

# CHAPTER 7: PROTECTED PLACES

## Policy PPL1: Development and Flood Risk

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
<b>Representations from Technical Stakeholders</b>															
1104418	LPPuD109	Environment Agency – Andrew Hunter	Y	Y	N	X				H	N	<p>[Summaries prepared by Council Officers but the full original representations will be available to the Inspector and for public view]</p> <p>Policy PPL 1 is not consistent with the NPPF and NPPG and additional wording is recommended. As the Policy stands, it would be better if both parts of the Exception test are referred to i.e. 'safe' as well as meeting the wider 'sustainability needs'. New wording is recommended. New paragraphs should also be added into the supporting text of the policy.</p> <p>Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of a FRA and will need to be agreed with TDC. Refuge should ideally be located 300mm above the 0.1% (1 in 1000) annual probability event flood level including allowances for climate change. This supporting text gives an opportunity to set out your requirements for evacuation and refuge.</p> <p>The following wording should be added as supporting text as a new paragraph 7.1.5. New development proposals should: - retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river will require an environmental permit from the Environment Agency. - retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA).</p>	<p>Delete the second sentence of the first paragraph of Policy PPL1 and replace with the following wording: "It must be ensured that for new more vulnerable development (for example residential); there will be no internal flooding in the design event, refuge will be available above flood levels in excess of the design flood, or levels that could occur at the site in the event of a breach or failure of flood defence infrastructure, and that a means of escape is possible from first floor level."</p> <p>Add the following wording to the policy: <i>"All new development within Flood Zones 2 and 3 must not result in a net loss of flood storage capacity. New development in Flood Zone 3 must provide adequate flood storage and not result in a net loss of flood storage unless there is compensation on site or, rarely if not possible, adjacent off site capacity. Where possible opportunities must be sought to achieve an increase in floodplain storage. All more Vulnerable and Highly Vulnerable development within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change."</i></p> <p>Reword the sequential test section as follows: <i>"Where new development cannot be located in an area of lower flood risk and is otherwise sustainable, the Exception Test will be applied in accordance with the National Planning Policy Framework so that it is safe and meets wider sustainability needs."</i></p> <p>Include the following paragraphs to the supporting text: <i>"7.1.4 Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of a FRA and will need to be agreed with TDC. Refuge should ideally be located 300mm above the 0.1% (1 in 1000) annual probability event flood level including allowances for climate change. This supporting text gives an opportunity to set out your requirements for evacuation and refuge."</i></p> <p><i>7.1.5 New development proposals should: - retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river will require an environmental permit from the Environment Agency. - retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA)."</i></p>	The recommended modifications from the Environment Agency are supported in order to improve the policy and supporting text.	Details only available to the local authority and the Inspector's Programme Officer.

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1104418	LPPuD107	Environment Agency - Andrew Hunter			N	X				H	N	With regard to paragraphs 7.1.1 and 7.1.2, we have recently advised the Council that the update addendum to the SFRA is currently not capable of providing an appropriate assessment of the impacts of climate change on flood risk zones. This means it is therefore at odds with the Local Plan's strategic objective for Water and Climate Change.	Amend the update addendum to the Strategic Flood Risk Assessment to ensure it adequately deals with the impacts of climate change.	Additional work on the SFRA has been undertaken and the Council hopes to enter into a Statement of Common Ground with the Environment Agency to confirm its adequacy.	Details only available to the local authority and the Inspector's Programme Officer.
1104418	LPPuD108	Environment Agency - Andrew Hunter	Y	Y	N	X				H	N	In paragraph 7.1.3, no reference has been included as to how a Sequential approach or the Sequential Test will be applied to new development at "Jaywick Sands".	Include reference to explain how a sequential approach will apply in Jaywick Sands.	Paragraph 7.1.3 says that the Council will work with the Environment Agency to consider this issue and will happily explore this issue in more detail in the run up to the examination.	Details only available to the local authority and the Inspector's Programme Officer.
1104418	LPPuD114	Environment Agency - Andrew Hunter	Y	Y	N	X				H	N	We are keen to assist Tendring District Council with Design Briefs for any site where flood risk may be a concern.	No specific changes suggested.	Comment noted and welcomed.	Details only available to the local authority and the Inspector's Programme Officer.
1007301	LPPuD25	Essex County Council – Matthew Jericho	Y	Y	N			X	X	H	N	The amendment is required to include reference to "blue" infrastructure as well as "green".	Change Policy PPL1, second paragraph to read as follows: All major development proposals should consider the potential for new well designed Blue and Green Infrastructure to help mitigate potential flood risk and include such Infrastructure, where appropriate.	The recommended inclusion of a reference to 'blue' infrastructure is supported as a modification.	Details only available to the local authority and the Inspector's Programme Officer.

**Representations from Businesses, Landowners and Developers**

1106156	LPPuD358	Bourne Leisure (c/o Sian Davies – Lichfields)	Y	Y	N							PPL1 should refer to the exception that is applied to existing tourism accommodation and holiday parks within flood risk areas. Only the extent of proposed new development itself, within or adjacent to the existing holiday park, and not the whole site, should have to be assessed sequentially.	Include reference within Policy PPL1 to the exception than is applied to existing tourism accommodation and holiday parks within flood risk areas - i.e. only the extent of proposed new development itself, within or adjacent to the existing holiday park, and not the whole site, should have to be assessed sequentially.	It is agreed that only the new proposed development on or adjoining a holiday park should be subject to the sequential or exception tests. It would not be appropriate for a site operator to have to justify the location of existing development, however the Council will encourage opportunities to achieve a net improvement in flood safety and resilience at existing parks. It is considered that including a special exception within the wording of Policy PPL1 as requested will complicate the policy and is not considered necessary.	Details only available to the local authority and the Inspector's Programme Officer.
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**Representations from Community Representatives**

None received.

**Representations from Members of the Public**

None received.

As Tendring is a coastal authority where flood risk is a major issue, the Council takes the advice of the Environment Agency very seriously and is therefore inclined to support its recommended modifications. The Council also accepts the suggestion of Essex County Council and the inclusion of a reference to 'Blue Infrastructure' is supported.

**Suggested modification:** Include new supporting paragraphs 7.1.4 and 7.1.5 as suggested by the Environment Agency:

....can be made more flood-resilient and sustainable.

7.1.4 Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of a FRA and will need to be agreed with TDC. Refuge should ideally be located 300mm above the 0.1% (1 in 1000) annual probability event flood level including allowances for climate change. This supporting text gives an opportunity to set out your requirements for evacuation and refuge.

7.1.5 New development proposals should: - retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river will require an environmental permit from the Environment Agency. - retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA).

**Suggested modification:** Reword Policy PPL1 in response to the comments of the Environment Agency and Essex County Council:

## Policy PPL 1

### DEVELOPMENT AND FLOOD RISK

*All development proposals should include appropriate measures to respond to the risk of flooding on and/or off site and within the Flood Zone (which includes Flood Zones 2 and 3, as defined by the Environment Agency) shown on the Policies Map and Local Maps, or elsewhere involving sites of 1ha or more, must be accompanied by a Flood Risk Assessment. ~~New development in areas of high flood risk must be designed to be resilient in the event of a flood and ensure that, in the case of new residential development, that there are no bedrooms at ground floor level and that a means of escape is possible from the first floor. It must be ensured that for new more vulnerable development (for example residential); there will be no internal flooding in the design event, refuge will be available above flood levels in excess of the design flood, or levels that could occur at the site in the event of a breach or failure of flood defence infrastructure, and that a means of escape is possible from first floor level.~~*

*All new development within Flood Zones 2 and 3 must not result in a net loss of flood storage capacity. New development in Flood Zone 3 must provide adequate flood storage and not result in a net loss of flood storage unless there is compensation on site or, rarely if not possible, adjacent off site capacity. Where possible opportunities must be sought to achieve an increase in floodplain storage. All more Vulnerable and Highly Vulnerable development within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.*

*All major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Infrastructure, where appropriate.*

*Proposals must have regard, as necessary, to the following tests:*

#### *The Sequential Test*

*All development proposals will be considered against the National Planning Policy Framework's 'Sequential Test', to direct development towards sites at the lowest risk of flooding, unless they involve land specifically allocated for development on the Policies Maps or Local Maps.*

#### *The Exception Test*

*Where new development cannot be located in an area of lower flood risk and is otherwise sustainable, the Exception Test will be applied in accordance with the National Planning Policy Framework so that it is safe and meets wider sustainability needs.*

