

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

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

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

Each Local Plan has two parts:

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

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

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

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

Part A - Personal Details

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

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

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

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

Part B - Representation

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

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

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

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

Paragraph: for a representation on wording or paragraph content

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

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

Legal Compliance and Duty to Co-operate

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

The Inspector will check that the Plan meets the legal requirements

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

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

Soundness

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

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

Positively prepared

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

Justified

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

Effective

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

Consistent with national policy

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

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

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

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

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

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

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

Representations can be sent:

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

For internal Use only	ID:		Rep No:	

Draft Local Plan RESPONSE FORM

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

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

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

PART A

1. Personal Details

Title

First Name

Last Name

Organisation
(Where relevant)

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

2. Agent’s Details (if applicable)

Title

First Name

Last Name

Organisation

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

PART B

REPRESENTATION FORM

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

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

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

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

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

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Please see attached representation provided on separate statement and appendix 1 - location plan.

Continue onto next page

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

The Plan has not been positively prepared in relation to the OAHN for the Market Area due to Tendring District seeking to meet a need for 11,000 dwellings, which is lower than the OAHN.

Windfall allowances should be distributed on allocated sites in accordance with the hierarchy.

Aspects of the certain policies are difficult to apply to development proposals or confused in relation to supporting paragraphs.

Rural service centres are not supported with development opportunities over the plan period and only reflect recently approved applications or appeals. This is not effective.

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

Amendments are made to ensure the Plan meets the full OAHN for the District. We recommend that the Council seek to achieve around 12,300 dwellings (2013-33)

The Windfall allowance (1,399 dwellings) is re-distributed in accordance with the Settlement Hierarchy, on suitable, sustainable sites;

That rural service centres are supported with additional changes to the settlement boundaries, including at Elmstead Market, in order to provide a range of sites that could help meet the immediate and medium term need for dwellings across the District.

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

The matters raised are significant and our client is concerned that the Plan fails to provide for the needs of the district, and also fails to ensure the vitality of rural service centres by identifying land for the medium to longer term for these locations, with specific concern for Elmstead Market.

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

1. Introduction and background

- 1.1 This representation on the Tendring District Draft Local Plan is submitted by Strutt & Parker on behalf of Wivenhoe Park Estates in relation to land adjoining Meadow Close, Holly Way and Tye Road at Elmstead Market (location plan attached at Appendix 1).
- 1.2 The sites is on the western boundary of Elmstead Market and part of it has previously been submitted to the Council as a sustainable location for residential development. It was identified in an earlier stage of the Local Plan as a suitable location and was identified as Key 2 for delivery of around 40 dwellings and a community hall.
- 1.3 An application has been granted for up to 20 dwellings, identified at appendix 1 of this representation (application ref.14/01238/OUT). An application has also been allowed on appeal for up to 32 dwellings on land directly to the west of the earlier permission, which was submitted by another party, unrelated to our client (ref.16/00219/OUT). These two applications highlight the suitability of land to the west of Elmstead Market as a sustainable location for residential development. The sites identified in appendix 1 extend to approximately 5.4ha (excluding the approved applications) and form a natural extension to Elmstead Market, able to connect to the existing street and settlement pattern.
- 1.4 It is considered that the Local Plan is currently unsound due to a failure to fully meet the objectively assessed housing needs of the District. Accordingly, in order to be Sound the Plan must identify additional sites capable of delivering sustainable development. Land to the West of Elmstead Market, as shown in Appendix 1, is deliverable in accordance with paragraph 47 of the NPPF and the majority of the site has been identified as available, suitable and achievable through the Council's evidence base (site RS4.16 SHLAA 2014). If allocated through the local plan process, the site would be capable of providing 100 -130 dwellings during the plan period.
- 1.5 It is our view that the Plan should seek to extend the settlement boundary of Elmstead Market to include the attached site, in order to help meet the identified housing need across the District, in sustainable locations. It is our position that the Plan would be unsound unless: additional land is identified to meet the full objectively assessed housing need (OAHN); the windfall allowance is distributed to suitable sites; and smaller sites are identified that would provide for delivery over the early stage of the Plan. These matters were raised in early stages of plan making.
- 1.6 In the context of Government policy, as expressed in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), we are concerned that in its current form the Plan would not be effective or consistent with national policy. In terms of being Effective, the Draft Local Plan (DLP) does not demonstrate with the necessary levels of certainty that it will be *'deliverable over its period'* (NPPF paragraph 182). In terms of being Consistent with national policy, the DLP and accompanying Sustainability Appraisal do not demonstrate with the necessary level of certainty that it *"...will enable the delivery of sustainable development"*.

