Council are mindful that we should avoid being too prescriptive about specific time periods through occupancy conditions within the Policy. Instead, we suggest making occupancy conditions the subject of agreement between the Council and the holiday unit owners, without therefore being prescriptive about specific time periods of occupation in the policy itself. Respondents are referred to the Council's Consideration of comments received in relation to policies PRO9: Holiday Parks and PRO10: Camping and Caravanning for a more detailed justification of this more flexible approach to occupancy periods of holiday units.

Outcome

The following **major changes (MAJ12.1)** to Policy COU1: 'Plotland Development' on pages 192 and 193 are proposed (additions shown as highlighted and deletions shown as ~~struck through~~):

POLICY COU1: PLOTLAND DEVELOPMENT

Areas of 'plotland development' to which the provisions of this policy apply are identified on the Policies Map and Policies Map Insets. ~~Alongside other relevant policy requirements in this Local Plan, the Council will not grant permission for new dwellings on undeveloped plotland sites or grant permission for extensions to existing plotland dwellings.~~

~~On all plotland sites except those at Wrabness Beach~~ Within these areas, the Council will only permit proposals for the one-for-one replacement of a lawful ~~plotland residential dwellings~~ or the one-for-one replacement of a lawful holiday home provided the volume of the replacement dwelling property is no greater than that of the existing property it proposes to replace ~~does not exceed that permitted for the original dwelling within the tolerances of Permitted Development Rights.~~

Proposals to extend properties will be judged on their merits against other policies in the Local Plan, having particular regard for the unique character of plotland areas, the wider landscape and any nearby wildlife designations.

~~On plotland sites at Wrabness Beach:~~

- ~~a) The replacement of lawful, permanent dwellings will be permitted provided:~~
 - ~~(i) replacement of an un-extended original dwelling does not involve an increase in volume exceeding 50%, or the permitted development tolerance, of the original dwelling, whichever is the lower; and~~
 - ~~(ii) replacement of a previously extended dwelling is on a like-for-like floor area and volume basis.~~
- ~~b) The replacement of lawful, holiday dwellings will be permitted on a like-for-like floor area~~

and volume basis.

- c) No new development will be permitted that is closer to the adjacent International wildlife site than the existing development.'

The following **minor changes** (MIN12.7) to paragraph 12.13 on page 192 are proposed (additions shown as highlighted and deletions shown as struck through):

12.13 Many of these plotland dwellings, offer substandard living accommodation and without careful control, could result in reduced residential amenity and poor living conditions. Accordingly, any proposals for extensions of these dwellings will need to be judged on their merits against other policies in the Local Plan, having particular regard for the unique character of plotland areas, the wider landscape and any nearby wildlife designations ~~ever and above permitted development tolerances, and thus requiring planning permission, will not normally be permitted.~~

The following **minor changes** (MIN12.8) to paragraph 12.14 on page 192 are proposed (additions shown as highlighted and deletions shown as struck through):

12.14 In addition, ~~the~~ Council will only permit the one-for-one replacement of lawful plotland dwellings (whether used as permanent or holiday accommodation) where the volume of the replacement property is no greater than that of the existing property it proposes to replace ~~use of the dwelling has not been abandoned. With the exception of Wrabness, which is considered below, the volume of the replacement dwelling should not exceed the original dwelling volume added to the volume permitted for extensions to a dwelling under Permitted Development Rights. Outbuildings or unauthorised extensions to the dwelling will not be included in any volume calculations. 'Original dwelling', for the purposes of the policy, means the dwelling as it existed on 1 July 1948 or, if built after that date, as so built.~~

The following **minor changes** (MIN12.9) to paragraph 12.15 on page 192 are proposed (additions shown as highlighted and deletions shown as struck through):

12.15 ~~At Wrabness, there are a large number of chalets and a number of these are very small. This attractive part of the Stour Estuary is particularly isolated from services and also forms part of an area which the Council is seeking designation as an extension to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. Therefore, any new development in this locality is particularly sensitive. To ensure that the impact of new development is limited, the Council will restrict the increase in volume of a permanent replacement dwelling (excluding dwellings that are not permanently occupied) to 50%, or permitted development tolerance, whichever is the lower. Replacement of previously extended permanent dwellings and holiday dwellings (with occupancy conditions or that are not lawfully considered to be a permanently occupied dwelling) at Wrabness will be limited in size to a like-for-like volume and floor area and permitted development rights for subsequent addition will normally be removed by condition.~~

The following **minor changes** (MIN12.10) to paragraph 12.16 on page 192 are proposed (additions shown as highlighted and deletions shown as struck through):

12.16 ~~For all localities, t~~he siting of replacement dwellings within the plot should aim to minimise impact upon the open countryside and surrounding landscape. Where the existing dwelling is subject to an occupancy condition restricting its use to holiday purposes, this requirement will be re-imposed on any new dwelling, subject to agreement between the Council and the holiday unit owner (in accordance with Policies PRO459 and PRO10 in Chapter 3 of this Local Plan).

The following **minor changes** (MIN12.11) to paragraph 12.18 on page 192 are proposed (additions shown as highlighted and deletions shown as struck through):

12.18 Holiday dwellings are generally substandard for permanent occupation and often do not meet the normal requirements for permanent residential development in terms of private amenity space, off-street car-parking and access. For these reasons the removal of planning conditions that prevent all year occupancy will be subject to agreement between the Council and the holiday unit owner ~~not normally be allowed~~ (See Policies PRO159 and PRO10 in Chapter 3 of this Local Plan).