**This Policy contributes towards achieving Objective 9 of this Local Plan.**

## Policy PPL2: Coastal Protection Belt

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
<b>Representations from Technical Stakeholders</b>															
1104418	LPPuD110	Environment Agency – Andrew Hunter	Y	Y	N	X				H	N	Policy PPL 2 provides an opportunity to be more prescriptive about what type of development considered would be acceptable in an area affected by coastal change. The NPPG provides guidance on what developments are appropriate in a Coastal Change Management Area. The intention of this guidance could be embedded into Policy PPL 2 or supporting text. The NPPG also states that formally allocating land in Local Plans for relocation of development and habitat affected by coastal change may be appropriate in some instances. Tendring may wish to consider this to help future decision making.	Either Policy PPL2 or the supporting text should include wording along the following lines: <i>“National Planning Practice Guidance provides guidance on what sort of development is appropriate in a Coastal Change Management Area. This guidance is considered to have relevance to development proposals within the Tendring Coastal Protection Belt”.</i>	No objection to this wording being included at the end of supporting paragraph 7.2.3 as a minor modification.	Details only available to the local authority and the Inspector's Programme Officer.
1036980	LPPuD133	Historic England – Dr. Natalie Gates	Y	Y	Y					H	N	We welcome the changes made to policy PPL2 in respect of the historic environment.	No specific changes to Policy PPL2 suggested.	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
1022801	LPPuD529	Natural England (Jack Haynes)			Y						N	We welcome that, in line with paragraphs 106 and 168 of the NPPF, additional wording has been included with regards the adaptive approach to coastal protection, working with coastal processes, in line with the relevant SMP.	No specific changes to Policy PPL2 suggested.	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
1022061	LPPuD416	TW Logistics Ltd	N		N	X	X	X	X	H	N	As the supporting text explains, the Coastal Protection Belt designation is serving a dual purpose in respect of protecting land subject to the threat of coastal erosion and also of coastal land suitable for landscape protection. However, this dual objective is not divided within the policy and this leads to overly restrictive policy criteria where there is no coastal erosion threat, in particular in relation to existing developed sites within the Coastal Protection Belt (also known as previously developed land). The Coastal Protection Belt is a relatively extensive area. The policy does not explain how planning applications on existing developed sites washed over by the Coastal Protection Belt will be treated. Currently, the policy closely reflects the national framework policy for coastal erosion areas.	An additional policy criterion should be added as PPL2 (c) to permit development on existing developed sites where there is no threat of coastal erosion and where the overall impact of the development proposal is to protect or enhance the landscape character of the Coastal Protection Belt.	The objector's concern is noted but the suggested change does not appear to be necessary to enable the policy to be applied appropriately. Built up areas containing most previously developed land generally fall outside of the Coastal Protection Belt designation and whether a site is on brownfield land or not, impacts upon the character of the wider landscape are still a relevant planning consideration.	Details only available to the local authority and the Inspector's Programme Officer.
1022779	LPPuD292	The Sargent Family (c/o Sam Hollingworth – Strutt & Parker LLP).	W/H	W/H	N	X	X	X	X	H	Y	We do not object to the principle of such a policy, however there are concerns as to the soundness of the proposed extent of the Coastal Protection Belt to the west of St. Osyth, and how this relates to existing development. The Coastal Protection Belt includes existing ribbon development that extends west of the main settlement, along Mill Street. It also includes land which has extant planning permission (reference 16/00656/FUL) for 72 dwellings. As such, the Coastal Protection Belt as current proposed is not considered to be justified and we would also question the effectiveness of including areas of residential development and the St. Osyth Priory Estate within such an allocation.	The Coastal Protection Belt should be amended to exclude existing residential development and sites with planning permission for residential development at the St. Osyth Priory Estate.	Land at St. Osyth Priory Estates was granted permission for exceptional 'enabling development' reasons where it was judged that the conflict with policies such as the Coastal Protection Belt were outweighed by the benefits of the development in securing the future restoration of the Priory. If, for whatever reason, the planning permission were to lapse or not be implemented, any future planning applications should be judged, on its individual merits, against the relevant policy framework which includes the Coastal Protection Belt. Therefore, the Council does not agree that the designation should be removed from the Priory Estates. However, this position would be revisited as part of any future review of the Local Plan, particularly if the enabling developments are implemented and the Coastal protection Belt needs amending to reflect actual development on the ground.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Community Representatives</b>															
1022471	LPPuD184	Brightlingsea Town Council	Y	Y	N		X	X		H	N	The Town Council wish the Coastal Protection Belt to be reinstated as on the 2007 plan.	Reinstate the Coastal Protection Belt to as it was depicted in the 2007 adopted Local Plan.	The CPB was reviewed in 2012 and revisions were proposed to recognise that some areas did not appear 'coastal' and, therefore, the designation lacked sufficient focus. However, the extent of the CPB now proposed at Brightlingsea needs to be increased, where it has been removed to excess, in relation to the adjacent creeks and land west of Lodge Lane. The remaining areas excluded from the proposed revised CPB remain protected by other policies (PPL 3 The Rural Landscape, PPL 4 Biodiversity and Geodiversity, PPL 8 Conservation Areas and PPL 9 Listed Buildings) and the reduction in the CPB from the original area does not imply that new development	Details only available to the local authority and the Inspector's Programme Officer.



## Policy PPL3: The Rural Landscape

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
<b>Representations from Technical Stakeholders</b>															
1007301	LPPuD39	Essex County Council	Y	Y	N			X		H	N	Planning proposals must also protect those other historic parks, gardens and landscapes which are identified through the planning process. It is not limited to Registered Parks and Gardens. This is in compliance with the NPPF.	Change this section of the Draft Plan by including additional explanatory text under Paragraph 7.3.4 stating the protection of both designated and non-designated sites, features, landscapes in accordance with the NPPF.	A modification is suggested to Policy PPL3 itself to clarify this point.	Details only available to the local authority and the Inspector's Programme Officer.
1007301	LPPuD26	Essex County Council – Matthew Jericho	Y	Y	N		X	X		N	N	Policy PPL 3 should include the protection of both designated and non-designated heritage assets to comply with the NPPF.	Include the protection of both designated and non-designated heritage assets in Policy PPL3.	Agree with Essex County Council and Historic England. A minor modification is recommended.	Details only available to the local authority and the Inspector's Programme Officer.
1036980	LPPuD134	Historic England – Dr. Natalie Gates	Y	Y	Y					H	N	Historic England support Policy PPL 3 but expect to see the policy acknowledge that the historic landscape is an integral part of the character of rural parts of the district that regard should be considered when creating development proposals.	Include acknowledgment of the historic landscape as an integral part of the character of rural parts of the district.	Agree with Essex County Council and Historic England. A minor modification is recommended.	Details only available to the local authority and the Inspector's Programme Officer.
1022801	LPPuD530	Natural England (Jack Haynes)			Y						N	We welcome that, in line with paragraphs 17, 109, 113, 115, 116 and 156 of the NPPF, our previous recommendations have now been implemented within the policy, which includes reference to conserving and enhancing the two Areas of Outstanding Beauty (AONBs) in and around the district.	No specific changes to Policy PPL3 suggested.	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.
1022801	LPPuD534	Natural England – Jack Haynes			N	?	?	?	?	?	N	The Local Plan contains little information on the protection and enhancement of soils, as required by paragraph 119 of the NPPF. The Plan should give appropriate weight to the roles performed by the area's soils and these should be valued as a finite multi-functional resource which underpin our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. In accordance with paragraph 112 of the NPPF, the site allocation process should take account of potential impacts on the best and most versatile land, using site specific agricultural land classification survey data to inform decision making. Where an allocation is shown to be on the best and most versatile land, its inclusion should be justified in this respect (i.e. only permitted where the need for the development is demonstrated; it cannot reasonably be met using lower quality land; and all reasonable options (consistent with other planning or sustainability considerations) to safeguard the long term capability of the land have been considered). Furthermore, the Plan must include a soils policy which incorporates the above requirements. The policy should require prospective developers to ensure that sufficient site specific ALC survey data is available to inform decision making.	Include a new policy in the Local Plan on soils.	The Sustainability Appraisal framework includes a soil and land quality objective. Therefore all policies and sites have been assessed in relation to their impact on soil and land quality. The Council consider that it is not necessary to include a policy on every issue. The NPPF includes a paragraph on the best and most versatile agricultural land (paragraph 112) (see also para 170 of the 2019 NPPF) and we believe that the inclusion of a soil and land quality policy would be unnecessary repetition.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
1106151	LPPuD327	Gladman Homes – Phil Bamford	Y	Y	N	X			X	H	Y	The NPPF advocates a balancing exercise of all of the benefits of a proposal against the harms to determine if the harms, significantly and demonstrably outweigh the benefits. In addition, any policy for the protection and enhancement of the environment should be established in light of the national policies contained in the Framework, particularly paragraphs 109 to 125 Policy PPL3 as written is therefore contrary to the Framework and should be reviewed to reflect national policy.	The policy should be made flexible enough to be able to accommodate new development, outside of existing development boundaries, to allow the Council to quickly address any issues in a shortfall in housing land supply against the plan requirement.	The balancing exercise referred to by Gladman Homes is engaged by virtue of paragraph 14 of the NPPF (see also para 11 of the 2019 NPF) where relevant policies are considered to be absent, silent or out of date and thus a 'tilted balance' in favour of sustainable development is applied. This is reflected in Policy SP1 in section 1 of the publication draft. At all other times, development proposals are to be determined in accordance with the Development Plan. Policy PPL3 seeks to guard against 'overriding' harm to the character and appearance of the rural landscape is entirely consistent with the core principles and policies within the NPPF and no changes in response to this objection are considered necessary. The policy is considered to be suitably flexible to enable favourable consideration to be given, where appropriate, to housing outside of settlement development boundaries in order to address any future housing land shortfalls.	Details only available to the local authority and the Inspector's Programme Officer.
1106156	LPPuD359	Bourne Leisure (c/o Sian Davies – Lichfields)	Y	Y	N				X	?	N	The NPPG establishes that artificial light can be essential to a new development. Policy PPL 3 should therefore be re-phrased to ensure consistency with the NPPG requirements to minimise the impact of light pollution which should be assessed on a case by case basis.	The statement in Policy PPL3 should be reworded as follows: 'Where appropriate, new development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and	The addition of the words "where appropriate" would weaken the policy and would introduce debate about what is and is not appropriate. All new development should minimise the impact of light pollution and the need for lighting and nature of lighting that is	Details only available to the local authority and the Inspector's Programme Officer.



**Suggested modification:** Amend Policy PPL3 in response to the comments from Essex County Council and Historic England and to reflect the current status of the AONB:

### Policy PPL 3

#### THE RURAL LANDSCAPE

*The Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to:*

- a. estuaries, rivers and undeveloped coast;*
- b. skylines and prominent views including ridge-tops and plateau edges;*
- c. traditional buildings and settlement settings;*
- d. native hedgerows, trees and woodlands;*
- e. protected lanes, other rural lanes, bridleways and footpaths; and*
- f. designated and non-designated heritage assets and historic landscapes including registered parks and gardens.*

*Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale and Suffolk Coast and Heaths AONBs, and its their settings, and ~~the setting of the Suffolk Coast and Heaths AONB~~, including any relevant AONB Management Plan objectives. ~~New development which would impact upon the proposed extension to the Suffolk Coast and Heaths AONB, or its setting, should have specific regard to any special landscape qualities of the area affected.~~ Elsewhere, development proposals should have regard to the Natural England Character Area profiles for the Greater Thames Estuary (No.81) and the Northern Thames Basin (No.111) and the Council's Landscape Character Assessments, as relevant, and should protect and reinforce identified positive landscape qualities.*

