

CHAPTER 3: SUSTAINABLE PLACES

Chapter 3: Sustainable Places (including comments about the 'Spatial Portrait')

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
Representations from Technical Stakeholders															
1022801	LPPuD519	Natural England – Jack Haynes	Y	Y	N				X			[Summaries prepared by Council Officers but the full original representations will be available to the Inspector and for public view] The paragraphs in section 3.1.4 should be re-ordered to clearly reflect the requirements of paragraphs 113 and 117 of the NPPF with regards the protected sites hierarchy of internationally, nationally and locally designated sites. We recognise that the protected sites hierarchy is more accurately reflected later on in the Plan in section 7.4 and Policy PPL 4 but advise that, if reference to the designations is to be made in Section 3.1.4, it should be amended as above to avoid confusion. We welcome that reference has now been made in this section (paragraph 3.1.4.6) to the Essex and South Suffolk Shoreline Management Plan (SMP), of which one of the objectives is to maintain the quality of the natural environment (including the designated sites) and to allow natural shoreline evolution to take place where possible.	Re-order paragraphs in section 3.1.4 to clearly reflect the requirements of paragraphs 113 and 117 of the NPPF with regards the protected sites hierarchy of internationally, nationally and locally designated sites.	The purpose of the paragraphs under section 3.1.4 is to paint a very broad portrait of the ecological characteristics of the Tendring District which, alongside the general, economic, social, heritage and socio-environmental characteristics form the backdrop against which the spatial strategy for the Local Plan has been derived. It is not designed to be definitive guide on the relative importance of different environmental designations. That said, some minor re-ordering of the designated sites in paragraph 3.4.2 is suggested in response to this comment.	Details only available to the local authority and the Inspector's Programme Officer.
1007301	LPPuD31	Essex County Council – Matthew Jericho	Y	Y	N			X		W	N	An amendment is required to provide an accurate picture of education needs in the district based on the most up to date evidence. This request was also previously made at the Preferred Options stage but has still not been included.	Replace the existing paragraph as follows: 3.1.3.3 Commissioning School for Places in Essex 2015-20, published in 2015 sets out the requirement, supply and demand for places in maintained primary and secondary schools to 2020 and is updated annually.	The Council deems this change to be appropriate and a modification is suggested albeit the changes include the latest information available in 2020 at the time of writing.	Details only available to the local authority and the Inspector's Programme Officer.
1007301	LPPuD32	Essex County Council – Matthew Jericho	Y	Y	N			X		W	N	An amendment is required to provide an accurate picture of education needs in the district based on the most up to date evidence. This request was also previously made at the Preferred Options stage but has still not been included.	Replace the existing paragraph as follows: 3.1.3.4 In 2016 there were 10,111 primary and 7,067 secondary pupils on roll in Tendring's schools. The 6 schools providing sixth-form education had a further 1,239 pupils over the age of 16.	The Council deems this change to be appropriate and a modification is suggested albeit the changes include the latest information available in 2020 at the time of writing..	Details only available to the local authority and the Inspector's Programme Officer.
1007301	LPPuD33	Essex County Council – Matthew Jericho	Y	Y	N			X		W	N	An amendment is required to provide an accurate picture of education needs in the district based on the most up to date evidence. This request was also previously made at the Preferred Options stage but has still not been included.	Replace the existing paragraph as follows: 3.1.3.5 Primary school numbers, as forecast in the ECC document 'Commissioning School Places in Essex 2016-2021', are set to rise in the five year period to 10,214, excluding the impact of additional housing. There are currently 10,242 places available, including 212 in temporary accommodation, and thereby plans to increase provision in the District are being progressed.	The Council deems this change to be appropriate and a modification is suggested albeit the changes include the latest information available in 2020 at the time of writing..	Details only available to the local authority and the Inspector's Programme Officer.
1007301	LPPuD34	Essex County Council – Matthew Jericho	Y	Y	N			X		W	N	An amendment is required to provide an accurate picture of education needs in the district based on the most up to date evidence. This request was also previously made at the Preferred Options stage but has still not been included.	Replace the existing paragraph as follows: 3.1.3.6 Overall pupil numbers in secondary schools in Tendring (11-19 age range) are predicted to increase during the period 2016/21 to 8,886, excluding the impact of new housing. The forecast growth in demand is particularly acute in Clacton On Sea where a range of options to expand existing schools are being considered. Essex County Council and Tendring District Council will cooperate to facilitate this expansion.	The Council deems this change to be appropriate and a modification is suggested albeit the changes include the latest information available in 2020 at the time of writing..	Details only available to the local authority and the Inspector's Programme Officer.
1007301	LPPuD35	Essex County Council – Matthew Jericho	Y	Y	N			X		W	N	An amendment is required to paragraph 3.1.5.1 to clarify that the three parks are designated by English Heritage. There will be other historic parks and gardens of significance but not benefitting from formal designation i.e. non-designated heritage assets	Change paragraph 3.1.5.1 to clarify that these are the three parks designated as such by English Heritage as there will be other historic parks and gardens of significance but not benefitting from formal designation i.e. non-designated heritage assets.	The Council deems such a change to be appropriate and a modification is suggested.	Details only available to the local authority and the Inspector's Programme Officer.
1007301	LPPuD36	Essex County Council – Matthew Jericho	Y	Y	N			X		W	N	An amendment is required to state that these are the notable heritage assets. There will be others that are non-designated such as buildings, monuments, sites, places, areas or landscapes (parks and gardens).	Change paragraph 3.1.5.3 to clarify that these are the designated heritage assets.	The Council deems such a change to be appropriate and a modification is suggested.	Details only available to the local authority and the Inspector's Programme Officer.
1036980	LPPuD121	Historic England – Dr. Natalie Gates	Y	Y	N		X			H	N	In paragraph 3.1.5.2, we note that most of our comments on this section in the Preferred Options Draft Local Plan have been included in the Publication Plan. However, we suggest some further amendments.	Change paragraph 3.1.5.2 to state: "Outside of these designated areas, the district's largely rural character and long history of occupation results in many areas of high archaeological importance as well as a range of listed buildings, conservation areas and scheduled monuments."	The Council deems such a change to be appropriate and a modification is suggested.	Details only available to the local authority and the Inspector's Programme Officer.
1036980	LPPuD123	Historic England – Dr. Natalie Gates	Y	Y	N		X			H	N	In paragraph 3.1.5.3 we reiterate our comments on the Preferred Options Draft Local Plan July 2016 in that, to avoid any later lack of clarity and any misunderstanding regarding	The wording in paragraph 3.1.5.3 should read as follows: "the St Osyth Prior Gatehouse (Scheduled Monument, Grade 1 listed building) an important	Paragraph 3.1.5.3 already appears to broadly reflect the wording suggested by Historic England so no further changes are considered necessary.	Details only available to the local authority and the Inspector's

												the importance of St Osyth, changes to the paragraph should be made:	<i>example of monastic building of the Augustinian order whose façade is which has one of the best preserved examples of knapped flint and stone flushwork in East Anglia England."</i>		Programme Officer.
Representations from Businesses, Landowners and Developers															
1022789	LPPuD368	Britton Properties Ltd (Martin Robeson Planning Practice)	Y	Y	N	X		X		Y	N	Paragraphs 3.1.2.7 to 3.1.2.9 focus solely on quantitative requirement for retail floorspace i.e. in terms of continuing the status quo relationship between household expenditure and existing floorspace. It has no regard to the need to improve the quality of existing floorspace and make the District a "Sustainable Place". Such is to enhance reliance on local facilities and reduce the need to visit larger centres such as Colchester. Indeed, the evidence base accepts that there is a need to improve the quality of retail floorspace across the District. The approach should draw from the explanation put at paragraph 3.2.1.1.1 explaining that the Strategic Urban Settlements are "...the most sustainable locations for growth as well as providing locations where"...significant number of additional new jobs...and housing growth on a larger scale" will be achievable. We consider that the objective is ineffective and not positively prepared.	Reword paragraphs 3.1.2.7 to 3.1.2.9 to reflect not only quantitative retail requirements, but also qualitative requirements.	The wording of paragraphs 3.1.2.7 to 3.1.2.9 is purely designed to give an overview of the findings in respect of quantitative retail needs within the 2017 Retail Study update by WYG. Paragraph 3.1.2.10 provides recognition of the need to provide an attractive, mixed-use shopping experience in Town Centres for them to retain and increase their share of consumer spending. The WYG study is focussed on defining the quantitative needs, but does state in paragraph 4.9, in respect of convenience goods expenditure, that it is accepted that significant retail development may have the potential to change the future market share by 'clawing back' expenditure which the survey identified was spent elsewhere. The WYG has now been superseded by the 2020 study from Lambert Smith Hampton and relevant changes to the text to reflect the findings of the newer study are suggested.	Details only available to the local authority and the Inspector's Programme Officer.
1022789	LPPuD474	Britton Properties Ltd (c/o (Martin Robeson – MRPP)	Y	Y	N			X		H	N	Objective Six is too limited in its intent. Tendring District has a population of 141,000 (2015) and its main settlements are expected to provide a wide range of facilities for many of those residents, be it in terms of employment, shopping, education and otherwise. However, the objective is limited to satisfying "day-to-day" needs in these respects and that is clearly inconsistent with the designated role and function of not only Clacton-on-Sea but also Harwich and Dovercourt. The objective as cast will not be able to achieve the Vision in terms of delivering the "significant resurgence" in retail, leisure and other sectors. As a consequence of change to the objective and other text in the Plan for example at paragraph 3.0.1 will need to be amended and for information the 2011 census population approximately 138,100 and the number of households 62,105.	Consider consequential amendments to paragraph 3.0.1 to reflect the suggested change to Objective 6.	It is suggested that the words 'day-to-day' be deleted from Objective 6 in Chapter 2 of the plan and it follows that the same deletion be made in paragraph 3.0.1.	Details only available to the local authority and the Inspector's Programme Officer.
1007184	LPPuD347	Miss Y U Clark	N	N	N				X			Sustainable Places 3.0.1 The Local Pla.1 strategic Objective for sustainability is "To locate development within Tendring District where it will provide the opportunity for people to satisfy their day to day needs for employment, shopping, education and other services locally or in locations which minimise the need to travel and where there are modes of transport available in addition to the use of the car. This objective has been ignored by curtailing the Little Clacton Village Envelope withdrawing Settlement development from Tan Lane and East End of Harwich Road.	Include properties at Little Clacton in Tan Lane and Harwich Road within the settlement development boundary.	This objection is considered in relation to map B.19.	Details only available to the local authority and the Inspector's Programme Officer.
Representations from Community Representatives															
None received.															
Representations from Members of the Public															
None received.															

