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**MRPP**

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## **By Email**

Dear Sir/Madam,

### **RE: DRAFT REPRESENTATIONS TO THE TENDRING DISTRICT LOCAL PLAN (2013 – 2033) AND BEYOND (JUNE 2017)**

On behalf of our client Britton Properties Ltd and its associated businesses, we submit representations to the above emerging Development Plan Document.

Our client is a highly active development company focused in the Tendring area where it has been active over the last three decades. As well as a developer with two recent major housing/mixed use schemes on the periphery of Clacton, it owns a significant employment estate providing accommodation for small to medium sized businesses.

Our client also holds a substantial stock of freehold and other land and interests across the District.

As a planning consultancy, we and our predecessor business have made representations to various Local Plan documents produced by Tendring District Council from the 1990's onwards.

One of our client's most significant developments is the Brook Retail Park on the outskirts of Clacton, as part of the development our client provided the adjacent Country Park.

Having acted for Britton Properties and related businesses for many years, we have a very good understanding of the social, economic and environmental issues affecting the District.

## **PART ONE**

### **1.6 Vision for the Strategic Area**

We have reservations in respect of the manner in which the Vision has been expressed. Whilst there may be "*constraints in many existing urban areas*" across North Essex, these are not so significant as to frustrate the greater proportion of future development needs that the respective districts face, in particular, in Tendring.

Indeed, at paragraph 1.41 and 1.42 the focus on growth is very fairly put in the context of “*the urban area of Colchester*” and in “*Clacton and Harwich with Dovercourt are classified by Strategic Urban Settlements and...will accommodate around 5,000 new homes*”.

Indeed, Policy SP2 whilst recognising that the garden communities will be “*part of the sustainable strategy for growth*” it explains that they will accommodate around 7,500 additional homes within the plan period. In the context of the growth that existing settlements will be tasked with accommodating, this is a relatively modest proportion.

The Vision therefore needs to better articulate the manner by which the existing urban areas will meet these challenges going forward. Such a challenge is recognised in respect of the garden communities, for example later at paragraph 1.83 but that and the challenge for the existing urban areas could be better articulated as part of the Vision.

In particular, the Vision needs to reflect the particular challenges and issues for delivery wherever development is to be located (see the reference at 1.30 in terms of providing growth in sustainable forms and at 1.83 where the garden communities will face particular “*challenges*”).

The Vision also fails to address the needs to have secured economic success across the District particularly in light of the strategic objectives at paragraph 1.31 explaining the need to “*foster economic development*” which is defined as including the need to “*strengthen and diversify local economies...*”.

### **Policy SP1: Presumption in Favour of Sustainable Development**

Whilst this is largely a reproduction of the relevant policy text in the NPPF, we note that paragraphs 1.36 and 1.37 are inappropriately casted. Paragraph 1.36 is written on the basis that there are “*no policies relevant to (note the typographical error here) the application or relevant policies are out of date...*”, yet in the following paragraph at 1.37 the decision maker is asked to have regard to “*...the Plan...*” in terms of whether it “*indicates that development should be restricted*”. This is clearly a non sequitur and should be amended in order to be consistent with National Policy.

### **Policy SP2: Spatial Strategy for North Essex**

We generally support the approach set out in this policy but would recommend that the first sentence of the second paragraph includes reference to the “*improvement*” of existing settlements through future growths. The Plan would thus be more positively prepared.

In addition, the Plan appears to limit itself unnecessarily to explaining how sustainable development principles can be best applied to achieving the spatial strategy by giving only one such example i.e. through ensuring that development locations are “*accessible by a choice of means of travel*”. Ensuring sustainable growth and development has a number of other important principles that can usefully be expressed within such an important policy, for example improving the conditions in which people live, work, travel and take leisure.