*New development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.*

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

**Suggested modification:** Show the extended Suffolk Coast and Heaths AONB on the Policies Maps.

**Policy PPL4: Biodiversity and Geodiversity**

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
<b>Representations from Technical Stakeholders</b>															
1104418	LPPuD111	Environment Agency – Andrew Hunter	Y	Y	N	X				H	N	It should be highlighted that “harm” to biodiversity can arise as a result of development causing invasive species to be introduced. A biosecurity protocol method statement is recommended as a requirement for all development proposals to ensure an adequate means of preventing the introduction of non-native species is considered and implemented. This should help to prevent the spread of invasive non-native species which have a negative impact on biodiversity and ecosystem functioning.	Add the following words to the final paragraph of Policy PPL4: <i>“A biosecurity protocol method statement is required for all development proposals to ensure the introduction of non-native species is prevented.”</i>	The Anglian River Basin Management Plan specifically mentions: American signal crayfish. These are becoming widespread and affect animals such as fish and invertebrates. American signal crayfish would be subject to biosecurity measures if a planning application is approved for a crayfish farm. However, those already present in the wild will spread due to matters beyond planning control, including river fishing and water-based recreation (canoeing, sailing etc.). Mitten crabs. These destroy habitats such as reed beds and can cause banks to collapse by burrowing into them. The Chinese mitten crab was first recorded in the River Thames in 1935, having been discharged from the ballast tanks of ships and is listed under Schedule 9 to the Wildlife and Countryside Act 1981 with respect to England and Wales. As such, it is an offence to release or allow the escape of this species into the wild. Planning should not duplicate other codes. It is acknowledged that invasive non-native species can have significant economic impacts due to the cost of controlling invasive species to make sure that flood defences and the natural environment are not compromised. However, requiring a biosecurity protocol method statement for all development proposals, to ensure the introduction of non-native species is prevented, would be unduly onerous. If a specific issue was identified and the EA raised concerns, suitable measures could be taken at the application stage. If planning permission was granted, a bespoke planning condition could be imposed if it passed the necessary condition tests.	Details only available to the local authority and the Inspector’s Programme Officer.
1021013	LPPuD80	RSPB – Mark Mowers	Y	Y	N				X	H	N	Policy PPL4 does not have a clear commitment to the enhancement of the natural environment because it is not consistent with the NPPF. The reference to ‘Proposals for enhancement’ (end of paras 1 & 2); working alongside others is not addressed here. Within this policy the council should demonstrate willingness to work alongside other organisations to enhance biodiversity.	Policy PPL4 should demonstrate a willingness to work alongside other organisations to enhance biodiversity.	The supporting text to the policy refers to matters raised in the representation. The mitigation hierarchy is referred to at 7.4.6 and paragraph 7.4.7 refers to the Council’s partnership working, including considering whole landscapes. Specific reference is made to the Biodiversity Framework and Living Landscapes Project, Priority Habitats and Priority Species. Within the policy, the wording to ensure no net loss, and preferably a net gain, in biodiversity was added after the Preferred Options consultation at the request of Essex Wildlife Trust. The Local Plan is to be read as a whole and Policy HP 3: Green Infrastructure includes that: Infrastructure will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access. [and] The Council will work with all sectors and interest groups to help deliver Green Infrastructure projects. Developers should use the guiding principles set out in the Green Infrastructure Delivery Plan to influence all development proposals from an early stage in the design process. Any new Green Infrastructure proposed must be accompanied by a plan for the long-term sustainable maintenance and management of these assets, as well as phasing plans to demonstrate how they are to be delivered. New Green Infrastructure should incorporate semi-natural habitats and provide net gains in biodiversity wherever possible. The long-term management of assets should include biodiversity recording/monitoring to verify/ensure the ecological integrity of GI networks. It is considered that the Council’s support for biodiversity is clear - that there should, as a minimum, be no net	Details only available to the local authority and the Inspector’s Programme Officer.

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																loss of and where possible net gains in biodiversity.	
1021013	LPPuD79	RSPB	Y	Y	N				X	H	N	In paragraph 7.4.1, we request that the reference to the sporting and recreational need of the population is removed. Paragraph 7 of the NPPF makes no reference to this need.	Remove the reference to sporting and recreational need of the population.	Paragraph 7.4.1 does not read well with the rest of this section and appears to have been included in error. Deletion of the paragraph is suggested.	Details only available to the local authority and the Inspector's Programme Officer.		
1021013	LPPuD150	RSPB - Mark Nowers	Y	Y	N		X			H	N	In our letter of the 8 September 2016 we raised our concerns regarding the absence of an up to date Habitats Regulation Assessment (HRA) that assesses all the proposed policies and no recent evidence base. We note that the evidence base for recreational disturbance relies on information from 2012 and therefore question if this element of the plan has been positively prepared. Paragraph 4.15 in the HRA highlights that nutrient enrichment and water abstraction are two key non-toxic contamination factors of particular concern with regards to the SPA features species (wintering waterbirds) of the Stour and Orwell estuaries, Hamford Water and Colne estuary SPAs. Nutrient enrichment from agricultural run-off may result an increase in algal blooms smothering mudflats, making them inaccessible as feeding areas for the designated species. Increased water abstraction may reduce the freshwater flows to estuaries via the numerous creeks and rills. These areas provide critical bathing and drinking areas for designated features of the SPA network such as dark-bellied brent geese, pintails and other waterbirds. Therefore it is important that these three SPAs are screened in for Non-toxic Contamination and that the HRA is revised accordingly.	Update the Habitat Regulation Assessment (HRA) to reflect the most up to date evidence on recreational disturbance and agricultural run-off.	This representation has been forwarded to the author of the Habitats Regulations Assessment and the HRA has been updated. The update has found no significant impact on habitat sites would take place.	Details only available to the local authority and the Inspector's Programme Officer.		
714889	LPPuD66	Essex Wildlife Trust – Dr. Annie Gordon	Y	Y	Y					N	N	Essex Wildlife Trust supports Policy PPL 4.	No specific changes to Policy PPL4 suggested.	Support is noted.	Details only available to the local authority and the Inspector's Programme Officer.		
908048	LPPuD5	Essex Bridleways Association - Sue Dobson	Y	Y	N	X	X	X	X	H	N	We note that a network of interconnected multifunctional green spaces will be specified within Policy PPL4 to enhance biodiversity. We suggest the policy specifies that access to its green spaces are open to all user groups, including equestrians, as in many cases equestrians are the forgotten minority with Councils only considering the needs of pedestrians and cyclists. Horse riders are more often women and children, two groups who are most often targeted to increase their uptake of exercise, which would be beneficial to the overall health and wellbeing of the district.	The policy should specify that access to green spaces should be made open to all user groups.	Whilst paragraph 7.4.1 highlights the multi-functional nature of Green Infrastructure, Policy PPL4 concerns the protection of existing and creation of new biodiversity. Access to green spaces is considered under other policies (specifically HP3 and HP4).	Details only available to the local authority and the Inspector's Programme Officer.		
1022801	LPPuD532	Natural England (Jack Haynes)			N						N	We welcome that 'aged or veteran trees' have now been included in the list of locally important nature conservation. However, it should be made clear within the policy that, where international and European designated sites may be affected, this should include sufficient information to allow your authority to assess the proposals against the tests of the Habitats Regulations (i.e. to carry out an HRA); we advise amended wording. The Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS) is being developed to more effectively mitigate the 'in combination' effects of all proposed new housing falling within a 'zone of influence' around designated sites (i.e. from within which new residents are likely to visit them). Once approved, it will specify requirements for per house developer contributions to an agreed and costed scheme of 'off-site' measures covering the Local Plan periods. We consider that such an approach is the most effective and efficient means if ensuring that housing growth is sustainably integrated alongside nature conservation in the long term. We welcome that the policy now makes reference to priority habitats and species in accordance with paragraph 117 of the NPPF. However, we advise that in the first paragraph, 'protected species populations' should be changed to 'priority species populations' (i.e. those as defined here). We also note and welcome that the policy has been strengthened through reference to protected species in accordance with paragraphs 114 and 117 of the NPPF.	Make Policy PPL4 that, where international and European designated sites may be affected, this should include sufficient information to allow your authority to assess the proposals against the tests of the Habitats Regulations (i.e. to carry out an HRA). We advise that in the first paragraph, 'protected species populations' should be changed to 'priority species populations' (i.e. those as defined here).	Modifications to Policy PPL4 and supporting paragraph 7.4.3 are suggested in response to the comments raised here by Natural England.	Details only available to the local authority and the Inspector's Programme Officer.		
1007301	LPPuD40	Essex County Council – Matthew Jericho	Y	Y	N			X	X	H	N	The full name of the 'Habitats Regulations' should be 'The Conservation of Habitats and Species Regulations 2010'.	Change reference in paragraph 7.4.2 from the 'Habitats Regulations' to 'The Conservation of Habitats and Species Regulations 2010'.	Suggested change accepted.	Details only available to the local authority and the Inspector's Programme Officer.		

Representations from Businesses, Landowners and Developers															
1106156	LPPuD360	Bourne Leisure (c/o Sian Davies – Lichfields)	Y	Y	N	X	X	X	X	H	N	The statement in Policy PPL 4 should be re-phrased for consistency with national guidance in the NPPG which says local planning authorities should only require ecological surveys where clearly justified'. The requirement should be proportionate to the location, nature and scale of development proposed.	The statement should be reworded as follows: <i>"Where appropriate proposals for new development should be supported by an appropriate ecological assessment."</i>	The point raised is understood, but the Council will apply the policy sensibly alongside national policy and the NPPG. The inclusion of the words "where appropriate" would weaken the policy. For example, the wording suggested by Bourne Leisure when read carefully, suggests that it might be appropriate to submit an inappropriate ecological assessment – which is clearly not what the objector is suggesting. It is best to leave the policy unchanged.	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.															

The main change to Policy PPL4 has been suggested by Natural England and the following modifications are suggested, including those from Essex County Council and RSPB. It should be noted that Section 1 of the Local Plan is recommended for modification to include a specific policy about the Essex Recreational disturbance Avoidance Mitigation Strategy (RAMS) which addresses the requirements of the European Habitat Regulations in respect of mitigating the impacts of recreational disturbance arising from housing growth. Tendring District Council along with eleven other Essex Authorities have formed a partnership to deliver mitigation projects caused by increased recreational pressure on the County's habitat sites. TDC, like a number of other Essex Authorities have begun collecting a flat rate developer contribution to fund this project.

In addition, the Council has started to work with GeoEssex to identify and designate Local Geological Sites (LoGS) within the District and whilst at an early stage of preparation the Inspectors should be aware that work is progressing with the Council's geological assets and, in time, there may be a need to consider which sites if any would need to be shown on the Policies Maps. .

**Suggest modification:** Delete paragraph 7.4.1 in response to the comments from RSPB and the fact that it appears to have been included in the section in error:

~~7.4.1 To provide a network of interconnected multi-functional natural green spaces which secures a new gain in biodiversity and also provides for the sporting and recreational needs of the population, promotes healthy lifestyles and enhances the quality of the natural and built environment.~~

**Suggest modification:** Amend paragraph 7.4.2 in response to the comments of Essex County Council:

...create a European-wide network. The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations') apply both in the terrestrial environment and territorial waters out to 12 nautical miles. Marine Protected Areas (MPA) exist offshore beyond 12 nautical miles. The Blackwater, Crouch, Roach and Colne Marine Conservation Zone includes the Clacton Cliffs and foreshore, a geological feature of international importance.

