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**Examination of the Regulation 19  
Submission Tending Local Plan 2033  
(Section 2)**

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**STATEMENTS FOR:**

**MATTER 2 – SPATIAL STRATEGY**

**MATTER 3 – HOUSING ALLOCATIONS**

**MATTER 4 – SUPPLY OF HOUSING LAND**

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**WRITTEN STATEMENT**

**Prepared by:**

**Woolf Bond Planning LLP**

**On behalf of:**

**Taylor Wimpey UK Ltd**

**Taylor  
Wimpey**

**Representor ID No: LPPuD261**

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## Executive Summary

Taylor Wimpey UK Ltd ("TW") have a controlling interest in land to the north of Colchester Road, Weeley (part of SHLAA ref WE1.2) which the Part 2 Local Plan has failed to include as a mixed use allocation for around 380 dwellings and 2.8ha of employment. This is notwithstanding the clear evidence submitted during the preparation of the Local Plan that it represents a deliverable site which can contribute towards meeting identified housing and employment needs during the early part of the plan period to 2033; and within the current five year period 2020/21 to 2025/26.

Their objections may be summarised as follows:

- The Plan is **not justified** having regard to approach envisaged to maintain a rolling five year supply of housing land and/or in relation to the approach to the allocation of sites for housing as proposed to be amended by the Council's Schedule of Suggested Modifications (January 2021), such that it cannot be said to provide the most appropriate strategy when considered against the reasonable alternatives.
- The Plan is **not effective** and will fail to provide a five year supply of deliverable housing land on adoption and/or deliver the requisite amount of housing during the plan period; when assessed against the objectively assessed housing need.
- The Plan is **not consistent with national policy** having regard to the need to ensure housing site allocations will maintain an adequate supply of deliverable housing land, including in relation to the need for plans to be sufficiently flexible to adapt to change (paragraph 14 of the 2012 NPPF).

The failure to provide sufficient deliverable site allocations will serve to frustrate attempts to address key factors affecting worsening affordability and would be contrary to Government policy which is seeking to boost the supply of housing.

In order for the Local Plan to provide an appropriate basis for the planning of the District to 2033, Taylor Wimpey UK Ltd identify a need to include the land north of Colchester Road, Weeley as a mixed use allocation in the Local Plan for approximately 380 dwellings and 2.8ha of employment (an additional Strategic Allocation Mixed Use Policy).

The above changes are necessary in order to ensure the Local plan satisfies the tests of soundness at paragraph 182 of the NPPF (2012).

## **CONTEXT AND BACKGROUND**

- 1.1. This Statement has been prepared by Woolf Bond Planning LLP on behalf of Taylor Wimpey UK Ltd (“TW”), and addresses the questions for Matters 2, 3 and 4 of the Section 2 Hearing Sessions as set out in the Inspector’s Matters and Issues.
- 1.2. In setting out our response, we continue to rely upon the content of the detailed representations submitted on behalf of TW in response to the Regulation 19 consultation in July 2017.
- 1.3. Our answers to the questions should be read in the context of our position that insufficient deliverable and developable land has been identified in the draft Local Plan in order to maintain a rolling 5 year supply of housing land as obligated by paragraph 47 of the NPPF. Accordingly the settlement boundaries within policy SPL2 will prevent the achievement of this requirement of Government policy, especially as defined at Weeley. Accordingly, the Plan would not be sound without, inter alia an amendment to Policy SPL2 to include our clients land within the settlement boundary alongside the inclusion of a site specific Strategic Allocation Policy.
- 1.4. The representations submitted in July 2017 summarise the clear evidence confirming the suitability and deliverability of the land north of Colchester Road, Weeley which supports our view that it should be included in the Plan as a further allocation, thereby providing flexibility in achieving the maintenance of a rolling five year supply.
- 1.5. This Statement details further responses to a number of the specific questions raised by the Inspector’s in their examination of Section 2 of the Local Plan.

