

# *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 7: Prosperous Places**

**January 2021**

## **Matter 7 – Prosperous Places**

### **Retail and Town Centre Policies**

New Retail Development - Policy (PP1), Retail Hierarchy - Policy (PP2) Village, Neighbourhood Centres Policy (PP3), Local Impact Threshold (PP4), Town Centre Uses (PP5).

#### **7.1 [For each policy] Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?**

**Are the policy's requirements justified by evidence?**

**In particular, with regard to Local Impact Thresholds – what is the justification for the proposed modification for a lower impact threshold that that proposed in the Plan?**

**Are the Council's proposed modifications to the policy and supporting text necessary for soundness?**

- 7.1.1 The Council has prepared a specific Topic Paper ([TP3](#)) on retail and town centre policy which should be read in conjunction with this hearing statement. The Topic Paper explains how and why the Council is suggesting amendments (see document [SM1](#)) to certain policies in response to changes in national policy and legislation (including changes to the Use Classes Order in 2020); new evidence contained within the Council's latest 2020 Town Centre & Retail Study ([EB6.2.1](#)) by Lambert Smith Hampton (LSH); changes in the Council's approach to regeneration in its town centres; and comments received in representations (see document [RR7](#)).

#### **Policy PP1 – New Retail Development**

- 7.1.2 Policy PP1 is justified and consistent with national policy. Its purpose is to direct retail development to, and encourage it in, defined town, district, village and neighbourhood centres in the district (listed in Policies PP2 and PP3) as appropriate to the needs of the areas served by those centres. The approach is entirely consistent with the 2012 NPPF (paragraph 23) in recognising town centres as the heart of communities, defining a network and hierarchy of centres and seeking to meet the needs for retail, leisure, office and other main town centre uses in full. The policy also sets out the projected quantitative needs for additional convenience and comparison floorspace in different parts of the district which, in 2017, were not considered to necessitate any specific site allocations.

- 7.1.3 The Council's suggested amendments to the policy update the forecasts of retail need to reflect the new evidence provided by [EB6.2.1](#) which demonstrates, in line with more recent retail trends and the updated position on consented schemes, a negligible need for comparison floorspace and a modest need for convenience floorspace of 2,347sqm

which can comfortably be accommodated within existing town centres (particularly now with the anticipated closure of the Sainsbury's store in Clacton Town Centre). It remains the case that site-specific allocations for new retail development are not required in the Local Plan nor have any of the objectors to the plan called for any.

- 7.1.4 The 2019 NPPF continues to promote the 'town centre first' approach to new development which Policy PP1 fully supports. With increasing competition from out of centre retail development in the District, the ramifications of Covid-19 lockdown measures, there is greater urgency to protect the vitality and viability of the District's centres.
- 7.1.5 Specific to the NPPF's policy on ensuring the vitality and viability of town centres, Policy PP1 makes clear the range of uses that will be permitted (paragraph 85(b), NPPF 2019), is aimed at retaining and enhancing existing markets in the centres by prioritising development in town centres first (paragraph 85 (c), aims to meet District-wide need for retail development over a ten year period (paragraph 85(e)), and supports provision of residential development in town centres (paragraph 85(f)). The retail hierarchy informs the decisions on the sequential test, which applies both to policy and decision making.
- 7.1.6 The policy wording within Policy PP1 is clear in identifying where town centre development should be prioritised against the defined retail hierarchy in Policies PP2 and 3. The identification of forecast need for new retail floorspace provides a guide to what can be sustainably supported across the District's key centres. However, the key aim is to ensure new retail (and wider town centre) development is directed to town centres first and is appropriate to the centre it serves.

#### Policy PP2 - Retail Hierarchy

- 7.1.7 Policy PP2 is justified and consistent with national policy. It sets out the hierarchy of town and district centres which is required to ensure that new town centre development is directed to centres in a sustainable manner and in line with strategic growth policies. The NPPF 2012 requires local authorities to identify a retail hierarchy (paragraph 23) which is required to help manage growth and development of centres over the plan period. The retail hierarchy informs the decisions on the sequential test, which the NPPF 2019 requires in respect to policy making (paragraph 85(e)) and decision taking (paragraph 86).
- 7.1.8 The retail hierarchy proposed in Policy PP1 takes account of the size and catchment reach of the District's centres, which is based on robust evidence identified in the 2017 Tendring District Retail Study ('2017 Retail Study') ([EB6.2.2](#)) and the more recent Retail and Town Centre Uses Study 2020 ('2020 RTCS') ([EB6.2.1](#)) prepared by LSH. The two evidence studies confirmed the important role that Clacton serves as the main

shopping destination for the District, where identified need for new retail floorspace should be directed to as a priority. It is still imperative that policy takes a strong position on the town centre first approach to new development and investment in order to strengthen the market position of the District's centres in the face of growing competition from online sales and out of centre development.