Policy COU2 – Garden Extensions into the Countryside

(Pages 193 and 194 – including paragraphs 12.19 to 12.22)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We are concerned that the wording used in the criteria in this policy implies that some level of harm to habitats of nature conservation value would be permitted. We would wish to see the phrase “*no significant material loss*” removed from the policy.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

Only one representation was received to Policy COU2: Garden Extensions into the Countryside. In response to the comment made by Natural England that the phrase ‘no significant material loss’ should be removed from the policy, the Council maintain that the current wording of the policy should remain unchanged.

Whilst the Council agree that, where possible, harm to habitats of natural conservation should not be permitted, the nature of the policy is such that there could be a material loss of existing trees, shrubs, hedgerows or habitats of nature conservation value. Indeed, extending gardens into the countryside will undoubtedly mean existing boundaries (perhaps of trees, shrubs and hedgerows) will be removed to extend the gardens. Therefore, the Council accepts these important habitats may be lost or altered to some extent to allow for garden extensions into the countryside, but by

wording the policy to refer to no 'significant' material loss, we hope to avoid considerable or unnecessary loss of these habitats.

In addition, the policy notes that the Council would seek to secure new planting and landscaping, using native species where possible, to secure privacy and improve the visual amenity of the surrounding countryside. These planting and landscaping measures would also create new habitats of nature conservation value.

Outcome

No change to the Local Plan.

Policy COU3 – Conversion, Re-Use or Replacement of Rural Buildings in the Countryside

(Pages 195 to 197 – including paragraphs 12.25 to 12.33)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: Policies PRO15, PLA5, and COU3 - the Tendring Historic Environment Report and the Essex Historic Environment Record do not in themselves provide strong enough evidence to support these policies.

As the local Plan acknowledges, the district contains a wealth of historic rural buildings, many of which have become surplus to the requirements of modern agriculture, resulting in redundancy and neglect. Whilst the Essex Historic Environment Record includes details of all listed buildings in the district, many significant historic rural buildings remain unlisted, without statutory protection, and current understanding of the nature and extent of the surviving resource of historic farm buildings in the district is incomplete. A heritage-specific thematic assessment would provide the evidence needed to assess the potential impact of this policy and how well the Local Plan positively responds to the issue of the neglect and decay of traditional farm buildings.

Highways Agency: Recommend that the Plan includes the need for travel plans to accompany any development proposal as implementation has been shown to help reduce total trip generations for a number of developments elsewhere. With respect to the definition of a significant extension, it is suggested that a percentage of the existing building footprint or a fixed sq m would provide a suitable definition.

Natural England: We would like to see some reference to the potential biodiversity value of redundant rural buildings, and the need to investigate and mitigate any potential adverse impacts of development on any species being harboured in such sites. As we have previously advised, redundant buildings can provide valuable roost sites for bats, and birds such as barn owls. It is an offence to damage or destroy a bat roosting place, whilst several bird species likely to use redundant buildings are also protected by law. Redundant buildings therefore will not always be appropriate for re-use or re-development.

Comments from landowners, developers and businesses

City & Country: City & Country support the re-use of Rural Buildings and believe that Tendring considering proposals favourably that help to create employment, leisure/recreation and tourism

will allow for the stimulation of the economy. We do believe that there should be a wider option for use other than just B1 and B2, as this limits the scope for regeneration and development.

Mr. S. Naylor (represented by Lawson Planning Partnership): Policy COU3 allows for the conversion and redevelopment of buildings for a range of uses with an emphasis placed on employment generating uses in preference to residential uses as part of a sequential approach. Whilst the objective of this policy is recognised, it is considered that as currently worded this policy is not consistent with paragraph 55 of the NPPF, which allows for rural housing including conversions without having to explore and exhaust non-residential options first.

Therefore, we consider that a more flexible policy approach is adopted as indicated in the version set out below:

'POLICY COU3: CONVERSION OR RE-USE OF RURAL BUILDINGS IN THE COUNTRYSIDE

Proposals for the re-use, conversion and alteration or extension of a rural building in the countryside for the following uses will be considered favourably (in principle):

- (i) employment (defined for the purposes of this policy as uses within Classes B1 and, where appropriate, B2 general industrial, and limited small-scale or ancillary storage);*
- (ii) leisure/recreation (including riding stables, livery and other equestrian-related development);*
- (iii) tourist use (including tourist accommodation); ~~and~~*
- (iv) community use (where none of the above economic uses are not viable and such a use would have a wider benefit to the local community); and*
- (v) general residential use where employment uses are unsuitable for practical or amenity reasons.*

In addition to other policies in this Local Plan, all proposals for the re-use, conversion and alteration or extension of a rural building in the countryside must also satisfy the following criteria:

- a) the building is ~~structurally sound and~~ capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction;*
- b) the proposed use (including any proposed alterations or extensions to the building), its associated operational area, the provision of any services, and / or any amenity space or outbuildings, would not harm its appearance as a rural building or adversely affect the rural setting of the building in the locality;*
- c) the proposed use would not create significant levels of traffic, particularly lorries, on rural roads (proposals for employment uses will be required to provide a sustainability assessment which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);*
- d) proposals which would create a significant number of jobs should be well located in relation to towns and villages or be readily accessible by public transport; and*
- e) it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area.*

Proposals for the conversion or re-use of rural buildings in the countryside for market housing will only be permitted in special cases and where satisfactory evidence (to be agreed in advance with the Council) can demonstrate the following requirements have been met:

- f) alternative uses for the economic use of the building or use as a community facility have been fully explored and marketed for a sustained period of at least 12 months, to the satisfaction of the Council which in the case of a building considered to be suitable for general Class B1 or B2 purposes has been marketed for a sustained period of at least 12 months;*
- g) the proposal is a high quality design where the building is of architectural or historic merit or makes an important historical and visual contribution to the landscape, using appropriate methods of conservation to retain the character and historic interest of the building (in the case of barns the single open volume should be retained with minimal change to the external appearance); and*
- h) the creation of a residential curtilage and associated domestic paraphernalia would not have a harmful effect on the character of the site or setting of the building, group of buildings or the surrounding area.*

Proposals for the replacement of rural buildings in the countryside for employment purposes (Use Classes B1 and, where appropriate, B2 general industrial, and limited small-scale or ancillary storage) or residential purposes will only be permitted where it can be demonstrated that the replacement of the existing building would result in a more acceptable and sustainable form of development than might be achieved through re-use or conversion of the original building. Proposals for the replacement of rural buildings for residential use will not be supported.