- 1.7 Strategic Policy SP1 outlines the presumption in favour of sustainable development. Policy SP2, in particular, states that *“Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period.”* And that *‘each local authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.’*
- 1.8 In setting its hierarchy, paragraph 1.38 and 3.2.1 confirm that *‘In Tendring District the spatial hierarchy promotes growth in settlements that are the most accessible to the strategic road network, public transport and offer a range of services’*. Elmstead Market is identified as a Rural Service Centre, where a modest increase in housing stock can be accommodated within the plan period and will make a meaningful contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District (para. 3.2.1.3.1).
- 1.9 However, in setting out its strategy for Elmstead Market, the Council has incorporated sites that are already the subject of planning permission (through both decision making and appeal) and are thereby all likely to be delivered early in the plan, as they are subject to time limits for the submission of reserved matters and there is clear demand for new homes.
- 1.10 The Spatial Strategy for Elmstead Market, which is an important and well-located rural service centre, therefore seeks to ‘regularise’ the settlement boundary by recognising these recent decisions, but does not provide an appropriate long-term strategy for meeting ongoing demand for new homes and development within the village. The Plan therefore fails to be consistent with paragraph 157 of the NPPF in not seeking to meet the needs of the village over the plan period. This is compounded by the failure of the plan to meet the housing needs of the district as a whole.
- 1.11 In addition, it is not clear that the Plan follows its own Spatial Strategy as set out in para 1.8 of this representation.
- 1.12 It is recognised that none of the policies, including SPL2, state that development outside of development boundaries will not be permitted, and that only supporting paragraph 3.2.3.1 of Policy SPL2 states that *‘In general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside.’*
- 1.13 In fact, Policy SPL2 states that *‘Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the Settlement Hierarchy and any other relevant policies in this plan’*. In relation to open countryside, there are no other policies in the Plan that restrict residential development from being proposed within the Countryside, but it is clearly the intention of the Policy SPL2 to do so, as set out in the supporting text.
- 1.14 While a flexible approach to settlement boundaries is welcome, Policy SPL2 does not give a clear indication of how decisions should be made in regards to the hierarchy in SPL1 (contrary to para.154 of the NPPF) and is therefore ineffective.
- 1.15 Accordingly, there is the overriding requirement to meet the district’s housing need and a sufficient quantity of suitable sites have been submitted to the Council that can meet that need. Suitable sites should be identified.

- 1.16 In determining suitable sites, the Council should apply its Spatial Strategy and the evidence base. It is considered that the Council have not followed the proposed strategy as expressed in paragraph 3.2.1 of the DLP.
- 1.17 This is most evident within the category of 'Rural Service Centres', which includes Elmstead Market, but also within the category of 'Smaller Rural Settlements'. The DLP fails to address the key principles of Policies SPL1 and SPL2 in a number of respects, but crucially has failed "to identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs".
- 1.18 It is our case that Elmstead Market is a well-served rural centre that is capable of accommodating a reasonable level of development to support the rural economy and meet its housing needs over the plan period. The proposed Spatial Strategy and accompanying distribution of Housing and Employment allocations as set out in the Preferred Options document is based upon a series of assumptions that rely on approved planning permission and does not appear to take the opportunity to plan for growth over the Plan. It is not clear that the approach taken is supported by the Sustainability Appraisal process.
- 1.19 These issues were raised at preferred option stage and have not been addressed.

2 Managing growth of Rural Service Centres (including Elmstead Market)

- 2.1. Elmstead Market is on the A133 located five miles from Colchester and twelve miles from Clacton connecting the two main towns. The village has grown from its historic core at the crossroads of Colchester/Clacton Road and Church Road, with substantial housing development on the northern side of the A133 dating from the 1950's through to the 70s and 80s. The village has a reasonable range of facilities with a village hall at School Road; Elmstead Primary School at Elmcroft; a cricket field at Church Road; a Spar shop at the petrol filling station on Colchester Road; a restaurant; take-aways; and a post office. There are several small businesses located within the village, primarily along the A133, as well as the new and developing Lanswood Park Business Centre (see policy PP7), providing office and commercial space just outside the village, to the east along the A133.
- 2.2. The DLP identifies Elmstead Market as one of seven Rural Service Centres in the District. For these settlements, the Local Plan identifies opportunities for smaller-scale growth. It states that some of these villages will accommodate a modest increase in housing stock, where appropriate, within the plan period; and that such growth will make a meaningful contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District.
- 2.3. The NPPF recognises the important role planning has to play in ensuring village communities are sustained. It states at paragraph 55 that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 2.4. Further to the requirements of the NPPF, the National Planning Practice Guidance (NPPG) explains how Local Planning Authorities should support sustainable rural communities. This states (at paragraph: 001 Reference ID: 50-001-20160519) the following:

“It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements.”