- 7.1.9 The advice provided in the WYG Retail Study was informed by guidance set out in the superseded Planning Policy Statement 4: Planning for Sustainable Economic Growth, which defined different tiers of retail settlements, given such definitions are absent in the NPPF and the Planning Practice Guidance (PPG).
- 7.1.10 The ranking of centres within the hierarchy reflects the relative strength of retail and service offer in identified centres and market share of study area retail expenditure. This led to the recommendation to designate Harwich as a 'district centre' instead of a 'town centre'. Whilst the 2020 RTCS did not provide an assessment on the retail hierarchy, the retail market share evidence from the 2020 RTCS supports the proposed hierarchy based on achieve market shares for centres in the hierarchy.
- 7.1.11 The policy is clear in setting out the defined hierarchy and centres within. The wording of the policy is the subject of a suggested amendment to provide clearer guidance on how retail development proposals should be appropriate to the size and function of the centre it relates to. This is in response to the representation from Britton Properties ([LPPuD379](#)). There were no representations calling for changes to the categorisation of town and district centres in the hierarchy itself.

#### Policy PP3 – Village and Neighbourhood Centres

- 7.1.12 Policy PP3 is justified and consistent with national policy. It provides local policy aimed at supporting the vitality and viability of the much smaller centres that do not fall under the Town and District Centre categories in the Policy PP2 hierarchy.
- 7.1.13 The NPPF's definition of a town centre applies to city centres, town centres, district centres, and local centres but excludes small parades of shops of purely neighbourhood significance. The NPPF does not provide any further definition on what constitutes a local centre. The superseded PPS4 defines local centres as including:
- “a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette. In rural areas, large villages may perform the role of a local centre.”*
- 7.1.14 Many of the villages and neighbourhood centres identified in Policy PP3 reflect the characteristics of a local centre/ large village centre described above. These centres are vital in supporting the day to day needs of the local population, which also promotes better access to day to day retail goods and services and reducing the need

to travel. Policy PP3 seeks to ensure the continued viability of these centres by supporting small-scale retail development in these centres to meet the day to day needs of the communities they serve. Therefore, Policy PP3 supports the key objective of the NPPF to promote sustainable development and travel choices.

7.1.15 The requirements of the Policy are clear in seeking to retain essential services within local communities. Policy PP3 responds to the need to ensure local communities are provided with sufficient retail and services to meet their day to day needs. The Covid-19 pandemic has highlighted the importance of providing essential services that are within easy reach of communities, which Policy PP3 will help to support.

7.1.16 There have been no objections to this policy and the Council's only suggested amendment is to ensure the new neighbourhood centre proposed as part of the Hartley Gardens development (SAMU2) is listed in the policy, consistent with the approach taken to both Oakwood Park (SAMU3) and Rouses Farm (SAMU4).

#### Policy PP4 - Local Impact Threshold

7.1.17 Policy PP4 is justified and consistent with national policy. Paragraph 89 of the 2012 NPPF supports the application of a 'local impact threshold', which Policy PP4 responds to. The policy requires that planning applications for retail, leisure or office development outside of a defined centre and above the defined size threshold are accompanied by an 'impact assessment' to consider the impact on the vitality and viability of defined centres and to inform the Council's determination of the application.

7.1.18 In considering an appropriate threshold, Policy PP4 reflects advice set out in the 2014 publication of the Planning Practice Guidance (Paragraph: 016 Reference ID: 2b-016-20140306) and the criteria that should be considered when setting a floorspace threshold.

7.1.19 It is considered that the original thresholds proposed for Policy PP4 do not go far enough in reflecting changes to the retail market, particularly changes to retail format and the type of development now sought for retail use. Nor do they take account of the specific differences in demand for space at edge and out of centre locations for food and non-food retail operators.

7.1.20 As highlighted in the 2020 RTCS, food retailers are focusing on bringing forward smaller convenience stores to take advantage of greater demand for top-up or basket food shopping. As a result, there has been a dynamic growth in smaller convenience stores operated by the major grocers (i.e. Sainsbury's Local, Tesco Express, Little Waitrose, etc.). Although sizes vary from location-to-location, the main grocers are generally seeking new convenience stores (e.g. Tesco Express, Sainsbury's Local, Little Waitrose) with a minimum gross floorspace of circa 372 sqm gross (4,000 sq ft gross). The threshold of 950 sqm gross originally proposed for Policy PP4 would allow

the provision of convenience stores and small foodstores to come forward at edge and out of centre locations to Clacton and Frinton without any consideration for impact, including the cumulative impact of pipeline schemes.

7.1.21 In respect to comparison/ non-food retailing, modern retailers selling a range of comparison goods (including fashion, homestore and 'bulky' goods retailers) generally have requirements for larger format shop units with a minimum floorspace of approximately 371sqm to 465 sqm gross (4,000 sqft to 5,000 sq ft gross). This scale of floorspace provides operators with the necessary minimum 'critical mass' of sales needed to display their full range of goods in-store and attract customers from a wider catchment area, particularly where they are co-located alongside similar stores in town centre and out-of-centre locations. In general terms, non-food stores of over 371 sqm gross (4,000 sq ft gross) are also unlikely to trade as a purely local facility.