Proposals for the replacement of redundant rural buildings that are important architecturally or historically will not be supported.'

The supporting text and Policy PRO15: The Rural Economy would require amendment to reflect the more flexible policy approach.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Little Oakley Parish Council: We recognise the need for employment in rural areas like ours and would support proposals that meet the stated criteria.

Comments from members of the public

No comments received.

Council consideration

The Council notes the representations made in support of Policy COU3: Conversion or Re-use of Rural Buildings in the Countryside.

The concern by Essex County Council that this and related policies in the plan could result in the loss of unlisted historic rural buildings due to the absence of current intelligence on the state of such buildings in Tendring is noted. However, it is considered that the plan, alongside national

policy, provides the necessary protection for unlisted historic rural buildings and also provides enough flexibility to allow suitable and appropriate developments to come forward that could help to sustain or even improve the rural economy. Should an application come forward that affects an unlisted historic rural building, policies in the plan (in particular Policy PLA6) place the onus on the applicant to demonstrate how the historic character or significance of such a building is protected or enhanced. Proposals that would lead to substantial harm to, or the loss of, significance of any heritage asset will be refused unless it can be demonstrated why a departure from this is justified. In the interests of keeping the plan succinct it is not considered that this requirement needs to be repeated in this policy as the plan should always be read as a whole.

Similarly, in response to Natural England's request for some reference to be made to the potential biodiversity value of rural buildings including an acknowledgement that a number of species may be harboured in these rural buildings, we refer Natural England to paragraph 12.32 of the Draft Local Plan. This paragraph, accompanying Policy COU3, clearly states that a number of species may reside in these buildings and that the Council will expect surveys to be undertaken, of a proportionate nature, prior to applications being made, to ascertain the presence of such species and whether appropriate mitigation can be carried out. It is considered that the plan, alongside national policy, provides the necessary protection for the potential biodiversity value of these rural buildings and the species which could potentially live within them. Should an application come forward that affects a rural building, policies in the plan (in particular Policy PLA4) place the onus on the applicant to demonstrate whether appropriate mitigation can be carried out to protect the biodiversity value of the building. Proposals that would lead to substantial harm to, or the loss of, the important biodiversity value of a rural building will be refused unless it can be demonstrated why a departure from this is justified. Again, in the interests of keeping the plan succinct it is not considered that this requirement needs to be repeated in this policy as the plan should always be read as a whole.

The recommendation from the Highways Agency that the plan should require Travel Plans to accompany any development proposal is noted. However, in accordance with paragraph 36 of the National Planning Policy Framework, which requires all developments which generate significant amounts of movement to provide a Travel Plan, the Council believe, that the current policy wording of Policy COU3 in relation to Travel Plans is appropriate, as the draft Policy stipulates that proposals for employment uses will be required to provide a sustainability assessment, which may include a Travel Plan. The Council argue that some proposals for employment uses will result in significant amounts of movement; however proposals for the re-use, conversion and alteration or extension of a rural building for other uses are unlikely to create 'significant' amounts of movement in comparison. In addition, this Policy should also be read in conjunction with other policies contained elsewhere in the Plan, including those which are written to reduce the need to travel by private car, in particular Policy SD8: Transport and Accessibility.

To avoid making Policy COU3 over prescriptive we have not provided a definition of what constitutes a 'significant extension' to a rural building in percentage form of the existing building footprint or a fixed square metre figure. We are conscious that, in the interest of sustainable development, there needs to be some control over the scale and nature of development in the open countryside in order to protect it for its own sake, and we consider that the draft Policy strikes a good balance between encouraging economic activity in the countryside whilst addressing environmental and visual considerations. Instead, this Policy will need to be implemented on a case-by-case basis, taking into consideration the setting and location of the rural building proposed for extension.

Comments from City & Country call for wider options than B1 and B2 employment uses (in addition to the other uses considered in this Policy) to be permitted in the potential re-use of rural buildings, to help broaden the scope for regeneration and development. Whilst the Council recognise the justification for this, we are mindful that in accordance with national policy and sustainable development objectives, employment should be focussed towards the district's larger urban areas,

which would perhaps be better suited and better equipped in terms of infrastructure to support other uses. In addition, these urban areas are also where we have identified Priority Areas for Regeneration for the District (see Policy PRO4). We therefore propose that no change is made to the Policy to support other uses (other than those listed in the draft Policy) to be permitted in the re-use of rural buildings. Indeed, we again consider that the draft Policy as written strikes a good balance between encouraging economic activity in the countryside whilst also addressing environmental and visual considerations in rural locations.

One of the objectives of Policy COU3, as drafted, was to promote and support sustainable economic growth and sustainable development in rural areas; as such we sought to avoid new isolated homes in the countryside which could prove to be unsustainable. Indeed, the Council's strategy is to resist residential development outside defined Settlement Development Boundaries. However, in accordance with the National Planning Policy Framework, we do also recognise that there are special circumstances, for example; where development would 're-use redundant or disused buildings and lead to the enhancement of the immediate area'; where housing in the countryside could be permitted. We therefore concede that the Policy should perhaps be more flexible to allow for the conversion or re-use of rural buildings for market housing, in accordance with the National Planning Policy Framework and that it may therefore be appropriate to incorporate some of the suggestions from Mr Naylor's response into a revised version of Policy COU3, to allow for this more flexible policy approach. The Council therefore propose changes to Policy COU3 and its associated supporting text to allow for a more flexible and permissive approach to residential use of rural buildings in the countryside.