And

*“A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. **Rural housing is essential to ensure viable use of these local facilities**” (emphasis added).*

- 2.5. Having regard to the above, the DLPs stated aim of directing a proportion of housing growth to rural settlements to help support the village economy and contribute towards local housing need is supported and considered Sound.
- 2.6. However, the proposed settlement development boundary for Elmstead Market is drawn tightly around the existing built form of the village, and recently approved applications, and acts as a barrier to the sustainable growth of the settlement. It is crucial that additional land is allocated to enable the sustainable growth of the village over the plan period.
- 2.7. The need for the Local Plan to facilitate sustainable growth of Elmstead Market is further illustrated through Policy PP3, which includes the following statement:

“The Council will work with its partners, including local businesses, to protect and enhance the following village and local neighbourhood centres and any proposed village and neighbourhood centres as defined on the Policies Map:

Village Centres

- *Elmstead Market Village Centre”*

- 2.8. As per the NPPF and NPPG, one of the key ways in which planning can support and enhance village centres is by directing housing growth to such areas.
- 2.9. The existing village centre is located at the junction of Clacton Road and School Road. Mindful of the need to ensure housing in rural areas be located where it will enhance or maintain the vitality of rural communities, and given the benefits of ensuring facilities and services are accessible to residents by alternatives to the private car – expansion of the settlement to the west is considered the most appropriate approach where a new boundary can be secured.

OAHN for Tendring District

- 3.0. We have significant concerns that Policy SP3 (Meeting Housing Needs) and Policy LP1 (Housing Supply) have not been positively prepared.
- 3.1. The NPPF is clear that Local Plans should seek to meet objectively assessed housing needs in full. Policy SP3 states that the North Essex Authorities will identify sufficient deliverable sites in accordance with the table in SP3 (which for Tendring is 11,000 dwellings between 2013-33); and that each authority will maintain a five year supply of deliverable sites.

- 3.2. It is considered that the OAHN for Tendring District is greater than 11,000 dwellings. While it is recognised that this is a minimum, in setting the Total Supply at 11,000 and the annual housing need at 550dpa, Policy SP3 fails to meet the objectively assessed housing need for the district.
- 3.3. The Draft Local Plan (DLP) explains at paragraph 5.1.3 that the figure of 550 dwellings per annum is taken from the Objectively Assesses Housing Needs Study that was produced for Colchester Borough Council, Braintree District Council and Chelmsford City Council in 2015 and most recently updated in November 2016.
- 3.4. It should be noted that November 2016 study (the OAHNS 2016) confirms at paragraph 8.35 that a range of between 500 and 600 dwellings per annum was identified as being the objectively assessed need for Tendring District. Prior to this, the 2015 study had identified a housing need range of between 597 and 705 dwellings per annum based on the period 2013-2037.
- 3.5. Given that the NPPF calls for the full, objectively assessed housing needs for market and affordable housing to be met, where an objectively assessed housing need range has been identified as being between 500 and 600, it is considered that 600 should be used for the purposes of plan-making if the Local Plan is to be consistent with national policy and positively prepared.
- 3.6. There are a number of further concerns with the approach to determining objectively assessed housing need for the Local Plan which indicate the OAHN is greater than 600dpa.
- 3.7. Government guidance confirms that the starting point for determining objectively assessed needs is the sub-national household projections (SNHP) – the household projections published by the Department for Communities and Local Government.
- 3.8. Government guidance explains that, as household projections do not reflect unmet housing need, whilst official projections should be used as a starting point the consequences of past under delivery should be accounted for.
- 3.9. Notwithstanding the above guidance, Tendring District Council have not used official projections as a starting point in the calculation of objectively assessed housing need. Instead, the Council has identified an alternative ‘demographic starting point’, and applied a market uplift to this figure.
- 3.10. The alternative ‘demographic starting point’ identified by the Council is 480 dwellings per annum for the period 2013-2037. This is considerably lower than the starting point if one were to use the official projections, with the sub-national household projections suggesting 625 additional households per year in the District over the same time period.
- 3.11. It is clear that there is substantial doubt as to whether the revised ‘demographic starting point’ of 480 dwellings is appropriate. At present, Section 1 of the North Essex Authorities Local Plan and Section 2 of the TDC Local Plan are seeking to deliver fewer homes than are required across the Market Area. This is prior to considering any other factors such as migration from London or the inclusion of Chelmsford within the Market Area. It is considered that there are sufficient suitable sites submitted to the council in order for the full OAHN to be met, and that failure to deliver against the full OAHN would lead to an unsound Plan.

