

GUIDANCE NOTES

& RESPONSE FORM

to accompany the Publication Draft Local Plan (2017)

Please read these guidance notes before completing the response form

Introduction

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

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

Each Local Plan has two parts:

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

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

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

If you would like assistance in completing your representation or have any other questions about the Publication Draft Local Plan please contact the Planning Policy Team by email planning.policy@tendringdc.gov.uk or by phone on 01255686177 and ask for Planning Policy.

Part A - Personal Details

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

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

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

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

Part B - Representation

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

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

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

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

Paragraph: for a representation on wording or paragraph content

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

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

Legal Compliance and Duty to Co-operate

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

The Inspector will check that the Plan meets the legal requirements

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

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

Soundness

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

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

Positively prepared

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

Justified

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

Effective

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

Consistent with national policy

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

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

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

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

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

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

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

Representations can be sent:

- Via the Council's online consultation portal:
<http://tendring-consult.objective.co.uk/portal>
- Via a representation form which can be downloaded from the website and returned via email to
planning.policy@tendringdc.gov.uk
- or by post to:
**Planning Policy,
Tendring District Council
Thorpe Road
Weeley
Essex
CO16 9AJ**



For internal Use only	ID:		Rep No:	

Draft Local Plan

RESPONSE FORM

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

Planning Policy, Tendring District Council, Thorpe Road, Weeley, Essex, CO16 9AJ

The consultation runs from 9am Friday, 16th June to 5pm on Friday, 28th July 2017

This form has two parts:

Part A - Personal Details and Part B - Your comments

PART A

1. Personal Details

Title	Mr
First Name	R
Last Name	Peperell
Organisation (Where relevant)	c/o Collins & Coward
Address Line 1	
Address Line 2	
Address Line 3	
Post Code	
E-mail Address	
Telephone Number	

2. Agent's Details (if applicable)

Title	Mr
First Name	Ian
Last Name	Coward
Organisation	Collins & Coward
Address Line 1	9A East Street
Address Line 2	Coggeshall
Address Line 3	Essex
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:

see attached submission

Continue onto next page

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

allocate the objector site for a small scale residential scheme

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

allocate the objector site for a small scale residential scheme

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

Yes No

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

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

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

Yes No

If yes which stage

Issues and Options Preferred Options

Do you wish to be notified?

- When the document is submitted for independent examination?
- When the Inspectors Report is published?
- When document is adopted?

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

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

Colchester: Return by 5pm 11th August 2017

**Tendring District Publication Draft Local Plan Consultation –
Representations in respect of allocation for housing on land off
Springhill Close, Great Bromley, CO7 7HU**

July 2017

The Courtyard
9A East Street
Coggeshall
Essex
CO6 1SH

W www.collinscoward.co.uk

1. We seek a Local Plan allocation for a small-scale housing scheme (in the region of 2 to 3 dwellings) on a portion of land in the southern part of Great Bromley located to the west of Springhill Close and east of Brook Street (B1029) as shown outline din red on the screenshot below:



2. We object to the Plan for the non-inclusion of this site for housing; seek the deletion of the current safeguarded local green space designation and a contemporaneous allocation as a housing site. This will confirm the soundness of the Plan.

3. This objection concerns Section 2 of the plan only as this is a local level matter of a relatively small scale.

4. However, as a matter of context we refer to the overall housing need. Under the heading of "North Essex Authorities" it is noted that North Essex will be an area of significant growth over the Plan period to 2033 and beyond. Paragraph 1.31 of the Local Plan sets the key objectives of which the first is "Providing sufficient new homes".

5. Policy SP1 sets out the presumption in favour of sustainable development and whether or not this representation represents a sustainable form of development is a focus of these representations.

6. In respect of policy SP2 this reads as follows, again with our emphasis for context:

Policy SP2

Spatial Strategy for North Essex

Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

7. We note that the local planning authority is proposing a new garden community to provide a significant contribution towards housing numbers. Again this key allocation is a matter of context as we consider the role to be taken by the smaller settlements where small scale development is dispersed across the District as an addition to the garden community. A sensible and modest dispersal across a variety of settlements is seen as a sustainable pattern of development which will make its own contribution towards housing figures.

