

# *Tendring* *District Council*



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

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

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

#### **Response to new Question 2.6**

**February 2021**

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

*On 8<sup>th</sup> February 2021, the Inspector advised examination participants that a question had been omitted from the original set of Matters Issues and Questions (MIQs) and therefore invited responses to a new Question 2.6. This supplementary hearing statement contains the Council's response to the new question.*

### **2.6 Have the sites allocated for development in the plan been appraised and selected in comparison with possible alternatives using a robust and objective process.**

2.6.1 Yes. The sites allocated for development in the plan have been appraised and selected in comparison with possible alternatives using a robust and objective process that considers a range of evidence and factors.

2.6.2 The Council can demonstrate that, at the time of preparing the Local Plan, sites were selected on the basis of a robust and objective process informed by the Sustainability Appraisal (SA), the approach to achieving a sustainable pattern of growth following the settlement hierarchy in Policy SPL1, maximising the use of previously developed 'brownfield land', assessing site suitability, availability and deliverability through the Strategic Housing Land Availability Assessment (SHLAA) and Employment Land Review (ELR) and the consideration of other factors and material considerations such as physical and environmental constraints including the objectives of the Council's Strategic Green Gaps policy (PPL6).

2.6.3 The sites allocated for development in the Local Plan, as submitted in 2017, were as follows:

#### Strategic Allocation Mixed Use Sites

- SAMU1: EDME Maltings, Mistle; and
- SAMU2: Hartley Gardens, Clacton;
- SAMU3: Oakwood Park, Clacton;
- SAMU4: Rouses Farm, Clacton; and
- SAMU5: Land South of Council Offices, Weeley.

#### Strategic Allocation Housing Sites (all of which have since obtained planning permission)

- SAH1: Greenfield Farm, Dovercourt;
- SAH2: Low Road; Dovercourt; and
- SAH3: Robison Road, Brightlingsea.

Medium Site Allocations (all of which are previously developed brownfield sites or otherwise located well within existing built-up areas)

- MSA1: Land at Weeley Council Offices;
- MSA2: Land of Cotswold Road, Clacton;
- MSA3: Orchard Works, Clacton;
- MSA4: Land rear of 522-524 St. John's Road, Clacton;
- MSA: Station Gateway, Clacton
- MSA6: Former Tendring 100 Waterworks, Clacton;
- MSA7: Mayflower Primary School, Dovercourt;
- MSA8: Land at Harwich and Parkeston Football Club, Dovercourt;
- MSA9: Old Town Hall Site, Walton;
- MSA10: Southcliffe Trailer Park, Walton;
- MSA11: Station Yard, Walton;
- MSA12: Land at the Farm, Kirby Road, Walton; and
- MSA14: Montana Roundabout site, Little Clacton.

Strategic Allocations for Employment Sites (all of which, with the exception of SAE1 and SAE7 have obtained planning permission or are otherwise already in operational use).

- SAE1: Land west of Carless Refinery, Parkeston;
- SAE2: Land South of Long Road, Mistley
- SAE3: Land south of Lanswood Park, Elmstead Market;
- SAE4: Mercedes Site, Bathside Bay, Harwich;
- SAE5: Mistley Port;
- SAE6: Mistley Marine; and
- SAE7: Stanton Europark, Dovercourt/Parkeston.

2.6.4 Through the Council's suggested amendments in document [SM1](#), the majority of these sites are suggested for deletion as specific allocations from the Local Plan, mainly to reflect the significant changes in the housing and employment land positions since 2017.

#### Suggested Modifications

2.6.5 As explained in detail within the Council's Housing Topic Paper [TP2](#) and Employment Land Topic Paper [TP4](#), there have been considerable changes in both the housing and employment land positions in Tendring since 2017 that, in the Council's view, necessitate updates to the Local Plan and the deletion of certain site allocations and associated policies – as set out in document [SM1](#). Some of these changes arise from either the grant of planning permission or development on certain sites and others arise from updated evidence on deliverability which indicate that certain sites are considered unlikely to come forward within the plan period.

