

# *Tendring* *District Council*



## **Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond'**

### **HEARING STATEMENT FROM THE LOCAL PLANNING AUTHORITY**

#### **Matter 2: Spatial Strategy**

**January 2021**

## **Matter 2 – Spatial Strategy, the Location of New Development and the Site Allocation Selection Process**

*This matter focusses on the broad spatial distribution of new development and on the process by which proposed development sites have been selected for inclusion in the plan. (Policies SPL1 and SPL2). The merits of individual site allocations are considered under Matters 3 and 7)*

### **2.1 Is the proposed spatial strategy and the distribution of development (as set out in policy SPL1 and SPL2) supported by robust and up to date evidence and otherwise soundly based?**

2.1.1 Yes. The proposed spatial strategy and distribution of development is supported by robust evidence and is soundly based.

#### Alignment with National Policy

2.1.2 Taken together Policies SPL1 and SPL2 provide both a sound basis for the plan's spatial strategy and a practical framework for formulating and achieving a sustainable pattern of growth across the district. The thrust of the policy approach is entirely consistent with (and gives effect to) the 'core planning principle' under paragraph 17 of the 2012 National Planning Policy Framework (NPPF) [EB1.1.2](#) to "*actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*". This core principle has been carried forward, broadly, in the 2019 NPPF [EB1.1.1](#) where paragraph 103 states "*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*"

#### Alignment with the Section 1 Local Plan

2.1.3 The policy approach is also entirely consistent with policy SP2 in the recently adopted Section 1 Local Plan which states: "*Existing settlements will be the principal focus for additional growth across the North Essex Authority area within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.*" Policy SP2 in Section 1 Plan also explicitly states: "*In Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.*" The principal therefore of a spatial strategy that following a hierarchical approach has already been endorsed through the examination process.

## Consideration within the Sustainability Appraisal

2.1.4 The Council's Sustainability Appraisal ([CD5.2](#)) in pages 78 through to 82 contains a specific assessment of Policies SPL1 and SPL2 against the following SA sustainability objectives:

- 1) To provide decent and affordable homes for all;
- 2) To ensure that development is located sustainably and makes efficient use of land;
- 3) Harness the District's economic strengths;
- 4) Minimise transport growth whilst capturing the economic benefits of international gateways;
- 5) To build stronger more resilient sustainable communities with better education and social outcomes;
- 6) Protect and enhance natural, historic and environmental assets;
- 7) Reduce contributions to climate change; and
- 8) To conserve and enhance natural resources and reduce climate change impacts.

2.1.5 Policy SPL1 scored 'significantly positive impacts' (++) in the short, medium and long-term against objectives 1 to 5 and 'uncertain or unknown impacts' (?) against objectives 6 to 7 (better determined at an area or site specific level) with objective 8 deemed 'not applicable' (see Table 11, page 80 in [CD5.2](#)). The SA also considered, as an alternative, the earlier version of the settlement hierarchy from the 2016 'preferred options' Local Plan which included Weeley in a higher 'Expanded Settlement' category reflecting the proposals for much larger scales of development in that location that might have been required had the objectively assessed need for housing been determined to be significantly higher than 550 dwellings per annum. The alternative hierarchy scored only 'minor positive impacts' (+) (see page 81) in relation to objectives 2 and 4 and therefore the hierarchy in the 2017 publication version of the plan is considered to be the stronger of the alternatives. The suggestions from objectors for alternative categorisation of settlements in the hierarchy are considered later in response to question 2.2.

2.1.6 Policy SPL2 scored significant positive impacts (++) against objectives 2, 4 and 5; 'minor positive impacts' (+) against objectives 1, 3 and 6 and objectives 7 and 8 were deemed not applicable (Table 12, page 82). The SA explains that no distinctly different alternatives to the approach in the policy were identified and therefore assessed. Notably, no fundamentally different policy approaches have been put forward in any of the representations to Policy SPL2.

## Issues raised in representations

2.1.7 Policies SPL1 and SPL2 attracted a number of representations at publication stage and the Council's consideration of the matters raised in those representations is contained within the document entitled 'Schedule of Representations and Responses

– Chapter 3 – Sustainable Places’ ([RR4](#)). As explained on page 10 of that document, there were a number of representations in support of Policy SPL1 and, of the various objections received, many were promoting alternative sites for development rather than objecting to the specific wording, the hierarchy or the general approach adopted within the policy. The Council has identified the main objections to the specific wording of Policy SPL1 as seeking the following changes:

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

2.1.8 From the objections received in response to Policy SPL2 and the approach to Settlement Development Boundaries (SDBs), again many were promoting alternative sites for inclusion in the boundaries rather than challenging the wording or approach in the policy itself. As set out on page 15 of [RR4](#), the Council has identified the main objections to the policy itself as being:

- 1) That being located outside of an SDB should be one factor to weigh against others in determining applications and should not be treated as determinative;
- 2) The policy should more positively clarify the circumstances under which development outside of the SDB will be allowed;
- 3) The policy incorrectly refers to the “settlements listed below” when they are in fact listed in Policy SPL1 above; and
- 4) The wording of paragraph 3.2.3.2 is not consistent with what is written in the policy.

