

APPENDIX 2
Classification - Official

Tendring
District Council



Planning Inspectors
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c/o Local Plans Programme Officer
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Our Ref : GG/S2EIP/2020/1

Your Ref : PINS/P1560/429/5

Dear Inspectors,

Tendring District Local Plan – Examination of Section 2

I write on behalf of Tendring District Council to thank you for your 'Local Plan Part 2 Examination Advice Note' dated 19 August 2020 which provides very clear and helpful guidance on how to prepare for the next stage of the examination process. My Council is particularly keen to progress to the examination of the Section 2 Local Plan as, notwithstanding our best efforts, we have been without an up-to-date adopted Local Plan for a number of years and it is a top priority to put that right.

We are therefore delighted that you are looking forward to working proactively with all the Councils and interested parties to, I hope, enable the plan to proceed smoothly through these final stages of the process. With that in mind, my team and I are keen to work with you in the coming weeks and months to establish the likely scope of any examination hearings, ideally with a view to keeping them to a minimum.

In the three years that have passed since the Local Plan was submitted in 2017, a significant number of development proposals have obtained planning permission either from the Council or on appeal, have begun or completed construction, or have been the subject of planning applications that have been rejected by the Council and sometimes thereafter dismissed on appeal. Because of this, much of the content of the emerging Local Plan is, in my considered opinion, no longer controversial and I am hopeful that the length and complexity of the examination can reflect that.

Workload and capacity

In your advice note you have asked for an indication as to the staff time/availability and resources available to prepare for and host the Section 2 Examinations. I am pleased to report that Tendring District Council has allocated a team of five Officers, myself included, who will have direct involvement in preparing for the examination and participating in the hearings themselves.

As a team, we are prepared to provide you with any information you require ahead of any hearings to ensure the process can proceed as smoothly as possible. We anticipate that, in response to the key issues and other information we provide to you later this month, you may wish the Council to undertake further work, consultation or evidence updates – particularly given the passage of time that has elapsed since submission in 2017. My team is willing to undertake the work required where it will assist in the smooth running of the examination and ensure the soundness of the plan.

With that in mind, and to allow any such additional work to take place, I would suggest that examination hearings take place between January and March 2021 allowing the remainder of this year to undertake any further work you consider necessary.

Administration of the Part 2 Examinations

As you rightly set out in your advice note, the current Covid-19 pandemic and related restrictions do make it difficult to predict or agree the likely format of the examination hearings. Under normal circumstances, we would have held all examination hearings either in the Council Chamber at our Offices in Thorpe Road, Weeley or the larger Princes Theatre in Clacton on Sea, however I am preparing, as requested, for the possibility of either a 100% or partially virtual event. Like many authorities in recent months, this Council has conducted many meetings virtually utilising 'Skype' or 'Microsoft Teams' and are to soon adopt the latter as the preferred platform for such meetings going forward. In conclusion, the Council has the means to conduct the hearings 100% virtually if so required.

Examination Website

My team is already working on the construction of a dedicated set of web-pages for the Section 2 examination and are liaising with colleagues in Braintree and Colchester to achieve as consistent approach as is possible.

Evidence Base

In preparing the new web pages, we are taking the opportunity to review the library of evidence that has informed the content of the Local Plan and any additional evidence that has been prepared since the submission of the plan in 2017 or is otherwise in the process of being prepared. As requested, we are aiming to order the evidence to correspond with the sections and policies in the plan.

Examples of additional evidence that has been prepared since submission include:

- An updated 2020 Strategic Housing Land Availability Assessment (SHLAA) undertaken in-house by my team;

- An updated Economic Strategy and Employment Land Review undertaken by Hatch Regeneris in 2019;
- An updated Retail and Town Centres Study undertaken by Lambert Smith Hampton in 2020; and
- An updated Holiday Parks Study undertaken by Frontline consultants in 2020.

These and other updated evidence documents have informed the Council's response to some of the representations received back in 2017 and any suggested amendments to policies considered necessary to update the Local Plan and ensure its soundness.

Representations

As requested, we are already in the process of arranging all representations received in relation to the Section 2 Plan to follow the structure/policy order of the plan. In addition, we have produced and are in the process of updating a comprehensive schedule containing summaries of all representations to different parts and policies of the plan along with the Council's consideration and response to the matters raised. These schedules will demonstrate that the Council has given careful consideration to all of the comments submitted.

In so doing, the schedule also contains suggestions for possible amendments to the content of the plan aimed at either addressing directly the matters raised in the representations; updating the plan to reflect the latest relevant information and evidence; or resolving any errors, inconsistencies or other necessary corrections.

The suggested amendments will be presented to you for your consideration through the examination process as potential modifications. If you believe it prudent, the Council would be willing to undertake consultation on the suggested changes ahead of the examination – although you may prefer to consider them as part of the examination process before coming to a view on which, if any, could form post-examination modifications for consultation in line with the normal statutory process.

