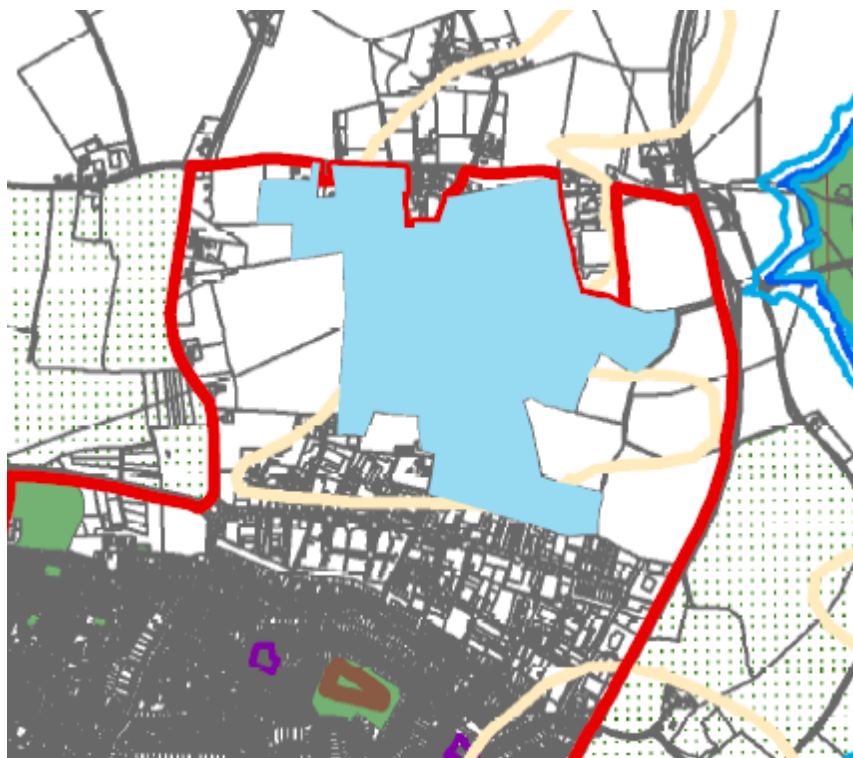


Q3.1 Are the above allocations for new development soundly-based; are the criteria set out in the relevant policies justified and effective; is there appropriate evidence that the development of the allocations is viable and developable during the plan period?

The SAMU3 allocation, referred to as Oakwood Park, lies in the middle of a wider parcel of land that is broadly defined by Thorpe Road to the west, Holland Road to the north, the railway line to the east, and the existing built up area of Clacton to the south.

As per the extract from the Policies Map that accompanies the Submission Draft Plan, it can be seen that, with the exception of two small parcels of land south of Holland Road, essentially all of the land between Thorpe Road and the railway line and south of Holland Road is set to be included within the settlement boundary for Clacton. However, only the central parcel is proposed for allocation under Policy SAMU3.



Extract from Policies Map for South-East Tendring (CD 1.4 SDTDC_10)

From the Council's Topic Paper TP7, it can be seen that there are essentially three different approaches that have been/are being applied to the management of development in this area – the piecemeal granting of various planning permissions on the western side, the allocation of the central area under Policy SAMU3, and the 'defer until later' approach on the eastern side.

On the western side, the majority of the area now has planning permission, through a 'mosaic' of permissions granted variously between 2015 and 2020, as explained on pages 8-11 of TP7 and shown on the Plan at Appendix 1 to that document. All of these permissions have been granted during a period when the Council has struggled to maintain a 5 year housing land supply, and in the absence of any over-arching policy framework for the site. In short, it may be said that the area loosely referred to as Phase 1 of Oakwood Park has occurred more by accident than design, as the resulting permissions are not based on any pre-conceived or pre-planned overall Masterplan or vision.

The central part of the area, which as TP7 notes is controlled by Scott Properties, is proposed for allocation under Policy SAMU3. In Table LP2 on page 114 of the Submission Draft Plan, the site is identified as having a capacity of 750 homes, of which 600 were considered by the Council to be deliverable within the Plan period. The proposed modifications to Policy SAMU3 as set out in TP7 now suggest that the overall capacity of the allocation site is 900 homes, of which approximately half (435 units) would be delivered in the Plan period (paras 3.2 and 3.7 of TP7).