Whilst not part of the policy text, we are very concerned that at paragraph 1.38 there is a reference to “*The countryside will be protected...*”. The NPPF/NPPG specifies the

extent to which the natural environment should be conserved and highlights the importance of protecting and enhancing valued landscapes, best agricultural land, AONB's and wildlife, it however does not state that the countryside should not be protected for its own sake. We consider that designations providing protection across rural areas need to be focused on achieving a particular task. This approach is, in fact properly put at paragraph 1.23 of the Plan where it refers to protection of "*natural and historic landscapes, areas of importance for nature conservation and heritage assets*". This is an important point because the approach to protection in the countryside is picked up by part 2 policies later and it is important that the part 1 approach is consistent with National Policy and properly justified.

#### **Policy SP4: Providing for Employment and Retail**

The reasoned justification focuses (e.g. at paragraph 1.50 on the Plan providing for "*more jobs*" and achieving a "*better balance between their location i.e. with housing*". However, the Plan should make clear that the focus should also be on making the relevant districts attractive to inward investment, in that regard and in other respects securing economic success and performance across diverse sectors. These important facets appear to be missing and in order for the Plan to be properly articulated in terms of the Plan being positively prepared, justified, effective and consistent with National Policy.

In terms of the requirements for Employment Land it is wholly unacceptable that the future of these three districts are being planned on the basis of such wide differentials between the two scenarios for example nearly up to 154%. This does not make for effective plan making because of the uncertainty that will result. For example, if the higher growth scenario is adopted there could be considerable amounts of land identified for employment development that does not then come forward and could constrain sites that are otherwise suitable for development from being able to provide for housing, retail or for other purposes.

Whilst the policy relates to the provision for Employment and Retail, nowhere in the policy are retail needs considered, assessed or planned for. This is a fundamental flaw in the drafting of the Development Plan which as a result is ineffective, inconsistent with National Policy (the NPPF at paragraph 20 requiring Local Authorities to plan proactively to help achieve economic growth) and fails to be positively prepared.

#### **Policy SP6: Place Shaping Principles**

We are concerned that the policy starts by requiring that all new development "*must meet the highest standards of urban and architectural design*". The use of the superlative is inappropriate bearing in mind, for instance, paragraphs 50 and 57 of the NPPF requires "*high quality*" and paragraph 56 refers to "*good design*". Whilst our client always strives to ensure that development that is carried out is of such quality, the Development Plan must reflect National Policy i.e. in terms of consistency.

We note that the Vision for the Strategic Area refers only to "*residents will live in high quality...homes...*" and that in the garden communities there is a recognition that and in what we understand to be Policy SP8 (Tendring/Colchester Borders Garden Community) the "*placemaking and design quality policy refers also to, "...high*

*standards of design and layout*". The policy should be amended to replace 'highest' with 'high'.

## **PART TWO**

### **2.1 Vision for Tendring District**

We support the general principles, structure and content of the Vision. It will be challenging to secure this and it is thus important that the ensuing policies focus on the necessary delivery to achieve this. We are not content that in several respects such policies do have the necessary focus and content to do this.

We note in particular the improvements necessary to enhance Clacton-on-Sea to make its economy a success through investment in sectors including retail, leisure, hospitality and health.

We also note and support that the smaller towns and larger villages will have secured "*modest levels of new housing and employment development*" for the latter settlements, the reasoning i.e. "*to support local shops and services, address local issues, provide for local needs...*" is a worthy and necessary ambition.

### **2.2 Objectives for the Plan**

We have concern regarding how the Employment/Commercial and Retail Development objectives are cast.

#### **Objective Two: Employment/Commercial**

The objective focuses solely on using the provision of employment land to secure employment opportunities albeit it recognises that this should "*support a diversity of employment opportunities*". We identify later in respect of the specific policy that non-traditional i.e. B Class employment is not addressed and the objective should ensure that the nature of these opportunities to be created are widely cast. That would be consistent with the Vision for the District for example within its paragraph 3 where Clacton principle urban settlement is seen as accommodating a significant resurgence in its economy with job opportunities in the retail, leisure, hospitality and health sectors too.

Thus, the objective should not limit itself to the development of "*Employment Land*", such jobs will be created through a variety of mechanisms and the objective should also recognise the need to foster economic success through inward investment.

