

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

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

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

Each Local Plan has two parts:

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

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

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

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

Part A - Personal Details

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

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

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

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

Part B - Representation

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

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

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

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

Paragraph: for a representation on wording or paragraph content

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

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

Legal Compliance and Duty to Co-operate

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

The Inspector will check that the Plan meets the legal requirements

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

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

Soundness

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

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

Positively prepared

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

Justified

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

Effective

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

Consistent with national policy

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

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

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

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

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

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

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

Representations can be sent:

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

For internal Use only	ID:		Rep No:	

Draft Local Plan RESPONSE FORM

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

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

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

PART A

1. Personal Details

Title

First Name

Last Name

Organisation
(Where relevant)

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

2. Agent’s Details (if applicable)

Title

First Name

Last Name

Organisation

Address Line 1

Address Line 2

Address Line 3

Post Code

E-mail Address

Telephone Number

PART B

REPRESENTATION FORM

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

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

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

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

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

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Please see Supporting Statement SP-SO01

Continue onto next page

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

Supporting Statement SP-SO01

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

Supporting Statement SP-SO01

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

We have considerable knowledge of the site having represented the landowner through the plan-making process. We feel we would be able to assist the examination process in respect of the site and its potential allocation, and in terms of how current concerns in respect of the soundness of the Local Plan can be addressed.

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

Representations Tendring District Publication (Regulation 19) Draft Local Plan

Our reference: Supporting Statement SP-SO01

By Strutt and Parker LLP on behalf of The Sargent Family, in respect of the Tendring District Publication (Regulation 19) Draft Local Plan and in relation to land at St. Osyth Priory.

Background and overview

1. This Accompanying Statement pertains to representations made by Strutt and Parker LLP on behalf of The Sargent Family in respect of Policy SPL2 (in relation to the proposed settlement boundary for St. Osyth) and paragraph 7.9 of the Publication Draft Local Plan (DLP), Policy PPL2, and the accompanying Policies Map for St. Osyth. Whilst separate aspects of the PDLP, our concerns in respect of the soundness of the PDLP set out within this representation and these policies interrelate.
2. The Sargent Family are owners of the St. Osyth Priory Estate (a plan of which is provided as **Appendix 1**), which comprises a number of buildings that together form a nationally important group, including 16 separate listed structures (Grade I, Grade II* and Grade II; consolidated from 22 in 2014, Scheduled Monument, a 95-hectare Registered Park & Garden (Grade II) and forms the largest single part of the St Osyth Conservation Area (CA).
3. The Priory is historically and architecturally highly significant, as reflected in its national designations. However, many of the buildings and the Park are in a poor state of repair. A number of the structures have required the erection of structural scaffolding and the Priory buildings are on the Buildings at Risk register. Historic England lists it as being within poor condition, priority category C – slow decay; no solution agreed.
4. The Heritage at Risk register also identifies St. Osyth Conservation Area as a heritage asset at risk. Condition: poor; trend: deteriorating. St Osyth Priory Grade II registered Park and Garden makes up sixty percent of the Conservation Area and therefore its restoration would have a significant positive impact on the Conservation Area.

5. The Sargeant Family's ambition is to bring forward a strategic plan to conserve the historic legacy of the Estate in a condition that will not place an even greater burden on the next generation and so that further historic buildings will not need to be lost.
6. Over the past 16 years the Sargeant Family have obtained a number of consents to convert and restore the main buildings within the Priory Precinct. These consents are intended to give the individual heritage assets long term viable uses; however, there is a significant conservation deficit at the Priory and a solution to generate the funds required to enable the conversion and restoration needs to be found.
7. A package of enabling development proposals which sought to generate the necessary funds to conserve St. Osyth Priory Estate and better reveal the significance of this historic Estate in line with the latest government guidance were submitted to the Local Planning Authority for consideration in 2011. The application site comprised approximately 200 hectares in total and included the St. Osyth Priory complex and Park, West Field, and land to the north east of the Park on the opposite side of Colchester Road known as Wellwick. The package of applications proposed to put the Estate into a position whereby key elements are self-sustaining.
8. As part of this enabling development, applications for 72 dwellings on the western part of the Estate and 17 dwellings on the northern part of the Estate (application references 16/00656/FUL and 16/00671/FUL, respectively) were approved in 2016.
9. However, further enabling development is still required and my clients are in discussions with the Council in respect of the best way to make up the conservation deficit. A package of measures is proposed, including commercialisation of existing development as well as delivery of new development. A copy of the latest masterplan for the Estate is provided as **Appendix 2**.