Below are suggested modifications to the Spatial Portrait elements of Chapter 3, Sustainable Places. These are suggested in response to the representations received but also to update the available information, figures and data given the time lapsed since the Local Plan was submitted in 2017.

Suggested modification: Amend the wording of paragraph 3.0.1 to reflect the suggested modification to Objective 6 in response to the concern raised by Britton Properties Ltd in Chapter 2 about the use of the words 'day-to-day needs' (and to correct a minor typographical error):

3.0.1 The Local Plan's strategic objective for Sustainability is "To locate development within Tendring District where it will provide the opportunity for people to satisfy their ~~day-to-day~~ needs for employment, shopping, education, and other services locally or in locations which minimise the need to travel and where there are modes of transport availability in addition to the use of cars."

Suggested modification: Amend the section 3.1.1 General Characteristics, where possible, with the most recent figures, replacing the majority of 3.1.1.2 as set out below

~~3.1.1.1 Within our District, the 2011 Census puts the population at approximately 138,100 with an average density of 4.1 people per hectare. The most recent figures (2019) estimate the population of the District at approximately 146,000, an increase of 5.7% on the 2011 Census figures. The predominant ethnic group is White British with a high percentage of the population describing themselves as such. The ethnic minority population was lower than the estimates for both the East of England and Essex.~~

~~3.1.1.2 Our District is projected to grow by 14.4% (from 2011 Census numbers) to approximately 158,000 by the end of the plan period. Recent decades have seen a trend towards an ageing population in the District and this is projected to continue in the future. The percentage of over 65s in Tendring District is higher than both the East of England and Essex percentages. The number of people over age 65 years is projected to increase by more than a third within the plan period. In contrast, the proportion of the population aged under 5 years is projected to remain the same in that period. Between 2014 and 2024 the total population of the District is predicted to increase from 139,500 to 149,700, this represents an increase of 7% or 10,200 more people. The percentage of over 65s in Tendring District is higher than both the England and Essex percentages. The number of people over 65 is expected to increase from 40,600 to 47,500 - an increase of 17% (6,900) representing almost a third of the total population in the district. Recent decades have seen a trend towards an ageing population in the District, these figures are representative of that.~~

~~3.1.1.3 Based on the 2011 Census, there were 62,105 households in the Tendring District, the majority of which were within privately owned housing. Average household size in the district was 2.2 people, slightly lower than the national, regional and county averages. The average property price in September 2012 in Tendring District was £180,408; The average property price in March 2020 in Tendring District was £217,526; this is noticeably lower than average prices for England and Essex.~~

Suggested modification: Amend the section 3.1.2 Economy, where possible, with the most recent figures;

~~3.1.2.4 The District includes Harwich International Port which has developed into a highly efficient, multi-purpose freight and passenger port handling bulk and container ships as well as roll-on, roll-off ferries and cruise ships. The port also supports the off-shore renewables industry providing support facilities for the installations at London Array, Gunfleet Sands and Greater Gabbard, off the Suffolk coast. Harwich International Port is located with the Tendring District, a highly efficient multi purpose freight and passenger port. It handles both bulk and container ships, roll on – roll off ferries as well as cruise ships. The port supports the off shore renewables industry, Gunfleet Sands, Greater Gabbard and most recently the Galloper Wind Farm. The latter has a state-of-the-art purpose built operations & maintenance facility within the Port.~~

~~3.1.2.5 The sector employing the most people in Tendring, according to the Economic Development Strategy (2013), was health which accounted for approximately 17% of jobs, followed by retail and education. The sector employing the most people in Tendring, according to the Economic Strategy (2019), was Health & Care which accounted for over 6,500 jobs.~~

~~3.1.2.6 The Cultural, Visitor and Tourism sector, encompasses a range of activities which play an important role in the District's economy. This sector is worth more than £353 million per annum to the economy and is estimated to provide 7,900 jobs across Tendring District. The majority of jobs and businesses in this sector are located in and around Clacton. Figures from the Economic Strategy 2019 show that tourism employment has grown by 35% over the last five years. This has in part, been driven by the actions promoted in the Tendring Tourism Strategy 2010-16. Wider investment into the sector, including Brook Park West (£75m investment), the major investment at Clacton Pier (£4m), the Water Park at Clacton Pavilion (£1m) will help to make Tendring a more attractive place for tourists to visit.~~

~~3.1.2.7 The quantitative projection for new retail floorspace in the Tendring District to 2032, as identified in the Retail Study Update 2017, indicates that there is no quantitative need for additional retail floorspace across the District. The Retail and Town Centre Uses Study (2020) forecasts an increase in turnover for convenience goods shopping in Tendring that could potentially generate enough floorspace capacity for an additional foodstore, subject to market demand.~~

~~3.1.2.8 The Study also identifies that there is no capacity for new convenience goods floorspace in the District. A town-by-town analysis indicates a quantitative need for additional convenience floorspace in Manningtree and Harwich/Dovercourt, but not in Frinton-on-Sea, Brightlingsea, Walton-on-the-Naze, or Clacton. In relation to comparison retail there is a potential increase in turnover which, taking into account internet shopping, is only expected to generate a negligible increase in floorspace capacity.~~

~~3.1.2.9 In relation to comparison goods floorspace requirement, there is a potential capacity for new comparison goods floorspace. A town-by-town analysis indicates that there is a quantitative need for modest additional comparison floorspace in all town centres except in Clacton, Harwich/Dovercourt and Walton-on-the-Naze. The Study indicates that additional floorspace in the town centres would improve market share, sustain vitality and viability and attract visitors. In both cases the need for additional floorspace can be accommodated within existing centres, which is consistent with national policy and will promote the vitality and viability of the district's town centres.~~

~~3.1.2.10 Internet shopping has become a major competitor to town centre shopping, a trend accelerated by Covid 19. With three quarters of all adults in the UK buying goods or services on-line. Increases in on-line shopping choice will mean traditional retailers and service providers will need to compete not only in price and range but also in service and expertise. Town centres will need to provide an attractive, mixed-use shopping experience to retain and increase their share of consumer spending.~~

~~3.1.2.11 Model based unemployment figures for the District during the period January 2015 – December 2015 show that the unemployment rate was 5.3% which is higher than that for the East of England. Model based unemployment figures for the District during the period April 2019 – March 2020 show that the unemployment rate was 5.4% which is higher than that for the East of England. These figures are based on a proportion of the District's economically active population.~~

~~3.1.2.12 At the time of writing there were more than 130 Care Homes in Tendring District, with 9.1 care homes per 10,000 population, this is the highest concentration of care homes in the UK. The care sector is the second highest employer in the District. With the population of over 65s projected to rise by more than a third during the plan period, consideration will need to be given to the needs of an ageing population to encourage independent living. Figures from the Economic Strategy 2019 show the broad Health and Care sector is a significant employer within the District with over 6,500 jobs. 3,000 of these are within the Care and Assisted Living sub-sector, the vast majority of which are in care homes. Tendring has a higher concentration of care homes than any other district in the UK, the district is home to one in five of all the care homes in Essex.~~

Suggested modification: Amend the section 3.1.3 Social Characteristics, where possible, with the most recent figures;

~~3.1.3.1 In 2012 there were 1,365 births in the Tendring District. In 2018 there were 1,314 births in the Tendring District. Recent figures show life expectancy in the District has been estimated as 78 years for men and 82 years for women, this is slightly lower than the estimates for England and Essex.~~

~~3.1.3.2 At the time of writing there were 47 academy schools in the District, 40 primary schools and 7 secondary schools. There were also 2 adult education centres. As at September 2020 there are 39 Primary Schools and 6 Secondary Schools in the District. In addition there are 2 Special Schools for children ages 5 – 16.~~

~~3.1.3.3 Commissioning School Places in Essex 2013-2018, published in 2014, sets out the requirement, supply and demand for places in maintained primary and secondary schools to 2018 and is updated annually. The Essex School Organisation Service's Ten Year Plan 2020-29, published in January 2020, sets out the requirement, supply and demand for places in mainstream primary and secondary schools and is updated annually.~~

~~3.1.3.4 In 2013 there were 9,318 primary school pupils and 8,608 secondary school pupils. The 6 schools providing sixth-form education had 1,307 pupils over the age of 16. In January 2020 there were 10,480 mainstream primary school pupils and 7,987 secondary school pupils, including 742 in sixth forms.~~

~~3.1.3.5 Primary school numbers, as forecast in the Commissioning Schools for Essex document, are set to rise in the five year period 2013-2018 to 9,928, due to rising births and new housing, requiring plans to be developed with local schools to increase the provision in the District. Primary school numbers published on the Essex County Council web site, in support of the 10 Year Plan, predict a rise in demand for mainstream places from the 10,469 pupils recorded on roll at January 2019 to 11,648 by the 2029/30 academic year. This forecast is consistent across the district and takes account of new housing set out in Tendring Council's housing trajectory, as available at the end of March 2019.~~

~~3.1.3.6 Overall pupil numbers in secondary schools in Clacton are predicted to decline in the period 2013/18 to 8,000. However, demand for year 7 places in Clacton is forecast to increase from 2017/2018 onwards to 8,395 once pupils from anticipated new housing are included in the forecast. Pupil numbers in secondary schools/academies in the rest of the District are forecast to remain stable. The impact of any new housing in the locality of these schools will be closely monitored to ensure there are sufficient school places to meet any increase in demand. Corresponding secondary school numbers also published on the Essex County Council web site, predict a rise in demand from the 7,918 pupils (including sixth form) to 10,254. Again, increased demand is expected across the district. The sharpest rise in demand is expected to be in the Clacton area.~~

