



Boyer
PLANNING

TENDRING DISTRICT COUNCIL LOCAL PLAN

Pre-Submission Focussed Changes Consultation Statement of Representations

Prepared by Boyer Planning on behalf of Taylor Wimpey UK Ltd.
February 2014

REPORT CONTROL

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1. INTRODUCTION

- 1.1 These representations have been prepared on behalf of Taylor Wimpey UK Limited (Taylor Wimpey) to the Tendring District Council Local Plan Pre-Submission Focussed Changes consultation.
- 1.2 Representations were submitted to the Pre-Submission Local Plan consultation In January 2013. These current representations therefore follow on from the submissions made to that earlier consultation and should be read in conjunction with them.
- 1.3 Taylor Wimpey controls land at Cockaynes Orchard, South of Cockaynes Lane, Alresford, which is identified in the Pre-Submission draft Plan as an allocated site (Policy KEY1) for a residential led mixed use development. It is understood that the Council have outstanding concerns regarding land ownership along Cockaynes Lane, and that as an alternative, Land at St. Andrews Close to the south of the village has been allocated for residential development instead of Cockaynes Orchard.
- 1.4 These representations respond to the changes which have been made to the planned housing allocation at Alresford. In addition they consider the overall housing target for the District, the spatial strategy and the approach to allocating sites for future housing need.
- 1.5 An assessment of the legal compliance and soundness of the Plan was made in the January 2013 representations. Our current assessment in this regard, in the event that the proposals affected by the Focussed Changes are included in the draft plan when submitted, is included within the conclusions section of this Statement.

2. DISTRICT HOUSING REQUIREMENT

Chapter 4: Planning for People and Proposed Major Change 4.1

- 2.1 We note that the Council commissioned an update to the Strategic Housing Market Assessment (SHMA) subsequent to the Regulation 19 consultation on the draft Plan last year. The SHMA Update May 2013 has indicated that the District has an objectively assessed housing need of 685 dwellings per annum over the period 2013 to 2029, a total requirement of 10,960 dwellings. However, the Council is currently seeking to plan for a much lower target than the requirement; just 3,625 dwellings from 2014 to 2024 or 362 dwellings per annum. It considers that it can deliver 400 dwellings per annum for the remaining 5 years of the Plan period (2024 – 2029), a total of 5,625 dwellings over 15 years, which averages 375 dwellings per annum.
- 2.2 This therefore represents not only a significant under-provision on the objectively assessed needs but a reduction in the planned annual housing target from the Pre-Submission Local Plan of 400dpa. We have a number of concerns regarding this, as well as the length of the Plan period and distribution of housing allocations within the Plan period. These concerns are set out in the following paragraphs.
- 2.3 The NPPF clearly states in paragraph 47 that local planning authorities should;
- “use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework”.*
- 2.4 This is consolidated in paragraph 14 which sets out the approach at the heart of the NPPF, the presumption in favour of sustainable development. For plan-making, para. 14 states that this means that;
- “Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted”.*
- 2.5 As noted, the current proposed housing target does not meet the full objectively assessed needs for housing identified in the latest evidence document. The Framework requires that Plans will ensure the delivery of the objectively assessed needs unless to do so would be inconsistent with its other policies. Examination reports up and down the country have demonstrated how significant is the weight given to this issue. Framework policies which might justify a reduction in provision are illustrated in footnote 9 of the Framework. The Council has not demonstrated that there is no scope to increase the level of planned provision having regard to these or any other constraints.

- 2.6 The Council is seeking to justify its housing requirement based on the findings of its Strategic Housing Land Availability Assessment (SHLAA, September 2013). This approach is not supported by the NPPF and will not be found sound by an Inspector. Selecting a housing target based on assessed capacity is fundamentally flawed. The Council should be making every effort to plan to meet the identified needs and not constraining the target unnecessarily. Other options for meeting the level of housing growth required should be explored, including additional allocations in appropriate settlements.
- 2.7 In these circumstances the Plan will not be sound unless it makes provision to meet the full needs as required by paras. 14 and 47 of the NPPF. On this basis, it is submitted that the Council should be planning to meet the full objectively assessed housing needs of 685 dwellings per annum, which over a 15 year Plan period totals 10,275 dwellings.
- 2.8 Related to this objection to the Plan, the Council should also be setting out a strategy for meeting the housing requirement across the whole of the Plan period and not just the first 10 years. The NPPF allows Local Planning Authorities to identify broad locations for strategic development (paras. 47, 157) to meet the housing requirement during the latter part of a Plan period, i.e. years 11-15. However the Council has stated an assumption that it will be possible to deliver 2,000 dwellings during the last 5 years of the Plan without a clear indication as to where the homes will be located, relying on a Local Plan review to identify specific sites. In order to conform with the NPPF requirements, it is considered that the Council needs to re-visit its strategy for housing delivery overall, and in particular in respect of the latter part of the Plan and identify broad locations for future growth within the current Plan.
- 2.9 Furthermore, there is confusion in the Plan as to the starting year; 2013 or 2014. Given that the SHMA estimates needs from 2013 the plan needs to demonstrate a strategy to cover that period. The NPPF is clear that Plans should “*be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements*” (para. 157). The 15 years should start from the anticipated year of adoption. On the current timetable, the Council expects an Inspector’s report to be issued late 2014 / early 2015, so the earliest adoption year would be 2015. The Plan period should therefore be taken from 2015 to 2030 as a minimum.