Policy SPL2 – Settlement Development Boundaries

District level

10. The NPPF stresses the need for Local Plans to be based on a strategy which seeks to meet development needs in full. It also states that, in order to be sound, Local Plans should look at opportunities to meet the unmet development needs of neighbouring authorities.
11. Policy SP2 of the PDLP states that the objectively assessed housing need for Tendring District is 550 dwellings per annum; and that, accordingly, the Local Plan will need to provide a minimum of 11,000 new homes between 2013 and 2033. The settlement development boundaries proposed through the PDLP, and the allocation of additional land for development, are predicated on the requirement to meet this purported level of housing need.
12. However, it should be recognised that there are substantial concerns as to whether 11,000 new homes between 2013 and 2033 represents the true extent of need. As set out within other representations, the approach to calculating this figure is contrary to guidance and results in a figure that is below official projections – there is a considerable risk that objectively assessed development needs are currently being understated within the PDLP.
13. Furthermore, it is noted that other Authorities have raised concerns that the PDLP fails to consider opportunities to accommodate a proportion of South Essex’s unmet development needs, which paragraph 182 of the NPPF requires the Local Plan to do in order to be considered sound.
14. Having regard to the above, it is considered that the settlement boundaries as currently drawn will act to prevent objectively assessed development needs from being met in full; and fail to consider opportunities to meet the unmet development needs from neighbouring authorities. As a result, the PDLP is currently contrary to national policy and is not positively prepared. Accordingly, it is currently unsound.

St Osyth's settlement development boundary

15. St. Osyth has a population of 4,277 (2011 Census) and is home to a number of services and facilities including post office, primary school, convenience stores, restaurants, public houses, community facilities, places of worship and retail uses. Its range of facilities reflects the fact that, whilst the permanent residents number 4,277, as a tourist destination homes to a number of holiday parks, the population swells to approaching 30,000 in summer months, making it well-placed to accommodate additional housing growth which would be able to benefit from such services and facilities year-round.
16. It is located on the B1027 and is approximately 5 and 12 miles from the larger centres of Clacton-on-Sea and Colchester, respectively.
17. The PDLP identifies Great Bentley as one of seven Rural Service Centres in the District. At paragraph 3.2.1.3.1, the PDLP states that such settlements are suitable to accommodate a modest increase in housing stock, where appropriate, within the plan period. At paragraph 1.38 it suggests that Rural Service Centres are expected to accommodate around 1,500 new homes over the plan period.
18. The NPPF makes clear that additional housing growth should be directed to rural settlements such as St. Osyth. At paragraph 55 of the NPPF, it states that housing should be located where it will enhance or maintain the vitality of rural communities, in order to promote sustainable development in rural areas.
19. Further to the requirements of the NPPF, the National Planning Practice Guidance (NPPG) explains how Local Planning Authorities should support sustainable rural communities. This states (at paragraph: 001 Reference ID: 50-001-20160519) the following:

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

And

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

20. Having regard to the above, it is clear that the Local Plan should support the village economy and contribute towards local housing need if it is to be consistent with national policy. This should include amendments to the settlement boundary of St. Osyth to ensure the sustainable growth of the village, and to provide an effective strategy to manage such growth.
21. However, notwithstanding the above, the PDLP currently proposes that the settlement boundary of St Osyth be drawn tightly around the existing built form of the village, and would act as a barrier to the sustainable growth of the settlement. It even ignores the granting of recent planning permissions for development: the 72 dwellings approved on the western part of the St. Osyth Priory Estate, and 17 dwellings approved on the northern part of the estate (application references 16/00656/FUL and 16/00671/FUL, respectively) are both located outside of the settlement development boundary proposed through the PDLP.
22. The existing village centre is located on the western edge of the settlement boundary. Mindful of the need to ensure housing in rural areas be located where it will enhance or maintain the vitality of rural communities (NPPF 55) – and given the other sustainability benefits of ensuring facilities and services are accessible to residents by alternatives to the private car – expansion of the settlement to the west is considered the most appropriate approach. In addition, this would have the added benefit of supporting enabling development in respect of required works to the important heritage asset of St. Osyth Priory, as set out within this representation.
23. The current proposed extent of the settlement development boundary for St. Osyth fails to ensure the sustainable growth of this rural community, as required by the NPPF; and fails to provide an effective strategy to support the vitality of the village.