- 3.12. Policy SP3 also confirms that the Council will maintain a five year supply of deliverable sites.
- 3.13. The council's January 2016 OAN Update Report by PBA has guided the Local Plan decisions in relation to housing supply. Paragraphs 7.75 – 7.81 confirm that TDC has consistently failed to meet the OAN set under various Plans. The Structure Plan period (1996-2011) resulted in an undersupply of 385 dwellings; the East of England RSS (2001- 2011) resulted in a shortfall of 781 dwellings; the Replacement Local Plan (2004-2011) has a shortfall of 228 dwellings. Following a 'reset' of the housing supply based on a new SHMA in 2012/13, the council had under-delivered by 929 dwellings. With a more accurate OAHN of 625dpa, the council is considered to have under-delivered by some 1,244 dwellings. The PBA report also makes clear the link between planning for the delivery of land for housing and the influence of market signals at paragraph 7.94, that the lack of plan coverage make it very difficult to conclude that market signals were not influenced by the lack of development land being made available.
- 3.14. It is considered that TDC cannot currently identify a five year supply of land as the Plan does not allocate a sufficient variety of sites to provide for the housing need, plus a considerable undersupply. In addition, land would need to be brought forward from later periods in the plan to provide a buffer for the delivery of housing land in accordance with paragraph 47 of the NPPF. At present, it is not clear how the sites identified in the plan would be capable of delivering the homes needed, in accordance with Policy SP3. It is considered that additional sites, in particular smaller sites in a greater number of locations, will need to be identified within the Plan in order to provide a consistent delivery of dwellings throughout the Plan period.
- 3.15. For TDC The target of delivering 11,000 dwellings should be increased to around 12,300, in accordance with the CLG SNHP to 2033, or 625dpa for the period 2013-37. Combined with a lack of supply in earlier periods, the five year supply is substantially greater than 550dpa.
- 3.16. Accordingly, we agree with paragraph 1.39 that 'Provision of sufficient housing is critical to meet the needs of a growing population and for the effective functioning of local economies.' It is therefore concerning that for Tendring District, Section 1 of the LP identifies too few homes to be delivered over the plan period. It is therefore considered that Policy SP3 and LP1 are unsound as presently drafted.

Reliance on windfall to meet housing need

- 4.1. The DLP places significant reliance on windfall to meet housing need, with around 12% of the total proposed housing allocation to be delivered through windfall development (Table LP2 and Policy LP1).
- 4.2. Paragraph 48 of the NPPF states that:
- “Local planning authorities **may** make an allowance for windfall sites in the five-year supply **if** they have **compelling evidence** that such sites have **consistently** become available in the local area **and** will **continue** to provide a **reliable source** of supply. Any allowance should be **realistic** having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and **expected future trends**, and should not include residential gardens” (emphasis added).*
- 4.3. By definition, there is considerable uncertainty as to how much of a contribution windfall will be able to make towards delivery housing. It is far from clear that it will be able to make the

level of contribution that LP1 assumes. The scale of windfall development is presumably based on the assumption that historic levels of development from sites of 9 or fewer dwellings will continue, but provides no evidence as to why this is the case, certainly nothing that can be considered “compelling” as required by the NPPF.

- 4.4. While the Council may be able to demonstrate an historic windfall for the purposes of its five year supply, there is no rationale for concluding that this will continue to provide a reliable source of supply. Historic windfall will have been achieved during a specific period in time, under particularly planning circumstances (including an out-of-date Local Plan). Accordingly, it is suggested that if the Local Plan is ultimately to be found sound, it will be necessary to reduce reliance on windfall to meet housing need. Instead, additional sites should be allocated for housing development at this time.
- 4.0. We are therefore concerned that the Plan does not seek to deliver more substantial alterations to the settlement boundaries of its Rural Service Settlements, which could help deliver homes more immediately, alongside the strategic sites that will deliver the bulk of required homes and infrastructure over the medium and long term. A more balanced approach that recognises the urgent and acute need for homes in the short term, alongside strategic allocations for the medium and long term, should form a central component of the Plan.