~~3.1.3.7 The District rates relatively highly on the Index of Multiple Deprivation and Jaywick Sands ranks first within England. It is estimated that almost a fifth of people in the District live in seriously deprived neighbourhoods. This estimation is higher than that of the neighbouring Colchester Borough and Babergh District. The rate of households considered to be homeless or in priority need for housing in Tendring District was less than 1 in 1,000 households in the period 2012/2013. This is lower than the national average and is the lowest in Essex. The rate of households assessed as homeless in Tendring District is 1.93 per 1,000 in the period January – March 2020. Households assessed as threatened with homelessness within the District is 1.04 per 1000, lower than both the regional and national figures.~~

~~3.1.3.8 Crime data taken from the Essex Police Performance Summary to March 2016 publication regarding the number of offences recorded by the Police, by community Safety Partnership/Local Authority level (year and offence group) for the year March 2015 to 2016 shows that recorded crime in the Tendring District had risen overall by just over 7%. Crime data taken from the Essex Police Performance Summary to July 2020 publication regarding the number of offences recorded by the Police, for the year July 2019 to 2020 shows that all recorded crime in the Tendring District had fallen by just over 4%.~~

Suggested modification: Amend the section 3.1.4 Ecological Characteristics:

~~3.1.4.2 In the north west of the District is the Dedham Vale Area of Outstanding Natural Beauty (AONB), designated for conservation due to its significant landscape value. Made famous by the paintings of Constable and Gainsborough, the traditional grasslands, wildflower meadows and hedgerows provide an opportunity for both residents and visitors to enjoy the peace and beauty of what are among some of England's most precious and vulnerable landscapes. The Suffolk Coast and Heaths AONB has also been extended to cover parts of Tendring on the south side of the Stour Estuary. The District also has the Orwell and Stour Estuaries which are designated as Sites of Special Scientific Interest (SSSI), a Special Protection Area of Conservation (SAC), and Ramsar site and Site of Special Scientific Interest (SSSI). The Colne Estuary is designated as Essex Estuaries Area of Conservation as well as SSSI, SPA, and Ramsar and SSSI. The Hamford Water area is designated as SPA and SAC due to the protection of Fishers Estuarine Moth. The above sites are all key for the natural environment in regards to protection of habitats of migratory animals, endangered birds, scarce plants, invertebrates as well as the conservation of wetlands.~~

Suggested modification: Amend the section 3.1.5 Heritage Characteristics with up to date information:

~~3.1.5.1 Our District has more than 960 Listed Buildings. The District also benefits from 27 Scheduled Monuments which include above and below ground features, 4 Registered Historic Parks and Gardens as designated by Historic England and 9 Protected Lanes, preserved for their historic indication of ancient road patterns in the District. The District also contains 20 Conservation Areas.~~

3.1.5.2 The historic centres of Harwich, Manningtree, Mistley and St Osyth contain many impressive and unique historic buildings and monuments. Within these areas there is a greater likelihood of archaeological remains due to their complex history and development of their communities over many centuries. These centres are sensitive to development in much the same way as is the ecology of an environmentally important area. Outside of these designated areas, the district's largely rural character and long history of occupation results in many areas of high archaeological potential importance as well as a range of listed buildings, conservation areas and scheduled monuments.

Suggested modification: Amend the section 3.1.6 Socio-Environmental Characteristics with the most recent figures:

~~3.1.6.2 Greenhouse gas emissions generated by Council operations have decreased in the years 2009-2012. In 2009/2010 the Council's total Carbon Dioxide emission was 3,276 tonnes and in 2011/12 the total was 3,032 tonnes, whereas per capita emissions in the District have risen slightly from 5.4 tonnes in 2009 to 5.5 tonnes in 2012.~~ In 2011/12 the Council's total Carbon Dioxide emission was 3,032 tonnes, the most recent figures indicate that in 2018/19 those emissions have risen to 4,553 tonnes although the rise may be attributable to changes in assessment and reporting methodologies. The Council is in the process of setting out an Action Plan to become net zero carbon by 2030.

3.1.6.3. Increase in development and use of renewable energy has seen the installation of both off and on-shore wind farms in the District. The Dong Energy Gunfleet Sands 48 turbine Off-shore Wind Farm has the capacity to provide approximately 100,000 homes with 'clean electricity' in the years to come making a considerable reduction in Carbon Dioxide emissions. ~~The wind farm is maintained and operated from a base in Brightlingsea. Its sister operation, Galloper Offshore Wind Farm became fully operational in March 2018. Galloper is maintained from the Operations & Maintenance facility at Harwich International Port. Galloper alone generates enough energy to power up to 380,000 average UK households per year.~~ The 5 turbine on-shore Wind Farm at Earls Hall has the capacity to generate 'clean electricity' for approximately 6,300 homes and will reduce Carbon Dioxide emissions by 15,000 tonnes per year. ~~Approval has also been given for~~ was granted for Solar Farms in Wix and Bradfield, these have been delivered, which together will have the capacity to generate 'clean electricity' for approximately 3,409 homes.

Policy SPL1: Managing Growth

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
Representations from Technical Stakeholders															
None received.															
Representations from Businesses, Landowners and Developers															
1105946	LPPuD174	Trinity College, Cambridge (c/o Bidwells)	Y	Y	N	N	N	Y	Y	N	N	Support allocation of Brightlingsea as a Smaller Urban Settlement. It is well connected to Colchester and other surrounding settlements, with onward rail to London. Directing growth to Smaller Urban Settlements would address pressing need for housing. No constraints to north, east or west of existing settlement boundary so no reason why town shouldn't make a proportionate contribution towards growth needs.	No specific changes to Policy SPL1 suggested. .	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
1106147	LPPuD223	Callan Powers (Fowler Architecture and Planning Ltd(FAAP))	Y	Y	Y	Y	Y	Y	Y	N	N	Support identification of Tendring / Colchester Borders Garden Community as being a Strategic Urban Settlement in Policy SPL1. Broad location is highly sustainable and accessible. Placing in first tier of Settlement Hierarchy recognises its strategic importance to delivering sustainable growth.	No specific changes to Policy SPL1 suggested. .	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
1022640	LPPuD237	Persimmon Homes – David Moseley	Y	Y	Y	Y	Y	Y	Y	N	N	Support settlement hierarchy and inclusion of Clacton-on-Sea as a Strategic Urban Settlement.	No specific changes to Policy SPL1 suggested. .	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
1106162	LPPuD391	Persimmon Homes – Matthew Parsons	Y	Y	Y	Y	Y	Y	Y	H	N				Details only available to the local authority and the Inspector's Programme Officer.
1021061	LPPuD308	NEEB Holdings (Carter Jonas – John Mason)	Y	Y	Y	Y	Y	Y	Y		N	Support proposed hierarchy. However, stress that new development outside of defined settlement areas can have an important role in certain cases eg agricultural and equine related development, growth of existing businesses and services for users of key highway routes.	No specific changes to Policy SPL1 suggested. .	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
1022789	LPPuD369	Britton Properties Ltd (c/o Martin Robeson – MRPP)	Y	Y	Y	Y	Y	Y	Y	H	N	Support Settlement Hierarchy.	No changes to Policy SPL1.	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
1021851	LPPuD265	Tendring Farms Ltd (c/o Richard Clews – Strutt & Parker LLP)			N	N	N	N	N	H	N	Garden Communities should not be at the top of the hierarchy as they don't yet exist. They should be in a separate category. Even by the end of the Plan period, the Garden Communities are expected to be small.	Include the Tendring Colchester Borders Garden Community in a separate category within the settlement hierarchy in Policy SPL1.	Clacton, Harwich and the Tendring Colchester Borders Garden Community will be the main focus for sustainable development over the plan period. To address the objector's concern, a minor modification is recommended to simply alter the heading "Strategic Urban Settlements" to "Strategic Urban Settlements and Garden Communities".	Details only available to the local authority and the Inspector's Programme Officer.
1022048	LPPuD311	Bloor Homes (c/o Paul Derry – Barton Willmore)	N		N	N	N	N	Y	H	N	Supportive of need to ensure development located in most sustainable locations and Clacton's status as a Strategic Urban Settlement. Do not support Tendring/Colchester Borders Garden Community being Strategic Urban Settlement given its status and unknown location. May be sustainable in long-term but not during plan period. Garden Communities don't meet description of Strategic Urban Settlements as they don't exist and not likely to meet over plan period. Plan is therefore flawed.	Delete the Tendring Colchester Garden Community as a Strategic Urban Settlement.	Clacton, Harwich and the Tendring Colchester Borders Garden Community will be the main focus for sustainable development over the plan period. To address the objector's concern, a minor modification is recommended to simply alter the heading "Strategic Urban Settlements" to "Strategic Urban Settlements and Garden Communities".	Details only available to the local authority and the Inspector's Programme Officer.
1021851	LPPuD274	Wivenhoe Park Estates (c/o Richard Clews - Strutt & Parker LLP)			N	N	Y	N	N	H	N	Elmstead Market is identified as Rural Service Centre where a modest increase in housing stock can be accommodated. However only sites already subject to planning permission are included in the plan and are likely to be delivered in the early part of the plan period. The plan for Elmstead doesn't provide a long-term strategy for meeting demand across plan period.	No specific change proposed to Policy SPL1 but land off Colchester Road and off Holly Way, Elmstead Market should be allocated for housing in the Local Plan.	The Local Plan makes sufficient provision for housing to meet, and exceed, objectively assessed housing needs. The Council's latest Strategic Housing Land Availability Assessment (SHLAA) demonstrates that, at 1 st April 2020, planning permissions are already in place on large sites around Elmstead Market provide for a further 205 dwellings between 2020 and 2033. This follows a development of 32 homes off Winterbourne Gardens (Elmstead Green). The village is therefore already making provision for a modest level of housing development and no further allocations are necessary.	Details only available to the local authority and the Inspector's Programme Officer.

