

GUIDANCE NOTES & RESPONSE FORM

Tendring District Council Local Plan 2013 – 2033 and Beyond Proposed Main Modifications to Section 2 Consultation 16th July – 31st August 2021



Please read these guidance notes before completing the response form.

Introduction

The Tendring District Local Plan 2013-2033 and Beyond was submitted to the Secretary of State on 9 October 2017 to begin the process of independent examination. Section 1 of the Plan (the 'North Essex Authorities Shared Strategic Section 1 Plan' common to Tendring District Council, Colchester Borough Council and Braintree District Council) was adopted by Tendring District Council on 26 January 2021.

Section 2 of the Local Plan (which contains policies and proposals specific to Tendring only) was examined separately, following the adoption of Section 1. In accordance with section 20 (7C) of the Planning and Compulsory Purchase Act 2004 the Inspectors have, following hearing sessions in February and March 2021, recommended main modifications to the document.

A 6 week consultation on the proposed main modifications will be carried out starting on 16th July and ending at 5pm on 31st August 2021. All relevant comments received during the consultation period will be considered by the Planning Inspectors before any modifications are finalised.

The consultation documents consist of:

- Schedule of Proposed Main Modifications
- Schedule of Proposed Additional Modifications
- Schedule of Proposed Map Modifications
- Associated Habitats Regulation Assessment
- Associated Sustainability Appraisal

The consultation relates specifically to these documents and in particular the main modifications which have been recommended by the Inspectors. This consultation is not an opportunity to repeat or raise further representations about the published plan or to seek further changes to the plan.

On the Council's website a number of background documents are available for view to assist people wishing to make comments including the original Local Plan 2013-2033 and Beyond Publication Draft Section 2 as submitted in 2017. There is also a 'tracked changes' version of this document showing how the modifications would appear within the Local Plan.

The documents and online response forms are available at:

www.tendringdc.gov.uk/localplan/section2

For those unable to access the documents online, hard copies will be available for inspection at public libraries in Tendring for the duration of the consultation.

GUIDANCE NOTES

Part A – Personal Details

Please note that it is not possible for representations to be considered anonymously. Representations will be published on the Councils websites and forwarded to the Inspector. Address and contact details will be removed from published responses. (Villages / town shown).

The Council reserve the right not to publish any representations which they consider 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 please state this 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.

Please use a separate form where possible, for each proposed main modification and/or document on which you are commenting. You only need to send each comment once. All representations received by Tendring District Council will be submitted to the Inspector. You do not need to return this form if you have completed a response using the Council's online system for this consultation.

Part B – Representation

Comments are invited solely and specifically on:

1. Schedule of Proposed Main Modifications

There are 142 proposed main modifications recommended by the Inspector to make the draft Section 2 Plan sound and legally compliant. The Inspector will take all the responses to this consultation into account before finalizing the main modifications. Please include the main modification number with your response.

2. Schedule of Proposed Additional Modifications

There are 68 proposed additional modifications of a minor or factual nature that are also published for consultation. These are suggested by the Council and are not specifically required by the Inspectors to make the Plan legally compliant and sound. However, in the interest of transparency and completeness the Council is inviting comments on these.

3. Schedule of Proposed Map Modifications

There are 123 proposed modifications to the Local Plan Maps which are either to reflect the recommended Main Modifications or to update the Plan as a consequence of changes on the ground or the grant of planning permissions.

4. Associated Sustainability Appraisal

This is an assessment of the environmental, social and economic effects of the draft Section 2 Local Plan, as proposed to be modified by the main modifications.

5. Associated Habitats Regulations Assessment

This is a report on the effects of the draft Section 2 Plan, as proposed to be modified by the main modifications, on protected nature reserves known as 'European Sites'. As there is a negative impact on protected sites and bird species, it also sets out the avoidance and mitigation measures required to ensure there are no adverse effects from development.

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.

Further Details

Using the spaces provided please give of your view on the;

- Schedule of Proposed Main Modifications
- Schedule of Proposed Additional Modifications
- Schedule of Proposed Map Modifications
- Associated Habitats Regulation Assessment
- Associated Sustainability Appraisal

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 representations received during this stage will be submitted to by the appointed independent Planning Inspectors.

Representations can be made:

- Via the Council's online consultation portal:
www.tendringdc.gov.uk/localplan/section2
- 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:
Acting Director of Planning
Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex
CO15 1SE

For internal Use only	ID:		Rep No:	

Tendring District Council Local Plan 2013 – 2033 and Beyond Proposed Main Modifications to Section 2 Response Form

Please be sure to read the guidance notes. Responses are encouraged via the council's online consultation system available on the website, see www.tendringdc.gov.uk/localplan/section2. However, this form can be returned electronically to planning.policy@tendringdc.gov.uk or in hard copy if necessary to:

Acting Director of Planning, Tendring District Council, Town Hall, Station Road, Clacton on Sea, Essex CO15 1SE

The consultation runs from 16th July – 31st August 5pm.

