

## **A.2 APPENDIX 1**

### **PLANNING POLICY AND LOCAL PLAN COMMITTEE**

**11 JANUARY 2022**

#### **REPORT OF THE ACTING DIRECTOR (PLANNING)**

#### **A.1 – SECTION 2 LOCAL PLAN: PLANNING INSPECTORS’ FINAL REPORT AND PROCESS FOR ADOPTION**

(Report prepared by Gary Guiver and Paul Woods)

#### **PART 1 – KEY INFORMATION**

<b>PURPOSE OF THE REPORT</b>
<p>a) To report the Local Plan Inspectors’ final conclusions on the legal compliance and ‘soundness’ of Section 2 of the Council’s new Local Plan following consultation on their recommended ‘Main Modifications’ and the subsequent receipt of their final report on 24<sup>th</sup> November 2021;</p> <p>b) To report that, by incorporating the Inspectors’ recommended Main Modifications, the Section 2 Local Plan meets the tests for legal compliance and soundness - as required for a plan to proceed to formal adoption; and</p> <p>c) To seek the Planning Policy and Local Plan Committee’s agreement that the modified Section 2 Local Plan be recommended to Full Council for formal adoption.</p>

<b>EXECUTIVE SUMMARY</b>
<p><u>Key Points</u></p> <ul style="list-style-type: none"><li>• Planning Inspectors Anne Jordan and Jameson Bridgewater have issued their final report on the soundness and legal compliance of Section 2 of the new Tendring Local Plan, following examination hearings in February and March 2021 and having considered the consultation responses on their recommended ‘Main Modifications’.</li><li>• Officers are delighted to report that, with the incorporation of the Inspectors’ final list of slightly adjusted Main Modifications, the Section 2 Local Plan is sound, legally compliant <u>and can now be formally adopted by the Council.</u></li><li>• The final list of modifications contains no surprises and no significant changes from those considered by the Committee in June and published for consultation in July and August 2021 - the majority of which were put forward by the Council itself to improve soundness of the Plan, address previous objections and ensure the Plan is kept up to date, reflecting the latest evidence.</li></ul>

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- The modifications were not particularly contentious when published for consultation and there were more representations of support than of objection.
- The receipt of the Inspectors' final report already enables the Council to give almost full weight to the policies in the new Local Plan in determining planning applications and in contesting appeals.
- Formal adoption of the modified Section 2 Local Plan will require a decision of Full Council and the Planning Policy and Local Plan Committee is invited to recommend this to Full Council at its scheduled meeting on 25<sup>th</sup> January 2022.
- Adoption of the Section 2 Local Plan will represent a major milestone for Tendring District Council as the new plan will supersede, in full, the previous outdated Local Plan of 2007 and will ensure the Council has a fully up-to-date Local Plan in place to guide development up to 2033.

In January 2021, the Council formally adopted Section 1 of Local Plan - establishing the overarching strategy for growth in North Essex, the housing and employment targets for Tendring, Colchester and Braintree and policies for the Tendring Colchester Borders Garden Community.

Section 2 of the Local Plan, in contrast, contains more specific local policies and proposals relevant and applicable only to Tendring. As reported to the Planning Policy and Local Plan Committee on 29<sup>th</sup> June 2021, the Section 2 Local Plan was the subject of an independent examination undertaken by two government-appointed Planning Inspectors whose job was to check 1) that the Plan had been prepared in line with various legal requirements and 2) that the policies and proposals in the Plan comply with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF).

The examination hearings held in February and March 2021 were followed by recommendations from the Inspectors that a number of 'Main Modifications' be published for consultation – the majority of which reflected those put forward by the Councils itself. Following consideration by the Committee on 29<sup>th</sup> June 2021, the recommended Main Modifications were published for six-weeks consultation between 16<sup>th</sup> July and 31<sup>st</sup> August 2021 alongside a schedule of less significant 'Additional Modifications', a number of 'Modifications to Local Plan Maps, an updated 'Sustainability Appraisal' and an updated 'Habitats Regulations Assessment'.