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1106146	LPPuD211	Moonlight Hollow (c/o Libby Hindle - Boyer Planning)	Y	Y	N	Y	N	Y	Y	H	N	The deliverability of Garden Communities within the plan period is uncertain. The list of Smaller Rural Settlements excludes previously recognised settlements such as Aingers Green which will now be 'washed over' with countryside protection policies, and subsequently a presumption against development. The exclusion of many villages from the Settlement Hierarchy fails to recognise the potential of such settlements for limited growth, as has been established by recent appeal decisions. Some of the Smaller Rural Settlements are actually sizeable villages in proximity to other sustainable settlements and would be capable of making a significant contribution to housing supply. Furthermore, villages without Settlement Development Boundaries would not qualify for consideration under Policy LP 6: Rural Exception Sites.	Include Aingers Green as a settlement within Policy SPL1 and show it within its own settlement development boundary on the policies maps, including off Plough Road.	The Local Plan Inspector for the Section 1 Local Plan has now concluded that the Tendring Colchester Borders Garden Community is deliverable, partly within the plan period to 2033. Aingers Green performs poorly in comparison to other settlements, including the main (and physically separate) settlement of Great Bentley, in terms of accessibility to jobs, shops, services and facilities. The Council's 'Establishing a Settlement Hierarchy Study' sets out the methodology for categorising settlements in the hierarchy. Aingers Green does however form part of the parish of Great Bentley whose main settlement is categorised as a Rural Service Centre where some 377 homes are expected to be delivered through existing consents between 2020 and 2033 – including affordable provision. This is over and above the recent developments of some 33 homes at the Fusiliers Green and Admirals Farm sites off Heckfords Road. The Local Plan makes sufficient provision for housing to meet, and exceed, objectively assessed housing needs and the inclusion of Aingers Green in the settlement hierarchy is unnecessary.	Details only available to the local authority and the Inspector's Programme Officer.
1007384	LPPuD222	Edward Gittins & Associate	Y	N	N	Y	N	N	Y	H	N	Garden Communities of such scale are premature and more growth should be distributed to other settlements. Aingers Green should be included as a Smaller Rural Settlement and reinstated with a Settlement Development Boundary to include land at St Mary's Road. Aingers Green is a free-standing village, larger than some other villages defined as Smaller Rural Settlements and it is inappropriate to cover with countryside policies. When 5 year housing supply was deficient, housing was approved at Aingers Green.	Include Aingers Green as a settlement within Policy SPL1 and show it within its own settlement development boundary on the policies maps, including land at St. Mary's Road.	The Local Plan Inspector for the Section 1 Local Plan has now concluded that the Tendring Colchester Borders Garden Community is deliverable, partly within the plan period to 2033. Aingers Green performs poorly in comparison to other settlements, including the main (and physically separate) settlement of Great Bentley, in terms of accessibility to jobs, shops, services and facilities. The Council's 'Establishing a Settlement Hierarchy Study' sets out the methodology for categorising settlements in the hierarchy. Aingers Green does however form part of the parish of Great Bentley whose main settlement is categorised as a Rural Service Centre where some 377 homes are expected to be delivered through existing consents between 2020 and 2033 – including affordable provision. This is over and above the recent developments of some 33 homes at the Fusiliers Green and Admirals Farm sites off Heckfords Road. The Local Plan makes sufficient provision for housing to meet, and exceed, objectively assessed housing needs and the inclusion of Aingers Green in the settlement hierarchy is unnecessary.	Details only available to the local authority and the Inspector's Programme Officer.
1007380	LPPuD180	St Osyth Beach Estate Ltd (c/o Catherine Pollard – Boyer Planning)	Y	Y	N	Y	N	Y	Y	H	N	Weeley and Weeley Heath should not be treated as separate entities as they share many services and facilities. Weeley Heath should be focus for small scale growth and should be considered jointly or separately as Rural Service Centre. This allows for smaller scale growth and increase in housing stock which could make a meaningful contribution to housing land supply and economic growth.	Categorise Weeley and Weeley Heath either jointly or separately as Rural Service Centres in Policy SPL1.	Although Weeley and Weeley Heath are in the same parish and share services within that parish, they are physically separated by the railway line and are very different in their respective character and settlement pattern. Weeley is more compact and has been the focus of modern development, whereas Weeley Heath is linear and reflects a more historic development pattern. It is appropriate for the two settlements to remain in separate categories and for the northern built up area i.e. Weeley, to be more a focus for growth than the southern built up area i.e. Weeley Heath.	Details only available to the local authority and the Inspector's Programme Officer.
1007380	LPPuD315	St Osyth Beach Estate Ltd (c/o Catherine Pollard – Boyer Planning)	Y	Y	N	Y	N	Y	Y	H	N				Details only available to the local authority and the Inspector's Programme Officer.
1021598	LPPuD304	Nigel Barrington-Fuller (Endeavour Group)	Y	Y	N	Y	N	Y	Y	H	N	The plan should allow for better and more housing in the villages, especially along the old A133 (Little Clacton, Weeley Heath and Weeley).	Increase provision of housing in the villages of Tendring, specifically Little Clacton, Weeley Heath and Weeley.	The Local Plan makes sufficient provision for housing to meet objectively assessed housing needs. Little Clacton, Weeley Heath and Weeley will contribute to housing growth but there is no requirement to further increase provision in those areas for the plan period up to 2033.	Details only available to the local authority and the Inspector's Programme Officer.
1022779	LPPuD295	City & Country (c/o Sam Hollingworth – Strutt & Parker LLP)			N	N	Y	Y	N	H	N	Policy SPL1 lists settlement hierarchy but does not explain how this will be used to direct future development. Gt Bentley one of seven Rural Service Centres. NPPF notes important role planning has in sustaining village communities. Rural housing essential to this. Plan needs to support village economy. Important to avoid simplistic approach re application of Policy SPL1. Great Bentley is comparable to Brightlingsea in its services and facilities and has the benefit of a railway station and a wide range of businesses and community activities.	Allocate land off Thorington Road and off Plough Road, Great Bentley for housing in the Local Plan.	The Local Plan makes sufficient provision for housing to meet, and exceed, objectively assessed housing needs. The planning permissions already in place on large sites around Great Bentley provide for 377 dwellings between 2020 and 2033. This is over and above the recent developments of some 33 homes at the Fusiliers Green and Admirals Farm sites off Heckfords Road. The village is therefore already making significant housing provision. No further allocations are necessary. The three sites being promoted by this developer were the subject of planning applications that were refused by the Council and subsequently dismissed on appeal. A further	Details only available to the local authority and the Inspector's Programme Officer.

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																application from City & Country for the land west off Plough Road was submitted and refused by the Council but the appeal was withdrawn by the developer and the Council understands that the developer might no longer be pursuing a scheme on this land.	
1021489	LPPuD253	St. John's College (c/o Will Lusty – Savills)	Y	Y	N	Y	Y	Y	N	N	N	>Welcome general approach of Policy SPL1. However, need to balance this with need to maintain social, economic and environmental facilities / public transport in more rural areas, such that development of an appropriate scale takes place at these locations. NPPF Para 28 promotes rural economic growth. Consider a flexible approach should be taken to allow for scales of growth above Settlement Hierarchy where this would not be harmful in context of the site. Re Smaller Rural Settlements, to make the Plan sound with regard to the NPPF, allowance should be made for small and medium scale development, where appropriate.	Allow for small and medium scale development in smaller rural settlements, where appropriate.	The settlement development boundaries around the smaller rural settlements have been drawn to allow small scale growth which can be supplemented by development through the rural exceptions policy or through proposals in Neighbourhood Plans if required. No changes to Policy SPL1 are required.	Details only available to the local authority and the Inspector's Programme Officer.		
1106151	LPPuD317	Gladman Homes – Phil Bamford	Y	Y	N	N	Y	Y	Y	H	N	Smaller villages eg Ardleigh are capable of modest housing growth to maintain services and accommodate local need. Should be reflected in Vision. Ardleigh should be re-categorised as a Rural Service Centre as good level of employment in proximity, has number of existing services and is close to Colchester. Too well supported by existing services to be a Smaller Rural Settlement.	Re-classify Ardleigh as a Rural Service Centre in Policy SPL1.	Gladman Homes are promoting land at Ardleigh for inclusion in the Local Plan. A planning application for up to 118 homes (16/00632/OUT) was refused by the Council and subsequently dismissed on appeal (APP/P1560/W/16/3159703). The Planning Inspector stated "the proposed development would not be sustainably located because the not insignificant numbers of future occupiers would be reliant on the need to travel outside the village to access almost all of its local services, facilities and employment, and that the preferred means of travel to them would be by private motor car. The proposed development would not promote sustainable pattern of growth, as advocated by one of the core planning principles set out in paragraph 17 of the Framework." This supports the Council's view that Ardleigh is correctly categorised as a Smaller Rural Settlement as opposed to a Rural Service Centre.	Details only available to the local authority and the Inspector's Programme Officer.		
1106164	LPPuD405	Mr R Giles & Nexus Land (c/o Phase 2 Planning & Development Ltd)	Y	Y	N					H	N	The maps for Clacton show specific site allocation, but no 'broad locations' for future growth as is the case for the Tendring Colchester Borders Garden Community. It is right that Clacton is identified as a broad location for future growth (and for additional growth in the Plan period, in the event of under-delivery elsewhere). This could include one of a number of practical measures, such as: identifying reserve allocations at Clacton, identifying the urban fringes of Clacton not otherwise allocated as specific development sites as a "broad location" or identifying broad directions for future growth at Clacton/indicative locations on the Key Diagram.	Consider allocating broad locations for future growth or reserve allocations on the edge of Clacton.	The three strategic allocations on the edge of Clacton (SAMU2 Hartley Gardens, SAMU3 Oakwood Park and SAMU4 Rouses Farm) are expected to deliver both within and beyond the period of the Local Plan to 2033. In effect, these serve both as allocations for the plan period and broad locations for growth longer-term. The landowner is promoting the inclusion of land off Sladbury's Lane and Burrs Road in the Local Plan for development – an area predominantly designated as a Strategic Green Gap.	Details only available to the local authority and the Inspector's Programme Officer.		
1106169	LPPuD290	Mr. Burns (c/o Peter Le Grys – Stanfords)			N	Y	N	N	N	H	N	Site on attached plan should be considered suitable for housing. Permission granted for development of this site for 5 dwellings and on adjoining land for 8. Thorpe-le-Soken is a Key Rural Settlement so capable of modest housing growth. Evident via recent decisions. Site is within enclave known as Thorpe Green which has own settlement boundary in draft LPS 2012 and 2014. Village has range of services, bus route and local train station. Site therefore considered sustainable and logical for small development on edge of existing settlement to contribute to local housing supply. Permission should be granted unless adverse effects outweigh benefits. Allocation wouldn't extend development beyond perception of the village so not detrimental to character or countryside. Sustainable location with regard to walking/cycling to shops and services. Economically beneficial as create local jobs and support services and access to further jobs via public transport links.	Include Thorpe Green as a settlement within Policy SPL1 and show it within its own settlement development boundary on the policies maps, including land at Thorpe Horseboxes.	Thorpe Green performs poorly in comparison to other settlements, including the main (and physically separate) settlement of Thorpe le Soken, in terms of accessibility to jobs, shops, services and facilities. The Council's 'Establishing a Settlement Hierarchy Study' sets out the methodology for categorising settlements in the hierarchy. Thorpe Green does however form part of the parish of Thorpe whose main settlement is categorised as a Rural Service Centre where some 109 homes are still expected to be delivered through existing consents between 2020 and 2033, over and above the 88 built recently at Henderson Park (off Landermere Road) and Abbey Gardens. The Local Plan makes sufficient provision for housing to meet, and exceed, objectively assessed housing needs and the inclusion of Thorpe Green in the settlement hierarchy is unnecessary. That said, planning permission 17/00925/OUT for 9 dwellings on this site was allowed on appeal in January 2018 and it is possible that Mr. Burns will no longer wish to pursue his objection to the Local Plan.	Details only available to the local authority and the Inspector's Programme Officer.		
1106169	LPPuD419	Thorpe Horseboxes (c/o Peter Le Grys – Stanfords)			N	Y	N	N	N	N	N	Thorpe Horseboxes, should be recognised as part of development at Thorpe Green and be included in its own settlement boundary, as it was in earlier versions of the emerging local Plan. Thorpe-le-Soken is classed as a Rural Settlement capable of accommodating modest amount of housing growth and the site is considered to be a sustainable and logical for small development on edge of existing settlement to contribute to local housing supply and support economic growth.	Include Thorpe Green as a settlement within Policy SPL1 and show it within its own settlement development boundary on the policies maps, including land at Thorpe Horseboxes.	Thorpe Green performs poorly in comparison to other settlements, including the main (and physically separate) settlement of Thorpe le Soken, in terms of accessibility to jobs, shops, services and facilities. The Council's 'Establishing a Settlement Hierarchy Study' sets out the methodology for categorising settlements in the hierarchy. Thorpe Green does however form part of the parish of Thorpe whose main settlement is categorised as a Rural Service Centre where some 109 homes are still expected to be delivered through	Details only available to the local authority and the Inspector's Programme Officer.		

