

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

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

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

Each Local Plan has two parts:

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

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

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

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planning.policy@tendringdc.gov.uk or by phone on 01255686177 and ask for Planning Policy.

Tendring
District Council



Local Plan
COLCHESTER BOROUGH



Part A - Personal Details

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

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

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

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

Part B - Representation

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

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

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

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

Paragraph: for a representation on wording or paragraph content

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

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

Legal Compliance and Duty to Co-operate

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

The Inspector will check that the Plan meets the legal requirements

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

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

Soundness

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

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

Positively prepared

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

Justified

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

Effective

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

Consistent with national policy

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

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

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

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

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

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

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

Representations can be sent:

- Via the Council's online consultation portal: <http://tendring-consult.objective.co.uk/portal>
- Via a representation form which can be downloaded from the website and returned via email to planning.policy@tendringdc.gov.uk
- or by post to:
**Planning Policy,
Tendring District Council
Thorpe Road
Weeley
Essex
CO16 9AJ**

For internal Use only	ID:	Rep No:	

Draft Local Plan

RESPONSE FORM

Responses are encouraged via the council's online consultation system available on the website, see <http://tendring-consult.objective.co.uk/portal> However, this form can be returned electronically to planning.policy@tendringdc.gov.uk or in hard copy if necessary to:

Planning Policy, Tendring District Council, Thorpe Road, Weeley, Essex, CO16 9AJ
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

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

PART A

1. Personal Details

Title

First Name

Last Name

Organisation
(Where relevant)

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

2. Agent's Details (if applicable)

Title

First Name

Last Name

Organisation

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

PART B

REPRESENTATION FORM

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

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

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

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

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

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

See accompanying letter dated 28 July 2017 for details.

Continue onto next page

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

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

See accompanying letter dated 28 July 2017 for details.

Do you wish to participate at the oral part of the examination?

Yes No

If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

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

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

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

When the document is submitted for independent examination?

When the Inspectors Report is published?

When document is adopted?

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

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

Colchester: Return by 5pm 11th August 2017

Tendring District Council
Planning Department
Thorpe Road
Weeley
Clacton-on-Sea
CO16 9AJ

Our ref: AE/2006/000294/CS-
10/SB1-L01

Your ref:

Date: 28 July 2017

Dear Sir/Madam

Tendring District Local Plan – Publication Draft Final Consultation

Section 1 of the Tendring Local Plan Pre-submission

The comments relating to Section 1 largely mirror the comments we have already made in our response to Section 1 of the Braintree Local Plan.

Vision for North Essex

We are supportive of the thrust of the Vision. We are encouraged by the Vision advocating that Green and blue infrastructure, among other things, will be planned and provided along with other facilities to support the development of substantial new growth.

Objective 4

We are happy with the inclusion of references to ensuring that flood defence infrastructure and foul sewage infrastructure are considered by developers of future developments.

Objective 9

The words are good, but we currently have a problem with the Strategic Flood Risk Assessment's methodology for assessing the zonal extents of flood risk areas as a consequence of climate change as a means to support this objective.

Policy SP 1 Presumption in Favour of Sustainable Development

We are supportive of the thrust of this policy.

Policy SP 2 Spatial Strategy for North Essex

We are supportive of the thrust of this policy and that the three Garden Communities will be planned and developed drawing on Garden City principles, with necessary infrastructure and facilities provided and a high quality of place-making and urban

design. There may be merit in reinforcing the desire to follow Garden City principles by making reference to the principles reflecting the Garden City principles espoused by the Town and Country Planning Association. See for instance 'The Art of Building a Garden city: Designing New Communities for the 21st Century'.

Policy SPL3 Sustainable Design

We are pleased to see references to the integration of sustainable drainage and aspirations for the reduction of flood risk included within the practical requirements section of this policy

Policy SP5 Infrastructure and Connectivity

Whilst we acknowledge that this policy currently focuses principally on transport and broadband, we would highlight that there is no similar overarching policy that addresses other 'environmental' infrastructure requirements. For example, there is no reference to the need to provide further waste water or flood risk infrastructure to help accommodate the proposed growth. We suggest that the need for similar overarching policy references are considered. This is particularly the case given that the sustainability, in particular, of low lying coastal communities, will be ever more dependent on replacement and/or enlarged flood defence infrastructure to address sea level rises as a consequence of climate change over a development's lifetime and that Tendring District Council or developers will need to help with Partnership funding to secure new flood defence infrastructure.