The Council only received comments from around 30 individuals and organisations – the vast majority of whom were either in support or contained only minor suggestions. The comments (which can be viewed on the Council's website – see [link](#)) were forwarded to the Inspectors for their consideration

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in coming to a final view on the modifications needed to make the Local Plan sound and legally compliant.

On 24th November 2021, the Council received the final report from the Inspectors which concludes that, with the incorporation of their final set of Main Modifications, the Section 2 Local Plan will meet the required tests which enable it to proceed to formal adoption. The Inspectors' report is attached in full as Appendix 1 to this report. The final Main Modifications are mostly unchanged from those published for consultation with just a small number of fairly minor adjustments. The final set of Main Modifications is attached as Appendix 2 to this report. The Inspectors have also advised the Council to incorporate the Modifications to the Local Plan Maps that were published for consultation, with one exception relating to the depiction of Southcliffe Trailer Park in Walton-on-the-Naze.

Attached as Appendix 3 to this report is the modified version of the Section 2 Local Plan incorporating all of the Inspectors' Main Modifications, the Modifications to the Maps and the Additional Modifications. The Committee is invited to endorse the new up to date Section 2 Local Plan and recommend it to Full Council on 25<sup>th</sup> January 2022 to be formally adopted. On adoption, the Section 2 Local Plan will join Section 1 in superseding, in full, the old 2007 Local Plan and meaning that the Council will have a fully up to date Local Plan to guide development up to 2033.

Even ahead of formal adoption of the Local Plan, the receipt of the Inspectors' final report in itself has significant implications for determining planning applications and dealing with planning appeals. The National Planning Policy Framework (NPPF) allows Councils to give weight to emerging Local Plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the national policy. On the basis that the Council has received the Inspectors' final report, all objections have been considered and resolved and the Plan has been confirmed as sound and therefore compliant with national policy, almost full weight can and is already being given to the new policies by Planning Officers and the Planning Committee.

### **RECOMMENDATION**

**That the Planning Policy and Local Plan Committee:**

- (1) notes the findings of the Planning Inspectors' 'Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2' received on 24<sup>th</sup> November 2021 (attached as Appendix 1 to this report) and their final 'Schedule of Main Modifications' (attached as Appendix 2); and**
- (2) with the agreement of the Leader of the Council recommends, to Full Council:**
  - (i) the formal adoption of the 'modified' Tendring District Local Plan 2013-2033 and Beyond Section 2 (attached as Appendix 3 to this report) i.e. incorporating the Inspectors' final Main Modifications, as well as the other 'Additional Modifications'**

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and 'Modifications to Local Plan Maps, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004; and

- (ii) that authority be delegated to the Acting Director of Planning, in consultation with the Leader of the Council and the Chairman of the Planning Policy and Local Plan Committee, to:
- (a) make administrative corrections, if necessary, to address any minor typographical, grammatical or factual errors within the documents or maps contained within the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 (in Appendix 3), in the event that any are discovered before its final publication;
  - (b) agree the insertion of an appropriate 'foreword' into the opening pages of the final published version of the Tendring District Local Plan 2013-2033 Section 2; and
  - (c) agree an appropriate and up to date set of photographs of the district for insertion into the final published version of the Tendring District Local Plan 2013-2033 Section 2 to refresh and update those previously included in the version of the Local Plan published for consultation in 2017.

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

The preparation and adoption of a new Local Plan is a high priority for the Council. It is also the goal of Government for local planning authorities to deliver sustainable development and coordinated provision of housing, jobs and infrastructure whilst best protecting and enhancing the natural and built environment. As we move towards the adoption of Section 2 of the Local Plan (following adoption of Section 1 earlier this year), the Council has greater power to resist speculative development, exercise greater control over the way development is delivered within the district and push towards achieving higher standards of quality.

### **RESOURCES AND RISK**

There is a risk of legal challenge following the adoption of the Section 2 Local Plan if any party believes that the Inspectors or the Council have made any legal or procedural errors. This risk has however been minimised with the Inspectors taking particular care to thoroughly examine legal and procedural matters as part of the examination process. For information, there was no legal challenge to the adoption of the Section 1 Local Plan earlier this year.

The Inspectors have now given clear advice on the how the Section 2 Plan ought to be modified in order to meet the Government's tests of soundness and for the Council to proceed to adoption.

