

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	<input type="text" value="Mr"/>
First Name	<input type="text" value="David"/>
Last Name	<input type="text" value="Moseley"/>
Organisation <i>(Where relevant)</i>	<input type="text" value="Persimmon Homes"/>
Address Line 1	<input type="text" value="10 Collingwood Road"/>
Address Line 2	<input type="text" value="Witham"/>
Address Line 3	<input type="text" value="Essex"/>
Post Code	<input type="text" value="CM8 2EA"/>
E-mail Addr	<input type="text"/>
Telephone Number	<input type="text"/>

2. Agent’s Details (if applicable)

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation	<input type="text"/>
Address Line 1	<input type="text"/>
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"/>

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:

Detailed below is a list of sections / policies to which Persimmon Homes are making representations. For the detailed representations please see attached covering letter from David Moseley (Persimmon Homes) dated 28th July 2017. The text contained in this letter is detailed below

LIST OF SECTIONS / POLICIES TO WHICH THE REPRESENTATIONS REFER

Local Plan Part 1

1. Comment - Policy SP3 (Meeting Housing Needs) (p35)
2. Objection - Policy SP5 Infrastructure and Connectivity (p44)
3. Objection - Policy SP6 – Place Shaping Principles (p39)
4. Support – SP7 (Development & Delivery of New Garden Communities in North Essex) (p50)
5. Objection 4;
 - Policy SP8 (Tendring/Colchester Borders Garden Community) (p53)
 - Policy SP 9 (Colchester/Braintree Borders Garden Community)(p56)
 - Policy SP 10 (West of Braintree Garden Community)(p60)

Local Plan Part 2

Continue onto next page

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

We support the Local Plan and want to continue to work with the Borough to deliver their housing targets.

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

Please see detailed representations

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

Persimmon Homes wish to reserve the right to participate in the Oral part of the examination in the event that the objections raised are not satisfactorily addressed within the submission plan.

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



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Council Offices
Thorpe Road
Weeley
Clacton-On-Sea
Essex
CO16 9AJ

28th July 2017

Dear Sir/ Madam

Response by Persimmon Homes to the Tendering Draft Local Plan

Thank you for consulting Persimmon Homes on the Tendering Draft Local Plan. We support the Local Plan and want to continue to work with the Borough to deliver their housing targets.

Shared Strategic Plan: North Essex Authorities Strategic Part 1 for Local Plans

Duty to Co-operate

It is clear that Tendring, Braintree and Colchester have been working closely in the preparation of their Local Plans. The shared approach to meet housing need across the Housing Market Area (HMA) set out in 'Part 1' of each Local Plan shows a real commitment from to addressing the strategic and cross boundary issues facing the housing market area.

1. Comment - Policy SP3 (Meeting Housing Needs) (p35)

Persimmon Homes are a member of the House Builders Federation (HBF) and wish to refer you to their representations on the Draft Local Plan, partially with reference to their evidence on OAHN's and the Council's 5yr Housing Supply, we want you to consider those carefully before the next version of the Plan is produced with a view to ensuring that the plan going forward is sound.

We note and welcome Policy SP3 commitment for each authority to maintain a five year housing land supply. This is especially important given the significant uncertainties and technical challenges that remain regarding the delivery of the three garden communities and the undesirable socio-economic implications if delivery is delayed.

'Each authority will maintain a sufficient supply of deliverable sites to provide for at least five years' worth of housing and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan'.

The extract from draft Policy SP3 above does not mention that this should be judged against the housing requirement within the Local Plan or that there needs to be an appropriate buffer (i.e. 5% or 20%). The wording of SP3 should reflect para 47 of the NPPF and as such should be amended to read;

'Each authority will maintain a sufficient supply of deliverable sites sufficient to provide for at least five years' worth of housing against their housing requirements with an additional buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan'.

Notwithstanding this, it is not clear from Policy SP3 as to what actions the Council will take in the event of a persistent under delivery against housing requirements within the plan. As detailed above, the garden community is very ambitious and there remains significant risk that the timescales for delivery will slip. In the event of persistent under delivery, the Local Plan should set out what actions they shall take. Actions could include a partial review of the plan and allocation of additional housing sites.