2.1.9 In acceptance of some of the points raised particularly around the presentation and categorisation of the Tendring Colchester Borders Garden Community within Policy SPL1 and the need to make sensible corrections to Policy SPL2 and its supporting text, the Council is suggesting some amendments, as outlined in response to question 2.7 below. However, from the representations received, it is the Council’s opinion that none are raising any fundamental issues with the general thrust or approach taken within Policies SPL1 and SPL2 nor are any substantial or notable alternatives being put forward for consideration.

2.1.10 As explained in response to question 2.2, the categorisation within the settlement hierarchy is considered to be based on robust evidence and none of the suggested ‘re-categorisation’ of settlements put forward in the representations are considered necessary to make the plan’s spatial strategy sound. The approach to Settlement

Development Boundaries in Policy SPL2 is also considered to be soundly based, as explained in more detail in response to question 2.4.

**2.2 What is the evidential basis for the settlement hierarchy in policy SPL1? Is this up to date? How did this inform the development strategy? Is it appropriate to include the planned Colchester Garden Community within SPL1?**

Evidence Base for the Settlement Hierarchy

- 2.2.1 Policy SPL1 sets out a four-tier settlement hierarchy of ‘Strategic Urban Settlements’, ‘Smaller Urban Settlements’, ‘Rural Service Centres’ and ‘Smaller Rural Settlements’. The evidence informing the inclusion and categorisation of settlements within the Policy SPL1 hierarchy is contained with the assessment undertaken by the Council entitled ‘Establishing a Settlement Hierarchy’ ([EB3.1.1](#)) which was originally produced in 2008 and last updated in 2016.
- 2.2.2 The purpose of that assessment was to look at a range of factors to help determine which of the district’s settlements should be included in the hierarchy as a location for different scales of development and where in the hierarchy those settlements would be best placed. The main factors that the assessment considered were the size of existing settlement (and consequent ability to accommodate proportionate expansion) and their accessibility to a range of shops, jobs, services and facilities via different transport modes. The assessment utilises a combination of accessibility criteria from the now abolished Regional Spatial Strategy and a more sophisticated calculation of accessibility using a methodology originally developed as part of the evidence base for the 2007 adopted Local Plan in comparing the accessibility and sustainability of different housing site options.
- 2.2.3 Whilst the approach in the assessment draws upon historic policies and methods, the principles employed remain entirely relevant and in line with the core principles of the NPPF. As such, not only has it been used to inform the strategy in the Local Plan, the assessment has been referred to by the Council and Planning Inspectors in planning appeals where the categorisation of settlements has been challenged with a view to seeking departures from the plan. Examples include the appeals for three sites off Thorrington Road and Plough Road Great Bentley (APP/P1560/W/17/3183678) where it was argued that the village of Great Bentley was comparable in sustainability terms to the town of Brightlingsea. Those appeals were dismissed and the Inspector concluded that the appellants’ case for making such a comparison was unconvincing (paragraph 22).
- 2.2.4 Whilst the Council could update the assessment to perhaps reflect the fact that some settlements have grown in size (particularly the case for all the Smaller Urban Settlements, most of the Rural Service Centres and some of the Smaller Rural

Settlements), this is not considered likely to alter any of the outcomes and recommendations with regard to settlement categorisation within the hierarchy. The urban settlements remain distinct in both size and accessibility from the rural settlements and the larger 'Rural Service Centres' remain distinct in size and accessibility from the 'Smaller Rural Settlements'.

### Strategic Urban Settlements and the Garden Community

2.2.5 The supporting text to Policy SPL1 explains the role of Tier 1 Strategic Urban Settlements (comprising Clacton, Harwich and the proposed Tendring Colchester Borders Garden Community) as having larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth. It goes on to explain that these settlements provide better opportunities for the use of public transport, walking and cycling to get from place to place and, because they have established town centres, employment areas and infrastructure, they provide locations where, with the right action, it is possible to create a significant number of additional new jobs and deliver sustainable housing growth on a larger scale. This approach as well as being entirely consistent with the core planning principles of the 2012 NPPF, also reflects the recommendations of the Council's Economic Strategy ([EB6.1.1](#)) which advocates prioritising and concentrating new housing and commercial development around Clacton, Harwich and Colchester to achieve maximum economic growth.

2.2.6 The Council notes that none of the representations challenge the inclusion of Clacton or Harwich in the top tier (with many of the objectors themselves promoting alternative sites on the edge of Clacton), although the inclusion of the Tendring Colchester Borders Garden Community in the hierarchy was questioned on the basis that the development had yet to be found sound and that the settlement did not yet exist. Now with the benefit of the Inspector's final report on the Section 1 Local Plan ([CD2.2](#)), the adoption of that plan and the confirmation that the Garden Community is sound, the Council maintains that it is appropriate to list the Garden Community within the Policy SPL1 hierarchy and, in response to the specific objections made, suggests an amendment which simply changes the name of the 'Strategic Urban Settlements' category to 'Strategic Urban Settlements and Garden Communities' – thus ensuring factual correctness.