7.1.22 In circumstances where these types of stores are proposed on the edge or outside of defined town centres, they could result in a significant adverse impact on the trading performance, and overall vitality and viability of existing centres. Whilst there has been slowdown in retail park developments nationally, asset owners are instead focusing on improving the trading position of their existing retail parks. Improvements include seeking the removal of restrictive conditions on the sale of goods (by way of Section 75 applications) in order to broaden retail offer and attract new tenants. However, it must be remembered that in such cases restrictive conditions are put in place to mitigate the impact of an original scheme on the vitality and viability of a town centre(s). There are also many examples of retail parks that have been subject to physical expansion, which generally have the effect of drawing more trade from competing town centres. S75 applications and planning applications for physical development often relate to single units, which if carried out incrementally can change the nature of a retail park (e.g. from a bulky goods retail park to general comparison or inclusion of convenience) and led to a significant adverse impact on a town centre.

7.1.23 Therefore, reducing the proposed threshold for Clacton and Frinton from 950 sqm gross to 350 sqm gross and maintaining the 250 sqm gross threshold for other centres in the District will ensure that proposals for convenience and comparison goods retail floorspace can be appropriately assessed in terms of their impact on centres that are subject to trade diversion.

7.1.24 Revising floorspace thresholds in Policy PP4 will allow the Council to assess the potential impact on centres in the District more effectively. The 2020 RTCS confirmed that Clacton is an important shopping centre and is well used by the surrounding catchment. However, the centre is vulnerable to competition from edge and out of centre development, which has increased over the years. Reducing the threshold for assessing edge and out of centre schemes from 950 sqm gross to 350 sqm gross is necessary given that the aforementioned market trends point to increased demand for smaller retail schemes and proposals that seek to improve the trading position of retail

parks through small scale expansion and the removal of planning restrictions on the sale of certain retail goods.

7.1.25 A higher threshold was applied to Clacton and Frinton compared to other centres in the District for the reason that the two towns are larger and as a consequence support higher levels of retail turnover. Therefore, the two centres have greater potential to absorb the impact of trade diversion from individual schemes that are below the proposed 350 sqm gross threshold level. For example, the proposed threshold of 350 sqm gross would still allow the potential for small scale retail development to come forward beyond the defined PSA. In respect to the surrounding retail parks to Clacton, the threshold will still allow S75 applications and small scale expansion proposals to come forward for these sites but at a manageable rate in terms of potential impact.

7.1.26 For the District's smaller towns and centres, a lower threshold of 250 sqm gross should be maintained as there is less certainty that smaller scale retail proposals would not have a significant adverse impact on these centres. In circumstances where smaller stores are proposed on the edge or outside of smaller local and village centres, often as part of petrol filling stations, they could result in a significant adverse impact on their trading performance, and overall vitality and viability. This will particularly be the case where smaller centres and villages are dependent on smaller supermarkets and convenience ('top-up') stores to anchor their retail offer and generate footfall and linked trips/expenditure to the benefit of other shops, services and facilities. For example, a local format convenience store (i.e. 250 sqm gross or more) is more likely to impact on the retail turnover of a smaller centre given relative difference in turnover levels compared to a larger centres such as Clacton and Frinton.

7.1.27 Notwithstanding the adoption of lower locally set impact thresholds in the draft Local Plan, the scope of any Retail Impact Assessment (RIA) in support of planning applications should be discussed and agreed between the applicants and the Council at an early stage in the pre-application process. The level of detail included within a RIA should be proportionate to the scale and type of retail floorspace proposed, and should be agreed between the Council and applicant on a case-by-case basis. In all cases the local planning authority should adopt a pragmatic and reasonable approach with regard to the scope and detail of evidence required in support of planning applications. Setting a lower impact threshold in this case will provide the local planning authority with the flexibility, as decision-taker, to assess whether an RIA is needed on a case by case basis.

#### Policy PP5 - Town Centre Uses

7.1.28 Policy PP5 is, in principle, justified and consistent with national policy but the Council is suggesting some significant amendments to the wording of the policy to ensure it reflects both significant changes in the town centre economy and the shift in national

policy away from restrictive primary frontage policies towards a more flexible approach.

- 7.1.29 The amended version of the policy better reflects the NPPF's support for appropriate uses in town centres, including residential uses. This is achieved by ensure sustainable development that respondents to the defined retail hierarchy and by supporting the growth and diversity of centres in line with changes to the market, as highlighted in paragraph 85 (a). Therefore, Policy PP5 complies with the NPPF's policy on town centre uses, while also taking account of changes in the Town and Country Planning Use Classes Order, which will allow for greater flexibility in supporting key commercial town centre uses.
- 7.1.30 The NPPF also requires that Local Plans ensure that town centre boundaries are kept under review, which the Council has undertaken through its evidence studies and discussions with businesses and stakeholders.
- 7.1.31 Amended Policy PP5 still identifies the primary shopping area (PSA) to which policies will apply. The NPPF requires that local authorities identify the PSA (along with a defined town centre boundary) in order to identify permitted uses and plan for growth. The PSA is also required to inform decision making, particularly in respect to the sequential and impact tests.
- 7.1.32 Without the Council's suggested amendments, there would be some concern about the clarity of Policy PP5 – as highlighted in some of the representations. The suggested amendments to the policy should help to simplify and clarify the approach. With the amendments, the policy is clear and takes a market led approach supported by the NPPF and the introduction of Use Class E, which will help to retain and strengthen commercial uses in the District's centres. Whilst the policy advocates the development of residential uses on upper floors of commercial premises it is clear that it should not be at the expense of key requirements for residential development, such as parking and compromising residential amenity.
- 7.1.33 Policy PP5 was guided by the findings of the 2017 Retail Study in respect to the town centre boundary and PSA designations for the District's town centres as well as recommendations specifically for Clacton set out in the 2020 RTCS. The PSA boundaries are informed by the Primary and Secondary Frontages and the requirement (where applicable) to support development opportunity sites to accommodate forecast need for new town centre uses as identified in the 2017 Retail Study and 2020 RTCS (for Clacton). For Clacton in particular, both the 2017 Retail Study and 2020 RTCS recommended reducing the defined PSA area in line with the NPPF's definition, particularly for frontages where retail is less prevalent.
- 7.1.34 The evidence base identified the need to extend the PSA boundary for Frinton and contracting the town centre boundary for Manningtree following a review of town