8. Great Bromley is defined as a smaller rural settlement as per policy SPL1 entitled "Managing Growth".
9. Policy SPL2 confirms settlement boundaries within which the application site lies.
10. In terms of the specific site which is proposed for allocation as a housing site, it lies in the southern portion of Great Bromley which is a small but sustainable settlement with a church; school; small scale institutional use and an active parish council.
11. The land in question is private and in respect of planning history there are two elements of note.
12. The first is a temporary and subsequently permanent TPO (first issued in June 2013). This creates a woodland order across the entirety of the site and this is described as mainly oak, ash, willow, sycamore, and field maple.
13. The second is a refusal of an application for planning permission pursuant to 13/00577/FUL of a scheme for the erection of 4 x three-bedroom properties. This was refused on 30th July 2013 and was not subsequently appealed.
14. We note that the site was not previously the subject of a TPO and this was added as a land charge as the application was progressed and this is reflected in the relevant date namely the issuing of the temporary TPO on 17th June 2013 and the final refusal of planning permission at the end of July, 2013. We point to this as it confirms that the site was not previously seen to have amenity value in respect of trees and was a reactive addition of planning control on the site.
15. We promote the site for housing and whilst the Local Plan representation is not an appropriate forum for development control specifics we promote it for in the region of 2 to 3 dwellings having regard to the relevant flooding issues, biodiversity, and the protected trees. It is the objectors' view that the site can appropriately cater for a small-scale housing scheme therefore contributing towards the housing figures conferred upon the local planning authority whilst retaining a significant amount of tree cover, being safe in terms of flooding and enhancing the biodiversity.

16. The site is currently allocated as “safeguarded local green spaces” as per the screenshot below; for ease of reference it is the most central area of green shading, just south of the primary school:



17. The provisions of policies HP3 and more specifically HP4 are therefore relevant and which read as follows:

Policy HP 3

GREEN INFRASTRUCTURE

Green Infrastructure will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access. All new development must be designed to include and protect and enhance existing Green Infrastructure in the local area, as appropriate.

Green Infrastructure as identified on the Policy Map, will be protected, managed and where necessary enhanced by:

- a. managing development to secure a net gain in green infrastructure;*
- b. supporting investment priority projects set out in the Green Infrastructure Delivery Plan;*
- c. not permitting development that compromises the integrity of the overall Green Infrastructure networks;*
- d. investing in enhancement and restoration where opportunities exist; and*
- e. using developer contributions to facilitate improvements to their quality and accessibility.*

The Council will work with all sectors and interest groups to help deliver Green Infrastructure projects. Developers should use the guiding principles set out in the Green Infrastructure Delivery Plan to influence all development proposals from an early stage in the design process. Any new Green Infrastructure proposed must be accompanied by a plan for the long-term sustainable maintenance and management of these assets, as well as phasing plans to demonstrate how they are to be delivered. New Green Infrastructure should incorporate semi-natural habitats and provide net gains in biodiversity wherever possible. The long-term management of assets should include biodiversity recording/monitoring to verify/ensure the ecological integrity of GI networks. Green Infrastructure should, where appropriate, include access for the widest range of user groups.

18. And:

Policy HP 4

SAFEGUARDED LOCAL GREENSPACE

Development that would result in the loss of the whole or part of areas designated as Safeguarded Local Greenspaces, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:

- a. the provision of new site replaces the site at least equal in quality and size and accessible to the community, which the existing site serves;*
- b. it is demonstrated that there is no longer a demand for the existing site;*
- c. the site is not appropriate for other open space functions; and*
- d. the development of the site would not result in the loss of an area important to visual amenity.*

Land is also allocated for the future expansion of the Wesley Crematorium, the Burrs Road Cemetery (Clacton), Dover court Cemetery and the Kirby