2. Objection - Policy SP5 Infrastructure and Connectivity (p44)

Whilst it is agreed that development must be supported by the provision of infrastructure, services and facilities, a significant amount of the items identified rely upon third parties (including public and statutory bodies) or wider investment decisions (such as those made by Network Rail, Highways Agency, Broadband Providers). Policy SP5 should be amended to recognise the role the Council's have in terms of influencing, co-ordinating and delivering infrastructure and connectivity. Policy SP5 should also be amended to recognise the role that obligations through s106 or Cil should make in addressing infrastructure needs arising from the new development.

It is important that the totality of costs to be borne by the proposed level of development is adequately assessed. In light of Para 173 of the NPPF, *'the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'.*

3. Objection - Policy SP6 – Place Shaping Principles (p39)

The NPPF (para 8) recognises that *'well-designed buildings and places can improve the lives of people and communities'*. The NPPF Core Planning Principles (para 17) is to *'always seek to secure high quality design'*. Para 57 refers to *'It is important to plan positively for the achievement of high quality and inclusive design for all development'*.

The draft Policy SP6 requires ‘All new development must meet the highest standards of urban and architectural design’. This requires every development to achieve the ‘highest standard’, which would require the achievement of a constant escalation of standards to be the ‘highest’. The ‘highest’ is a more onerous test than ‘high quality and inclusive design’ within the NPPF. It is considered that this constant escalation to achieve the ‘highest’ possible standard would be unduly onerous and could threaten development viability. In light of this, SP6 should be amended to read;

‘All new development must be of a high standard of urban and architectural design.’

It is considered that not all of the ‘principles’ stated would be applicable to every development. For instance;

- ‘Where possible, provide a mix of land uses, services and densities...’. It may be possible but not desirable to provide a mix of uses in a development.
- ‘Provide an integrated network of multi-functional public open space’ – a development may not be of a scale to achieve this or functionally require it in the event of existing adequate provision.

In light of the above, SP6 should be amended to read;

‘All new development should, where applicable, reflect the following principles;

Garden communities

4. Support – SP7 (Development & Delivery of New Garden Communities in North Essex) (p50)

In terms of SP7, Persimmon Homes supports the creation of three new garden communities.

Cross boundary new settlements will require significant degrees of co-operation and joint delivery arrangements. Whilst acknowledging the work done to date, there remains a significant risk that the scale and complexity of the planning and the delivery of the Garden Communities will delay their anticipated delivery. It will be important that the Council appropriately resources and facilitates the timely delivery of the Development Plan Document for the Garden Community.

5. Objection 4;

Policy SP8 (Tendring/Colchester Borders Garden Community) (p53)

Policy SP 9 (Colchester/Braintree Borders Garden Community)(p56)

Policy SP 10 (West of Braintree Garden Community)(p60)

Persimmon Homes support the creation of the Tendring / Colchester Garden Community.

Policy SP7 (v) has an absolute target of 30% affordable housing. However, **Policies SP8 Part B, SP9 and SP10** states ‘including a minimum of 30% affordable housing’. Persimmon Homes object to Policies SP8 Part B, SP9 and SP10 reference to the affordable housing target being a ‘minimum’. The Local Plan must set out clearly the target it is seeking to achieve and, in line with Para 173 of the NPPF, assess the implications for development viability having regard to the scale of obligations and policy burdens of the development plan as a whole.

It is considered that an uncapped target does not provide certainty and could place a policy burden that would threaten viability. The market and purchasing decisions factor in policy requirements and not having clarity would give rise to significant uncertainty that would not assist delivery.

Local Plan Part 2

6. Support - Policy SPL1 (Managing Growth) (p91)

Persimmon Homes supports the proposed settlement hierarchy and the inclusion of Clacton-on-Sea as a Strategic Urban Settlement.

7. Support – Policy SPL2 (Settlement Development Boundaries)(p92)

Persimmon Homes are promoting the land at Rouses Farm, west of Jaywick Lane and south of St.John’s Road, Clacton-on-Sea for a mix of residential development, community facilities and public open space. The settlement boundary as detailed on Map SAMU4 (p200) and the SE Tendring inset map is supported.

8. Comment - Policy SPL3 Sustainable Design (p93)

Part B: Practical Requirements

Sub-section (a) – the policy refers to development ‘not lead to an unacceptable increase in congestion’. The Policy should refer to mitigation and the residual and cumulative impacts in line with NPPF Para 32 which states ‘improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’. It is therefore recommended that part B(a) be amended to read;

*a. access to the site is practicable and the highway network, **post mitigation**, will be able to safely accommodate the additional traffic the proposal will generate and not lead to **a severe residual cumulative impact on the highway network**;*

Sub-section (s) ‘the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the current regulations and policies in this plan’;

It is not clear what regulations are referred to and as such this is too ambiguous.

