

# ***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?