By way of example the Plan at paragraph 3.1.2.6 recognises that the visitor and tourism sector is worth more than £353m per annum to the economy and is estimated to provide 7,900 jobs across the District and that the majority of these are located in and around Clacton.

#### **Objective Three: Retail Development**

The objective is severely limited and will not be able to meet the stated Vision. The NPPF explains that the promotion of the vitality and viability of town centres is predicated against the provision of "*customer choice and a diverse retail offer*". There is considerable leakage of expenditure, primarily in comparison goods, to Colchester. Clacton town centre is identified as a major town centre in the hierarchy above Harwich and Dovercourt and thus is the focus for retail and related development across the

District. In order to achieve the aims set out in the Vision the relevant objective here needs to be more widely cast in terms of how the centre can improve its competitiveness and attraction for its very broad catchment area which extends across much of the District and including its major towns.

### **Objective Six: Sustainability**

This objective is too limited in its intent. Tendring District has a population of 141,000 (2015) and its main settlements are expected to provide a wide range of facilities for many of those residents, be it in terms of employment, shopping, education and otherwise.

However, the objective is limited to satisfying “*day-to-day*” needs in these respects and that is clearly inconsistent with the designated role and function of not only Clacton-on-Sea but also Harwich and Dovercourt. The objective as cast will not be able to achieve the Vision in terms of delivering the “*significant resurgence*” in retail, leisure and other sectors.

As a consequence of change to the objective and other text in the Plan for example at paragraph 3.0.1 will need to be amended and for information the 2011 census population approximately 138,100 and the number of households 62,105 which is equivalent to the size of Cambridge.

### **Objective Ten: Tourism Promotion**

The objective is too limited. It focuses solely on the ability on the Council to work with relevant partners to provide an enhanced environment for tourism. The tourism sector can be developed in accordance with the Vision by the private sector playing a key role in delivery new leisure and hospitality facilities. The objective thus needs to be more widely cast in order to capture the need for qualitative change to improve facilities and make Tendring a more attractive destination. The value of tourism in Tendring is highlighted in paragraph 3.1.2.6 of the Plan with the sector worth £353m per annum and providing 7,900 jobs across the District.

### **3.1 Spatial Portrait**

The underplaying of the task being faced by the Council is also apparent in its approach to new retail development e.g. at paragraphs 3.1.2.7 to 3.1.2.9. This focuses solely on quantitative requirement for floorspace i.e. in terms of continuing the status quo relationship between household expenditure and existing floorspace. It has no regard to the need to improve the quality of existing floorspace and, make the District a “*Sustainable Place*”. Such is to enhance reliance on local facilities and reduce the need to visit larger centres such as Colchester. Indeed, the evidence base accepts that there is a need to improve the quality of retail floorspace across the District.

The approach should draw from the explanation put at paragraph 3.2.1.1.1 explaining that the Strategic Urban Settlements are “...*the most sustainable locations for growth as well as providing locations where*” “...*significant number of additional new jobs...and housing growth on a larger scale*” will be achievable. We consider that the objective is ineffective and not positively prepared.

### **Policy SPL 1: Settlement Hierarchy**

We support the approach set out to the settlement hierarchy.

## **Policy SPL 2: Settlement Development Boundaries**

We support the three-tier approach to development within settlement boundaries as predicated by the policy and explained in the text at paragraph 3.2.3.1.

However, the text at paragraph 3.2.3.2 is not well cast. It needs to be more clearly written in order to be effective. What we understand it is seeking to say is that any new residential development outside Settlement Development Boundary will be limited to small infill sites in villages. The paragraph cannot be interpreted as relating to settlements that have their own Development Boundaries. The policy has therefore not been positively prepared.

## **Policy SPL 3: Sustainable Design**

Whilst we generally support the broad content of this policy, there would seem to be elements of it that could sensibly be delegated to a Supplementary Planning Document.

