

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"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation <i>(Where relevant)</i>	<input type="text" value="Tendring Farms Ltd"/>
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"/>

2. Agent’s Details (if applicable)

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Richard"/>
Last Name	<input type="text" value="Clews"/>
Organisation	<input type="text" value="Strutt & Parker LLP"/>
Address Line 1	<input type="text" value="Coval Hall"/>
Address Line 2	<input type="text" value="Rainsford Road"/>
Address Line 3	<input type="text" value="Chelmsford"/>
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:

Please see full statement on the Local Plan attached with this representation. This includes:

1. Representation Form
2. Statement on the soundness of the Local Plan by Tendring Farms Ltd.
3. Appendix 1 – Location Plan (Mistley)
4. Appendix 2 – TDC OAHN report by Lichfields

Continue onto next page

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

Please see attached Statement.

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

Please see attached Statement

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 issues identified by our client are significant and require examination by the Inspector to understand and explore the approach to identifying the OAHN for Tendring District, and the effectiveness of various policies within Section 2 of the TDC DLP in relation to the OAHN. These need to be explored with the benefit of oral examination.

Several specific issues concern the effectiveness of policies and justification for Housing Layout, Housing Density and Green Gap policies. These need to be explored with the benefit of oral examination.

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

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

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

When the document is submitted for independent examination?

When the Inspectors Report is published?

When document is adopted?

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

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

Colchester: Return by 5pm 11th August 2017

Tendring District Council (Regulation 19) Draft Local Plan

Land South of London Road, Mistley.

1. These representations are submitted by Strutt & Parker LLP on behalf of Tendring Farms Ltd, who are actively promoting residential and employment development on land south of Long Road, West of Clacton Road, Mistley (site reference UE4.3).
2. A plan showing this site is provided as **Appendix 1** to this submission.
3. Site UE4.3 is within the proposed settlement boundary for Mistley, Manningtree and Lawford as set out in the Proposal Map. Development within the site would therefore be subject to the general Policies of the proposed Local Plan including: SP1; SP3; SP6; PPL6; LP1; LP3; LP4; PP7.
4. We are of the view that the inclusion of site UE4.3 within the settlement boundary, such that it would be suitable for residential development and for 2ha of employment land, is sound.
5. However, there are aspects of the TDC Local Plan which render it unsound as currently drafted. The subject of our objections can be considered in four elements;
 - a. The OAHN for Tendring has not been properly established;
 - b. There is a clear east/west divide in Tendring, where sites in the West are more likely to be deliverable (particularly in the short term);
 - c. The Green Gap Policy should not be extended across the front of site No. UE4.3.
 - d. There is an over reliance on Garden Communities as opposed to established locations to meet housing growth; The Colchester Fringe should not be included within the highest tier of settlement at this time;
6. The reasons why these issues render the Local Plan as currently worded unsound is explained within this Supporting Statement. We also set out the changes that should be made to the PDLP in order to make the Local Plan sound.

OAHN for Tendring District

7. We have significant concerns that Policy SP3 (Meeting Housing Needs) and Policy LP1 (Housing Supply) have not been positively prepared.

8. The NPPF is clear that Local Plans should seek to meet objectively assessed housing needs in full.
9. Policy SP3 states that the 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Government guidance confirms¹ 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.
16. 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.

¹ The Planning Practice Guidance (PPG) Paragraph: 015 Reference ID: 2a-015-20140306

17. 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.
18. 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.
19. Within the OAHNS (2016) itself it is stated that the revised demographic starting point:

"Should be treated with **great caution** because the size of the UPC made all demographic analysis potentially **subject to large error**". (Paragraph 8.34. Emphasis added).

And:

"For now, our analysis of the latest demographic data suggests that the correct 'demographic starting point' remains 480dpa, with a **large potential error**." (Paragraph 8.37. Emphasis added).
20. It is clear that there is substantial doubt as to whether the revised 'demographic starting point' of 480 dwellings is appropriate.
21. Given this uncertainty, the fact that the approach taken departs from Government guidance, and that it results in a substantially lower figure than the official projections suggest at a time where the NPPF calls for needs to be met in full and for there to be a significant boost in housing land supply, it is considered wholly inappropriate to use a figure of 480 dwellings per annum as the demographic starting point.
22. In the absence of an alternative figure, and having regard to Government guidance, the most appropriate figure to use as a starting point for the assessment of housing need would be 625 dwellings per annum – based on the sub-national household projections. At present, Section 1 of the North Essex Authorities Local Plan and Section 2 of the TDC Local Plan are purposefully 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 OAN to be met, and that failure to deliver against the full OAN would lead to an unsound Plan.