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In the event that a legal challenge were lodged (within 6 six weeks from the date of adoption), it would not affect the status of the Section 1 Plan or the Council's decision to adopt the Plan unless and until such time that a Court ruled that the decision should be quashed. There are however no obvious grounds that would justify such a challenge.

### **LEGAL**

The Planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the new 2021 version) place Local Plans at the heart of the Planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004, as amended, (“2004 Act”) and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. The statutory ‘development plan’ for Tendring, as it stands is the 2007 Adopted Local Plan. However, the policies and proposals in the Adopted Local Plan are increasingly out of date. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore important to progress the emerging Local Plan towards adoption, ensuring it meets the requirements of national planning policy so it can become the new statutory development plan and be relied upon by the Council acting as the Local Planning Authority.

Section 33A of the 2004 Act places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis on strategic matters of cross-boundary significance (which includes housing supply) to maximise the effectiveness of Local Plan preparation. This is known as the ‘Duty to Cooperate’. Before Planning Inspectors can begin the process of examining a Local Plan, they need to be satisfied that the local authority has demonstrated it has done everything it can to ensure effective cooperation with neighbouring authorities and other partner organisations and has sought to resolve, as far as is possible, any cross-boundary planning issues. The Inspectors have concluded through the examination process and in their final report that the relevant authorities have met with this legal duty.

The Town and Country Planning (Local Planning) (England) Regulations 2012 make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a local plan and the independent examination.

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Section 19 of the 2004 Act requires a local planning authority to carry out a Sustainability Appraisal of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation and in addition prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”. The purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues. The Inspectors have concluded through the examination process and in their final report that the requirement for Sustainability Appraisal has been met and that the content of the Plan and its proposed modifications has been suitably informed by its findings.

The NPPF requires a local planning authority to submit a plan for examination which it considers to be “sound” meaning that it is: positively prepared, justified and effective. The job of the Planning Inspectors is to test that the Local Plan meets legal and procedural requirements and the above tests of soundness. The Inspectors have already confirmed that legal and procedural requirements have been met but that the Section 2 Local Plan requires modifications to ensure that it is sound. The Council must adopt Section 2 with the Main Modifications in accordance with Section 23(3) of the 2004 Act.

Following receipt of the Inspectors’ report, it is for the Council to decide whether and when to adopt the Section 2 Plan.

The terms of reference of the Planning Policy and Local Plan Committee includes the exercise of the Council’s functions, powers and duties in relation to the preparation of the District Council’s Local Plan, including ensuring that it meets the “tests of soundness” set out in the NPPF. In accordance with Section 23 of the 2004 Act, the Section 2 Plan, with the Main Modifications, can be adopted by resolution of Full Council and the Committee is invited to make that recommendation.

On adoption, in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Councils will be required to give notice of adoption through the publication of an ‘Adoption Statement’ that would be published on the website. In addition, the adopted plan itself, the Sustainability Appraisal and details of where the Plan is available for inspection have to be published. A copy of the Adoption Statement has to be sent to everyone on the Council’s databases who had been asked to be notified of adoption and a copy has to be sent to the Secretary of State.

### **OTHER IMPLICATIONS**

**Area or Ward affected:** All wards.

**Consultation/Public Engagement:** Section 2 of the Local Plan has now progressed through all of the necessary stages of public consultation and engagement and the Inspectors’ final recommended Main Modifications can be endorsed by the Council without the need to carry out further consultation.

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The Inspectors' amendments to the Modifications are not significant enough to warrant further consultation.

There will however be further public engagement and consultation in due course in relation to preparing a Development Plan Document for the Tendring Colchester Borders Garden Community and any 'Supplementary Planning Documents' (SPD) designed to provide more detailed guidance to supplement the policies in the Local Plan.

### **PART 3 – SUPPORTING INFORMATION**

#### **Background**

Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Plan includes a proposal for a new cross-boundary 'Garden Community' at the border between Tendring District and Colchester Borough.

In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area. Following the necessary stages of consultation, the Local Plans were submitted to the Secretary of State in 2017 to begin the process of independent examination.