## **Policy HP3: Green Infrastructure**

The policy explains that such Infrastructure is identified on the Policy Map. This map includes a resource locally referred to as the Pickers Ditch Walkway. This skirts much of the existing Clacton Urban Area from Holland-on-Sea in the east to Jaywick in the west. However, considerable lengths of the original initiative were never completed. Our client secured planning permission (16/0125/OUT) for a mixed-use development on a site known as Brook Park West, which provided a significant enhancement to this Green Infrastructure and this is shortly to be dedicated to the Local Authority. The Proposals Map relating to Clacton will thus need to be amended to reflect this extended area.

## **Policy HP5: Open Space, Sports and Recreation Facilities**

Whilst we have no specific concern with the content of this policy, the detail and its explanation might be more appropriately put in related Standards or a SPD.

The development industry will, however, be focused on how new residential development should provide appropriate open space. That is dealt with in two paragraphs on page 106. However, there is no heading to these two paragraphs of text.

The policy text needs to recognise that as well as the exceptional cases where provision might be best met off-site, there can be circumstances where adjacent recent urban development has, for whatever reason, over provided public open space and thus there is a local net excess arising from recent development that can be applied to new planning applications. This would ensure that land is used sustainably and effectively whilst appropriate open space in accessible locations is provided. We therefore consider that this part of the Policy is not justified.

## **Policy LP4: Housing Layout**

The criteria (e and f) are not well expressed. Indeed, there is confusion when they are read together. It would seem to be wholly unsustainable for development within the urban area of Tendring's towns to be at densities "*in keeping with the semi-rural nature*" of much of the District. Indeed, criterion (f) appears to accept that the density

of new development within settlement boundaries should be *“in keeping with the urban nature”* of the District.

The two criteria need to be recast to make them effective and consistent with National Policy.

### **Policy LP5: Affordable and Council Housing**

The Council have added a reference to viability testing in the second paragraph of this policy but it needs to be made clear that the Council is not anticipating that planning applications proposing less than 30% as affordable or Council housing. The text needs to clarify that development providing a lesser quantum can be acceptable subject to a viability appraisal demonstrating that 30% is not economic.

The alternative of providing a minimum of 10% of new dwellings to the Council or its nominated partner likewise also needs, in relevant circumstances to be subject to viability testing. The 10% provision (often at nominal cost to the recipient), will not always be financially viable yet the wider development will be desirable. Thus, reference must be made to the need for viability testing for schemes that provide less than 10% of new dwellings.

In the fourth paragraph of the policy there is a reference that the design of affordable and market housing should have *“no noticeable difference”*. This would appear to create an unnecessarily constraining influence on the work of relevant designers. The relevant products can quite subtly appear different and indeed meet with the objectives of Sustainable Design. The policy should encourage good design, whatever the product and refer back to the criteria (whether in policy text or delegated to Standards, the content at policy SPL3).

### **Section 6: Prosperous Places**

We have already raised concerns with the casting of the strategic objectives relating to Employment/Commercial and our concern needs to be repeated in the opening text of chapter 6 sets out only that objective which is based upon the provision of *“Employment Land”* which we understand (notwithstanding the lack of any definition in the Glossary as meaning the land to be used for B Class purposes (consistent with the requirement identified in the evidence base and referred to at paragraph 6.5.9 of the Plan). That then translates into the opening text at policy PP 6: Employment Sites.

Whilst the Plan deals with retail and tourism it fails to address the real *“diversity of employment opportunities”* that the District needs to foster. This is recognised in the Vision in terms of a significant resurgence of the economy *“with new job opportunities in the retail, leisure, hospitality and health sectors”*. However, there is little, if any analysis of the scale, role and function of jobs in terms of jobs in non-B Class sectors. This seems to be a fundamental deficiency in the preparation of the Plan through the various evidence basis. This is notwithstanding the reference to the Council having undertaken *“extensive consultation with residents and businesses”* from whom it is said to be *“...clear that delivering a strong economy that provides more jobs for local people is a high priority...”* see paragraph 6.0.3.

