

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	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation <i>(Where relevant)</i>	<input type="text" value="Mr R Giles and Nexus Land"/>
Address Line 1	<input type="text" value="c/o agent"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

2. Agent's Details (if applicable)

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Trevor"/>
Last Name	<input type="text" value="Dodkins"/>
Organisation	<input type="text" value="Phase 2 Planning"/>
Address Line 1	<input type="text" value="250 Avenue West"/>
Address Line 2	<input type="text" value="Great Notley, Braintree"/>
Address Line 3	<input type="text" value="Essex"/>
Post Code	<input type="text"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

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 attached representation

Continue onto next page

See attached representation

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

See attached representation

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

See attached representation

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



Phase 2

PLANNING &
DEVELOPMENT
LIMITED

250 Avenue West
Skyline 120
Great Notley
Braintree
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CM77 7AA

01376 329059
office@phase2planning.co.uk
www.phase2planning.co.uk

Tendring District Local Plan – Publication Draft Representations on behalf of Mr R Giles and Nexus Land Ltd

Date: July 2017

Policy SP8 (Tendring/Colchester Borders Garden Community)

We have no objection to the principle of a new garden community on the borders of Colchester and Tendring, or the assumption that this new garden community will expand beyond the Plan period as a major location for growth in North Essex.

Our concerns relate principally to the need to ensure that assumptions regarding deliverability in the Plan period are realistic for this location.

The draft Policy notes that the details for the proposed development would be the subject of a joint Masterplan Framework to be prepared by Colchester and Tendring districts Councils, and it is reasonable to assume that the majority of the Masterplan Framework preparation will not occur until after the Local Plan has been Examined and found sound (though we accept that an element of ‘twin tracking’ of the LPD and Masterplan processes could occur). It might therefore be reasonably expected that the Masterplan Framework will not be in place until circa 2018/19, after which an initial planning application(s) would need to come forward, coupled with the appropriate s106 agreement in respect of infrastructure delivery, before any development could commence. We note from the background documentation produced that there is an expectation of significant community involvement in the design of the garden communities, which is important, but which needs to be factored in to the lead in time for delivery.

At this stage, therefore, and in the absence of a more specific project programme for this location, the earliest that it might be expected that housing construction could start on site would be circa 2021, and even that would be a challenging target, given that it is only 5 years away, and the Local Plan is still only at Preferred Options stage. In reality, it is highly likely that commencement on site would take longer to achieve than that.

Tendring district tends to be a relatively slower housing market compared to other parts of North Essex, and in this location, it might be expected that a strategic development, once output reaches full production, could deliver in the order of 100 - 150 dwellings per annum, depending upon the affordable housing element (we note that Section 8.4 of the Options and Evaluation Report suggests 120 units, or 160 units with 25% affordable). Assuming a reasonable average of, say, 125 units per annum, this would deliver only 1500 units within the Plan period, not 2,500.



Phase 2

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We appreciate from the background documentation that it is intended to set up innovative Local Delivery Vehicles to help deliver the new garden communities, and there may be mechanisms by which such LDVs might be able to support consistent delivery, but the establishment of these LDVs themselves represents a further potential hurdle to the early commencement of the new garden communities, as the new legal and procedural arrangements for delivery will need to be in place in advance of commencement of construction. The assumption in section 8.4 of the Options and Evaluation Report that a combination of an LDV and marketing of the concept of garden communities can add 50% to delivery rates is wholly without any evidence or foundation.

It is also relevant to note that this particular development option straddles two local authority boundaries, and notwithstanding the co-operation being shown on the strategic development principles, this factor creates additional complexities for delivery.

The above (albeit at this stage rough) estimates of delivery suggest that the relevant Local Plans need to find sites for in the region of an additional 1000 units, to overcome the shortfall in likely delivery in the Plan period.

In the absence of an agreed phasing plan for the new garden community, it is difficult at this stage to be precise about the extent to which any delivery shortfall would affect the Tendring Local Plan, but assuming a likely phased delivery from the west (fringes of Colchester) towards the east, it is possible that none of the 1,164 units assumed to be delivered within Tendring district will in fact come forward in the Plan period.

Policy SPL1 (Managing Growth)

We broadly support the settlement hierarchy set out in Policy SPL1, and the distinction between the different categories of settlements. In particular, we support the inclusion of Clacton-on-Sea as a strategic urban settlement, and the recognition in paragraph 2.43 that the strategic urban settlements will accommodate the largest proportion of the District's housing stock over the Plan period.

We note that paragraph 2.44 states that both Clacton and the Colchester Fringe are to be identified as 'broad areas' for longer term growth beyond the current Plan period. In respect of the Colchester Fringe, we note that Map 12 does indeed identify a 'broad location' within which future development could occur, rather than a specific site allocation.

However, for Clacton, Maps 10 and 11 show specific site allocation, and there is no similar notation of a 'broad location' for future growth. It is not evident therefore how the concept of Clacton as a 'broad location' for future growth is translated in to a practical policy or Proposals Map annotation, as there appears to be no other reference other than the statement referred to above at paragraph 2.44.