Outcome

The following **major changes** (MAJ12.2) to Policy COU3: 'Conversion or Re-Use of Rural Buildings in the Countryside' on pages 196 and 197 are proposed (additions shown as highlighted and deletions shown as struck through):

POLICY COU3: CONVERSION OR RE-USE OF RURAL BUILDINGS IN THE COUNTRYSIDE

Proposals for the re-use, conversion and alteration or extension of a rural building in the countryside for the following uses will be considered favourably (in principle):

- (i) employment (defined for the purposes of this policy as uses within Classes B1 and, where appropriate, B2 general industrial, and limited small-scale or ancillary storage);
- (ii) leisure/recreation (including riding stables, livery and other equestrian-related development);
- (iii) tourist use (including tourist accommodation); ~~and~~
- (iv) community use (where none of the above economic uses are not viable and such a use would have a wider benefit to the local community)-; ~~and~~
- (v) residential use (where employment uses are unsuitable for practical or amenity reasons and where the development would lead to an enhancement to the immediate setting).

In addition to other policies in this Local Plan, all proposals for the re-use, conversion and alteration or extension of a rural building in the countryside must also satisfy the following criteria:

- a) the building is ~~structurally sound and~~ capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction;
- b) the proposed use (including any proposed alterations or extensions to the building), its associated operational area, the provision of any services, and / or any amenity space or outbuildings, would not harm its appearance as a rural building or adversely affect the rural setting of the building in the locality;
- c) the proposed use would not create significant levels of traffic, particularly lorries, on rural roads (proposals for employment uses will be required to provide a sustainability assessment which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);
- d) proposals which would create a significant number of jobs should be well located in relation to towns and villages or be readily accessible by public transport; and
- e) it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area.

Proposals for the conversion or re-use of rural buildings in the countryside for market housing will only be permitted ~~in special cases and where satisfactory evidence (to be agreed in advance with the Council) can demonstrate~~ the following requirements have been met:

- f) alternative uses for the economic use of the building ~~or use as a community facility~~ have been fully explored ~~and marketed for a sustained period of at least 12 months,~~ to the satisfaction of the Council; which in the case of a building considered to be suitable for Class B1 or B2 purposes has been marketed for a sustained period of at least 12 months;
- g) the proposal is a high quality design where the building is of architectural or historic merit or makes an important historical and visual contribution to the landscape, using appropriate methods of conservation to retain the character and historic interest of the building (in the case of barns the single open volume should be retained with minimal change to the external appearance); and
- h) the creation of a residential curtilage and associated domestic paraphernalia would not have a harmful effect on the character of the site or setting of the building, group of buildings or the surrounding area.

Proposals for the replacement of rural buildings in the countryside for employment purposes (Use Classes B1 and, where appropriate, B2 general industrial, and limited small-scale or ancillary storage) will only be permitted where it can be demonstrated that the replacement of the existing building would result in a more acceptable and sustainable form of development than might be achieved through re-use or conversion of the original building. Proposals for the replacement of rural buildings for residential use will not be supported.

Proposals for the replacement of redundant rural buildings that are important architecturally or historically will not be supported.

The following **minor changes** (MIN12.12) to the bullet-point list in paragraph 12.25 on page 195 are proposed (additions shown as **highlighted** and deletions shown as ~~struck through~~):

- Uses related to agriculture or farm diversification schemes (see Policies COU6 and COU7 below);
- Small-scale employment (including offices);
- Leisure/recreation uses (including equestrian-related development) (see Policy COU4 below)
- Tourism-related uses (including tourist accommodation); ~~and~~
- Community use (i.e. meeting hall) (where none of the above economic uses are viable and it can be demonstrated a community use would be more sustainable and have a wider benefit to the local community)-; ~~and~~
- residential use (where employment uses are unsuitable for practical or amenity reasons and where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting).

The following **minor changes** (MIN12.13) to paragraph 12.26 on page 195 are proposed (additions shown as highlighted and deletions shown as struck through):

12.26 Whilst residential development outside defined Settlement Development Boundaries should generally be resisted, the National Planning Policy Framework does state that in special circumstances and where evidence is submitted demonstrating that appropriate economic ~~or community~~ uses ~~cannot~~ reasonably be accommodated then the conversion or re-use of a redundant rural building for market housing may be appropriate.

The following **minor changes** (MIN12.14) to paragraph 12.28 on page 195 are proposed (additions shown as highlighted and deletions shown as struck through):

12.28 'Proposals for the conversion or re-use of redundant rural buildings in the countryside for market housing must include appropriate evidence of the efforts which the applicant has made to secure the ~~preferred~~ alternative re-uses ~~for Class B1 or B2 purposes~~ over at least a 12-month period. Marketing of the building must be realistic, and a period longer than 12 months may be appropriate in certain circumstances, for example where a trust or charity requires time to raise money and/or complete legal processes to acquire a historic building for preservation or community use.'

Policy COU4 – Business and Domestic Equine Related Activities

(Pages 197 to 198 – including paragraphs 12.34 to 12.36)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Tendring Way and Essex Bridleway Association (represented by Patricia Cooper): Suggest the following amendment "The Council will seek to maintain and improve access to the countryside by resisting the loss of, or harm to any existing bridleways. The Council will encourage the creation of new bridleways where appropriate opportunities arise to improve and develop the network for the benefit of walkers, cyclists and horse riders".