The eastern part of the area, between the proposed SAMU3 boundary and the railway, is controlled by two parties, one of whom is our client, Mifield. This eastern area of land is identified within the SHLAA 2020 (EB5.3.1) as site SDB7 "Oakwood Park" Potential Phase 3 and is described as being suitable and achievable and "*acceptable in principle as part of a wider comprehensive scheme*". At paragraph 2.4 of TP7, TDC refers to this area as being "*... seen by the Council as a potential longer-term phase of development beyond the current plan period ...*".

There is no disagreement therefore between Mifield and the Council that the eastern part of the wider site has development potential and that it is suitable and achievable in the longer term. Indeed, Mifield specifically supports the conclusion in the SHLAA that the development potential of the eastern parcel should form "part of a wider comprehensive scheme".

Also, it will be noted from paragraphs 1.1, 2.2, 2.4, and 4.3 of TP7, that our description of the extent of the relevant area to be considered as comprising the wider Oakwood Park development i.e. all of the land up to the railway line to the east, is also shared by the Council, who repeatedly refer to the railway line as being the eastern boundary of the area under consideration for the purposes of TP7.

The key issue, and the substance of this representation, is that the wider comprehensive scheme that is needed to ensure a successful development of the whole of the remaining unconsented parcel will not occur if the Local Plan continues to support what is, in effect, the further piecemeal development of the land through a partial allocation of the remainder.

In the Preferred Options draft of the Local Plan, the Council had proposed that the allocation would cover the entirety of the remaining unconsented area, as far east as the railway line, and this approach was supported by Mifield at the time and in their Regulation 19 representation.

We understand from TP7 that the Council's decision to draw the boundary of the SAMU3 to the extent of the Scott Properties land only is based on the argument that the eastern parcel of land is not required to meet housing need in this Plan period. The problem with that argument, however, is:

- (a) That same logic would apply to a substantial part of the current proposed allocation – TP7 makes clear that out of the overall capacity of 900 units, the Council only envisages 435 being required and delivered in the Plan period. As site allocations should be based on sound planning reasons rather than land ownership considerations, the logical extension of the Council's argument in terms of only allocating sufficient land to meet current need would suggest that 50% of the SAMU3 allocation should be removed; and
- (b) By arguing that only that land required for development in the immediate Plan period should be allocated, and ignoring the foreseeable prospect of additional development occurring on the adjoining land, the Council is perpetuating a short-term reactive approach to plan-making rather than taking the proper opportunity to create the comprehensive Masterplan for the wider land parcel, that it has itself said (rightly) is needed.

We are not, of course, advocating the approach in (a) above or suggesting that the SAMU3 allocation should be reduced to that required only for the Plan period. As there is a reasonable prospect of all of the SAMU3 allocation coming forward in the foreseeable future, whether in this Plan period or the next, it is entirely right that it is allocated in its entirety, and that the Masterplanning for the site should look to the foreseeable longer term rather than the short term requirement. Our argument is that in order to provide a sound basis for the effective planning of the wider parcel, the same logic applies equally to the eastern land as it does to the balance of the land currently included in SAMU3 that is not needed in the current Plan period.

The benefits of comprehensive Masterplanning do not stop at the boundary of the land under Scott Properties control, and the allocation of land should be based on sound land use planning matters, not on land ownership.

It is generally accepted that piecemeal development is the antithesis of sound and sustainable plan-making. Aside from the general applicability of that 'rule', specific reasons as to why a wider Masterplan is necessary in this particular instance include:

- The existence of multiple land owners/promoters strengthens the argument for a properly prepared long-term Masterplan that is not based on land ownership but on proper land use planning matters. The provision of an over-arching Masterplan framework provides the Council with the necessary policy basis to consider individual applications in the context of a wider design and vision for the area, and therefore provides the necessary 'tools' to prevent individual planning applications from prejudicing future development;
- The importance of effective integration of public transport – at the moment, bus services operate to the south of the SAMU3 area using Telford Road and Stephenson Road to loop around the northern extent of the built up area. The most effective way of serving the wider development area by bus is to extend looped services in to the area from the south, which means providing a through route between Thorpe Road to the west and Telford Road to the east. Mifield have the ability to provide a vehicular connection to Telford Road to enable through bus services. It is relevant to note that early iterations of the SAMU3 allocation considered by the Council explicitly included what the Council referred to at the time as a "critical" link between Telford Road and Thorpe Road;
- Securing an effective network of walking and cycling routes – Delivering attractive options to the use of the car requires the delivery of a comprehensive network of non-vehicular routes with maximum permeability and connections to where people want to travel – this includes both links to nearby facilities as well as to the wider countryside. All parcels of land within the wider area have a role to play in creating an convenient and accessible network of non-car routes, but doing this successfully requires a joined up strategy;
- Location of non-residential facilities – the optimal location of the local centre and other supporting services and infrastructure needs to be based on the foreseeable long term layout of the wider area, so that in the future, all residents are afforded ready access by non-car modes to key facilities;
- Scale of non-residential facilities – the requirement for non-residential land uses needs to have regard to the foreseeable overall scale of development in this location, rather than being based only on that development to be delivered in the Plan period. Without looking at the implications of the wider development, for example, how can the correct decisions be made now on the amount of land needed to be reserved for primary education be made,

and how can long term investment decisions on matters such as health provision be properly based if only immediate development requirements are to be considered?

Proposed Amendments

In response to the specific question as to whether or not Policy SAMU3 is “soundly-based”, we submit on the basis of the above that it is not, because the boundary of the allocation is not justified for the reasons explained above i.e. it seems to be based on land ownership rather than land use planning matters and is not conducive to the sound long-term proper land use planning of the area.

That is not to say that we are advocating that the Policy should allow all of the remaining land to come forward within the Plan period in an uncontrolled manner. It would be perfectly proper, if allocating the wider land parcel that we suggest, for Policy SAMU3 to state that development will be phased to occur in part beyond the Plan period, and to indicate the scale (and location) of development expected to occur within the Plan period (whether that be the 600 originally referred to in Table LP2, the minimum of 500 referred to in the Policy, or the 435 referred to in TP7).

Readjusting the allocation boundary as per the above is, we would submit, the optimum approach to ensuring a long-term, comprehensive, sustainable urban extension.

As an alternative to our proposed remedy of extending the site allocation as far east as the railway, it could be possible to alter the current wording of Policy SAMU3 to achieve a similar outcome. Specifically, we note that part (h) of the Policy as Submitted contains a requirement for proposals for development to “include a master planned approach which addresses the opportunities for further development post-2033”. For the reasons set out in our response to question 3.1 below, we consider this wording too imprecise to be effective. However, in the alternative to amending the allocation boundary, it would be possible to amend the wording of part (h) to give greater clarity as to the scope and purpose of such a Master Plan, and by so doing to address the concerns that we have raised above in respect of wider Masterplanning.

Ultimately this approach lacks the clarity and certainty of the amended allocation boundary, and does not address the issue that we have raised regarding the boundary for SAMU3 needing to be justified on land use planning matters rather than land control, but it does provide an alternative option.

A potential form of alternative wording (in the form of a new criterion rather than bolted on to the end of the density criterion) would be as follows:

“Any applications for planning permission should accord with a Masterplan for the area which has been subject to prior consideration and approval by the Council as a Supplementary Planning Document. The Masterplan shall set out an overall development framework not just for the land within the SAMU3 allocation boundary, but shall also take in to account and provide a comprehensive planning framework for all of the area east of Thorpe Road, south of Holland Road, and west of the railway line, having regard to matters including land use, design principles, transportation and movement, green infrastructure, and the overall phasing of development. The Masterplan should be prepared in consultation with all relevant landowners.”

Q3.2 Are the detailed requirements for each of the allocations clear and justified? Have site constraints, development mix and viability considerations been adequately addressed?

As noted in our answer to Question 3.1, part (h) of Policy SAMU3 is not sufficiently clear in its requirements to be an effective Development Management tool.

Specifically, part (h) is:

- (a) not clear what area should be covered in respect of the requirement for the Masterplan to cover “opportunities for development post-2033”;
- (b) not clear as to what the purpose of the Masterplan is;
- (c) not clear as to when that Masterplan should be prepared;
- (d) not clear as to what the status of the Masterplan should be.

Our amended wording in our response to Question 3.1 is put forward to address these deficiencies.