

# Local Plan Committee Meeting

**Online Meeting, Virtual Meeting Platform  
Monday, 08 February 2021 at 18:00**

**The Local Plan Committee** deals with the Council's responsibilities relating to the Local Plan

## Information for Members of the Public

### Access to information and meetings

You have the right to observe all meetings of the Council, its Committees and Cabinet including those which may be conducted online such as by live audio or video broadcast / webcast. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is published on the Council's website at least five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Occasionally certain issues, for instance, commercially sensitive information or details concerning an individual have to be considered in private. When this is the case an announcement will be made, the live broadcast will end and the meeting will be moved to consider in private.

### Have Your Say!

The Council welcomes contributions in the form of written representations from members of the public at most public meetings. One single contribution to each meeting of no longer than 500 words may be made by each person which must be submitted online by noon on the working day before the meeting date. Please use the form [here](#).

If you would like to submit representations to a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

<https://colchester.cmis.uk.com/colchester/HaveYourSay.aspx>.

E-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)

[www.colchester.gov.uk](http://www.colchester.gov.uk)

**COLCHESTER BOROUGH COUNCIL**  
**Local Plan Committee**  
**Monday, 08 February 2021 at 18:00**

**The Local Plan Committee Members are:**

Councillor Nick Barlow	Chairman
Councillor Lewis Barber	
Councillor Tina Bourne	
Councillor Phil Coleman	
Councillor Andrew Ellis	
Councillor Chris Hayter	
Councillor Patricia Moore	
Councillor Beverley Oxford	
Councillor Chris Pearson	

**The Local Plan Committee Substitute Members are:**

Other than the Local Plan Committee members, all members of the Council who are not members of the Planning Committee.

**AGENDA**  
**THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING**  
**(Part A - open to the public)**

**Members of the public may wish to note that Agenda items 1 to 5 are normally brief.**

**Live Broadcast**

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

**1 Welcome and Announcements (Virtual Meetings)**

The Chairman will welcome members of the public and Councillors to the meeting and remind those participating to mute their microphones when not talking. The Chairman will invite all Councillors and Officers participating in the meeting to introduce themselves. The Chairman will, at regular intervals, ask Councillors to indicate if they wish to speak or ask a question and Councillors will be invited to speak in turn by the Chairman. A vote on each item of business will be taken by roll call of each Councillor and the outcome of each vote will be confirmed by the Democratic Services Officer.

**2 Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

**3 Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

**4 Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

**5 Have Your Say! (Virtual Local Plan Meetings)**

At meetings of the Local Plan Committee, members of the public may make representations to the Committee members. Each representation, which can be a statement or a series of questions, must be no longer than three minutes when spoken (500 words maximum). One single submission only per person and a total limit of 30 minutes (10 speakers) per meeting. Members of the public may register their wish to address the Committee members by registering online by 12 noon on the working day before the meeting date. In addition, a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself. The Chairman will invite all members of the public to make their representations at the start of the meeting.

These speaking arrangements do not apply to councillors who are not members of the Committee who may make representations of no longer than five minutes each.

**6 Minutes of the Previous Meeting**

7 - 16

Councillors will be asked to confirm that the minutes of the meetings held on 14 December 2020 are a correct record.

**7 Local Plan Update**

17 - 58

The Committee will be invited to note an update on the Local Plan

**8 Confirmation of Mill Field Estate Conservation Area Article 4 Direction**

59 - 70

The Committee will be asked to confirm the Article 4 Direction that was made for Mill Field Estate Conservation Area.

**9 Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so

that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B**  
**(not open to the public including the press)**



# **Local Plan Committee**

## **Monday, 14 December 2020**

**Attendees:** Councillor Lewis Barber, Councillor Nick Barlow, Councillor Tina Bourne, Councillor Phil Coleman, Councillor Andrew Ellis, Councillor Chris Hayter, Councillor Patricia Moore, Councillor Gerard Oxford, Councillor Chris Pearson

**Apologies:**  
**Substitutes:**

### **204 Appointment of Deputy Chairman**

The Chairman reported that Councillor Scordis had stood down from the Committee. Members thanked Councillor Lee Scordis for his service to the Committee and welcomed Councillor Pearson for the remainder of the municipal year.

RESOLVED (UNANIMOUSLY) that Councillor Bourne be elected as Deputy Chairman for the remainder of the municipal year.

### **205 Urgent Items**

The Chairman announced that he had agreed to consider a report on the Adoption of Section 1 of the Local Plan as an Urgent Item. The report would be considered under item 8 on the agenda on the Local Plan update. The urgency arose as this was the last scheduled meeting of the Local Plan Committee before the Council meeting scheduled to consider the adoption of the Local Plan on 1 February 2021.

### **206 Have Your Say! (Virtual Local Plan Meetings)**

Mr Chilvers addressed the Committee pursuant to the provisions of Remote Meetings Procedure Rule 5(1):

He expressed concern over employment opportunities and transport links for Middlewick. The text in the submission underplayed the situation in 2017 and now was much worse. Would it be clear to the inspectors that there isn't any employment space or job creation plans for Wick residents? it was unlikely employers would relocate to Whitehall estate. The existing road network in the local area would not support the additional traffic that would be generated. Using the bus, bike or walking wasn't realistic for young families managing shift work, family and school. There was no shopping centre nearby.

Whilst Essex County Council were consulting over future transport strategy for Colchester the consultation had not mentioned the development on the Wick.

In order to fund infrastructure to support the development, the developers would look to increase the housing numbers in order to make the scheme viable.

The serious concerns expressed by the public in the original Local Plan consultation seemed to have been lost in the narrative. As a resident of the area for 50 years he knew the impact of development on the local road network, it had gone from calm to stressed in the last ten years. Developments at Mersea, Rowhedge, Berechurch and Hythe and now Lidl had made a huge difference and there were more developments in the pipeline along Berechurch Hall Road.

Problems had increased since the plan had been published. He urged the Committee to underline the points made at the public enquiry.

Sandra Scott, Place Strategy Manager, clarified that all representations made will be covered and considered at the examination when it takes place next year and officers would present arguments to ensure the issues were adequately addressed. Work had been ongoing reviewing and updating evidence including the transport network and access and this would be published on the website shortly.

Karen Syrett, Lead Officer: Planning, Housing and Economic Growth commented that this year had seen changes and going forward more home working would be likely, easing traffic. She thanked Mr Chilvers for the points raised and would ensure that Essex County Council were made aware of them.

Mr Greenwood addressed the Committee pursuant to the provisions of Remote Meetings Procedure Rule 5(1):

Mr Greenwood explained that he was speaking as a Parish Councillor and the Chairman of Tiptree Neighbourhood Plan Steering Group in respect of the Tiptree Neighbourhood Plan. The Steering Group were disappointed with the examiner's report and conclusions. The narrow definition of what was considered to be the submission documents meant that various evidence base documents were not taken into account. As a result, the conclusion was that the evidence for the site selections did not exist. This was explained to the examiner during the fact checking exercise, and several changes were made in the final report but the outcome remained the same. Tiptree Parish Council and Colchester Borough Council prepared a joint statement to be published alongside the examiner's report. The Neighbourhood Planning Independent Examiner Referral Service (NPIERS) guidelines did not appear to have been followed particularly in relation to the absence of engagement with either the Parish Council or Colchester Borough Council. This was contrary to the NPIERS "Guidance to service users and examiners". In particular:



1.10.5. The independent examiner will initially undertake a high-level assessment of the plan documents. If there is an obvious and potentially fatal flaw, the independent examiner will write to alert the local planning authority and qualifying body (he didn't).

1.11.4. The qualifying body will normally be given the opportunity to comment on the representations made by other parties at this (Regulation 16) stage. Ideally, the qualifying body should make its comments known within two weeks of the close of the Regulation 16 stage. This may be particularly important where the matters concerned have not been raised at the Regulation 14 stage (we were not given this opportunity).

2.5.3. A report failing a neighbourhood plan should not come as a surprise to the qualifying body and local planning authority. Early actions including exchange(s) of correspondence (and/or an exploratory meeting) should precede such a finding (It came as a surprise).

It was regrettable that these misunderstandings were not addressed and cleared up at an early stage which may have led to a different outcome. Nevertheless, whilst the examiner clearly differed in opinion compared to Tiptree Parish Council's Neighbourhood Plan consultant, the Steering Group did not feel it would be wise to proceed to referendum with a plan that has failed at examination and had reluctantly accepted his conclusions, recognising that the Neighbourhood Plan will need to be adjusted and return to Regulation 14 consultation. The Parish Council remained committed to completing a successful Neighbourhood Plan but were concerned that in the meantime the community would be left vulnerable to speculative development.

Mr Kilshaw addressed the Committee pursuant to the provisions of Remote Meetings Procedure Rule 5(1)

Middlewick appeared to have been hastily included in the Local Plan in 2017 with little consultation with the communities most affected, or any real understanding of its ecological value, and its importance as publicly used open space.

The 'red-line boundary' indicating the area of possible development (DIO consultation 2019) encompasses 95% of Middlewick Local Wildlife Site (LoWS) and part of Birch Brook LoWS.

Middlewick is dominated by UK Priority habitats: Lowland meadow, Lowland Dry Acid Grassland and Heathland remnants; it includes veteran trees within ancient hedge-lines, mature scrub and young woodland, with mature woodland within Birch Brook LoWS. The site is of high wildlife value and has potential SSSI status. It contains Red Data Book species, many UK Priority species, section 41 species and Essex Priority species. It is an integral and essential part of the wider ecological network, linking with SSSIs and several other Local Wildlife Sites within the wider local environment.

The extensive area of semi-natural grassland that dominates Middlewick had escaped development and the agricultural practices of the 20th century that have destroyed so much of this habitat through conversion to arable or agriculturally improved grassland, re-seeding, and excessive herbicide and nutrient use. It consists of native grasses,

sedges and botanically rich in parts making it a good example of what is commonly referred to as “wild-flower meadow”,

In July 2019 the Council declared a climate emergency, recognising the associated declines in wildlife, and aims to be carbon neutral by 2030. The Council website states that the Council has resolved to commission an environmental audit to identify areas of wildlife biodiversity, and to encourage people to connect with nature, green space and be more active physically. It also seeks to identify environmental health issues and take action to address poor air quality. Further had given an assurance that it takes its environmental responsibilities seriously. These aims and assurances were undermined by retaining Middlewick in the Local Plan. Development at this site would exacerbate problems and significantly increase the town’s carbon footprint. It was claimed that partial development will increase the area of publicly available but undefined ‘green space’, this would not only cause direct habitat losses but the subsequent increase in user pressure on the remainder would severely degrade what remains.

The DIO consultation acknowledges, that “...development needs to deliver net gain to biodiversity in accordance with National and local planning policies and ensure ecological functionality of the designated wildlife sites within the wider environment”. Clearly this would not be possible given the ecological importance of the site, so how would the Council to ensure this would be achieved?  
Middlewick should be removed from the Local Plan.

The following written submission had been received from Sir Bob Russell and was read to the Committee, pursuant to the provisions of Remote Meetings Procedure Rule 5(1):

“I would like to endorse the recommendation by Officers (who I thank) that the area around Roman Circus House is added to the Conservation Area in that part of Colchester, noting its very important proximity to both the Roman Chariot Circus and the former Army vehicle repair workshops (ABRO) for which I understand a Planning Brief has been produced and will be published in the New Year. I appreciated being allowed earlier this year to submit my own thoughts about this site.

The Roman Circus is currently a woefully under-utilised tourist attraction. Including the area in the Conservation Area is an important indication that, 16 years after it was discovered, perhaps the Roman Circus is to be given the tourist potential attention it warrants because of its national and international importance – Colchester is a significantly greater Roman heritage attraction than what York and Chester can offer.

Following receipt by the Council of the Inspector’s letter confirming that Section 1 of the Local Plan is “sound”, which incorporates the Garden Community (sic) beyond the eastern border of the Borough, I urge the Committee to give a categorical assurance that when more detailed work is progressed then there will be a minimum of 1.5 kilometres gap from Salary Brook (watercourse) to the nearest new dwelling, thus retaining the open aspect as viewed across the fields from Greenstead and Longridge Park.

So far as the so-called “rapid public transport” is concerned, unless this is going to be a light railway (tram) then the sop of a bus lane (as exists from the Park and Ride site) will not encourage people to get out of their cars. Let there be imagination!

My understanding is that work on Section 2 of the Plan can now be progressed, which includes the Middlewick allocation. Could I ask the Committee and Officers if they will enable evidence and masterplans to be shared, as they are developed, with local residents and others who have expressed an interest? I feel that public engagement is crucial.

I remain of the opinion that there should be no housing at Middlewick, but if the Ministry of Defence (Government) is adamant that the firing range is to be closed then I suggest that Colchester Borough Council should insist that there be no development on any part of land between Abbot’s Road southwards to the firing butts.”

## **207 Minutes of the Previous Meeting**

RESOLVED that the minutes of the meeting held on 24 August 2020 be confirmed as a correct record.

## **208 Local Plan Update**

Councillor J. Young attended and with the consent of the Chairman addressed the Committee, congratulating the Committee and officers for their diligent hard work in getting this far and stated that this Plan gave the Council the opportunity to plan for the long term. Section 1 of the Plan together with Garden Communities, was a significant step towards creating a new vision for Colchester, through providing housing and employment alongside community facilities. It would ensure that infrastructure did not lag behind development. In line with the declaration of the Climate Emergency it was important that housing developed under the Plan had sustainability built in. She stressed the importance of partnership working with other authorities and community groups and stressed that a joint approach was the way forward.

Councillor Luxford Vaughan attended and with the consent of the Chairman addressed the Committee expressing her concern that consideration of this urgent item was not democratic. The report had not been published in accordance with the statutory timeframe and publishing it as an urgent item did not allow sufficient time for members to read and consider it, or for members of the public to register to speak. The Inspector’s report was 120 pages long and raised some complex issues. This was particularly difficult for members and members of the public who had a disability such as dyslexia. She felt an additional emergency meeting should have been called to meet the February deadline.

Councillor Goacher attended and with the consent of the Chairman addressed the Committee expressing his concern that the report was being taken as urgent item.

