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Draft Local Plan

RESPONSE FORM

Responses are encouraged via the council's online consultation system available on the website, see <http://tendring-consult.objective.co.uk/portal> However, this form can be returned electronically to planning.policy@tendringdc.gov.uk or in hard copy if necessary to:

Planning Policy, Tendring District Council, Thorpe Road, Weeley, Essex, CO16 9AJ
The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

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

PART A

1. Personal Details

| | |
|----------------------------------|------------------------|
| Title | MR |
| First Name | DEREK |
| Last Name | STEBBING |
| Organisation (Where relevant) | |
| Address Line 1 | CONIFERS |
| Address Line 2 | THORPE ROAD |
| Address Line 3 | WEELEY, CLACTON-ON-SEA |
| Post Code | CO16 9JJ |
| 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 | |

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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

Policy SAMU 5 and paragraphs 9.5

Do you consider the Local Plan is Legally compliant?

and Policy Map site allocation

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

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

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

Please see attached statement

Continue onto next page

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

Objections to Policy SAMUS (Development South
of Thorpe Road, Weeley).



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

- 1) Deletion of Policy SAMU 5, and formal site allocation on Policies Map.
- 2) Amendments to proposed spatial distribution of housing growth and employment development across the district.

Do you wish to participate at the oral part of the examination?

Yes No

If Yes - you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

The flaws identified within this representation regarding Policy SAMU 5 are of significance to the overall spatial strategy of the Plan and the sustainable distribution of housing and economic growth. I wish to present evidence to demonstrate these flaws.

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 of Sue Jiggins and Derek Stebbing, Conifers, Thorpe Road, Weeley, Clacton-on-Sea, Essex, CO16 9JJ to the Publication Draft of the Tendring District Local Plan 2013-2033

1. Introduction

It is the starting point for the formal Examination of a Local Plan that the local planning authority (lpa), Tendring District Council, has submitted a Plan which is considered by the lpa to be Sound, namely that it has been:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy.

Unfortunately, the Publication Draft of the Tendring District Local Plan 2013-2033 (the Plan) does not satisfy any of these requirements in a number of critical respects, and is fundamentally flawed. Furthermore, the accompanying Sustainability Appraisal (SA) document is also flawed and contains false assumptions which affect the overall conclusions and outcomes of the SA process, and which in turn expose parts of the Plan as being unsustainable.

These representations focus on the flaws, errors and false assumptions that are contained in the Plan and SA regarding the settlement of **Weeley**, and raise specific Objections to the proposed allocation of land comprising **Policy SAMU 5 (Development South of Thorpe Road, Weeley)**.

2. Has the Plan been Positively Prepared?

The Plan has been in preparation for a number of years, and the Council's proposed spatial strategy for the Local Plan has changed in many respects during the course of its preparation.

In summary, in earlier consultation versions of the Plan, the Council has previously proposed substantial expansion and growth at Weeley which was described as an "Expanded Settlement". Such growth was linked directly to the highest end of the range (500-600 dwellings per annum - dpa) calculated as the Objectively Assessed Housing Need (OAN) for Tendring District. The

Council promoted a strategy based on an annual target of 600 dpa, and the “uplift” from the midpoint of the range (550 dpa) to 600 dpa, i.e. an additional 1,200 dwellings over the 20 year Plan period (2013-2033) was proposed to be located entirely on a number of sites at Weeley.

The Council has now adopted an OAN of 550 dpa (which is the midpoint of the range set out in the Peter Brett Associates reports), and has accordingly reduced the proposed allocation of new residential units at Weeley from over 1,500 dwellings in the Preferred Options consultation version of the Plan to 304 dwellings in the Publication Draft. The Council has also changed the designation of Weeley in its Settlement Hierarchy from Expanded Settlement to Rural Service Centre accordingly.

Clearly, if an OAN at the lower end of the range (e.g. 500 dpa or 525 dpa) had been adopted, then the allocation of new dwellings at Weeley could have been further substantially reduced or removed entirely.

