



Tendring Local Plan

Examination Hearing Statement

Matter 2 - Spatial Strategy, the Location of New Development and
the Site Allocation Selection Process

Comment ID LPPuD 272 and LPPuD 275

Prepared by Strutt & Parker on behalf of Welbeck Strategic Land IV LLP

January 2021

1.0 Introduction and Background

- 1.1 Strutt and Parker made representations on the Tendring District Local Plan Publication (Regulation 19) Draft ('the eLP') on behalf of Wivenhoe Park Estates in 2017 and in respect of policies LP1, SP1, SP2, SP3, SPL1, SPL2, and PP3 (the Regulation 19 representations).
- 1.2 These representations (Comment ID LPPuD 272 and LPPuD 275) were duly made.
- 1.3 Subsequently, we understand that Wivenhoe Park Estates have authorised Welbeck Strategic Land IV LLP (Welbeck Land) to advance these representations through the Local Plan Examination. A separate letter to the Programme Officer confirming this is understood to have been issued / will be issued imminently.
- 1.4 Welbeck Land interests relates to Wivenhoe Park Estates in relation to land adjoining Meadow Close, Holly Way and Tye Road at Elmstead Market. The primary concern as per Regulation 19 representations was in respect of the site selection process, and specifically the unjustified rejection of sustainable and deliverable sites.
- 1.5 We consider this represents a defect in the submitted eLP, but one which can be cured through main modifications.
- 1.6 The eLP is being examined in relation to the NPPF 2012, as per the NPPF 2019 transitional arrangements. Consequently, unless stated otherwise, reference to the NPPF in this statement is to the NPPF 2012. Likewise, reference to PPG is to that which accompanied the NPPF 2012 unless otherwise stated.

2.0 Response to Matter 2

Question 2.4: Are the settlement development boundaries in SPL2 appropriately drawn? What factors were taken into account in designating these? Do SPL 1 and SPL2 allow sufficient development in rural service centres and smaller rural settlements to comply with para 28 of the Framework?

Context

- 2.1 We consider that the following context is of particular importance in considering whether the site selection process – and in particular the decision of the Council to reject sites – has been robust.
- 2.2 The eLP is being examined in two parts, with Section 1 and Section 2 subject to separate Examinations. This Section 2 Examination follows confirmation that, subject to modifications, the Section 1 eLP is sound. As with Section 2, Section 1 was examined in relation to the NPPF 2012, as per the NPPF 2019 transitional arrangements.
- 2.3 Section 1 was prepared jointly with Braintree and Colchester (the North Essex Authorities) and addresses strategic issues such as total housing requirements and garden communities; whereas Section 2 is focussed solely on the respective authorities' detailed policies and site-specific allocations.
- 2.4 The Section 1 eLP has established that 550 dwellings per annum (dpa) is an appropriate minimum housing requirement, but we consider it important to stress that this is a **minimum**.
- 2.5 Furthermore, whilst we acknowledge that the eLP is being examined in relation to the NPPF 2012, it would be irrational to completely ignore current planning policy and guidance, particularly given the time that has elapsed since fundamental changes in national policy.
- 2.6 In particular, we consider it is pertinent to recognise that a fundamentally different approach to considering housing requirements was introduced through policy changes in 2018 – some three years ago. Under current national policy, the local housing need for Tendring District is 880dpa – a 60% increase to that for which the Section 1 eLP plans.
- 2.7 We therefore consider it of great importance that the eLP Section 2 seeks to allocate sites which are sustainable and deliverable, and strives to exceed the minimum housing requirement of 550dpa.

- 2.8 Separately and in addition, a key conclusion of the Section 1 Examination was that two of the three proposed Garden Communities were unsound and were required to be deleted. As per the submitted eLP, these two Garden Communities had been expected to contribute a combine total of 5,000 dwellings towards meeting housing need during the plan period. Whilst neither of the Garden Communities to be deleted are within Tendring District, they are both within the same housing market area and the area for which the eLP provides the strategic policies.
- 2.9 Given the substantial shortfall within the housing market that this deletion entails, we consider this further illustrates the need for the Section 2 eLP to avoid unjustifiably rejecting sustainable and deliverable sites.
- 2.10 Thirdly, whilst the Council may have confidence in the ability of the eLP to meet its minimum overall housing land supply, there is the separate issue of affordable housing need and supply.
- 2.11 The Objectively Assesses Housing Needs Study (2016), relied upon by the Council to supports its eLP, identified a need for 160 affordable dwellings per annum.
- 2.12 The Council's Housing Strategy 2020-2025¹ reports delivery of the following numbers of affordable homes in the last five years:

Year	Number of affordable homes delivered
2015/16	33
2016/17	5
2017/18	38
2018/19	8
2019/20	81
Total	165

- 2.13 The Council's own Housing Strategy 2020-2025 describes provision of affordable homes as having been "exceedingly low".
- 2.14 At page 5, the Council's Housing Strategy 2020-2025 notes that improvements in overall housing delivery have not seen corresponding improvements in affordable housing:

¹ Available via: <https://www.tendringdc.gov.uk/sites/default/files/HOUSING%20STRATEGY%202020-2025%20-%20MT%20FOR%20CABINET.pdf>

“Although we are now seeing more homes being delivered and the signs for future delivery are encouraging, the number of affordable homes being delivered has been low”

- 2.15 The cumulative total of affordable homes provided in the last five year has only just met a single year’s worth of need. Furthermore, the actual situation is worse still, as we are given to understand the above figures are gross and do not account for change in tenure of exiting affordable homes. This issue was explored through a Section 78 appeal² determined in 2019 in Tendring District, in which the Inspector noted in his decision that the District had actually experienced a net loss of one affordable home over the previous five years.
- 2.16 In addition to the overall need for housing, there is a separate and acute need for affordable housing which is not being met. This further underlines the need to maximise allocation of sustainable and deliverable sites which can incorporate affordable housing.

Rural Service Centres

- 2.17 Our concerns in respect of the eLP’s approach to accommodate growth in rural service centres are set out within our Regulation 19 representations and, as requested, are not repeated here.
- 2.18 However, we wish to add that the change in context in respect of the housing position as described above renders such concerns regarding the lack of growth to such settlements particularly acute.

Lack of justification for the rejection of Sites

- 2.19 As per our Regulation 19 representation, our clients are promoting two sites for allocation for residential development to the west of Elmstead Market.
- 2.20 These were assessed through the Council’s Strategic Housing Land Availability Assessment (SHLAA) (2019) as RCS5 and RCS6.
- 2.21 The SHLAA (2019) concludes that site RSC5 is available for development. It found that there were “*no irresolvable issues*” in respect of environmental constraints, and none in respect of infrastructure constraints subject to s106 contributions. It also concluded there were no irresolvable physical constraints to the development of RSC5, but noted there are

² APP/P1560/W/18/3196412 Land west of Edenside, Bloomfield Avenue, Frinton-On-Sea – 3 April 2019

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local concerns regarding highway safety and suitability of Meadow Close for access. Overall, it puts a question mark against site suitability.

- 2.22 Other comments provided in the SHLAA (2019) note that the development of this site was “*highly contentious*” when suggested as part of the Local Plan in 2012; and that existing permissions already “*represent a significant increase in village housing stock and there are concerns about disproportionate levels of growth being allowed in the village*”.
- 2.23 In respect of RSC6 (the smaller site of the two, located to the south-west of the larger) the SHLAA (2019) did not conclude it was unsuitable for development (placing a question mark against this) but did state that it is not available. It is far from clear why the SHLAA (2019) concluded this site was unavailable when it was (and continues to be) promoted for development.
- 2.24 To confirm, the site is available for development, is being actively promoted by Welbeck Land, and there are no ownership or legal constraints to its development.
- 2.25 It is clear from the SHLAA that there are no robust reasons to reject allocation of either RSC5 or RSC6.
- 2.26 The SHLAA (2019)’s concerns in respect of RSC5 are without any evidential basis. In respect of the view that it would represent a ‘disproportionate’ level of growth in the village, the SHLAA (2019) does not go on to expand upon what harm such growth beyond that already committed would cause. Furthermore, it does not provide any evidence that the settlement could not support such additional growth. Reference to the site being found to be “*highly contentious*” through a consultation nine years ago is itself of little relevance without consideration of the basis on which it was contentious, and whether this represented a valid planning reason for rejecting the site.
- 2.27 In respect of the small RSC6 site, the SHLAA (2019)’s main issue appears to be the availability of the site for development, but it evidently is available for development.

Conclusions

- 2.28 For the reasons set out in this Hearing Statement, it is imperative that the Section 2 eLP seeks to allocate sustainable and deliverable sites for development, and avoid arbitrarily rejecting such sites without justification.

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- 2.29 The eLP has rejected sites that are sustainable and deliverable, RSC5 and RSC6 providing examples of two such sites.
- 2.30 This issue can be rectified by the Council revisiting its assessment of such sites, and making main modifications to the eLP to allocate those that were unjustifiably rejected.