Notwithstanding the above, it is not clear whether the reference to ‘current’ refers to regulations in force at the time of adoption of the plan and any subsequent regulations coming into force during the plan period.

In accordance with para 173 of the NPPF, ‘*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened*’.

Given that the plan cannot assess the burden arising from (unspecified) regulations, it is considered that the plan should (a) specify the regulations to which it seeks adherence and (b) consider the implications of existing regulations.

In light of the above, Part B sub-section d should read;

*d. the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the **Building Regulations prevailing at the time** and policies in this plan;*

The footnote to Part C of this policy will require housing developers to consider the use of renewable energy and the reduction of emissions. However, the Government have been clear through both the Written Ministerial Statement dated the 25th March 2015 and Planning Practice Guidance that it considers improvements in energy efficiency and carbon reduction will be achieved through Building Regulations with only a limited number of optional technical standards that can be required through a Local Plan where there is sufficient evidence to support their implementation. There is no need for the Council, through the Local Plan, to ask for consideration to be given to such measures. Such policies cannot be implemented or monitored and as such are ineffective and this element of the policy should be deleted.

9. Support - Policy HP1 (Improving Health and Wellbeing) (p98)

Persimmon Homes supports Policy HP1. We note that the policy seeks mitigation. Persimmon Homes are promoting the land at Rouses Farm, west of Jaywick Lane and south of St.John's Road, Clacton-on-Sea for a mix of residential development, community facilities and public open space. As part of this development, Persimmon Homes are proposing that the site accommodate a *local medical facility*. The exact disposition of the healthcare facility will be determined in consultation with the Council and the Clinical Commissioning Group as the planning process moves forwards. There is an opportunity for the health facility on this site to be of a scale to support the additional growth within this area and address the current shortfall in facilities (the area exceeds the recommended pupil to GP ratio).

10. Support – Policy HP2 (Community Facilities) (p101)

Persimmon Homes supports Policy HP2. We note that the policy seeks mitigation. Persimmon Homes are promoting the land at Rouses Farm, west of Jaywick Lane and south of St.John's Road, Clacton-on-Sea for a mix of residential development, community facilities and public open space. As part of this development, Persimmon Homes are proposing that the site accommodate community *facilities*.

11. Comment – Policy HP5 (Open Space, Sports and Recreation Facilities)(p106)

It is useful that the Policy quantifies the percentage of gross site area that should be open space.

It is considered that the threshold for the scale of 'open space' being no less than 0.15ha is not conducive to delivery or good site planning;

- (a) Major developments of less than 1.5ha would either not qualify to provide open space or would have to deliver a higher proportion of open space in order to meet the 0.15ha minimum, which may in turn threaten viability.
- (b) Under the Policy, a 'usable' open space would need to be 1500sq.m. The beyond six acre standards seek 100sq.m Local Areas of Play, 400sq.m for Local Equipped Areas of Play, 800sq.m for Neighbourhood Areas of Play. Therefore, if play space is provided within a development without the inclusion of a substantial proportion of associated open space, such play area(s) would count towards the 'usable' open space for the purposes of the policy. This is considered to be flawed as provision for children and young people should be encouraged and provided in accessible locations within a development.

It is recommended that the Policy is amended to state;

Based on trends and the 2007 Adopted Local Plan, Policy COM6, 10% of the gross site area should be open space. On sites over 1.5ha development should ensure that areas of open space are usable and seek to include open space parcel(s) not less than 0.15 hectares.

12. Comment - Part 5 Living Places (p114)

Table LP2 'Local Plan Housing Allocations' details total housing numbers. In relation to Rouses Farm, the table states '850'. In the associated policy, this number is stated as a minimum. Persimmon Homes have undertaken public consultation, extensive technical studies and Master planning of the Rouses Farm site to support the emerging allocation. The Environmental Statement submitted to the Council alongside the proposals for Rouses Farm demonstrates that the site can satisfactorily accommodate 950 homes together with the associated education, health and community facilities. The quantum of development supports the total number of homes required within the plan. Furthermore, it would support ongoing delivery during the plan period, assisting the Council with maintaining a five year land supply and resisting development on sites not envisaged within the Development Plan. This should also be seen in light of the present uncertainty regarding when the garden communities will begin to make a meaningful contribution and the potential for slippage given the ambitious nature of the Garden Community.