This was undemocratic as a response could not be prepared in the time and the public would not have had an opportunity to Have Their Say.

Councillor Cory attended and with the consent of the Chairman addressed the Committee and asked that the issue of the Equalities Act and circulation of the report be considered by Democratic Services. He stated there would be a fuller discussion at Council and that engagement and involvement at early stages of the Local Plan process was an issue that had been raised in the work that would be on-going for this and the government's proposed changes to the planning system.

In response to the issues raised around the acceptance of this report as an urgent item, the Chair confirmed that this had been the subject of discussions with the Monitoring Officer who had advised that it was open to the Chair to accept it as an urgent item. The Committee was being invited to consider referring Section 1 of the Local Plan to Full Council where there would be further opportunity for all members to discuss the issues.

The Committee considered a report setting out main modifications made in the Inspector's report. Ian Vipond, Strategic Director attended to present the report and assist the Committee. He explained that the letter and appendices from the Inspector had been seen in the consultation between August and October when many responses had been received and considered. Only seven technical adjustments had been made to the modifications the Inspector had initially proposed. The modifications had also been available in the public arena and given the scope of the amendments, very little had changed. The Inspector had concluded that with the amended modifications, Section 1 of the Plan was both legal and sound.

In response to questions, the Strategic Director confirmed that the decision for Council would be whether to adopt Section 1 or not to adopt. It could not make amendments. The Committee was being asked to recommend this for adoption by Council which would be at an additional meeting of full Council in February. This would be arranged to allow time for debate and consideration separate to the scheduled meeting which would focus on the Budget.

Once Section 1 was adopted, Section 2 would then be considered in 2021, the Inspector would look at dates in Spring next year and then the examination would be scheduled, with consultations, the report and modifications. The timing for adoption would likely be towards the end of the year.

In discussion, the concerns expressed about short notice and the time available to consider the report were acknowledged. However, the urgency was understood, and it was pointed out that unless Section 1 was adopted, and housing numbers agreed then the borough would be open to speculative development. Recommending the adoption to a stand-alone Council meeting would allow the issues to be fully debated,

and a decision made.

Members thanked Portfolio Holders and Local Plan Committee Chairs (previous and current) for the work on the Plan. There had been a lot of consultation and now the Inspector had confirmed Section 1 meets the test of soundness and legal compliance as long as the modifications are agreed. It was noted Section 1 of the Local Plan had been seen and considered many times, and it was pointed out that the amendments to the modifications before the Committee were minimal.

The need to ensure all Councillors received the report in good time for the full Council meeting so that they were able to read it all was highlighted and the Committee were reminded of the Equalities Act. A hard copy of the Plan would be helpful, and a request was made that one be made available to all Councillors once agreed.

**RECOMMENDED TO COUNCIL (EIGHT voted FOR, ONE ABSTAINED from voting)**

That the modified Section 1 Local Plan be adopted in accordance with section 23(3) of the Planning and Compulsory Purchase Act 2004.

## **209 Proposed Extension to Garrison Conservation Area**

Councillor J Young attended and with the consent of the Chairman addressed the Committee referring to the statement made by Sir Bob Russell that the Roman Circus was an underutilised tourist attraction. She stressed that the proposals in the report were all about making the most of heritage, putting heritage at the heart of things was important

Councillor Goacher attended and with the consent of the Chairman addressed the Committee expressing his agreement to the extension of the conservation area and reminding members that the Roman Circus was the only one in the Country. Local archaeology should be supported and more of the Circus may be revealed should the Council purchase the ABRO site.

The Committee considered a report requesting agreement to consult for a period of 6 weeks, on a proposed extension to the existing Garrison Conservation Area to incorporate the Roman Circus House, ABRO site, the area of public open space to the south of the ABRO site and Artillery Folley.

Alistair Day, Planning Specialists Manager, presented the report. He explained that the current conservation area was at the core of the Old Garrison and the proposed extension had been put forward as the Ministry of Defence were intending to sell the ABRO site in 2021. The ABRO site was part of the Royal Artillery and contains remains of the Roman Circus archaeology. Should members approve the extension public consultation would take place.

It was suggested that the Council might seek to purchase the ABRO site. It was also put that the Council should seek to ensure that any development/build was coordinated, and plans scanned for the footprint of the Roman Circus. All members of the Committee welcomed the report and were supportive of the proposal, and officers and the Portfolio Holder were thanked for bringing this forward. It was important to enhance and preserve archaeology in Colchester in general and in particular the Roman Circus which would be a key attraction.

The Planning Specialists Manager stated that he would take back the subject of purchase of the site to managers to explore. He also explained that Conservation Areas across the Borough were revisited from time to time and that the archaeological evaluation points were noted. Most planning applications are subject to evaluation and officers had a watching brief, looking at these on a regular basis.

RESOLVED (UNANIMOUSLY) to agree to consult for a period of 6 weeks, on a proposed extension to the existing Garrison Conservation Area to incorporate the Roman Circus House, ABRO site, the area of public open space to the south of the ABRO site and Artillery Folley .

## **210 Tiptree Neighbourhood Plan Examination**

The Committee considered a report on the findings and overall recommendation of the Tiptree Neighbourhood Plan Examiners Report to not proceed to referendum and the Tiptree Neighbourhood Plan Joint Examination Response December 2020.

Bethany Jones, Planning Policy Officer presented the report explaining that the Council had received the Tiptree Neighbourhood Plan in March 2020 and the process had then commenced with consultation work over the summer and the subsequent appointment of an examiner selected through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). The examiner issued a draft report in September but there had been little engagement during the examination. The outcome was not what the Parish Council or Colchester Borough Council had anticipated. Concerns were relayed to the examiner and some amendments were made but the overall report reached the same conclusion. A joint response had been prepared and was attached as an Appendix.

Mr Greenwood had spoken for the Parish Council under Have your Say arrangements.

Members expressed disappointment at this and asked if NPIERS would be made aware of the concerns raised about the examination process. Some concern was also expressed that the Committee had not been kept informed of these issues as they arose. It was pointed out that across the Borough there had been successes with Neighbourhood Plans. Going forward it would be good practice to involve neighbouring parishes and to encourage cross boundary working in Neighbourhood Plans. It was understood that for Tiptree the referendum could not proceed.

The Planning Policy Officer clarified that discussion had taken place on a joint letter to NPIERS highlighting concerns with the examination process. It was proposed that the

Tiptree Neighbourhood Plan Joint Examination Response be published alongside the Examiners Report and Regulation 18 Decision Statement.

Going forward there was a need to regroup and set in train the Regulation.14 consultation. Sandra Scott, Place Strategy Manager pointed out that a lot of work had already been undertaken and this would help when starting the consultation although it was likely that this would take some months.

Karen Syrett, Lead Officer for Planning, Housing and Economic Growth assured members that Planning Officers would assist and support the Parish Council. Whilst the Neighbourhood Plan would currently carry no weight in the consideration of any Planning Applications submitted, each would be considered on its merits. The Local Plan, 5-year housing supply and the NPPF would still be able to be taken into account and the Parish Council would continue to be able to assess and make comments on applications.

#### RESOLVED (UNANIMOUSLY)

To note the findings and overall recommendation of the Tiptree Neighbourhood Plan Examiners Report to not proceed to referendum.

To endorse the Tiptree Neighbourhood Plan Joint Examination Response December 2020.

To agree to publish the Tiptree Neighbourhood Plan Joint Examination Response alongside the Examiners Report and Regulation 18 Decision Statement.

## **211 Authority Monitoring Report**

The Committee considered a report that provided an annual summary of key statistics that allow the Council to monitor the effectiveness of its Local Plan.

Bethany Jones, Planning Policy Officer presented the report explaining that there had been a slight decrease in Planning Applications, dwellings built remained above target and 202 Affordable Homes had been provided. Other on-going work included the adoption of 3 Neighbourhood plans, Colchester Woodland Project (Planting of trees), the E-cargo bikes project and the No Idling campaign.

Members found the report useful and thanked officers. There was disappointment at the number of empty properties and interest in receiving more detail on the E-cargo bikes.

The Lead Officer for Planning, Housing and Economic Growth explained that delivery of electronic bikes and trailers had been made and these were being used by Council staff in Neighbourhood Services (Zones) and also by the Council's partners such as the BID, businesses for deliveries and the NHS trust.

There was also interest in the ONS research on golf courses and public access to public open space and the Planning Policy Officer agreed to look into this further and

provide a breakdown for members. The Lead Officer for Planning, Housing and Economic Growth explained that the research referred to had been published in the Sunday Times and whilst overall the headline message was not good the reality for Colchester was a better result; information behind the report had not been available.

The 5-year supply position was also queried, and Karen Syrett explained that the position had been fixed in April and additions were not allowed. Some discussion was taking place with Members of Parliament and other Local Authorities in Essex, but those authorities did not have the same level of housing build.

**RESOLVED (UNANIMOUSLY)**

To approve the 2019-20 Authority Monitoring Report (AMR) for publication on the Council's website.



8 February 2021

<b>Report of</b>	<b>Assistant Director of Place and Client Services</b>	<b>Author</b>	<b>Karen Syrett</b>
<b>Title</b>	<b>Local Plan Update</b>		<b>☎ 506477</b>
<b>Wards affected</b>	All		

## 1. Executive Summary

- 1.1 This report is for Members' information and provides an update on the Local Plan.
- 1.2 If the strategic Section 1 of the emerging Local Plan is adopted by Full Council on 1 February 2021 it will provide the basis for proceeding to examination of the Colchester-specific policies and allocations in Section 2 of the Local Plan.
- 1.3 PINS has appointed two Inspectors to deal sequentially with the Section 2 Local Plans of Braintree, Colchester and Tendring. It is expected that the Inspectors will adopt a consistent approach to process and issues raised for each authority. Tendring's examination is scheduled first and will run over 5 sessions, with 2 reserve days, during the weeks commencing 23 February and 2 March 2021. Colchester's examination is provisionally programmed to run over two weeks in April 2021.
- 1.4 Given the expected commonalities between Tendring and Colchester's Section 2 examination, guidance and questions provided to date by the Inspectors for Tendring's examination have been attached as appendices for information.
- 1.5 Alongside work for the Section 2 examination, officers are also commencing work on a framework to guide development in the Tendring Colchester Borders (TCB) Garden Community. The Development Plan Document will determine the boundary of the Garden Community and provide details further to the principles in Section 1 of the Local Plan. The Development Plan Document for TCB will be prepared jointly with Tendring and will become part of the Colchester Local Plan when adopted. It will go through the same formal consultation processes that Sections 1 and 2 of the Local Plan have done and must meet the same high standards of soundness.
- 1.6 Officers are currently agreeing and programming the detailed evidence base and masterplanning work needed to inform the DPD alongside informal engagement, with formal consultation (Regulation 18) programmed for the end of 2021.

## 2. Recommended Decision

- 2.1 No decision is required since the report is for information only.

## 3. Reason for Recommended Decision

- 3.1 The Report provides an update on the ongoing project and no decision is required.

## 4. Alternative Options

- 4.1 The option of not updating Members was rejected given the importance of Members needing to understand the latest position on Local Plan issues.

## **5. Background Information**

- 5.1 Section 1 of the Colchester Local Plan sets out the overarching strategy for future growth across Braintree, Colchester and Tendring, as well as including policies setting the overall housing and employment requirements for North Essex up to 2033. Section 2 of each of the three Local Plans contain more specific local policies and allocations relevant to each individual area. Adoption of the strategic Section 1 of the emerging Local Plan by Full Council on February 2021 provides the basis for proceeding to examination of the Colchester-specific policies and allocations in Section 2 of the Local Plan. As with Section 1, it is expected that examination of Section 2 of the plan will be followed by a six-week consultation on proposed main modifications, as suggested by the Inspectors, and subsequent adoption of the whole plan later in 2021.
- 5.2 The Planning Inspectorate (PINS) has appointed two Inspectors to lead the examinations of the three NEA Section 2 plans, Jameson Bridgwater and Anne Jordan. It is expected that the Inspectors will adopt a consistent approach to process and issues raised for each authority.
- 5.3 Tendring's examination dates have been agreed for five sessions with two reserve sessions to run on the weeks commencing 23 February and 2 March 2021. PINS has provisionally suggested that the Colchester examination sessions will be held over a similar number of sessions during April 2021. These dates are not yet confirmed though and could be subject to change. The Council will contact all those on its Local Plan database as required to update them on the examination and will also ensure the Council's website is updated.
- 5.3 Given the expected commonalities between Tendring and Colchester's Section 2 examination, guidance and questions provided to date by the Inspectors for Tendring's examination have been attached as appendices for information:
- Appendix 1: Examination Guidance Note from the Inspectors  
The guidance note sets out standard procedure for examination hearings, which applies nationally to all hearings. In light of COVID-19 restrictions, hearings are now being held virtually.
  - Appendix 2: Virtual Hearings – Inspector's Note to Participants, provides details on procedures for virtual hearings
  - Appendix 3: Matters, Issues And Questions sets out the issues that will be covered at the Tendring examination. These reflect the Inspector's views on matters which require further exploration following their review of the plan and comments made in representations submitted on the plan. The Inspectors will expect the Council to reply to all questions, and for participant replies to be confined to the questions which directly relate to their previously submitted written representations. The first set of questions on Legal Compliance and Overarching Issues directly reflect national requirements for Local Plans and would be expected to be repeated for Colchester's examination. While the questions that follow for Tendring are specific to the issues their policies and allocations raised, the general principles contained in the questions will apply to Colchester policies and allocations as well. The Council will need to demonstrate that the plan is sound using the following criteria found in paragraph 182 of the 2012 National Planning Policy Framework:
    - Positively Prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure

requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

5.4 Alongside work for the Section 2 examination, officers are also commencing work on a framework to guide development in the Tendring Colchester Borders (TCB) Garden Community. The DPD will determine the boundary of the Garden Community and provide details further to the principles in Section 1 of the Local Plan. The Development Plan Document for TCB will be prepared jointly with Tendring and will become part of the Colchester Local Plan when adopted. It will go through the same formal consultation processes that Sections 1 and 2 of the Local Plan have done and must meet the same high standards of soundness.