											to surface water flooding and this would be exacerbated by development, which would jeopardise objective 9 in regards to the risk of flooding not being met. Weeley's current infrastructure and services would not be equipped to deal with an increase in population therefore making it an unsustainable site for development. The vast number proposed sites especially near the centre of the village.		is suggested that the specific allocation and site-specific policy is no longer required (see comments in relation to Policy SAMU5). No change to Policy SPL1 or the settlement hierarchy are necessary in response to these specific comments.	
1007178	LPPuD339	Dave Wendon	N	N	N				W	N	Alresford is identified as a Rural Service Centre and also as having wildlife centres and ancient woodland. Whilst there is no doubt about the latter I dispute it's classification as a service centre. It merely has two small general stores, two takeaways, a carpet shop and a railway station that a few commuters use.	Reconsider the categorisation of Alresford as a Rural Service Centre.	Mr. Wendon's is the only objection to Alresford's categorisation as a Rural Service Centre. Through the evidence produced in relation to this Local Plan on the settlement hierarchy and in Planning Inspectors decisions on major housing schemes around the villages, it is recognised that Alresford has a reasonable range of services and facilities when considered alongside other villages in the district including the railway station and the primary school. Alresford is also now the subject of an emerging Neighbourhood Plan that has been prepared by the Parish Council.	Details only available to the local authority and the Inspector's Programme Officer.

There are a number of representations in support of Policy SPL1, particularly the categorisation of Clacton as a Strategic Urban Settlement and Brightlingsea as a Smaller Urban Settlement. Many of the objections seek the inclusion of land in the Local Plan either as specific housing allocations or through inclusion within expanded Settlement Development Boundaries but do not necessarily require changes to the wording of Policy SPL1. Site-specific proposals are dealt with in respect of the relevant Local Maps as opposed to Policy SPL1 itself.

The main objections to the specific wording of Policy SPL1 seek the following changes:

- 1) The exclusion of Tendring Colchester Garden Community from the Strategic Urban Settlement category because it does not yet exist as a settlement;
- 2) The promotion of Weeley Heath to a Rural Service Centre, either jointly with Weeley or separately in its own right;
- 3) The promotion of Ardleigh to a Rural Service Centre;
- 4) The inclusion of Thorpe Green, Tendring Green, Tendring Heath and Aingers Green as Smaller Rural Settlements and their definition within their own Settlement Development Boundaries;
- 5) The removal of Alresford from the Rural Service Centre category.

The categorisation of settlements within the hierarchy was informed by the Council's Study entitled 'Establishing a Settlement Hierarchy' which was last updated in 2015.

To resolve the issue in respect of the Tendring Colchester Borders Garden Community, a minor modification is suggested to simply change the heading "Strategic Urban Settlements" to "Strategic Urban Settlements and Garden Communities". The concept of Garden Communities was one of the key subjects debated as part of the examination in Section 1 of the Local Plan and the Inspector's post-hearing conclusions in May 2020 determined that, of the three Garden Communities proposed for North Essex, only the Tendring Colchester Borders Garden Community should remain in the plan having been demonstrated to be viable, deliverable and sound.

Weeley and Weeley Heath are considered to be correctly categorised separately as they are very different in their character and their ability to accommodate growth in a sensitive manner. Ardleigh village is not considered to have a suitable range of jobs, shops, services and facilities to justify categorising it as a Rural Service Centre – this was confirmed by the Planning Inspector who dismissed the Gladman Homes proposal for 118 dwellings off Wick Lane, Ardleigh. Thorpe Green and Aingers Green have very limited jobs, shops, services and facilities and do not constitute sustainable locations for growth when compared to other larger settlements including neighbouring Thorpe le Soken and Great Bentley which are better placed within their respective administrative parishes to accommodate any necessary expansion. Alresford is clearly one of Tendring's larger villages served by a reasonable range of services and facilities and its classification as a Rural Service Centre is justified and has been accepted by Planning Inspectors on appeal. As of April 2020 (as shown in the Council's latest Strategic Housing Land Availability Assessment – 'SHLAA'), the seven Rural Service Centres are together expected to deliver some 1,500 additional homes up to 2033.

Subject to the minor change being recommended, Policy SPL1 is considered to be a sound policy which is entirely consistent with the core planning policy of the NPPF to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".

Suggested modification: Amend the heading "3.2.1.1 Strategic Urban Settlements" in the supporting text to instead read "3.2.1.1 Strategic Urban Settlements and Garden Communities" in response to the issues raised by Bloor Homes, Edward Gittins and others:

3.2.1.1 Strategic Urban Settlements and Garden Communities:

Suggested modification: Amend the heading "Strategic Urban Settlements" within Policy SPL1 to instead read "Strategic Urban Settlements and Garden Communities" in response to the issues raised by Bloor Homes, Edward Gittins and others:

Strategic Urban Settlements and Garden Communities:

- Clacton-on-Sea (comprising, Central Clacton, Jaywick Sands, West Clacton, Great Clacton (North), East Clacton and Holland-on-Sea)
- Harwich and Dovercourt (including Parkeston and part of Ramsey)
- The Tendring Colchester Borders Garden Community

Suggested modified wording for Policy SPL1: With the above suggested modification, Policy SPL1 would read as follows:

Policy SPL 1

MANAGING GROWTH

Settlement Hierarchy

Strategic Urban Settlements and Garden Communities:

- *Clacton-on-Sea (comprising, Central Clacton, Jaywick Sands, West Clacton, Great Clacton (North), East Clacton and Holland-on-Sea)*
- *Harwich and Dovercourt (including Parkeston and part of Ramsey)*
- *The Tendring Colchester Borders Garden Community*

Smaller Urban Settlements:

- *Frinton, Walton and Kirby Cross*
- *Manningtree, Lawford and Mistle*
- *Brightlingsea*

Rural Service Centres:

- *Alesford*
- *Elmstead Market*
- *Great Bentley*
- *Little Clacton*
- *St. Osyth*
- *Thorpe-le-Soken*
- *Weeley*

Smaller Rural Settlements:

- *Ardleigh*
- *Beaumont-Cum-Moze*
- *Bradfield*
- *Frating*
- *Great Bromley*
- *Great Holland*

- *Great Oakley*
- *Kirby-le-Soken*
- *Little Bentley*
- *Little Bromley*
- *Little Oakley*
- *Ramsey Village*
- *Tendring*
- *Thorpe Station and Thorpe Maltings*
- *Thorrington*
- *Weeley Heath*
- *Wix*
- *Wrabness*

This Policy contributes towards achieving Objectives 1 and 6 of this Local Plan.