St Osyth's settlement development boundary and the St. Osyth Priory estate

24. The proposed settlement development boundary for St. Osyth excludes the St. Osyth Priory Estate (including land within it which has already been granted planning permission for residential development, as discussed above).
25. Land at St. Osyth Priory is not subject to any physical constraints that would prohibit its development. Development can be accommodated within Flood Zone 1 (land at low risk of fluvial or tidal flooding, and as per the Technical Guidance that accompanies the NPPF, suitable for any type of development, from a flood risk perspective); and is not subject to any ecological designations that suggest it should not be developed.
26. In addition, this land would form a logical and sustainable extension to the settlement of St. Osyth, well-located in relation to the existing centre and accessible to shops and services.
27. The site represents a suitable and sustainable site for allocation for residential development.
28. The site is being actively promoted for development and is not subject to any achievability of availability constraints. It is very much deliverable for development.
29. It is relevant to note that planning permission has already been granted for residential development on parts of the Estate, confirming the suitability of this location for housing.
30. Representations were made to Tendring District Council earlier in the plan-making process, setting out how the allocation of land at St. Osyth Priory estate to enable the necessary works to the St. Osyth Priory heritage assets. However, the PDLP does not support the site's development for such purposes and there is no evidence that the issues raised in our representations have been given due consideration.
31. The NPPF (paragraph 182) requires the Local Plan to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
32. Further, the Environmental Assessment of Plans and Programmes Regulations (2004) (the SEA Regulations) impose a number of requirements on Local Authorities in the preparation of

Local Plans. These include the requirement that all reasonable alternatives be considered and assessed to the same level of detail as the preferred approach; and that the reasons for the selection of preferred alternative, and the rejection of others, be set out. The NPPF states (paragraph 165) that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process.

33. Having regard to the above, the rejection of potential options (such as the allocation of land at the St. Osyth Priory estate) should be justified by the Sustainability Appraisal / Strategic Environment Assessment (SA/SEA) which accompanies the PDLP, and the reasons for its rejection are required to be made clear within this.
34. The St. Osyth Priory estate has been assessed as a development option through the SA/SEA that accompanies the PDLP, under site reference SO4.
35. The SA/SEA found that site SO4 would result in positive effects in relation to a number of SA objectives, including in relation to housing growth; housing design / density; public transport; distance to primary school; distance to GP; open space; historic environment; accessible natural green space; Ancient Woodland, Protected Lanes, TPOs; groundwater; fluvial flood risk; and surface water flood risk.
36. The SA/SEA also found that the site would result in some negative effects. However, no justification is provided as to why these purported negative impacts a) could not be mitigated; and b) outweigh the positive impacts of the allocation of the site.
37. Furthermore, it is noted that whilst the SA/SEA has assessed site SO4 as having a positive impact on the historic environment, it is given the same score against this SA objective as other potential options within St. Osyth – no consideration appears to have been given to the site's unique potential to enable the conservation of a significant heritage asset.
38. The rejection of land at St. Osyth Priory Estate for development through the Local Plan is not justified.