5.5 The Council's first step in the DPD process has been the publication in December of a Consultation and Engagement Strategy (attached as Appendix 4). The Strategy outlines the Councils' commitment to involve a wide range of people in the development of planning policies by engaging in a new way – a way that expands on formal consultation requirements and embraces modern, efficient and accessible activities.

5.6 Officers are currently agreeing and programming the detailed evidence base and masterplanning work needed to inform the DPD alongside informal consultation, with formal consultation (Regulation 18) programmed for 2022. A dedicated webpage has been established to provide a central source of information on the Garden Community. [HOME - Tendring/Colchester Borders Garden Community \(tcbgardencommunity.co.uk\)](https://tcbgardencommunity.co.uk)

## **6. Equality, Diversity and Human Rights implications**

6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>

## **7. Strategic Plan References**

7.1 The Strategic Plan is relevant in particular contributing to priorities under the themes:

- Delivering homes for people who need them; and
- Growing a fair economy so everyone benefits.

## **8. Consultation**

8.1 Consultation on the Local Plan is governed by a comprehensive consultation programme as set out in the Council's Statement of Community Involvement (SCI) and reflecting national regulations.

## **9. Publicity Considerations**

- 9.1 The Council ensures a coordinated and proactive approach to press releases on Local Plan issues given their high level of importance for guiding the future of the Borough and consequential high level of press attention.

## **10. Financial implications**

- 10.1 Staffing, consultation/engagement and evidence base consultant resources for Local Plan work are provided in the Council's budget. Costs for the preparation of the Tendring Colchester Borders Development Plan Document are being shared with Tendring District Council.

## **11. Health, Wellbeing and Community Safety Implications**

- 11.1 Local Plan policies provide a basis for future development that is intended to support the health, wellbeing and community safety of Borough residents.

## **12. Health and Safety Implications**

- 12.1 No direct implications.

## **13. Risk Management Implications**

- 13.1 Development of policies to guide future development in the Borough is intended to reduce the risk of inappropriate development. It will provide consistent advice to landowners, developers, officers, Councillors and members of the public.

## **Appendices**

- Appendix 1- [Examination Guidance Note From The Inspectors](#)
- Appendix 2- [Virtual Hearings - Inspectors' Note to Participants](#)
- Appendix 3 -[Matters, Issues And Questions](#)
- Appendix 4 – Tendring Colchester Borders Consultation and Engagement Strategy

[USEFUL INFORMATION - Tendring/Colchester Borders Garden Community \(tcbgardencommunity.co.uk\)](http://tcbgardencommunity.co.uk)

# EXAMINATION OF THE TENDRING DISTRICT LOCAL PLAN 2013 -2033

## EXAMINATION GUIDANCE NOTE FROM THE INSPECTORS

### Purpose of the Guidance Note

1. This note provides guidance to representors involved in the Examination of the *Tendring Local Plan 2033*.
2. All representors should familiarise themselves with the contents of the note, in particular those who wish to submit further statements and/or take part in the hearing sessions. You should also review the accompanying note on virtual hearings.

### Dates for Hearing Sessions

3. The hearing sessions (which are part of the overall Examination) will take place between **Tuesday 23<sup>rd</sup> February and Friday 4<sup>th</sup> March**.
4. The Stage 2 hearing sessions will be held virtually using 'Teams'. A full programme of the sessions can be viewed separately in the Hearings Programme.
5. Teams is an online video conferencing system which allows virtual meetings to be held. The use of this technology allows us to progress with the Local Plan hearings despite the restrictions imposed by Covid-19. Therefore, you will be able to take part at home or from a safe place.
6. Each day will be split into three 1.5 hour sessions. A draft programme indicating the matters to be discussed on each day is attached to this note although you should be aware that it may change. Details concerning the finalised programme are set out in paragraph 25 below.

### The Inspectors' role in the Examination

7. Our task is to consider the soundness of the plan, i.e. the ***Tendring District Local Plan 2033 Part 2*** (CD1.1). This document was the subject of [Regulation 18] consultation in an earlier format between 14 July and 8 September 2016, and in its modified, current format between 16 June and 28 July 2017. In examining the Plan we will have regard to the representations submitted in response to both of these rounds of consultation.
8. The *National Planning Policy Framework* (DCLG, March 2012) sets out the criteria for determining soundness; namely that the plan is **Positively Prepared; Justified, Effective and Consistent with National Policy**. On 24 July 2018<sup>1</sup> the

---

<sup>1</sup> Revised February 2019

Ministry of Housing, Communities and Local Government published a revised version of the *National Planning Policy Framework*. However, paragraph 214 of the revised document states that the previous Framework [ie that of March 2012] will apply for the purposes of examining plans where [as is the case with the Bedford Borough Local Plan 2030] the plan was submitted for examination on or before the 24 January 2019.

9. We aim to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for the district. However, this does not necessarily mean that the plan will be found to be sound.
10. Following the close of the hearings we will prepare a report to the Council with our conclusions. The Council has formally requested that we recommend any main modifications which are necessary to make the plan sound, if it is feasible that such modifications could make it sound. We will deal with broad issues in our report, and not with each individual representation.
11. Any main modifications we consider are likely to be necessary for the plan to be sound will be the subject of formal consultation and potentially considered as part of a revised Sustainability Appraisal and updated Habitats Regulations Assessment. Should this be necessary more information will be provided at that time. In submitting the plan for Examination the Council has proposed a number of further modifications to it detailed in the *Tendring Local Plan – Council’s Proposed Modifications*. [SM1] As part of the Examination we will consider whether or not any of these proposed modifications are necessary for the plan to be sound.

### **The Programme Officer**

12. The Programme Officer (the PO) for the Examination is Andrea Copsey who works independently of the Council under our direction in connection with the Examination. Mrs Copsey can be contacted as follows:

Andrea Copsey  
Examination Office,  
PO Box 12607,  
Clacton-on-Sea,  
CO15 9GN

Tel 07842 643988

Email: [Copseyandrea@gmail.com](mailto:Copseyandrea@gmail.com)

13. The main tasks of the PO are to act as a channel of communication between all parties and ourselves; to liaise with the parties to ensure the smooth running of the Examination and to ensure that all documents received are recorded and distributed. Copies of the all Examination documents are available on the Examination Website:

<https://www.tendringdc.gov.uk/localplan/section2>

14. Any procedural questions or other matters that you wish to raise with us prior to the hearing sessions should be made through Mrs Copsey and please let her know if you have any specific needs in relation to attendance/participation at the hearing

sessions.

## **Progressing your representations on the plan**

15. **In examining the Plan we will give the same weight to written representations as to those made orally at hearings sessions.** Consequently, participation at a hearing session is only necessary if, in the light of the list of *Matters and Questions for the Examination*, you have relevant points to contribute to the debate.
16. Accompanying this note is a list of *Matters and Questions for the Examination*. We have identified 10 Matters on which the legal compliance and soundness of the plan depends and for each Matter there are a number of specific questions. These questions will form the basis of the discussion at the hearing sessions and should also be the basis on which any further written statements, to be submitted in advance of the hearings, are prepared.
17. The hearings are open to all to observe, but only those who previously made representations relevant to the matters being considered in response to previous consultations on the plan, and who register a request to participate, will be allowed to speak. If you are in doubt as to which Matter your representation relates to please contact the PO to discuss this.
18. Notwithstanding any indications you may have previously made, anyone who believes it is necessary for them, and who wishes, to participate in a hearing session should register their interest in doing so with the PO by **Friday 29<sup>th</sup> of January**.

## **The hearing sessions and further statements**

19. Each Matter will be the subject of separate discussion, although the discussion on some Matters may take place over several hearing sessions. The hearings will take the form of a roundtable discussion which we shall lead. They will not involve the formal presentation of cases by participants or cross-examination. We shall take account of all written representations already submitted and it is not the purpose of the hearings for these to be repeated. The list of Matters and Questions will form the agenda for each session.
20. The hearings will be inquisitorial, rather than adversarial. We shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way we will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report.
21. The Council is required to produce a further statement for each of the 10 Matters in which it should answer all of the individual questions set out in the list of Matters and Questions.
22. Whilst it is not a requirement, other participants (those who submitted representations as part of the previous consultations either in support of or objection to the plan) can also submit further statements, but only on the questions of relevance to their original representation.
23. Further statements should be a **maximum** of 3000 words for each Matter and we anticipate that many will not need to be as long as this, particularly those addressing

only a small number of questions. The word limit does not include Appendices but these should only be included where directly relevant and necessary and should also be as succinct as possible. The word limit does not apply to the Council because it is required to answer every question, although we would encourage it be as concise as possible, providing references to specific sections of the already submitted evidence wherever relevant. Statements should be simply stapled rather than bound.

24. In preparing statements you should:

1. **only** answer the specific question(s) of relevance to your original representation, whilst clearly identifying the number(s) of the question(s) you are seeking to answer;
2. compile a separate statement for each Matter; and
3. have regard to the evidence submitted by the Council available on the Examination Website.

In turn, in answering each question the Council should have regard to the representations made on the plan of relevance to that question.

Whilst they are not specifically invited, Statements of Common Ground between Examination participants on issues of direct relevance to the matters under examination will also be accepted.

We are examining the plan as submitted by the Council. Therefore, we will not, at this stage, be considering the merits for development of sites for development not included in the plan ("omission sites"). Should we determine that there is a need for additional or different sites to be allocated, we will, in the first instance, ask the Council to consider how it would wish to proceed with the Examination.

25. An electronic version of each further statement (and any Statements of Common Ground) should be submitted to Andrea (contact details as above) by **Friday 29<sup>th</sup> of January**. Unless there are exceptional circumstances it is unlikely that late submissions will be accepted.
26. Aside from these further statements (and any Statements of Common Ground) no other written evidence will be accepted unless we specifically request it. All statements will be posted on the Examination webpage, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way they will not be circulated directly to participants. However, anyone who is unable to access them on the webpage may request copies from the PO.

### **The hearings programme**

27. An initial programme for the hearings is attached. A final version of the programme will be published on the Examination web site around two weeks prior to the start of the hearings. It will be for individual participants to check the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.
28. The hearings sessions will normally run between 09:30 and 16.00 and will take the form of 3 separate sessions of around an hour and a half.



## Site visits

29. Insofar as we consider it necessary to my assessment of the soundness of the plan we will visit sites and areas referred to in the representations before, during, or after the hearings. We will do these on an unaccompanied basis other than in the, relatively unlikely, event that we find that we need to go on to private land.

## Finally ...

30. We emphasise:
- We shall have equal regard to views put orally or in writing;
  - the need for succinctness; please respect the letter and spirit of the 3,000 word limit in further statements with only limited and directly relevant appendices;
  - that your hearing statement(s) should focus on answering the questions we have posed in the *Matters and Questions*;
  - that you must meet the **Friday 29<sup>th</sup> of January** to advise the PO of your wish to participate in a hearing session; and
  - that you must meet the **Friday 29<sup>th</sup> of January** deadline for the submission of further statements in paper and electronic form.

*Jameson Bridgewater and Anne Jordan*

INSPECTORS



## **Tendring District Council Local Plan Part II Examination In Public**

### **Virtual Hearings**

### **Inspectors' Note to Participants**

#### **Introduction**

This note provides guidance to participants on how to join and take part in the Stage 2 hearing sessions.

The Stage 2 hearing sessions will be held virtually using 'Teams', and will commence on **Tuesday 23<sup>rd</sup> February 2021**. A full programme of the sessions can be viewed separately in the Hearings Programme.

Teams is an online video conferencing system which allows virtual meetings to be held. The use of this technology allows us to progress with the Local Plan hearings despite the restrictions imposed by Covid-19. Therefore, you will be able to take part at home or from a safe place.

#### **Joining the event as a participant**

Participants will be sent an email with a link to the hearing event. To join the meeting by video conference you will need to click on the electronic link in the invitation. Please note that if you are participating in more than one hearing session you will receive a separate invitation for each session.

All participants should ensure that they join the meeting at least 30 minutes prior to the start. This should allow sufficient time for any problems to be resolved. The Programme Officer, Andrea Copsey, will let you into the meeting and will take the names of those present before the Inspector arrives.

If you experience any problems joining the event on the day, please immediately call or email the Programme Officer for assistance (copseyandrea@gmail.com or tel 07842643988) If you are late the Programme Officer will try and let you into the meeting as soon as possible.

#### **Alternative via telephone**

Participants without access to the internet can dial-in to the virtual hearing by telephone. The details will be provided in the invitation. Please notify the

Programme Officer by **Friday 29<sup>th</sup> of January** if you intend to use the telephone function.

### **Watching the hearing**

The sessions will be available for non-participants and the public to watch live on the internet. A link will be available on the Tendring Local Plan examination webpage to the Council's YouTube channel. This will enable people to watch the hearings as they would a physical hearing. It will also enable those in the same organisation or team as participating colleagues to keep up with proceedings in real time.

### **Start of the hearing event**

Once you have joined the video conference session and confirmed your appearance with the Programme Officer you should turn off your camera and mute your microphone until invited to speak. The camera and mute button are located on the control bar (usually along the top of the screen).

### **Format of the hearing**

The aim is to make the virtual hearings as similar as possible to physical hearings in the way that they are run and the way you participate. The purpose of the hearings is for the Inspector to gain the information needed to examine the soundness of the Plan.

The Inspector will lead the discussion, introduce each topic and ask specific questions.

If you wish to respond to a question or to speak, please use the 'raise hand' facility in Teams.

Each participant who raises their hand will be given an opportunity to have their say. Only one participant will be invited to speak at a time. ***When you are invited to speak, you should unmute your microphone, and state your name and, if any, your organisation or who you represent.***

Please make responses brief and focused and stick to the agenda. You do not need to repeat your case in full as the Inspector will have read all of your representations. The Inspector may ask questions about aspects of your verbal or written submissions.

Participants should aim to speak only once on each separate matter on the agenda. If, exceptionally, you have already spoken on a particular matter but believe that you could help further on the subject, you can raise your hand again. However, please use this facility sparingly and only when you have important and relevant evidence.

When you have finished speaking you should switch off your camera and mute your microphone.