Policy SPL2: Settlement Development Boundaries

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
Representations from Technical Stakeholders															
None received.															
Representations from Businesses, Landowners and Developers															
1022640	LPPuD238	Persimmon Homes – David Moseley	Y	Y	Y	Y	Y	Y	Y	H	N	We support Policy SPL2 and the inclusion of land at Rouses Farm, Clacton with the Settlement Development Boundary.	No specific changes to Policy SPL2 suggested.	Support is noted. The Rouses Farm development was, at the time of writing, subject of a Planning Committee resolution to approve outline planning permission for a mixed-use development including up to 950 dwellings.	Details only available to the local authority and the Inspector's Programme Officer.
1106162	LPPuD392	Persimmon Homes – Matthew Parsons	Y	Y	Y	Y	Y	Y	Y	H	N				Details only available to the local authority and the Inspector's Programme Officer.
1022789	LPPuD370	Britton Properties Ltd (c/o Martin Robeson – MRPP)	Y	Y	N	N	Y	N	Y	H	N	We support the three-tier approach to development within settlement boundaries as predicated by the policy and explained in the text at paragraph 3.2.3.1. However, the text at paragraph 3.2.3.2 is not well cast. It needs to be more clearly written in order to be effective. What we understand it is seeking to say is that any new residential development outside Settlement Development Boundary will be limited to small infill sites in villages. The paragraph cannot be interpreted as relating to settlements that have their own Development Boundaries.	Reword paragraph 3.2.3.2 to be clearer in its meaning.	The support for the approach in Policy SPL2 is welcomed. Paragraph 3.2.3.2 appears to have been included in the plan erroneously and its deletion from the Local Plan is recommended as a minor modification.	Details only available to the local authority and the Inspector's Programme Officer.
1021851	LPPuD271	Scott Properties (c/o Richard Clews – Strutt & Parker LLP)			N	Y	Y	Y	N	N	N	Paragraph 3.2.3.2 states that new residential development in the settlements identified in Policy SPL1 will be limited to small infill sites within Settlement Development Boundaries. This approach is not consistent with the general approach to sustainable forms of development being supported within the development boundary and confuses how SP1 will be applied when determining planning applications.	Delete or correct paragraph 3.3.3.2.	Agree that the wording in paragraph 3.2.3.2 is inconsistent with the approach set out in Policy SPL2 and the supporting text to Policy SPL1. Paragraph appears to have been included in the plan erroneously and its deletion from the Local Plan is recommended as a minor modification.	Details only available to the local authority and the Inspector's Programme Officer.
1021061	LPPuD309	NEEB Holdings (c/o John Mason – Carter Jonas)	Y	Y	Y	Y	Y	Y	Y		N	It is important that settlement boundaries are allowed to shift over time and remain flexible in order to reflect housing needs, community views and changing economic circumstances. Further, it is important to recognise that there are circumstances where development outside of settlement boundaries is appropriate and necessary/desirable. Such circumstances may include certain agricultural and equine related development, growth of existing businesses and development to support key transport infrastructure and its users.	No specific changes to Policy SPL2 suggested.	Agree that the Settlement Development Boundaries need to be reviewed, as part of the Local Plan process, to reflect changing housing needs. Also agree that Policy SPL2 should be applied flexibly to recognise that there will be circumstances where development beyond the defined boundary might be appropriate and necessary. The policy, as worded, is considered to be sufficiently flexible to allow for such circumstances.	Details only available to the local authority and the Inspector's Programme Officer.
1106151	LPPuD319	Gladman Homes – Phil Bamford	Y	Y	N	N	Y	Y	Y	H	N	The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements would not accord with the positive approach to growth required by the NPPF. The Policy has been substantially reviewed since the previous version of the Plan and is now more positive in its approach to development outside of the arbitrary Settlement Development Boundaries (SDB).	The Council should recognise that a site's location outside of a SDB is only one factor that should be weighed in the planning balance when considering any particular proposal and it should not be the determinative factor in assessing whether a scheme is acceptable or not.	Planning law and the NPPF require that applications for development be determined in accordance with the development plan unless other material considerations indicate otherwise. If such considerations arise, then the Council will weigh them in the planning balance appropriately. It would not be right to weaken the significance of settlement development boundaries by always treating them as a factor to be weighed against others.	Details only available to the local authority and the Inspector's Programme Officer.
1106147	LPPuD224	Mr. T. Parker (c/o Callan Powers – Fowler Architecture and Planning)	Y	Y	Y	Y	Y	Y	Y	H	N	The policy says "Outside of Settlement Development Boundaries, the Council will consider any planning applications in relation to the Settlement Hierarchy and any other relevant policies in the plan." However, as by definition, sites outside of Settlement Development Boundaries are not included within any of the settlements listed in the hierarchy. More positive language should be used, to clarify the exceptions to this general presumption, beyond the explicit statement of the Rural Exception Sites. Exceptions in terms of housing should include: allocated housing sites, small infill plots that are otherwise sustainable, replacement dwellings, and the exceptions set out in paragraph 55 of the NPPF. Furthermore, a policy should be set in place that will help the Council to identify sustainable development in the event of circumstances where the Council is unable to demonstrate a five year supply of housing. In relation to the proposed new Garden Community, the boundary for the proposed settlement has not yet been set, and the size, location, density, mix of	Amend Policy SPL2 to clarify the exceptions to the general presumption in the policy. Include a policy to help the Council to identify sustainable development in the event of circumstances where the Council is unable to demonstrate a five year supply of housing.	Planning law and the NPPF require that applications for development be determined in accordance with the development plan unless other material considerations indicate otherwise. If such considerations arise, then the Council will weigh them in the planning balance appropriately. It would not be right to weaken the significance of settlement development boundaries by listing all the possible exceptions to the policy that might be appropriate. Furthermore, the presumption in favour of sustainable development set out in paragraph 14 of the 2012 NPPF and reflected in Policy SP1 in Section 1 of the Local Plan provides sufficient coverage for the circumstances in which the Council might have to consider an exception to Policy SPL2 in order to address a housing land shortfall. It is noted that the DPD for the Garden Community will define the extent of development area in that location. This is covered sufficiently in Policy SP8 within Section 1 of	Details only available to the local authority and the Inspector's Programme Officer.

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												uses and other relevant considerations will need to be consulted on at such time as the Strategic Growth DPD is prepared.		the Local Plan – as recommended for modification by the Local Plan Inspector following the examination.	
1007403	LPPuD19	Tim Snow Architects	Y	Y	N	N	N	N	Y	N	N	Settlement boundaries have inconsistencies. Seem to be drawn to prevent development within. Boundaries should represent future needs of settlements on objective basis rather than limiting development to larger sites. Restrictive nature already stagnated many settlements which will continue. Self-build policy welcomed but not sufficient on its own.	Expand settlement development boundaries to provide more opportunities for development.	The settlement development boundaries have been drawn both to allow for future development needs and to provide appropriate definition between built up areas and the countryside beyond. The extent to which boundaries have been extended reflects settlements' position in the settlement hierarchy and its ability to accommodate development in a sustainable manner.	Details only available to the local authority and the Inspector's Programme Officer.
1021851	LPPuD266	Tendring Farms Ltd (c/o Richard Clews - Strutt & Parker LLP)			N	N	N	N	N	H	N	SPL2 states that each of the settlements listed below are defined within a settlement development boundary. The settlements are however not listed below.	Correct Policy SPL2 so it does not refer to 'each settlement listed below'.	Agree that the policy needs to be corrected, through a minor modification, to say "To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 is defined within a Settlement Development Boundary....".	Details only available to the local authority and the Inspector's Programme Officer.
1022779	LPPuD296	City & Country (c/o Sam Hollingworth – Strutt & Parker LLP)			N	N	Y	Y	N	H	N	The policy acts to limit the number of dwellings to be provided within the District to below that required to meet objectively assessed needs and fails to consider unmet needs in neighbouring areas. Furthermore, these policies act in particular to restrict the sustainable growth of the settlement of Great Bentley.	Allocate land at Thorington Road and Plough Road, Great Bentley and include it within the Settlement Development Boundary to increase housing supply.	The Settlement Development Boundaries give effect to the spatial strategy of the Local Plan by encouraging sustainable patterns of growth and carefully controlling urban sprawl. Disagree that that the Local Plan fails to meet objectively assessed housing needs and disagree with the need to expand the Settlement Development Boundaries to increase housing supply. No changes to the wording of Policy SPL2 are being suggested. The site specific proposals for Great Bentley are addressed in relation to Local Map B.11. The three sites being promoted by this developer were the subject of planning applications that were refused by the Council and subsequently dismissed on appeal. A further application from City & Country for the land west off Plough Road was submitted and refused by the Council but the appeal was withdrawn by the developer and the Council understands that the developer might no longer be pursuing a scheme on this land.	Details only available to the local authority and the Inspector's Programme Officer.
1021851	LPPuD273	Wivenhoe Park Estates (c/o Richard Clews - Strutt & Parker LLP)			N	N	Y	N	N	H	N	The Plan has not been positively prepared in relation to the OAHN for the Market Area due to Tendring District seeking to meet a need for 11,000 dwellings, which is lower than the OAHN. Windfall allowances should be distributed on allocated sites in accordance with the hierarchy. Aspects of the certain policies are difficult to apply to development proposals or confused in relation to supporting paragraphs. Rural service centres are not supported with development opportunities over the plan period and only reflect recently approved applications or appeals. This is not effective.	Expand settlement development boundaries to address objectively assessed housing needs.	The Local Plan identifies sufficient land to meet the objectively assessed housing needs. This topic has been discussed as part of the examination of Section 1 of the Local Plan (Policy SP3) and the Local Plan Inspector has already concluded, in his post hearing letter of May 2020, that the objectively-assessed requirement 550 dwellings per annum in Tendring has been demonstrated as being based on sound evidence.	Details only available to the local authority and the Inspector's Programme Officer.
1022136	LPPuD231	Land Logic Ltd (c/o Matthew Utting – Matplan Ltd)	Y	Y	N	Y	Y	N	Y	H	N	No particular reservations with wording of Policy SPL2, significant reservations with how it has been used to propose, evidence and justify large mixed-use allocations proposed by SAMU2, SAMU3 and SAMU4 in Clacton. Concerns to proposed allocation's suitability and sustainability and ability to be delivered in timely manner. Also reservations with housing allocation MSA14 adjacent to B1442 Centenary Way in Little Clacton, shown on Policies Map 2 and Local Maps B6 & B19.	Exclude from the settlement development boundaries the developments proposed at Hartley Gardens, Oakwood Park, Rouses Farm and Montana roundabout.	This landowner is promoting land at London Road, Clacton for residential development. Their objections do not relate to Policy SPL2 specifically and their objections to other development sites are addressed in relation to the relevant Local Maps.	Details only available to the local authority and the Inspector's Programme Officer.
1019698	LPPuD259	Vanessa White	Y	Y	N	Y	N	Y	Y	H	N	Development is obtainable by developing smaller sites which fill in the natural gaps without detracting from the rural feel of the area. Areas between the A133 and the bypass are areas which can be developed without affecting visual and general appearance of the area. These in turn can ensure the village schools have enough local children for the catchment of Weeley Heath, Weeley and Little Clacton.	Include more smaller sites in the Local Plan to fill in natural gaps without detracting from the rural feel of the area.	This is a general comment which we assume is in response to concerns about greenfield development currently proposed in the Local Plan. The Council considers that the settlement development boundaries have been appropriately drawn to include, where sensible, small-scale opportunities for development that would have limited impact. Objectively assessed housing needs are however such that larger developments on greenfield land will also be required – that majority of which has now already obtained planning permission.	Details only available to the local authority and the Inspector's Programme Officer.
1105540	LPPuD78	Rosegrade Limited (Holmes & Hills LLP)	N	Y	N	X	X	X	X	H	N	The settlement development boundary around the Thorpe Station and Maltings area has been drawn tightly around the existing settlement. However, the 2012 draft Local Plan included an area of land to the north and around the properties known as The Rock, Malting House and Lilac House. It is requested that this land should be reinstated so as to bring it back into the Settlement Development Boundary on the basis that it may be required for residential development to enable the Thorpe Malting development to achieve viability. There was a specific Policy on enabling development (previously policy PPL10) which has now been omitted. The removal of the Policy for enabling development is highly undesirable.	Amend the Settlement the Development Boundary for Thorpe Station and Thorpe Maltings and reinstate Policy PPL 10 "Enabling Development".	It is not considered necessary to alter the settlement development boundary in anticipation of an enabling development scheme. Developments which present themselves as enabling will be considered on their own merits. The enabling development policy contained with the Preferred Options Local Plan was removed after a consultation response was received from Historic England. This indicated that these kinds of development are exceptions to plan policy and should therefore not be specified within the plan. The enabling development policy set out in Paragraph 140 of the 2012 NPPF states "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the	Details only available to the local authority and the Inspector's Programme Officer.