### Smaller Urban Settlements

2.2.7 Next in the hierarchy are the Tier 2 'Smaller Urban Settlements' (including Frinton/Walton, Manningtree/Lawford/Mistley and Brightlingsea) which have larger populations relative to rural settlements and a range of existing infrastructure and facilities. They provide a range of opportunities for the use of public transport, walking and cycling and because they have established town centres, employment areas and infrastructure, they can deliver new jobs and sustainable housing growth on a larger scale. Again, none of the representations appear to argue against the categorisation

of these three Smaller Urban Settlements nor promote the inclusion of other settlements within this category.

### Rural Service Centres

- 2.2.8 Next in the hierarchy are the tier 3 'Rural Service Centres'. For these settlements, the plan identifies opportunities for smaller-scale growth, with some accommodating a modest increase in housing stock, where appropriate. The supporting text to Policy SPL1 explains that proposed housing allocations are at a level that is fair, achievable and sustainable for each of the settlements concerned that will make a meaningful contribution towards addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the district. Whilst these settlements do contain some shops, job opportunities and facilities, the range is far more limited than that serving urban settlements, indicating there is likely to be a greater need for residents to travel to other settlements, particularly for employment and shopping.
- 2.2.9 The only challenges to the settlements included in the Rural Service Centre category within the representations are the suggested promotion of Weeley Heath (St. Osyth Beach Estate Ltd [LPPuD180/315](#)) and Ardleigh (Gladman Homes [LPPuD317](#)) into the category and the removal of Alresford (Mr. Wendon [LPPuD339](#)). From both the evidence contained within [EB3.1.1](#) and recent appeal decisions, the Council is satisfied that the current categorisation of these settlements in the hierarchy is justified. Furthermore there have been no requests from Parish or Town Councils for the re-categorisation of settlements in their areas.
- 2.2.10 Alresford's status as a Rural Service Centre is clearly justified. It is both the highest scoring of all Rural Service Centres against the accessibility vs size calculation on page 11 of [EB3.1.1](#) with a score of 68% and is a large village with all six of the key facilities set out on page 15 (including a primary school, GP surgery, village centre, employment area, railway station and good bus route with good close proximity to Colchester). Furthermore, the proposed growth of the village is already established through sites that are either already under construction – namely the Taylor Wimpey developments of 145 and 84 dwellings to the south and north of Cockaynes Lane respectively and the Bennett Homes development of 45 dwellings off St. Andrew's Close. No additional developments are proposed nor considered necessary for Alresford through site specific allocations in the Local Plan. It should be noted that Alresford Parish Council has prepared a [Neighbourhood Plan](#) which reflects the village's status as a Rural Service Centre and which, at the time of writing, was being independently examined (see the Council's response to Matter 1, question 1.6 for more details).
- 2.2.11 Weeley Heath achieves a score of 35% in the accessibility vs size calculation on page 11 of [EB3.1.1](#) compared to 47% for nearby Weeley village although shares four of the

six key facilities on page 15 including a primary school, defined employment area, railway station and good bus route. However, as explained in the Council's response to the representation (see [RR4](#)) from St. Osyth Beach Estates Ltd, Weeley and Weeley Heath are physically separated by the railway line and are very different in their respective character and settlement pattern. Weeley is more compact and has been the focus of modern development, whereas Weeley Heath is linear and reflects a more historic development pattern.

2.2.12 Furthermore, the site east of Bentley Road, Weeley Heath being promoted by St. Osyth Beach Estates Ltd has been the subject of a very recent appeal decision dated 24<sup>th</sup> December 2020 (application ref 19/01202/OUT and appeal ref APP/P1560/W/20/3254569) where the proposal including up to 80 dwellings was dismissed. The Inspector considered the categorisation of Weeley Heath within the hierarchy and concluded (in paragraph 20) that *"In respect of the size of the settlement, its rural location and the low level of services provided, the up to 80 dwellings proposed would be inappropriate for the reasons explained, conflicting harmfully with the policies of the adopted and emerging development plan and those of the Framework"*. The Inspector also commented on the rural character of Weeley Heath concluding (in paragraph 22) that *"This proposal would fill this central greenfield site within the village with a large and concentrated estate of housing. This would have a significant effect on the character and appearance of this modestly sized semi-rural settlement, which appears to have previously grown more gradually and incrementally. This earlier growth seems to have been mainly through the development of smaller scale infill or brownfield sites, such as Willow Farm and Kidby's Nursery"*. The Council considers that this appeal decision reinforces the Council's justification for retaining Weeley Heath within the Smaller Rural Settlements Category.

2.2.13 Ardleigh achieves a score of just 27% in the accessibility vs size calculation on page 11 of [EB3.1.1](#) and has just three of the six key facilities on page 15 i.e. a primary school, GP surgery and good bus route. It is clearly distinct from the lowest scoring of the Rural Service Centres (Weeley with a 47% score and four of the six key facilities). As explained in the Council's response to their representation, the site being promoted by Gladman Homes off Wick Lane, Ardleigh was the subject of a planning application for up to 118 homes (ref 16/00632/OUT) which was refused by the Council and subsequently dismissed on appeal (ref APP/P1560/W/16/3159703). In their decision dated 5<sup>th</sup> April 2017, the Planning Inspector stated *"the proposed development would not be sustainably located because the not insignificant numbers of future occupiers would be reliant on the need to travel outside the village to access almost all of its local services, facilities and employment, and that the preferred means of travel to them would be by private motor car. The proposed development would not promote sustainable pattern of growth, as advocated by one of the core planning principles set out in paragraph 17 of the Framework"*. This supports the Council's view that Ardleigh is correctly categorised as a Smaller Rural Settlement as opposed to a Rural Service Centre.