2.6.6 For example sites SAMU5, SAH1, 2 & 3, MSA3, 4 & 14, SAE2, 3, 4 & 7 have all either already been built, are under construction or have obtained planning permission. Sites MSA2, 5, 7, 9 & 10 are suggested for deletion from the plan as the evidence to demonstrate their deliverability within the plan period is no longer considered to be sufficient. Sites SAE5 & 6 are essentially already in operational use for port and marine-related activities and are not actively being proposed for new development.

2.6.7 If the Council's suggested modifications to the Local Plan are agreed by the Inspectors as formal modifications, the only sites that would remain as being specifically allocated that do not already benefit from a grant of planning permission would be:

#### Strategic Allocation Mixed Use Sites

- SAMU1: EDME Maltings, Mistley (albeit with the removal of specific housing and employment land figures);
- SAMU2: Hartley Gardens, Clacton (see Topic Paper [TP6](#));
- SAMU3: Oakwood Park (see Topic Paper [TP7](#)); and
- SAMU4: Rouses Farm, Clacton (albeit subject of planning application 17/01229/OUT and a Planning Committee resolution to grant permission).

Medium Site Allocations (all of which are previously developed brownfield sites or otherwise located well within existing built-up areas)

- MSA1: Land at Weeley Council Offices;
- MSA6: Former Tendring 100 Waterworks, Clacton;
- MSA8: Land at Harwich and Parkeston Football Club, Dovercourt (albeit with a reduction in the site area and housing capacity from 89 to 48 units);
- MSA11: Station Yard, Walton; and
- MSA12: Land at the Farm, Kirby Road, Walton.

#### Strategic Allocations for Employment Sites

- SAE1: Land west of Carless Refinery, Parkeston; and
- SAE7: Stanton Europark, Dovercourt/Parkeston.

2.6.8 The Council notes that there are no strong suggestions through any of the representations or subsequent third-party hearing statements that any of these allocations are unjustified or less suitable than other reasonable alternatives. The Inspectors will have also read, from Topic Papers 2 and 4 that both the housing allocations and the employment allocations represent a significant over-supply above objectively assessed requirements up to 2033.

## Sustainability Appraisal (SA)

- 2.6.9 Notwithstanding the Council's suggested deletions from the plan, in preparing the plan all allocations were assessed against the sustainability objectives and assessment criteria within the Sustainability Appraisal (SA) [CD5.2](#) alongside a range of alternative options. The purpose of SA is to identify the potential significant environmental, social and economic effects of different options to inform the decisions of the plan-making authority. As explained in the Council's answer to Matter 1, Question 1.3, the Council considers the Section 2 SA to be adequate in terms of its assessment of the likely effects of the plan's policies and allocations; its consideration of reasonable alternatives; and its explanation of why the preferred strategy and policies were selected.
- 2.6.10 The Sustainability Appraisal for Section 1 of the Local Plan undertaken by Essex Place Services (and the subsequent additional work carried out by LUC to address the concerns raised by the Inspector during the examination process) focussed on the assessment of alternative growth strategies for the whole of North Essex and larger alternative strategic sites with the potential for 2,000 or more dwellings. These included the three Garden Communities originally proposed by the North Essex Authorities, proportionate settlement expansion options and, most notably for Tendring, a 'Metro Plan' proposal focussing growth on villages with railway stations (Alresford, Great Bentley, Weeley and Thorpe le Soken) and alternative Garden Villages at Frating and/or Weeley – some of which feature within Mr. Gittins' alternative growth strategy. The Inspector's final conclusions in respect of the Tendring Colchester Borders Garden Community demonstrate the soundness of selecting the Garden Community over the Metro Plan and Frating/Weeley growth options for the purposes of strategic-level growth.
- 2.6.11 The allocations in Section 2 of the Local Plan for all three of the North Essex Authorities propose developments of less than 2,000 homes each and are assessed against reasonable alternatives through a separate appraisal. The Sustainability Appraisal for Tendring's Section 2 Plan undertaken by Essex Place Services contains an appraisal of the larger Strategic and Mixed Use (SAMU) allocations against seven alternative strategies (see Appendix 1, pages 227 to 238) including a focus for development to the West of Clacton and Jaywick Sands, the east of Clacton, Harwich, Frinton & Walton, Manningtree, Weeley and Frating (the latter of which features within Mr. Gittins' alternative proposal). The SA also includes (in Appendix 2) an appraisal of the allocated sites in different locations alongside a range of alternatives in those locations. Many of the alternative sites include those promoted through representations and some that have gone on to obtain planning permission either from the Council or on appeal.
- 2.6.12 The Section 1 Inspector's criticisms of Place Services' Section 1 SA (and the reason why additional work had to be undertaken) were around: 1) clarifying the objectivity of