centre uses and planned development. No changes were identified to the boundaries and frontages for the District's other centres, again following a review of key evidence and taking account of the NPPF's definition of what should represent a town centre boundary, PSA, and primary and secondary shopping frontages.

## **Employment Land Policies**

Employment Sites (PP6) & Employment Allocations (PP7) and The Rural Economy (PP13)

### **7.2 [For each policy] Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?**

**How are the policy's requirements justified by evidence?**

**Are the Council's proposed modifications to the policy and supporting text necessary for soundness? In particular has it been demonstrated that the sites now identified in policies PP6 and PP7 are suitable for long term employment use?**

7.2.1 The Council has prepared a specific Topic Paper ([TP4](#)) on Employment Land which should be read in conjunction with this hearing statement. The Topic Paper explains how and why the Council is suggesting amendments (see document [SM1](#)) to policies PP6, PP7 and PP13 aimed mainly at ensuring the Local Plan better reflects the availability of employment land in Tendring for development and clearly identifies the existing sites to be protected for business and industrial use.

#### Justification and consistency with national policy

7.2.2 With the Council's suggested amendments, Policy PP6 is justified and consistent with national policy. Paragraph 21 in the 2012 NPPF requires local planning authorities to set out a clear economic vision for their area which positively and proactively encourages sustainable economic growth. A key finding of the Council's latest Employment Land Review (ELR) ([EB6.3.1](#)) is that the existing range of operational employment sites across the district continue to play an important role in meeting the needs of existing businesses and most should continue to be protected.

7.2.3 The purpose of Policy PP6 is to therefore protect existing operational sites for employment use i.e. existing business parks and industrial estates that are already operating in B1 (now E), B2 and B8 use and which already provide valuable local employment. The policy also sets out the criteria against which non-employment development on those sites might exceptionally be considered.

7.2.4 The second part of the policy, as submitted, sets out the criteria against which sustainable development proposals for farm and other land based diversification

schemes and the re-use or redevelopment of rural buildings for employment would be considered. The Council suggests that these criteria are moved into Policy PP13 'The Rural Economy' as a more logical location for such policy criteria.

- 7.2.5 The Council's Topic Paper TP4 explains that the submitted Local Plan did not explicitly identify the employment sites to be covered by the policy but that, on reflection and in response to comments received in the representations, it is suggested that the plan is amended to identify those sites on the local maps and policies maps. In addition it is recommended that the wording of the policy is amended to simplify the criteria for considering non-employment uses.
- 7.2.6 With the Council's suggested amendments, Policy PP7 is also justified and consistent with national policy. Its purpose is to identify the sites allocated for employment use that will contribute towards delivering the employment requirements set out in Section 1 of the Local Plan. Paragraph 81 of NPPF 12 (b) states that Planning Policies should *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.*
- 7.2.7 Objective 2 of the Section 1 Local Plan is to provide for the development of employment land on a variety of sites to support a diversity of employment opportunities and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth up to the period 2033. The requirement for employment land for the plan period 2013-2033 has been confirmed, through the Inspector's proposed Main Modifications to Policy SP4 (renumbered SP5) in Section 1 of the Local Plan, as being between 12 and 20 hectares. The Council's suggested amendments to the policy aim to ensure the policy accurately reflects the full range of sites available at a 2020 baseline – many of which have already obtained planning permission.
- 7.2.8 Policy PP13 sets a criteria based approach for development in the countryside which will supports the rural economy and farm diversification. Policy PP13, with the Council's suggested additions, is consistent NPPF 2012 Section 3 ([EB1.1.2](#)) 'supporting a prosperous rural economy' which seeks to encourage the sustainable growth and expansion of rural businesses, promote the development and diversification of agricultural and other land-based rural businesses; support sustainable rural tourism and leisure developments and promote the retention and development of local services. The Policy encourages the re-use of rural buildings and supports farm and other land based diversification schemes that benefit the rural area.

