

19th May 2021

Tendring District Council
Council Offices,
Thorpe Road,
Weeley,
CO16 9AJ

Dear Mr Guiver,

Examination of the Tendring Local Plan Part 2 Post Hearing Advice – Main Modifications and Related Matters

Introduction

1. Further to the recent examination of the Tendring Part 2 we are writing to confirm the necessary modifications to make the Plan sound. During the hearing sessions a number of main modifications were discussed. This letter confirms the modifications that were agreed during the hearings and sets out those modifications which were discussed but not confirmed. It also sets out the administrative arrangements for progressing the plan.
2. At this stage we are not inviting any comments about the contents of this letter or the Annex to it as we will consider all responses through the formal consultation process in due course.

Process

3. We can confirm our agreement with the amendments set out in the consolidated schedule of proposed modifications which is attached to this letter
5. The main modifications should be expressed as changes to the publication version of the plan and not the Council's suggested amendments (SM1) which contains changes suggested by the Council which have not been subject to public consultation.
6. The Council should satisfy itself that it has met the requirements for sustainability appraisal by producing addenda to the Sustainability Appraisal and Habitats Regulations Assessment of the submitted plan in relation to the potential main modifications, as appropriate. We will need to see a draft of the addenda and may have comments on them. The addenda should be published as part of the public consultation. The Council should also consider whether the potential main modifications necessitate any further Habitat Regulations Assessment.
7. Some of the modifications proposed by the Council to the submission plan are not considered necessary for soundness but were discussed at the hearing as Additional Modifications which the Council may wish to make to the plan. These are identified in the attached Annex 2. Additional modifications are a matter solely for the Council. If the Council intends to make any additional modifications these should be set out in a separate document from the main modifications. If the Council intends to publicise or consult on any additional modifications it should be made clear that such changes are not a matter for the Inspectors.

8. Advice on main modifications and sustainability appraisal, including on consultation is provided in 2019 Procedure Guide for Local Plan Examinations. Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed main modifications and not about other aspects of the plan and that the main modifications are put forward without prejudice to the Inspectors' final conclusions.

Consideration of Potential Main Modifications

9. The views expressed in the hearing sessions and in this letter on potential main modifications and related policies map changes are based on the evidence before us, including the discussion that took place at the hearing sessions. However, final conclusions on soundness and legal compliance will be provided in the report which we will produce after the consultation on the potential main modifications has been completed. In reaching our conclusions, we will take into account any representations made in response to the consultation. Consequently, the views expressed during the hearing sessions and in this letter about soundness and the potential main modifications which may be necessary to achieve a sound plan could alter following the consultation process.

10. We trust that the Council would be content to adopt the plan on the basis of these modifications but if it is not the case we would be grateful if you would advise us as a matter of urgency in order that we can consider how best to progress the Examination.

Timetable

11. We would be grateful if the Council could now confirm a timetable through to the publication of the main modifications for consultation. Thank you for your cooperation on this. If you need any clarification, please contact us through the Programme Officer.

Yours sincerely,

Anne Jordan and Jameson Bridgwater

INSPECTORS