the assessment and overly optimistic assumptions about the benefits of the Garden Communities and correspondingly negative assumptions about the alternatives; 2) clarifying the rationale behind the choice of alternative sites and the scales of development being tested; and 3) clarifying the choice of sites tested in combination with or without Garden Communities as alternative strategy options. There were no concerns however about the selection and applicability of the sustainability objectives and the assessment criteria in the Place Services work which remained unchanged in the additional work carried out by LUC. Furthermore, the criticisms of the Section 1 SA in terms of objectivity and selection of alternatives for testing are not applicable to the Section 2 SA and, unlike the Section 1, there were few representations highlighting any particular concerns.

2.6.13 The Council is satisfied that the SA represented a fair, objective and robust assessment of the allocated sites against reasonable alternatives. In confirming its selection of sites for inclusion in the Local Plan as allocations, there are no alternative sites that perform notably stronger against the sustainability objectives than those selected for inclusion in the plan. The Council does however make the point in its response to Question 1.3 that in the time elapsed since 2017, the planning status of some sites has changed along with the names of sites and assumptions about their capacities. It is recognised that the SA could be updated to reflect more up to date information and the Council's suggested amendments to the plan if the Inspector is inclined to accept some or all of them as formal modifications. It is not however anticipated that an update to the SA would result in materially different conclusions that would support the inclusion of alternative sites.

#### Settlement hierarchy and a sequential approach to development

2.6.14 The selection of sites for allocation in the Local Plan, particularly greenfield land required to meet residual housing and employment needs, has had regard to the settlement hierarchy; the purpose and evidential basis of which are explained in the Council's response to Questions 2.1 and 2.2. Accessibility to shops, jobs, services and facilities is also a key consideration in the Sustainability Appraisal and thus the hierarchy of settlements is also reflected in the scoring of alternative sites in the SA.

2.6.15 In seeking to identify land to meet the residual housing and employment requirements, the starting point was to establish how much development could be delivered from sites that had already obtained planning permission and to accommodate as much of the residual requirement on previously developed 'brownfield' sites or land otherwise located within the established built up areas (Paragraph 47 to 55, NPPF 2012). The Medium Site Allocations (MSA) all fall into this category and the findings of the Council's SHLAA were particularly relevant in informing decisions on including these sites in the Local Plan.

2.6.16 To meet the residual need for housing in full, it was clear that greenfield sites would be required for development and the settlement hierarchy was an important consideration in selecting sites for inclusion in the Local Plan and ensuring that the sites (both individually or cumulatively) would be suitable, proportionate and sustainable for the settlements and locations affected and would achieve a sustainable pattern of growth overall. As explained in the Council's response to Question 2.2, the Strategic Urban Settlements of Clacton and Harwich and the Tendring Colchester Borders Garden Community are the focus for the largest proportion of growth which is in line with a sustainable development strategy and the Council's Economic Strategy [EB6.1.1](#), with proportionate levels of development for settlements in the lower tiers of the hierarchy – most of which is already accounted for through existing planning consents.

#### Strategic Housing Land Availability Assessment (SHLAA)

2.6.17 The SHLAA relates to housing and mixed-use development sites and provides a detailed assessment of the suitability, availability and deliverability of variety of sites including consented sites, allocated sites and alternative/discounted sites with the potential for 10 or more dwellings. The assessment considers sites' planning status; their physical, environmental and infrastructure constraints; ownership issues and viability issues.

2.6.18 Whilst the Sustainability Appraisal and the hierarchical/sequential approach to development were key to determining the relative sustainability of different sites at a relatively high level, they could not (on their own) consider all factors or determine the deliverability of sites. The SHLAA was therefore a key piece of evidence to inform decisions on which sites to include in the Local Plan. The 2020 update to the SHLAA [EB5.3.1](#) illustrates the significant changes in the housing supply position in Tendring since 2017 [EB5.3.2](#) and is the evidential basis for many of the suggested amendments to the Local Plan being put forward by the Council.