## **Policy PP 1: New Retail Development**

We object to this policy since it is not well justified and unlikely to be effective. The opening paragraph of the policy seeks to maintain the existing market share between centres. Yet it is clear including from the WYG evidence base that there is a need to rebalance the relationship between the District's Main Town Centre, Clacton and the draw that residents of the District have towards, in particular, Colchester. Indeed the WYG 2016 Retail Study at paragraph 7.31 – *“this shows there is a qualitative need to improve the existing facilities in the District to attract residents to shop locally”*. Indeed, the evidence explains that *“if no improvements are secured then this expenditure leakage could increase to £237.6m by 2020, this is comparable to the level of money that is currently retained within the District to 2015, demonstrating the scale and magnitude of the expenditure leakage currently occurring”*.

Furthermore, the policy refers only to the quantitative needs assessed by WYG not the qualitative requirements that come from deficiencies in the nature of existing floorspace in the existing towns as well as from the need to address the leakage of trade out of the area to higher order centres.

The policy is therefore wholly unbalanced in terms of referring only to quantitative need and not encouraging the need for qualitative enhancements to improve consumer choice and competition.

The final part of the policy relates to development being restricted in *“scale”*. The concept of control over scale was removed from Government Policy prior to the publication of the NPPF. In the November 2010 version of PPS4.

In light of the above we consider this policy is not effective, justified or consistent with National Policy.

## **Policy PP 2: Retail Hierarchy**

We have no objection to the specific hierarchy set out at Policy PP 2 but object to reference to *“scale”* in its paragraph 2 (see representations to Policy PP1).

We are very concerned at the drafting of paragraph 6.2.16. National Policy does not state *“avoid out of centre retail (and similar) developments”* even on the basis that they might bring *“positive economic growth and not impact negatively on nearby centres”*. Government Policy is clear at paragraphs 23 – 27 of the NPPF. The approach is that identified needs (whether quantitative or qualitative should be met) and that whilst preference should be given to accommodating them within defined centres, the impact and sequential tests operate to accommodate such development through a series of preferences – edge of centre and out of centre – unless there is significant harm to the impact test or a breach of the sequential approach. Paragraph 6.2.16 should be redrafted to be in accordance with Government Policy.

At paragraph 6.12, we would support Clacton being continued to be classified as a Major Town Centre but the Local Plan can helpfully serve to define what is expected of its role and function. In this regard, we have already drawn attention to its role being substantially greater than serving *“day to day needs”* as inappropriately set out within Objective 6 to the Plan i.e. with regard to Healthy and Sustainable Places. Indeed, the WYG Retail Study considers that Clacton performs well in terms of National Planning Policy Guidance health check indicators and is a vital and viable centre.

We refer to paragraph 6.3.6 where the test of impact is set out correctly.

#### **Policy PP 4**

We object to this policy. The NPPF Default Impact Threshold is 2,500 m<sup>2</sup> gross. This is a carefully considered threshold which is proportionate in terms of the relationship to most likely scenarios. However, a threshold of 929 m<sup>2</sup> for the District's one and only Major Town Centre is wholly inappropriate.

Whilst centres lower down the hierarchy i.e. those defined as "*Town Centres*" might benefit from having an impact threshold of lower than 2,500 m<sup>2</sup> there is a logic in their being treated consistent with their status in the hierarchy. Thus, the five Town Centres ought to have the same threshold which reflects their role and function. Indeed, adopting that approach would lend further support to Clacton's threshold being at the default level so that it is distinguished from Frinton, which the Plan suggests should share its impact threshold. We therefore consider that Policy PP4 is not justified.

#### **Policy PP 5: Town Centre Uses**

It is noted that Primary and Secondary Shopping Frontages are defined on the Policy Maps. The Primary and Secondary Shopping Frontage boundary to Clacton town centre has been drawn too widely. The Primary area should be focused on the trading core of the centre as represented by main multiple retailers. The Secondary frontage extends to include a wider diversity of uses but which are nevertheless functionally related to the Primary area. The existing Waterglade Retail Park is functionally separate from the town centre and located beyond 300 meters from what ought to be considered a reasonable edge of the primary shopping area. That is the defining factor for the consideration of sites that would then be regarded as "*out of centre*".