### **Documents and evidence**

The examination library on the Council's website contains all of the relevant documents for the hearings <https://www.tendringdc.gov.uk/localplan/section2>. The hearing will therefore not use the document sharing facility in Teams. Nor should you hold a document in front of your camera. Please note that new documents will NOT be accepted at the hearings, unless it is something that the Inspector specifically requests.

The chat facility in Teams will not be used during the hearings.

### **Preparation for the event**

Please ensure as far as you can that your working environment is quiet and that the hearing is not disrupted by any external noise. Other distractions and movements are also discouraged.

You may wish to have water or a drink handy at your desk. Tea/coffee breaks will also be built into the programme. Sessions are likely to be around 1.5 hours long and we will aim to have 3 sessions each day.

Please familiarise yourself with Teams before joining the event.

If you experience internet connectivity issues during the event, try switching off other devices or moving closer to the router. If you lose connection during the event, please try to re-join using the electronic link in your email. The hearing may continue in your absence. As a back-up you can re-join by telephone using the number in your invitation. Transferring from wifi to mobile data or making a wifi hotspot are other contingencies you may wish to consider. If you are having on-going problems please alert the Programme Officer on 07842 643988.

Participants are encouraged to read the Hearing Statements and other key evidence in the examination library prior to the event. At the hearing you should have a copy of the agenda to hand (these will be available on the Council's website a week before the session).

### **Test event**

The Council is running a test event for anyone who is unfamiliar with Teams or who wishes to practice joining a virtual hearing. This will be held on around 2 weeks before the event. Please contact the Programme Officer, Andrea Copsey on [copseyandrea@gmail.com](mailto:copseyandrea@gmail.com) or tel 07842643988 if you wish to attend this event.

### **Privacy advice**

Please have regard to the Council's and the Planning Inspectorate's privacy notices. These will be sent to participants and posted on the Council's examination webpage once they are concluded.

Each hearing session will be livestreamed on the internet. Please ensure your camera is positioned to provide a clear view of your face. If you don't want your image to be seen you can turn off your camera. Please inform the Programme Officer before the event if you intend to do this.

Please ensure your background is cleared of any personal item/information. If you prefer, Teams allows you to blur your background, but please do not use any of the other backgrounds that are available on Teams.

The meeting will be recorded by the Council for reference. Please do not make your own recording. As other people will be watching/listening you are advised to avoid disclosing private and confidential material. If you feel that you need to do so to support your case, please seek procedural advice from the Programme Officer in advance, by **Friday 29<sup>th</sup> of January**.

### **Further information**

If you need any further advice before the event or have any technical or procedural questions, please contact the Programme Officer (Andrea Copsey [copseyandrea@gmail.com](mailto:copseyandrea@gmail.com) or tel 07842643988).

# ***EXAMINATION OF THE TENDRING DISTRICT LOCAL PLAN 2033 (Section 2) MATTERS, ISSUES AND QUESTIONS***

## **Important Notes:**

- Participants should only respond to the questions which directly relate to their previously submitted written representations on the plan. Please clearly indicate in your statement(s) the question(s) you are answering.
- In responding to questions regard should be had to the Council's response to comments on the plan (CD1.1) and the modifications it has proposed to the plan (SM1).
- Further statements should be proportionate in length to the number of questions being answered and should not, in total, exceed 3,000 words per Matter.
- The plan is being examined as submitted by the Council. Therefore, at this stage, it is not necessary to consider the merits for development of sites not included in the plan ("omission sites"). Should we determine that there is a need for additional or different sites to be allocated, we will, in the first instance, ask the Council to consider how it would wish to proceed with the Examination.
- The questions concerning soundness are primarily focussed on the plan's policies. Insofar as they relate to the plan's soundness other elements of the plan, including the supporting text, will be considered as part of the discussion of the relevant policies.
- The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of

**this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this document are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.**

- **The duty to cooperate, public consultation, accordance with the local development scheme and the plan period are all matters which have been addressed as part of the Section 1 Examination.**



## **Draft Timetable – Exact Timings to be confirmed.**

### **Week 1**

**Tues 23      Matter 1a &1b Duty to Co-operate and Overarching Issues  
                 Matter 2 Spatial Strategy**

**Weds 24th   Matter 3 Housing Allocations  
                 Matter 4 Supply of Housing Land**

**Thurs 25th   Matter 6 Living Places and Design  
                 Matter 5 Healthy Places**

**Friday       Reserve Session, if required**

### **Week 2**

**Tues 1st     Matter 8 Protected Places  
                 Matter 9 Connected Places**

**Weds 2nd    Matter 7 Prosperous Places and SAE Allocations  
                 Matter 10 Delivering Places**

**Thurs 3rd    Reserve Session, if required**

## **Matter 1 – Legal Compliance and Overarching Issues**

*This matter focusses on matters which relate solely to the soundness of the policies within Section 2*

- 1.1 In preparing the Section 2 plan are there any cross-boundary issues which required the Council to engage effectively with neighbouring authorities and other relevant organisations which have not already been considered during the Section 1 Examination?
- 1.2 Has consultation on the Section 2 plan been carried out in accordance with the Council's Statement of Community Involvement and the requirements of the 2004 Act (as amended) and the 2012 Regulations?
- 1.3 Is the Section 2 Sustainability Appraisal (SA) adequate in terms of:
  - (i) its assessment of the likely effects of the plan's policies and allocations,
  - (ii) its consideration of reasonable alternatives, and
  - (iii) its explanation of why the preferred strategy and policies were selected?

*(This question focusses on the legal compliance of the SA. The implications of the SA for the soundness of individual plan policies is considered under other individual matters.)*
- 1.4 Is the Habitats Regulations Assessment report Section 2 robust and credible in its conclusions? Are all the report's recommendations to modify the plan included in the Council's schedule of proposed modifications? Have any concerns been raised about the HRA and are there any outstanding concerns from Natural England?
- 1.5 Does the plan include policies designed to ensure that the development and use of land in Tendring contributes to the mitigation of, and adaptation to, climate change?
- 1.6 Are there any 'made' Neighbourhood Plans, or any being prepared or in the pipeline? If so, how have these been taken into account and where is this evident?
- 1.7 Does the plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?

- 1.8 Having regard to the matters raised in question 1.6, are there any policies in Section 2 which are in effect strategic policies?
- 1.9 Are there any conflicts between the Strategic Policies set out in Section 1 and the Local Policies in Section 2?
- 1.10 Are the Vision and Objectives in the plan appropriately articulated, are there any omissions? Are they in line with national policy?

## **Matter 2 – Spatial Strategy, the Location of New Development and the Site Allocation Selection Process**

*This matter focusses on the broad spatial distribution of new development and on the process by which proposed development sites have been selected for inclusion in the plan. (Policies SPL1 and SPL2). The merits of individual site allocations are considered under Matters 3 and 7)*

- 2.1 Is the proposed spatial strategy and the distribution of development (as set out in policy SPL1 and SPL2) supported by robust and up to date evidence and otherwise soundly based?
- 2.2 What is the evidential basis for the settlement hierarchy in policy SPL1? Is this up to date? How did this inform the development strategy? Is it appropriate to include the planned Colchester Garden Community within SPL1?
- 2.3 Are the plan's provisions justified, effective and consistent with national policy in relation to:
  - (a) development in settlements with a Settlement Boundary?
  - (b) development in the countryside?
- 2.4 Are the settlement development boundaries in SPL2 appropriately drawn? What factors were taken into account in designating these? Do SPL 1 and SPL2 allow sufficient development in rural service centres and smaller rural settlements to comply with para 28 of the Framework?
- 2.5 Are policies SPL1 and SPL2 otherwise justified and consistent with national policy? How do the settlement boundaries accord with the "positive approach to development" outlined in the Framework?
- 2.6 Does the factual information in the supporting text in Chapter 3 (Sustainable Places) reflect the most up to date information?
- 2.7 Are the Council's proposed modifications to these policies necessary for soundness ?

### **Matter 3 – Policies and Allocations for Housing Development (Delivering Places)**

*Policy SAMU1 – EDME Maltings*

*Policy SAMU2-Hartley Gardens*

*Policy SAMU3 – Oakwood Park*

*Policy SAMU4 – Rouses Farm*

*Policy SAMU5 – Thorpe Road, Weeley*

*Policy SAH1 – Greenfield Farm Dovercourt*

*Policy SAH2 – Low Road, Dovercourt*

*Policy SAH3 – Robinson Road Brightlingsea*

- 3.1 Are the above allocations for new development soundly-based; are the criteria set out in the relevant policies justified and effective; is there appropriate evidence that the development of the allocations is viable and developable during the plan period?
- 3.2 Are the detailed requirements for each of the allocations clear and justified? Have site constraints, development mix and viability considerations been adequately addressed?
- 3.3 Is the approach taken to identify the capacity of these sites appropriate?
- 3.4 Are the assumptions made in relation to the timescale for delivery justified?
- 3.5 Are the Council's proposed modifications to these policies and supporting text necessary for soundness?

### **Matter 4 – Supply of Housing Land**

*(This Matter focusses on the overall supply of land for housing. The merits of individual site allocations are considered under Matter 3)*

- 4.1 Is there evidence to convincingly demonstrate that the plan will provide:
  - A supply of developable housing land of 11,000 homes for the plan period?
  - A 5-year supply of deliverable housing land?
- 4.2 In particular, are the Council's assumptions in LP1 in terms of the following soundly based:

- Provision from small sites/windfalls
- Provision from large sites
- The size of the buffer to provide for flexibility and to account for past under-delivery

*(Our consideration of this question will also be informed by detailed discussion of the deliverability of specific site allocations in Matter 3)*

- 4.3 In relation to Policy LP2, Is the policy justified and consistent with national policy? Are the requirements of the policy clear, reasonable and effective? Is the mix of housing allocation sites justified and effective?
- 4.4 Does the factual information in the supporting text in Chapter 4 reflect the most up to date information?
- 4.5 Are the Council's proposed modifications to these policies and supporting text necessary for soundness?

## **Matter 5 – Healthy Places**

*(Policies HP1, HP2, HP3, HP4, HP5)*

### **5.1 Improving Health and Wellbeing (policy HP1)**

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, reasonable and effective? On what basis was the threshold requirement of 50 houses set and is this reasonable?

### **5.2 Community Facilities (HP2) and Green Infrastructure (HP3)**

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? In relation to HP2, when read alongside the supporting text, is the policy sufficiently clear as to the type of facility which would come within the scope of the policy?

### **5.3 Safeguarded Local Greenspace (HP4)**

Do the Local Green Spaces shown on the policies map meet the criteria for designation set out in paragraph 77 of the NPPF? How have they been justified?

### **5.4 Open Space, Sports and Recreation Facilities (HP5)**

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Does the

policy take sufficient account of the “pooling” of larger areas of open space to meet recreational needs in response to local circumstances?

- 5.5 Does the supporting text in Chapter 4 reflect the most up to date information?
- 5.6 Are the Council’s proposed modifications to these policies and the supporting text necessary for soundness?

## **Matter 6 – Living Places and Design**

### **6.1 Sustainable Design (SPL3)**

Are the criteria in SPL3 justified and consistent with national policy? Are the requirements of the policy reasonable and clearly articulated and would the policy be effective?

Do the requirements of part (a) reflect the guidance in paragraph 32 of the Framework? Are the requirements of Part B (d) reasonable and in line with the Housing: Optional Technical Standards?

### **6.2 Housing Density and Standards (LP3) and Housing Layout (LP4)**

Is the requirement to meet minimum standards of internal space clearly articulated and supported by clear evidence?

Are the criteria in LP3 and LP4 justified and consistent with national policy? Are they clearly articulated, and would the policy be effective?

Is the Council’s proposed modification to the policy and supporting text necessary for soundness?

### **6.3 Affordable and Council Housing (LP5) and Rural Exception Sites (LP6)**

Are the criteria in LP5 justified and consistent with national policy? Are the requirements of the policy reasonable and clearly articulated and would the policy be effective?

- (a) Are the policy’s requirements justified by evidence of need?
- (b) Does the policy take appropriate account of viability?
- (c) Is the policy sufficiently flexible?

Does the Council’s propose modifications to these policies and if so, are they necessary for soundness?

#### 6.4 Self-Build and Custom-Built Homes (LP7)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

- (a) In particular, are the policy's requirements justified by evidence of need?
- (b) Is the policy otherwise effective and consistent with national policy?
- (c) Are the Council's proposed modifications to the policy and supporting text necessary for soundness?

#### 6.7 Traveller Sites (LP9)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

- (a) Is the Gypsy and Traveller Accommodation Assessment (2017) up to date and robust in its identification of needs for plots and pitches?
- (b) Does the Council's approach in relation to traveller sites generally conform with the expectations of Planning Policy for Traveller Sites (August 2015)?
- (c) Does policy LP9 provide an adequate criterion-based policy for the assessment of Gypsy and Traveller site proposals.
- (d) Are the Council's proposed modifications to the policy and supporting text necessary for soundness?

#### 6.8 Care, Independent Assisted Living (LP10)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

- (a) In particular, are the policy's requirements justified by evidence of need?
- (b) Is the policy otherwise effective and consistent with national policy?

## **Matter 7 – Prosperous Places**

### **7.1 New Retail Development - Policy (PP1), Retail Hierarchy - Policy (PP2) Village, Neighbourhood Centres Policy (PP3), Local Impact Threshold (PP4), Town Centre Uses (PP5).**

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

Are the policy's requirements justified by evidence?

In particular, with regard to Local Impact Thresholds – what is the justification for the proposed modification for a lower impact threshold than that proposed in the Plan?

Are the Council's proposed modifications to the policy and supporting text necessary for soundness?

### **7.2 Employment Sites (PP6) & Employment Allocations (PP7) and The Rural Economy (PP13)**

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

How are the policy's requirements justified by evidence?

Are the Council's proposed modifications to the policy and supporting text necessary for soundness? In particular has it been demonstrated that the sites now identified in policies PP6 and PP7 are suitable for long term employment use?

### **7.3 Camping and Touring Caravan Sites (PP10) and Holiday Parks (PP11)**

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

In particular, do the policies adequately address the issue of flood risk given the classification of the use as "highly vulnerable" in flood risk terms?