A cohesive approach would be needed to create an integrated network of bridleways. This could be achieved by a partnership of the council and local groups like 'The Friends of Tendring Way'

and Essex Bridleway Association. This network of bridleways would have positive benefits such as convenience and enjoyment to a substantial section of the public and to the local residents.

In addition the Pickers Ditch Walkway and Holland Haven are ideal for the creation of bridleways (multi-user path). Also multi-user paths should be included in all new recreational and open space development.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

Dr and Mrs Goundary (Great Holland): [Object to paragraph 12.34](#). We dispute the statement that equestrian enterprises 'make a significant contribution to the rural economy' as this is to the detriment of agriculture.

[Object to paragraph 12.35](#). Equine-related development in Tendring has and is being approved where the owners do not live in the locality. This means that the owners go home leaving the residents nearby to cope with issues such as noise, pollution and animal welfare, as well as the impact of the built development on the character of the countryside.

Council consideration

Only two representations were received in relation to Policy COU4: Business and Domestic Equine-Related Activities.

The Council agree with the comments made by the Tendring Way and Essex Bridleway Association insofar as the Council are committed to establishing strong working relationships with partners and key stakeholders to help create an integrated network of bridleways for the benefit of our district's residents and visitors where possible, this includes working in partnership with Essex County Council and by engaging with local groups such as 'The Friends of Tendring Way' and Essex Bridleway Association. To help achieve an integrated network of multi-user paths the Council therefore consider it appropriate to amend the final paragraph of Policy COU4 to reflect the change suggested by the Tendring Way and Essex Bridleway Association.

Whilst we note the concerns raised by Dr and Mrs Goundary regarding equestrian enterprises being detrimental to agriculture and the impact of equine-related development on nearby residential amenity and rural character; we are satisfied that Policy COU4, as drafted, will appropriately mitigate these issues. The Council stands by its assertion that equestrian enterprises make significant contributions to the rural economy and the inclusion of criterion c) of Policy COU4 ensures that the best and most versatile agricultural land will not be lost unnecessarily. Criteria are also included within the Policy (see points a) and b)) to ensure rural character and impacts on residential amenity are carefully considered for all proposals for equestrian development.

Outcome

The following **minor changes** ([MIN12.15](#)) to the third paragraph of Policy COU4: 'Business and Domestic Equine-Related Uses' on page 198 are proposed (additions shown as highlighted and deletions shown as struck through):

The Council will seek to maintain and improve access to the countryside by resisting the loss of, or harm to any existing bridleways. The Council will encourage the creation of new bridleways where appropriate opportunities arise to improve and develop the network for the benefit of walkers, cyclists and horse riders. ~~Encouragement will be given to proposals that improve the existing bridleway network in Tendring and generally improve public access to the countryside.~~

Policy COU5 – Agricultural and Essential Workers' Dwellings

(Pages 198 and 199 – including paragraph 12.37)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

City & Country: City & Country support the policy proposals as it can help make many businesses more viable with workers and/or managers on site.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

City & Country's representation of support for this Policy is noted.

Outcome

No change to the Local Plan.

Policy COU6 – Agricultural Buildings and Structures

(Pages 199 and 200 – including paragraphs 12.38 to 12.40)

No specific comments received.

No change to the Local Plan.

Policy COU7 – Farm Diversification

(Pages 200 and 201 – including paragraph 12.41)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Essex County Council: The County Council considers that farm diversification schemes should contribute towards sustainable development objectives and maintain and enhance the historic environment. However, often such schemes require the adaptive re-use of traditional, historic rural farm buildings. Accordingly, bullet c) should be amended to read “The proposed activity can be accommodated within existing buildings on site, in a way which minimises or avoids conflict between a heritage asset’s conservation and any aspect of the proposal, or if new buildings are required, it can be demonstrated why such buildings are required and that they will be located adjacent to or close to existing buildings and in a location that causes minimum visual impact on the surrounding landscape;”

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

Only one representation was received in relation to Policy COU7: Farm Diversification.

In response to Essex County Council’s request, the Council consider it unnecessary to include the suggested policy wording to make specific reference to how farm diversification schemes should contribute towards sustainable development objectives and maintain and enhance the historic environment.

The Council are mindful that farm diversification schemes can often require the adaptive re-use of traditional historic rural farm buildings, however, it is considered that the plan, alongside national policy, provides the necessary protection for historic rural buildings and also provides enough flexibility to allow suitable and appropriate developments to come forward that could help to sustain or even improve the rural economy. Should an application come forward that affects a historic rural building, policies in the plan (in particular Policy PLA6) place the onus on the applicant to demonstrate how the historic character or significance of such a building is protected or enhanced. Proposals that would lead to substantial harm to, or the loss of, significance of any heritage asset will be refused unless it can be demonstrated why a departure from this is justified. In the interests

of keeping the plan succinct it is not considered that this requirement needs to be repeated in this policy as the plan should always be read as a whole. Indeed, the first paragraph of the policy clearly states that the Council will only grant planning permission for proposals for farm diversification schemes if the criteria within the policy are met, alongside other relevant policy requirements in the Local Plan, this therefore includes policies relating to protecting and enhancing the historic environment.

Outcome

No change to the Local Plan.

Policy COU8 – Thorpe Maltings

(Page 202 – including paragraph 12.47)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Rosegrade Ltd (represented by Ian Tod and Company): The Thorpe Station and Maltings area should be considered as part of the main village of Thorpe-le-Soken, which is a Key Rural Service Centre, and considered as a housing area in its own right (i.e. allocated for housing).