It is noted that there has been no attempt to draft a policy dealing with sequential assessment. It is accepted that this is unnecessary because the policy as set out in the NPPF at paragraph 24 is wholly adequate. However, if the Council wish to import in to the Local Plan (that policy as it is drafted) we would have no objection.

#### **Policy PP 6: Employment Sites**

This policy seeks to protect all existing employment sites and presumably these will be defined on the Policies' Map. However, it is noted that the sites are described as being "*set out in the Council's current Employment Land Review*" it is wholly inappropriate for policy wording to refer to the identification of sites within an evidence base, rather than with the content of the Plan itself.

The five criteria for assessing whether such sites can be used for other purposes all need to be met. The criteria when combined clearly go well beyond the test set out at paragraph 22. That relies upon the decision taker having regard to market signals (i.e. the supply of land and demand for it) as well as the need for the alternative use to come forward in order to meet sustainable development needs.

The criteria therefore need to be considerably simplified and refer to whether the loss of the site or premises is justified in terms of the available stock (in quantitative and qualitative terms) of other existing floorspace and allocated land and the market take up of that supply. Whilst the Plan may well be informed by an evidence base dated May 2016 the relationship between supply and demand for employment land and

premises will vary over the length of the plan period to 2033 and beyond and thus there should be a recognition that the needs identified in 2016 will not be likely to remain those required throughout the plan period.

Whilst some of the criteria e.g. C and D are relevant in terms of providing considerations that might be used to tip the balance in cases where the relationship between demand and supply is close the approach at paragraph 22 of the NPPF is preferred i.e. where the benefits of the alternative land use are fully taken into account.

It is also wholly inappropriate for the Development Plan to require “*evidence of prolonged marketing*” before a vacant building can be re-used for some other beneficial purpose. It is for the Local Plan to determine whether there is enough land and premises in business use and for appropriate action to be taken according to that research. The Council have an evidence base that indicates that additional land is required and it is in contrast not for the Development Plan to defer decisions on the re-use of vacant (or indeed other buildings) to some future date but to use the Plan itself as the tool that will make decisions.

The purpose of the Development Plan is to determine how much stock whether a premises or land, is required and to enable decisions to be made without delay (paragraph 14). A lengthy marketing programme is therefore wholly contrary to the approach set out in the NPPF at paragraph 14 such an approach is also contrary to the NPPF’s approach at paragraphs 186 – 187).

There is no need for the policy to refer to retail and town centre use proposals needing to be subject to other policies in the Plan.

### **Policy PP 8: Tourism**

We support this policy. The need to attract visitors to Tendring in order to reinforce the District’s economic growth is particularly important. In that regard the second initiative to support “*major new tourists’ attractions with good access to the A133 or A120, is supported*”.

### **Policy PPL 6: Strategic Green Gap**

We object to this policy which should be deleted.

The Strategic Green Gap does not serve any purpose in terms of countryside protection. The single purpose of this policy is to maintain physical separation between settlements, however the Settlement Development Boundaries themselves provide policy protection against extending beyond the built limits. The needs for the various developments have been objectively assessed and the boundaries of the defined Settlement Development Boundaries throughout the district have been drawn to accommodate future growth throughout the planning period. As such the settlement boundaries already provide sufficient protection to prevent encroachment beyond the limits of these boundaries

Furthermore, we consider that there is no support for other designations outside those defined in the NPPF (see at paragraphs 109-117) and NPPG and as such the designation of Strategic Green Gaps are not consistent with national policy. Indeed, the Plan acknowledges at para 3.1.4.5 that the natural environment, including Local Wildlife Sites, meadowland, grasslands and ancient woodlands are already protected

by planning policy and accordingly there is no requirement for an additional policy designation which does not serve a necessary planning purpose.