We consider it right that Clacton is identified as a broad location for future growth (and for additional growth in the Plan period, in the event of under-delivery elsewhere). This could include one of a number of practical measures, such as:

1. Identifying reserve allocations at Clacton (see also our representations to LP1), which if unused would provide possible longer term locations for growth;
2. Identifying the urban fringes of Clacton not otherwise allocated as specific development sites as a 'broad location' in similar vein to the notation used on Map 12;
3. Identifying broad directions for future growth at Clacton/indicative locations on the Key Diagram.



Phase 2

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Policy LP1 (Housing Supply)

As currently drafted, there is a lack of consistency/clarity between the housing provisions of Policy LP1 and the strategic housing provisions of SP2. The strategic policies of the Plan cover a 20 year plan period from 2013 to 2033, and, at 550 dwellings per annum, require the provision of 11,000 homes in the plan period.

Policy LP1 refers to a shorter plan period of 2032, and the document is therefore internally inconsistent in this respect.

The 9,955 homes referred to in Policy LP1 as being deliverable from the allocations/sources referred to therefore represents a shortfall of 1,045 against the strategic housing target of SP2, not the 19 units referred to in Policy LP1.

Furthermore, for the reasons set out in our representations to Policy SP8, we do not consider that the 1,164 units identified under Policy LP1 for East Colchester can be relied upon for delivery within Tendring District within the Plan period.

In addition, given the size of Weeley and the current market demand for property in that area, we would also question whether or not there is evidence to support the contention that the village will be able to deliver over 1000 properties in the Plan period.

Given the large scale of the overall housing allocation, and the need for delivery from a large range of housing sites, there must also be some prospect for non-delivery from other sources.

For all of the above reasons, we consider that there is a shortfall in planned housing supply within the Plan period, and a likelihood of under-delivery from those sources of housing supply that are identified.

We therefore consider that is a case for both additional residential allocations or, in the absence of specific additional allocations, either the identification of reserve sites or a policy that would have the effect of triggering the delivery of additional housing at identified locations in the event of under-delivery.

In accordance with the settlement hierarchy set out in Policy SPL1, the logical locations for any additional allocations/reserve locations would be the Strategic Urban Settlements. However, as the Colchester western fringe is one of the prime candidates for under-delivery in the Plan period, this would not be an appropriate location for identifying additional deliverable land. Clacton-on-Sea and Harwich/Dovercourt would therefore be the logical locations.

In accordance with our representations to the Policies Map for South East Tendring, we consider that land on the east side of Clacton at Burrs Road/Sladbury's Lane should be identified for residential development, either as:

- (a) An allocation for immediate development in the light of the shortfall identified above;
- (b) As a reserve site in the event of under-delivery from other locations;
- (c) As part of the 'broad location' for future growth referred to in paragraph 2.44 (see our representations to Policy SPL1).

Policy PPL6 Strategic Green Gaps

In our submission, the proposed east Clacton Local Green Gap between Burrsville Park and Holland On Sea should be deleted on the basis of the following:

- 1. the Council has previously determined to redefine the LGG in the context of the emerging Local Plan to exclude the Application Site from continued protection under this policy;*
- 2. Our client's land by reason of its location relative to adjoining open countryside, and its ability to deliver a substantial area of Green Infrastructure, does not materially prejudice the ability of the Council to maintain a Green Gap between Holland-on-Sea and Clacton-on-Sea;*
- 3. That there are moreover additional green infrastructure requirements in the case of the Subject Site, specifically an acknowledged shortfall in publically accessible open space.*

Policies Map South East Tendring District

In the light of our representations to SP8, SPL1, and LP1, we consider that the additional land shown on the attached plan should identified for residential development, either as:

- (a) An allocation for immediate development in the light of the shortfall in housing land supply (as identified in our representations to LP1);
- (b) As a reserve site in the event of under-delivery from other locations (as per our representations to LP1);
- (c) As part of the 'broad location' for future growth referred to in paragraph 2.44 (see our representations to Policy SPL1).

This location has previously been identified as suitable and available in the Council's Strategic Housing Land Availability Assessment, and indeed was proposed for development in the 2010 Draft Local Plan. It remains a highly sustainable location, close to the town centre and local facilities, and close to local employment opportunities. The SHLAA has identified no unresolvable environmental objections, and therefore subject to appropriate highway mitigation and educational provision (a primary school can be provided on site), the evidence still supports the allocation of this site for development.

BURRS ROAD, CLACTON-ON-SEA.

RESIDENTIAL SCHEME: PART 1 SCHEME LAYOUT PLAN

SCALE BAR 1:500



KEY

-  Proposed Residential
-  Mixed Use
-  Proposed School
= 12730 m2 (1.27 Hectares)
-  Open Space
Total area
= 146440 m2 (14.64 Hectares)
-  Proposed roads
-  Pedestrian Routes
-  Drainage
-  Phase Boundaries
-  Overhead Cables
-  Road Improvements
-  Approximate Extent of Flood Zone
-  Site Entrance
-  New Junction Alignment
-  Feature Business



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PROJECT TITLE
RESIDENTIAL SCHEME
 DRAWING TITLE
AS PROPOSED:
 Area Allocation Plan
 PROJECT NAME AND ADDRESS
 Burrs Road,
 Clacton-on-Sea,
 Essex.
 DRAWING NO. SCALE DATE
 256.100C 1:2500 @ A1 17.02.2013