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

PART A

Personal Details

Title Mr

First Name Will

Surname Vote

Organisation (where relevant) Rose Builders Ltd

Address Line 1 Riverside House

Address Line 2 Riverside Avenue East

Address Line 3 Manningtree

Post Code CO11 1US

Email address [REDACTED]

Phone number 01206 392613

Agents Details (if applicable)

Title _____

First Name _____

Surname _____

Organisation (where relevant) _____

Address Line 1 _____

Address Line 2 _____

Address Line 3 _____

Post Code _____

Email address _____

Phone number _____

PART B

REPRESENTATION

Important Note:

Representations must be specific and **only** relate to the Proposed Main Modifications Schedule and/or Proposed Additional Modifications and/or Proposed Map Modifications and/or Habitats Regulation Assessment and/or Sustainability Appraisal.

Please specify which Main Modification or associated document your comments relate to by choosing one of the following:

- | | | |
|--|-----------------------------|--------------------------|
| <input checked="" type="checkbox"/> Section 2 Proposed Main Modification | Modification Reference - MM | <u>46.1 & MM46.2</u> |
| <input type="checkbox"/> Section 2 Proposed Additional Modification | Modification Reference – AM | _____ |
| <input checked="" type="checkbox"/> Section 2 Proposed Map Modification | Map Ref B. | <u>28</u> Mod <u>D</u> |
| <input type="checkbox"/> Habitats Regulation Assessment | | |
| <input type="checkbox"/> Sustainability Appraisal | | |

With the inclusion of the Proposed Main Modifications, do you consider the 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:

Criterion (g) of SAMU5 refers to bridleway enhancements. This has also been added to paragraph 9.5.2. There is currently no bridleway in the vicinity of the site. Therefore it is confusing why this has been inserted and is not justified or effective. It may relate to changes proposed to criterion (h), which I discuss below. I would like mention of equestrians to be omitted from this paragraph and criterion.

Criterion (h) of SAMU5 refers to a multi-user bridge. It is not clear exactly what “multi-user” refers to, but given that the following text refers to cyclists and equestrians, I assume it means these types of user. Given that there are no rights to ride bicycles on the public footpaths located north and south of the bridge, the bridge ought not to promote cycle use as the law does not allow bicycle use on these public footpaths. This would apply even after the residential development is built, as the land to the south would remain undeveloped and retain no rights of access for cyclists. Similarly, criterion (h) seeks provision for the bridge to be capable of being used by equestrians. Given that there are no bridleways immediately north or south of the rail crossing (nor any plans to extend such wider bridleway network), this requirement seems odd, unjustified and ineffective. I would like mention of cyclists and equestrians to be omitted from this criterion.

I also object to changes to the proposed map modifications that relate to Weeley. The map now colours a specific part of the site as purple denoting “employment use” (labelled “D”) alongside an orange colour denoting general “mixed use”. While Ash Farm is in agricultural use, this is not normally what is envisaged as employment use. The landowner has no plans to change Ash Farm (and farmhouse) from agricultural use. If the intention is to direct where the employment part of the approved outline application should be located, then it seems unusual that the remainder of the development site then remains as mixed use. Such a last-minute change would conflict with draft plans for the site. The insertion of the purple (employment) colouring is not required to allow the mixed use development (including employment) to be delivered. Rather than be too specific (or just plain confusing), the map ought to revert back to the original colouring as shown in the 2017 version of the Weeley map. As it currently stands, the change is neither justified or effective.

If your representation is more than 400 words, please provide a brief summary here:

Please specify the changes needed to be made to make the Plan sound:

MM46.1. Reinstate paragraph to read "public transport services and infrastructure; cycle and pedestrian infrastructure enhancements will be provided

MM46.2. Reinstate criterion (g) to read "where necessary, enhancements to public transport, cycle and pedestrian infrastructure;"

MM46.2 Reinstate criterion (h) to read "provision of pedestrian bridge over the railway line, capable of use by pedestrians as a replacement fro the existing level crossing prior to the occupation of the one-hundredth dwelling;"

Map B.28 (Weeley) Reinstate the part of the map relating to SAMU5 to omit change "D".

Do you wish to be notified?

When the Inspectors Report is published.

When document is adopted.

Return by 5pm 31st August 2021

By email: planning.policy@tendringdc.gov.uk

**By post: Acting Director of Planning, Tendring District Council,
Town Hall, Station Road, Clacton on Sea, Essex, CO15 1SE**

Responses will not be accepted after this date.

Tendring District Council is a data controller for the purposes of data protection legislation. All personal information is held and processed in accordance with this. Please refer to our privacy notices published on our website at <https://www.tendringdc.gov.uk/council/your-right-know/data-protection-privacy-notice-and-cookies> for details. Please contact us if you need the privacy notice in an alternative format.