Policy SP 6 Place Shaping Principles

We are supportive of the thrust of this policy, in particular we are pleased to see that all new development should reflect place shaping principles that will, among other things:

- Provide an integrated network of multi-functional public open space and green and blue infrastructure that connects with existing green infrastructure where possible;
- Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate wastewater and flood mitigation measures.

The supporting text makes reference to the ecological benefits of open space in paragraph 1.88, but there is no reference to the benefits of open space to sustainable drainage. It is noted though that the policy makes reference to "multifunctional" open space and identifies the provision of flood mitigation and wastewater measures as a principle requirement in place shaping.

We recommend that point 11 should include a reference to the promotion of sustainable drainage systems along the following lines:

'Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate wastewater and flood mitigation measures, including use of open space for sustainable drainage systems'

Policy SP 7 Development & Delivery of New Garden Communities in North Essex

We are supportive of this overarching policy. It is encouraging to see in relation to development and delivery, the Council's intention under part xi of Policy SP 7 to secure, among other matters, water efficiency with the aim of being water neutral in areas of serious water stress. We do however consider that the supporting text in chapter 8 should provide further elaboration or perhaps more ambitious wording in relation to compliance with the optional Building Regulation water efficiency standard of 110 litres

per occupier per day. Similar water efficiency measures should be adopted for non-residential development.

Furthermore, given the work done on the Integrated Water Management Strategy, it would be useful to explain, briefly, what water neutral actually means and how it can be met in terms of various techniques.

Paragraph 154 in the National Planning Policy Framework advises that Local Plans should be aspirational. With this in mind, we recommend that short supporting text should be inserted under Chapter 8 as a replacement for the existing paragraph 8.7 along the following lines:

8.7 Water efficiency – in order to promote water efficiency in new residential developments in the Garden Communities, the optional Building Regulation water efficiency standard of 110 litres per occupier per day will be applied. Non-residential development should adopt BREEAM or similar standard for the application of water efficiency components and water recycling.

The existing paragraphs from 8.7 onwards should be re-numbered such that the current wording in paragraph 8.7 becomes 8.8 et seq.

The Local Plan does not arguably follow a strategy that is justified. To a large extent, given the Garden Communities are located in a water stressed area, we consider that the most appropriate strategy is for the optional Building Regulation water efficiency to be sought in new residential developments. Although we do not consider that the issue is significant enough to tip it into a soundness matter, we do consider that the Local Plan should show greater ambition.

Policy SP 8 Tendring/Colchester Borders Garden Community

We are largely supportive of the thrust of this Policy and its various components. However, we consider that it is important item 17 under sub-heading F. Other Requirements – this is concerned with an upgrade to Colchester Waste Water incorporates – includes a reference to the expected timetable/programme included under Table 13.1 in the Braintree Infrastructure Delivery Plan (BIDP). As matters stand there is, on the face of things, no reference to any requirement for essential waste water infrastructure to be delivered ahead of residential development. Delivery of infrastructure is an important component of the master planning process for the Garden Community.

Item 17 should be re-worded along the following lines:

‘Provision of improvements, ahead of development, to waste water treatment including an upgrade to the Colchester Waste Water Treatment Plan in accordance with the programme set out in the Braintree Infrastructure Delivery Plan and off-site drainage improvements’.

The purpose here is to set out a clear signposting of infrastructure delivery requirements as evaluated under the BIDP. It should be noted that the priority for this infrastructure is described as ‘critical’ under Table 13.1 which is presumably a reflection of its importance.

Policy SP 9 Colchester/Braintree Borders Garden Community.

We are largely supportive of the thrust of this Policy and its various components. However, as above we consider that it is important item 18 under sub-heading F. Other Requirements – this is concerned with an upgrade to Colchester Waste Water
Cont/d..

incorporates – includes a reference to the expected timetable/programme included under Table 13.1 in the BIDP. As matters stand there is, on the face of things, no reference to any requirement for essential waste water infrastructure to be delivered ahead of residential development. Delivery of infrastructure is an important component of the master planning process for the Garden Community.

Item 18 should be re-worded along the following lines:

‘Provision of improvements, ahead of development, to waste water treatment including an upgrade to the Colchester Waste Water Treatment Plan in accordance with the programme set out in the Braintree Infrastructure Delivery Plan and off-site drainage improvements’.

The purpose here is to set out a clear signposting of infrastructure delivery requirements as evaluated under the BIDP. It should be noted that the priority for this infrastructure type is described as ‘critical’ under Table 13.1, which is presumably a reflection of its importance.