13. Objection – Policy LP3 (Housing Density and Standards) (p120) & LP4 (Housing Layout)

Policies L3 & LP4 seek to adopt the new 'National Technical Housing Standards' to all new development.

National Context

In 2013, The Housing Standards Review (the Review) was launched which sought to simplify and rationalise the raft of housing standards which local authorities applied to development. At the heart of the Review was a desire to reduce developer costs and create attractive conditions to significantly boost housing delivery. The industry was heavily involved in the Review.

The outcome of the Review was the establishment via Building Regulations of mandatory baseline standards which apply nationwide to all developments. The Government also created a series of enhanced Optional Standards relating to access and water, along with a new optional national standard on internal space. All of these are implemented through planning but access and water are optional Building Regulations and Space Standards are planning only.

Initially the industry had concerns that the enhanced standards would be applied by Local Authorities as their starting point. Application of the enhanced standards has the potential to have significant implications in terms of product range, build cost, affordability and consumer choice, cumulative policy burden, viability and ultimately housing delivery.

In response, the Government confirmed that the enhanced standards were intended to be optional and that they would only be needed and viable in certain local circumstances. Otherwise, they would have been made mandatory in Building Regulations across the country.

The enhanced standards were introduced on a 'need to have' rather than on a 'nice to have' basis and policy safeguards were put in place.

The standards could only be introduced via a new Local Plan and to do so, clear evidence of need had to be demonstrated and impact upon viability had to be considered. It was recognised that EIP could be the only forum to properly debate whether development should be subject to such enhanced standards.

New Regime and Policy Context

The new regime was launched by a Ministerial Statement dated 25th March 2015 and the creation of a new section on optional technical standards in the National Planning Practice Guidance (NPPG). This was also underpinned by existing policy within the National Planning Policy Framework (NPPF).

Paragraphs 174 and 177 of the NPPF make it clear that via the Local Plan process LPAs should assess the cumulative impact of policy burden, including housing standards, to ensure that it does not put implementation of the plan at serious risk.

The new Ministerial Statement stated the following: *"The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance."*

Accompanying this, Paragraph 001 Reference ID:56-001-20150327 of the NPPG made it clear that LPAs will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans. Paragraph 002 Reference ID 56-002-20160519 of the NPPG confirms that LPAs should consider the impact of using these standards as part of their Local Plan viability assessment.

The new NPPG section provided substantial guidance in terms of the implementation of the new regime including specific advice on the individual standards which are discussed below.

As referred to above, via Policy LP3 and LP4, Tendring are seeking to apply the optional national space standard along with the optional accessibility and adaptability standards.

Nationally Described Space Standards (NDSS)

NPPG sets out clear criteria which Councils must satisfy in order to adopt optional NDSSs over and above the requirements of Building Regulations.

Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- *need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- *viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- *timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.*

The guidance effectively sets out three stages which must be overcome to ensure the NDSSs are only applied where needed and impacts are fully considered. We have considered Policy LP37 below with these policy hurdles firmly in mind.

- **NEED**

First and foremost a local authority must demonstrate clearly evidenced needs to require the NDSSs. The Council have not presented sufficient evidence to demonstrate need for the optional enhanced housing standard above what is established as nationally suitable in Building Regulations.

What is currently being built?

The point to note here is that all new housing clearly must comply with Building Regulations which allows flexibility in terms of footprint, room size, circulation space etc. This can be considered carefully by the housing market in determining product choice to meet the needs and demands of customers. This in turn allows for build refinement in relation to internal fit out. Finally this results in whole range of supply chain and construction efficiencies which are crucial to reducing cost, driving affordability and reducing build time to increase production. None of this appears to have been considered by the Council.

Current sales / Need for market intervention

The industry is firmly of the view that current sales rates confirm that current product range is fully suitable for those wanting to buy properties. The industry knows its customers and what they want. Sales rates in the district are strong.

When establishing need, we would expect Tendring to consider market indicators such as quality of life impacts or reduced sales rates with consumer information sighting the inadequacy of housing stock in the local area. This does not appear to have been provided to justify application of the enhanced standard and market intervention. The Inspector should not endorse the policy without this being demonstrated.