**MATTER 2: SPATIAL STRATEGY, THE LOCATION OF NEW DEVELOPMENT AND THE SITE ALLOCATION PROCESS**

**Questions 2.1 to 2.7**

**General**

- 2.1. Our detailed representations prepared and submitted on behalf of TW in response to the Council's Draft Submission Local Plan provide a detailed justification for the inclusion of land north of Colchester Road, Weeley as a mixed use allocation for approximately 380 dwellings and 2.8ha of employment.

**Question 2.1: Evidence base on distribution of development**

- 2.2. The representations submitted to the Local Plan emphasises the suitability of land north of Colchester Road, Weeley for a mixed use allocation as indicated above.
- 2.3. Within the proposed submission Local Plan (Policy SPL1), Weeley is categorised as a Rural Service centre, one of the district's third tier settlements which benefits from a train station providing services by Greater Anglia trains on the Sunshine Coast Line. Access to this train station provides for an opportunity for Weeley to accommodate an appropriate level of growth. The site is located in Flood Zone 1 and capable of accommodating development.
- 2.4. The Council's evidence base (Local Plan Settlement Hierarchy appraisal (April 2016) (EB3.1.1)) indicates that Weeley should be categorised as an "expanded settlement" and not a "rural service centre". Paragraph 4.27 indicates that of all the rural service centres it was best placed to accommodate strategic growth resulting in its identification as a "expanded settlement". However, it is not considered that the final categorisation of Weeley within policy SPL1 adequately reflects the accepted suitability and capacity of the settlement to accommodate growth. It should consequently have been included as a second tier settlement in policy SPL1 i.e. as a "smaller urban settlement".

- 2.5. Had Weeley been appropriately identified as a second tier settlement, it would have been earmarked for further growth. Therefore, the distribution of residential development has not acknowledged the sustainability of Weeley for development.

**Question 2.2: Settlement hierarchy**

- 2.6. As indicated in the response to question 2.1, the Council's evidence base does not support the inclusion of Weeley as a third tier settlement. However, the Council's evidence-base clearly supports the re-classification of Weeley within the second tier of the settlement hierarchy. Absent this amendment, the Plan cannot be said to be sound as the spatial strategy and associated settlement hierarchy does not represent the most appropriate strategy when considered against the reasonable alternatives. As such, the Plan is not justified when assessed against the tests of soundness at paragraph 182 of the NPPF (2012).
- 2.7. The inclusion of Weeley as a higher order settlement within the hierarchy would result in a sound spatial strategy.

**Question 2.3: Consideration of the policies provisions**

- 2.8. Our representations highlighted both the suitability of land north of Colchester Road, Weeley as a mixed use allocation together with the inadequacy of the envisaged supply to maintain a rolling five year housing land supply. The latter is a key obligation on the authority pursuant to paragraph 47 of the NPPF (2012). The text of policy SPL2 prevents residential development outside of the defined settlement boundaries.
- 2.9. Whilst we advocate revisions to settlement boundaries defined in the District to accommodate housing needs and to provide a flexible and deliverable supply of housing land (especially with respect of Weeley), in order to accommodate rapid change as obligated by the NPPF (paragraph 14) we advocate the merits of the following approach:

- a) Identify reserve sites which could be brought forward to address identified shortfalls (linked to a monitoring policy); and
  - b) A revision to Policy SPL2 (as revised through the Suggested Modifications) to reflect that included in the Adopted Ashford Borough Local Plan (Adopted February 2019).
- 2.10. Our suggested revision to policy SPL2, necessary to satisfy the tests of soundness at paragraph 182 of the NPPF, is as follows:

**To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed below in Policy SPL1 is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development**

**Outside of Settlement Development Boundaries, the Council will allow residential development close to the defined boundaries provided that each of the following criteria is met:**

- a) **The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;**
- b) **The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;**
- c) **The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;**
- d) **The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;** e) **The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,**
- e) **The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-**