#### Evidence-based justification

- 7.2.9 The 2019 Employment Land Review (ELR) ([EB6.3.1](#)) contains a fresh assessment of the likely projected demand for employment land between now and 2033 based on up to date economic and demographic projections and scenarios. It also contains an

assessment of the district's existing stock of business and industrial premises and existing and potential employment sites to determine how well the supply of land and premises is likely to meet the projected demand. The assessment then leads to recommendations as to whether certain sites should be protected for employment use or released for alternative forms of development and whether or not certain sites should be allocated for future employment in the Local Plan.

7.2.10 Policy PP6 within Section 2, with the Council's suggested amendments, reflects the evidence in the new ELR and seeks to protect existing operational sites for employment use i.e. existing business parks and industrial estates. The Council's suggested amendments and the specific sites recommended for protection are informed by the ELR evidence.

7.2.11 Policy PP7 within Section 2 of the emerging Local Plan as submitted listed 8 sites with the potential to deliver between 19.83 and 21.8ha of employment land up to 2033 and further 8.4-28.4ha development beyond. The inclusion of these particular sites was informed by the findings of the 2016 Employment Land Review ([EB6.3.3](#)) undertaken by Aspinal Verdi, but on reflection the Council considers that this list no longer provides an accurate and up to date representation of the full range of employment sites (amounting to some 37ha) that are were available in 2020 to attract inward investment, many of which already benefit from outline or detailed planning permission. It is also now questionable if some of the sites currently included in the policy should remain. As such, the Council has put forward amendments to the policy to take account of the latest employment land position identified in the latest ELR and which can be delivered to accommodate the Local Plan requirement.

7.2.12 Policy PP13 reflects the need to support our rural communities and therefore the rural economy by allowing appropriate development in rural locations which is also a requirement of NPPF 2012 Section 3. The Economic Development Strategy ([EB6.1.1](#)) (para. 3.6; para 4.45) and the Employment Land Review ([EB6.3.1](#)) (para.6.9; para.9.40) shows the significant contribution rural employment provision makes to the local economy. A recent report ([NFU Mutual Diversification Report 2020](#)) found that almost half of the UK's farmers (48%) are planning to set up or expand diversification schemes; this figure has doubled since 2018. The Government has also stated that they will help increase productivity and support diversification through a package of productivity grants, launching in 2021. The policy, based on the above evidence, seeks to encourage development which is appropriate in scale and context to the rural locality.

#### Clarity and effectiveness

7.2.13 While the Employment land Review has assessed the existing employment sites and recommends their protection where warranted, they are not specifically listed in the Local Plan, nor are they specifically shown in the policy. In light of consultation, the

Council now believe it would be correct to state the protected employment land sites rather than refer to the ELR. While the Council does not believe the current wording of Policy PP6 is unsound, in order to provide greater certainty and clarity in the planning process, the Council is suggesting an amendment which stipulates that these sites will be identified on the policies and local maps and simplifies the criteria that would apply in the consideration of non-employment development.

7.2.14 Policy PP7 allocates the key strategic employment allocations and, in its submitted form, was worded appropriately to direct business and industrial development to those sites. Amendments are suggested by the Council however to ensure the list of the employment sites as shown in the policy represents the full range of available employment sites and products to meet future demand. Amendments to the wording are also suggested in response to changes in the Use Classes Order and to provide clarity over the circumstances in which the Council might consider non-employment uses on those sites and how it will treat proposals for employment-related development outside of those sites.

7.2.15 Policy PP13 adopts a clear criteria based approach to support the rural economy and it is proposed that the criteria from the submitted version of Policy PP6 are moved into PP13 to strengthen the Council's support for suitable rural schemes.

#### The Council's suggested modifications and soundness

7.2.16 In response to objections in the last public consultation exercise, the Council has now suggested an amendment to identify the sites protected for employment use in the Policy PP6. These sites were assessed in the Employment Land Review which showed their retention is important to support the local economy. The suggested amendment to re-locate the section on land based diversification schemes from Policy PP6 to Policy PP13 is to provide greater clarity in terms of the thematic approach to the plan. This will create a more effective policy and aid development.

7.2.17 The Employment land supply figure has been established through the Inspector's proposed Main Modifications to Policy SP4 (renumbered SP5) in Section 1 of the Local Plan. However, given the time period between the Publication of the plan and the Part 2 Examination and in light of the review of employment land contained in the ELR, the Council has now updated the list of supply of sites to be allocated. This reflects the current market status quo and identifies more than 36 hectares of employment land across the district offering flexibility and choice for inward investment and business expansion. In summary, the suggested modified list of allocated sites is as follows:

<u>Extension to Gorse Lane Industrial Estate, Telford Road, Clacton</u>	<u>6.8ha</u>
<u>Land at Brook Park West, Clacton</u>	<u>1.3ha (as part of a wider mixed use development)</u>
<u>Land at Stanton Europark, Parkeston</u>	<u>3.3ha</u>
<u>Land at Harwich Valley, East of Pond Hall Farm, Dovercourt</u>	<u>6.3ha (as part of a wider mixed use development)</u>
<u>Land at Dale Hall, Cox's Hill, Lawford</u>	<u>0.2ha</u>
<u>Land off Clacton Road/Dead Lane, Mistley</u>	<u>2ha</u>
<u>Extension to Lanswood Park, Elmstead Market</u>	<u>1.2ha</u>
<u>Extension to Plough Road Business Centre, Great Bentley</u>	<u>1ha</u>
<u>Land at Ash Farm, Thorpe Road, Weeley</u>	<u>1ha</u>
<u>Crown Business Centre, Old Ipswich Road, Ardleigh/Colchester</u>	<u>2.3ha</u>
<u>Land south west of Horsley Cross</u>	<u>11.2ha</u>

7.2.18 The justification for the allocation of each individual site is provided in the Employment Topic Paper ([TP4](#)) Part 4.