The Council must demonstrate why there is a need to impose the NDSS via Policy LP3 and LP4.

Existing Stock / Second Hand Market

Whilst not directly referenced in the NPPG, it is sensible to consider the existing stock. The borough has a wide range and choice of second hand properties, ranging from flats and terraced housing stock to larger suburban properties. New housing forms only a part of the overall housing market. Consumers can choose whether to buy new build or second hand. Those who want to buy properties of a larger size than the market is currently building can choose a different offer from the second hand market.

Meeting Needs and Impacts on Affordability

A key part of the national guidance is considering the affordability implications of adopting the enhanced national space standards. Delivering new housing to assist with affordability is an important consideration. It is clear from the emerging plan's evidence base that affordability in Braintree is already a key issue. Indeed, the affordability gap is such that there is a need to boost overall housing numbers to seek to combat this. To adopt the enhanced standards we would have expected a clear need to have been identified by the SHMA. However, this has not been the case and conversely the main issue has been the need to address affordability pressures.

The increase in size increases build cost. Increases in sales prices can have a very negative impact on the level of accessibility to market dwellings based upon mortgage rates.

Clearly inclusion of the NDSS would have an adverse impact upon affordability and would be contrary to the plan's own objectives. The implications of applying the NDSS is that it increases build cost, which in turn increases sales price and this undermines delivery of the plans objectives. We note that no assessment has been undertaken as to how many more families will be pushed into affordable need as they can no longer afford a NDSS compliant home.

Strategic Housing Market Area

Purchasers of new homes have a choice of where and what to buy. They make their choice based on a range of factors which includes what they can afford. Adoption of the standard will have an adverse impact on the affordability of new homes. Based on this impact, purchasers could choose or be forced to live elsewhere potentially having significant impacts on the assumptions and objectives of the plan.

VIABILITY

Only once a clear need has been demonstrated should the local authority consider testing if the enhanced standards are viable, bearing in mind cumulative policy burden. It is not clear from the Councils evidence that it has suitably assessed the viability implications of applying the NDSS's alongside all other policy requirements of the plan. The 'Tendring Economic Viability Study, Three Dragons and Troy Planning + Design, July 2017' seeks to factor in NDSS. However, this assessment uses low Benchmark Land Values (p65) as detailed in the table below that are far too low and are not representative of the market. In light of this, it is considered that the 'Tendring Economic Viability Study' is not a sound assessment of the viability implications of applying NDSS.

Build out rate approximately 50 dwelling per annum per outlet.
Benchmark Land Values - £ per gross ha

Tendring	Small - Medium sites	Intermediate site	Large strategic site
Eastern - Low Value area	£0.4m	£0.35m	£0.25m
Manningtree & Rural North - Mid value area	£0.7m	£0.57m	£0.44m
Frinton Cluster - High value area	£0.95m	£0.7m	£0.44m

Efficient use of Land

The Council should be ensuring that new development maximises the efficient use of land.

Implications on Affordability

Sales price increases would have a significant impact on affordability in an area where the gap is widening. Applying the NDSSs will increase the price of a starter home making it markedly harder for people to get on the housing ladder.

Viability of Sites

Adoption of the NDSS on 100% of housing will have a significant impact on the viability of sites. It is also not a case of simply increasing build cost - increased housing sizes will result in less efficient use of land and thus a relative increase in infrastructure burden per plot.

Implications for Brown Field sites

The space standard will have a disproportionate effect on sites in lower value areas and those which are brown field. These sites often have remediation costs associated with them + current use value which further compound issues with achieving minimum benchmark land values.

TIMING

Based on the above, Persimmon Homes is expecting that the NDSS requirement will be dropped from Policy LP3 and LP4 however in the event that it is retained, transitional arrangements must be suitably addressed as required by NPPG. A transitional period would allow developers to factor in the additional cost associated with this policy into future land deals.

The land deals which underpin the majority of identified sites for this plan period will have already been secured and as such the proposed transitional arrangements will not provide adequate time for the cost to be factored in to the contracts for those sites. Nevertheless, if Tendring is minded to retain the NDSS requirement then we recommend a transitional arrangement of a minimum of 3 years to allow those sites to move through the planning system before the requirements are enforced. Therefore NDSS would apply to site to which permission is granted after 2020.