Policy SP 10 West of Braintree Garden Community

We are largely supportive of the thrust of this Policy and its various components. With regard to item 17 under sub-heading F. Other Requirements, we note there is a reference to provision of improvements to waste water treatments. As with Policies SP 9 and SP 10, there is, on the face of things, no reference to any requirement for essential waste water infrastructure to be delivered ahead of residential development. Delivery of infrastructure is an important component of the master planning process for the Garden Community.

Item 17 should be re-worded along the following lines:

‘Provision of improvements, ahead of development, to waste water treatment including an upgrade to the Colchester Waste Water Treatment Plan in accordance with the programme set out in the Braintree Infrastructure Delivery Plan and off-site drainage improvements’.

The purpose here is to set out a clear signposting of infrastructure delivery requirements as evaluated under the BIDP. It should be noted that the priority for this infrastructure type is described as ‘critical’ under Table 13.1, which is presumably a reflection of its importance.

We have been working with AECOM and Anglian Water on the preparation of an Integrated Water Management Strategy (IWMS) for the Garden Communities. We understand a draft IWMS stage 2 report is expected to be made available to us and Anglian Water in August 2017.

The executive summary of the Stage 1 Report highlighted that the scale and location of development across the Garden Communities poses significant challenges around provision of water supply, wastewater services and management of flood risk. It goes on to add that the full potential quantum of growth that the garden communities could deliver does not have identified solutions for the treatment of wastewater, provision of water supply and assessment of impact and compliance with water based environmental legislation.

The purpose of the strategy is to identify solutions which we consider should as a matter of course be sustainable. We understand the IWMS Stage 2 will develop a range of

delivery option strategies for each garden community based on a series of potential wastewater, water supply, and surface water and flood risk measures. Our expectation is that work on the IWMS Stage 2 will be completed and agreed sufficiently in advance of the submission of the respective local plans to the Planning Inspectorate for the examination in public. Ideally the IWMS Stage 2, and where considered necessary, an IWMS Stage 3 will provide the necessary evidence to support the development of the respective garden communities without impacting on the environment.

We understand the Tendring Infrastructure Delivery Plan has already been published and whilst it does show a programme for water infrastructure, this appears to have been based on the water cycle studies carried out at the individual local planning authority level. Given this, it might be preferable for a standalone detailed IWMS delivery plan for the preferred strategy for the Garden Communities to be provided for evidence purposes in support of the water infrastructure requirements for Section 1 of the Local Plan.

Section 2 of the Tendring Local Plan Pre-submission

Vision

We are largely supportive of the thrust of the Vision. Because of Tendring's coastal aspects which are, to a degree, at the forefront of climate change (rising sea level, eroding shoreline), we would recommend that the Vision should make include a reference to adapting and mitigating against climate change through positive measures. Although there is already a reference under Rural Heartland to climate change and therefore recognition by the Council of this fundamental environmental issue, we consider the overarching Vision should also address the issue. The following wording should be added:

Tendring District's coastal area places economic, social and environmental considerations at the forefront of climate change and therefore there will be a need to place adaptation and mitigation against climate change at the centre of sustainable development.

Policy SPL 3 SUSTAINABLE DESIGN

We are supportive of the thrust of this policy. We particularly welcome under Part B: Practical Requirements, item d, which is concerned with minimising greenhouse gases and impact on climate change and item f which is concerned with reducing flood risk and integrating sustainable drainage.

Policy HP3 Green Infrastructure

We are pleased to see references to the functional benefits of green infrastructure for the purposes of flood mitigation.

Policy LP9 Traveller sites

We support the inclusion of point a) within this policy. With regards to flood risk, caravans, mobile homes and park homes intended for permanent residential use are considered to be 'highly vulnerable' land uses by table 2 of the Planning Practice Guidance document which supports the NPPF. Table 3 of this document advises this type of development is inappropriate in Flood Zone 3 and should therefore not be permitted. This is reinforced in paragraph 11 g) in Planning policy for traveller sites which should be read in conjunction with the NPPF.

It may well be appropriate to include a reference, possibly under the supporting text, to drainage aspects for sites, which are often rural in nature. This could be along the following lines:

'The provision for foul water drainage should be that the first presumption is to provide a system of foul drainage discharging into a public sewer for treatment at a public sewage treatment works. A private means of foul effluent disposal is only acceptable when foul mains drainage is not feasible (in terms of cost and/or practicality). An environmental permit may, depending on flow quantities and any adjacent sensitive area, be required from the Environment Agency.'