weighed against others, nor should the policy wording seek to accommodate all conceivable exceptions to the policy that might be allowed. The policy, if applied properly and pragmatically, is appropriately worded to support sustainable development in line with NPPF.

The Council agrees that reference to the “settlement listed below” is incorrect and also agrees that paragraph 3.2.3.2 is incorrect and does not reflect the content of Policy SPL2. Modifications are recommended to address both issues.

Suggested modification: Reword the first sentence of Policy SPL2 to correct the wording area identified by Tendring Farms Ltd:

To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed below in Policy SPL1 is defined within a ‘Settlement Development Boundary’ as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Suggested modification: Delete paragraph 3.2.3.2 from the supporting text:

~~3.2.3.2 Within the plan period new residential development in these settlements identified in Policy SPL1 will be limited to small infill sites within Settlement Development Boundaries which will support the overall housing growth for the district.~~

Suggested modified wording for Policy SPL2: With the above suggested modification, Policy SPL2 would read as follows:

Policy SPL 2

SETTLEMENT DEVELOPMENT BOUNDARIES

To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed below in Policy SPL1 is defined within a ‘Settlement Development Boundary’ as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the Settlement Hierarchy and any other relevant policies in this plan. An exemption to this policy is provided through the Rural Exception Site Policy LP6.

This Policy contributes towards achieving Objectives 1 and 6 of this Local Plan.

Policy SPL3: Sustainable Design

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 [Summaries prepared by Council Officers but the full original representations will be available to the Inspector and for public view]	Proposed change to Local Plan	Council response	Contact details
Representations from Technical Stakeholders															
1007301	LPPuD24	Essex County Council – Matthew Jericho	Y	Y	N	Y	Y	N	N	N	N	An amendment to the policy is required to strengthen the links with local landscape character.	Parts c) and e) should be amended as follows: c. the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features; e. boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Council will encourage the use of locally distinctive materials and/or locally occurring and characteristic hedge species in new boundary treatments as appropriate.	Requested change accepted and modifications are suggested.	Details only available to the local authority and the Inspector's Programme Officer.
1036980	LPPuD124	Historic England	Y	Y	Y	Y	Y	Y	Y	N	N	Historic England support Policy SPL 3.	None	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
1104418	LPPuD99	Environment Agency (Andrew Hunter)	Y	Y	Y	Y	Y	Y	Y	N	N	The Environment Agency supports Policy SPL3.	None.	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
1102526	LPPuD158	Home Builders Federation – Mark Behrendt	Y	Y	N	Y	Y	N	Y	H	N	There is no need for the Council, through the Local Plan, to ask for consideration of the use of renewable energy and the reduction of emissions. Such policies cannot be implemented or monitored and as such are ineffective and should be deleted.	Delete the paragraph in Policy SPL3 that reads: <i>"The development has considered climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon, passive design, and through green infrastructure techniques where appropriate."</i>	The intention of this wording within Policy SPL3 is entirely appropriate. It is right for the Council to encourage applicants to consider climate change adaptation from the outset. This is not an onerous requirement. Moreover, the ministerial statement states: "For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015." This also lends weight to the aforementioned paragraph. The paragraph does however require some amendments to ensure it reads correctly with the rest of the policy.	Details only available to the local authority and the Inspector's Programme Officer.
1022801	LPPuD520	Natural England – Jack Haynes	Y	Y	Y							Policy SPL 3 is sound. Following our previous advice we welcome that, in line with paragraph 118 of the NPPF, this policy now sets out criteria for all new development to firstly avoid, then mitigate and, as a last resort compensate for adverse environmental impacts.	No specific changes to Policy SPL3 suggested.	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
Representations from Businesses, Landowners and Developers															
1022640	LPPuD239	Persimmon Homes – David Moseley	Y	Y	Y	Y	Y	Y	Y	N	N	The policy says that development must not lead to an unacceptable increase in congestion, but it should refer to mitigation and the residual and cumulative impacts in line with NPPF Paragraph 32 which states <i>"improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."</i> The applicant/developer is also required to demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the current regulations and policies in this plan, but it is not clear what regulations are referred to and as such this is too ambiguous. In accordance with para 173 of the NPPF, pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Given that the plan cannot assess the burden arising from (unspecified) regulations, it is considered that the plan should (a) specify the regulations to which it seeks adherence and (b) consider the implications of existing regulations. The footnote to Part C of this policy will require housing developers to consider the use of renewable energy and the reduction of emissions. However, the Government has been clear that improvements in energy efficiency and carbon reduction will be achieved through Building Regulations with	Part B(a) should be amended to read; <i>"a. access to the site is practicable and the highway network, post mitigation, will be able to safely accommodate the additional traffic the proposal will generate and not lead to a severe residual cumulative impact on the highway network"</i> Part B sub-section d should read; <i>"d. the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the Building Regulations prevailing at the time and policies in this plan"</i>	The concern raised by Persimmon Homes about highways and mitigation in Part B(a) is accepted, although different wording is suggested through a modification. The suggested change to Part B(d) is also accepted to clarify that it is the extant building regulations that will apply. The intention of this wording within Policy SPL3 about climate change adaptation measures is entirely appropriate. It is right for the Council to encourage applicants to consider climate change adaptation from the outset. This is not an onerous requirement. Moreover, the ministerial statement states: "For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015." This also lends weight to the aforementioned paragraph. The paragraph does however require some amendments to ensure it reads correctly with the rest of the policy.	Details only available to the local authority and the Inspector's Programme Officer.
1106162	LPPuD393	Persimmon Homes – Matthew Parsons	Y	Y	Y	Y	Y	Y	Y	N	N	The policy says that development must not lead to an unacceptable increase in congestion, but it should refer to mitigation and the residual and cumulative impacts in line with NPPF Paragraph 32 which states <i>"improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."</i> The applicant/developer is also required to demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the current regulations and policies in this plan, but it is not clear what regulations are referred to and as such this is too ambiguous. In accordance with para 173 of the NPPF, pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Given that the plan cannot assess the burden arising from (unspecified) regulations, it is considered that the plan should (a) specify the regulations to which it seeks adherence and (b) consider the implications of existing regulations. The footnote to Part C of this policy will require housing developers to consider the use of renewable energy and the reduction of emissions. However, the Government has been clear that improvements in energy efficiency and carbon reduction will be achieved through Building Regulations with	Delete the paragraph in Policy SPL3 that reads: <i>"The development has considered climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon, passive design, and through green infrastructure techniques where appropriate."</i>	The intention of this wording within Policy SPL3 is entirely appropriate. It is right for the Council to encourage applicants to consider climate change adaptation from the outset. This is not an onerous requirement. Moreover, the ministerial statement states: "For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015." This also lends weight to the aforementioned paragraph. The paragraph does however require some amendments to ensure it reads correctly with the rest of the policy.	Details only available to the local authority and the Inspector's Programme Officer.