Clarity should be included within the policy to ensure that NDSSs cannot be applied to any approval (outline or detailed) prior to the specified date and that where development is approved prior to this date all housing built pursuant to the approval under Reserved Matters applications will not be subject to the increased space standard. It also needs to be made clear that the cut-off date is based upon the time at which planning approval is secured, not when development commences as the implications of enhanced standards cannot be factored in so late in the development process.

Taking the above into account and the consequential effect of the transitional policy, the removal of the NDSS requirement altogether would appear much more logical thus providing clarity for all.

Housing White Paper – ‘Fixing our broken housing market’

In the recently Housing White Paper the Government have confirmed their view that the fundamentals of the Building Regulations system remain sound and that important steps were taken in the last Parliament.

In relation to Space Standards, paragraph 1.55 states that “the use of minimum space standards for new development is seen as an important tool in delivering quality family homes. However the Government is concerned that a one size fits all approach may not reflect the needs and aspirations of a wider range of households. For example, despite being highly desirable, many traditional mews houses could not be built under today’s standards. We also want to make sure the standards do not rule out new approaches to meeting demand, building on the high quality compact living model of developers such as Pocket Homes. The Government will review the Nationally Described Space Standard to ensure greater local housing choice, while ensuring we avoid a race to the bottom in the size of homes on offer.”

The above confirms the Government’s intentions to review NDSSs. This does not have any immediate impact upon Tendring’s emerging plan. However, it does demonstrate the Government’s unease with a one size fits all approach and its desire to ensure greater local housing choice. Unfortunately, introduction of the NDSSs would narrow the choice available at the expense of affordability and viability.

14. Comment - Policy LP4 (Housing Layout)

Persimmon supports the desire to create a sense of place. There seems to be a conflict between criteria (e) and (f) when it comes to the approach to density.

15. Comment - Policy LP5 (Affordable and Council Housing)

The draft version of the Plan considered by the Local Plan Committee on Monday 12th June 2017 is set out in the Committee Papers. The version of the Local Plan considered by Members specified a target of 25% affordable housing under Policy LP5 and clearly 'struck through' the reference to 30%. The report on item 7 'publication draft local plan' makes no reference to affordable housing. The minute of the meeting does not detail any amendment to the plan in relation to the percentage of affordable housing.

The report to the 15th June Council meeting to endorse the plan makes no reference to an amendment to the plan in relation to the percentage of affordable housing. The draft local plan appended as 'A1 – Appendix A' also specifies a target of 25% affordable housing. The draft minute of the meeting does not detail any amendment to the plan in relation to the percentage of affordable housing. Members endorsed the publication of the consultation draft which includes a target of 25% affordable housing. Notwithstanding this, the published consultation draft includes a target of 30%.

In light of the above, the draft plan produced by Officers and considered by Members and to which they endorsed for consultation purposes includes a target of 25% affordable housing. The plan was drafted having regard to the evidence base. It is unclear why the consultation draft includes a higher percentage of affordable housing than endorsed by Members. It is important that the totality and scale of obligations and policy requirements within the plan does not threaten development viability. The 'Tendring Economic Viability Study, Three Dragons and Troy Planning + Design, July 2017' seeks to factor in affordable housing. However, this assessment uses very low Benchmark Land Values (p65) that are far too low and are not representative of the market. In light of this, it is considered that the 'Tendring Economic Viability Study' is not a sound assessment of the viability implications of applying a requirement of 30% affordable housing alongside all the other requirements.

There is a need to increase housing delivery within the Country as a whole and within the District. It is considered that this would be hampered if the Policy burdens placed upon developers are too great. It is considered that the Member endorsed 25% requirement would be more representative of what developments can viably achieve.

The forward to the Policy should make clear what is meant by 'Council Housing' and the mechanism by which such properties are transferred to the Council.

Para 5.5.1 implies that there is limited control upon occupations of Affordable Housing provided by Registered Providers. Registered Providers of social housing have a mandatory statutory and regulatory obligation to assist local authorities in the discharge of their duties under Part VII of the Housing Act 1996. Furthermore, many authorities when grant planning permission include within the associated legal agreement (s106) a requirement for the Registered Provider to enter into a Nominations Agreement with the Council. A Nominations Agreement is a contract under which Councils can place those in housing need into housing association homes as they become available. In areas where affordable housing is in short supply Councils usually seek the right to nominate all

new housing association tenants. Therefore, there is a mechanism so Tendring can ensure that new affordable housing provided by a Registered Provider can be prioritised to those who qualify and are in the greatest need based upon their own housing register.