**Suggest modification:** Include a new paragraph 7.4.2(a) to reflect the possible designation of Local Geological Sites (LoGS):

7.4.2(a) The Council has been working with GeoEssex and other partners to highlight the geology of Tendring. This often overlooked feature of our landscape deals with rocks, fossils and the prehistoric landscapes of Essex. As part of their work GeoEssex have identified a number of Local Geological Sites (LoGS. These sites, whilst not protected by law have a commensurate level of protection as Local Wildlife Sites within this Plan.

**Suggest modification:** Amend paragraph 7.4.3 in response to the comments of Natural England and to include reference to the Essex Coast Recreational disturbance Avoidance Strategy (RAMS):

7.4.3 It is necessary to apply the 'precautionary principle' to new development, as a matter of law, and assess new projects or plans for any impacts upon any of the above sites – both alone and in combination. Proposals and plans with the potential to have a significant impact upon such sites will need to be supported by a Habitats Regulation Assessment (HRA) to provide the information necessary for the decision makers to establish the likelihood and nature of impacts before a decision is taken. If significant impacts are identified, An an 'Appropriate Assessment' may will be necessary to assess whether the proposals would adversely affect the integrity of a site, having regard to its conservation objectives. The Council will only grant planning permission where there would be no adverse effects on biodiversity (including any mitigation), unless there is consider to be an overriding public interest (such as the port expansion at Bathside Bay, Harwich) – in which case a compensatory habitat must be provided. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Strategy Document was adopted in 2019. The Essex Coast RAMS aims to deliver the mitigation necessary to avoid adverse effects on integrity from the in-combination impacts of residential development in Essex. The Essex Coast RAMS identifies a

detailed programme of strategic avoidance and mitigation measures which are to be funded by developer contributions from all residential development within the Zones of Influence.

**Suggest modification:** Include additional wording within the first section of Policy PPL4 in response to the comments of Natural England and to include reference to the Essex Coast Recreational disturbance Avoidance Strategy (RAMS):

**Sites designated for their international, European and national importance to nature conservation: including Ramsar sites; Special Protection Areas (SPAs); Special Areas of Conservation (SACs); Marine Conservation Zones (MCZs); Natural Nature Reserves (NNRs); and Sites of Special Scientific Interest (SSSIs) will be protected from development likely to have an adverse effect on their integrity.**

**Where a proposals for development is likely to have a significant impact upon International and European sites, applications must be supported by a Habitats Regulation Assessment (HRA) to provide sufficient information to the Council to establish the likelihood and nature of impacts before a decision can be made. If necessary, this may need to be followed by a more detailed 'Appropriate Assessment' of the impacts. An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has been completed in compliance with the Habitats Directive and Habitats Regulations. Contributions will be secured from residential development, within the Zones of Influence, towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).**

**As minimum, there should be no significant impact upon any protected species, including European Protected Species and schemes should consider (and include provision, as may be relevant for) the preservation, restoration or re-creation of priority habitats, ecological networks and the protection and recovery of ~~protected~~ priority species populations. Proposals for new development....**

**Suggest modification:** Include additional wording within the second section of Policy PPL4 to ensure it covers Local Geological Sites in expectation that sites will be identified through the work of GeoEssex for protection:

**Sites designated for their local importance to nature conservation and geology, including Local Wildlife Sites (LoWS) and Local Geological Sites (LoGS), Ancient Woodlands Protected Verges and aged or veteran trees will be protected from development likely to have an adverse impact on such sites or features. Proposals for enhancement of special interest and features will be supported, subject to other material planning considerations.**

## Policy PPL5: Water Conservation, Drainage and Sewerage

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
<b>Representations from Technical Stakeholders</b>															
1104418	LPPuD112	Environment Agency – Andrew Hunter	Y	Y	N	X				H	N	SuDS techniques may not be appropriate for sites within Source Protection Zones, where there are known pollutants/contamination or the site history indicates pollutants/contamination, or where groundwater is relatively shallow and dispersion may not occur in an adequate manner.	The following wording can be added to the existing policy wording, or provided as supporting text: <i>“SuDS techniques based on infiltration of surface water into the ground may not be appropriate, in accordance with Environment Agency policy on the protection of groundwater, for: (i) sites within Groundwater Source Protection Zones, which aim to protect groundwater from pollutants: (ii) sites with known pollutants/contamination or where historical usage indicates the potential presence of pollutants/contamination: (iii) sites where the depth to the water table is shallow and there is the risk of harm to an aquifer used for drinking water supplies. The Environment Agency’s Source Protection Zone maps should be checked to ensure there is no risk to groundwater quality and before infiltration to groundwater is permitted there should be some level of treatment before surface water is infiltrated. A risk assessment should be undertaken when using Infiltration components in areas of contaminated land.”</i>	It is acknowledged that SuDS will not always be appropriate. To address the objection, addition of a new paragraph 7.5.4 would be supported through a minor modification.	Details only available to the local authority and the Inspector’s Programme Officer.
1105936	LPPuD85	Anglian Water – Stewart Patience	Y	Y	Y					N	N	Anglian Water is supportive of Policy PPL5.	No specific changes to Policy PPL5 suggested.	Support is noted.	Details only available to the local authority and the Inspector’s Programme Officer.
1022801	LPPuD533	Natural England – Jack Haynes			N						N	With regards potential water quality impacts to designated sites, the Local Plan (Part 2) HRA concluded that the Plan should include various policy wording as mitigation for identified effects (see pages 81-83). Whilst the requirement that “Wording should be incorporated into the Local Plan Part 2, which ensures that adequate wastewater infrastructure exists or can be provided in time to serve proposed development” seems to have been incorporated, it appears that the others have not. The conclusion of no overriding impact on European designated sites was reached on the condition that these requirements were fully incorporated into the Plan and these changes must therefore be made to the policy wording.	Incorporate the recommended wording from the Tendring Habitats Regulation Assessment into Policy PPL5.	Updates to the Water Cycle Study for Tendring will be prepared as required to inform developments in the Local Plan going forwards. Some modifications to Policy LP5 are suggested to bring it in line with the recommendations of the HRA.	Details only available to the local authority and the Inspector’s Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
None received.															
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

The Environment Agency’s suggestion of additional supporting text is supported as well as changes suggested by Natural England to incorporate the recommendations of the Habitats Regulation Assessment (HRA). On 8<sup>th</sup> June 2020, the Council Planning Policy and Local Plan Committee considered the suggested changes to Policy PPL5 but also requested that the final sentence of the first paragraph in the policy referring to the specific water consumption rate of ‘not more than 110 litres, per person, per day’ was potentially too prescriptive and alternative wording is therefore suggested.

**Suggested modification:** Amend paragraph 7.5.2 in response to the comments of Natural England:

7.5.2 Major new developments may require upgrades to existing sewage treatment works, known as Water Recycling Centres, which may be funded by Anglian Water. Such works will need to be planned and funded through Anglian Water’s 5-year business plans and approved by the regulator (OFWAT). The Council is committed to ensuring that critical infrastructure is delivered at the right time to support development on allocated sites, in particular at Hartley Gardens (Policy SAMU2) and Oakwood Park (Policy SAMU3) where reinforcements and additional infrastructure will be required.

**Suggested modification:** Include new paragraph 7.5.4 in the supporting text in response to the suggestion from the Environment Agency:

7.5.4 SuDS techniques based on infiltration of surface water into the ground may not be appropriate, in accordance with Environment Agency policy on the protection of groundwater, for: (i) sites within Groundwater Source Protection Zones, which aim to protect groundwater from pollutants; (ii) sites with known pollutants/contamination or where historical usage indicates the potential presence of pollutants/contamination; (iii) sites where the depth to the water table is shallow and there is the risk of harm to an aquifer used for drinking water supplies. The Environment Agency’s Source Protection Zone maps should be checked to ensure there is no risk to groundwater quality and before infiltration to groundwater is permitted there should be some level of treatment before surface water is infiltrated. A risk assessment should be undertaken when using Infiltration components in areas of contaminated land.

**Suggested modification:** Amend the second paragraph in Policy PPL5 in response to the comments of Natural England and the suggestions of the Council’s Planning Policy and Local Plan Committee:

## Policy PPL5

### WATER CONSERVATION, DRAINAGE AND SEWERAGE

*All new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits. Applicants should explain and justify the reasons for not using SuDS if not included in their proposals, which should include water inputs and outputs designed to protect and, where possible, enhance the natural environment. New dwellings will be required to incorporate measures to achieve a ~~water consumption rate of not more than 110 litres, per person, per day~~ an efficient rate of water consumption, to be advised by Anglian Water.*

*Proposals for development must demonstrate that adequate provision exists, or can be ~~made available~~ provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works).*

*Applicants should explain their approach to water conservation, including the potential for the re-use of ‘greywater’ and rainwater ‘capture and use’ within their development, to help maintain the supply of drinking water. The Council will require such measures to be implemented in all new development.*

*Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.*

**This policy contributes towards achieving Objectives 8 and 9 of this Local Plan.**

**Policy PPL6: Strategic Green Gaps**

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
<b>Representations from Technical Stakeholders</b>															
None received.															
<b>Representations from Businesses, Landowners and Developers</b>															
1021851	LPPuD263	Tending Farms Ltd (c/o Richard Clews – Strutt & Parker LLP)	W/H	W/H	N	X	X	X	X	H	N	Local Plan proposals map for Mistley identifies a strip of Strategic Green Gap on the southern side of Long Road. We are concerned that in determining the extent of the Green Gap in Mistley and setting out a restrictive policy for development within the Green Gap, the Council has not sought to justify extending the designation onto this land. The site is subject to an approval for 300 dwellings and 2ha of employment space which respects the Green Gap to the north of the site. However, the separation secured by the proposed Green Gap is essentially meaningless and has a negative impact on the ability of the site to provide both an appropriate frontage to the site along Long Road and a more meaningful area of useable open space within and throughout the site, in accordance with good design. The restriction imposed by the green gap prevents the residential development from being arranged in a more attractive and functional form, linking together the two disconnected sets of buildings along Long Road, with a more continuous street frontage.	Remove the Strategic Green Gap designation from the land south of Long Road, Mistley.	In originally granting outline planning permission (15/00761/OUT) for development at Long Road/Clacton Road, Mistley, the Council took into account the position of the designated Strategic Green Gap along Long Road in the emerging plan and the developer's planning application and parameters plan also took this into account, accordingly, by providing for open space along the northern edge of the site. The developer has since obtained planning permission (17/01181/OUT) on appeal to reduce the area of open space around the site and increase the housing numbers from 300 to 485 units but retaining the green gap along the north of the site. The Council is concerned that by removing the Strategic Green Gap designation from the frontage of the development, could lead to applications that would further erode the gap and reduce the sense of openness and separation the Council is seeking to maintain. The developer has significant scope to achieve a well designed development within the parameters that have already been agreed and the suggested change is therefore not acceptable to the Council.	Details only available to the local authority and the Inspector's Programme Officer.
1021851	LPPuD282	Ray Chapman Associates (c/o Richard Clews – Strutt & Parker LLP).	W/H	W/H	N	X	X	X	X	H	N	The Green Gap between Little Clacton and Clacton is entirely redundant and we are concerned that both the restrictive nature of the Policy and the extent of the Green Gap on the proposals map, are not justified. The purpose of the Policy in this location has been entirely eroded by allocation of significant areas of Green Gap (as defined in 2007) for development, including Hartley Gardens, Rouses Farm and land north of Centenary Way. The policy provides a mechanism for permitting development within a Green Gap that can be entirely managed through the application of other policies in the plan. The policy will have the effect of sterilising land that is otherwise found to be highly sustainable for residential development. It is considered that the separation secured by the proposed Green Gap is essentially meaningless and has a negative impact on the ability of the Council to deliver a range of suitable sites for development.	Remove the Strategic Green Gap designation from the land between Clacton and Little Clacton.	The Council believes it is important to maintain the individual character and identity of Clacton and Little Clacton through the Strategic Green Gap designation. The Green Gap has been reviewed substantially to allow for developments including Hartley Gardens, but the location that is most vulnerable to coalescence and impact on the individual character of the two settlements is the location containing the objector's site. That site was the subject of an outline planning application (15/01720/OUT) for up to 175 homes that was refused by the Council for being contrary to green gap policy. It was then allowed on appeal (APP/P1560/W/16/3164169) as the Council was unable to demonstrate a five-year housing supply but the decision was quashed by the Courts by consent of the Secretary of State and the appeal was re-heard and subsequently dismissed. In dismissing the appeal, the Inspector concluded: "it is without doubt that even with landscaping, the introduction of a substantial residential development would change the character of this area from open and edge of settlement to a built-up part of a wider urban area. This would harm the open character of the area and the open approach to Clacton on Sea physically bringing Little Clacton and Clacton on Sea much closer together." The Council maintains that the Strategic Green Gap between Clacton and Little Clacton should remain.	Details only available to the local authority and the Inspector's Programme Officer.
1022048	LPPuD313	Bloor Homes (c/o Paul Derry – Barton Willmore)	N	?	N	X	X	X		H	Y	We remain of the opinion that the residential development at the land off Rush Green Road does not cause harmful coalescence, especially given the levels of open space proposed throughout the site. The appeal Inspector's view that the site is harmful contradicts the Council's earlier assessments. At the S78 Inquiry, the Inspector considered the planning balance in the context of NPPF paras 14 and 49; the OAHN and spatial strategy were not under contention at the Inquiry. However, for the purpose of the emerging Local Plan, the assessment of sites takes account of these and other factors. Bloor Homes is fully supportive of the aims and objectives of policy PPL 6, and the inclusion of appropriate	Remove the Strategic Green Gap designation from the land north of Rush Green Road, Clacton.	The Council believes it is important to maintain the individual character and identity of Clacton and Jaywick through the Strategic Green Gap designation. The objector's proposal has been the subject of a planning applications (15/00904/OUT, 16/00208/OUT and 16/00209/OUT) for schemes of 228 to 276 homes that was refused by the Council for being contrary to green gap policy. This was upheld by the Inspector at appeal (APP/P1560/W/16/3145531) who stated: "the schemes would fail to main separation between Clacton and Jaywick in this locality, and would effectively close the countryside gap between the	Details only available to the local authority and the Inspector's Programme Officer.

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												land within the Strategic Green Gap. However, the Rush Green Road site should be removed from this designation and reinstated as an allocation, given the sustainable benefits, previously identified by the Council.		<i>settlements in this area. The proposed development would thereby detract from the setting of Clacton and Jaywick and affect the character and appearance of the area.</i> ” The Council maintains that the Strategic Green Gap in this location should remain.	
1022789	LPPuD386	Britton Properties Ltd (c/o Martin Robeson – MRPP)	Y	Y	N	X	X	X	X	H	N	The Strategic Green Gap does not serve any purpose in terms of countryside protection. The single purpose of this policy is to maintain physical separation between settlements, however the Settlement Development Boundaries themselves provide policy protection against extending beyond the built limits. Furthermore, we consider that there is no support for other designations outside those defined in the NPPF and NPPG.	Delete Policy PPL6 and the Strategic Green Gap designation from the Local Plan.	<p>The Strategic Green Gap policy is consistent with para 170 of NPPF (see 109 in 2012 NPPF) which states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.</p> <p>The Strategic Green Gap policy protects ‘valued landscapes’ by virtue of their role in preventing coalescence of settlements and protecting the individual identity of settlements.</p> <p>The appropriateness of Strategic Green Gaps in providing this planning function has been supported and accepted by Inspectors at local plan examinations and appeals. Indeed this has been confirmed in a number of appeal decisions in Tendring.</p> <p>The policy will inform the implementation of Policy SP2 Spatial Strategy for North Essex in the Part 1 Local Plan which states that ‘<i>Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting</i>’.</p> <p>The gaps were originally defined in the Council’s 1998 Local Plan and have been reviewed through subsequent Local Plans, including a 2003 Study undertaken by Land Use Consultants. In the publication draft, the gaps have been reviewed in light of planning permissions, the need for additional housing and to ensure they continue to contribute to preventing coalescence.</p> <p>Although the Settlement Development Boundaries seek to manage the pattern of growth, on their own they do not give sufficient recognition to important gaps between settlements that are vulnerable to coalescence. If proposals outside of the settlement boundaries need to be considered (e.g. in response to housing land shortfall) Policy PPL6 would be relevant.</p>	Details only available to the local authority and the Inspector’s Programme Officer.
1106151	LPPuD328	Gladman Homes – Phil Bamford	Y	Y	N	X			X	H	Y	In terms of the natural environment, the identification of any local environmental designations, including Strategic Green Gaps and separation policies, must be predicated on a robust and comprehensive evidence base that can be used in the planning balance advocated by the Framework, allowing the Council to assess whether the adverse impacts of the loss of such areas significantly and demonstrably outweigh the benefits of delivering the full need for housing. Green Gap policies have been questioned by Inspectors in recent appeal decisions as to whether they are compliant with the Framework and the Presumption in Favour of Sustainable Development. It is unlikely that any Green Gap policy will meet the tests of the Framework. Inspectors have dismissed similar policies as being inconsistent with the Framework in the determination of a number of recent Appeals. Gladman do not support the Green Gap policy approach due to its inconsistency with the Framework as it may prevent the Council from granting planning permissions in sustainable locations to meet its full objectively assessed need. The Council should therefore not continue to promote this policy designation.	Delete Policy PPL6 and the Strategic Green Gap designation from the Local Plan.	<p>The Strategic Green Gap policy is consistent with para 170 of NPPF (see para 109 in 2012 NPPF) which states that “planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes”.</p> <p>The Strategic Green Gap policy protects valued landscapes by virtue of their role in preventing coalescence of settlements and protecting the individual identity of settlements.</p> <p>The appropriateness of Strategic Green Gaps in providing this planning function has been supported and accepted by Inspectors at local plan examinations and appeals. Indeed this has been confirmed in a number of appeal decisions in Tendring.</p> <p>The policy will inform the implementation of Policy SP2 Spatial Strategy for North Essex in the Part 1 Local Plan which states that ‘<i>Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting</i>’.</p> <p>The gaps were originally defined in the Council’s 1998 Local Plan and have been reviewed through subsequent Local Plans, including a 2003 Study undertaken by Land Use Consultants. In the publication draft, the gaps have been reviewed in light of planning permission, the need for additional housing and other development and to ensure they are contributing to preventing coalescence.</p>	Details only available to the local authority and the Inspector’s Programme Officer.