Are the Council's proposed modifications to the policy and supporting text necessary for soundness? In particular are the Council's intentions in relation to Park Home Provision clear and unambiguous?



## 7.5 Priority Area for Regeneration (PP14)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

In particular, how have the implications of flood risk been addressed? How have the Council demonstrated that the sequential and exceptions test has been applied in the development of the policy?

Is the Council's proposed modification to the policy necessary for soundness?

## 7.6 Employment Allocations

SAE1 – Carless Extension Harwich

SAE2 – Long Road Mistley

SAE3 – Lanswood Park Elmstead Market

SAE4 – Mercedes Site Harwich

SAE5 – Mistley Port and Marine

SAE6 – Development and Mistley Marine

SAE7 – Stanton Europark

Are the policies justified and consistent with national policy? Are they based on up-to-date evidence? Are the requirements of the policy clear, and would the criteria identified to assess proposals on these sites be likely to be effective?

Are the policies sufficiently flexible?

Is the approach taken to identify the capacity of these sites appropriate?

Are the assumptions made in relation to the timescale for delivery justified?

Are the Council's proposed modifications to these policies and the supporting text necessary for soundness?

## **Matter 8 – Protected Places**

### **8.1    Development and Flood Risk (PPL1) and Coastal Protection Belt (PPL2) The Rural Landscape (PPL3), Biodiversity and Geodiversity (PPL4) Water Conservation, Drainage and Sewerage (PPL5)**

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

What is the rationale behind alterations to the CPA (Coastal Protection Area) on the proposals map?

In relation to PPL5 are the water conservation measures outlined in PPL5 clearly articulated and supported by clear evidence?

Are the Council's proposed modifications to policies and supporting text necessary for soundness?

### **8.2    Strategic Green Gaps (PPL6)**

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective?

Are the reasons for designation clear and is the policy supported by up to date evidence?

Are the Council's proposed modifications to policies necessary for soundness? How is the reference to "valued landscapes" to be interpreted?

### **8.3    Archaeology (PPL7) Conservation Areas (PPL8) Listed Buildings (PPL9), The Avenues Area of Special Character, Frinton-on-Sea (PPL11), The Gardens Area of Special Character, Clacton-on-Sea (PPL12)**

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Are they supported by appropriate evidence?

Do the policies provide an appropriate approach to the consideration of trees within conservation areas and to non-designated heritage assets?

In particular in relation to policies PPL11 and PP12, "The Avenues" and "The Gardens" Areas of Special Character - are the reasons for designation clear and are the policies necessary and supported by up to date evidence?

Are the Council's proposed modifications to the policies and supporting text necessary for soundness?

8.4 Renewable Energy Generation (PPL10)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Are they supported by appropriate evidence?

What are the reasons for the Council's proposed modifications to the policy? Are they necessary for soundness? If so, are they clearly articulated and supported by clear evidence?

8.5 Ardleigh Reservoir Catchment Area (PPL13), Safeguarding of Hazardous Substance Site, South East of great Oakley/South West of Harwich (PPL15)

Are the Council's proposed modifications to these policies necessary for soundness?

**Matter 9 Connected Places**

9.1 Sustainable transport and Accessibility (CP1) & Improving transport Network (CP2)

Are the policies justified and consistent with national policy? Are the requirements of the policies clear, and would they be effective?

Are the Council's proposed modifications necessary for soundness?

9.2 Improving the Telecommunications Network (CP3)

Is the policy justified and consistent with national policy? Are the requirements of the policy clear, and would they be effective? Is the policy reasonable and have the viability implications of the policy been considered?

## **Matter 10 – Delivering Places & Monitoring**

10.1 Is policy DI1 justified and consistent with national policy? Are the requirements of the policies clear, and would they be effective?

- (a) Are there any omissions from the proposed policy and supporting text?
- (b) Are the policies' requirements supported by up to date evidence?
- (c) Have the implications of the policy in relation to viability been appropriately tested?
- (d) Are the policies sufficiently flexible?
- (e) Are the Council's proposed modifications necessary for soundness?

### **Monitoring**

10.2 Is the plan sufficiently clear as to how its implementation will be monitored?



# Tendring Colchester Borders Garden Community

---

**Engagement and Consultation Strategy:**  
Planning for the development of the  
Garden Community





# Contents

Introduction	3
Engaging in a New Way	4
Our Engagement and Consultation Principles	5 - 6
Our Audiences	7 - 8
What We Mean by 'Engagement' and 'Consultation'	9
Our Strategy	10 - 11
Engagement and Consultation Timeline	12 - 13
Keep in Touch	14

# Introduction

---

In October 2017 Braintree District Council, Colchester Borough Council and Tendring District Council submitted Local Plans to the Secretary of State proposing three new Garden Communities across North Essex.

Examination hearing sessions on these proposals took place in January and May 2018, with further hearing sessions taking place in January 2020.

In May 2020 the government appointed Planning Inspector wrote to the three authorities to say that whilst the proposed Garden Community on the Tendring/Colchester Borders had strong viability and could proceed, the other two at Colchester/Braintree Borders and West of Braintree should be removed from the plans.

To progress the Garden Community at the Tendring/Colchester Borders, Colchester Borough Council and Tendring District Council (along with Essex County Council) will need to prepare a Development Plan Document for it.

Previous consultation exercises have taken place related to the Tendring/Colchester Border Garden Community including (but not limited to); an Issues and Options Consultation; a Draft Local Plan Consultation; and a consultation on the Essex Highways A120/A133 Link Road and Rapid Transit System.

This 'Engagement and Consultation Strategy' outlines how we will engage and communicate with various audiences in order to help produce the content for the next stage of the process – the preparation of the Development Plan Document.

**Local Plans** have been prepared to set out the strategic policies for the future development of each of the Council areas, drawn up by the Local Planning Authorities.

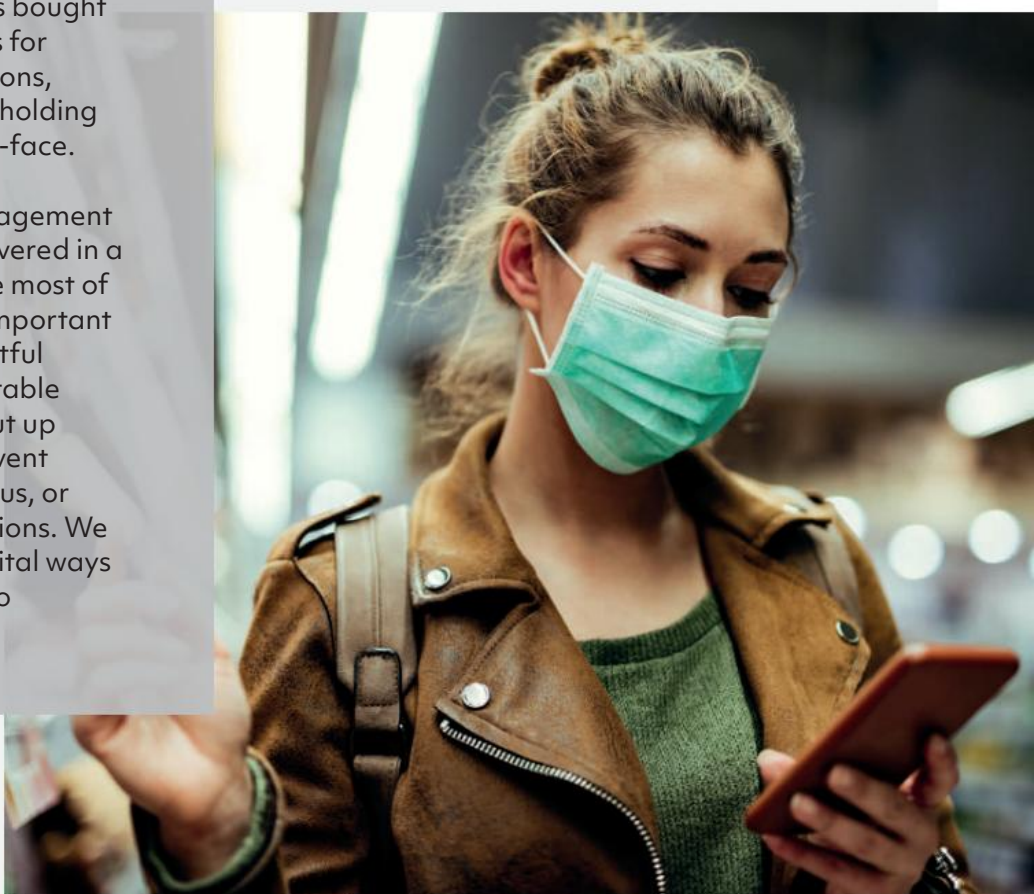
The **Development Plan Document** will be produced to guide development for the specific Garden Community area. It will evolve the vision, allocate land uses and detail core policies, which planning officers use to make their decisions on planning applications.

# Engaging in a New Way

---

The Covid-19 pandemic has brought about many new challenges for engagement and consultations, especially when it comes to holding events and meeting face-to-face.

We will prepare for our engagement and consultations to be delivered in a different way by making the most of digital opportunities<sup>1</sup>. It is important that we all stay safe, respectful of what people feel comfortable doing and that we do not put up any barriers which may prevent people from engaging with us, or responding to our consultations. We will, of course, offer non digital ways to engage and feedback too as circumstances allow.



As well as the obvious restrictions of the Covid-19 pandemic, there are other restrictions which may have prevented people from engaging and responding to our consultations in the past. These include: a lack of will to read dense and complicated planning documents; a lack in confidence to engage or a lack of transport to attend events in places like village halls in order to

participate; a feeling that a minimum level of knowledge of the planning process is needed; and a lack of time, among many others.

We want to break down these barriers, by engaging in a new way – a way that goes beyond village hall events and embraces modern, efficient and accessible activities.

---

<sup>1</sup> <https://www.gov.uk/guidance/plan-making> (paragraph 78)



# Our Engagement and Consultation Principles

---

As per the Town and Country Planning Association's Garden City Principles<sup>2</sup> and our own Charter<sup>3</sup>, Community Engagement is a crucial principle when planning a Garden Community. This is a Garden Community for generations of the future. For our children and our children's children. This is why it is so important that those of us living now should contribute to planning for the future and help shape what future living in this Garden Community could one day look like.

We want to make sure that no-one feels put off from taking part in our engagement and consultation exercises. Our priority is to make sure that people have the opportunity to share any idea or thought and to encourage those who wouldn't normally take part in this kind of engagement/consultation to do so.

**We will do this by committing to these principles:**

## **Inclusiveness**

We will actively reach out to younger audiences, audiences who may not usually engage in such activity, audiences from diverse groups and backgrounds, and to those living near to the Tendring/Colchester Border Garden Community, as well as the wider Essex community and beyond.

## **Simplicity**

The planning process can be complicated. We will use jargon free, easy to understand language and present information in a simple way. We do not want people to become bogged down or put off by complicated language and terminology.

## **Creativity**

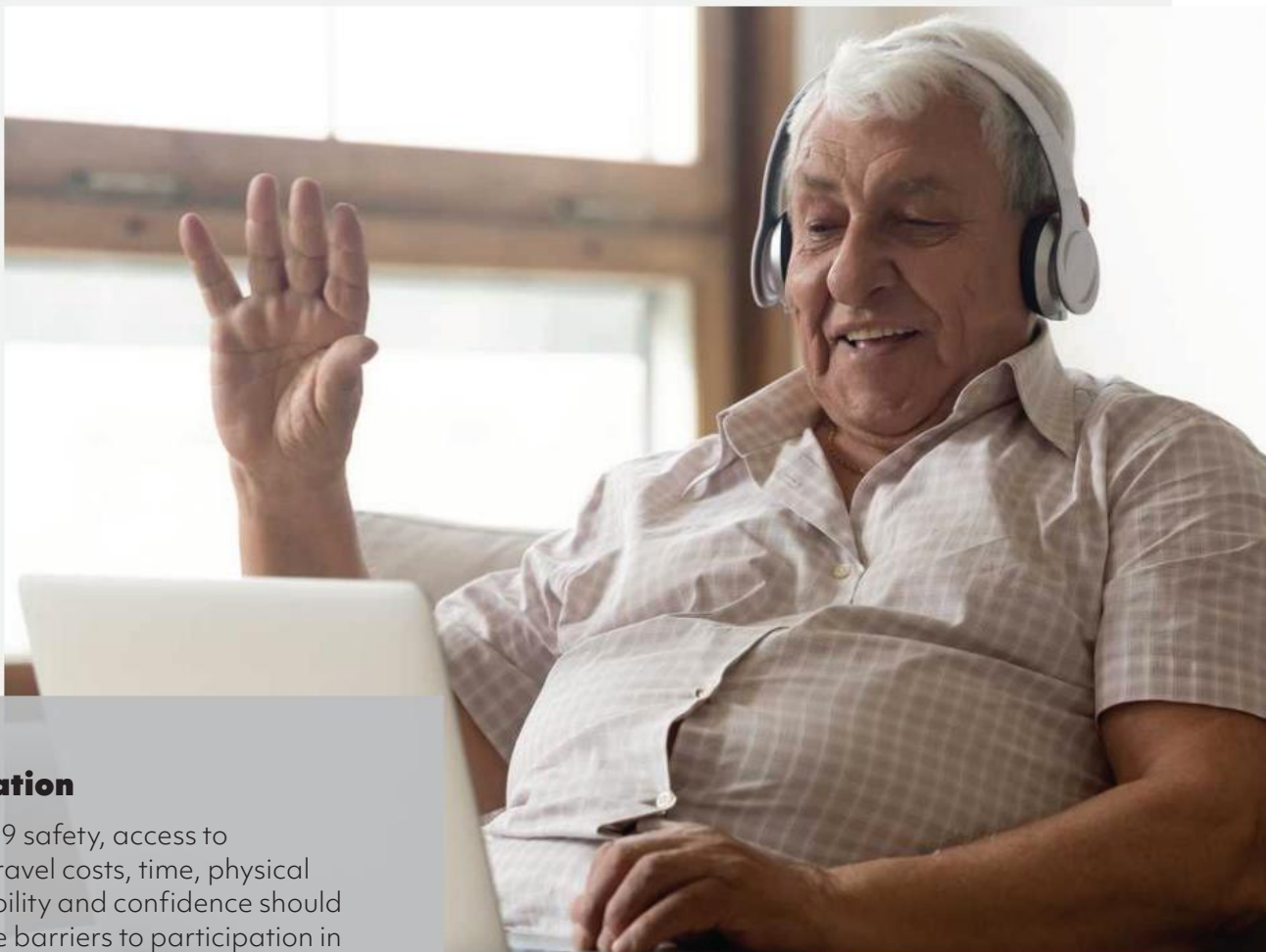
We don't want to put people off with very long surveys and complicated documents. We want to attract everyone to participate in our engagement and consultations, including those who may be time poor or those who may prefer alternatives to traditionally text and map-based methods of engagement.

