

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.

Tendring
District Council



Local Plan
COLCHESTER BOROUGH



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	<input type="text" value="Mr. Tony Irwin"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Organisation <i>(Where relevant)</i>	<input type="text" value="Moonlight Hollow Ltd."/>
Address Line 1	<input type="text" value="c/o Agent"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text"/>
Post Code	<input type="text"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

2. Agent's Details (if applicable)

Title	<input type="text" value="Miss"/>
First Name	<input type="text" value="Libby"/>
Last Name	<input type="text" value="Hindle"/>
Organisation	<input type="text" value="Boyer"/>
Address Line 1	<input type="text" value="15 De Grey Square"/>
Address Line 2	<input type="text" value="De Grey Road"/>
Address Line 3	<input type="text" value="Colchester"/>
Post Code	<input type="text" value="CO4 5YQ"/>
E-mail Address	<input type="text"/>
Telephone Number	<input type="text"/>

PART B

REPRESENTATION FORM

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

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

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

Section 1 Section 2 Colchester Section 2 Tendring Section 2 Braintree

Which part of the section are you responding to?

e.g. Paragraph/Policy/Map/Other

Do you consider the Local Plan is Legally compliant?

Yes No

Does it comply with the Duty to Co-operate?

Yes No

Do you consider the Local Plan is Sound?

Yes No

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

Positively prepared Justified Effective Consistent with National Policy

Enter your full representation here:

PLEASE SEE ATTACHED REPRESENTATIONS.

Continue onto next page

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

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

An appropriate extension should be made to the list of Smaller Rural Settlements in Policy SPL 1: Managing Growth to include Aingers Green and all recognised villages together with defined Settlement Development Boundaries.

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

To ensure the appropriate housing numbers for the District are applied and the development potential of Great Bentley is properly explored.

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 Local Plan 2013 – 2033 and Beyond: Publication Draft 2017

Representations on behalf of Moonlight Hollow Ltd.

The following representations are made on behalf of Moonlight Hollow Ltd. in respect of their land at Plough Road, Great Bentley.

Submissions have been previously made on behalf of our client by Mr. Edward Gittens to the Local Plan Issues and Options document in 2015, and the Preferred Options Draft in 2016.

From these previous submissions, our client owns land at St Mary's Farm, Plough Road, Great Bentley, which spans between the villages of Great Bentley and Aingers Green. A small parcel of this land has contributed towards the meeting of annual housing land supply and economic development targets through the recent achievement of planning permission for development on land at Station Field, Plough Road (Ref. 14/01750/OUT).

Part 2 SPL1 – Managing Growth

We object to the Settlement Hierarchy as expressed within Policy SPL 1, specifically with respect to the appropriateness of including the 'Tendring Colchester Borders Garden Community' in the Settlement Hierarchy. This does not have due regard to the uncertainty surrounding its delivery within the Plan period.

The list of Smaller Rural Settlements included within Policy SPL 1 excludes previously recognised settlements such as Aingers Green. As a result such villages would now be 'washed over' with countryside protection policies, and subsequently a presumption against development under the terms Policy SPL 2: Settlement Development Boundaries. The exclusion of many villages from the Settlement Hierarchy would fail to recognise the potential of such settlements for limited growth, as has been established by recent Appeal decisions, which can deliver meaningful contributions to housing land supply and support the sustainability of smaller villages, and their rural services and amenities.

The 'Smaller Rural Settlements' form the largest number of settlements in the Settlement Hierarchy and therefore have potential to make a recognised contribution to the OAN. Some of the Smaller Rural Settlements are actually sizeable villages, and/or are located in proximity to other sustainable settlements, and hence would be capable of making a significant contribution both individually and cumulatively.

Furthermore, villages excluded from the Settlement Hierarchy, and without Settlement Development Boundaries would not qualify for consideration under Policy LP 6: Rural Exception Sites. This would unnecessarily prejudice the delivery of affordable housing.