Policy COU8 should be reworded as follows:

“The conservation and re-use for residential purposes of Thorpe Maltings, which will include an element of re-build and enabling development, will be supported. This residential development will not be subject to the restriction in paragraph 12.7 of the plan (limit to 6% increase). Likewise, any development which assists a comprehensive enhancement of the Thorpe-le-Soken Station and Maltings Conservation Area, will be supported. All development should have regard to the guidance and design principles contained in the relevant Conservation Area Management Plan.”

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Cllr A J Newman (Parish Councillor for Thorpe-le-Soken): Tendring District Council has caused the current dilapidated state of the buildings over many years.

Comments from members of the public

No comments received.

Council consideration

The Thorpe-le-Soken Station and Maltings area includes a distinctive collection of buildings of different uses, including the station, a public house and the Maltings itself, a local landmark of

historic and technological importance, but which is now in a very poor condition and is identified by Essex County Council as a 'Heritage Asset at Risk'.

In 1998 the Maltings complex was listed Grade II. Prior to its designation, the Maltings site was purchased by Rosegrade Ltd, with the idea to demolish the existing buildings and replace it with residential development. Since the purchase of the site a number of redevelopment schemes have been submitted by the developer to the Council but none of the proposals have been supported, for a number of reasons and the building remains in a poor condition. In 1990, the area was designated as a Conservation Area and the Council are keen to work with its partners, including Essex County Council, English Heritage, Thorpe-le-Soken Parish Council and the site owner to bring about the enhancement of this area, which is identified as a 'Conservation Area at Risk' by English Heritage. The Council are committed to securing the enhancement of this Conservation Area and have worked with its partners to prepare a Conservation Area Management Plan (CAMP) to develop a solution that involves the conservation and re-use of the Maltings as part of a comprehensive enhancement of the wider Conservation Area. The CAMP is a material consideration and will be used by the Council in the determination of any future planning applications that come forward for the site.

Rosegrade Ltd (the landowner of the Thorpe Maltings site) calls for the area to be considered as part of the main village of Thorpe-le-Soken and be specifically allocated for development. However, this is not agreed as the area is located some distance from the main built up area of the village and has its own distinct character and identity. Consequently, the area is designated as a 'Smaller Rural Settlement' in the Local Plan. The Council recognises the potential of this site and is keen to see the historic site brought back to full use and improvements made to the wider Thorpe-le-Soken Station and Maltings Conservation Area. The support for the principle of this is demonstrated through the inclusion of Policy COU8: 'Thorpe Maltings' and will continue to work with the landowner and partners, including Essex County Council, English Heritage and the Parish Council to develop a satisfactory solution for the future of the site. However, it is not agreed that the site should be specifically allocated for development or that the policy should be reworded as suggested as it is currently not clear how much and what type of development is suitable in terms of bringing about the restoration and improvement of the site and wider Conservation Area. Any proposal for development will be carefully considered on its merits and against relevant policies in the Local Plan through the development management process, in consultation with English Heritage and other key partners but the inclusion of this separate policy and the Settlement Development Boundary drawn around the site should give some confidence to the landowner that the principle of development is supported at this site.

In response to Cllr Newman's comments, it is hoped that the inclusion of Policy COU8 within the Draft Local Plan will help to demonstrate the Council's commitment to securing improvements at the Thorpe Maltings site.

Outcome

No change to the Local Plan.

Policy COU9 – Safeguarding of Civil Technical Site, North of Little Clacton and South of Thorpe-le-Soken

(Page 203 – including paragraph 12.48)

No specific comments received.

No change to the Local Plan.

Policy COU10 – Ardleigh Reservoir Catchment Area

(Page 203 – including paragraph 12.49)

No specific comments received.

No change to the Local Plan.

Policies Map 18 – Bradfield and Bradfield Heath

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Bradfield Primary School Governing Body (represented by Stuart Hopwood): We object to the school being included within the settlement development boundary.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The objection from the Bradfield Primary School Governing Body is noted but when reviewing the Settlement Development Boundaries it was important to ensure that the boundary followed existing physical boundaries where possible and to provide a clear distinction between the built up area of the village and the open countryside beyond. As the school is an important part of the built up area it was considered sensible to include this within the boundary. There are policies in the plan that seek to protect existing community facilities (such as schools) from development but inclusion in the boundary provides flexibility should circumstances change in the future. no change to the boundary is therefore proposed.

Outcome

No change to the Local Plan.

Policies Map 29 – Great Oakley

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Deepfleet Boarding & Training Kennels (Peter Auery): Mr Auery requests that the boundary to the east of Deepfleet Boarding & Training Kennels is included within the development to allow the business to expand and to meet any specific licence requirements that may be required.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

Deepfleet Boarding & Training Kennels request an extension of the Great Oakley Settlement Development Boundary further eastwards to include the whole of the curtilage of the existing business to enable it to expand in the future. Whilst the Council is supportive of local businesses, particularly ones that wish to expand, this needs to be balanced with other considerations and the need to deliver sustainable development. The curtilage of the premises is large, open in nature and is considered to contribute more to the character of the surrounding open countryside than the continuous built up area of the village. It is therefore not agreed that the boundary should be extended to cover the whole site. However, it is accepted that the boundary should be redrawn slightly to bring the existing office building/shop unit into the boundary. Should the landowners wish to submit a planning application for development on the remaining part of the site outside the boundary then it will be considered on its merits through the development management process where the onus would be on the applicant to demonstrate the criteria set out in Policy SD5: Managing Growth, which seeks to restrict growth beyond defined Settlement Development Boundaries.

Outcome

Amend Great Oakley Settlement Development Boundary slightly to include built up part of the site – see proposed change [PM29.2](#).

Policies Map 41 – Wrabness

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Wrabness Parish Council: Support showing the safeguarded open space notation on the Rectory Road Playing Field within this policy and request the addition designation of 0.2 acres of proposed green space to west of Wrabness Village Hall.