### Smaller Rural Settlements

- 2.2.14 The final tier of the hierarchy contains the Tier 4 ‘Smaller Rural Settlements’ – villages which have much less in the way of job opportunities, local services, facilities and other infrastructure and residents are very much more reliant on those offered by neighbouring towns and villages and frequently need to travel distances either by public transport (if available) or by car. Accordingly, only small increases in housing are envisaged for these villages, with an emphasis on infill development within settlement boundaries, rural exception schemes and what can be delivered through neighbourhood planning.
- 2.2.15 Apart from the requests to demote Alresford into Tier 4 and to promote Ardleigh and Weeley Heath from Tier 4 to Tier 3 (discussed above), the only representations challenging the list of Smaller Rural Settlements call for the inclusion of settlements that are not included in the settlement hierarchy and settlement development boundaries at all. These include Thorpe Green (Mr. Burns [LPPuD290](#) and Thorpe Horseboxes [LPPuD419](#)), Tendring Green (Stanfords [LPPuD431](#)), Tendring Heath (Stanfords [LPPuD432](#)) and Aingers Green (Moonlight Hollow ref [LPPuD211](#); Edward Gittins & Associates ref [LPPuD222](#); and Stanfords [LPPuD430](#)).
- 2.2.16 The accessibility vs size calculation on page 12 of [EB3.1.1](#) gives scores of 16% for Thorpe Green, 6% for Tendring Green and 20% for Aingers Green (mainly due to its proximity to Great Bentley) and Tendring Heath, whilst not specifically assessed comprises a small cluster of dwellings and an assisted living facility just 500 metres from Tendring Green and would be afforded a similarly low score if assessed. With the exception of Thorpe Green which has one of the six key facilities (a good bus service), the other settlements score none. Therefore the exclusion of these settlements from the hierarchy is, in the Council’s opinion, justified by the evidence and does not represent a soundness issue for the Local Plan.

### Development strategy and its relationship to the settlement hierarchy

- 2.2.17 As explained above, the categorisation of settlements and locations within the Policy SPL1 settlement hierarchy provides for different approaches to, and different scales of, growth – particularly housing development for which a significant amount of land is required to meet objectively assessed needs. To achieve a strategy that actively manages patterns of growth to achieve sustainable development, the larger more sustainable settlements in the higher tiers of the hierarchy will accommodate higher levels, and a greater proportion of the required development than the smaller and less sustainable settlements in the lower tiers.
- 2.2.18 The strategy and allocation of sites has clearly been informed by the hierarchical approach derived from the evidence in [EB3.1.1](#) as demonstrated by the tier 1 locations

of some of the largest allocations of land for both residential and mixed-use development and employment land including:

- Hartley Gardens (SAMU2), Oakwood Park (SAMU3) and Rouses Farm (SAMU4) and the employment allocations off Telford Road and Brook Park West (amended Policy PP7), Clacton;
- Greenfields Farm (SAH1), Low Road (SAH2), Stanton Europark (SAE7) and Harwich Valley (amended Policy PP7), Harwich; and
- The Tendring Colchester Borders Garden Community (Section 1 Local Plan).

2.2.19 The extent to which the hierarchical approach (both in the adopted and emerging Local Plan) has already succeeded in delivering a sustainable pattern of growth in the district since the beginning of the 2013-2033 plan period is evident through the distribution of housing growth that has already taken place. In the period 2013-2020, just over 3,600 homes were built in Tendring distributed across the four tiers (broadly) as follows:

- Tier 1: Strategic Urban Settlements: 1,300 (36%)
- Tier 2: Smaller Urban Settlements: 1,200 (33%)
- Tier 3: Rural Service Centres: 700 (20%)
- Tier 4: Smaller Rural Settlements (and open countryside): 400 (11%)

2.2.20 Taking the Council's revised housing trajectory set out in the Council's latest 2020 Strategic Housing Land Availability Assessment (SHLAA) ([EB5.3.1](#)), which forms the basis of the Council's suggested amendments to Policy LP1 and associated tables as set out in its Housing Topic Paper [TP2](#), the anticipated distribution of growth of the 9,000 homes expected for the period 2020 to 2033 is (broadly) as follows:

- Tier 1: Strategic Urban Settlements: 4,100 (46%)
- Tier 2: Smaller Urban Settlements: 1,900 (21%)
- Tier 3: Rural Service Centres: 1,500 (17%)
- Tier 4: Smaller Rural Settlements: 200 (2%)
- Small sites/windfalls (district wide): 1,300 (14%)

2.2.21 The NPPF requires plans to “*focus significant development in locations which are or can be made sustainable*” and, on that basis, it is Clacton, Harwich and the Tendring Colchester Garden Community from tier 1 of the hierarchy that are the locations for the largest residential, mixed-use and employment developments and higher proportions of the total planned growth. For the full plan period 2013-2020, the above figures indicate that the spatial strategy will have delivered around 5,400 homes or 43% of total growth in tier 1 locations. More than half, around 2,900 of these homes will have been delivered in Clacton, around 1,200 in Harwich and 1,300 at the Garden Community and sites on the fringes of Colchester (excluding Colchester's 50% share of the Garden Community housing numbers).

