

# SCHEDULES OF REPRESENTATIONS AND RESPONSES – EXPLANATORY NOTES

To demonstrate how the Council has considered both a) the various representations received through consultation on Section 2 of the emerging Local Plan at Regulation 19 ‘Publication’ Stage and b) potential amendments to the plan that could be made to address any objections, ensure the plan is up to date or otherwise correct or improve the plan, it has produced a series of ‘schedules of representations and responses’. The schedules have been presented in ‘plan order’ for each of the plan’s twelve chapters and four appendices (A-D) and the policies, proposals, tables or maps within them. The separate documents containing the schedules are listed as follows:

- Chapter 1 – Introduction
- Chapter 2 – Vision and Objectives
- Chapter 3 – Sustainable Places (containing consideration of representations and changes to Policies SPL1 to SPL3)
- Chapter 4 – Healthy Places (containing consideration of representations and changes to Policies HP1 to HP5)
- Chapter 5 – Living Places (containing consideration of representations and changes to Policies LP1 to LP11)
- Chapter 6 – Prosperous Places (containing consideration of representations and changes to Policies PP1 to PP14)
- Chapter 7 – Protected Places (containing consideration of representations and changes to Policies PPL1 to PPL15)
- Chapter 8 – Connected Places (containing consideration of representations and changes to Policies CP1 to CP3)
- Chapter 9 – Delivering Places (containing consideration of representations and changes to site-specific policies SAMU1 to SAMU5; SAH1 to SAH3; and SAE1 to SAE7)
- Chapter 10 – Delivering Infrastructure (containing consideration of representations and changes to Policy DI1)
- Chapter 11 – Monitoring and Review
- Chapter 12 – Policies Map (containing consideration of representations on the Policies and Local Maps in general including some third-party alternative site proposals)
- ELP Appendix A – Glossary of Terms
- ELP Appendix B – Local Maps (containing consideration of representations and changes to each of the 31 ‘Local Maps’ including third-party alternative site proposals) divided into the following documents:
  - Local Maps B.1 to B.5 (Alresford, Ardleigh, Beaumont, Bradfield and Brightlingsea)
  - Local Maps B.6 to B.9 (Clacton, Tendring Colchester Borders Garden Community, Elmstead Market and Frating)
  - Local Maps B.10 to B.14 (Frinton and Walton, Great Bentley, Great Bromley, Great Holland and Great Oakley)
  - Local Maps B.15 to B.18 (Harwich and Dovercourt, Kirby le Soken, Little Bentley and Little Bromley)
  - Local Maps B.19 to B.24 (Little Clacton, Little Oakley, Manningtree Lawford and Mistle, Ramsey, St. Osyth and Tendring)
  - Local Maps B.25 to B.31 (Thorpe le Soken, Thorpe Station and Thorpe Maltings, Thorrington, Weeley, Weeley Heath, Wix and Wrabness)
- ELP Appendix C – Local Wildlife Sites and Ancient Woodland
- ELP Appendix D – Heritage Assets

Each of the schedules comprises a table of information on the representations received and the Council’s response followed by a more general commentary on the issues raised in the representations, any changes in circumstances since the submission of the local, any new evidence and suggestions, from the Council, as to amendments that could be made to individual policies, supporting paragraphs, tables or maps.

The ‘tables’ containing the Council’s consideration of individual representations are all presented under the following headings:

ID	Rep ID	Name. Organisation	Legally compliant	Duty to Co-operate	Sound	Positively prepared	Justified	Effective	Consistent with national policy	Hearing/ written rep	Supporting docs	Summary of representation	Proposed change to Local Plan	Council response	Contact details
												[Summaries prepared by Council Officers but the full original representations will be available to the Inspector and for public view]			

These headings are explained overleaf.

- **‘ID’** – the individual ID number given to each of the respondents to the Local Plan consultation. For example 1021851 for Scott Properties.
- **‘Rep ID’** – the individual number given to the representation, comment or objection to a particular element of the Local Plan. For example LPPuD104 for the Environment Agency’s comment on Policy PP11.
- **‘Name. Organisation’** – the name of the individual or organisation making the representation. For example Natural England, Persimmon Homes, Mistley Parish Council or David Wendon.
- **‘Legally compliant’** – an indication as to whether the individual or organisation believes the Local Plan is ‘legally compliant’ i.e. meets with the requirements of law, the planning regulations and other legal duties such as the legal duty to cooperate, the need for a Sustainability Appraisal or the need to have carried out consultation. Where a respondent gave a clear indication within their representation, a ‘Y’ for Yes or a ‘N’ for No is placed in the relevant box or else the box was left blank. Because the examination of Section 1 of the Local Plan dealt with legal compliance and the Inspector concluded that the plan did meet the legal requirements, the Council is not expecting that the Section 2 examination will need to give further consideration to this matter.
- **‘Duty to Co-Operate’** – an indication as to whether the respondent believes the Council has complied specifically with the legal duty to cooperate. Again, where it is clear from the representation submitted, a Y or an N is placed in the relevant box or otherwise left blank. The Inspector for the examination of Section 1 of the Local Plan has already determined that the Council, along with its partners at Colchester and Braintree have met this legal requirement.
- **‘Sound’** – an indication as to whether the respondent believes the Local Plan meets with the ‘tests of soundness’ set out in the 2012 National Planning Policy Framework which are:
  - **Positively prepared** – 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 the reasonable alternatives, based on proportionate evidence;
  - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Again, a Y or N is placed in the relevant box or otherwise left blank.