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1106164	LPPuD407	Mr R Giles & Nexus Land (c/o Phase 2 Planning)	Y	Y	N		X			H	N	The proposed east Clacton Local Green Gap between Burrsville Park and Holland On Sea should be deleted. The Council has previously determined to redefine the LGG in the context of the emerging Local Plan to exclude the Application Site from continued protection under this policy; Our client's land by reason of its location relative to adjoining open countryside, and its ability to deliver a substantial area of Green Infrastructure, does not materially prejudice the ability of the Council to maintain a Green Gap between Holland-on-Sea and Clacton-on-Sea. There are moreover additional green infrastructure requirements in the case of the Subject Site, specifically an acknowledged shortfall in publically accessible open space.	Remove the Strategic Green Gap designation from the land between Holland on Sea and the Burrsville area of Clacton.	The Council believes it is important to maintain the individual character and identity of Holland on Sea and the Burrsville area of Clacton through the Strategic Green Gap designation. Part of the objector's land was the subject of an outline planning application (15/01351/OUT) for up to 132 homes that was refused by the Council for being contrary to green gap policy. It was then allowed on appeal (APP/P1560/W/167/3169220) as the Council was unable to demonstrate a five-year housing supply. The Strategic Green Gap designation affecting the consented site could be removed from the Policies Map as a consequential change, but not for the wider site being promoted by Mr. Giles and Nexus Planning which extends up to Burrs Road. The remaining area should continue to be protected.	Details only available to the local authority and the Inspector's Programme Officer.	
1106169	LPPuD427	Brown & Meek (c/o Peter le Grys – Stanfords)	?	?	N		X	X	X		N	This is a combined objection that applies to Policy PPL6 and HP4. This objection is an objection to the allocation of land to the south of Rush Green Road, Clacton-on-Sea. The suggestion in the plan is to provide a limited element of housing on land to the south of Rush Green Road for up to 75 houses, with the remainder to be retained as part of a strategic green gap. To date, the Council has not been able to offer any suggestions as to the use of this land, while providing an arbitrary development limit across the site. It is suggested that the allocation fails to have regard to the circumstances that apply to this land and does not include a realistic and proportionate allocation of land for housing purposes. A development scheme is currently being developed which will provide significant public benefits for the community, subject to at least 3.6 hectares of housing being allocated for up to 100 dwellings. The scheme also includes substantial public benefits through the provision of a new football ground for FC Clacton together with the provision of other pitches for junior and youth teams. The settlement boundary as proposed is entirely illogical, together with the purpose of the green gap to which draft policies PPL6 and HP4 apply when considered in relation to the public benefits that could be provided.	Extend the Settlement Development Boundary and reduce the Strategic Green Gap designation to allow for the development being proposed on land south of Rush Green Road, Clacton.	There is no requirement for the landowner to provide recreational facilities within the area shown as Strategic Green Gap. It could be retained as agricultural land but still maintain the function of the gap with a smaller residential development within the settlement boundary. However, the land was the subject of a refused hybrid application for change of use of southern section of site to sports recreation ground (D2) incorporating football pitch, junior and practice pitches, car park for FC Clacton and section of public open space to the northern section of the site and outline application with all matters reserved for up to 100 dwellings with associated access (17/00683/OUT). The application was refused for extending into the designated green gap and having a negative landscape impact. Revisions to the Policies Map for Clacton are suggested to reflect this decision.	Details only available to the local authority and the Inspector's Programme Officer.	
1105909	LPPuD90	The Burghes Estate (c/o Berrys)	Y	Y	N	X		X	X	H	N	The green gap policy should only be applied where necessary and not as a blanket approach to prevent much needed housing in areas that can satisfactorily and sustainably accommodate it. Areas should only be protected by Policy PPL6 where their development would genuinely erode the separate identity of settlements. In our view the green gap designation should be rolled back to the north west of Frinton as shown on the attached plan. This area of land due to topography and existing natural screening in the form of a tree belt make no contribution to the separation of the settlements and its development would not compromise the separate identity of settlements.	Remove the Strategic Green Gap designation from the objector's land off Edenside and Bloomfield Avenue, Frinton/Kirby.	The Council believes it is important to maintain the individual character and identity of Frinton, Kirby Cross and Kirby le Soken through the Strategic Green Gap designation. Part of the objector's land was the subject of an outline planning application (17/00836/OUT) for up to 85 homes that was refused by the Council for being contrary to green gap policy and later dismissed on appeal. In dismissing the appeal (APP/P1560/W/18/3196412), the Inspector commented: "Development of the site would significantly compromise the function of the LGG [Local Green Gap] by eroding it at a point where it is already narrow." The Inspector also stated that Policy PPL6 seeks to protect important open areas of open countryside from development in order to prevent coalescence of settlements and loss of their open settings. "I conclude that for the above reasons the proposed development would be inimical to these Policies". The Council maintains that the Strategic Green Gap in this location should be retained.	Details only available to the local authority and the Inspector's Programme Officer.	
<b>Representations from Community Representatives</b>																
1105896	LPPuD68	St. Osyth Parish Council	Y	Y	Y					W	N	The Parish Council of St Osyth would like a green gap between itself and the proposed Rouses Lane development. This would be to prevent further development towards St Osyth. This is in accordance with Policy PPL 6, which states that councils will not permit any development which would result in the joining of settlements or neighbourhoods, or which would erode their separate identities by virtue of their close proximity.	Designate a new Strategic Green Gap between the Rouses Farm development and the village of St. Osyth.	As there is no imminent risk of coalescence between Clacton and St. Osyth or the loss of their individual characters, there is no justification for designating a new Strategic Green Gap in this location.	Details only available to the local authority and the Inspector's Programme Officer.	
1007337	LPPuD203	St. Osyth Parish Council	Y	Y	N	X	X	X		W	N					Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Members of the Public</b>																
None received.																

The main objections to Policy PPL6 come from landowners and developers who do not agree there is sufficient clarity and justification for the Strategic Green Gap policy or have either succeeded or failed to obtain planning permission on sites within the Strategic Green Gaps. The Council maintains that the green gap designation is consistent with the core planning principles of the NPPF and specifically para 109 in the 2012 version and 170 in the 2019 version on protecting and enhancing valued landscapes and is necessary to maintain the distinctive character and role of settlements and to avoid coalescence.

All of the objections either seek a) the deletion of the policy and the designation or b) revisions to how it should be depicted on the policies maps.

None of the suggested changes to green gaps are considered necessary and some of the proposals have already been the subject of planning applications, legal challenges and appeals which have mostly been settled in the Council's favour with a view to retaining the openness of the green gaps. Only two consequential changes are necessary at this time to reflect the planning permission granted, on appeal, for up to 132 dwellings on land off Sladbury's Lane and the refusal of permission on land off Rush Green Road (see changes to Map B.6 for details).

A suggested modification is made to Policy PPL6 to better reflect the Strategic Policy SP2 in Section 1 of the Local Plan for North Essex and clarify the justification and role of the Strategic Green Gaps Policy and their consistency with national policy (NPPF para 109/170). For information, the Inspector's modifications to Policy SP2 results in the following wording which supports the Council's approach in respect of Strategic Green Gaps: *"Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting."*

**Suggested modifications:** Re-word supporting paragraph 7.6.1 as follows:

~~7.6.1. Strategic Green Gaps have been identified in this Local Plan in specific locations between certain settlements or neighbourhoods. The primary purpose of this designation is to maintain an appropriate degree of physical separation between nearby settlements or neighbourhoods.~~ Strategic Green Gaps have been identified in this local plan in specific locations between settlements. They are designated in accordance with NPPF and the protection of valued landscapes. The Strategic Green Gaps are valued for the role they will play in preventing the coalescence of settlements and retaining the distinct identity of settlements. The areas identified have the following characteristics

- The open and undeveloped character of the land;
- They form a visual break between settlements;
- Their boundaries follow physical features on the ground; and/or
- Only land required to secure the objectives of the Strategic Green Gaps has been included.

**Suggested modifications:** Delete paragraph 7.6.2

~~7.6.2. Within Strategic Green Gaps, the Council will only permit development which would preserve the appropriate separation of settlements or neighbourhoods. Proposals for new development should consider how the long-term protection of these areas can be strengthened through the introduction of Green infrastructure, including recreational open space, wildlife areas and improved access to the countryside via new footpaths, cyclepaths or bridleways.~~

**Suggested modifications:** Re-word Policy PPL6 as follows

## Policy PPL6

### STRATEGIC GREEN GAPS

~~Within Strategic Green Gaps as shown on the Policies Maps and Local Maps the Council will not permit any development which would result in the joining of settlements or neighbourhoods, or which would erode their separate identities by virtue of their closer proximity. Planning Permission may be granted where:~~

- ~~a. The applicant can demonstrate there is a functional need for the development to be in that specific location and that it cannot be delivered on an alternative piece of land outside of the Strategic Green Gap;~~
- ~~b. The development would not compromise the open setting between settlements or neighbourhoods; and~~
- ~~c. The development would involve the creation of green infrastructure which would support the continuing function of the Strategic Green Gap~~

The Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements

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

**Policy PPL7: Archaeology**

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
<b>Representations from Technical Stakeholders</b>															
1007301	LPPuD27	Essex County Council – Matthew Jericho	Y	Y	N			X	X	N	N	Policy PPL 7 amendments to include if relevant, reference to development effect on archaeological remains, required assessments and what evaluation results mean to the development, ensuring greater compliance with the NPPF.	Suggested wording: <i>"Proposals for new development which would affect, or might affect, archaeological remains will only be permitted where accompanied by an appropriate desk-based assessment and evaluation results. Where identified as necessary within that desk-based assessment, a written scheme of investigation detailing a programme of excavation, recording or protection, and post excavation work, including publication and deposition of archaeological records in a public archive will be required to be submitted to, and approved by, the Local Planning Authority"</i>	The policy does not require additional wording to be NPPF compliant. As raised by Britton Properties Ltd below, there are circumstances (particularly on outline applications) where requiring evaluation results prior to any grant of planning permission could be onerous. It is therefore suggested that the policy remain as drafted.	Details only available to the local authority and the Inspector's Programme Officer.
1036980	LPPuD135	Historic England – Dr. Natalie Gates	Y	Y	N	X	X	X		H	N	We welcome the amendments that have been made to this section of the Plan since the Preferred Options consultation. However, we request that an appropriate policy or policies are included in the Plan that address all elements of the historic environment including a local list of undesignated heritage assets, registered parks and gardens and wider definitions of the historic environment. As such we would like to highlight that the following elements of the historic environment are not adequately addressed in the Plan and should be given specific provision within the policies. Non-designated heritage assets. Provision for the allocation and management of non-designated heritage assets through a local list. Heritage at Risk Registered Parks and Gardens Scheduled Monuments should also be specifically mentioned in a policy. This would help to demonstrate that the Plan is based on an overall strategy for the Historic Environment in accordance with paragraph 126 of the NPPF.	We request that an appropriate policy or policies are included in the Plan that address all elements of the historic environment including a local list of undesignated heritage assets, registered parks and gardens and wider definitions of the historic environment.	The comments from Historic England are noted however the Council does not consider that additional policies are required over and above what is already in the Local Plan and covered elsewhere in national planning policy. It should be noted however that the Council has suggested a modification to Policy PPL3 to ensure that designated and non-designated heritage assets and historic landscapes including registered parks and gardens are properly taken into account in the planning process. Consideration will be given to local-listing, however it should be noted that the weight that can be afforded to the protection of locally-listed heritage assets is significantly lower than that of statutorily listed assets.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
1022789	LPPuD384	Britton Properties Ltd (c/o Martin Robeson – MRPP)	Y	Y	N					H	N	This policy is unduly onerous. Where applications are submitted on sites where information indicates that there may be archaeological remains, a written scheme of investigation can be submitted following the grant of planning permission.	The policy could be reworded to state <i>"where the development is permitted on sites which may contain archaeological remains, any planning permission would be subject to a condition requiring a written scheme of investigation"</i> .	The supporting text in paragraph 7.7.6 already explains that the developer might be required to carry out any necessary survey work, excavation and recording in that regard, before and/or after any planning permission is granted. There will be cases, for example full planning applications, where more detail is required before permission can be granted but other cases, such as outline schemes, where investigation can be secured via condition and can help inform the design process. The wording of the policy is sufficiently flexible to allow for both scenarios.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

Essex County Council's suggested modification to Policy PPL7 would potentially require full archaeological evaluation results to be provided before planning permission (even outline permission) can be granted. The concern raised by Britton Properties Ltd is that the policy as worded, without ECC's modification, is too onerous. In reality, there will be circumstances where archaeological evaluation is best secured through a planning condition and the policy, as worded, is sufficiently flexible to allow for this. Policy PPL7 is therefore considered to be sound and no modifications are required. Historic England are referred to Policy PPL3 where a modification is suggested to ensure a range of heritage assets, included non-designated assets, are given consideration through the planning process. It is not considered necessary however to have any additional policies.