It is perhaps worth noting, for your information, that the most controversial proposal in the Local Plan was the allocation of land south of Thorpe Road, Weeley through Policy SAMU5 for a mixed-use development including 280 homes and 1 hectare of employment land which attracted a large number of representations from the public. Since the submission of the plan, this site has obtained outline planning permission and, in the Council's opinion, all of the public objections including additional objections to the application itself have been considered through the Development Management process and duly resolved.

Identification of 'Key Issues'

The above-mentioned schedule of representations and responses will also provide the basis for what we have identified as the 'key issues' for the examination and these will be presented, as suggested in your advice, in a separate schedule that summarises those issues, provides a brief response and identifies any relevant interested parties.

Ahead of providing you with the schedule of key issues, I can offer an initial view as to some of the areas we are likely to suggest:

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- Housing Supply – Significant changes in the housing supply position since 2017 which will be detailed in Topic Paper 2 as requested. The Council will be presenting evidence to demonstrate that the updated housing supply position has strengthened as a result of planning and appeal decisions and there is no need to allocate any additional sites.
- Hartley Gardens, Clacton – The largest housing and mixed-use allocation in the Section 2 Local Plan and one of the only remaining allocations in the plan yet to obtain planning permission or be the subject of an application. Because of changes in the housing supply position, the Council is no longer reliant on this site to meet housing needs up to 2033, but still promotes its inclusion in the Local Plan as a location with the potential for long-term sustainable development and will want to explore with you, through the examination process, potential amendments to plan aimed at bringing the site forward as a 'broad location' for which more detailed master planning will follow.
- Strategic Green Gaps – Designated in key locations where the Council is seeking to preserve the openness of the countryside around settlements to avoid coalescence and to maintain the individual character and landscape settings of settlements or separate neighbourhoods. A number of objections have been received a) to the principle of designating Strategic Green Gaps and the requirements of the corresponding policy; b) the designation of certain sites or locations; and c) the omission of certain locations from the designation.
- Retail and Town Centre Policies – Following changes in national policy around town centres, the rapid changes happening to the role of retail in our economy and the new evidence contained within the Council's updated Retail and Town Centre Study, some significant amendments to policies may be necessary.
- Employment Land – The Council has updated its Employment Land Review and will suggest that the content of the Local Plan is updated to reflect its findings and to explicitly identify existing employment sites for protection and new sites to be allocated (most of which have already obtained planning permission).
- Policies Maps and Local Maps – The Council has noted a number of comments on the quality and legibility of the maps forming part of the submitted plan and has identified a number of amendments that could be made to improve their clarity and to reflect suggested changes in policy and grants of planning permission.

Topic Paper 1.1 – Consequential changes arising from Section 1 modifications

As requested, my team is working on a topic paper aimed at addressing any potential consequential changes to individual policies within the Section 2 plan as a result of the proposed Main Modifications to Section 1 (which are currently the subject of public consultation).

For Tendring, we anticipate relatively few consequential changes but are mindful that a number of objections to Section 2 propose the inclusion of additional sites in the Local Plan for housing on the basis that the objectively assessed housing need should, in the objectors' view, be higher than the 550 dwellings per annum in Policy SP3 of Section 1. I note from your comments in relation to Topic Paper 2 that you will be seeking advice on *"whether the plan provides an adequate supply of land to meet the housing requirement (as identified within Part*

1 as Modified) over the plan period”. From this, I assume that because the Inspector for Section 1 has decided not to modify Policy SP3 to increase the housing number for Tendring, this topic has been resolved and (unless he resolves to make further modifications following consultation) will not need to be revisited as part of the Section 2 examination. I would be grateful if you could confirm that my understanding is correct.

That said, you will be aware the Section 1 Inspector has asked the authorities to consider whether the latest ONS household projections (2018-based) represent a meaningful change in the housing situation. This is more of an issue for Braintree District than for Tendring or Colchester due to the difference between the 2018-based projections and the 2014-based projections on which the housing requirement in the Section 1 plan is based upon. You will note our exchange of letters with the Section 1 Inspector on this issue and that third parties will soon be invited to comment.

We anticipate and hope that there be no implications for the housing requirement in Tendring and, on this assumption, we expect to be able to submit the Topic Paper to you by the suggested deadline of 26th September 2020. Naturally, if the Section 1 Inspector does require further changes following the consultation on modifications, we could produce an addendum to address any issues that arise.

Topic Paper 1.2 – Consequential changes arising from national legislation/policy changes

As requested, my team is also working on a topic paper that addresses changes in National Legislation/Policy since the submission of the plan and identifies any changes that might have a bearing on the soundness of the plan. As explained above, in the schedules we have produced containing summaries of the representations, the Council’s response and suggested amendments, we have taken the opportunity to consider whether such changes in national policy and legislation require consequential changes. The most notable changes that we have identified to date relate to retail and town centre planning but we will work with our colleagues in Braintree and Colchester to ensure all relevant changes have been identified.

We expect to be able to submit this Topic Paper to you by the suggested deadline of 26th September 2020.

Topic Paper 2 – Housing

As requested, my team is also preparing a Topic Paper responding to the specific points:

- Whether the plan provides an adequate supply of land to meet the housing requirement (as identified within Part 1 as Modified) over the plan period.
- Whether the plan will provide a five-year supply of deliverable sites from its date of adoption.
- Whether the plan will make appropriate provision for affordable housing, accommodation for gypsies and travellers, accessible and adaptable housing, and housing to meet the needs of particular groups, such as (for example) disabled people, older people, and students.

