

LOCAL PLAN COMMITTEE

2 NOVEMBER 2017

REPORT OF THE HEAD OF PLANNING

A.6 RESPONSES TO PUBLIC CONSULTATION OF PUBLICATION DRAFT LOCAL PLAN

(Report prepared by Alex Davidson)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
The purpose of this report is to provide an update to the Local Plan Committee on the representations made during the Consultation of the Publication Draft Local Plan which ran from 16 June 2017 to 28 July 2017.
EXECUTIVE SUMMARY
This report details the key points raised in public consultation over the summer of 2017. The Council received 620 comments from: technical stakeholders; community representatives; businesses, landowners and developers; and members of the public. The Committee is asked to note these comments as any decision on them will be taken by the Planning Inspector at the Examination in Public.
RECOMMENDATIONS
That the Committee notes the overview of the results of the Local Plan Publication Draft consultation outlined in this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
The Local Plan helps to implement place shaping priorities in the Corporate Plan 2016-2020 for Tendring District Council through:
<ul style="list-style-type: none">• Community Leadership by engagement with the community and effective partnership working with technical stakeholders, developers and other interested parties;• Health and Housing through policies that promote healthier lifestyles, a quality living environment, local regeneration and council house building; and• Employment and Enjoyment through policies to support business growth and skill development and the protection and promotion of the natural and built environments.
The Local Plan is a project in the 2016-2020 Corporate Plan and is on target at the time of writing this report.

RESOURCES AND RISK

Resources: Tendring District Council's contribution toward the cost of the consultation has been met through the agreed Local Plan budget.

Risks:

Objections to the soundness of the Local Plan are a potential risk to adoption of the Plan. They will be considered through the examination in public and may be resolved through minor modifications to the Plan. The main issues raised through the consultation are outlined in Part 3 of this report, below.

LEGAL

This phase of the consultation process provided local communities, businesses and other interested stakeholders with the opportunity to comment on the policy content of the Local Plan in relation to the 'Tests of Soundness' and also legal compliance, as set out in [National Planning Policy Framework](#).

The preparation of planning documents including the Publication Draft consultation is regulated by the Planning and Compulsory Purchase Act 2004 (as amended).

The Local Plan must be prepared, consulted upon and examined in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. At the examination, the Planning Inspector will need to be content that the Regulations have been followed and that the scope for any legal challenges have been minimised.

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

OTHER IMPLICATIONS

Equality and Diversity: The processes for consultation and community engagement in the Local Plan is set out within the SCI and aims to give people equal opportunity to engage in the planning process, including 'hard to reach' groups.

Area or Ward affected: All wards.

Consultation/Public Engagement: The Local Plan was subject to a statutory six weeks public consultation period and the Sustainability Appraisals, five weeks.

PART 3 – SUPPORTING INFORMATION

EVIDENCE SUMMARIES

Background

The consultation was on the Publication Draft of the Local Plan and ran from 16 June 2017 – 28 July 2017. It was undertaken to ensure everyone could make their opinions known to the Council on the proposals put forward in the Local Plan and that their opinions would be passed on to the inspector.

Overview

There were 542 comments from 130 individual consultees to the Section 2 consultation for the Local Plan. There were 115 comments from 37 consultees to Section 1 of the Local Plan. This amounts to 657 comments across both Sections of the Local Plan. This is significantly fewer representations than were raised to earlier versions of the Plan and many of the representations relate to relatively minor issues. The largest single group of comments are from landowners and developers objecting to the amount of development proposed or the exclusion of specific sites from the Plan.

The Council has received 110 objections from technical stakeholders; 21 objections from community representatives, 220 objections from businesses, landowners and developers; and 59 objections from members of the public. The remaining 133 representations are in support of the Local Plan.

Main Issues Raised As can be seen in Appendix 1, the majority of representations found the Plan to be legally compliant and the duty to cooperate to have been satisfied. On the other hand, the majority of representations suggested that the plan is unsound for a broad spectrum of reasons.

From the representations received, Officers have identified two main issues. These are: housing land supply and Policy SAMU5: Land south of Thorpe Road, Weeley.