The point being made here is that the proposed growth at Weeley has ebbed and flowed purely as a result of the lengthy debate that took place during 2014-2016 regarding the calculation of the OAN for Tendring, with the District Council increasing or decreasing the allocation of housing growth at Weeley solely on the basis of its position on the district-wide OAN, rather than any other factors relating to the sustainability of Weeley as a settlement suitable for such growth, or the sustainability of other potential locations across the district. Indeed, the Council have effectively acknowledged by their actions that this has been their approach, by **only** reducing the proposed allocation at Weeley when the OAN to be adopted was reduced from 600 dpa to 550 dpa. Therefore, should the OAN be increased again, for whatever reason, the Council would presumably only allocate that uplift over the entirety of the Plan period to Weeley. This approach is flawed, and bears no relationship whatsoever to any objective appraisal of key sustainability criteria for Weeley and other settlements across the district.

The choice of sites in Weeley for the proposed allocation of new housing in the village stems from the sites put forward for development in the Council’s SHLAA 2014 and SHELAA 2017. These sites can be most conveniently seen in Table 79 of the SA, with the two Plan allocations at Weeley (Sites WE1 – Land at Weeley Council Offices – 24 dwellings, and WE10 – Development South of Thorpe Road, Weeley – 280 dwellings) being listed alongside the Weeley Alternatives (refs WE2-WE9/WE11-WE19). (Site WE14 would in fact appear to



be, at least in part, a duplicate entry for Site WE10). Furthermore, the boundaries of the allocation site SAMU5 (corresponding broadly to Site WE10) were extended (closer to existing residential properties in Weeley) in the Publication Draft Plan from the proposed allocation that had been subject to earlier consultation. The reasons for extending this allocation site area are unstated and unclear, and serves of course to increase the proposed capacity of the site above 280 dwellings.

From these many alternative options, the reasons for selecting Sites WE1 and WE10 for development at Weeley are far from transparent in planning terms, and are not specifically supported or confirmed by the SA, and certainly not by an objective assessment of the key sustainability criteria for settlements in the district, such as access to health, educational and retail services, public transport accessibility etc. It is certainly not supported by a robust assessment of existing service and infrastructure provision in Weeley.

Site WE10 is taken forward in the Plan as Strategic Allocation Mixed Use site (SAMU) Policy SAMU 5 for at least 280 dwellings, 1.0 hectare of land for employment (potentially utilising buildings at Ash Farm), 1.0 hectare of public open space and 2.1 hectares of land for a new primary school.

The SA, at Table 62, states as the Reason for Selection of Site WE10 (Policy SAMU 5), that "Weeley is a broadly sustainable location, with both strategic road and rail links in a central district location with ease of access to the main town of Clacton. Located within a rural service centre, the allocation makes a meaningful contribution toward addressing local housing and associated development needs, supports the village economy and assists with the overall housing growth proposed for the District".

This very generalised, and far from robust or comprehensive, appraisal of Site WE10 (Policy SAMU 5) could equally be applied to most of the Weeley Alternatives listed in Table 79 of the SA.

The key point is that the SA is, in terms of its appraisals, does not distinguish between the specific site constraints and features of the various alternative sites in Weeley, and is not based on sustainability criteria such as proximity to the Railway Station, the Strategic Road Network or recreational facilities.

The land comprising Policy SAMU 5 comprises part of a farm (Ash Farm) formerly owned by Essex County Council and part of the County Council's portfolio of farms across Essex that were leased to tenant farmers in order to

provide employment and support for the agricultural sector in Essex. Ownership of the farm was transferred in the early-2000's to the then tenant farmer (who was also a serving County, District and Parish Councillor), and upon his death has now passed to members of his family. From a search of the public Land Registry records, it would seem that the County Council did not apply an Overage clause in the transfer of the farm (as would usually be the case in land transactions of this type), and therefore would not benefit from any subsequent development or sale of the land. In those circumstances, the community of Weeley, and particularly those living in close proximity to the farm, naturally fully expected the farm to remain in agricultural use. It would seem that that the County Council also expected the farm to remain in agricultural use.

The land comprising the site of Policy SAMU 5 is amongst the most attractive rural landscapes in the wider Weeley area, providing long views southwards across the railway to the Parish Church and beyond. The site is also of important historic and archaeological interest, in terms of military history, having been a major military encampment during the Napoleonic wars and First World War. These historic and archaeological factors at the site have not yet been fully researched, and the Plan does not acknowledge or recognise the potential importance of the site.