This paper will draw heavily from the Council’s latest 2020 update to its Strategic Housing Land Availability Assessment (SHLAA) which demonstrates that the Council can demonstrate that the plan provides an adequate supply to meet the housing requirements both over the

remainder of the plan period and within the five-years from the date of adoption – with a significant level of headroom/flexibility.

The topic paper will also highlight the fact that many of the sites that were allocated in the plan or otherwise promoted through objections to the plan have now obtained planning permission and are expected to contribute towards future housing supply.

We expect to be able to submit this Topic Paper to you by the suggested deadline of 26th September 2020. In the event the Section 1 Inspector does resolve to recommend modifications to the housing requirement for Tendring following the consultation on the current modifications, a further addendum could be provided at the appropriate time.

Additional Topic Papers

My team and I are giving consideration to any areas where additional topic papers may be required and, on our initial assessment, these are likely to reflect the 'key issues' identified above. For example:

Hartley Gardens

A paper providing an update on the latest position with the largest housing and mixed-use allocation in Section 2 of the Local Plan and the Council's plans for progressing the development in light of delays in progress owing to its complicated ownership and infrastructure delivery issues. It will include an updated assessment of infrastructure requirements, viability assessments and revised trajectory for delivery. It will also contain information on the additional evidence being prepared to support its progress through the planning process and suggestions for how the allocation might best be presented as a 'broad location' in the current plan with a programme for more detailed master planning which would facilitate delivery in the longer term i.e. towards the end of the current plan period and into the next.

Strategic Green Gaps

A paper containing policy justification for the Strategic Green Gap policy and designations in the Local Plan in light of various objections, drawing upon the available evidence, relevant appeal decisions and the experience of other authorities promoting similar policies in their plans.

Retail and Town Centre Policies

A paper highlighting the key findings of the Council's latest Retail and Town Centres Study changes in national policy and their implications for the retail and town centre-related policies in the Local Plan – including suggested changes that were considered and agreed by the Council's Planning Policy and Local Plan Committee in 2019, partly in response to the recommendations of the 'Working Party' that was set up to oversee the rejuvenation of the district's largest town centre in Clacton.

Employment Land

A paper highlighting the key findings of the Council's latest Employment Land Review and evidence that demonstrates that the Council can identify more than sufficient land to meet and exceed the modified employment requirements in Policy SP4 in Section 1 of the Local Plan. The paper will also show that there is sufficient land, already with the benefit of planning permission, to meet the requirement and that the Local Plan could now be amended to identify

the relevant sites, along with all the existing operational sites that should be protected with improvements to wording of relevant policies.

Policies Maps and Local Maps

A compendium of revised Policies Maps and Local Maps updated to provide improved clarity in response to a number of criticisms raised in some representations and to show the various suggested amendments including:

- Adjustments to settlement development boundaries to reflect planning decisions, actual development on the ground and acceptance of arguments put forward in certain representations;
- Identification of allocated and protected employment sites to reflect the latest evidence;
- Identification of safeguarded holiday parks to reflect the latest evidence;
- Deletion of primary and secondary shopping frontages to reflect national changes in retail and town centre policy; and
- Factual changes in the boundaries of designations such as the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

The compendium could form the basis for potential modifications and any related consultation either pre-examination or post-examination depending on your preference.

My team and I are also giving consideration to a possible topic paper on the second largest housing and mixed-use allocation in the plan 'Oakwood Park' to provide an update on its status and the landowners' progress towards preparing a planning application.

Your advice on the scope of additional topic papers and the above suggestions would be welcomed. I would envisage that these additional topic papers could be completed by the end of October 2020.

Questions

We are very grateful for your advice to date and look forward to your thoughts on the Council's suggested approach as set out above. I also, please, have the following questions for your consideration and response which no doubt reflect some of those asked by my colleagues in Braintree and Colchester:

- Are you able to confirm that you are proposing separate hearing sessions for each of the three local authorities?
- Are you able to say how much notice the Council will be able to be given as to the dates for and format of the examination sessions (we expect for example to use a different venue to accommodate a socially distant physical hearing compared to the broadcast of a virtual hearing)

- Are you able to confirm that you have received the hard copies of the evidence base that were submitted to PINs in October 2017? If not please confirm the documents you would wish to receive in hard copy.
- Can we assume that the Section 2 examination will not need to revisit the issues around legal compliance with consultation process and duty to cooperate etc as the Section 1 Inspector has already considered and concluded on such matters?
- Given the passage of time elapsed since the submission of the plan in 2017, is there any need or benefit in revisiting the Sustainability Appraisal ahead of the examination hearings, or would this be more of an issue to consider through the hearings and in relation to any formal modifications?

We look forward to receiving your response on the additional questions set out in this letter and will provide further updates on the timetable of the work on an ongoing basis.

Yours sincerely



Gary Guiver

Assistant Director for Strategic Planning and Place

Tendring District Council