Issue 1: Housing Land Supply

LP1 is the policy which specifically deals with the housing supply for the district. This policy attracted 45 representations, the majority of which were from businesses, landowners and developers arguing that Tendring should have a higher Objectively Assessed Need as well as the current estimated delivery in the district being over estimated and therefore, sites the businesses, landowners and developers controlled should be promoted through the Local Plan process. Housing land supply, including objectively assessed housing need is the subject of a separate report on this agenda.

Issue 2: SAMU5 – Land South of Thorpe Road, Weeley

Policy SAMU5 received the second most representations of any policy and it is in regard to the allocation of land for the building of 280 homes to the east and south of the Council Office building

at Thorpe Road, Weeley. The majority of the representations regarding SAMU5 were from members of the public who wish to see it remain an open field. The four most common points made by the members of the public were (in descending order of frequency): highways, health, public transport and loss of green space. Questions were also raised over the footbridge which is to cross the railway line.

Next Steps

The representations received have been submitted to the Secretary of State as part of the package of information to support submission of the Local Plan for Tendring. This was done on 9 October 2017 and the same day Braintree District Council and Colchester Borough Council submitted their Local Plans; Section 1 of the three Plans being joint and focussed on strategic issues. The Examination in Public into Section 1 of the Plans is expected to take place mid to late January 2018. An examination into Section 2 of the Plan will follow later in 2018. The Inspector will decide which topics will be discussed at the examination. These are likely to include issues raised through the recent consultation.

APPENDICES

Appendix 1 - Statistical Analysis of Representations

Appendix 1: Statistical analysis of representations

Section 1:

Consultation on the BDC and CBC Local Plans were undertaken concurrently with the Tendring consultation because of the joint nature of Section 1 of the Local Plan. As a result a large portion of the representations went to Colchester and Braintree from the Tendring District. However, of those made directly to Tendring:

- Legally compliant:
 - Yes – 94 = 81.74%
 - No – 7 = 6.09%
 - Response withheld – 3 → 2.61%
 - No response – 11 = 9.57%
- Soundness:
 - Yes – 36 = 31.86%
 - No – 77 = 66.96%
 - No response – 2 = 1.74%
- Failure to comply with soundness reason:
 - Consistent with planning policy – 29 = 15.51%
 - Effective – 42 = 22.46%
 - Justified – 32 = 17.11%
 - Positively prepared – 35 = 18.72%
 - No response – 49 = 26.20%
- Duty to co-operate:
 - Yes – 94 = 81.74%
 - No – 3 = 2.61%
 - Response withheld – 3 = 2.61%
 - No response – 15 = 13.04%

Section 1 consultation:

Representations = 115

Individual representors = 37

Section 2:

- Legally compliant:
 - Yes – 37 = 68.82%
 - No – 33 = 6.09%
 - Response withheld – 40 = 7.38%
 - No response – 96 = 17.71%
- Soundness:
 - Yes – 113 = 20.85%
 - No – 420 = 77.49%

- Failure to comply with soundness reason:
 - Consistent with planning policy – 212 = 21.26%
 - Effective – 245 = 24.57%
 - Justified – 255 = 25.58%
 - Positively prepared – 134 = 13.44%
 - No response – 151 = 15.15%
- Duty to co-operate:
 - Yes – 370 = 68.27%
 - No – 25 = 4.89%
 - Response withheld – 40 = 7.38%
 - No response – 107 = 19.74%

Section 2 consultation:

Representation = 542

Individual representors = 130

Policies which are worth noting are set out below. SAMU5 received 32 individual comments. Policy LP1 received 45 individual comments. On the other hand, Policies: LP8; LP11; PPL14 and SAE3 all received 0 comments.

As can be seen from the above statistics, most people consider the plan to be legally compliant as well as adhering to the rules of Duty to co-operate. The soundness of the plan faces the most objections.

Break down of the amount of representations from each of the categories:

Technical Stakeholder = 133 + 37 = 170

Community Representative = 28 + 1 = 29

Business', landowners and developers = 274 + 105 = 379

Members of the public = 59 + 3 = 62