The draft Policy seeks either (i) 30% of new dwellings as affordable housing or as an alternative (ii) 10% as Council Housing plus a commuted sum. The Policy by virtue of the different percentages sought seeks to recognise the significant increase in costs to the developer associated with providing 'Council Housing'.

The second paragraph should make it clear that the 30% referred to relates to Affordable Housing and not a (unspecified) proportion of affordable housing and a (unspecified) proportion of 'Council Housing'. The proposed change is detailed below;

'For development proposals outside of the Tendring Colchester Borders Garden Community, involving the creation of 11 or more (net) homes, the Council will expect 30% of new dwellings, (including conversions) to be made available to Tendring District Council (subject to viability testing) or its nominated partner(s) to acquire at a proportionate discounted value for use as affordable ~~or council~~ housing.

As an alternative, the Council will accept a minimum 10% of new dwellings, (including conversions) to be made available to Tendring District Council or its nominated partner(s) to acquire at a proportionate discounted value for use as council housing alongside a financial contribution towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement'.

Paragraph 5 states that the 'size and type of council housing will be specified by the Council on a case-by-case basis having regard to the latest housing needs register and will be the subject of negotiation between the Council and the developer or applicant'. It is not clear as worded whether this statement also refers to 'Affordable Housing'.

Notwithstanding the above, Para 5 purely refers to the Housing Needs Register. The Strategic Housing Market Assessment (Jan 2016) includes an assessment of 'additional units required to meet housing need in Tendring' and 'Size and type of affordable home required by those in need (per annum) in Tendring' (see Tables 5.13d AND 5.14d, p145, SHMA 2016). The Council has therefore assessed the need for the size and type of affordable homes required over the plan period. It is considered that in assessing the housing need purely on the Housing Needs Register would not be fully representative of need, particularly the need for intermediate housing products.

The Economic Viability Study (2017) makes an assumption regarding the split between Affordable Rented Units and Intermediate Tenures (para 2.25). The assessment recognises that there may be scenarios whereby the tenure mix needs to be flexed to have regard to development viability.

The size of units will also be informed by the nature of the scheme. For instance, a scheme of predominantly apartments may struggle to include four bedroom houses and this should be recognised.

In light of the above, it is considered that the size and tenure should be determined having regard to the most robust available data including the most recent SHMA, the Housing Needs Register, development viability and the nature of the development. In light of the above, paragraph 5 should be amended to read;

The size and type of Affordable and / or Council Housing within a qualifying development shall be assessed on a case-by-case basis having regard to the most recent Strategic Housing Market Assessment, latest housing needs register, development viability and the nature of the scheme and will be the subject of negotiation between the Council and the developer or applicant.

16. Support - Policy PP3 (Village and Neighbourhood Centres) (p143)

The policy encourages small-scale retail development to serve day-to-day needs. The Policy identifies a proposed neighbourhood centre at 'Rouses Farm Garden Suburb'. Persimmon Homes supports Policy PP2. Persimmon Homes are promoting the land at Rouses Farm, west of Jaywick Lane and south of St.John's Road, Clacton-on-Sea for a mix of residential development, community facilities and public open space. As part of this development, Persimmon Homes are proposing that the site accommodate a neighborhood centre which would include provision for a *medical facility and retail opportunity*. The scale of the facility seeks to meet local day-to-day needs and not exceed to the 'local impact threshold in PP4' and as such would not threaten the viability or vitality of existing centres.

17. Support - Policy PP12 (Improving Education and Skills)

Persimmon Homes support the need to mitigate the impact of development on education. Persimmon Homes are promoting the land at Rouses Farm, west of Jaywick Lane and south of St.John's Road, Clacton-on-Sea for a mix of residential development, community facilities and public open space. As part of this development, the Masterplan includes provision for a new Primary School and early years facility.

18. Support – Policy SAMU4 (Development at Rouses Farm, Jaywick Lane, Clacton)

Persimmon Homes supports Policy SAMU4. Persimmon Homes are promoting the land at Rouses Farm, west of Jaywick Lane and south of St.John's Road, Clacton-on-Sea for a mix of residential development, community facilities and public open space. As part of this process, Persimmon Homes have engaged with the local community and other stakeholders to seek their views as evidenced in the Statement of Community Involvement submitted to Tendring Council (July 2017).