In addition, the Vision for Tendring District at paragraph 2.1 refers to a variety of important countryside designations in the district including wildlife areas and a diverse range of attractive historic settlements and landscapes and protected wildlife which will be conserved and enhanced. However, the Strategic Green Gaps are not part of the tools necessary to secure or to the need for a specific policy to prevent the physical separation of settlements.

On the basis of the above, we contend that the Strategic Green Gap policy is neither justified nor effective is inconsistent with national policy and is not positively prepared. The policy should be deleted.

### **Policy PPL 7: Archaeology**

We consider that this policy is unduly onerous and where applications are submitted on sites where information indicates that there may be archaeological remains that a written scheme of investigation can be submitted following the grant of planning permission.

The policy could be reworded to state 'where the development is permitted on sites which may contain archaeological remains, any planning permission would be subject to a condition requiring a written scheme of investigation'.

### **Policy SAMU 2: Development at Hartley Gardens, Clacton**

Our client owns land to the west of the mixed-use allocation shown on the Policies Map, a large part of which is now a commitment having been granted planning permission for mixed-use development including retail, leisure, business uses together with 200 residential dwellings and substantial enhancements to the Pickers Ditch recreational open space/route. The land owned by our client is defined in terms of the field to the east of that mixed-use allocation but remaining within the defined settlement boundary which is coterminous with the A133, Little Clacton bypass. As such the Policies Map correctly identifies the mixed-use allocation which is SAMU 2 to which policy SAMU 2 refers. Policy SAMU 2 cannot therefore relate to the balance of the land including the recently committed development. Importantly we note that the 2016 Employment Land Study in Figure 6.16 shows our client's site excluded from the wider allocation. Any land within our client's ownership that is outside the area now committed for development has been planned to be accessible from the existing commitment particularly in terms of transport and related infrastructure. Our client understands that any land additional to the commitment is thus a site defined by paragraph 3.2.1 as an "*...other suitable site within the Settlement Development Boundaries*" rather than a site that is "*specifically allocated or housing or mixed/use development*".

Indeed, our clients also own land to the west of the Oakwood Park mixed-use allocation which is subject to Policy SAMU 3 (see below). This land controlled by our client is described at paragraph 9.3.1 of the that policy and explains that the mixed-use allocation is an "*extension of a committed development site*". Thus, the relationship between land owned by a developer that is in large part committed for development and thus not requiring to be the subject of a future allocation has been

correctly described within the text to Policy SAMU3 and the map relating to this in the Development Plan document correctly defines the area to be subject to the ensuing policy (SAMU 3). The same approach needs to be taken to Map SAMU 2 – Hartley Gardens i.e. the boundary of the map area needs to follow the field boundary which is in fact already identified by the eastern extent of the blue coloured Mixed-Use Allocation shown there on the Policies Map. We have attached an extract of Map SAMU 2 showing the area to be excluded from the allocation.

It is clear that the mixed-use allocations relate to sites where there is intent by the developer(s) to deliver a site. The NPPF states that to be considered deliverable sites should 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 site is viable.

On the basis that we have read the draft Development Plan correctly and that it is accepted that a minor change is made to the relevant boundary shown on map SAMU 2 (to be consistent with similar circumstances as shown on Map SAMU 3) then we do not object to Policy SAMU 2. However, we must reserve our right to make such objections should this minor change not be accepted which correctly defines the committed development proposals.

### **Policy SAMU 3: Development at Oakwood Park, Clacton**

Our client owns land to the immediate west of the defined policy area which is the subject of a planning permission referred to at paragraph 9.3.1. Negotiations are currently taking place with a housebuilder to take that site forward for the provision of 250 homes.

Our client has no objection to the mixed-use proposal on land to the east and has already provided the new roundabout access infrastructure referred to in criterion (i) of the Policy.

We are willing to discuss the content of any of these representations in order to assist the Local Authority in the submission of the Plan to the Secretary of State and would like to reserve the right to appear at the Local Plan Examination.

Yours sincerely,



**Martin Robeson**