An appropriate extension should therefore be made to the list of Smaller Rural Settlements in Policy SPL 1: Managing Growth to include all recognised villages together with defined Settlement Development Boundaries.

Part 1 SP3 Meeting Housing Need and Part 2 LP1 – Housing Supply

Part 1 Policy SP3 states that Tendring District Council will deliver 550 net additional dwellings per year, producing a minimum of 11,000 homes in the Plan period 2013-2033.

Part 2 Policy LP1 sets out the housing supply providing a total of 12,001 dwellings.

We object to both Policy SP3 and Policy LP1.

Supporting text to Policy SP3 indicates the starting point for the objectively assessed housing need is the 2014 demographic projections and this is welcomed.

The 2014 demographic projections provide a figure of 675 dwellings per annum (dpa) for Tendring District. The previous projections from 2012 set a starting point of 705 dpa. When these are assessed for unattributed population change and with a market signal adjustment; the Objectively Assessed Housing Needs Study (2015) recommended an OAN range of 500-600 dpa, and adopted 550 dpa as the target where a single number was needed. With the 2014 projections providing a very similar figure, and the same reductions being applied the revised Objectively Assessed Housing Needs Study (2016) reasserted its position of 550 dpa being required. However, it can be assumed that the same range of 500-600 dpa can also be applied in this instance.

We are therefore concerned that the level of delivery set within the plan, of 550 dpa, underestimates housing need for the area. It is recommended that the higher figure of 600 dwellings per annum should be targeted, in line with the upper end of the range identified by the assessment of Objectively Assessed Need as part of the plan's evidence base. This is felt to more appropriately reflect the emphasis of the National Planning Policy Framework (NPPF) on increasing supply of housing. Paragraph 47 of the NPPF states that Local Authorities should significantly boost the supply of housing by ensuring Local Plans meet the full, objectively assessed needs for housing. This intention and the approach being pursued through the Local Plan must be made clear within this Policy as well as the District's housing strategy to ensure a clear set of proposed sources of housing supply can be conveyed as well as ensuring sufficient certainty through the Plan of delivering these houses.

In addition, Tendring District have only been able to demonstrate an average completion rate of 343.5 dpa between 2013 and 2017. The most recent Annual Monitoring Report (AMR) 2015/16 states the Council only has a 3 year supply of housing and due to existing shortfalls and persistent under delivery of housing the provision of a 20% buffer is included, in line with NPPF guidelines in Para. 47. This history of persistent under delivery highlights the need for the Council to provide sufficient supply of housing to meet the objectively assessed housing need for the District.

No housing allocations have been made for the settlement of Great Bentley. The village is recognised as a sustainable location, with a good level of services and facilities within the village centre, in addition to bus and rail services. Our client has suitable land available that could be brought forward within the plan period to enhance levels of growth in this sustainable settlement, supporting the village economy and contributing to the overall growth proposed for the District. A site plan is attached for consideration.