**Policy PPL8: Conservation Areas**

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
<b>Representations from Technical Stakeholders</b>															
1007301	LPPuD28	Essex County Council – Matthew Jericho	Y	Y	N			X	X	N	N	Policy PPL 8 requires reference to trees given that these are afforded some protection through the legislation.	Change Policy PPL8 as follows: “d. <i>the importance of spaces and trees to the character and appearance; and...</i> ”	Consideration is already given to trees in criteria c. hard and soft landscaping. The legal protection afforded to trees in conservation areas is to enable a Tree Preservation Order to be served, if necessary. The plan should be read as a whole and Policy SPL 3 criteria d. requires new development to maintain or enhance important site features of landscape or amenity value, which includes trees.	Details only available to the local authority and the Inspector’s Programme Officer.
1036980	LPPuD137	Historic England – Dr. Natalie Gates	Y	Y	N	X		X		H	N	Historic England support Policy PPL 8 final paragraph. However, this policy requires amendment in order to address the designation of new conservation areas over the plan period and the preparation of conservation area management plans, appraisals or other relevant documents which define the character of individual conservation areas.	Amend the policy to address the designation of new conservation areas over the plan period and the preparation of conservation area management plans, appraisals or other relevant documents which define the character of individual conservation areas.	Specific legislation requires the Council to designate and take action in regard to conservation areas. The plan does not need to state it will do this. Paragraph 7.7.5 states that all existing conservation areas will be reviewed early in the plan period, possible new ones considered, new Conservation Area Management Plans prepared and existing Conservation Area Character Appraisals updated.	Details only available to the local authority and the Inspector’s Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
1106151	LPPuD329	Gladman Homes – Phil Bamford	Y	Y	N				X	H	Y	Paragraphs 132 to 134 of the Framework relate specifically to designated heritage assets and highlight that the more important the asset the greater the weight that should be attached to it. The policies in the Local Plan therefore need to make such a distinction so as to ensure they are consistent with the Framework. The Framework states that if the harm to a heritage asset is deemed to be ‘substantial’ then the proposal needs to achieve substantial public benefits to outweigh that harm. If the harm is ‘less than substantial’, then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The policies in the Local Plan should therefore make a distinction between the two tests included in the Framework.	Amend the policy to reflect the policies contained within the NPPF on the historic environment.	There is no need to repeat NPPF policy within the Local Plan and policies will be applied alongside that guidance. The policies are not inconsistent with the NPPF, but the tests set out in the NPPF in respect of heritage are very specific and Gladman’s suggestion that they be reflected in the policy is understandable – to ensure the NPPF requirements are not overlooked. To address this objection without replicating the NPPF, a minor modification is recommended to include an additional paragraph of supporting text which simply states that Policies PPL7, 8 and 9 will be applied having regard to the requirements of the NPPF in respect of development affecting heritage assets.	Details only available to the local authority and the Inspector’s Programme Officer.
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

Gladman Homes’ suggestion that Policy PPL8 needs to be understood in the context of the historic environment is accepted. Whilst there is no need for the Local Plan to replicate the content of the NPPF, there is some merit in referring to the NPPF’s requirements in respect of heritage assets in the Local Plan to ensure they are not overlooked. Historic England’s suggestion that there needs to be specific reference to designating future Conservation Areas is noted, but the Council considers that this is adequately covered in the text of paragraph 7.7.5. Essex County Council’s suggested amendment to criterion d is accepted.

**Suggested modification:** Include additional paragraph 7.7.7 in the supporting text in response to the suggestion of Gladman Homes:

7.7.7 The National Planning Policy Framework sets out government policy for conserving and enhancing the historic environment. The following policies PPL7, PPL8 and PPL9 will be applied alongside and having regard to the specific requirements of the Framework in respect of development affecting heritage assets including Archaeology, Conservation Areas and Listed Buildings.

**Suggested modification:** Amend criterion d. within Policy PPL8 as advised by Essex County Council.

...landscaping;  
**d. the importance of spaces and trees to the character and appearance; and**  
**e. any important views.....**

**Policy PPL9: Listed Buildings**

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
<b>Representations from Technical Stakeholders</b>															
1036980	LPPuD140	Historic England – Dr. Natalie Gates	Y	Y	N			X		H	N	On Para 7.9 Enabling Development, we are pleased to note that this policy and supporting text has been removed from the Plan. However, the heading remains and is clearly a typographical error	Delete the heading '7.9 Enabling Development' which has been left in the plan in error.	The wording should not have been retained as the policy and text to which it relates were removed, as recommended by Historic England at the Preferred Options consultation.	Details only available to the local authority and the Inspector's Programme Officer.
1036980	LPPuD136	Historic England – Dr. Natalie Gates	Y	Y	N		X	X		H	N	For Para 7.7.5, request the deletion of the words "on occasion" with reference to when contemporary approaches to design might be appropriate. However, we welcome the Council's commitment to prepare new Conservation Area Management Plans as well as updates to the existing Conservation Area Character Appraisals.	Delete the words "on occasion" from paragraph 7.7.5.	No objection to the deletion of the words 'on occasion' as they add little to the meaning or interpretation of the paragraph.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
1106151	LPPuD330	Gladman Homes – Phil Bamford	Y	Y	N				X	H	Y	Paragraphs 132 to 134 of the Framework relate specifically to designated heritage assets and highlight that the more important the asset the greater the weight that should be attached to it. The policies in the Local Plan therefore need to make such a distinction so as to ensure they are consistent with the Framework. The Framework states that if the harm to a heritage asset is deemed to be 'substantial' then the proposal needs to achieve substantial public benefits to outweigh that harm. If the harm is 'less than substantial', then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The policies in the Local Plan should therefore make a distinction between the two tests included in the Framework for designated heritage assets to ensure they are sound.	Amend the policy to reflect the policies contained within the NPPF on the historic environment.	There is no need to repeat NPPF policy within the Local Plan and policies will be applied alongside that guidance. The policies are not inconsistent with the NPPF, but the tests set out in the NPPF in respect of heritage are very specific and Gladman's suggestion that they be reflected in the policy is understandable – to ensure the NPPF requirements are not overlooked. To address this objection without replicating the NPPF, a minor modification is recommended to include an additional paragraph of supporting text which simply states that Policies PPL7, 8 and 9 will be applied having regard to the requirements of the NPPF in respect of development affecting heritage assets.	Details only available to the local authority and the Inspector's Programme Officer.
1105911	LPPuD77	Rosegrade Limited (Holmes & Hills)	Y	N	N	X	X	X	X	H	N	Rosegrade are the owners of Thorpe Maltings which they seek, in conjunction with other land, to redevelop for residential purposes. It is important that Emerging Policy does not frustrate this objective. In this regard it is noted the Settlement Development Boundary has been drawn tightly around the existing settlement. However, the 2012 draft Local Plan included within the Settlement Development Boundary 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. It is also noted that within the draft Local Plan there was a specific Policy on enabling development (previously policy PPL10) which has now been omitted. There is a section in respect of enabling section which is blank. The removal of the Policy for enabling development is highly undesirable. This Policy is necessary when read together with Policies PPL8 and PPL9 to ensure consistency with National Policy. Without the enabling development Policy, Policies PPL8 and PPL9 are inconsistent with National Policy. Rosegrade therefore seeks two amendments. Firstly, the enlargement of the Settlement Development Boundary for Thorpe Station and Thorpe Maltings and secondly, the reinstatement of Policy PPL 10 'Enabling Development'.	Firstly, the enlargement of the Settlement Development Boundary for Thorpe Station and Thorpe Maltings and secondly, the reinstatement of Policy PPL 10 Enabling Development.	The approved application allowed for the redevelopment of the site by a mechanism similar to that of enabling development. It is not considered reasonable to change the Settlement Development Boundary for a speculative development that may never come forward. It is further considered that developments which present themselves as enabling will be considered on their own merits. The enabling development policy contained within 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 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 future conservation of a heritage asset, outweigh the disbenefits of departing from those policies." There is consequently no need to expand the Settlement Development Boundaries to facilitate a larger enabling scheme. Such a proposal could be considered on its merits through the development management process.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

Gladman Homes' suggestion that Policy PPL9 needs to be understood in the context of the historic environment is accepted. Whilst there is no need for the Local Plan to replicate the content of the NPPF, there is some merit in referring to the NPPF's requirements in respect of heritage assets in the Local Plan to ensure they are not overlooked. The inclusion of an additional supporting paragraph 7.7.7 is suggested (see Policy PPL8) to address Gladman's concerns.

**Suggested modification:** Amend the first sentence in supporting paragraph 7.7.5 as suggested by Historic England:

7.7.5 As with listed buildings, a contemporary design might, ~~on occasion,~~ be appropriate in a Conservation Area. Such solutions can help to avoid pastiche.....

**Suggested modification:** Delete the heading '7.9 Enabling Development' as it has been retained within the plan in error following the deletion of a policy from the preferred options draft (please note that this would necessitate the re-numbering of subsequent paragraphs in the final adopted version):

~~7.9 Enabling Development~~

**Policy PPL10: Renewable Energy Generation**

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 <small>[Summaries prepared by Council Officers but the full original representations will be available to the Inspector and for public view]</small>	Proposed change to Local Plan	Council response	Contact details
<b>Representations from Technical Stakeholders</b>															
1021013	LPPuD151	RSPB – Mark Mowers	Y	Y	N		X			H	N	It is recommended that Policy PPL10 is screened into the HRA. There is reference to Paragraph 97 of the NPPF; while the RSPB supports renewable energy, schemes should still remain some distance from the SPA network.	No specific changes to Policy PPL10 suggested.	The policy concerns renewable energy proposals at all scales. The district has one large-scale windfarm near Clacton-on-Sea (and several solar farms in the north). The Council does not envisage other similar schemes being developed and has not identified any areas as suitable for such future developments. Should any such applications be made then EIA (Environmental Impact Assessment) would be required.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
None received.															
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

The point raised by RSPB about Habitat Regulation Assessment in respect of renewable energy installations is noted and addressed above.