5.0. Overview

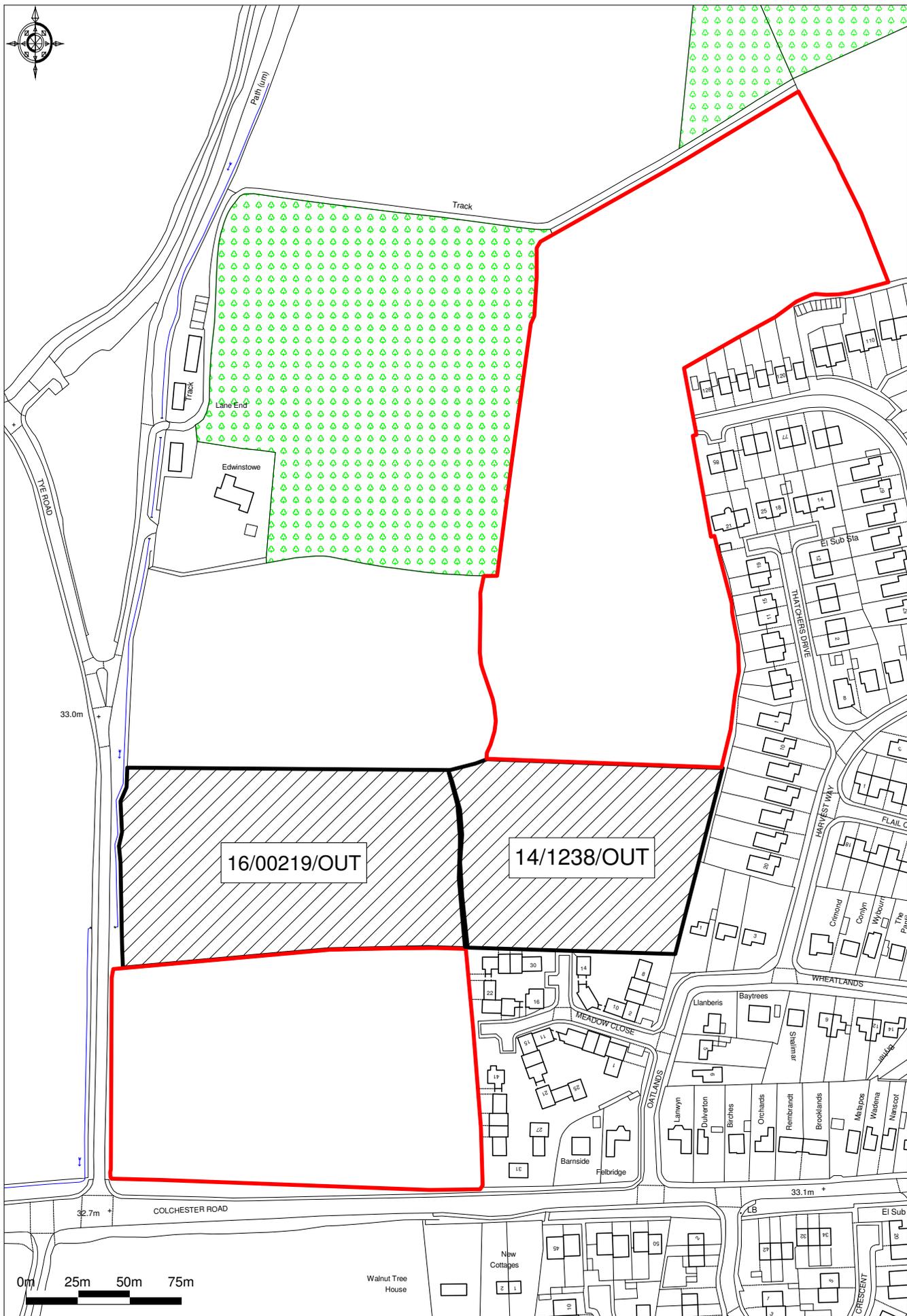
- 5.1. We have concerns that the Plan will be considered unsound unless:
- Amendments are made to ensure the Plan meets the full OAHN for the District. We recommend that the Council seek to achieve around 12,300 dwellings (2013-33)
 - The Windfall allowance (1,399 dwellings) is re-distributed in accordance with the Settlement Hierarchy, on suitable, sustainable sites;
 - That rural service centres are supported with additional changes to the settlement boundaries, including at Elmstead Market, in order to provide a range of sites that could help meet the immediate and medium term need for dwellings across the District.

Yours sincerely,



Richard Clews
Associate Planner

Land West of Elmstead Market



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