Housing Allocations – Map 11 Great Bentley

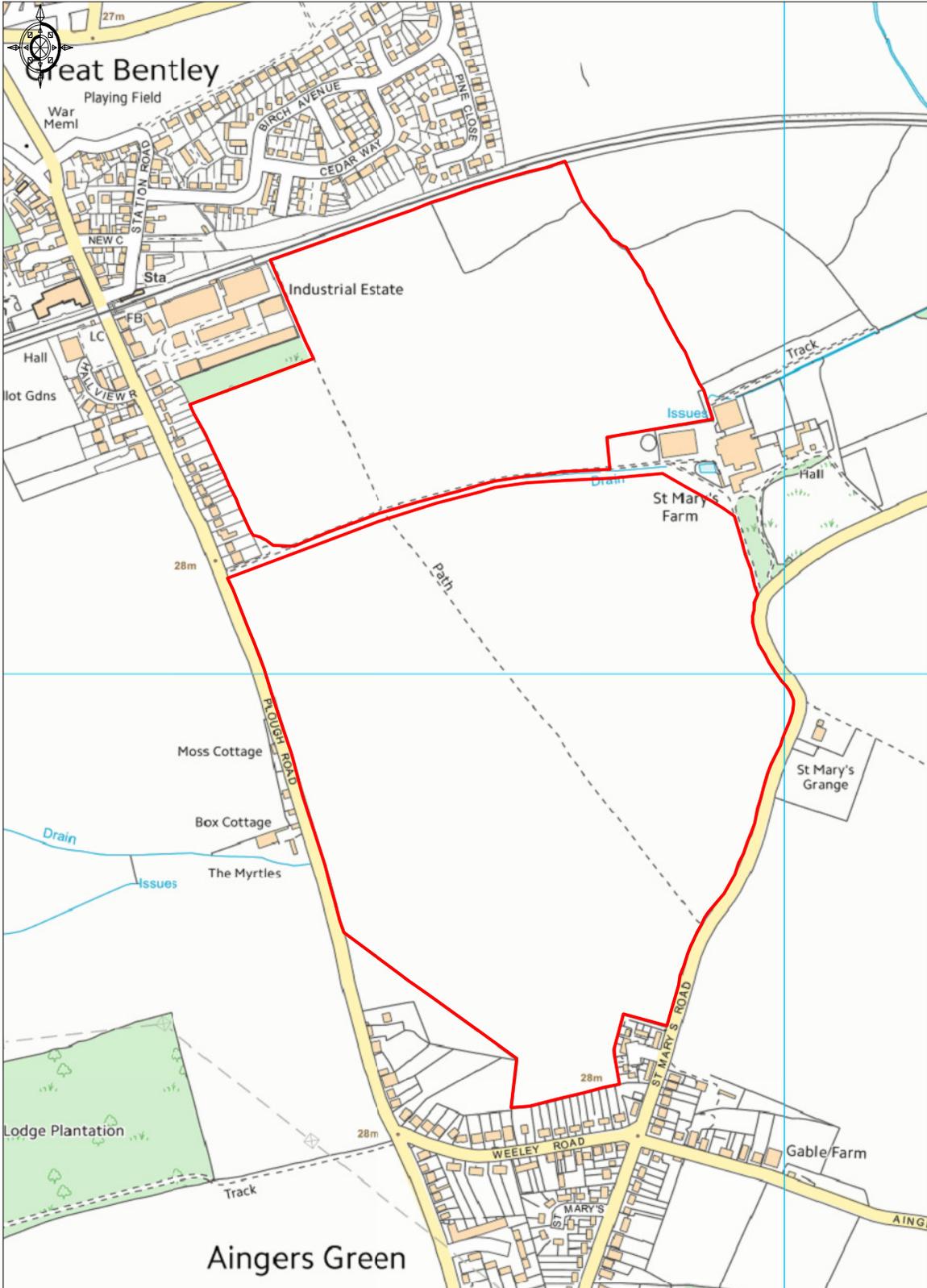
Our client has suitable land available in Great Bentley for delivery within the plan period, in the context of recently approved developments (see attached site plan). Utilisation of this land (whilst still allowing for the provision of some element of public open space) would create a link with existing planning permissions recently approved in Great Bentley at Plough Road (14/01750/OUT) in a suitable and sustainable manner, providing a logical future development boundary for the settlement.

Such development would provide a sustainable and achievable contribution to the District's housing supply, particularly in view of the constraints and uncertainties surrounding proposals for the Tendring Colchester Borders Garden Community. We therefore object to Map 11 within the proposed Local Plan.

Boyer

July 2017

Land at Plough Road, Great Bentley
Site Location Plan
Representations on Behalf of Moonlight Hollow Ltd



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Licence number 100022432. Plotted Scale - 1:7500

Prepared by Boyer
(July 2017)