At its meeting on 8<sup>th</sup> July 2020, the Planning Policy and Local Plan Committee was asked to consider a number of suggested amendments to certain planning policies in Section 2 of the Council's emerging Local Plan relating to housing design standards, efficiency and accessibility. Most of the suggested amendments were agreed by the Committee but it was decided that consideration any amendments to Policy PPL10 on 'Renewable Energy Generation' would be deferred to allow discussion with the Council's Climate Change Working Group to ensure they properly embrace the ambitions of the Council in tackling the climate emergency.

On 25<sup>th</sup> June 2020, some Members from the Climate Change Working Group and the Planning Policy and Local Plan Committee met to discuss potential further amendments to Policy PPL10 and the revised wording that was agreed is set out as follows and is recommended as a amendment to the plan:

**Policy PPL10**

**RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES**

*Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated.*

*All proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and should include renewable energy installations, and be designed to facilitate the retro-fitting of renewable energy installations.*

*For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REPG) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of*

renewable energy. The REGP must demonstrate how the following measures have been considered and incorporated:

- Triple Glazing;
- Solar Roof Panels or Solar Tiles;
- Air Source Heating Systems;
- Ground Source Heating Systems;
- Super Insulation (walls and loft void);
- Rainwater Capture Systems;
- Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through an appropriate communal facility);
- Superfast Broadband and a flexible space within each home to enable home working and a reduction in the need to travel;
- Mechanical Heat Recovery Ventilation;
- Solar Thermal Systems;
- Solar and Battery Storage Systems; and (where appropriate)
- Other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy.

Planning permission will only be granted where the applicant can demonstrate that the above measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered.

To maximise the effectiveness of Solar Panels, buildings should be planned and orientated to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered. Dormer Windows, hipped roofs and corner tower elements should be confined to the northern side of pitched roofs.

Nothing in this policy diminishes or replaces the requirements of Energy Performance Certificates (EPC) and Standard Assessment Procedures (SAP) for constructed buildings and compliance with the relevant building regulations.

**This Policy contributes towards achieving Objectives 6 and 9 of this Local Plan.**

The advantage of the proposed policy wording is that rather than setting out a prescriptive list of requirements, it places the onus on the applicant for planning permission to submit material to demonstrate how they have considered the available range of technologies and measures that can be put in place to maximise energy efficiency and the use of renewable energy and how they have incorporated them into their design, layout and construction. Where certain measures are considered to be inappropriate, impractical or unviable, the applicant's response to this policy gives them the opportunity to explain their reasons. Planning Officers and Members of the Planning Committee can then determine whether or not proposals have met the requirements of the policy and achieve an appropriate response to climate change.

**Policy PPL11: The Avenues Area of Special Character, Frinton-on-Sea**

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
<b>Representations from Technical Stakeholders</b>															
1036980	LPPuD138	Historic England – Dr. Natalie Gates	Y	Y	N		X	X		H	N	We note that this policy is conservation area specific, similar to an adopted appraisal. Provided that the character of a conservation area is defined and the definition is given statutory weight (eg: adopted), we support any format preferred by the Council.	To make this section of the proposed policy clearer, we suggest that you re-order the policy so that it follows with Policy PPL8 (Conservation Areas).	Although the policy complements Policy PPL 8: Conservation Areas, it is a bespoke local policy and as such (along with PPL 12) sits after the district-wide policies in the chapter. Due to their particular synergy, policies PPL 7, PPL 8 and PPL 9 are deliberately grouped together.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
None received.															
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

The suggestion of placing Policy PPL11 in a different part of the Local Plan is addressed above. With no specific changes to the content of the policy being suggested, Policy PPL11 is considered to be sound however there have continued to be local concerns about some developments being granted planning permission by the Council or on appeal which do not fully respect the special character and appearance of the area. Some subtle amendments to strengthen the policy by re-introducing elements of the current adopted policy are suggested, for the Inspector's consideration.

**Suggested modification:** Amend Policy PPL1 to strengthen its wording:

**Policy PPL 11**

**THE AVENUES AREA OF SPECIAL CHARACTER, FRINTON-ON-SEA**

*Within 'The Avenues' area of Frinton-on-Sea, new development must have particular regard to, and must preserve or enhance the special character and appearance of the area, including the scale, aspect and design of adjoining buildings and the density of existing development.*

*To ensure that this special character is safeguarded new development must shall:*

- a. conform to the existing density of development and not appear cramped or incongruous in the street scene;*
- b. not include any flats; and*
- c. not include any uses other than Use Class C3 'Dwelling Houses'.*

**This Policy contributes towards achieving Objective 7 of this Local Plan.**

**Policy PPL12: The Gardens Area of Special Character, Clacton-on-Sea**

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 <small>[Summaries prepared by Council Officers but the full original representations will be available to the Inspector and for public view]</small>	Proposed change to Local Plan	Council response	Contact details
<b>Representations from Technical Stakeholders</b>															
1036980	LPPuD139	Historic England – Dr. Natalie Gates	Y	Y	N		X	X		H	N	We note that this policy is conservation area specific, similar to an adopted appraisal. Provided that the character of a conservation area is defined and the definition is given statutory weight (eg: adopted), we support any format preferred by the Council.	To make this section of the proposed policy clearer, we suggest that you re-order the policy so that it follows with Policy PPL8 (Conservation Areas).	The policy does not relate to a Conservation Area. It is a bespoke local policy and as such (along with PPL 11) sits after the district-wide policies in the chapter. Due to their particular synergy, policies PPL 7, PPL 8 and PPL 9 are deliberately grouped together.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
None received.															
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

The suggestion of placing Policy PPL12 in a different part of the Local Plan is addressed above. With no specific changes to the content of the policy being suggested, Policy PPL12 is considered to be sound and no modifications are required.

**Policy PPL13: Ardleigh Reservoir Catchment Area**

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
<b>Representations from Technical Stakeholders</b>															
1105936	LPPuD87	Anglian Water – Stewart Patience	Y	Y	N		X		X	H	N	Anglian Water welcomes reference to the protection of the continued operation of Ardleigh Reservoir, as set out in Policy PPL 13 and the impact development proposals in the catchment have on water quality. Policy PPL13 does not, recognise that the reservoir may need development in order to serve population growth, meet water quality objectives or to introduce changes in technological processes to continue the operation of the reservoir and treatment works. Policy SPL2: Settlement Development Boundaries refers development outside of settlement boundaries to the Settlement Hierarchy and any other relevant policies in the plan. There is no positive policy reference to the need for development associated with Ardleigh Reservoir this would result in an unintended barrier to water supply investment and operation which is contrary to Paragraph 156 of the National Planning Policy Framework (NPPF) which states that Local Plans should include strategic policies to deliver, inter alia, the provision of infrastructure for water supply.	Insertion of the following paragraph in Policy PPL13 prior to the existing text: <i>"The Council will support proposals which involve the role, function and operation of Ardleigh Reservoir, its Treatment Works and associated networks"</i>	This issue is linked to the Infrastructure Delivery Plan (IDP) and Policy ID1: Infrastructure Delivery and Impact Mitigation. Policy PPL 13 is a continuation of a long-standing policy to protect the Ardleigh Reservoir Catchment Area, rather than a policy approach seeking to develop the site. The lack of such a policy has not prevented the recent expansion of the reservoir (a County matter proposal). Other proposed new reservoir development which is not a County matter would be considered on its merits against other relevant policies in the local plan. Following discussions with Anglian Water, it is suggested that some wording is added to Policy PPL13.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Businesses, Landowners and Developers</b>															
None received.															
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

In response to the comments of Anglian Water, the Council has no objection to the additional wording for Policy PPL13 in order to support future development of water supply infrastructure at Ardleigh Reservoir.

**Suggested modification:** Addition of the following paragraph at the beginning of the policy.

**POLICY PPL 13**

**ARDLEIGH RESERVOIR CATCHMENT AREA**

*The Council will support proposals which involve the role, function and operation of Ardleigh Reservoir, its Treatment Works and associated networks subject to consideration against other policies in this Local Plan.*

*Ardleigh Reservoir is surrounded by a catchment area within which certain proposals for development will be subject to consultation with the operator of the site. This may result in restrictions being imposed or planning permission being refused if the development could materially affect the quality of water draining into the reservoir.*

**The Policy contributes towards achieving Objective 9 of this Local Plan.**

**Policy PPL14: Safeguarding of Civil Technical Site, North East of Little Clacton/South of Thorpe-le-Soken**

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
<b>Representations from Technical Stakeholders</b>															
None received.															
<b>Representations from Businesses, Landowners and Developers</b>															
None received.															
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

In the absence of any objections or representations, Policy PPL14 is considered to be sound and no modifications are required.

**Policy PPL15: Safeguarding of Hazardous Substance Site, South East of Great Oakley/South West of Harwich**

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
<b>Representations from Technical Stakeholders</b>															
None received.															
<b>Representations from Businesses, Landowners and Developers</b>															
1021465	LPPuD18	EPC-UK (c/o Rebecca Booth - Leith Planning Ltd	Y	Y	N	?	?	?	?	N	N	Policy PPL15 fails to include the safeguarding plan for Bramble Island, Great Oakley onto the main Proposals Map, we suggest the plan to be amended to correlate with the draft policy, given the need to protect the site from unsuitable development and encroachment.	Include the safeguarding plan for Bramble Island, Great Oakley onto the main Proposals Map.	No objection to the Policies Map being corrected to include the safeguarding area, as requested.	Details only available to the local authority and the Inspector's Programme Officer.
<b>Representations from Community Representatives</b>															
None received.															
<b>Representations from Members of the Public</b>															
None received.															

In response to the comments of EPC-UK, the Council has no objection to the safeguarded area around Bramble Island being shown on the policies map and referred to as such within the wording of Policy PPL15.

**Suggested modification:** Reword the first paragraph of Policy PPL15 to read as follows:

**The hazardous substance site located at Bramble Island to the east of Great Oakley and south west of Harwich is surrounded by a safeguarded area (shown on the Policies Map), within which certain proposals for development will be subject to consultation with the operator of the site. This may result in restrictions being imposed or planning permission being refused, if safety issues arise or the development could materially affect the proper functioning of the hazardous substance site.**

**Suggested modification:** Amend the main Policies Map to show the safeguarded area around Bramble Island, as advised by EPC-UK (see separate document showing modifications to maps).