Following examination hearings between 2018 and 2020, the Section 1 Plan was found to be sound – providing a number of Main Modifications were made. The modified Section 1 Plan was formally adopted following a meeting of the Full Council on 26<sup>th</sup> January 2021.

Preparations for the Section 2 Examination began in autumn 2020, when the Council was notified that the examination would be conducted jointly by two Inspectors, Anne Jordan BA (Hons) MRTPI and Jameson Bridgwater PGDipTP MRTPI. Examination hearings took place online on Microsoft Teams (and were streamed to the public on YouTube) between 23<sup>rd</sup> February and 3<sup>rd</sup> March 2021. At each session the Council was represented by Officers, who at some sessions were supported by consultants who had previously been commissioned to complete certain technical studies and evidence documents. Third parties, such as land owners and members of the public, were given the opportunity to speak if they had requested to do so during the public consultation in 2017. They were allowed to present their views to the Inspector, and the Council was given the opportunity to respond to points raised and refer the Inspector to any relevant evidence to enable her to reach her conclusions.

Following the hearing sessions, written communication was exchanged between the Council and the Inspectors, which provided confirmation and clarification of any points discussed during the Hearings. Throughout the hearings, the Inspectors considered the soundness of the Section 2 Local Plan but also gave consideration to the modifications that had been put forward by the Council with the aim of improving the Plan and keeping it up to date. The Inspector provided indications

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throughout the hearings as to issues that might require further changes or further work and, because of this, none of the modifications that have been recommended have come as a surprise to Officers.

On 19<sup>th</sup> May 2021 the Council received a letter from the Inspectors indicating that the Section 2 Plan could be found sound if a number of Main Modifications are made. A schedule of the Main Modifications along with a schedule of additional modifications (which could be made at the Council's discretion) were included with the letter as an Annex. There was also a requirement for the Council to produce addenda to the Sustainability Appraisal and Habitats Regulations Assessment.

All of these documents were published for a 6-week public consultation between 16<sup>th</sup> July and 31<sup>st</sup> August 2021. Only around 30 individuals and organisations made comments during the consultation, the majority of whom were either in support or made only minor suggestions. All comments can be viewed on the Council's website – [link](#).

Key stakeholders, such as the Environment Agency, Natural England, Historic England and Essex County Council, were generally supportive of the modifications – with just a few minor wording suggestions. Alresford Parish Council raised concerns about ongoing minerals development, and Brightlingsea Town Council made some suggestions for changes to the Brightlingsea local map. Comments were received about the Hartley Gardens, Rouses Farm, and Oakwood Park allocations on the edge of Clacton – comprising suggestions and constructive feedback from landowners, developers, the Forestry Commission and the Bridleways Association. A small number of local residents raised objections, particularly relating to changes to the settlement boundary at Little Bromley and the simplification of the gypsy and traveller policy. And there were also some site-specific comments, from the owners of Southcliffe Trailer Park in Walton and the owners of land near the Hangings in Dovercourt – both about the designation of their sites in the Plan.

All representations received during the consultation were forwarded to the Inspectors, who took them into account in coming to their final recommendations on legal compliance and soundness of the Section 2 Plan and the modifications that will need to be made to the Plan before the Council can proceed to its formal adoption.

### **Inspectors' Final Report under Section 20 of the 2004 Act**

Following the Inspectors' consideration and assessment of all the comments received, the Council received their final report on 24<sup>th</sup> November 2021 entitled 'Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2' which is attached, in full, as Appendix 1 to this report.

The non-technical summary from the Inspectors' report provides a clear overview of his conclusions and is therefore replicated below:

*This report concludes that the Tendring District Local Plan 2013-2033 and Beyond provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. Tendring District Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.*

*Following the hearing sessions, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases,*



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*we have amended their detailed wording and added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.*

*The Main Modifications can be summarised as follows:*

- Revisions to housing and employment sites allocations to update the Plan in light of changes since submission and to reflect updated evidence on site capacity;*
- Modifications to reflect changes in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 relating to Class E;*
- Rewording policies to ensure they are positively prepared;*
- Adding or deleting explanatory text to guide development;*
- Setting a new monitoring regime to include objectives, targets and key indicators;*
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.*

Essentially the Inspectors have concluded that, subject to the incorporation of their final set of Main Modifications (which are attached as Appendix 2 to this report), the Section 2 Plan will meet the required tests which enable it to proceed to formal adoption. The recommended Main Modifications are mostly unchanged from those published for consultation with the exception of a number of minor 'adjustments' which are explained in his report.