St Martins Farm

39. In addition to the land at St. Osyth Priory Estate, land at St. Martins Farm (a site plan of which is provided as **Appendix 3**) offers a suitable location for enabling development that would contribute funds towards the restoration and conservation of the neighbouring St Osyth Priory; and at the same time contribute towards meeting the District's development needs.
40. It is situated approximately 1 mile to the north-west of St. Osyth. The site is 9.1 Hectares in size and is a former query site, which benefits from a CLUED under reference (ESS/06/04/TEN) and is therefore previously developed land. The NPPF encourages (at paragraph 17) the effective use of land by reusing land that has previously developed (brownfield land). Development of the site to assist in enabling conservation of a significant heritage asset is considered to be an effective use of the site.
41. The site is a former gravel workings and extraction site on the banks of Flag Creek north of St Osyth. The site includes machinery, conveyors, a jetty and site buildings. The northern part of the site is bounded by earth and gravel banking. A number of lagoons/ sludge ponds extend along the creek within the southern site area.
42. The former quarry workings have introduced incongruent structures, including silos and conveyors that interrupt the skyline and the backdrop by the coastal slopes to the east. Redevelopment of the site provided an opportunity to remove these detracting elements from the landscape and reinstate the views across the site.
43. Re-development of the site would introduce benefits associated with the reclamation of the site, removal of piles of aggregate and improving the wildlife value of the lagoons and improving public access to the waterside, linking with the surrounding Public Rights of Way network and access land at Martins Farm Country park.
44. The key constraints relating to the site are its environmental value in ecological and landscape terms and its risk of flooding.
45. In order to assess the deliverability of the site the Sargeant Family have commissioned a number of feasibility surveys; including Landscape, ecology, and highways. All of these have demonstrated that development can be realistically delivered on the site.

46. It is understood that the inclusion of the site within Flood Zone 3, is a constraint but not an absolute constraint. The NPPF is clear that development may occur in Flood Zone 3 subject to the sequent and exceptions tests being met.
47. The overarching intension of the redevelopment of Martins Farm is to support the restoration and conservation of the Priory. As such, a number of uses have been explored that will either generate funds and/or support the wider vision for the Priory. The most appropriate uses are considered to be: residential; specialist elderly and care; and holiday and entertainment.
48. As a result of the initial assessments residential development is considered to have the most benefits, by both minimising the environmental impacts and generating the most funds towards the Priory. It is also felt that a combination of use may offer substantial benefits to the Priory.
49. Tourism uses are well supported at a local level and the principle/precedent for these type of uses have already been established with the adjacent caravan parks. This type of use could also be assisted with provision for a restaurant/shop/entertainment venue, which would also provide a facility for the other caravan parks in the area.
50. Land at St. Martins Farm was submitted to Tendring District Council in response to consultation on the Local Plan at the Regulation 18 stage. However, notwithstanding this, we have been unable to identify any evidence that the Council has considered this potential alternative through the plan-making process; and the site does not appear to have been assessed as part of the SA/SEA. Furthermore, the reasons for the rejection of the site have not been set out.
51. As such, the rejection of St. Martins Farm is considered to be unjustified. Furthermore, by failing to support development of this previously developed land to help conserve a significant heritage asset, the PDLP is contrary to national policy.

SPL2 overview

52. The failure of the Local Plan – as currently drafted through the PDLP – to propose settlement development boundaries of Rural Service Centres such as St. Osyth are sufficient to ensure the

sustainable growth of these rural communities renders the plan contrary to national policy, and ineffective in relation to the need to support such growth. Furthermore, within the context of the failure to propose a strategy that will meet objectively assessed housing needs in full, it contributes towards the plan not being positively prepared.

53. The rejection of land at St. Osyth Priory Estate for residential development is unjustified.
54. The Local Plan should be amended to:
 - Provide effective policies to ensure sustainable growth of St. Osyth, in order to sustain this rural community;
 - Revise the settlement development boundary to facilitate sustainable growth of St. Osyth by including the sustainable and deliverable land for housing development at St. Osyth Priory Estate; and
 - Ensure allocation / policies to support development of land at St. Martins Farm as part of measures to help conserve the heritage asset of St. Osyth Priory.

Paragraph 7.9 – Enabling Development

55. Paragraph 7.9 of the PDLP simply read “Enabling Development” and appears to be a heading for a section which could reasonably be expected to address the issue of enabling development. However, no text or policies are provided in the PDLP under this heading.
56. It is unclear if this is an error in the PDLP or if the Council has purposefully not included any text or any policies on the issue. The SA/SEA of the PDLP suggests it is the latter, reporting that the inclusion of a policy on enabling development in the PDLP has been rejected.
57. The NPPF states the following at paragraph 126:

“Local planning authorities should set out in their Local Plan a **positive strategy** for the conservation and enjoyment of the historic environment, **including heritage assets most at risk** through neglect, decay or other threats” (emphasis added).
58. The PDLP currently lacks such a positive strategy in respect of St. Osyth Priory and is therefore contrary to national policy and unsound.