2.2.22 For the existing settlements of Clacton and Harwich, these figures represent dwelling stock increases above 2013 levels of around 10% and 13% respectively. If the large site allocations around Clacton including Hartley Gardens and Oakwood Park deliver at a faster rate than currently predicted in the revised trajectory, then the proportion of growth in tier 1 settlements, and Clacton in particular as the district's largest settlement, will of course be higher – but entirely consistent with a sustainable strategy for growth.

2.2.23 For the Smaller Urban Settlements in tier 2, the above figures suggest that around 3,100 dwellings or 25% and the second largest proportion of total growth will have been delivered in and around Frinton/Walton (1,400), Manningtree/Lawford/Mistley (1,400) and Brightlingsea (300) over the full 2013-2033 period. For Frinton/Walton this marks a 14% dwellings stock increase and for Brightlingsea the increase would be lower at around 7%, reflecting its greater environmental sensitivities and poorer transport connections. For Manningtree/Lawford/Mistley however, the expected dwelling stock increase of 38% is significantly higher than originally envisaged due to various appeal decisions that went against the Council. However, for tier 2 settlements the levels of growth envisaged are still broadly consistent with a sustainable strategy for growth, albeit higher than originally expected.

2.2.24 For Rural Service Centres in tier 3, where modest increases in housing development were envisaged, the above figures suggest that 2,200 dwellings or 17% (and third largest proportion) of total development will be delivered between 2013 and 2033. By settlement, the distribution is broadly as follows:

- Alresford: 310 (35% increase in parish dwellings stock);
- Elmstead Market: 270 (33% increase);
- Great Bentley: 480 (49% increase);
- Little Clacton: 250 (19% increase);
- St. Osyth: 320 (14% increase);
- Thorpe le Soken: 233 (27% increase);
- Weeley: 340 (63% increase in parish stock excluding Weeley Heath).

2.2.25 These levels of development are significantly higher than was envisaged at the time the Local Plan was submitted in 2017, increased by numerous appeal decisions – most notably in Great Bentley where a further 136 dwellings have been granted permission on appeal south of Weeley Road.

2.2.26 Whilst the dwelling stock increases expected in the Rural Service Centres are significantly higher than originally planned, the overall levels of growth are broadly consistent with the settlement hierarchy and a sustainable spatial strategy in that the third largest proportion of growth is expected from settlements in the third tier of the

hierarchy. The Council does not however recommend any additional growth around these villages for the plan period to 2033 - very much aware of the strong levels of objections received from communities, both to the SAMU5 allocation at Weeley and the various planning applications that were submitted, with many residents concerned about the levels of expansion being overly disproportionate.

2.2.27 Finally, for the Smaller Rural Settlements in tier 4 of the hierarchy and other rural locations, where much more limited growth is envisaged, around 600 dwellings or 5% of total growth will have been delivered over the 20-year period 2013 to 2033 which is entirely consistent with a sustainable hierarchical strategy.

2.2.28 The 1,260 additional dwellings anticipated on small sites in the period 2020-2033 will add to the totals above and will be distributed throughout the district, although the largest proportions will naturally be in larger urban areas where there are more opportunities for infill development. The basis of the small sites estimate is explained in more detail in the Council's Housing Topic Paper [TP2](#).

2.2.29 In conclusion, the proportions of housing growth envisaged to have taken place over the full plan period 2013-2020 as a result of development already completed, development under construction and with planning permission and site allocations in the Local Plan, are consistent with the evidence base and a sustainable strategy and distribution of growth across the district – with a strong focus on the expansion of urban settlements and the proposed Tendring Colchester Borders Garden Community and lower (albeit higher than originally envisaged, particularly in Rural Service Centres) proportions of growth in and around rural settlements.

### **2.3 Are the plan's provisions justified, effective and consistent with national policy in relation to:**

- (a) development in settlements with a Settlement Boundary?**
- (b) development in the countryside?**

2.3.1 Yes. The spatial strategy and the settlement hierarchy are put into effect through the definition of Settlement Development Boundaries (SDBs) on the policies maps and these are a key element of planning policy in Tendring having provided clarity and certainty for residents, landowners and developers over many years. Local Plan policies are based on the distinction between land within SDBs where development is in principle permissible, and the areas outside which are defined as 'countryside' where development (housing in particular) is not generally encouraged nor allowed.

2.3.2 Policy SPL2 provides that within Settlement Development Boundaries (SDBs), there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved

Neighbourhood Plans. In contrast, outside of SDBs and in the countryside the Council will consider planning applications in relation to the settlement hierarchy in Policy LP1 and other relevant policies in the plan. Further to this, the supporting text in paragraph 3.2.3.1 explains that development outside of the SDBs will be the subject of strict control to protect and enhance the character and openness of the countryside, acknowledging that certain forms of development that can and sometimes need to take place in these areas that can sometimes bring about positive outcomes for the rural economy.