- i) it sits sympathetically within the wider landscape,**
- ii) it preserves or enhances the setting of the nearest settlement,**
- iii) it includes an appropriately sized and designed landscape buffer to the open countryside,**
- iv) it is consistent with local character and built form, including scale, bulk and the materials used,**
- v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,**
- vi) it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites.**

2.11. This would assist in ensuring the plan is effective and thus deliverable.

**Question 2.4: Are settlement boundaries appropriately drawn?**

2.12. We do not consider that the boundaries have been appropriately drawn. This is especially with respect of the constraints to growth at the acknowledged sustainable “expanded settlement” of Weeley and is consequently inconsistent with the approach at paragraph 28 of the NPPF (2012).

2.13. Furthermore, as Weeley has direct access to a railway station, and the failure to provide for an appropriate level of growth at the settlement further emphasises the inconsistency of the document with paragraph 29 of the NPPF, especially as its public transport accessibility exceeds that typically available within rural areas.



**MATTER 3: POLICIES AND ALLOCATIONS FOR HOUSING DEVELOPMENT (DELIVERING PLACES)**

**Questions 3.1 to 3.5**

**Questions 3.1 & 3.4: Are the allocations soundly based and delivery assumptions justified?**

- 3.1. We do not consider that the Council has robustly demonstrated the deliverability and developability of the sources of housing supply upon which they rely in seeking to demonstrate a rolling 5 year supply alongside achievement of the overall plan target. The latter has been confirmed following the examination of Section 1 of the Local Plan (CD2.2).
- 3.2. In an appeal decision for land at 700 St Johns Road and St Johns Nursery site, Earls Hall Drive, Clacton on Sea (APP/P1560/W/20/3256190) dismissed on 7<sup>th</sup> January 2021 (**Appendix 1**), the Inspector considered the deliverability of housing land within the District and the extent that the various sources relied upon by the authority accorded with the relevant definitions of the 2019 NPPF.
- 3.3. Although it is acknowledged that the Section 2 Tendring Local Plan is being examined pursuant to the 2012 NPPF (reflecting the transitional arrangements in the 2019 NPPF (paragraph 214), paragraph 14 of the NPPF (2012) emphasises the importance of development plans having “sufficient flexibility to adapt to rapid change”.
- 3.4. Given the known implications of the 2019 NPPF which as confirmed by paragraph 212 of the NPPF (2019) apply to the determination of applications and appeals, it is essential that these are addressed within the existing emerging Section 2 Local Plan.
- 3.5. As illustrated in the appeal decision for a scheme in Hanslope, Milton Keynes (**Appendix 2**), alongside the Consent Order quashing the appeal decision for a site in Harrold, Bedfordshire (**Appendix 3**), any determination of the adequacy of housing land supply must acknowledge that the definition of

deliverable sites has been refined through the 2019 NPPF.

- 3.6. To substantiate any assessment of 5 year supply (providing the flexibility envisaged by paragraph 14 of the NPPF (2012)), it is essential that the Local Plan is not immediately out-of-date through its failure to demonstrate adequate supply.
- 3.7. The above review highlights the relevance of any consideration of site deliverability pursuant to the 2019 NPPF.
- 3.8. Paragraphs 81 and 82 of the Clacton on Sea appeal decision (**Appendix 1**) details the Inspector's exclusion of sites from the housing land supply assessment that fail the deliverability test set out in the NPPF.
- 3.9. Whilst we acknowledge that this Local Plan is being examined under the 2012 NPPF, as indicated above, it is essential that full consideration of the need for flexibility as required by the NPPF (paragraph 14) is incorporated. Therefore, the expectations of the Council from allocated sites, especially Rouses Farm is not substantiated, and further illustrate that the Local Plan cannot be said to be sound.
- 3.10. As set out above, and detailed in our 2017 representations, the land north of Colchester Road, Weeley is suitable and deliverable and should consequently be included as a further allocation thereby addressing the identified risks for the maintenance of a five year supply.