Policy PP10 Camping and Touring Caravan Sites

This Policy states that 'if the necessary tests are met in regard to any known flood risk, the Council will support proposals for..' However, we note that there is little in planning policy that is prescriptive of season of operation for camping and touring caravan sites, but reference to sites proposed in recognised flood risk areas having to have availability of advance flood warning services in their locality and to have flood evacuation and response plans would have been useful additions to this policy.

This policy does not have any detail about what may/may not be acceptable from a flood risk point of view. Land used for camping is particularly vulnerable to flood risk, so this would be a useful opportunity for the council to highlight the risk and set out how future applications will take account of it. The final paragraph does not hint at what season the potential occupancy may be limited to.

The previous local plan (adopted December 2007) contained a policy relating to caravan and camping sites which included the following:

"The occupation of all types of holiday units, including chalets and caravans, will not be permitted between 14 January and 1 March in any year. Occupancy may be further restricted to the period 1 March to 31 October where the site:

- i. lacks the necessary and appropriate infrastructure and services for longer occupation; or*
- ii. is located in an area of flood risk, or adjacent to a site designated for reasons of nature conservation."*

This level of detail is not provided within this pre-submission document. Policy PP10 does reference the council imposing holiday occupancy conditions but it is not specific on when and it is not with regards to flood risk. A generic mention of flood risk is included but is fairly ambiguous ("*...if the necessary tests are met in regard to any known flood risk...*").

The NPPF Planning Practice Guidance (PPG) classifies 'sites used for holiday or short-let caravans and camping' as 'more vulnerable' and potentially appropriate development in Flood Zones 2 and 3a if the Sequential and Exception Tests are passed. The PPG also specifies that this type of development must be subject to an appropriate flood warning and evacuation plan. However the PPG classifies 'caravans, mobile homes and park homes intended for permanent residential use' as 'highly vulnerable' and considers them to be an in-appropriate land use within flood zone 3a and 3b.

The Local Plan presents an opportunity for the Council to present a clear position on how this type of development should be considered in areas at risk of flooding. You should consider, in terms of the Test of Soundness covering consistency with national policy, whether the current text is sufficient in this respect, and whether further detail is

required? For example what is the council's position on caravan parks showing a progression to all year round habitation? How should sites in locations at risk of flooding be managed? What level of flood risk might be considered acceptable on a caravan site? Will you require the site to be evacuated on receipt of a flood warning?

Paragraph 6.7.5

We strongly support the Council on the need for robust use of planning conditions and legal agreements to ensure that holiday accommodation is not displaced by permanent residential use, with our focus being on those sites in the high risk (flood zone 3) where park homes and static caravans for permanent residential use are deemed to be "inappropriate" land uses on the basis of their vulnerability to the impacts of flooding.

Policy PP11 Holiday Parks

Please see the comments we have made to Policy PP10 which also apply to this Policy.

We are pleased to note that the supporting text references the need to restrict occupancy in winter months where a site is at risk of flooding, though it is disappointing that it is not specifically reaffirmed in the policy wording. However, we do support the recognition that holiday parks should not become home to permanent residential accommodation due in part to the possible flood risk implications.

Policy PP 14 Priority Areas for Regeneration

Our earlier letter dated 8 September 2017 written in response to the Local Plan Preferred Options consultation provided comments on certain Priority Areas. As matters stand, our comments on the application of the Sequential Test remain outstanding. Therefore, pending the finalisation of the updated Tending Strategic Flood Risk Assessment and Sequential Test assessment report, our comments are repeated below.

Brooklands, Grasslands and 'The Village' areas of Jaywick

These areas include Flood Zone 3 extents, so any redevelopment (in common with any allocated development within Flood Zone 2 or 3) will need to pass the Sequential and Exception Tests as appropriate. We've not seen any evidence that the council have applied these Tests to the emerging plan. This evidence will need to support the submission version of the Plan. If this is not provided we will need to raise it as a soundness issue.

We would also take this opportunity to highlight that regeneration of this area is likely to reduce the deprivation index. This will have the consequential effect of reducing the proportion of future flood defence infrastructure funding (when measured against the current day baseline), that central government can provide through Flood Defence Grant-in Aid.

Furthermore, any plot level rebuilds may be considered as new developments. 'New' development in flood risk areas (post 2012) cannot be taken into account when the benefits of new flood defences for an area are calculated. This could mean that the bulk of funding for any new flood defence infrastructure would have to be met by local and partnership funding sources. Dependence on frontline flood defences and the affordability of that infrastructure (which will be required to be upgraded in due course), is a key issue for long-term sustainability of this community. The long-term infrastructure costs, affordability, sustainability and the lesser proportion of central government funding towards replacement flood defence infrastructure through Flood Defence

Grant-in Aid should be carefully weighed up when considering short-term improvements to reduce the scale of deprivation through re-build initiatives.