- 2.3.3 This approach of directing development towards land within and taking a stricter approach to development outside of SDBs is entirely consistent with many of the core planning principles of national policy under paragraph 17 of the 2012 NPPF. In particular it provides the practical means by which, in decision making, patterns of growth can be actively managed to make the fullest use of public transport, walking and cycling. To that end it also provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. It also assists in encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 2.3.4 Turning to development outside of SDBs, the approach is also consistent with core principal of taking account of the different roles and character of different areas, promoting the vitality of our main urban areas and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 2.3.5 The policy approach is justified because without some form of boundary to provide a distinction between areas where development is encouraged and allowed and areas where development is either discouraged or otherwise strictly controlled, there would very limited certainty in decision making for communities or applicants and it would be very hard to give effect to the core planning principles highlighted above.
- 2.3.6 The approach is also effective and whilst the Council has sustained a number of appeal losses on sites outside of SDBs in recent years mainly due to the historic housing supply shortfall, the vast majority of development has, over many years, been directed successfully towards existing settlements and sporadic development across the countryside has been kept to a minimum – leaving the countryside essentially open. However, the Council does accept that there is an error within the wording of Policy SPL2 which suggests that the defined settlements are listed ‘below’, when in fact they are listed in Policy SPL1 which is above. An amendment is suggested to correct the policy accordingly.
- 2.3.7 The main criticism of the wording in Policy LP2 set out in representations was from Mr. Parker ([LPPuD224](#)) who suggested it should perhaps more positively clarify the circumstances under which development outside of SDBs would be allowed. The

Council's response is that planning law and the NPPF require that applications for development be determined in accordance with the development plan unless other material considerations indicate otherwise. If such considerations arise, then the Council will weigh them in the planning balance appropriately. It would not be right to weaken the significance of settlement development boundaries by listing all the possible exceptions to the policy that might be appropriate. As it is, there a number of policies in the plan that do allow for particular types of development beyond the SDBs under appropriate circumstances. These include:

- Policy LP6 – Rural Exception Sites;
- Policy LP7 – Self-Build and Custom-Built Homes;
- Policy LP10 – Care, Independent Assisted Living;
- Policy PP10 – Camping and Touring Caravan Sites;
- Policy PP11 – Holiday Parks; and
- Policy PP13 – The Rural Economy.

2.3.8 The Council notes Gladman Homes' ([LPPuD319](#)) suggestion that a site's location outside of an SDB is only one factor that should be weighed in the planning balance when considering any particular proposal and should not be the determinative factor in assessing the acceptability of a scheme. However, in the practical application of Policy SPL2 if there are material or other policy considerations that might justify a departure from SDBs, the policy is considered to be worded with sufficient flexibility to allow such departures where necessary.

## **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?**

### Drawing of Settlement Development Boundaries

2.4.1 In responding to the question of whether the Settlement Development Boundaries (SDBs) are appropriately drawn, it should be noted that there have been a considerable number of planning decisions both by the Council and by Appeal Inspectors since the submission of the Local Plan that have allowed development to take place outside of the boundaries as defined on the submitted policies and local maps – mainly in response to the historic (but now resolved) housing land shortfall and the need to apply the 'tilted balance' within the NPPF presumption in favour of sustainable development.

2.4.2 The Council is suggesting a number of adjustments to the settlement development boundaries that arise as a consequence of these decisions or otherwise in response to representations. These suggested amendments are set out in document [SM1](#) and

also in the Council's schedules of responses to representations on the policies maps and local maps ([RR12 to RR20](#)) and the Council's [Topic Paper 8: Mapping](#).

- 2.4.3 The settlement boundaries in the plan as submitted in 2017 were considered at the time to be appropriately drawn. However these are now considered to be out of date and the Council asks the Inspector to consider the suggested amendments as potential modifications aimed at ensuring the maps better reflect the reality of the updated position – including the suggested adjustments to the SDBs.
- 2.4.4 Determining the extent of SDBs in the submitted plan and the subsequent suggestions for adjustment involved different stages within which a number of factors were taken into account. The starting point was the settlement development boundaries defined in the Council's 2007 adopted Local Plan and considering how they might need to be altered in response to objectively assessed needs for longer-term growth.
- 2.4.5 Then evidence contained within the Council's settlement hierarchy assessment [EB5.3.1](#), as explained in response to question 2.2, helped to determine which settlements would be defined within settlement boundaries going forward.
- 2.4.6 The boundaries for each settlement were then reviewed with the aim of rationalising and ensuring a clear distinction between what could be reasonably considered to be the 'built up area' as opposed to the open countryside. The Council was conscious of the fact that the SDBs in the 2007 adopted Local Plan were, in the main, carried forward unchanged from the previous 1998 Local Plan without the need for review on the basis that the vast majority of development needed for the period up 2011 (the time horizon for the 2007 plan) could be met within existing boundaries with the need for just one greenfield site release in St. John's Road and Little Clacton Road in north-west Clacton. Knowing that the period to 2033 would require a significant increase in land for development, all SDBs were reviewed.
- 2.4.7 The SDBs were also drawn to include any land on the edge of defined settlements in the proposed hierarchy that had been either developed or that had obtained planning permission for development to ensure that the boundaries would properly reflect the extent of the planned development. There are, for example, incidences where the SDBs in the submitted plan were shown as extended around significant sites with no particular designation. These included:
- Land around Cockaynes Lane and off St. Andrew's Close in Alresford (Map B.1);
  - The Oakwood Park (phase 1) development north of Clacton (Flint Grange) (Map B.6);
  - Land off Meadow Close, Tye Road, Church Road, School Road and Clacton Road, Elmstead Market (Map B.8);