Object to showing the railway cutting adjacent to Station Road as safeguarded open space – as it is steeply sloping operational railway land inaccessible to the public.

Showing the Station Yard as a local wildlife site should be reviewed – the station commuter car park has recently been extended into the Station Yard and the adjacent fenced area is an operational yard which is regularly used in relation to track maintenance and repair.

Comments from members of the public

No comments received.

Council consideration

The comment of support regarding showing the Rectory Road Playing Field as protected open space is noted. The request to include further open space adjacent to the village hall is addressed in the section that deals with housing in the countryside and smaller rural settlements.

In response to the concern about showing the railway cutting adjacent to Station Road as open space, land covered by this notation does not necessarily have to be accessible to the public and can cover informal areas that provide an important green space to the local area. No change is therefore recommended.

With regards to the objection about the proposed County Wildlife site at Wrabness siding, this area of land was identified within the Council's 2008 Local Wildlife Site Review document as an area containing an important plant species and so is protected from development in the Local Plan. However, it is accepted that this study only provides a 'snap shot' in time and so should the situation ever change the position will be reviewed in future local plans. Additionally, should an application be submitted for development and it was considered that the situation had changed then the onus would be on the applicant to demonstrate this as part of the application.

Outcome

No change to the Local Plan.

Chapter 13: Implementation and Monitoring

Chapter 13 – Implementation and Monitoring

(Pages 205 to 211)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

Natural England: We are generally satisfied with Chapter 13, including the indicators in the table under paragraph 13.7. However, we would suggest that an indicator to measure change in areas with geodiversity designations (such as Local Geological Sites (LoGS)) should be added, as well as an indicator relating to SSSI condition.

Comments from landowners, developers and businesses

No comments received.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The suggestion from Natural England is noted but not agreed. The draft Local Plan includes an indicator that will measure change in areas of important for nature conservation that relates to Policy PLA4: 'Nature Conservation and Geo-Diversity', which seeks to protect, amongst other things, sites of geo-diversity importance. It is important that the monitoring section in the Local Plan is not too detailed to provide some flexibility in how it is monitored.

Outcome

No change to the Local Plan.

Chapter 14: Appendices

Appendix 1: Housing Requirements for Individual Settlements

(Pages 213 and 214)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Mr J W Thompson (represented by Edward Gittins & Associates) SUPPORT With regard to the level of growth for Alresford set out in Appendix 1 of the PSD, namely 48 new dwellings to be provided during the period 2011-2021, we consider that this level of growth is one that can be absorbed without placing unacceptable strains on existing community facilities or harming the village's rural setting.

Mr S Dulai (represented by Joseph Greenhow Planning Ltd) SUPPORT With regard to the level of growth for Elmstead Market set out in Appendix 1 of the PSD, namely 43 new dwellings to be provided during the period 2011-2021, we consider that this level of growth is one that can be absorbed without placing unacceptable strains on existing community facilities or harming the village's rural setting.

Trustees of the Winsley's Charity (represented by Edward Gittins & Associates) SUPPORT With regard to the level of growth for Elmstead Market set out in Appendix 1 of the PSD, namely 40 new dwellings, we consider that this level of growth is one that can be absorbed without placing unacceptable strains on existing community facilities or harming the rural setting.

Mrs. M. Peirson (Thorpe-le-Soken): The dwelling stock for Beaumont-Cum-Moze is shown as 40 properties; the true figure should be nearer 100.

Mr. O. Barber (represented by CSJ Planning Consultants Ltd): These comments relate to the promotion of land at Marks Farm, Frating, for inclusion within the Settlement Development Boundary. Appendix 1 specifies 11 units for Frating this is not justified in relation to NPPF and the need for flexibility.

A H Brown Farms (represented by Edward Gittins & Associates): These comments relate to the promotion of our land at Larges Farm, Rectory Road, Great Holland, which should be included within the Great Holland Settlement Development Boundary. We regard the level of growth suggested in Appendix 1 for Great Holland, whilst clearly low, to be commensurate with the size of the village thereby endorsing the proposed 6% increase in housing stock.

NNC Homes (represented by Edward Gittins & Associates): We support the inclusion of land at Steam Mill Road, Bradfield, within the Bradfield Settlement Development Boundary for housing development. With regard to the level of growth earmarked for Bradfield as set out in Appendix 1, we consider that this level of growth is one that can be absorbed without placing unacceptable strains on existing community facilities or harming the rural setting.

Brian Kidby (represented by Edward Gittins & Associates) SUPPORT With regard to the level of growth for Weeley/Weeley Heath set out in Appendix 1 of the PSD, namely 45 new dwellings to be provided during the period 2011-2021, we consider that this level of growth is one that can be absorbed without placing unacceptable strains on existing community facilities or harming the rural setting.

Brian Crook (Represented by Edward Gittins & Associates) SUPPORT With regard to the level of growth for Weeley/Weeley Heath set out in Appendix 1 of the PSD, namely 45 new dwellings to be provided during the period 2011-2021, we consider that this level of growth is one that can be absorbed without placing unacceptable strains on existing community facilities or harming the rural setting.

Mystar Homes (represented by Boyer Planning): This relates to the promotion of our site at Woodpeckers/Hilltop Nursery, Weeley Heath, which should be included within the Settlement Development Boundary and allocated for housing. We consider the figure provided for Weeley/Weeley Heath to be entirely arbitrary and it fails to have regard to the difference in the character and amount of facilities offered in the respective settlements. Equally, it does not allow for any evaluation of the ability of different settlements to accommodate housing development in a satisfactory form.