23. Policy SP3 also confirms that the Council will maintain a five year supply of deliverable sites.
24. 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:

Thirdly in Tending 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. Should more land have been made available development may have been higher.

25. Paragraph 17 states that Plans should take account of market signals, such as affordability, when allocating land. The NPPG explains at paragraph 019 (Reference ID: 2a-019-20140306) how Market Signals should be taken into account, including:

House Prices - Mix adjusted house prices (adjusted to allow for the different types of houses sold in each period) measure inflation in house prices. Longer term changes may indicate an imbalance between the demand for and the supply of housing. The Office for National Statistics publishes a monthly House Price Index at regional level. The Land Registry also publishes a House Price Index and Price Paid data at local authority level.

26. We are aware of significant house price increases of around 20% between 2013-2017, indicating that demand is increasing and not decreasing, contrary to the council's approach which is to reduce its annual housing supply to a mid-point between OAHN estimates. It is considered that in setting its housing supply, the Council have not fully considered market signals.
27. In addition, a report prepared by Lichfields and attached at appendix 2 to this representation raises similar concerns regarding the OAHN and highlights further the difficulties with the Council's approach to identifying an OAHN.

28. 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. We estimate the housing supply to be approximately 3.4yrs. 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 allocated sites in the plan would be capable of delivering the homes needed within the first five years, in accordance with Policy SP3. It is considered that additional sites will need to be identified within the Plan in order to provide sufficient variety of sites to deliver the homes needed.
29. For TDC The target of delivering 11,000 dwellings should be increased to a minimum of 12,278 dwellings 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.
30. 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.

The West of the District Provides More Viable Sites

31. There is a clear east/west divide in Tendring District. This is recognised by a search on Zoopla where the average value of properties in Manningtree is £307,000, whereas in Clacton it is £222,000. This indicates a potential 30% variation in property values across the district from West to East.
32. In identifying sites that would assist with the five year supply and the delivery of homes over the Plan Period, there is a clear indication that sites within the West of the district are far more deliverable and therefore have a greater chance of providing the housing need for the district. However, this is a factor that the local plan has not acknowledged, with SPL1 focusing growth on Clacton and Harwich and a long-term delivery at the Colchester Borders Garden Community (CBGC).
33. In a district with such variance in values it is important for the Local Plan to focus growth on more desirable higher value areas where they can be delivered. As such, it is our view that more growth should be directed at Manningtree, Lawford and Mistley, as well as the more desirable villages.

This will help ensure that the required levels of housing provision are delivered, which is of the utmost importance in a district that has consistently undersupplied over the last 15 years.

Green Gap Policy PPL6

34. Local Plan proposals map for Mistley identifies a proposed extension of the Green Gap along the northern boundary of site UE4.3. Policy PPL6 – Strategic Green Gaps – states that development will not be permitted within these areas *‘which would result in the joining of settlements or neighbourhoods, or which would erode their separate identities by virtue of their closer proximity.’*
35. We are concerned that in determining the extent of the Green Gap in Mistley and setting out a restrictive policy for development within the Green Gap, the Council have not sought to justify extending the designation onto the northern part of the site.
36. The supporting paragraphs state that ‘the primary purpose of this designation is to maintain an appropriate degree of physical separation between nearby settlements or neighbourhoods’ (para. 7.6.1). The extended gap in Mistley is presumably intended to secure a separation between Mistley and Lawford, which border each other.
37. The site is subject to an approval for 300 dwellings and 2ha of employment space. The application respects the Green Gap to the north of the site as this was identified in emerging plans. However, the inclusion of the open space to the north of the site should not be considered as supporting the proposed Green Gap.
38. It is considered that the separation secured by the proposed Green Gap is essentially meaningless and has a negative impact on the ability of the site to provide both an appropriate frontage to the site along Long Road and a more meaningful area of useable open space within and throughout the site, in accordance with good design. This is particularly relevant towards the southern boundary where the site adjoins the countryside. The restriction imposed by the green gap prevents the residential development from being arranged in a more attractive and functional form, linking together the two disconnected sets of buildings along Long Road, with a more continuous street frontage.
39. In determining the extent of the Green Gap in Mistley, it is considered that the Council have applied the proposed policies from earlier drafts of the Local Plan, when development was not anticipated on land to the south of Long Road, and have not justified the designation of this part of the Green Gap.
40. Given the large-scale removal of Green Gap in other parts of the Plan in order to meet housing need, the extension of the designation onto this site is considered to be erroneous.