59. The Preferred Options iteration of the Local Plan published for consultation under Regulation 18 had set out a proposed approach to enabling development. It explained that enabling development is development which is proposed specifically to ensure the retention and future preservation of a listed building of particular significance, by generating funds for that purpose which could not be raised in another way. It further stated that any case for enabling development will be considered on its merits, having particular regard to the heritage asset, rather than the circumstances of the owner/s.
60. Policy PPL 10 of the Local Plan Preferred Options Document set out the criteria for 'Enabling Development' which stated the following:

Proposals for 'enabling development' may be permitted, where it can be demonstrated that the benefits of allowing such development to secure the future conservation of heritage asset outweigh the disbenefits of departing from other planning policies.

Any planning application for 'enabling development' should be made in full and include:

- a. details of necessary conservation works and associated costs which have arisen from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid; and*
- b. consideration and evaluation of all alternative options for conservation of the heritage asset concerned, including other funding sources.*

Where the future conservation of the heritage asset could not be secured by means of planning conditions attached to any planning permission for 'enabling development', a Planning Obligation will be required. The Obligation should include details of the timed release of any conservation funds which are so required, including any associated phasing of 'enabling development' and timing of the completion of the identified conservation works.

61. We previously submitted representations on behalf of our clients in respect of this proposed policy in the Local Plan Preferred Options, stating that Local Plan policies relating to enabling development should be consistent with Paragraph 140 of the NPPF which provides that:

"Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure

the future conservation of a heritage asset outweigh the disbenefits of departing from those policies.”

62. We agreed that the proposed Policy PPL10 in the Local Plan Preferred Options was generally consistent with NPPF paragraph 140, as both state that enabling development should “secure the future conservation of a heritage asset”. However, we suggested clarification was required as to what constitutes a “Heritage Asset”. The preferred options document states that “Enabling development would not normally be considered appropriate for heritage assets which have been allowed to deteriorate significantly, or have been destroyed, or are listed Grade II.” In this regard the proposed policy was inconsistent with the NPPF. A “Heritage asset” is clearly defined in the glossary of the NPPF as follows:

“A building, monument, site, place, area or landscape identified as have a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”

63. Thus, paragraph 140 refers to ‘individual heritage assets’ including Grade II and locally listed and therefore it is not appropriate to disregard Grade II listed buildings when considering enabling development.

64. The current adopted Development Plan includes a policy on enabling development (Policy EN27) which states:

Enabling development will not be permitted, unless it satisfies all of the following criteria:

Part 1:

- a. The enabling development will not materially detract from the archaeological, architectural, historic or landscape interest of the heritage asset, or materially harm its setting;*
- b. It has been clearly demonstrated that all alternative options have been fully evaluated;*
- c. The proposal avoids detrimental fragmentation of management of the heritage asset;*
- d. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a purpose that reflects the character of the asset;*
- e. The need for the enabling development arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;*

f. Financial assistance is not available from any other source consistent with the preservation or enhancement of the heritage asset;

g. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset; and

h. The value, or benefit, of the survival or enhancement of the heritage asset outweighs any harm to the

Part 2: Subject to the proposed enabling development meeting the criteria listed in Part 1 above, planning permission will be granted where:

a. the impact of the development is precisely defined at the outset, through the submission of full rather than outline applications;

b. with reference to the guidance contained in Circular 1/97, Planning Obligations, the objective of the preservation of the historic asset is securely linked to the planning permission; and

c. the historic asset is restored to an agreed standard, or funds made available to secure this aim, prior to the commencement of the use of the enabling development.