- Land off Tokely Road, Frating (Map B.9);
- Land south of Thorpe Road and east of Halstead Road, Kirby Cross; Turpins Farm, Frinton and the former Martello Caravan Park, Walton (Map B.10);
- Station Field and land east and west of Heckfords Road, Great Bentley (Map B.11);
- The Harwich Valley site south of the A120, Dovercourt (Map B.15);
- Land west of the Street, Little Clacton (Map B.19);
- Land east of Cox's Hill and east of Bromley Road, Lawford; and land south of Long Road, south of Harwich Road and off Stourview Avenue, Mistley (Map B.21);
- Land north of Abbey Street and east of Landermere Road, Thorpe le Soken (Map B.25);
- Land off Edwards Drive and Avocet Place, Thorrington (Map B.27);
- Land at Willow Farm and Kidby's Nurseries, Weeley Heath (Map B.29); and
- Land south of Station Road, Wrabness (Map B.31).

2.4.8 Many of these sites have either now been developed or are under construction.

2.4.9 The SDBs were also then extended to include the sites on the edge of settlements specifically selected for allocation in the Local Plan for major residential and mixed-use development including:

- Land south of Robinson Road, Brightlingsea (Map B.5, Site SAH3);
- Rouses Farm, Hartley Gardens and Oakwood Park, Clacton (Map B.6, Sites SAMU2, 3 and 4);
- Land at Greenfield Farm and west of Low Road, Dovercourt (Map B.15, Sites SAH1 and 2); and
- Land south of Thorpe Road, Weeley (Map B.28, Site SAMU5).

2.4.10 As explained in the Council's Housing Topic Paper [TP2](#) and responses to questions under Matter 3, a number of these sites are now either already under construction or have obtained planning permission.

2.4.11 The Council's further suggested amendments [SM1](#) seek to include the following additional sites within the SDBs – mainly following the grant of planning permission:

- Land at 'The Laud', Bradfield (Map B.4);
- Land in Folkards Lane, Brightlingsea (Map B.5);
- Land in Sladbury's Lane, Clacton (Map B.6);
- Land off School Lane, Clacton Road and Bromley Road, Elmstead Market (Map B.8);
- Land in Frating Road, Great Bromley (Map B.9);
- Land rear of 185 Thorpe Road, Kirby Cross (Map B.10);

- Land south of Weeley Road, Great Bentley (Map B.11);
- Land at Badley Hall Farm, Great Bromley (Map B.12);
- Land in Little Clacton Road, Great Holland Nurseries and Pork Lane, Great Holland (Map B.13);
- Land at Sparrows Corner, Great Oakley (Map B.14);
- Land at Michaelstowe Farm, Ramsey and Seaview Avenue, Little Oakley (Map B.15);
- Land in Manningtree Road, Little Bentley (Map B.17);
- Land at Bramble Cottage, Little Bromley (Map B.18) (in response to a representation identifying an inconsistency);
- Land off Connaught Road, Elm Road and Holland Road, Little Clacton (Map B.19);
- Land at Lawford House, Lawford and land off New Road and Harwich Road, Mistley (Map B.21);
- Land off Frinton Road, Thorpe le Soken (Map B.25);
- Additional land off Edwards Drive, Thorrington (Map B.27);
- Land at Rainbow Nurseries and Wolver, Thorpe Road, Weeley (Map B.28); and
- Land in Mill Lane, Weeley Heath (Map B.29).

2.4.12 These amendments ought to resolve a significant number of the objections submitted in 2017.

2.4.13 In conclusion, with the addition of the suggested amendments, the Council considers the Settlement Development Boundaries are appropriately drawn following the consideration of relevant factors.

#### Development in Rural Areas

2.4.14 Policies SPL1 and SPL2, in combination with other policies in the Local Plan, do provide more than sufficient scope for growth in Rural Service Centres and Smaller Rural Settlements as envisaged by the NPPF. Paragraph 28 of the 2012 NPPF states: *“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses;*

- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

2.4.15 In terms of housing growth, the spatial strategy aims to achieve a modest increase in housing stock at a level that is fair, achievable and sustainable for each of the settlements concerned and that will make a meaningful contribution towards addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the district. However, as explained in response to question 2.2. above, rural settlements in the district will actually be accommodating a much higher level of new residential and mixed-use development than had originally been envisaged – mainly as a result of developments allowed on appeal. Settlement Development Boundaries around the Rural Service Centres and Smaller Rural Settlements have been drawn to allow for these consented and allocated developments.