### Legal compliance

The main body of the report reiterates the Inspectors' conclusion that the Plan meets with the various legal and procedural requirements including the Equalities Act, the legal Duty to Cooperate, Sustainability Appraisal, Habitats Regulation Assessment, Climate Change obligations and compliance with the Statements of Community Involvement.

### Soundness

The report then contains the Inspectors' detailed conclusions on the soundness of the Plan, focusing on eight main issues:

*Issue 1 - Is the spatial strategy and distribution of development set out in the Plan based on robust evidence and is it justified and effective?*

The Inspectors found that, subject to Main Modifications, the Plan's overall spatial strategy provides a pragmatic and soundly based development strategy for Tendring over the Plan period. Main modifications in this section add clarity to the Council's vision, (emphasising the importance of climate change adaption and mitigation and the importance of heritage features) and improves the effectiveness and clarity of policy wording and supporting text regarding the settlement hierarchy, neighbourhood plans, and the design and practical requirements of new developments.

In modifications MM3.1 and MM3.5 the plural "Garden communities" has been corrected to singular.

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Modification MM5.8, which relates to the considerate constructors' scheme, has been shortened slightly to ensure that it relates solely to planning matters. The criterion now reads:

*“during the construction phase, developers must comply with a ‘considerate constructors’ scheme’ which employs reasonable measures and techniques to minimise and mitigate impacts and disturbance to neighbours and the existing wider community and any damage to public and private property.”*

Officers consider that this revised wording fulfils the intention of the Council, which was to ensure that developers minimise disturbance to neighbours and repair any damage to public realm resulting from construction activities.

*Issue 2 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in relation to its provision for housing?*

The Inspectors found that the Plan provides an adequate supply of housing land for the Plan period – demonstrating that we can deliver our housing requirement until 2033 without having to allocate further sites. In fact, they confirm that the Plan makes provision for the whole plan period comfortably in excess of the need identified in the Section 1 Plan. Main Modifications here update the tables and figures to account for changes since the Plan was submitted in 2017, and there are no changes to the modifications as they were presented to Committee and consulted on earlier this year.

*Issue 3 – Are the housing allocations positively prepared, justified and effective?*

The Inspectors confirmed that, subject to modifications, the allocations for housing development in the Plan are justified, effective and consistent with national policy. There are a number of modifications to the policy wording, which are consistent with those the Committee considered in the summer, before the public consultation, with the following minor exceptions:

- MM43.2, MM43.3 and MM43.4 have all been amended to allow either a Supplementary Planning Document (SPD) or a comprehensive masterplan to guide development at the Hartley Gardens Site (SAMU2). The previous version of the modification only referred to and SPD. This change gives the Council greater flexibility in its approach.
- MM46.1 and MM46.2 required bridleway infrastructure and a multi-user bridge be provided at South of Thorpe Road, Weeley (SAMU5). However, the legal agreement already in place for this development only requires a pedestrian bridge – so these modifications have been deleted.

*Issue 4 – Does the plan set out a soundly based strategy for the local economy and are the employment allocations positively prepared, justified and effective?*

The Inspectors report considers employment land, employment allocations, tourism, retail and town centre uses, and other employment related matters in some detail. There are a number of Main Modifications to the wording of these policies, which are all unchanged from the modifications considered by the Committee and were part of the public consultation in the summer. Concerns were raised by the owners of Southcliffe Trailer Park, in Waton,

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about its designation as a safeguarded holiday park – and the Inspectors have indicated in paragraph 95 of their final report, that this designation can be removed. They conclude that the Plan provides a soundly based strategy for the local economy and an adequate supply of employment land.

*Issue 5 – Does the Plan set out a soundly based strategy to provide healthy communities and living places which is justified, effective and consistent with national policy?*

In considering Chapter 5 of the Plan, Healthy Places, the Inspectors found that the Main Modifications the Committee considered earlier this year are sufficient to conclude that the Plan sets out a soundly based strategy for providing healthy communities and living places – and there are no further changes to the Modifications required.