Harwich Old Town

The Old Town all lies within Flood Zone 3 so any redevelopment will need to pass the Sequential and Exception Tests as appropriate. As above, we have not seen any evidence that the Council have applied these Tests to the emerging plan. This evidence will need to support the submission version of the Plan.

Walton-on-the Naze

The area for regeneration appears to lie mainly in Flood Zone 1, though there is a small area of the site to the south that is Flood Zone 2 and 3. A sequential approach to redevelopment of this area should therefore be taken, with the most vulnerable aspects of the proposal being located in the areas of Flood Zone 1. As mentioned above, the Sequential and Exception Test will also need to be applied, and evidence submitted alongside this Plan that they have been passed.

At the time of writing this response we had received a further version of the SRFA and Sequential Test assessment report for our consideration and agreement. A formal response will be provided to the Council once we have completed our review, which is likely to happen within the course of the next week or so following the issue of this letter.

Section 7.1 Development and Flood Risk

With regard to paragraphs 7.1.1 and 7.1.2, we have recently advised the Council that the update addendum to the SFRA is currently not capable of providing an appropriate assessment of the impacts of climate change on flood risk zones. This means it is therefore at odds with the Local Plan's strategic objective for Water and Climate Change which is *"To reduce the risk of flooding by securing the appropriate location and design of new development, having regard to the likely impact of climate change."*

Paragraph 7.1.3

No reference has been included as to how a Sequential approach or the Sequential Test will be applied to new development at "Jaywick Sands".

Policy PPL1: Development and Flood Risk

The Policy does not, in our view, fully engage with National Policy and the National Planning Practice Guidance. We consider it is not consistent with the National Policy position and is therefore unsound. We consider this unsoundness could be overcome by adding the following wording to the policy.

All new development within Flood Zones 2 and 3 must not result in a net loss of flood storage capacity.

New development in Flood Zone 3 must provide adequate flood storage and not result in a net loss of flood storage unless there is compensation on site or, rarely if not possible, adjacent off site capacity.

Where possible opportunities must be sought to achieve an increase in floodplain storage.

All more Vulnerable and Highly Vulnerable development within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.

As the Policy stands, it would have been better if both parts of the Exception test were referred to i.e. “safe” as well as meeting the wider “sustainability needs”. We recommend this part of the Policy be re-worded to read as follows:

Where new development cannot be located in an area of lower flood risk and is otherwise sustainable, the Exception Test will be applied in accordance with the National Planning Policy Framework so that it is safe and meets wider sustainability needs.

We would also recommend that the second sentence of the first paragraph of the Policy be deleted and replaced with the wording given below in order to highlight the requirement for more vulnerable development in particular to not be subject to internal flooding and the provision of refuge.

It must be ensured that for new more vulnerable development (for example residential); there will be no internal flooding in the design event, refuge will be available above flood levels in excess of the design flood, or levels that could occur at the site in the event of a breach or failure of flood defence infrastructure, and that a means of escape is possible from first floor level.

We consider that the following supporting text covering the provision of an emergency flood plan, as discussed in our earlier letter dated 8 September 2017 written in response to the Local Plan Preferred Options consultation, is included as a new paragraph 7.1.4. *Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of a FRA and will need to be agreed with yourselves. Refuge should ideally be located 300mm above the 0.1% (1 in 1000) annual probability event flood level including allowances for climate change.*

This supporting text presents a good opportunity for you to set out your requirements for evacuation and refuge.

We consider the following wording should be added as supporting text as a new paragraph 7.1.5.

New development proposals should:

- *retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river will require an environmental permit from the Environment Agency.*

- *retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA).*

Please note that the recommended additional supporting text items are not considered to be soundness matters.

Policy PPL2: Coastal Protection Belt

As advised in our letter dated 8 September 2017 written in response to the Preferred Options consultation, this policy provides the Council with an opportunity to be more prescriptive about what type of development you consider would be acceptable in an area affected by coastal change.

For example, paragraph [7-073-20140306](#) of the Planning Practice Guidance (PPG) provides guidance on what sort of development is appropriate in a Coastal Change Management Area. You could consider embedding the intention of this guidance into Policy PPL 2, or perhaps as supporting text along the following lines:

'National Planning Practice Guidance provides guidance on what sort of development is appropriate in a Coastal Change Management Area. This guidance is considered to have relevance to development proposals within the Tendring Coastal Protection Belt.'