Cross Cemetery as shown on the various Policies Maps and Local Maps for these areas. New cemeteries and other burial places may be permitted

19. With these policies in mind and in respect of the principle of development we make a number of points.
20. The first is that the site is private.
21. There is no permissible public access and therefore it is not a resource that can be used by the local population. It is therefore not a recreational site and makes no contribution in this regard.
22. It is accepted that it fulfils a role in creating an attractive backdrop as one drives into Great Bromley. However, that role would not change with a modest development. The site is more than capable of retaining the key peripheral trees pursuant to an appropriate residential scheme. In addition, Great Bromley has large swathes of open space the majority of which is within defined settlement limits and some with a limited amount outwith (we are referring to that around the church). Great Bromley is clearly not an urban settlement with limit amounts of open space: it is particularly well provided for specially in proportion to the local population.
23. There is no housing allocated within Great Bromley as part of the emerging Local Plan.
24. The local planning authority has had difficulty in recent years in demonstrating a five-year housing land supply.
25. Whether it has one now will be a matter to be debated within the context of the Local Plan enquiry but a previous shortfall over many years is a relevant matter. Subject to the development control points which have been briefly outlined in this submission the site can accommodate 2 to 3 homes and they will contribute towards Great Bromley as a sustainable settlement. It would be a logical development on the opposite side of Springhill Close and introduce a modest additional population to become part of the established local community.

26. It is of course accepted that Great Bromley cannot accommodate a significant amount of additional housing but a small, sustainable addition on the representation site is a matter which meets the relevant dimensions to sustainable development. As set out above it is not appropriate to set out all the detailed development control matters at this stage however as a matter of principle a low key residential use within the context of peripheral landscaping, with a defined residential curtilage and area for bio-diversity enhancement would assimilate the scheme successfully into the local environment. It is the adoption of these principles over which the local planning authority would have complete control at application stage that will ensure a successful development.
27. Whilst these representations seek the allocation for housing and the deletion of the local green space designation we nonetheless briefly address policy HP4 to support our view that the harm that this policy is in place to avoid will not in fact take place on this site in this instance. We note that HP3 would be met by the retention of a significant amount of peripheral landscaping.
28. The allocation would of course result in loss of part of the open space nature of the site but about the relevant criteria we comment as follows:
 - a. the site is replaced by the provision of new site at least equal in quality and size and accessible to the community, which the existing site serves;**
29. This would not occur but in this case the land is private with no permissive public access. There is a role in terms of a green environment but this would be safeguarded by the retention of peripheral planting as a scheme would need to adhere to the TPO and other restrictions that are relevant.
- b. it is demonstrated that there is no longer a demand for the existing site;**
30. Great Bromley has a large area which is the subject of the same designation; it is also a settlement which is surrounded by open countryside. It is not short of open space; reiterating again that this is private land
 - c. the site is not appropriate for other open space functions; and**

31. The site is small and private, with little potential for such functions.

d. the development of the site would not result in the loss of an area important to visual amenity.

32. Whether this land is important to visual amenity is questionable, however, any visual amenity function that the site has could be retained for the reasons as set out above. It was for this reason that we refer to the refusal back in 203 as efforts were made to create a habitat area to encourage ecology. A lower quantum of development t is envisaged to the previous refusal.

Land is also allocated for the future expansion of the Weeley Crematorium, the Burrs Road Cemetery (Clacton), Dovercourt Cemetery and the Kirby Cross Cemetery as shown on the various Policies Maps and Local Maps for these areas. New cemeteries and other burial places may be permitted

33. This matter is not relevant.
34. Nothing is currently allocated in Great Bromley for housing and we suspect that very little will come forward via representations to the Local Plan albeit time will tell.
35. In terms of the issue of sustainability a low level residential scheme could come ahead and make it contribution towards the housing figures conferred upon the local planning authority plus also contribute towards Great Bromley as a community (the social dimension to sustainable development) and in economy terms by sustaining services and perhaps encouraging more.
36. For these reasons the Plan is unsound pending the allocation of this site for housing and the deletion of the local green space allocation.