Mr R Mayes (represented by Edward Gittins & Associates) SUPPORT With regard to the level of growth for Little Clacton as set out in Appendix 1, we consider that this level of growth is one that can be easily absorbed without placing unacceptable strains on existing community facilities or harming the village's rural setting.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

Elmstead Parish Council: The PC submitted the results of a survey taken from residents and business owners of the village. The results indicate that 53% of respondents wanted to see less than 40 dwellings built in Elmstead. 41% of respondents wanted to see two developments of 20 dwellings each rather than a single development.

Comments from members of the public

No comments received.

Council consideration

The comments of support are noted. However, in response to objections made against the spatial strategy contained in the draft Local Plan, it is proposed to delete Appendix 1 from the Local Plan altogether through proposed focussed change [MAJ14.1](#).

Outcome

Delete Appendix 1 – see proposed change [MAJ14.1](#).

Appendix 2: Internal Space Standards for Housing

(Pages 215 to 221)

No specific comments received.

Council consideration

To correct an error in the wording.

Outcome

The following **minor changes** ([MIN14.1](#)) to the section under 'minimum standards apply to' on page 215 are proposed (additions shown as highlighted and deletions shown as struck through):

CEL (cooking kitchen, eating and living area);

Appendix 3: Estimated Dwelling Numbers for Allocated Sites

(Pages 223 and 224)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

No comments received.

Comments from landowners, developers and businesses

Bloor Homes Eastern: The site could accommodate more houses than the estimate provided in Appendix 3 (see more detailed comments against Policy COS13).

Mrs. B. Crees (represented by Pomery Planning Consultants): The estimate given for Land east of Thorpe Road should be higher (see more detailed comments made against Policy COS15).

Mr. B. Lumber (represented by Stanfords): This is supported.

Tim Snow Architects Ltd: The councils proposed standards for new housing will have a significant impact in the density of development that can be achieved on a site. It is not known if these have been taken into account when preparing these figures. If they have not then the level of housing provision might be insufficient. I have not carried out a detailed assessment on the councils proposals but in my experience where site densities of 30 units per hectare + have been achieved historically the new proposals are unlikely to achieve 20 units per hectare.

Martello Land and Properties Ltd (represented by Highcroft Planning): The estimate given for the Martello site in Walton is supported.

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The comments of support are noted and welcomed.

The comments from Bloor Homes Eastern have been addressed in the response to Policy COS13: 'Development South of Clacton Coastal Academy, Jaywick Lane/Rush Green Road' where it is proposed to amend the indicative capacity in Appendix 3 from 100 to 180 which reflects the evidence contained in the Council's updated Strategic Housing Land Availability Assessment – see proposed change [MAJ14.2](#).

The comments from Mrs B Crees have been addressed in the response to Policy COS15: 'Development East of Thorpe Road' where it is proposed to amend the indicative capacity in Appendix 3 from 300 to 350 which reflects the evidence contained in the Council's updated Strategic Housing Land Availability Assessment – see proposed change [MAJ14.2](#).

The comments by Tim Snow Architects Ltd are noted but it is important to remember that the indicative capacities included in the Local Plan are merely meant to act as a rough guide. The actual number of dwellings that is suitable for each site will depend on a number of factors and circumstances and the best time for this detailed consideration will be at the planning application stage.

Outcome

Change the indicative capacity of land south of Clacton Coastal Academy from 100 to 180 in Appendix 3 – see proposed change [MAJ14.2](#).

Change the indicative capacity of land east of Thorpe Road from 300 to 350 in Appendix 3 – see proposed change [MAJ14.2](#).

Appendix 4: Local Wildlife Sites and Ancient Woodland

(Pages 225 to 228)

Comments from technical stakeholders

(Government agencies, neighbouring authorities and other technical consultees)

The Harwich Society: Appendix 4 should include 'Bobbits Hole', Main Road, Dovercourt which is shown on Policies Map Inset 2(a) at grid 14/50.

Comments from landowners, developers and businesses

Mr. G. Fuller: Object to my land being included as a Local Wildlife Site (see comments against Policy PLA4).

Comments from community representatives

(District, Parish & Town Councillors and Community Groups)

No comments received.

Comments from members of the public

No comments received.

Council consideration

The Harwich Society require the site at Bobbitts Hole to be included in the list of Local Wildlife Sites and Ancient Woodland. Whilst it is the case that this was included as a County Wildlife site within the adopted Tendring District Local Plan (2007), the situation in this respect has now changed. The data from which the 2007 sites were assessed dates from 1991. Much has changed since that time. The Council published its Local Wildlife Site Review in 2008. This review considered all sites with the potential for biodiversity promotion within the District. The review found that the site at Bobbitts Hole no longer met the strict criteria for designation as a Local Wildlife Site. The Council has a duty to listen to its professional partners and in this instance the decision was made to remove the site from the Local Wildlife Site list.

It is the case that the Council granted planning permission for the erection of a stable block at the Woodlands on Edward Road in 2010. At this time the Local Wildlife site at Upper Holland Brook was only at draft stage within the above mentioned review and not yet referred to within the Local Plan (2007). The Officer at the time of the application took on-board impact on the countryside amongst other things. The Council considered that there was sufficient justification to designate the site as a Local Wildlife Site.

It is not clear what the landowner is objecting to. The land is located in a countryside location; outside of any settlement development boundaries, this significantly restricts what can be done on the land. Planning permission was granted by the Council for a change of use. Any further development will need to satisfy Policy PLA4 which does not prevent all development on the land. The Council consider this new designation to be justified and proportionate.

No further change to appendix 4 is required.

Outcome

No change to the Local Plan.

Appendix 5: Heritage Assets

(Pages 229 to 231)

No specific comments received.

No change to the Local Plan.

Appendix 6: Glossary

(Pages 233 to 238)

No specific comments received.

No change to the Local Plan.