- **‘Positively prepared’** – an indication, with a Y or N or a blank as to whether the respondent believes the Local Plan complies, specifically with the first test of soundness.
- **‘Justified’** – an indication, with a Y or N or a blank as to whether the respondent believes the Local Plan complies, specifically with the second test of soundness.
- **‘Effective’** – an indication, with a Y or N or a blank as to whether the respondent believes the Local Plan complies, specifically with the third test of soundness.
- **‘Consistent with national policy’** - an indication, with a Y or N or a blank as to whether the respondent believes the Local Plan complies, specifically with the fourth test of soundness.
- **‘Hearing or written rep’** – an initial indication as to whether the respondent is likely to want to participate in the oral hearings of the examination or whether they wish for their comments to only be considered in writing. Where it is clear from the representation received, an ‘H’ for hearing or a ‘W’ written representations is included in the box, otherwise it is left blank. Not indicating a wish to participate in the hearings at the time of the representation does not necessarily preclude a respondent from being included in the oral discussions, but it provides the Inspectors a broad indication as to the number of people that may wish to attend the examination in person. Ultimately the Inspectors will decide who to invite to the examination hearings on the basis of the material submitted and the issues that require further discussion.
- **‘Supporting Docs’** – an indication with a Y or N as to whether the respondent has submitted further documentation in support of their representations e.g. studies, plans or more detailed statements.
- **‘Summary of representation’** – a summary of the key points being made in the respondent’s representation that has generally been prepared by Council Officers. The representation is summarised in the table in the interest of highlighting the key points and ensuring the table is succinct and useable. The Council has endeavoured to accurately reflect the respondents’ comments within the summaries,

however the full original representations will be available for the Inspector's consideration and available for public view – just in case, for whatever reason, a respondent feels that the summaries mis-represent the points they wish to make.

- **'Proposed change to Local Plan'** – where it can be derived from the representation, this is a summary of the change or changes that could be made to resolve the issues raised by the respondent. In many cases, objectors to the plan are promoting an alternative site that they wish to be included in the Local Plan or a respondent might suggest specific wording for inclusion in a policy. Where it is not explicitly clear from a representation what changes are being sought, Council Officers have applied judgement to determine what change is most likely being sought. Through the examination process, the Inspectors may invite respondents to clarify the changes they seek, if it is not clear from the representations or the Council's summary.
- **'Council response'** – a brief response from the Council Officers to the points raised in the representation with an indication as to whether changes to the plan could resolve any of the issues. For a number of the site-specific proposals from third party landowners or developers, the response might include an update on a planning application or appeal for the site that may have come about in the three years since the plan was submitted and which may have a bearing on the Council's willingness to accept a change to the Local Plan.
- **'Contact details'** – the Council has a record of either the respondents' address, email address or phone number which is kept in a private version of the schedules for internal use only, to comply with data protection laws. The details will be kept within the Council and shared only with the Inspectors' Programme Officer whose job it is to organise the examination hearings and manage the exchange of correspondence and documentation between the respondents, the Council and the Inspector.

The representations are sorted into four 'stakeholder categories' within each of the schedules:

- Representations from 'Technical Stakeholders' – i.e. other public bodies, organisations or institutions such as Essex County Council, the Environment Agency, the University of Essex, RSPB etc.
- Representations from 'Businesses, Landowners and Developers' – i.e. mainly those with a commercial interest in the Local Plan such as a landowner who would like their land included in the Local Plan, a business who has comments on policies that might affect their organisation or a developer or planning agent with an interest in promoting land for development.
- Representations from 'Community Representatives' – i.e. Town and Parish Councils, elected Councillors, local campaign groups, community groups etc.
- Representations from 'Members of the Public' – i.e. individuals that have taken the time to comment on the Local Plan, many of whom have concerns about the potential impact of developments proposed in their area.

The reason for dividing the representation into these categories is to aid the reading of the schedules and the understanding of the representations and to group together common themes and perspectives that tend to arise from people's comments in the different categories.

Following each of the schedules is a shaded box containing the Council's summary of the main issues raised across the various representations, a general response to what has been said informed by relevant information from any studies or updated elements of the evidence base and changes in circumstances that might have come about since the plan was submitted. For example, Policy SAMU5 which allocates land in Weeley for mixed-use development of 280 dwellings and employment land attracted a significant number of objections raising a variety of concerns. For that policy, the Council's commentary summarises each of the concerns raised, provides a considered response but also reports that the site has since obtained outline planning permission for the development and, for that reason, the planning issues for this site have been resolved through the Development Management process.

Where applicable, the Council also sets out suggested amendments that could be made to the Local Plan's policies, supporting text, tables or maps either in direct response to the representations made, to reflect changes (such as the grant of planning permission) that have come about since the submission of the plan or to otherwise correct errors that have been discovered, ensure the plan is updated to reflect the latest information or evidence or to improve the plan in response to other issues that may have arisen since the date of submission. The majority of the changes being suggested in the schedules are minor in nature, but there are some that are more significant and represent fundamental changes or even the complete deletion of policies from the plan.

In all cases, the Inspectors are being invited, by the Council, to consider whether any of the suggested amendments should be proposed as 'Main Modifications' following the examination hearings which would be the subject of public consultation in their own right before the Inspector comes to a final view on the soundness of the Local Plan. The recommendation of Main Modifications is at the Inspectors' discretion having considered the various issues and representations as part of the examination process.

Where amendments are suggested to text, the Council has presented these in the form of 'tracked changes' with suggested additions underlined and suggested deletions ~~struck through~~ so readers can see clearly how the wording would change as a result of the amendments. Where changes to maps are suggested, the schedules show a 'before' and 'after' version of the relevant map to indicate precisely what is suggested for change.