#### Employment Land Review (ELR)

2.6.19 The ELR relates more specifically to land required for business and industrial uses and was a key consideration in determining which sites to list in Policy PP7 and which to make the subject 'Strategic Allocations for Employment' (SAE sites) allocations with their own site-specific policy. The assessment criteria focus on site location and access (including proximity to the highway and public transport network, prominence and location in relation to centres of population); planning status, site conditions and site availability.

2.6.20 Like with housing development and the SHLAA, there have been considerable changes in the employment land situation between the ELR of 2017 [EB6.2.2](#) and the 2020 update [EB6.2.1](#) and these are reflected in the Council's suggested amendments

to Policy PP7 - where it is proposed that all sites with planning permission for new business and industrial development are listed and identified on the policies map and that all but two of the SAE policies are deleted from the plan.

#### Strategic Green Gap policy

2.6.21 As explained in both the Council's Housing Topic Paper [TP2](#) and the Strategic Green Gap Topic Paper TP7, one of the key determining factors in the selection of greenfield sites for development, particularly on the periphery of Clacton, Harwich and (to a lesser extent) the smaller urban settlements of Frinton/Walton/Kirby Cross and Manningtree/Lawford/Mistley was the objective of maintaining physical separation and maintaining the individual character of settlements and avoiding coalescence.

2.6.22 The Strategic Green Gap designation and associated Policy PP6 are explained in detail in Topic Paper [TP5](#). The designation was one of the key determining factors in the selection of Hartley Gardens (SAMU2) and Oakwood Park (SAMU3) as the preferred locations for settlement expansion at Clacton over alternative sites where the gaps to surrounding settlements and neighbourhoods including Jaywick Sands, Little Clacton and Holland on Sea are narrower and the risk of coalescence is high.

#### Decision making

2.6.23 Decisions on the content of the Local Plan and site allocations have been informed by the evidence and material factors outlined above and taken by Tendring's elected Councillors on the advice of their professional Officers. Key dates and key decisions include:

- 14<sup>th</sup> July 2015 Local Plan Committee – decision to approve the [Issues and Options Document](#) for consultation (see [minute](#)).
- 9<sup>th</sup> June 2016 Local Plan Committee – decision to approve the [Preferred Options Document](#) and associated [Sustainability Appraisal](#) for recommendation to Full Council (see [minute](#)).
- 5<sup>th</sup> July 2016 Full Council – decision to approve the [Preferred Options Document](#) and associated [Sustainability Appraisal](#) for consultation (see [minute](#)).
- 12<sup>th</sup> June 2017 Local Plan Committee – decision to approve the Publication Draft Document [CD1.1](#) and associated Sustainability Appraisal [CD5.2](#) for recommendation to Full Council (see [minute](#) and [full agenda](#)).



- 15<sup>th</sup> June 2017 Full Council – decision to approve the Publication Draft Document [CD1.1](#) and associated Sustainability Appraisal [CD5.2](#) for consultation and subsequent submission to the Secretary of State (see [minute](#) and [full agenda](#)).
- 16<sup>th</sup> July 2019 Planning Policy and Local Plan Committee – decision to approve and publish for consultation additional evidence for the purposes of the Section 1 Local Plan examination (in response to the Inspector’s concerns) and to approve the 2020 SHLAA containing suggested amendments to housing figures and allocations (see [minute](#) and [full agenda](#)).
- 29<sup>th</sup> October 2019 Planning Policy and Local Plan Committee – decision to approve suggested amendments to employment land policies and allocations as informed by the 2019 ELR (see [minute](#) and [full agenda](#)).
- 11<sup>th</sup> January 2021 Planning Policy and Local Plan Committee – decision to recommend to Full Council the formal adoption of Section 1 of the Local Plan following the Inspector’s final report (see [minute](#) and [full agenda](#)).
- 26<sup>th</sup> January 2021 Full Council – decision to formally adopt Section 1 of the Local Plan (see [minute](#) and [full agenda](#)).