												only a limited number of optional technical standards that can be required through a Local Plan where there is sufficient evidence to support their implementation. There is no need for the Council, through the Local Plan, to ask for consideration to be given to such measures.			
1022789	LPPuD371	Britton Properties Ltd (c/o Martin Robeson – MRPP)	Y	Y	Y	Y	Y	Y	Y	N	N	Whilst we generally support the broad content of this policy, there would seem to be elements of it that could sensibly be delegated to a Supplementary Planning Document.	Consider placing some elements of Policy SPL3 into a Supplementary Planning Document.	Comment noted, but the Council sees no issue with any of the criteria being included in the policy.	Details only available to the local authority and the Inspector's Programme Officer.
1106151	LPPuD320	Gladman Homes – Phil Bamford	Y	Y	N	N	Y	Y	N	Y	N	The policy includes a large number of criteria which proposals must meet in order to be considered acceptable. However, the NPPF is based on a planning balance exercise being undertaken by the decision maker and it is only where the harms of a proposal significantly and demonstrably outweigh the benefits that planning permission should be refused. Policy SPL3 should therefore be worded to allow the decision maker to undertake such a balancing exercise and so that failure to meet any one of the criteria listed would not automatically mean a failure to conform with the policy overall. Criterion (a) under Part B of the Policy states that proposals should not lead to an unacceptable increase in congestion. This is contrary to the Framework as para 32 states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Criterion (a) should be reworded to reflect this guidance. Part C of Policy SPL3 also requires developers to consider the use of renewable energy and the reductions of emissions as part of any proposals. The Written Ministerial Statement of 25th March 2015 clearly states that improvements in energy efficiency and carbon reductions will be delivered through changes to Building Regulations with only a limited number of optional technical standards that can be required through local plans where supported by specific evidence. There is no evidence that the Local Plan should require such measures and therefore this reference should be deleted from the Policy.	Consider rewording the policy so that the criteria are applied as considerations that have to be weighed within the overall planning balance to determine whether or not the harm demonstrably outweighs the benefits. Amend B(a) to be consistent with paragraph 32 of the NPPF. Delete the paragraph in Policy SPL3 that reads: <i>"The development has considered climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon, passive design, and through green infrastructure techniques where appropriate."</i>	It is reasonable to apply all the criteria in Policy SPL3 to development proposals. It is only where policies are absent, silent or out of date that the 'tilted' approach to the presumption in favour of sustainable development is engaged. Only in those circumstances (reflected in Policy SP1 and paragraph 14 of the NPPF) is a balancing exercise of harm and benefits required. Modifications to B(a) are suggested which might address the concern raised in respect of transport impacts. The intention of this wording within Policy SPL3 about climate change adaption measures is entirely appropriate. It is right for the Council to encourage applicants to consider climate change adaptation from the outset. This is not an onerous requirement. Moreover, the ministerial statement states: "For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015." This also lends weight to the aforementioned paragraph. The paragraph does however require some amendments to ensure it reads correctly with the rest of the policy.	Details only available to the local authority and the Inspector's Programme Officer.
Representations from Members of the Public															
1007178	LPPuD340	David Wendon			N					N	N	Planned development will not meet the requirements set out in Policy SPL3, Part B, point a). Traffic will increase in Alresford and the surrounding area and improvements need to be put in place before further development can go ahead.	No specific changes to Policy SPL3 suggested.	Whilst we understand that Mr. Wendon is opposed to the development proposed for Alresford, those developments have already obtained planning permission following the Council's, Highway Authority's and (in most cases) Planning Inspector's consideration of highway safety and capacity. No changes to Policy SPL3 are required in response to these comments.	Details only available to the local authority and the Inspector's Programme Officer.

There are relatively few objections to Policy SPL3 which indicates that it is broadly sound. The main points raised by the development industry relate to transport impacts, and climate change adaptation. Whilst some modifications to the policy are suggested to bring it in line with the NPPF and clarify that extant building regulations are the standards that will apply, the Council does not accept the view that considerations of climate change adaption measures should not be required. On 8th June 2020, the Council's Planning Policy and Local Plan Committee considered and agreed a number of potential modifications to Policy SPL3, including those aimed at addressing the above representations. Given the time that has elapsed since the plan was submitted in 2017, the Chairman of the Committee asked for a review of policies relating to the design, quality and layout of development as well as renewable energy and water efficiency and for recommendations for improving and strengthening the wording of such policies, including SPL3. The suggested modifications are set out below.

Suggested modification: Amend Policy SPL3, Part A, criterion a) to strengthen the wording of the policy, as suggested by the Council's Planning Policy and Local Plan Committee:

a. new buildings, alterations and structures are well designed and maintain or and enhance local character and distinctiveness;

Suggested modification: Amend Policy SPL3, Part A, criterion c) as advised by Essex County Council:

c. the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features;

Suggested modification: Amend Policy SPL3, Part A, criterion e) as advised by Essex County Council:

e. boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Council will encourage the use of locally distinctive materials and/or locally occurring and characteristic hedge species in boundary treatments.

Suggested modification: Amend Policy SPL3, Part B, criterion a) in response to the comments raised by Persimmon Homes and Gladman Homes:

a. access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to an unacceptable increase in congestion severe traffic impact;

Suggested modification: Amend Policy SPL3, Part B, criterion b) to delete the asterix (*) referring to a section of the policy (see below) suggested for deletion and moving to another policy (see Policy LP3):

b. the design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments*:

Suggested modification: Amend Policy SPL3, Part B, criterion d) in response both to the comments raised by Persimmon Homes and the wishes of the Council's Planning Policy and Local Plan Committee to see the wording of the policy strengthened to better reflect the emergence of electric vehicles and renewable energy technology in fighting climate change (see Policy PPL10 for more details of suggested changes):

d. the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the current Building Regulations prevailing at the time and policies and requirements in this plan – with all new residential development expected to be fitted with electric vehicle charging points and roof solar panels;

Suggested modification: Amend Policy SPL3, Part B, criterion f) in response to a suggestion from the Council's Policy and Local Plan Committee that explicitly requiring 'facilities' for waste separation is not necessary:

f. provision is made for private amenity space, waste storage, ~~separation~~ and recycling facilities, vehicles and cycle parking; and

Suggested modification: Amend Policy SPL3, Part B, criterion g) as per the suggestion of the Council's Policy and Local Plan Committee to strengthen the policy in light of the climate change emergency (see Policy PPL10 for more details of suggested changes):

g. the development reduces flood risk and ~~opportunities are taken to~~ integrates sustainable drainage within the development, creating amenity and enhancing biodiversity.

Suggested modification: Delete the text following the asterix (*) after Policy SPL3, Part B, criterion g) to reflect the Council's Planning Policy and Local Plan Committee's suggestion to move such requirements into Policy LP3:

~~* On housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M (4) 2 'adaptable and accessible' standard. For affordable homes, 10% should be to Building Regulations Part M (4) 2 and 5% should be to Part M (4) 3 'wheelchair user' standards (Ref. Tendring District Housing Viability Assessment 12 May 2017).~~

Suggested modification: Addition of a new criterion e) to Policy SPL3, Part C on the suggestion of the Council's Planning Policy and Local Plan Committee. This addition is aimed at protecting the amenities of neighbours during the construction phase and by ensuring and damage to the public highway or other property during the construction phase is repaired. This follows a number of cases in Tendring where the surrounding area has been left damaged as a result of new development:

e. during the construction phase, developers must comply with a 'considerate constructors' scheme' which employs reasonable measures and techniques to minimise impacts and disturbance to neighbours and the existing wider community and, following construction and before final completion of a development, any damage to the public highway or other public or private property resulting from the development must be repaired and made good to an equal or better state to what it was prior to construction.

Suggested modification: Amend the paragraph following Section C of Policy SPL3 to improve its wording and applicability (see also suggested changes to Policy PPL10):

The For all new development (including changes of use), the Council will expect applicants/developers to have has considered climate change adaption measures and technology from the outside including reduction of emissions, renewable and low carbon, passive design, and through green infrastructure techniques where appropriate.

Suggested modified wording for Policy SPL3: With the above suggested modification, Policy SPL3 would read as follows:

Policy SPL 3

SUSTAINABLE DESIGN

Part A: Design. All new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met:

- a. new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness;
- b. the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials;
- c. the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features;
- d. the design and layout of the development maintains or enhances important existing site features of landscape, ecological, heritage or amenity value;
- e. boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Council will encourage the use of locally distinctive materials and/or locally occurring and characteristic hedge species ~~in boundary treatments~~.

Part B: Practical Requirements. New development (including changes of use) must meet practical requirements. The following criterial must be met:

- a. access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to ~~an unacceptable increase in congestion~~ severe traffic impact;
- b. the design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments*;
- c. the development incorporates or provides measures to minimise opportunities for crime and anti-social behaviour;
- d. the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the ~~current~~ Building Regulations prevailing at the time and policies and requirements in this plan – with all new residential development expected to be fitted with electric vehicle charging points and roof solar panels;
- e. buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents;
- f. provision is made for private amenity space, waste storage, ~~separation~~ and recycling facilities, vehicles and cycle parking; and
- g. the development reduces flood risk and ~~opportunities are taken to~~ integrates sustainable drainage within the development, creating amenity and enhancing biodiversity.

~~* On housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M (4) 2 ‘adaptable and accessible’ standard. For affordable homes, 10% should be to Building Regulations Part M (4) 2 and 5% should be to Part M (4) 3 ‘wheelchair-user’ standards (Ref. Tendring District Housing Viability Assessment 12 May 2017).~~

Part C: Impacts and Compatibility. New development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts. The following criteria must be met:

- a. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties;
- b. the development, including any additional road traffic arising, will not have unacceptable levels of pollution on: air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance;
- c. the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use; and
- d. all new development should have regard to the most up to date adopted Essex Mineral Local Plan.
- e. during the construction phase, developers must comply with a ‘considerate constructors’ scheme’ which employs reasonable measures and techniques to minimise impacts and disturbance to neighbours and the existing wider community and, following construction and before final completion of a development, any damage to the public highway or other public or private property resulting from the development must be repaired and made good to an equal or better state to what it was prior to construction.

~~The~~ For all new development (including changes of use), the Council will expect applicants/developers to have ~~has~~ considered climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon, passive design, and through green infrastructure techniques where appropriate.

When considering new development, applicants and developers should avoid adverse impacts upon the environment. Where this is not possible, mitigation measures should be put forward. As a last resort, compensate for adverse environmental impacts.

Any measures necessary to meet the above requirements are to be established by the applicant/developer.

This Policy contributes towards achieving Objectives 6, 7 and 8 of this Local Plan.