65. The policy in the adopted Development Plan, as we noted in our representation on the Local Plan Preferred Options, is inconsistent with the wording of paragraph 140 of the NPPF which requires the benefits of departing from relevant policies to be weighed against any harm.
66. We note that the Preferred Options Local Plan had dispensed with the criteria-based approach in Policy EN27. We felt that this was appropriate and addressed the aforementioned inconsistencies between the policy in the adopted Development Plan and the NPPF
67. It is also relevant to note that the current adopted Development Plan (the 2007 Local Plan) includes a policy which specifically relates to St. Osyth Priory and enabling development.
68. Policy EN27a of the 2007 Local Plan states:

The Council is committed to the conservation, preservation and restoration of St. Osyth Priory and to that end, will work in conjunction with the landowner and English Heritage. Any application for enabling development will be judged against the criteria set out in Policy EN27.

69. The Local Plan Inspector in the case of the 2007 Local Plan was of the view that:

“The scale of important heritage assets at St Osyth Priory is such that a site-specific policy can be justified providing the additional policy in no way undermines that sound basis set out in policy EN25.”

And that

“...a site-specific policy and associated supporting text is valuable for various reasons. These include the recognition that this gives of the national importance of the Priory and its grounds, the clarity that it provides of the Council’s position to the wider public and to the landowner, and the framework that it provides for the way in which progress in protecting the longer-term future of this very significant heritage asset can be achieved.”

70. Considering that the scale of important heritage assets at St Osyth Priory has not changed and that enabling development is still required to secure the longer-term future, it would not be justified or effective to fail to carry forward an equivalent policy into the new Local Plan.

71. The SA/SEA seeks to justify the rejection of an enabling development, citing the following reasons for its rejection:

“Such development is often considered unacceptable, often by virtue of its harm to the setting of the heritage asset it is intended to preserve. Enabling development would not normally be considered appropriate for heritage assets which have been allowed to deteriorate significantly, or have been destroyed, or are listed Grade II. For these reasons the policy’s reintroduction into the Plan at this stage is rejected”.

72. However, the above purported reason for rejection simply describes a potential concern in respect of the implementation of an enabling development policy; one that can be addressed through policy wording and through the development management process. It does not constitute robust justification for failing to include a policy on the matter.

73. As noted elsewhere within this representation, St Osyth Priory is identified within Historic England’s heritage at risk register. Historic England lists it as being within poor condition, priority category C – slow decay; no solution agreed. It should be noted that whilst there are over 960 Listed Buildings in the District, only four are listed as being at risk in the Heritage at

Risk Register. One of which is St. Osyth Priory, which in addition to being at risk is also referred to within the PDLP as follows:

“The District’s most important single group of listed buildings at St Osyth’s Priory and its Registered Historic Park and Garden”.