Over-Reliance on Garden Communities.

41. Notwithstanding the general concerns with Policy SPL1, that it does not provide clarity on how a planning application would be determined, we have specific comments on the inclusion of the Colchester Borders Garden Community (CBGC) in the highest tier of the Policy.
42. It is considered that the Tendring Colchester Borders Garden Community (together with the other garden Communities) does not yet justify the status of Strategic Urban Settlement as it does not yet exist. It is considered that this area should be within a separate category to the established settlements that are listed in the Policy.
43. Paragraphs 3.2.1.1.1-5 provide a working definition for the Strategic Urban Settlements. These state that:

'Strategic Urban settlements' have the larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth'.

44. Almost by definition, this cannot be applied to the CBGC. It therefore warrants its own category within the DLP and the Settlement Hierarchy included in SPL1.
45. The importance of this amendment is in the application of policy to any development proposals over the plan period. The need for a separate category is emphasised with reference to Strategic Policy SP2. This sets out the spatial strategy for North Essex, confirming 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.*
46. It is considered that, in identifying the Colchester Borders Garden Community in the highest tier of settlement, the Council have not applied the criteria in SP2. The 'role' of the Garden Community is expected to grow over the Plan Period but at present it does not provide the same scale of facilities and services to be comparable to Clacton or Harwich, or even the Smaller Urban Settlements. Indeed, even by the end of the Plan Period the CBGC is anticipated to consist of no more than 1,250 dwelling.
47. The purpose of including Colchester Borders GC in the top tier of the hierarchy is presumably to be able to direct development towards the new community. However, it is considered that there is a sufficient focus on the new GC for it to be delivered in a predictable fashion as infrastructure and services are made available, in accordance with the Council's masterplanning proposals. Accordingly, development that is not already anticipated to be delivered at the GCs should be

directed towards established towns and settlements as these are, currently, the most sustainable locations, in accordance with SP1 and SP2.

48. To rectify this matter, the Council should isolate the Colchester Borders GC from the settlement hierarchy as a separate, fledgling or emerging settlement. Given that Garden Communities are specifically referenced in Policy SP2, it would appear logical to place the Colchester Borders GC in a separate category and that development proposals should be directed to the established towns and settlements, particularly over the early period of the Plan, and not towards the CBGC.
49. This matter was raised at Preferred Options stage by our client and has not been addressed in the DLP.

Additional Concerns with Local Plan Policies

50. Policy SPL2 needs to be re-worded as it states that each of the settlements 'listed below' are defined within a settlement development boundary. The settlements are not listed.
51. Paragraph 3.2.3.2 does not appear to relate properly to Policy SPL2 or SPL1 (as stated within the paragraph) as it states that: '*Within the plan period new residential development in these settlements identified in Policy SPL1 will be limited to small infill sites within Settlement Development Boundaries*'. This approach does not appear to be consistent with the aims of the DLP and confuses how SP1 will be applied when determining planning applications.
52. Policy LP3 – Housing Density requires further clarity. Paragraph 3.15 of the council's 2014 SHLAA states that: 'The general approach for sites within existing urban areas has been to apply a density multiplier of 30 dwellings per hectare. Because one of the Council's top priorities is to deliver a lower density of development that provides spacious, more aspirational, properties with larger gardens and wider streets, the general approach to calculating potential density on a large, typical greenfield site is to apply a density multiplier of 25 dwellings per hectare to 90% of the developable site area (to allow for the provision of open spaces and other infrastructure) around the district's larger urban settlements (Clacton, Colchester Fringe, Harwich and Frinton/Walton) and a density multiplier of 20 dwellings per hectare around the smaller urban areas of Manningtree, Lawford and Mistley, Brightlingsea and the villages.
53. It is not clear within the Plan how the housing densities have been applied to individual sites, or whether the land allocated for development at the above densities will be sufficient to meet the needs of the district.

54. More crucially, it is considered that the density of development should be considered in relation to the character of a settlement and the need to make full and effective use of land.