*Issue 6 – Does the Plan set out a soundly based strategy to protect the natural and built environment and to address, mitigate and adapt to climate change?*

The Inspectors considered the policies under the Protected Places chapter of the Plan, and concluded that with a number of modifications the Plan sets out a soundly based strategy to protect the natural and built environment and to address, mitigate and adapt to climate change.

Two minor changes were made to the modifications that were brought to committee and then consulted on in the summer:

- MM33.1, which relates to RAMS, has been shortened slightly to improve clarity; and,
- MM37.1, which looks at large-scale renewable energy sites, says that “the Council may prepare a further Development Planning Document (DPD)”, rather than a Supplementary Planning Document (SPD), which is a more appropriate policy document to support the delivery of such a scheme – given that it might require land to be specifically allocated for a particular renewable energy use.

*Issue 7 – Does the Plan make adequate provision for infrastructure including community facilities and transport and would development be viable having regard to infrastructure and policy requirements?*

The Inspectors found that the Council’s Infrastructure Delivery Plan Review makes a comprehensive assessment of infrastructure requirements for new development sites, and that the Plan reflects these. Subject to two modifications (regarding national guidance in relation to viability, and the Council’s position in regard to introducing the Community Infrastructure Levy) the Plan makes adequate provision for infrastructure including community facilities and transport, and the requirements of the Plan are viable and deliverable.

*Issue 8 – Are the arrangements for monitoring and delivery robust?*

In advance of the hearing sessions, the Council suggested a new framework of objectives, targets and indicators for use in future monitoring – and the Inspectors found that this modification was necessary for clarity and effectiveness. They found that our new arrangements for monitoring and delivery are robust.

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Paragraphs 151 and 152 set out the Inspectors' overall conclusion and recommendation, which are replicated as follows (emphasis added):

*151. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.*

*152. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Tendring District Local Plan Part 2 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.*

### **Recommended Main Modifications**

The Inspectors' recommended Main Modifications to the Section 2 Local Plan are set out in full in Appendix 2 to this report and are, in the majority, unchanged from those published for consultation. The Inspectors have, however, made a number of adjustments to some of the modifications in response to comments received. The adjustments, outlined above, are all minor in nature and do not require any further consultation.

The 'modified' version of the Section 2 Plan is attached as Appendix 3 to this report and incorporates the Inspectors' final Main Modifications, the minor Additional Modifications made at the Council's discretion, and the modifications to the Local Plan maps.

A 'tracked changes' version of the new Local Plan highlighting the modifications has been produced ([link](#)), for information and for those readers who are interested in seeing how each of the modifications compares to the original content of the Local Plan.

### **Adoption**

The Council now has confirmation from the Inspectors that the modified version of the Section 2 Plan is sound and can therefore proceed to adoption. Adoption of the Section 2 Local Plan will represent a major milestone for Tendring District Council as the new plan will supersede, in full, the previous outdated Local Plan of 2007 and will ensure the Council has a fully up-to-date Local Plan in place to guide development up to 2033.

Adoption of the modified Section 2 Local Plan will require a decision of Full Council, and the Planning Policy and Local Plan Committee is invited to recommend this to Full Council at its scheduled meeting on 25<sup>th</sup> January 2022.

## **APPENDICES**

Appendix 1 – Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (24 November 2021).

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Appendix 2 – Tendring District Local Plan 2013-2033 and Beyond Section 2 – Schedule of Recommended Main Modifications (24 November 2021).

Appendix 3 – The modified Tendring District Local Plan 2013-2033 and Beyond Section 2, including links to Local Maps.

### **BACKGROUND DOCUMENTS**

[Link to Policies Maps \(page size A1\):](#)

[Policies Map - Key](#)

[Policies Map - West Tendring District](#)

[Policies Map - South East Tendring District](#)

[Policies Map - North East Tendring District](#)

[Policies Map - Tendring District](#)

[Tracked Changes version of the Local Plan showing Modifications](#)

[Link to representations set out in full](#)