7.2.19 Policy PP7 has also been updated to reflect the incorporation of B1 (Business) Use into a new Use Class E in September 2020 to ensure that the vitality and viability of town centres remain and provide greater clarity to developers in relation to acceptable development schemes.

## Tourism Policies

Camping and Touring Caravan Sites (PP10) and Holiday Parks (PP11)

### **7.3 Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?**

**In particular, do the policies adequately address the issue of flood risk given the classification of the use as “highly vulnerable” in flood risk terms?**

**Are the Council’s proposed modifications to the policy and supporting text necessary for soundness? In particular are the Council’s intentions in relation to Park Home Provision clear and unambiguous?**

#### Justification and consistency with national policy

- 7.3.1 Yes, Policy PP10 and PP11 are justified and consistent with national policy.
- 7.3.2 NPPF 2012 Section 3 (para.28) Supporting a prosperous rural economy states that ‘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 sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.’
- 7.3.3 The Holiday and Residential Park Impact Assessment 2019/20 (HRPIA) ([EB6.4.3](#)) stated that in 2019 visitors to holiday parks spent a total of £193m supporting 3,571 FTE jobs and contributing £109.8m of GVA to the Tendring economy.
- 7.3.4 Given the above, Policy PP10 and PP11 are essential to protect and encourage appropriate development where they will help support existing businesses or strengthen and diversify the District’s tourist economy. All developments are required to take account of flood risk, biodiversity and Geodiversity policy and other associated policies in the Local Plan.
- 7.3.5 From the representations received in relation to these policies, there were no objections to the principle of what they aim to achieve nor their consistency with national policy. The main comments came from the Environment Agency and Natural England, keen to ensure that flood risk and environmental considerations are properly addressed – particularly given the location of many of the district’s holiday parks and camping and caravan sites near to the coast and areas of environmental sensitivity.

### Clarity and effectiveness in light of flood risk issues

- 7.3.6 The requirements of the policies are clear and effective. They give positive support for the kinds of development that will support the district's tourism industry, they guard against the loss of holiday accommodation to residential dwellings, they explain how holiday occupancy conditions will be used to ensure units are not used for residential purposes and they highlight the environmental and flood-risk considerations that need to be addressed through any proposals for new facilities or site extensions.
- 7.3.7 Policy PP10, when considered alongside Policy PPL1, is considered to be suitably flexible to enable an appropriate response to flood risk issues arising from proposals relating to camping and touring caravan sites. The suggestion from the Environment Agency to include more detail in the policy is noted, but the Council is conscious of the need to keep policies succinct and to avoid undue repetition of national policy. For example, Policy PP10 clearly states that proposals will only be acceptable *'if the necessary tests are met in regard to any known flood risk'*. As there are many sites which are not at flood risk, this needs to be addressed on an individual site basis.
- 7.3.8 That said, the Council takes its duty to cooperate with the Environment Agency very seriously and is very much open to suggestions as to how the wording of the policies could be strengthened to address the concerns raised without undermining the positive thrust of the policies to support the tourism industry. The Council is in discussions with colleagues at the Environment Agency and is seeking to work towards a Statement of Common Ground which might help to resolve the issues raised.

### The Council's suggested modifications

- 7.3.9 The Council's suggested modifications ([SM1](#)) take account of the last consultation exercise. Bourne Leisure ([LPPuD356](#)) suggested additional wording to paragraphs 6.7.4 and 6.7.5 to make it clear that upgrading of existing parks is supported and that the imposition of any occupancy conditions will be dependent on the circumstances of each case. The Council agrees that for reasons of clarity and effectiveness, the policy should specifically state this.
- 7.3.10 The final suggested amendment to reword paragraph 6.7.5 clarifies that the matters that will affect the length of the occupancy period including the site's location, character, degree of flood risk and its relationship to the existing site. The re-wording also states that where parks are proposed to be expanded to increase their level of provision, an element of park home provision to support the overall viability of the park might be considered so long as an appropriate density is maintained which ensures the focus is firmly on tourism uses, rather than residential uses, and other policy requirements around flood risk, quality, infrastructure provision and sustainability are met. This is in response to the HRPIA recommendations.

Are the Council's intentions in relation to Park Home Provision clear and unambiguous?