55. There is considered to be a need for greater clarity as to how the Strategic Policies in Section 1 of the DLP and the Local Policies set out in Section 2 will be applied to planning applications. There is a risk that competing Policies do not seek to achieve the same aims. For example, Policy SP6 – Place Shaping Principles requires: *‘All new development must meet the highest standards of urban and architectural design.’* While policies LP2, LP3 and LP4 provide specific standards for Tendring, which could be incompatible with the high bar set out in Policy SP6. For example, these policies include:

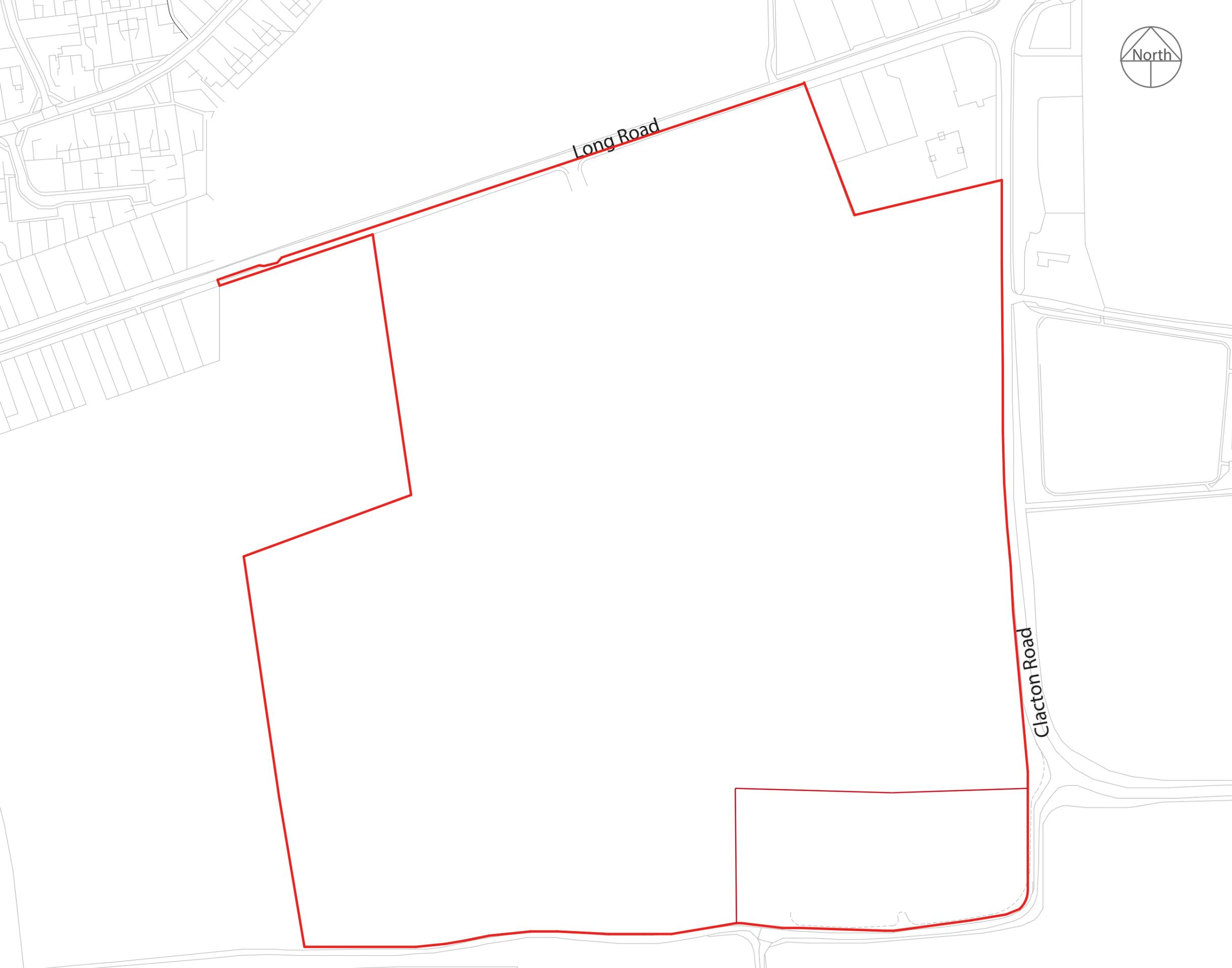
- *Support will also be given to innovative development proposals*
- *subject to consideration of other Local Plan policies.*
- *must achieve an appropriate housing density;*
- *national minimum internal floor-space standards*
- *regard to the character of development;*
- *ensure a positive contribution towards the District’s ‘sense of place’,*
- *respect the character of Tendring District by delivering housing development at densities more in keeping with the semi-rural nature of parts of the District;*
- *delivering housing development at densities in keeping with the urban nature of parts of the District and:*
- *In determining planning applications, the Council will also refer to the guidance provided in the Essex Design Guide for Residential & Mixed-Use Developments, ‘Building for Life’ and the ‘Manual for Streets’ and as superseded.*