We will make best use of creative content such as graphic design, infographics, videography and photography, as well as other content such as quick polls, quizzes and encouraging 'user generated' content, such as discussion forums.

---

<sup>2</sup> <https://www.tcpa.org.uk/garden-city-principles>

<sup>3</sup> <https://tcbgardencommunity.co.uk/>



## **Innovation**

Covid-19 safety, access to travel, travel costs, time, physical accessibility and confidence should not pose barriers to participation in our engagement and consultation activity. Nor should any other barrier that might prevent an individual from leaving their home in order to offer feedback to our engagement and consultations. Therefore, we will use digital methods for our engagement and consultation by default.

However, we will make it clear that where possible (in light of the Covid-19 pandemic), and as advised by Government<sup>4</sup>, we will also offer alternative non-digital options and consider digital poverty in our approach<sup>5</sup>.

## **Transparency**

We will listen to all ideas and will make sure that it is clear where, when and how our communities and stakeholders have helped shape our Development Plan Document. As and when we run activities, such as polls or surveys, the results of these will be available for everyone to see.

## **Positive Collaboration**

We will integrate a broad range of interests and themes, including technical inputs alongside local insight and knowledge, with an objective to work positively and collaboratively. Plans for the Garden Community will benefit from a process of active participation, co-design and joint working.

---

<sup>4</sup> <https://www.gov.uk/guidance/plan-making>

<sup>5</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/articles/exploringtheuksdigitaldivide/2019-03-04#introduction>

# Our Audiences

---

We recognise how important it is to involve our communities and stakeholders in the development of the Tendring/Colchester Borders Garden Community. Our various audiences will play a very important role in contributing to the preparation of the Development Plan Document.

We want to be clear on how we define 'communities' and 'stakeholders' and the roles that each will have. We believe it is important not to silo our audiences too much and, as such, will broadly theme them as follows.

## **Communities**

As well as all of those listed below, we will promote and actively encourage involvement in our engagement activity and consultations to:

Individual residents in existing very local communities; Individual residents in existing communities in the wider area; Local community/hobby/interest groups of all kinds; Local action groups; All age groups with an emphasis on young people who will grow up with the Garden Community; Local schools, Colleges and the University; Local charities; Audiences from diverse groups and backgrounds; Disabled people and access groups; and people who expressed interest in previous consultation/engagement exercises, among others.



## Stakeholders

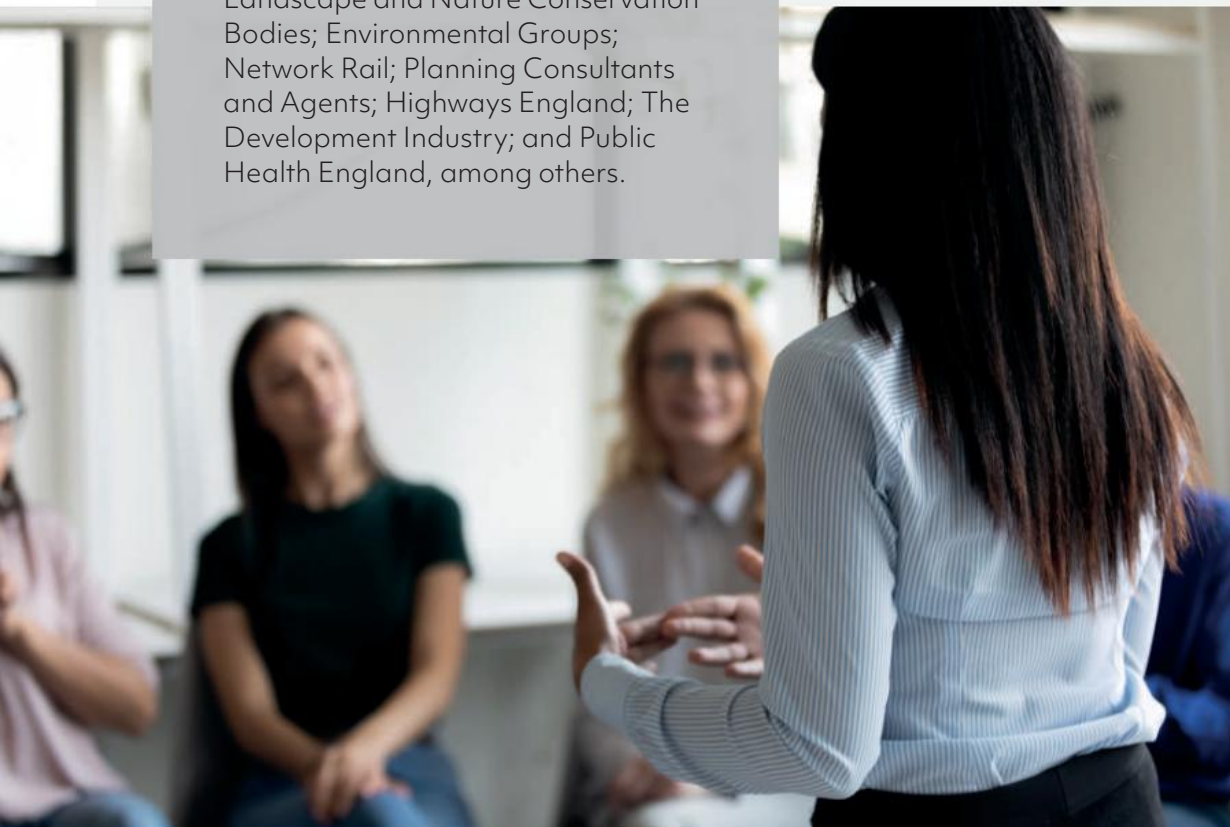
As well as those listed above and below, we will make sure that organisations are involved in, and kept informed of, our progress with the Development Plan Document. We will do this by organising theme-based discussions and inviting them to feedback on our activities. These organisations will include:

Neighbouring Local Authorities; Voluntary Bodies; Parish/Town Councils; Ethnic / Racial / National Groups; Essex Police; Religious Groups and Churches; The Environment Agency; Disabled Groups; Local Business Groups & Support Agencies; Health Agencies; Electronic Communication Providers; Learning Agencies; Schools; Transport Bodies and Groups; Utilities Providers; Sports Clubs; Recreation Bodies; Infrastructure and Service Providers; The Ministry of Housing, Communities and Local Government; Conservation and Landscape and Nature Conservation Bodies; Environmental Groups; Network Rail; Planning Consultants and Agents; Highways England; The Development Industry; and Public Health England, among others.

## Strategic Stakeholders

We will have a statutory Duty to Cooperate<sup>6</sup> with organisations, as exemplified below, on strategic planning issues:

Office of Rail and Road; Environment Agency; Highways Agencies; Historic England; Integrated Transport Authorities; Natural England; Sport England; Highway Authorities; Civil Aviation Authority; Marine Management Organisation; Homes England; The South East Local Enterprise Partnership; Clinical Commissioning Groups; Neighbouring Local Authorities; NHS England; and Essex County Council.



---

<sup>6</sup> In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012



# What We Mean by 'Engagement' and 'Consultation'

---

We want to be clear on how we define 'engagement' and 'consultation' and the roles that each will have.

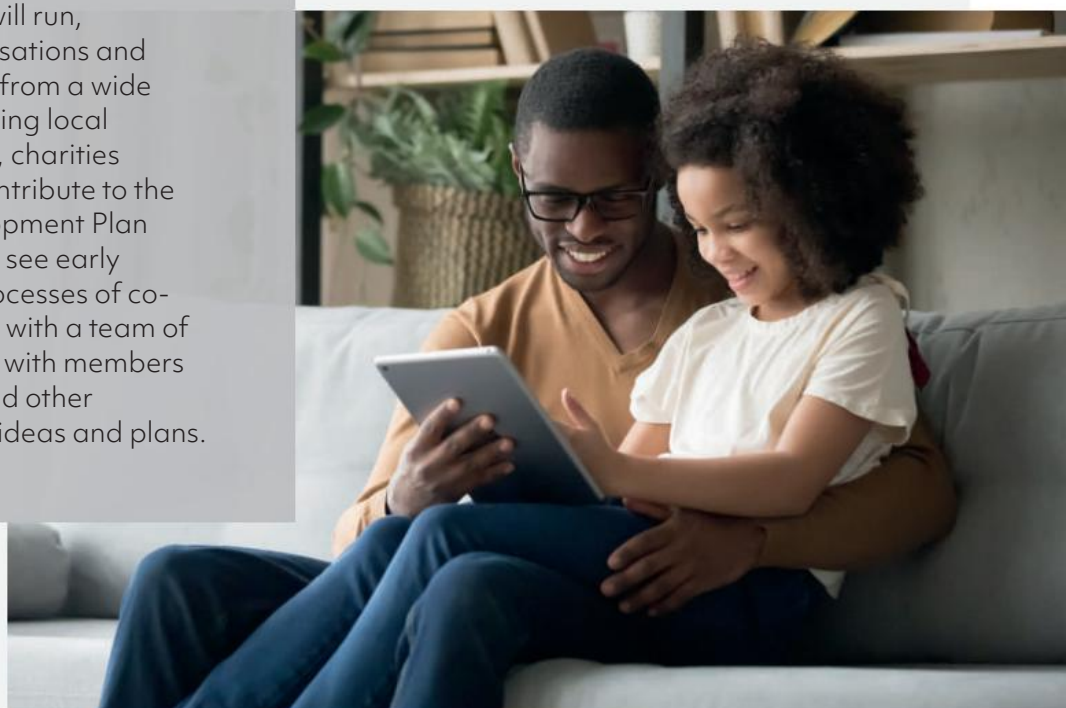
For this strategy we have adopted the following definitions which will apply to all our activity as we prepare, and eventually publish, the Development Plan Document for the Tendring/Colchester Borders Garden Community:

## **Engagement**

A variety of activities we will run, informally, to have conversations and gather ideas and insights from a wide range of audiences including local organisations, businesses, charities and individuals to help contribute to the preparation of the Development Plan Document. We very much see early engagement involving processes of co-design and collaboration, with a team of technical experts working with members of the local community and other stakeholders to shape up ideas and plans.

## **Consultation**

Statutory consultations we will run for the Development Plan Document, prior to it being examined. This will encourage formal feedback and comments on information we share. This type of consultation is in accordance with our duties to the Town and Country Planning (Local Planning) (England) Regulations 2012.



# Our Strategy

In order to deliver our engagement and consultation activities for the Development Plan Document we will involve our Communities, Stakeholders and Strategic Stakeholders throughout the whole process.

**We will achieve this by:**

## **A Digital Engagement Portal**

We will establish a designated online presence for all our engagement and consultation activity. The ongoing Covid-19 pandemic means that at least in the short term this will need to play a major role in enabling people to get involved. More people than ever now have internet access<sup>7</sup> and this will give the wider public an easy opportunity to feedback their ideas on set themes, in a multitude of ways such as quick polls, surveys and commenting on imagery etc. The portal will be easy to use and easy to find.

All communities and stakeholders will be encouraged to use the digital portal.

## **Non-Digital Alternatives**

For those with limited, or without, internet access we will offer non-digital ways to supply their feedback. Depending on the circumstances of the time, considering the Covid-19 pandemic, this may include initiatives such as posted documentation which can be returned by FREEPOST.

Should circumstances allow it, and people being comfortable with more direct interaction, we will consider direct face-to-face activity such as drop-in events and workshops.



## **A Community Liaison Group**

We will set up a Community Liaison Group. This group will be carefully researched and recruited to ensure it has a wide, representative and fair balance of individuals. We will welcome all levels of knowledge and experience in this group.

This group will be given the opportunity to propose and discuss ideas, to give feedback and to help contribute towards the Development Plan Document as it evolves. We will communicate to this group how we use their feedback by demonstrating to them how and where they have made an impact.

---

<sup>7</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2020>

We will welcome all ideas, and these will all be considered throughout the process. However, it may not always be possible for every suggestion put forward to form part of the Garden Community. It may be the case that competing ideas are presented or through further discussions and collaboration ideas evolve from the original suggestion.

The group is intended to be made up of individuals that can best represent the various communities and stakeholders.

### **A Youth Liaison Group**

As this is a Garden Community for generations of the future, it is crucial we actively reach out to a younger audience, who are traditionally harder to engage with<sup>8</sup>.

We will set up a Youth Liaison Group. This group will be carefully researched and recruited to ensure it has a wide, representative and fair balance of individuals.

Similar to the Community Liaison Group, this group will be given the opportunity to propose and discuss ideas to give feedback and to help contribute towards the Development Plan Document as it evolves. It will be particularly important to understand the issues and needs that relate to young people, as it will be the younger generations that will grow up alongside the evolution of the Garden Community over the coming decades.

We will welcome all ideas, and these will all be considered throughout the process. However, it may not always be possible for every suggestion put forward to form part of the Garden Community. It may be the case that competing ideas are presented or through further discussions and collaboration ideas evolve from the original suggestion.

The group is intended to be made up of younger communities in the local area.

### **Stakeholder Conversations**

We will keep in touch with stakeholder groups such as faith networks, parish/town councils and educational establishments etc via conversations, e-newsletters and by sharing marketing material. Keeping in close contact with local networks such as these will help us reach wider groups across the community.

### **Strategic Stakeholders**

We have a statutory Duty to Cooperate with strategic organisations. This is especially important for the 'infrastructure first' approach of a Garden Community. Strategic Stakeholders will be involved in the preparation of the Development Plan Document throughout.