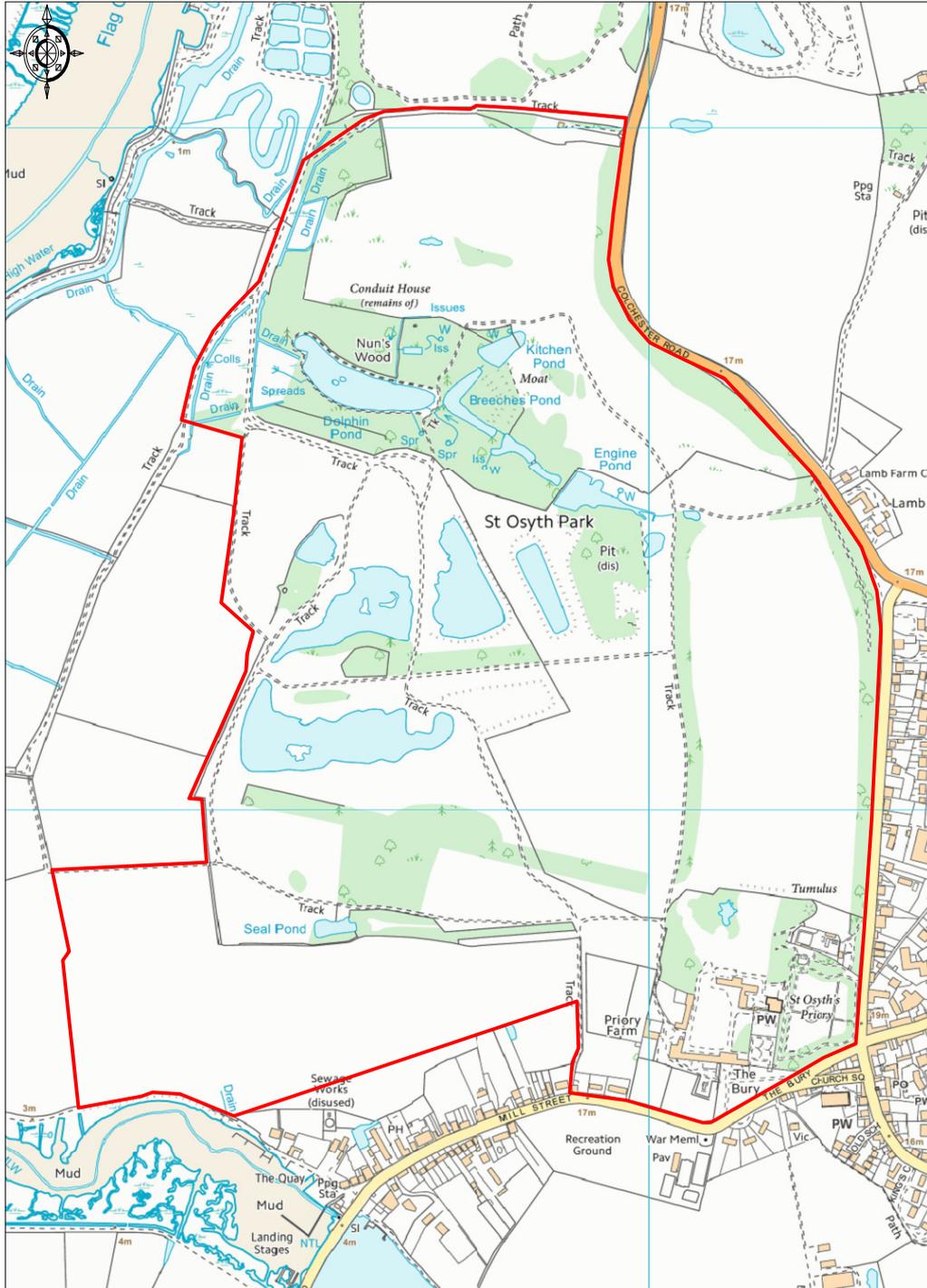
74. The PDLP’s failure to propose a policy to set out a policy on enabling development and a positive strategy to address the conservation of heritage assets at risk is contrary to national policy.
75. The Local Plan’s failure to put in place policies to guide decisions in respect of proposals for enabling development render it ineffective.
76. The lack of a specific policy addressing St. Osyth Priory is ineffective and unjustified, particularly within the context of the existing Development Plan.
77. A proposed policy was set out within the Preferred Options Local Plan. The reasons for its deletion between this iteration and the PDLP is not justified.
78. The SA/SEA purported reason for rejecting the inclusion of an enabling development policy fails to justify such an approach.
79. In order to be sound, a policy which supports enabling development that will assist in the conservation of St. Osyth Priory should be included in the Local Plan. We suggest this is based upon that which was included within the Preferred Option Local Plan, but amended as per the above to ensure compliance with the NPPF and that it addresses St. Osyth Priory, as the current Development Plan does.

PPL2 – Coastal Protection Belt

80. Policy PPL2 proposes a Coastal Protection Belt, within which development will be restricted in the interest of protecting the undeveloped character of the coastline. We do not object to the principle of such a policy, however there are concerns as to the soundness of the proposed extent of the Coastal Protection Belt to the west of St. Osyth, and how this relates to existing development.

81. The Coastal Protection Belt includes existing ribbon development that extends west of the main settlement, along Mill Street.
82. It also includes land which has extant planning permission (reference 16/00656/FUL) for 72 dwellings.
83. As such, the Coastal Protection Belt as current proposed is not considered to be justified and we would also question the effectiveness of including areas of residential development and the St. Osyth Priory Estate within such an allocation.
84. In order to be sound, the extent of the Coastal Protection Belt should be amended to reflect the above points.