56. It is considered that the above list is not necessarily compatible with Policy SP6 and that there should either be a clear separation in which policies will apply to development in different locations, or an amendment to SP6 to remove the high bar for standards of architectural design. As currently drafted, SP6 is not consistent with National Policy.

57. Equally, the Council explicitly seeks to embrace Garden City Principles within all development in the District (paragraph 5.4.2). It is considered that Garden City Principles will not be appropriate in all situations and that this approach may result in an inefficient use of land, particularly around transport hubs and the most sustainable settlements. While there is an exception for Town Centres, these are a narrow set of locations compared to the urban extent of the district. An

approach that favours one type of layout over another is not considered to fully embrace the emphasis in SP6 or the expectations of paragraph 65 of the NPPF.

58. We support the allocation of employment uses set out in Policy PP7.



Long Road

Clacton Road

Project title: Land at Mistley, Manningtree

Drawing title: Site boundary Plan

Scale: Use scale bar



Client: City& Country

Drawing reference: OPA /17006 -01a

Date: 14.07.2017.

Checked: MMcL

Draft Tendring District Local Plan: 2013-2033 and Beyond – Policy SP3: Meeting Housing Needs

Issued July 2017

1.0 Introduction

1.1 Policy SP3: *Meeting Housing Needs*, identifies the level of housing growth that Tendring District Council [TDC] considers is necessary to meet the District’s objectively assessed housing needs [OAHN]. This is identified in the Policy as 550 dwellings per annum [dpa], with the total minimum housing supply in the 20-year Plan Period (2013-2033) equating to 11,000. The 550 dpa target is underpinned by housing evidence produced by a variety of consultants since 2015, with the most recent OAHN evidence contained within Peter Brett Associate’s [PBA’s] “*Objectively Assessed Housing Needs Study Update*” (November 2016).

2.0 Consideration of Policy SP3

2.1 The National Planning Policy Framework [NPPF, §47] is clear that local authorities should use their evidence base to ensure that their Local Plans meet the full, objectively assessed needs for market and affordable housing in the housing market area. Furthermore, the scale, mix and range of tenures identified should take into account up-to-date household and population projections, factoring in migration and demographic change [§159].

2.2 TDC’s most recent OAHN report, dated November 2016, provides an assessment of housing need for Braintree, Chelmsford, Colchester and Tendring. It updates previous OAHN studies and concludes that:

“The 2014-based official projection sets a ‘demographic starting point’ for Tendring of 675 dpa. This is very close to the 705 in the same version of the projections. Our technical audit shows that the 2014 projections are affected by the same errors as the 2012 ones, and hence they overstate housing need in the same way. The ONS is currently reviewing mid-year population estimates for the years since the 2011 Census, in order to eliminate these systematic errors. But the results will only become available in 2017.

For now, our analysis of the latest demographic data suggests that the correct ‘demographic starting point’ remains 480 dpa, with a large potential error. Our analysis of past provision and market signals shows that Tendring’s position has not changed, so we still consider that a market signals uplift to 550 dpa is justified. As before, Experian’s analysis suggests that there is no need for ‘future jobs’ uplift.

2.3 *In summary, our best assessment of housing need for Tendring over the plan period remains 550 dpa.”* [paragraphs 8.36-8.38]

2.4 City & Country has serious concerns with the methodology adopted by the Council and their consultants, and ultimately the justification behind the 550 dpa housing target. We reserve the right to provide further evidence at the EiP stage by preparing an independent assessment of housing needs.

- 2.5 At this time we raise the following initial concerns regarding the robustness of the Council's 550 dpa housing target.