In addition, paragraph [7-076-20140306](#) states that formally allocating land in Local Plans for relocation of development and habitat affected by coastal change may be appropriate in some instances. Tendring may wish to consider this in order to help future decision making.

Policy PPL 4 Biodiversity and Geodiversity

We are largely supportive of the thrust of this Policy and supporting text. However, we would highlight that 'harm' to biodiversity can also arise as a result of development causing invasive species to be introduced. 6% of the water bodies within the Anglian River Basin Management Plan are classified as failing due to invasive species.

We recommend that a biosecurity protocol method statement is required for all development proposals to ensure that an adequate means of preventing the introduction of non-native species is considered and implemented. This should help to prevent the spread of invasive non-native species which have a negative impact on biodiversity and ecosystem functioning. We recommend that this aspect be addressed within the Local Plan by adding the wording below to the final paragraph of Policy PPL 4.

'A biosecurity protocol method statement is required for all development proposals to ensure the introduction of non-native species is prevented.'

Policy PPL5 WATER CONSERVATION, DRAINAGE AND SEWERAGE

We welcome the reference to SuDs and for adding the reference in the policy to the "water quality" benefits of SuDs. We would however make the point that SuDS techniques may not be appropriate for sites within Source Protection Zones, where there are known pollutants/contamination or the site history indicates pollutants/contamination, or where groundwater is relatively shallow and dispersion may not occur in an adequate manner. As matters stand, the Policy does not make any reference to the unsuitability of SuDS techniques in certain instances. We recommend that the wording set out below is added to the existing wording, or if preferred provided as supporting text.

'SuDS techniques based on infiltration of surface water into the ground may not be appropriate, in accordance with Environment Agency policy on the protection of groundwater, for: (i) sites within Groundwater Source Protection Zones, which aim to protect groundwater from pollutants: (ii) sites with known pollutants/contamination or where historical usage indicates the potential presence of pollutants/contamination: (iii) sites where the depth to the water table is shallow and there is the risk of harm to an aquifer used for drinking water supplies.'

The Environment Agency's Source Protection Zone maps should be checked to ensure there is no risk to groundwater quality and before infiltration to groundwater is permitted there should be some level of treatment before surface water is infiltrated. A risk assessment should be undertaken when using Infiltration components in areas of contaminated land.'

Chapter 10 Delivering Infrastructure

There is the need for new or replacement flood defences to be supported with other sources of funding where these are important to the continued sustainability of key settlements and developments. Community Infrastructure Levy and section 106 agreements are useful means of raising sums to support the Partnership Funding of required flood defences to address asset deterioration and replacement to counter the envisaged effects of climate change (sea level rise and peakier river flows).

Paragraph 10.2 Design Briefs

We are keen to assist Tendring District Council with Design Briefs for any site where flood risk may be a concern.

Policy LPP 55 Layout and Design of Development

We support the thrust of this Policy and we are encouraged to see that new development will incorporate items such as energy conservation, water efficiency, waste separation (internal and external), climate change, flood resilience and resistant construction.

Policy LPP 70 Protection, Enhancement, Management and Monitoring of Biodiversity

Our earlier letter dated 18 August 2017 recommended the inclusion of wording covering the provision of ecological buffer strips along river corridors and seeking opportunities for de-culverting. With this in mind we recommend that the wording given below should be inserted as a new final sentence for Policy LPP 70.

'Development proposals with river frontages should make provision for ecological buffer strips with a view to protecting and where appropriate enhancing water dependant habitats and species. Where development proposals will be carried out on land with watercourse currently culverted, opportunities for de-culverting and restoration to an open watercourse should be sought as a means of creating blue infrastructure and enhancing the development site.'

Policy LPP 73 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

We are supportive of the thrust of this policy and its various components.

Policy LPP 74 Climate Change

We are supportive of the thrust of this policy.

Policy LPP 75 Energy Efficiency

We are largely supportive of the thrust of this policy. However, with regard to water efficiency we consider that this should aim to be more ambitious and include a reference to the optional Building Regulation water efficiency standard. With this in mind we recommend the following sentence should be inserted between the existing first and second sentences to the Policy.

'Residential developments in the area should comply with the Building Regulation water efficiency standard of 110 litres per occupier per day'

Yours faithfully



Andrew Hunter
Sustainable Places - Planning Advisor