St.Osyth Priory, St. Osyth

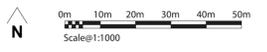


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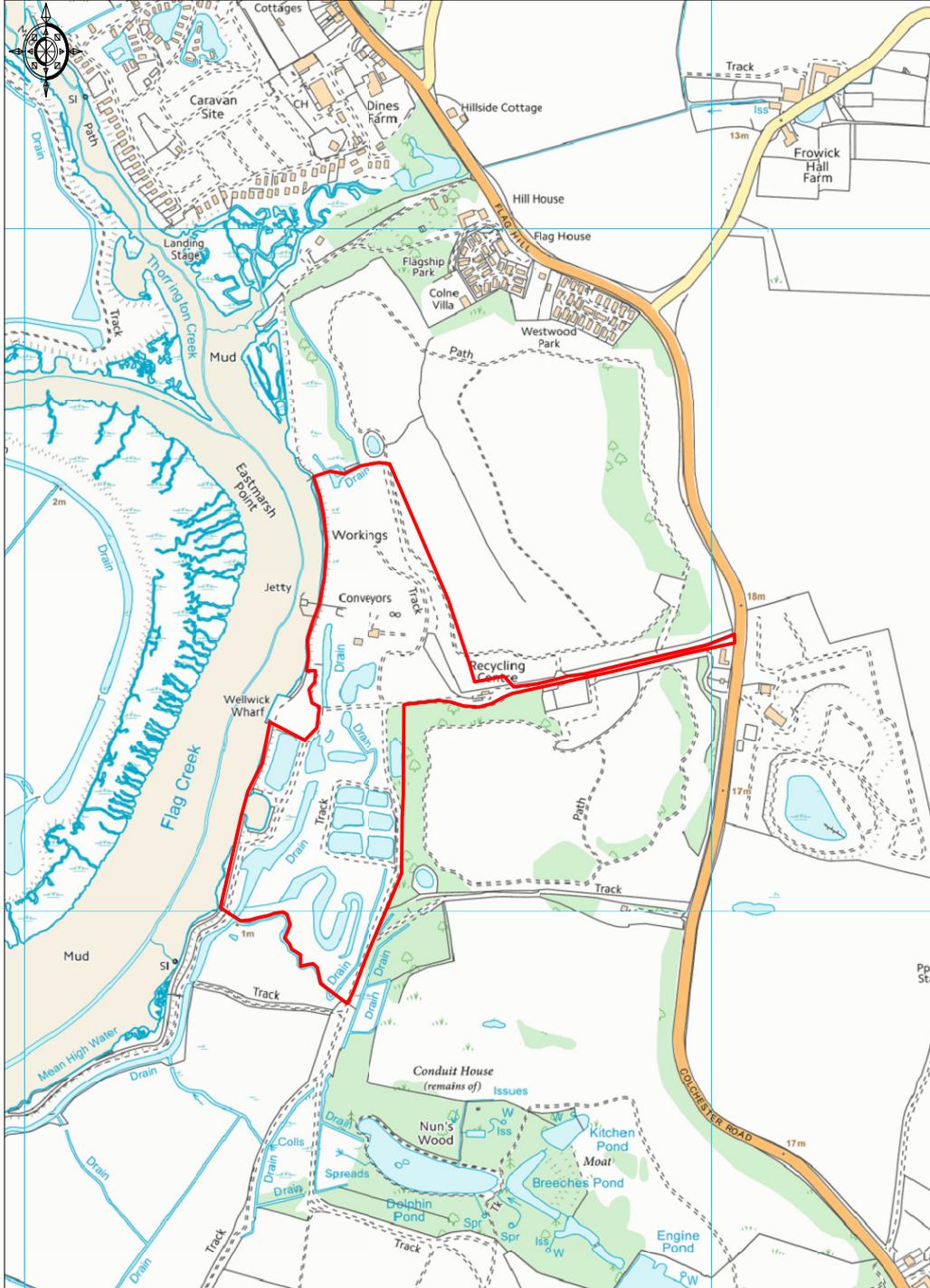
-  Existing Trees
-  Proposed Tree Planting
-  Existing Waterbodies
-  Existing Grassland
-  Proposed Orchard
-  Proposed Development



Project St Osyth Priory
 Drawing Title Landscape Strategy Plan
 Scale N.T.S @ A1
 Drawing No. 10873/LP300b
 Date June 2017
 Checked MFRH



St. Martin's Farm, St. Osyth



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