## **MATTER 4: SUPPLY OF HOUSING LAND**

### **Questions 4.1 to 4.5**

#### **Questions 4.1 to 4.5**

- 4.1. Although the Council has prepared a Topic Paper on Housing Land Supply (TP2), unlike the Council's SHLAA (May 2020) (EB5.3.1) it does not include the latest trajectory on housing delivery as envisaged in the NPPF (2012) (paragraph 47). In considering the adequacy of the Council's evidence on maintaining a robust 5 year supply of housing land, we have concentrated our analysis on the realism of the authority's expectations detailed in Appendix 4 of the SHLAA (EB5.3.1).
- 4.2. Our concern over the realism of the Council's expectations of delivery was detailed in the representations to the Draft Submission Plan (first paragraph on page 10). This section of the Statement therefore expands our earlier concerns taking account the update data and information supplied by the authority.
- 4.3. Although the Council (Stage 3 of the Housing Topic Paper (TP2)) contends that the delivery of at least 1,000 dwellings from the Colchester/Tendring borders garden community is not contentious by virtue of the Section 1 Inspector's conclusions, we nevertheless have the following concerns:
  - a) The Council's current Local Development Scheme (January 2019) (CD4.8) indicates that the new essential DPD to inform the Colchester/Tendring borders garden community would be prepared on the timeline outlined on pages 9 and 10. Whilst the first step in the programme (Issues and Options consultation winter 2017/18) was achieved (predating the Local Development Scheme), there is no indication that the subsequent steps will be, especially as a Draft Plan has not been prepared for consultation in winter 2020/21 as envisaged. Therefore the programme envisaged for its preparation is unrealistic.
  - b) Appendix 4 of the Council's SHLAA outlines a timeline for the programme of the various steps leading to the first anticipated completions at the borders Garden Community in 2025/26. The timeline is predicated upon adoption of the Local Plan in 2021/22 and outline permission granted in 2022/23. However, with the expected delays in the project timeline and assumed delivery rates will not be achieved at the date/rate envisaged.

- c) Appendix 4 also indicates that first completions at the Garden Community will arise in 2025/26, six years after the base date for the assessment. As this is outside of the current 5 year period, this was not considered in the Clacton appeal. However, research by Lichfields in “Start to Deliver, What factors affect the build-out rates of large scale housing sites?” (2020) (appendix 4) indicates that for sites of a similar size to the Garden community take on average, from submission of an application to the first dwelling completion takes 8.4 years (figure 4). As an application for the Garden Community site has yet to be submitted, this would mean the earliest a home could be completed on the site is early 2029 (or 4 years from the end of the current Plan period);
- d) Furthermore, the Lichfields research indicates that for sites of a similar size to the Garden Community i.e. contain at least 2,000 dwellings will be built out on average at 160dpa (Table 3). This is the figure for the whole site which would then need to be halved to reflect the split between Colchester Borough and Tendring District. The realistic expected rate at the Garden Community would therefore be 80dpa, or around two thirds of the 125dpa assumed by the authority. These two factors would therefore reduce the extent of homes deliverable at the garden community within Tendring District from 1,000 to 320 dwellings;

4.4. The criticism of the robustness of the Council’s expectations for the Garden Community are reflected in their unrealistic assumptions for other sites included in their supply – whilst this was recognised in the Clacton-on-Sea appeal, it applies to other sources. Therefore, although the Council’s work in appendix 4 of the SHLAA purports to be able to demonstrate a rolling 5 year supply, this is not substantiated when considered in greater detail (having regard to the expectations in the NPPF (paragraph 14)).

4.5. In order to satisfy the tests of soundness at paragraph 182 of the NPPF, additional sites should be identified for housing in sustainable locations, including TW’s site to the north of Colchester Road, Weeley.

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