### **Awareness Raising**

We need to make sure that as many people as possible hear about our engagement and consultation activities. We will use a varied mix of communication methods to reach a wide audience, in the most efficient and economical way as possible. Our digital methods will include, but not be limited to: blogs; social media; online advertising; and e-newsletters. Our non-digital methods will include public relations; local newspaper/magazine advertising; and posters in community areas.

<sup>8</sup> <https://www.social.co.uk/news/local-plans-fail-to-engage-people-about-the-future-of-their-areas/>

# Indicative Engagement and Consultation Timeline

---

We know how important it is for people to know when they can contribute ideas and take part in the process. We will have to align the process to the outcome of the current Local Plan Examination in Public process and as that is not fully complete, the timeline set out below is indicative and may be subject to change. We will maintain a timetable as part of the digital engagement platform and our work with the Community Liaison and Youth Group. The programme will be monitored, updated and any changes communicated throughout the process.

## **Early – Mid 2021:**

- Set up Community Liaison Group and Youth Liaison Group and begin initial engagement activity
- Set up and begin early community engagement on the digital engagement portal
- Keep the community and stakeholders up to date on key milestones and developments
- Work with other stakeholders on matters as they arise
- Begin to explore the vision for the Garden Community, set themes and ideas with the Community Liaison Group, Youth Liaison Group and with the wider community

## **Mid - Late 2021:**

- Continue exploration of themes and ideas with the Community Liaison Group, Youth Liaison Group and the wider community
- Begin to evolve and consider the layout of uses across the area
- Keep the community and stakeholders up to date on key milestones and developments
- Work with strategic stakeholders on statutory matters



### **Early - Mid 2022:**

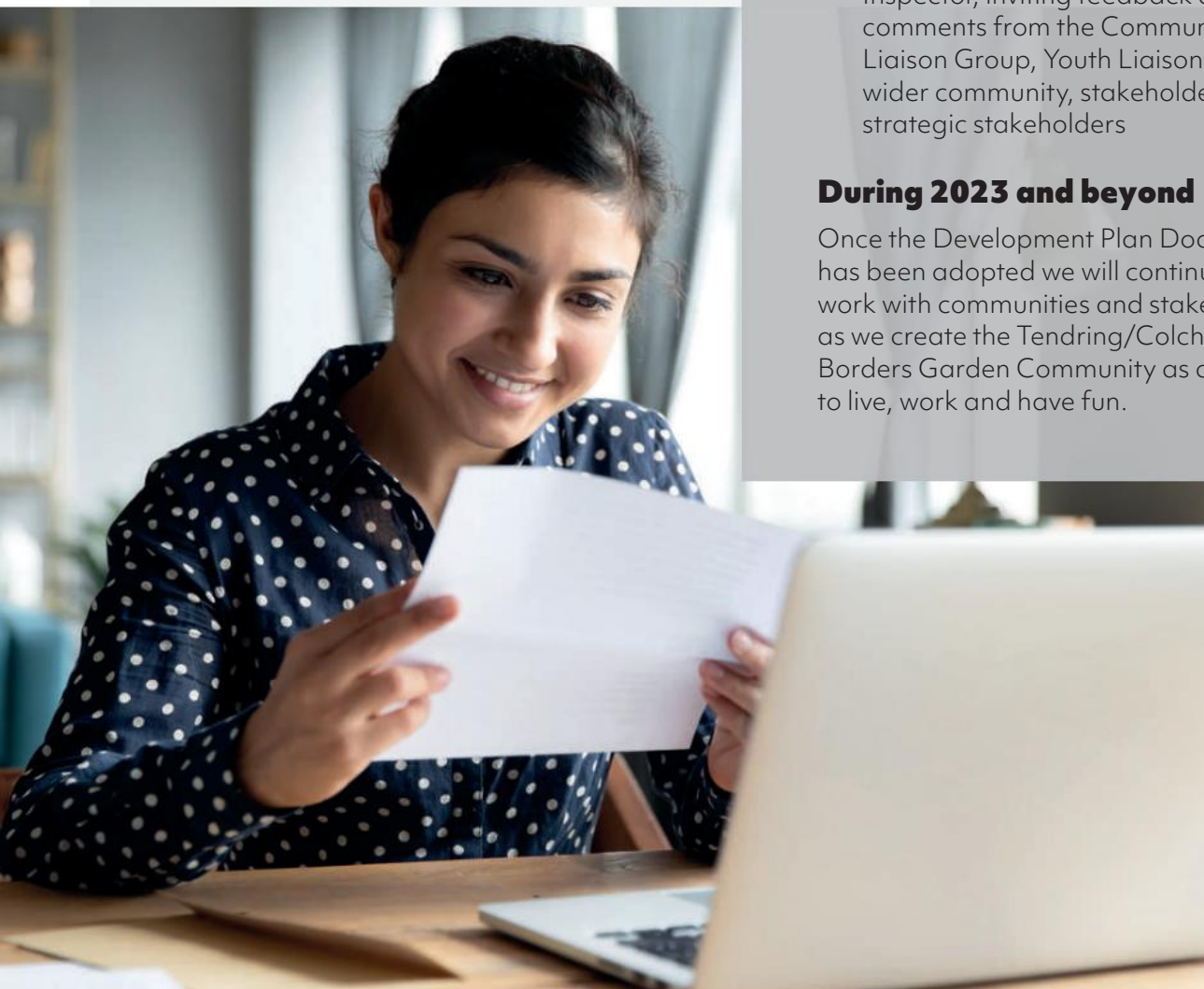
- Formalise ideas, visions and principles to include in the Development Plan Document with the Community Liaison Group, Youth Liaison Group, wider community and stakeholders
- Consult widely on issues and options for the Garden Community
- Keep the community and stakeholders up to date on key milestones and developments
- Work with strategic stakeholders on statutory matters

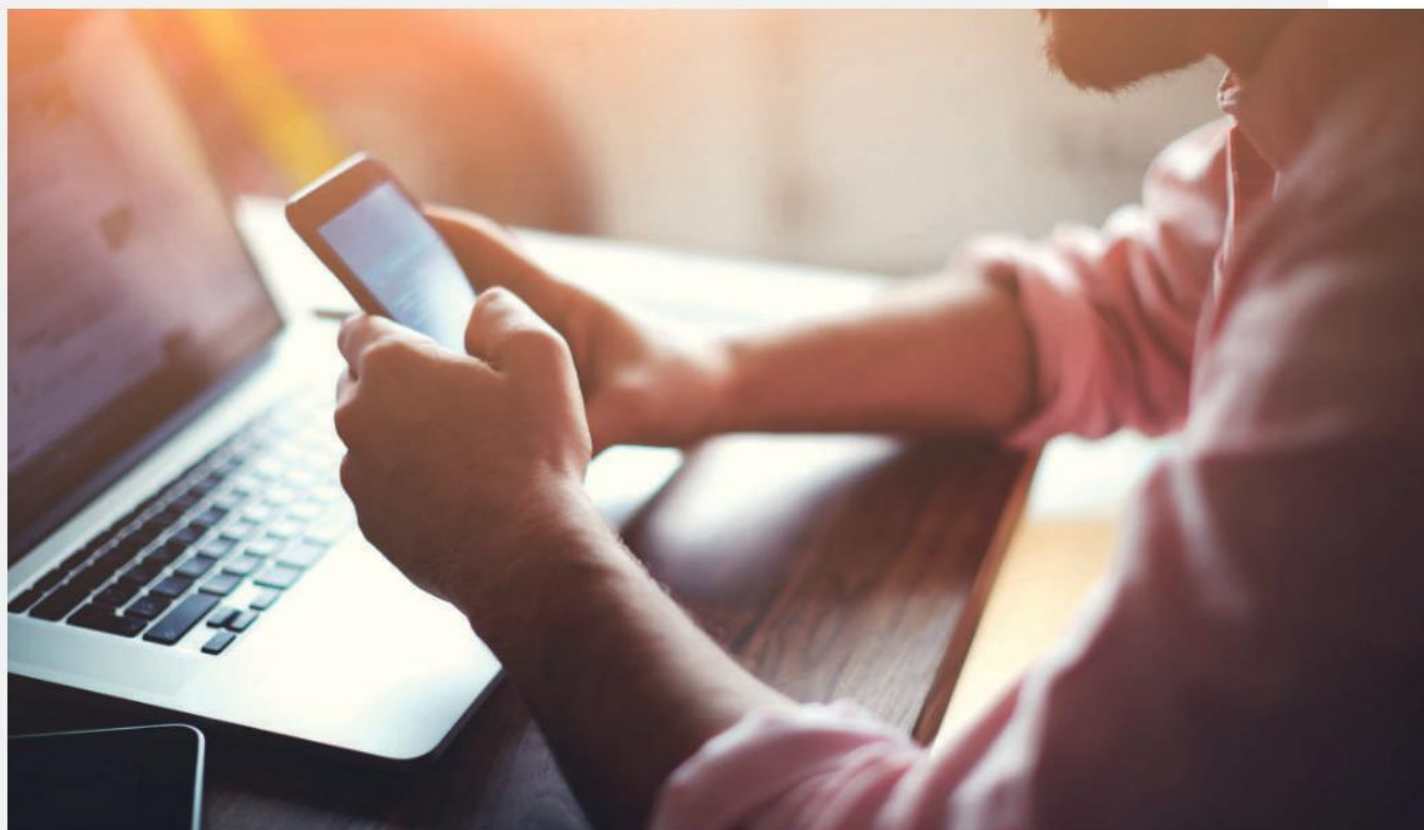
### **By the end of 2022 / early 2023**

- Submit the final draft Development Plan Document to the Secretary of State and carry out a statutory consultation on it, inviting feedback and comments from the Community Liaison Group, Youth Liaison Group, wider community, stakeholders and strategic stakeholders
- Full Examination in Public of the Development Plan Document enabling all stakeholders to engage in the process
- Following the examination of the Development Plan Document, carry out a statutory consultation on any modifications made by the Planning Inspector, inviting feedback and comments from the Community Liaison Group, Youth Liaison Group, wider community, stakeholders and strategic stakeholders

### **During 2023 and beyond**

Once the Development Plan Document has been adopted we will continue to work with communities and stakeholders as we create the Tendring/Colchester Borders Garden Community as a place to live, work and have fun.





# Keep in Touch

---

## Visit our website

[www.tcbgardencommunity.co.uk](http://www.tcbgardencommunity.co.uk)

## Email us

[tcbgardencommunity@colchester.gov.uk](mailto:tcbgardencommunity@colchester.gov.uk)

## Follow us



@tcb\_gc



@TendringColchesterBorders

8 February 2021

<b>Report of</b>	Assistant Director of Place and Client Services	Author	Eirini Dimerouki
<b>Title</b>	Confirmation of Mill Field Estate Conservation Area Article 4 Direction		
<b>Wards affected</b>	New Town		

## 1. Executive Summary

- 1.1 This report is seeking to confirm the Article 4 Direction that was made for Mill Field Estate Conservation Area. The statutory designation of the Conservation Area, together with the inclusion of the Article 4 Direction, was approved by the Committee on 4 February 2019. According to Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which sets out the procedures for making an Article 4 Direction, the Direction came into effect when it was publicised on 18 September 2020 but needs to be confirmed by the Council within six (6) months of that date or it will lapse. This report provides an account of the publicity procedure for the making of the Direction and a summary of the public consultation which is required before a direction can be confirmed. As the results of the consultation exercise did not suggest that there are any public concerns for the use of the Article 4 Direction, it is recommended that the Direction is confirmed to remain effective.

## 2. Decision(s) Required

- 2.1 The Local Plan Committee is asked to confirm the Article 4 Direction that was made for the Conservation Area known as Colchester Conservation Area 5: Mill Field Estate Conservation Area.

## 3. Reason for Recommended Decision

- 3.1 Confirming the Article 4 Direction will complete the procedure for making the Direction in accordance with Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The confirmation of the Direction within six (6) months from the date it was made ensures that the Direction remains in effect indefinitely or until modified or cancelled by a subsequent direction. If the Local Planning Authority does not confirm the Direction within six months of making it, the Direction will lapse. The making of the Article 4 Direction was approved together with the designation of Colchester Conservation Area 5: Mill Field Estate Local Plan Committee on 4 February 2019 (the relevant Committee report can be found at [Mill Field Conservation Area](#)

[Designation](#) .)The use of the Article 4 Direction was included in the Character Appraisal and Management Proposals for the new Conservation Area with the aim to give the Council more effective control over alterations that could erode the character and cohesive quality of the new Conservation Area.

#### **4. Alternative Options**

- 4.1 The Committee could decide not to proceed with the confirmation of the Article 4 Direction. However, this option would remove control over alterations whose cumulative effect can have a detrimental impact on the character and quality of the new Conservation Area.

#### **5. Background Information**

- 5.1 An Article 4 Direction is a direction under Article 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 which enables the Secretary of State or the Local Planning Authority to withdraw specified permitted development rights across a defined area.
- 5.2 The effect of an Article 4 Direction is not that development within the particular category of permitted development cannot be carried out, but that it is no longer automatically permitted by Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 ("GDPO") and must instead be subject to a planning application. This requirement does not necessarily mean that the Local Planning Authority will refuse permission for the works but does enable the Authority to retain some control over the design and detailing of the proposed development and grant permission subject to appropriate planning conditions.
- 5.3 There are 2 types of Directions under the General Permitted Development Order: non-immediate directions and directions with immediate effect. An immediate direction which comes into force and can withdraw permitted development rights straight away once the advertisement procedure, as set out by the GDPO, is carried out. However, the Direction must be confirmed by the Local Planning Authority within six (6) months of coming into effect to remain in force. Confirmation occurs after the Local Planning Authority has carried out a local consultation. If the Direction is not confirmed within this period, it lapses.
- 5.4 According to Schedule 3 of the General Permitted Development Order, the Local Planning Authority must give notice of the Direction:
- (a) by local advertisement;
  - (b) by site display at no fewer than two (2) locations within the area to which the Direction relates;
  - (c) by serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.