As part of the Preferred Options Consultation, Persimmon Homes submitted a 'Site Deliverability Statement, September 2016). This sets the site and policy context. As set out in the Deliverability Statement, Persimmon Homes commissioned a specialist consultant team to produce various technical assessments as part of an Environmental Statement. The findings of this technical work had informed the Deliverability Statement and the associated Masterplan.

Since the production of the Site Deliverability Statement, the technical assessments and associated Masterplan work and pre-application engagement has continued. Persimmon Homes have formally advanced proposals for the development of the site for up to 950 residential units (including affordable housing) with a new neighborhood centre comprising a local healthcare facility of up to 1,500 sq.m and up to 700sq.m for shops, food and drink and community centre. In addition, the proposal includes a 2.1ha site for a new primary school and associated roads, open space, drainage landscaping and other associated infrastructure.

The proposal includes a Masterplan and a series of Parameter Plans which detail how the proposed development can be satisfactorily provided on-site and create an attractive community. The planning application was submitted in July 2017 and is supported by an Environmental Statement which is underpinned by the detailed technical studies undertaken.

The development would make a substantial contribution towards the delivery of both market and affordable housing, including provision for bungalows. It supports the plan and assist the Council maintain an adequate supply of housing land during the initial part of the plan period.

The site forms a sustainable extension to Clacton, with the ability to meet infrastructure thresholds for education and healthcare provision. The allocation supports the Council's spatial strategy in focusing a proportionate amount of growth to existing settlements to meet housing need and to support employment opportunities.

In terms of part (a) of the Policy, this seeks at least 850 new homes including affordable housing. This is supported. As detailed above, the Master planning and technical assessments demonstrate that the site and associated infrastructure can successfully accommodate a mixed use development including 950 homes.

In terms of part (b) and (k) of the Policy, this seeks a new primary school on-site. As detailed above, the Masterplanning and technical evidence demonstrates that this can be accommodated and successfully integrated into the new neighborhood.

In terms of part (c) and (d), Persimmon support the delivery of a new neighborhood centre and healthcare facilities on this site. Persimmon Homes have had ongoing discussions with NHS England with regards the type of facility to meet the needs within the area and this has informed the proposals for this site.

In terms of part (e), (f) and (g), Persimmon Homes have engaged throughout the plan making process and have evolved a Masterplan having regard to the Council's objectives for this site, community consultation and various detailed technical assessments. The Masterplan would deliver the objectives of SAMU4, including the quantum of open space sought and the access arrangements as specified.

In terms of parts (i), (j), (m), Persimmon Homes consider that these are sensible stipulations to which the proposed Masterplan has had regard.

19. Policy CP3 Improving the telecommunications network (p188)

Whilst paragraphs 43 to 46 of the NPPF establishes that local planning authorities should seek support the expansion of electronic communications networks it does not seek to prevent development that does not have access to such networks. By stating all, new dwellings must be served by super-fast broadband potentially allows the Council to refuse a development without such provision or impose a Grampian condition preventing a development from being occupied until such networks are provided. The provision of super-fast broadband is not in the control of the developer who requires a third party provider for such infrastructure. It is also the case that the house building industry is fully aware of the benefits of having their homes connected to super-fast broadband and what their customers will demand.

We are also concerned that no additional costs have been included in the viability study for such provision. The study sets out in appendix 2 that these costs are incorporated into standard assumptions on development costs. However, we consider it essential that this policy is properly costed within the viability study. In particular the cost of such a policy on smaller developments in more rural communities could be significant and should be considered separately. Without this additional evidence there is clearly no justification to support this policy. In seeking to extend broadband to homes the Council should work proactively with telecommunications providers to extend provision and not rely on the development industry to provide for such infrastructure.

The fourth bullet point following part d) of this policy should therefore be deleted.

Conclusion

Persimmon Homes welcomes the opportunity to comment. We support the Council's ongoing Plan making process and the broad thrust of the Local Plan. We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and examination.

Yours sincerely

A handwritten signature in black ink that reads "David Moseley". The signature is written in a cursive, flowing style.

David Moseley,
Planning Manager,
Persimmon Homes Essex