Thus, in terms of its potential impact upon Weeley, the Plan has not been Positively Prepared. It has not been based upon an evidence base that demonstrates that Weeley is a suitable and sustainable location for housing growth of the quantum (304 dwellings) now contained in the Plan, or any higher figure. The Plan is simply based upon the submission of numerous sites to the Council's SHLAA and SHELAA Call for Sites in 2014 and 2017 (which in total amount to an indicative dwelling yield of over 6,000 homes just in the Weeley area). The Council have failed to demonstrate, in planning terms, how their changing strategy for major growth at Weeley represents a sustainable option in the context of its overall Spatial Strategy.

Unsurprisingly, landowners in the Weeley area, upon seeing that the Council is considering allocating a disproportionately high level of growth to the village of Weeley and without any robust sustainability justification for doing so, have put forward as much land forward for development as possible. The ebbs and flows in the debate regarding OAN have only served to encourage that situation.

3. Is the Plan Justified?

For the Plan to be Justified, it should be “the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence”. The key point is that it should be **the most appropriate strategy**.

The Plan’s Settlement Hierarchy identifies Strategic Urban Settlements (Clacton-on-Sea, Harwich and Dovercourt and the Tendring/Colchester Borders Garden Community), Smaller Urban Settlements (Frinton, Walton and Kirby Cross; Manningtree, Lawford and Mistley; and Brightlingsea), Rural Service Centres (including **Weeley**) and Smaller Rural Settlements.

Clearly, the Plan should seek to focus new development at the higher order settlements where existing community and transport infrastructure is better able to meet the needs of a growing population.

In terms of the Plan’s proposed distribution of housing growth, it is conspicuous that there is less growth being proposed at each of the Smaller Urban Settlements than at Weeley. Furthermore, there is significantly more growth being proposed at Weeley than at any of the other Rural Service Centres.

The planning reasons for this disproportionate distribution of growth, where a village (i.e. Weeley) with limited services and generally lower sustainability than higher order settlements should be identified as a location for over 300 new homes, are far from clear, either in the evidence base documents or the Plan itself.

It is also noticeable that no development at all is being proposed at certain other Rural Service Centres, for example Great Bentley which in terms of service provision is a more sustainable settlement than Weeley, in that it has more frequent and daily rail services, a G.P. facility and more retail provision.

It is our case that the Plan does not contain **the most appropriate strategy** for the planned distribution of housing and economic growth in Tendring district. The evidence underpinning the Plan fails to demonstrate that Weeley should accommodate more housing growth than any other Rural Service Centre. This is simply perverse, and fails to recognise any element of seeking to promote a sustainable pattern of development. The Plan’s strategy, at least in as far as it affects the village of Weeley, is not justified.

We shall present evidence to the forthcoming Examination to illustrate how Weeley, in comparison to other Rural Service Centres in the district, is not an appropriate settlement for the development of an additional 304 dwellings. Such evidence will be based on key aspects of sustainability such as existing provision of services, public transport accessibility, retail provision, recreational and leisure facilities and employment opportunities.

4. Is the Plan Effective?

The key determinant of whether the Plan is effective, is whether it is capable of being deliverable over the Plan period. The Plan period is from 2013 to 2033, and it is already clear (at July 2017) that the emerging Plan is not able to achieve its key housing and employment development requirements, firstly in the period since 2013, and secondly in the short-term future through to the 2020's. By way of example, there has been a shortfall in housing delivery of over 800 units since 2013, and it is simply unrealistic and over-optimistic to expect that there will be a step change in housing delivery over the next 5-10 years to bring housing delivery up to the point where that earlier shortfall is addressed. The housing market in the Tendring area cannot sustain that step change in delivery, and the house-building industry will not be able to achieve it.

Furthermore, the Plan's reliance, in part, on the Tendring-Colchester Garden Community to boost housing delivery from the late-2020's onwards is again optimistic, as the infrastructure requirements for that community involve some major new transportation and utilities infrastructure which cannot yet be regarded as capable of being delivered to the planned timetable, not least of which is a new link road from the A120.

In terms of housing delivery, the Plan is never likely, at any point between 2013 and 2033, to be effectively delivering the new housing that is currently being projected. Those projections, in the form of a housing trajectory across the Plan period, are at best optimistic and probably in reality unattainable.