Evolution of the OAHN and the demographic starting point

- 2.6 The process by which Tendring District Council's OAHN has been derived is unorthodox and does not robustly align with either the NPPF or the Planning Practice Guidance [PPG] on the subject. In particular, the PPG states that the household projections prepared by CLG (and based upon ONS's SNPP) should form the starting point for estimating of housing needs, but that these may require adjustment to reflect future changes and local demographic factors that are not captured in the projections¹. Any such adjustments must be properly evidenced and robustly justified².

Unattributable Population Change

- 2.7 The Council's OAHN evidence fails to accord with the PPG methodology as it does not use the SNPP/SNHP as a baseline position. Instead, PBA applies an adjusted 10 year migration trend that makes a very substantial adjustment for Unattributable Population Change [UPC].
- 2.8 UPC is the result of either misrecording of the total population at the 2001 and/or 2011 censuses, misrecording of migration, or a combination of these factors. The definitive source is unknown, and ONS excluded this from both the 2012-based SNPP and the subsequent 2014-based iteration³ on the grounds that it could not be demonstrated that UPC measured a bias in the trend data that would continue in the future.
- 2.9 The 2014-based SNPP is based on trends (in births, deaths and migration) observed over the 5-6 preceding years. ONS's report on UPC⁴ states that migration errors are likely to have a bigger impact in the early 2000s due to improvements in estimating migration over time. Hence, although UPC between the 2001 and 2011 Censuses was relatively large in Tendring District, the 2014-based SNPP draws trends from a period where methods of estimation were improved (rather than the early 2000s) and are likely to remain a robust and suitable starting point for projecting population growth.
- 2.10 Furthermore, the Council's evidence also makes an error of judgement when it seeks to place all of the blame for the population discrepancy on international and internal migration. The ONS's UPC data tool (published in July 2015) indicates that rolling forward the population estimates from the 2001 Census was at least partly to blame for the discrepancy in the Mid-Year Population Estimates [MYE].
- 2.11 **Given the significant uncertainties concerning what caused the UPC error in the first place; when it occurred between 2001 and 2011; and whether it is still happening in the future (for which there is no robust evidence), it is entirely inappropriate to base the District's Local Plan housing strategy on this scenario. Moreover, unless this is done on a consistent basis within and between HMAs, such UPC adjustments will lead to significant unintended consequences.**

¹ ID: 2a-015-20140306

² ID: 2a-017-20140306

³ONS (January 2014): 2012-based SNPP: Report on Unattributable Population Change

⁴ibid

- 2.12 It should be noted that adjustments for UPC have previously been considered by Local Plan Inspectors, and the notion of adjusting or correcting migration to address UPC has been comprehensively rejected for both the Eastleigh Local Plan⁵ and the Vale of Aylesbury Plan Strategy⁶.

Recent Population Growth

- 2.13 The Council's housing consultants consider that for Tendring District the official ONS SNPP and CLG SNHP are not robust and over-state levels of growth due to UPC mis-recording net migration. The passage of time since the SNPP base date means that new MYE data is now available by which the SNPP can be verified and updated to reflect the actual population. The PPG requires this information to be taken into consideration when adjusting household projection-based estimates of OAHN⁷.
- 2.14 The 2016 MYE indicate that the total population of Tendring District was approximately 1,400 higher than projected by both the 2012-based and 2014-based SNPPs. Furthermore, the rate of growth between 2013 and 2016 has been significantly higher than either of the SNPPs projected, whilst the contribution of net migration to population growth has been between c.1,610 and c.1,980 higher than the SNPPs projected.
- 2.15 This not only provides justification for applying a level of growth that is above that anticipated by either the 2012- or 2014-based SNPPs (since these projections have already been significantly exceeded in the first three years); it also very clearly demonstrates that **the SNPPs have not over-estimated potential population growth and that no downward adjustment is therefore required to take account of UPC.**

Household Formation Rates

- 2.16 Lower levels of household formation rates between 2001 and 2011 (which informed both the 2014- and 2012-based SNHPs) are likely to reflect recent constraints on housing availability and affordability (both through supply-side factors such as house building and demand-side factors such as mortgage availability and household incomes) which have unduly suppressed household formation. Any rate of household formation which continues to perpetuate such suppressed household formation rates is essentially suppressing a household's ability to form in the future (thereby reducing estimates of need).
- 2.17 This has not been taken into account by the Council's housing consultants in their OAHN modelling. **Future scenarios should seek to accelerate headship rate formation to better reflect longer term trends, particularly for younger age groups.**