7.3.11 Yes, the policy is clear and unambiguous.

7.3.12 The HRPIA states (p30) that:

*'Losing holiday homes to park homes will threaten and undermine the important part they play in supporting the tourism ambitions of the area, especially when considering they bring in over £110m in tourism GVA which is a sizeable proportion of the overall tourism sector, which was measured at £402m in the draft Tourism Strategy.'*

7.3.13 As such, the policy does not support the change of use of caravans and chalets from holiday accommodation to residential. A proposed modification to the supporting text, para. (6.7.5) states *'where parks are proposed to be expanded to increase their level of provision, an element of park home provision to support the overall viability of the park might be considered so long as an appropriate density is maintained which ensures the focus is firmly on tourism uses, rather than residential uses, and other policy requirements around flood risk, quality, infrastructure provision and sustainability are met.'*

7.3.14 The above amendment is in response to a recommendation in the HRPIA (p33) that *'this would permit parks to have a level of stability in revenue and meet the needs of older retired residents....'* This will be assessed on an individual basis, however, the HRPIA does recommend a 75:25 split in favour of tourism accommodation is maintained.

7.3.15 The Council agrees with a representation from Mrs Bannister that the Oakleigh Site, which has consent for 127 holiday units, currently being implemented should be shown as a safeguarded holiday site. In fact, the Council suggests that all safeguarded holiday sites are shown not only on the policies maps, but on the local maps as well. Following Mrs. Bannister's representation, she has contacted the Council to point out that the depiction of the Oakleigh site in the Council's suggested amendments does not reflect the full extent of land that has obtained planning permission. The Council agrees and suggests that the amendment is revised so the safeguarding notation applies to the whole of the site shown on the map below:



7.3.16 The Council is seeking to identify the safeguarded holiday parks based on the information provided within the new HRPIA ([EB6.4.3](#)). As stated in the assessment, the importance of the holiday parks to the local economy and employment, particularly in rural areas is critical and *'loosing holiday homes to park homes will threaten and undermine the important part they play in supporting the tourism ambitions of the area.'*

## Priority Area for Regeneration

Priority Area for Regeneration (PP14)

### **7.5 Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?**

**In particular, how have the implications of flood risk been addressed? How have the Council demonstrated that the sequential and exceptions test has been applied in the development of the policy?**

**Is the Council's proposed modification to the policy necessary for soundness?**

- 7.5.1 Yes. Policy PP14 is justified and consistent with national policy. Its requirements are clear and effective.
- 7.5.2 The emerging Local Plan is not only a land use plan but also a spatial planning document. The purpose of this policy is to signal the Council's intent to target resources to these locations and develop strategies and targeted interventions to address their specific social, economic or environmental problems. A number of background studies have been completed in these locations and holistic development strategies have, or are being progressed, including ways of tackling social deprivation and environmental decline. Some interventions are planning-related and others are to be delivered through other means.
- 7.5.3 Aside from identifying the Priority Areas for Regeneration (of which none have been challenged through representations received at Regulation 19 stage), the policy states that the Council will support proposals for new development which are consistent with achieving its regeneration aims and, by implication, will resist proposals that could exacerbate existing problems.
- 7.5.4 Where the areas are (or are intended to be) the subject of specific masterplans, area action plans, Conservation Area Management Plans or other regeneration or planning frameworks or strategies, they have either informed specific allocations or policies in the Local Plan or are intended to inform, or be incorporated within, the Local Plan when it is next reviewed.
- 7.5.5 For example, in relation to Jaywick Sands, a Place Plan is being progressed by the Council. This is in the very early stages of production with the next stage being a public consultation exercise. This aims to address the social deprivation issues particularly regarding the quality of housing. The area is at significant flood risk and regular meetings are being held with the Environment Agency to work collaboratively to find a solution which provides better accommodation for the residents. Where significant physical development is proposed as part of the regeneration strategy, this will be subject discussions with the Environment Agency and planning applications will be the

subject of a sequential and exception test. Furthermore, both Jaywick Sands and Harwich Old Town have been the subject of their own individual Strategic Flood Risk Assessments which were prepared to ensure that flood risk issues were properly considered in working up more detailed regeneration plans for those high risk areas.

7.5.6 As explained on page 38 of the Council's Schedule of Representations and Responses ([RR7](#)), the Council has produced a number of detailed regeneration documents for some of these areas over the years including:

- Celebrate on Sea – Putting the fun back into Clacton (2010);
- Clacton Town Centre Vision (2009);
- Tendring District Council's submission to the Future High Streets Fund for Clacton Town Centre (2020) ([EB6.5.1](#));
- The Regeneration of Old Harwich (2005) ([EB6.5.2](#));
- Harwich Quayside Design Statement (2007) ([EB6.5.3](#));
- Dovercourt Rediscovered – Looking to the past to unlock a brighter future (2011);
- Dovercourt Masterplan Revisited (2019) ([EB6.5.4](#)); and
- Walton-on-the-Naze Regeneration Framework (2010) ([EB6.5.5](#)).

7.5.7 The recommendations within these documents have, over the years, resulted in a number of developments taking place including the rejuvenation of Harwich Quayside, the redevelopment of the former Bernards Uniform Factory in Harwich, the redevelopment of the former Warwick Castle Market in Clacton and the redevelopment of the Martello Caravan Park in Walton.