The step change in housing delivery in Tendring will not occur, serving to demonstrate that the Plan's strategy is flawed and based upon some fundamentally false assumptions. The Plan will not be effective.

The likely ineffectiveness of the Plan, and in particular some of its major strategic elements, should not be a misplaced reason or justification to allocate

growth to settlements such as Weeley, simply because there is a lesser requirement for major strategic infrastructure at such settlements.

The strategy of the Plan requires more radical changes in order for it to be effective, including for example larger and more sustainable urban extensions to settlements such as Manningtree, Lawford and Clacton where the existing provision of services and infrastructure is capable of supporting higher levels of growth.

5. Is the Plan Consistent with National Policy?

The Plan is not consistent with national policy, as set out in the National Planning Policy Framework (NPPF) and other Government policy statements, in that it fails to promote and secure a sustainable pattern of future development within Tendring district. The Plan should contain a 'golden thread' of sustainability running throughout its policies and proposals, which leads to appropriate choices being made about the location of new development, the provision of supporting community and transportation infrastructure and the creation of successful communities for those living and working in Tendring.

The Plan has been prepared on the basis of just one key planning objective – to “revolutionise the way future housing is delivered”, as set out in the Foreword to the Plan. Other objectives, for example to create high quality places of employment alongside new housing, to secure the provision of infrastructure that serves new and existing communities and to encourage increased sustainability, for example by greater encouragement for walking, cycling and public transport, energy reduction and biodiversity enhancement, are much lesser objectives in the Plan and can almost be seen as afterthoughts.

In the case of Policy SAMU5 (Development South of Thorpe Road, Weeley), the key word of “sustainable” is not evident (in any context). On the basis of a viability assessment, it is completely unrealistic to expect that a development of at least 280 new homes (including 30% affordable housing) will provide sufficient “capital” to enable a developer to provide a new Primary School site with co-located Early Years and Childcare facility, a financial contribution to the educational provision, enhancements to public transport, cycle and pedestrian infrastructure in the Weeley area, the provision of a new pedestrian/cycle across the railway line and financial contributions to other community infrastructure such as health provision, and other stated requirements such as 1.0 hectare of public open space (which is unlikely to be adopted by the

District Council without a substantial commuted payment) These requirements, whilst being laudable in principle, will simply make the development unviable, and it is inevitable that the developer will be unable to meet these requirements.

The resultant development will therefore be unsustainable, in that it will fail to provide the appropriate infrastructure for the benefit of both new and existing residents in Weeley.

It is also likely, and probably inevitable, that the developer will seek to significantly increase the housing capacity at the site, and the land area of this proposal could easily be capable of accommodating in the region of 500-600 dwellings (even on conservative assumptions about density, layout etc.), in order to improve the economic viability of the scheme. That probable increase in housing capacity is still unlikely to secure the necessary infrastructure to support an even larger development, and the outcome will be a development that fails to secure sustainable development, and which places greater strain upon existing transport and community services within the area.

The issues described in this representation for the proposed development site in Weeley can be seen in other housing proposals contained in the Plan. Put simply, the Plan is seeking to provide new housing without giving the necessary consideration to the other key requirements of promoting sustainable development.

It is a Plan that fails to be consistent with the most important aspects of Government policy.

6. Conclusion

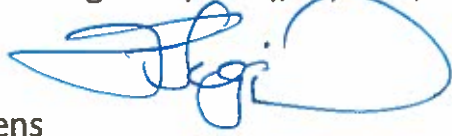
The Publication Draft of the Tendring District Local Plan 2013-2033 fails to meet any of the Tests of Soundness for a Local Plan. The Inspector appointed to undertake the Examination of the Plan is urged to find that the Plan is Not Sound, and that it should be Withdrawn.

We formally request that we be invited to appear in person at the forthcoming Examination Hearings in order to present evidence on the relevant Matters and Issues to be determined by the Inspector concerning Policy SAMU5, and we would be grateful if this request could be passed to the Programme Officer appointed for the Examination.

Signed



Derek Stebbing B.A. (Hons), Dip E.P., MRTPI



Sue Jiggins

27th July, 2017