Realistic Assessment of Job Growth

- 2.18 The PPG requires an assessment of likely job growth to be undertaken, looking at past trends in job growth and/or economic forecasts, whilst also considering growth in the working age population⁸. We have significant concerns regarding the robustness of the approach used to help justify the 550 dpa, and particularly the extent to which a bespoke Experian projection relies on Hollis's UPC-modified data inputs to generate a much younger age profile. We are also

⁵Eastleigh Borough Local Plan, Inspector's Report, February 2015

⁶Vale of Aylesbury Plan Strategy Examination, Inspector's Report on DtC and Soundness Tests, January 2014

⁷ID: 2a-017-20140306

⁸ID: 2a-018-20140306

concerned about the increasing reliance on unusual assumptions concerning unemployment and economic activity and the resultant peculiarities in the resultant Experian modelling. **All of these points risk under-estimating the number of new homes required to align with future employment growth in Tendring.**

Meeting London's Unmet Needs

- 2.19 The London Plan has an unmet need of between 9,000 and 20,000 homes per annum. This unmet need may manifest itself in Local Authority areas accessible to London, such as Tendring. Recognising this, the NPPF requires such needs to be met in accordance with the duty to cooperate, with surrounding areas having to meet London's unmet needs.
- 2.20 PBA makes no addition to Tendring's OAHN to meet any of London's unmet needs. Based on relative migration and commuting analysis, **TDC should be accepting a suitable proportion of London's unmet housing needs in addition to the District's own OAHN.**

Affordable Housing Needs

- 2.21 An understanding of the level of affordable housing need that exists in a local area represents an important element in the assessment of the OAHN. City & Country has significant concerns regarding the robustness of some of the SHMA's assumptions underpinning the resultant need of 163 affordable units annually in Tendring, including the decision to remove all single person households aged under 35 from the revised calculation of affordable housing need if they can afford the LHA shared room rate. **This and other non-standard adjustments risk under-estimating the true level of affordable housing need, which could necessitate an uplift to the 550 dpa.**

Summary

- 2.22 In summary, against the requirements of The Framework, City & Country considers that the Council's assessment of objectively assessed need is flawed and fails to cater fully for demand. TDC's housing consultants have failed to correctly use the latest SNHP as the starting point in assessing housing needs; they have made erroneous adjustments to past migration trends to address UPC (around which there is considerable uncertainty); more recent population estimates and accelerated headship rates suggest that the SNHP could actually be under-estimating future household growth; and there are no suitable adjustments for addressing affordable housing need, economic growth or the wider unmet needs of Greater London.
- 2.23 Much of the work done by TDC's housing consultants since the 2015 Edge Analytics report has simply been to back-fill and retrospectively justify the 480 dpa figure (with a 15% uplift for market signals to get to 550 dpa) by using a supply-led approach. We consider that this approach does not accord with the PPG or recent High Court Judgements on the matter.
- 2.24 The 550 dpa target in Policy SP3 falls well short of the demographic starting point of 614 hpa between 2013 and 2033 (625 hpa between 2013 and 2037), which would rise to 662 dpa (674 dpa to 2037) following the application of a suitable allowance⁹ for vacant units/second homes. The application of a 15% market signals uplift would raise this figure still further, to 761 dpa

⁹An overall vacancy rate of 7.2% for Tendring District was used by Edge Analytics in their work on the OAHN calculation in *The Greater Essex Demographic Forecasts 2013-2037 Phase 7 Main Report (2015)*

(775 dpa to 2037). This is 38% higher than the Council's adjusted housing target before any of the other suggested adjustments are made for accelerated headship rates, economic growth needs, affordable housing requirements, London Plan unmet need contributions and so forth.

3.0 Recommended Changes

- 3.1 In order to address the conflicts above and ensure that the policy criteria set out within Policy SP3 are sound, it is requested that TDC:
- 1 Updates its housing evidence to meet objectively assessed development requirements. There is a need to undertake a more robust, evidence-based, approach to assessing the need for housing in TDC over the period 2013-2033, using the CLG's latest household projections as the starting point.
 - 2 Amends Policy SP3 to ensure the delivery of sufficient levels of housing to meet demand in the LPA area.
- 3.2 City & Country reserves the right to provide more detailed representations (including an independent assessment of housing needs) on Tendring District Council's OAHN during the next stage of the Local Plan.