- 5.5 The Direction comes into effect in relation to any property on the date on which the notice is served on the owner and occupier. The notice must specify a period of at least twenty-one (21) days within which representations may be made to the Local Planning Authority in relation to the Direction. The Authority must then consider any representations made in response to the Notice. It may then confirm the Direction no less than twenty-eight (28) days after the Notice was served and not more than six (6) months after it came in effect. If the Authority confirms the Direction, it must give notice of the confirmation in the same way that it notified the making of the order. If the Direction is not confirmed, it will lapse.
- 5.6 In accordance with these requirements, the Council gave notice of the Article 4 Direction for Millfield Estate Conservation Area:
1. by advertising the Article 4 Direction Notice ( included in Appendix 1) in the local Press ( Essex County Standard) on 18 September 2020;
  2. by erecting four (4) site notices in key locations within the Conservation Area.
  3. by notifying the Owners and Occupiers of the dwellinghouses within the Article 4 Direction area by post which reached the recipients on 18 September. Seven hundred fifty-one (751) letters were sent. The post included the Article 4 Direction Notice, the Designation Notice for Mill Field Estate Conservation Area (included in Appendix 2) and a covering letter which provided practical information on the designation of the new Conservation Area and the making of the Article 4 Direction ( Appendix 3). The letter, as well as the Article 4 Direction Notice, informed the recipients of their right to comment on the use of the Direction within 28 days upon receipt of the Notice and set out how they could send their representations to the Council.
- 5.7 A new page was set up in the Council's website [www.colchester.gov.uk/millfield-conservation-area](http://www.colchester.gov.uk/millfield-conservation-area) and became publicly accessible on the morning of 18 September 2020. The webpage provides information on the designation of Millfield Estate Conservation Area and the Article 4 Direction, as well as key information and guidance on Conservation Areas and the practical implications of living within their boundary.
- 5.8 The webpage also informed the public of the public consultation that is required prior to the confirmation of the Article 4 Direction by the Local Planning Authority. The relevant section of the webpage explained that representations could be made in writing within 28 days of the Direction coming into effect (18 September 2020, when the Direction was advertised and served to the owners and occupiers) in two ways:
- via email to the Council's Historic Buildings and Areas Officer with the reference "Article 4 Direction-Mill Field Estate CA" in the header;
  - by post, in the attention of the Council's Historic Buildings and Areas Officer.



- 5.9 The consultation period started on 18 September 2020 and expired on 15 October 2020. Zero (0) consultation responses were received during that period. Following the formal notification of the Conservation Area designation and Article 4 Direction, various homeowners have made contact with the Council via email, to discuss intended works to their properties, clarify the permission requirements and seek conservation advice and guidance. However, none of these communications included comments either in favour or against the Article 4 Direction.
- 5.10 It should also be noted that the public's views on the concept of restricting permitted development rights within the proposed Mill Field Estate Conservation Area were sought with the public consultation for the Conservation Area's designation which was carried out between 30 April 2018 and 10 June 2018. Question Q2 of the consultation form which is appended in the relevant Local Plan Committee Report available at [Mill Field Conservation Area Designation](#) covered this issue. Although some representations included concerns that the designation would result in an added need for planning permissions which could impede the proper maintenance of the properties, these comments did not express any objections to the use of the Article 4 Direction.
- 5.11 The lack of any representations against the use of the Article 4 Direction, suggests that the initiative was well-received by the public. Since there are no public objections to the Direction that could generate the need to re-consider its use, it is recommended that the Direction is confirmed in order to remain in effect.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 6.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on this link: [Equality Impact Assessment June 2017.pdf \(windows.net\)](#)
- 6.2 The confirmation of the Article 4 Direction would not have an adverse impact on equality, diversity and human rights as the property owners were notified and offered the opportunity to participate in the consultation process.

## **7. Strategic Plan References**

- 7.1 The Council's Strategic Plan 2020-2023 includes a priority concerned with *Celebrating our heritage and culture*. The use of the Article 4 Direction for the new Mill Field Estate Conservation Area will contribute to the theme that seeks to "Protect, enhance and celebrate Colchester's unique heritage and visitor".

## **8. Consultation**

- 8.1 The public consultation which is required before the Local Planning Authority confirms the Article 4 Directions was carried out between 18

September 2020 and 15 October 2020. The details on the process and its outcome are discussed in Section 5.0 of the present report.

## **9. Publicity Considerations**

- 9.1 The confirmation of the Article 4 Direction may generate publicity for the Council. However, the outcome of the consultation exercise suggests that the Council's initiative is well-received as a proactive approach to heritage protection and enhancement of the historic environment.

## **10. Financial implications**

- 10.1 The withdrawal of permitted development rights by an Article 4 Direction may give rise to a claim for compensation but only in case of:
- (a) refusal to grant planning permission for development which would otherwise have been permitted development; or
  - (b) granting planning permission subject to more limiting conditions than those allowed by the General Permitted Development Order.
- 10.2 According to Section 108 of the Town and Country Planning Act 1990, the grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. Moreover, compensation can only be claimed if the planning application is made within twelve (12) months from the date when the Article 4 Direction takes effect. Finally, it should be noted that Article 4 Directions already exist in several locations within the Borough and there have been no successful compensation claims.
- 10.3 If the Article 4 Direction is confirmed, the costs involved will be limited to the costs for the notification in writing to the property owners and the advertisement of the confirmation in a local newspaper.

## **11. Community Safety Implications**

- 11.1 The designation of the proposed Conservation Area does not involve any community safety implications for the Council.

## **12. Health and Safety Implications**

- 12.1 No Health and Safety implications are associated with the confirmation of the Article 4 Direction.

## **13. Risk Management Implications**

- 13.1 No Risk Management implications are associated with the confirmation of the Article 4 Direction.

## **Appendices**

Appendix 1: Article 4 Direction Notice;

Appendix 2: Colchester Conservation Area 5: Mill Field Estate Designation Notice

Appendix 3: Covering letter to Owners and Occupiers within the Article 4 Direction area

## **Appendix 1: Article 4 Direction Notice**

### **COLCHESTER BOROUGH COUNCIL THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015**

#### **Notice of making a Direction under Article 4(2) of General Permitted Development Order 2015**

1. Colchester Borough Council GIVES NOTICE to occupiers/owners of part of the land described in the First Schedule to this Notice ("The Land") that the Council has made a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.
2. The Direction relates to the development of the type specified in the Second Schedule to this Notice within the area described in the First Schedule of this Notice.
3. The effect of the Direction is that permission granted by Article 3 of the Order shall not apply to development of the type specified in the Second Schedule to this Notice and that such development shall not be carried out on the Land unless planning permission is granted by the Council on an application made to them.
4. A copy of the map defining the area of Land covered by the Direction can be found on the Council's website at [www.colchester.gov.uk/millfield-conservation-area](http://www.colchester.gov.uk/millfield-conservation-area). The webpage also includes information on the designation of the Millfield Estate Conservation Area and the Direction of the present notice.
5. The Direction was made by the Council on February 2019 and comes into effect in relation to the Land on the date this Notice is served on you if you are the occupier, or if you are the owner, on the date this Notice is served on the occupier, if there is one. This Direction does not require the approval of the Secretary of State and in accordance with article 6(7) of the Order shall expire at the end of six months from the date upon which is made unless confirmed by the Authority before the end of that six month period. The Authority desires to confirm the Direction before the end of the six months but any representations that you wish to make will be taken into account before the decision whether or not to confirm the Direction is made. Representations should be made to the Historic Buildings and Areas Officer, Rowan House, 33 Sheepen Road, CO3 3WG, Colchester, within 28 days of the Direction coming into effect.

#### **FIRST SCHEDULE**

The residential properties within the boundary of Colchester Conservation Area No.5 - Mill Field Estate, Colchester, County of Essex which includes:

- Nos. 110 to 183 on the west side of Butt Road;
- Beaconfield Avenue, Salisbury Avenue, Wickham Road;
- Errington Road, Hamilton Road, Constantine Road;
- The Cloisters, 94 Maldon Road and The Runwalds, 94A Maldon Road, nos. 140 to 146, nos. 162 to 168 and nos. 182 to 186 on the east side of Maldon Road.



## SECOND SCHEDULE

- (i) Development permitted by Class A of Part 1 of Schedule 2 of the Order, more particularly the enlargement or other alteration of a dwellinghouse.
- (ii) Development permitted by Class C of Part 1 of Schedule 2 of the Order, more particularly alterations to a roof of a dwellinghouse.
- (iii) Development permitted by Class D of Part 1 of Schedule 2 of the Order, more particularly the erection or construction of a porch outside any external door of a dwellinghouse.
- (iv) Development permitted by Class E of Part 1 of Schedule 2 of the Order, more particularly the provision of buildings etc. incidental to the enjoyment of a dwellinghouse
- (v) Development permitted by Class F of Part 1 of Schedule 2 of the Order, more particularly the provision of hard surfaces incidental to the enjoyment of a dwellinghouse.
- (vi) Development permitted by Class A of Part 2 of Schedule 2 of the Order, more particularly the erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure.
- (vii) Development permitted by Class C of Part 2 of Schedule 2 of the Order, more particularly the painting of the exterior of any building or work.
- (viii) Development permitted by Class A of Part 14 of Schedule 2 of the Order, more particularly the installation or alteration etc. of solar equipment on domestic premises.

Dated: 18 September 2020

Signed:



Karen Syrett  
Planning and Housing Manager  
Place and Client Services

## **Appendix 2: Colchester Conservation Area 5: Mill Field Estate Designation Notice**

### **COLCHESTER BOROUGH COUNCIL**

#### **PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990, SECTION 69**

#### **COLCHESTER CONSERVATION AREA No.5 - MILL FIELD ESTATE**

NOTICE IS GIVEN under the provisions of the 1990 Act that Colchester Borough Council has determined that the Area described in Schedule of this Notice is an area of special architectural and historical interest and that it is desirable to preserve and enhance its character and appearance. It has accordingly designated the area as a "Conservation Area"

The principal effects of this area designated as Conservation Area are as follows:

1. In carrying out any functions under the Planning Acts (and in particular in determining applications for planning permission and listed building consent), the Council and the Secretary of the State are required to take into account the desirability of preserving and enhancing the appearance of the area.
2. Certain permitted development rights, including the demolition of buildings, are more restricted than in other areas
3. Special publicity must be given to planning applications for development in the area.
4. Consent or six weeks written notice is required to carrying out of certain works to any tree (above a certain size) in the area
5. Rights to display certain types of advertisements are more restricted than in other areas

#### **SCHEDULE**

The area included in the Colchester Conservation Area No.5 - Mill Filed Estate includes:

- Nos. 110 to 183 on the west side of Butt Road;
- Beaconfield Avenue, Salisbury Avenue, Wickham Road;
- Errington Road, Hamilton Road, Constantine Road;
- The Cloisters, 94 Maldon Road and The Runwolds, 94A Maldon Road, nos 140 to 146, nos 162 to 168 and nos 182 to 186 on the east side of Maldon Road.

The plan showing the precise boundary of the Conservation Area can be found overleaf.

Dated: 18 September 2020

Signed:



Karen Syrett  
Planning and Housing Manager  
Place and Client Services

Page Break







### **Appendix 3: Covering letter to Owners and Occupiers within the Article 4 Direction area**



#### **Colchester Borough Council**

Rowan House, 33 Sheepen Road

Colchester, CO3 3WG

Essex

Telephone: 01206 282424

Email: [planning.services@colchester.gov.uk](mailto:planning.services@colchester.gov.uk)

Eirini Dimerouki

Historic Buildings and Areas Officer

Place & Client Services

Telephone: 01206 505634

18 September 2020

Dear Sir or Madam

#### **Designation of a New Conservation Area (Colchester Conservation Area No.5 – Mill Field Estate ) and introduction of an Article 4 Direction.**

I am writing to advise that the Council has designated a new conservation area, which your property forms of part. For your information and records I enclose the Notice for the designation for Colchester Conservation Area No.5 – Mill Field Estate.

The designation of the Conservation Area is in recognition of area's special architectural and historic character but with that comes certain restrictions which will affect your property; these are described in the attached Notice of Designation.

I would also like to inform you on a new planning initiative (Article 4 Direction) which has been prepared for the new Colchester Conservation Area No.5 – Mill Field Estate. These changes derive from an "Article 4 Direction", which are explained more fully below. The Article 4 Direction is aimed at giving further protection to the distinctive character of the Mill Field Conservation Area.

Residents generally enjoy what are known as "permitted development" rights, which allow certain types of small-scale work to be undertaken to a property without the need to apply to the Council for planning permission. The effect of an Article 4 Direction is to withdraw certain of the permitted development rights. This means that in future, residents wishing to carry out the work specified in the Direction will need to make and to obtain planning permission from the Council, before they can undertake these works. Planning permission will be required for the following works:

- The alterations of windows and doors [on front and/or side elevations that face a public highway]
- The alteration of roof coverings [and chimneys]
- The addition and/or alteration of porches

- The addition of outbuildings
- The hard surfacing of [front] gardens
- The erection or alteration of a fence, wall and gate that [on front and/or side elevations that face an public highway]
- The painting of previously unpainted brickwork
- The installation of micro generation equipment (such as PV panels)

I have enclosed a copy of the Article 4 Direction Notice for your information and records. The Article 4 Direction will remain in force for a maximum period of six months after which it must be confirmed by the Council. The Council would like to confirm the Direction before the end of the six-month period but before making a final decision, you are invited to comments on this proposal. If you wish to make any comments regarding the Article 4 Direction, these should be made in writing to the Council by emailing [eirini.dimerouki@colchester.gov.uk](mailto:eirini.dimerouki@colchester.gov.uk) with the reference to the “Article 4 Direction, Colchester Conservation Area No.5 – Mill Field Estate” in the title header.

If you are a tenant I would be grateful if you could notify the owner as soon as possible. Thank you for your cooperation.

In the meantime, should you require any further clarifications, please feel free to contact me on the above telephone number or by email at [eirini.dimerouki@colchester.gov.uk](mailto:eirini.dimerouki@colchester.gov.uk).

Yours faithfully,

*Eirini Dimerouki*

Eirini Dimerouki  
Historic Buildings and Areas Officer  
Place & Client Services  
Colchester Borough Council