2.4.16 Many of the mixed-use developments in the rural areas include proposals for new services, facilities or employment opportunities including the Charity Field and Church Road schemes in Elmstead Market which will deliver a new community hall, recreational facilities and allotments; the extension of the Plough Road Business Centre as part of the Station Field development in Great Bentley; a large area of new open space at The Street, Little Clacton; a new business area and land for a new 2-form entry primary school at the Barleyfields development in Weeley, a new surgery and village hall at Great Oakley and an expanded open space at Station Road, Wrabness.

2.4.17 Furthermore many of the proposed employment developments are in the rural areas including the expansion of Lanswood Park in Elmstead Market, the expansion of Plough Road Business Park Centre in Great Bentley, development at Ash Farm in Weeley, the Crown Business Centre on the fringe of Colchester in Ardleigh; and the creation of a new business park on land south west of Horsley Cross (see the Council’s suggested amendments to Policy PP7 in document [SM1](#)).

2.4.18 Finally, other policies in the plan allow for development in rural locations for employment and farm diversification (PP13), affordable housing (LP6) and new and expanded tourist facilities (PP8).

2.4.19 In conclusion, the strategy in the Local Plan through Policies SPL1, SPL2 and other policies does make provision for development in rural areas as envisaged in paragraph 28 in the 2012 NPPF.

**2.5 Are policies SPL1 and SPL2 otherwise justified and consistent with national policy? How do the settlement boundaries accord with the “positive approach to development” outlined in the Framework?**

2.5.1 Yes. As explained in response to questions 2.1-2.4, the Council considers that Policies SPL1 and SPL2 are justified and consistent with national policy and none of the comments in the submitted representations have changed the Council’s view. The Council is however suggesting some amendments (detailed in documents [SM1](#) and [RR4](#)) that will improve the effectiveness of the policies, as explained in response to question 2.7 below.

2.5.2 The settlement boundaries do accord with the positive approach to development in the NPPF because they provide the practical means by which the plan actively manages the pattern of growth to meet objectively assessed requirements for development, makes the fullest use of public transport, walking and cycling and encourages the effective use of land. As explained in response to question 2.3 they also provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

2.5.3 When applied alongside other policies in the plan and taking into account other material considerations in decision making, the approach to Settlement Development Boundaries provides an appropriate balance between the control needed to achieve sustainable patterns of growth and to protect the countryside and the flexibility needed to respond to the need for different types of development and changing economic or other circumstances.

**2.6 Does the factual information in the supporting text in Chapter 3 (Sustainable Places) reflect the most up to date information?**

2.6.1 No. In the time that has passed since the submission of the Local Plan in 2017, some of the factual information in the supporting text in Chapter 3 has become out of date and the Council has therefore put forward suggested amendments aimed at addressing this. These are detailed in the Council’s Schedule of Representations and Responses to Chapter 3 ([RR4](#)) and document [SM1](#) and include:

- An update on the Tendring population from 138,100 in the 2011 Census to an estimated 146,000 in 2019 and a predicted 149,700 by 2024;
- An updated forecast of the expected increase in people aged 65 or over to around a third of the total population;

- A more recent average property price increasing from £180,408 in 2012 to £217,526 in 2020;
- Updates from the Council's latest 2019 Economic Strategy ([EB6.1.1](#)) on the sector employment most people in the district being Health & Care with 6,500 jobs and the increase in tourism employment of 35% in the last five years;
- An update from the latest 2020 Retail and Town Centre Uses Study ([EB6.2.1](#)) on the projected increase in convenience shopping turnover;
- An update on unemployment rates from 5.3% in 2015 to 5.5% in 2020;
- A more up to date figure on births – 1,314 in 2018 compared to 1,365 in 2012;
- Updates on the number of primary, secondary and special schools in the district and the number of pupils;
- An updated homelessness figure from 1 in 1,000 households in 2012/13 to 1.93 in 1,000 households in 2020;
- An updated crime figure showing a fall of 4% in 2019/20;
- An update on the formal designation of the extended Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB);
- An updated figure for the Council's Carbon Dioxide emissions of 4,553 tonnes in 2018/19; and
- An update on offshore windfarms and solar farms.

## **2.7 Are the Council's proposed modifications to these policies necessary for soundness?**

- 2.7.1 The Council's suggested amendment to Policy SPL1 (detailed in documents [SM1](#) and [RR4](#)) is to simply rename the 'Strategic Urban Settlement' to 'Strategic Urban Settlements and Garden Communities' in acceptance that the Tendring Colchester Borders Garden Community does not yet exist as a settlement. Whilst the Council believes the amendment is not strictly necessary to make the plan sound in NPPF terms, it would appear to be a sensible change that responds appropriately to the objections submitted and improves the effectiveness of the policy.
- 2.7.2 The Council's suggested amendments to Policy SPL2 are to simply ensure it refers correctly to the list of settlements in Policy SPL1 and to delete supporting paragraph 3.2.3.2 which is incorrect and unnecessary. These amendments are necessary for soundness as they would ensure Policy SPL2 is effective.
- 2.7.3 The Council's suggested amendments to Settlement Development Boundaries as shown on the policies maps and local maps are aimed at ensuring the plan properly reflects the reality of the updated housing land position and grants of planning permission or otherwise responds to certain representations. For these reasons, the amendments are considered necessary for soundness.