7.5.8 Also, to assist in regeneration of at-risk Conservation Areas, the Council has supported positive new developments along Clacton seafront and enabling development schemes at St. Osyth Priory and Thorpe Maltings. The Council is also working with Essex Place Services to update many of the Conservation Area Appraisals.

8.8.5 The only suggested modification ([SM1](#)) to Policy PP14 from the Council is a minor wording change to replace the word 'historic' with 'heritage' suggested by Historic England is accepted on grounds of clarity. The list of at risk conservation areas now includes Thorpe-le-Soken, as such, the wording in the policy has been altered to reflect this.

## Employment Allocations

SAE1 – Carless Extension Harwich

SAE2 – Long Road Mistley

SAE3 – Lanswood Park Elmstead Market

SAE4 – Mercedes Site Harwich

SAE5 – Mistley Port and Marine

SAE6 – Development and Mistley Marine

SAE7 – Stanton Europark

### **7.6 Are the policies justified and consistent with national policy? Are they based on up-to-date evidence?**

**Are the requirements of the policy clear, and would the criteria identified to assess proposals on these sites be likely to be effective?**

**Are the policies sufficiently flexible?**

**Is the approach taken to identify the capacity of these sites appropriate?**

**Are the assumptions made in relation to the timescale for delivery justified?**

**Are the Council's proposed modifications to these policies and the supporting text necessary for soundness?**

7.6.1 The allocations and related site-specific policies SAE1 to SAE7 were, at the time of the Local Plan's submission in 2017, designed to set out site-specific criteria to guide the development of each area. Since submission, a number of the sites have already either been granted planning permission or have been developed and, as explained in the Council's Topic Paper ([TP4](#)) and the answer to Question 7.2 above, the sites singled out in these policies (and originally listed in Policy PP7) do not represent the full range of sites now available for employment-related development in the district.

7.6.2 Furthermore, on reflection some of the policies repeat the requirements of other policies in the Local Plan and are not considered necessary. Therefore, the Council's suggested amendments set out in documents [SM1](#) and [RR7](#) include the deletion, from the plan of Policies SAE2, 3, 4, 5 and 6; leaving only SAE1: Carless Extension Harwich and SAE7: Stanton Europark.

7.6.3 The reasons for the Council's suggested deletion and retention of SAE Policies is detailed in Topic Paper [TP4](#) and document [RR10](#) but are summarised as follows:

- SAE1 Land adjoining Carless Refinery: the land is designated for employment use in connection to Carless refinery as an extension to their operations. As such, the land is envisaged for a specific form of development to meet the requirements of the refinery and not currently available for general employment use. The Council proposed modification is to retain the allocation and site-specific Policy SAE1, but not include this site in the supply figures within Policy PP7. Policy SAE1 reflects the potential needs of the refinery while taking into account health and safety requirements, ecological mitigation and the effects on the European designated habitat sites.
- SAE2 Land South of Long Road, Mistley has obtained planning permission 17/01181/OUT for A2/A3/B1 and D1 uses as part of a wider mixed-use development and Policy SAE2 and the criteria within it are not considered to be necessary and repeat other policy requirements of the plan. The site is proposed to be retained with the supply figures for Policy PP7 but Policy SAE2 is suggested for deletion.
- SAE3 Lanswood Park has obtained planning permission 17/00785/OUT and is under construction. The site is proposed to be retained with the supply figures for Policy PP7 but Policy SAE4 is no longer necessary and is suggested for deletion.
- SAE4 Mercedes Site, Bathside Bay is in operation and forms part of the existing employment land supply to be protected through Policy PP6. Policy SAE4 is no longer necessary and is suggested for deletion.
- SAE5 Development at Mistley Port and Policy SAE6 Development at Mistley Marine are, on reflection, not considered necessary. The sites comprise an operational port and an area of marine related services and storage. The Council is not actively promoting new development in these areas and the policy criteria in both SAE5 and SAE6 add very little to policy requirements in other parts of the plan. Both are suggested for deletion.
- SAE7 Stanton Europark: the Council proposes to retain this allocation and site-specific Policy SAE7 as this meets the current needs and demand for employment land in the Borough as shown in the ELR and Employment Topic Paper. As such, Policy PP7 incorporates the supply figure from this allocation.

7.6.4 Stanton Europark scored the highest points total (score 81/100) in the ELR ([EB6.3.1](#)) for retention, allocation and delivery. The ELR (para.8.26) states ‘Stanton Europark scores the highest mark, both in terms of market-led sub-total and total score. This is in part due to its strategic location and prominence relative to the A120, but also due to a high score on a number of key features including public transport, environmental setting and availability.’

7.6.5 A re-measurement of the two parcels of land at Stanton Europark identified in the ELR confirms the correct site area to be 3.3ha and the Council suggests an amendment to the policy (and Map SAE7) to include this correction. The site scored 41/50 as market led site. The allocation of this site clearly justified as shown in the ELR and Employment Topic Paper and supported by the landowner Orion Land and Leisure (LPPuD362). Furthermore, with close proximity to the port, the site could play an important role in the Council's joint bid with East Suffolk and Babergh Mid-Suffolk District Councils and other partners for Freeport Status – Freeport East.