Policy PEO1: Housing Supply and Proposed Major Change 4.2

- 2.10 Although the Council purports to have abandoned the pre-submission strategy of allocating housing provision on the basis of a 6% increase in housing stock within each settlement, proposed paragraph 4.7b makes reference to the new strategy delivering “*a 6% increase in housing stock for most settlements*”. This is misleading and needs to be amended throughout the draft Plan.
- 2.11 Within the Policy itself, the total proposed number of dwellings to be delivered from each settlement has been reduced in many cases from the previous version of the draft Plan (Nov 2012). This is despite an increase in the District’s identified housing need since the previous consultation. Furthermore, approximately 45% of the housing requirement which the Council is seeking to plan for is from unidentified sites – windfall and longer term sites which have not yet been identified. It is our view that this approach is completely ineffective and therefore unsound in accordance with the requirements of paragraph 182 of the NPPF.
- 2.12 Notwithstanding the above, the policy also fails to identify a buffer of sites for housing in case those allocated do not come forward for development, either at all or within the anticipated timeframe. It is

usual practice to plan for non-implementation and to identify more sites than are needed to deliver the housing requirement. Flexibility is a key component of robust plan-making.

- 2.13 Moreover, in planning for the exact amount of housing to meet its selected target, the Council is relying on a 100% delivery rate which is unrealistic. Delivery of sites will be affected by economic and market conditions, as well as other issues such as land ownership, etc. The NPPF requires Council's to set out a five year supply of deliverable housing sites, plus a 5% or 20% buffer depending on past rates of delivery. The Council has delivered housing at an average rate of 278dpa over the last 5 years. This falls significantly short of the former RSS target of 425dpa and it is therefore considered appropriate to apply a 20% buffer. The Council should therefore be planning for the delivery of 2,250 dwellings in the next 5 years (based on the selected housing target).

Policy PEO2: Housing Trajectory and Proposed Major Change 4.3

- 2.14 The Council's housing trajectory indicates that it has identified sites to deliver 1,434 dwellings in the first 5 years of the Plan (2014-2019). This is 816 dwellings short of the five year requirement, based upon the Council's selected housing target of 375dpa. The Council urgently needs to identify more sites for delivery within the next five years in order to maintain a five year supply of housing land as required by the NPPF.

3. SPATIAL STRATEGY

Chapter 2: Delivering Sustainable Development and Proposed Major Change 2.1

- 3.1 It is unclear through the additions and deletions of text in this chapter what the Council's spatial strategy for development is. In some places there is reference to a 6% increase in housing stock within each settlement, and in other places there is a growth strategy of a 'sustainable, fair and proportionate increase' in each settlement. Whilst either of these strategies will direct development towards the larger settlements ahead of smaller towns and villages, they do not take into account the sustainability merits of individual settlements, and the linkages between settlements which may enhance accessibility to key services and facilities.
- 3.2 A review of the strategy is needed in any case in order to accommodate the additional housing requirement.

Policy SD3: Key Rural Service Centres and Proposed Major Change 2.4

- 3.3 The proposed changes to the policy text do not go far enough in amending the previous 6% growth strategy. The Council's new strategy for a 'sustainable, fair and proportionate' increase in housing fails to adequately take into account the sustainability credentials of individual settlements.
- 3.4 Whilst we are broadly supportive of the Council's decision to amend the previous strategy for a 6% increase in housing stock in each settlement across the District, concerns remain regarding the arbitrary cap of 50 dwellings as a limit to development size in the rural service centres. The restriction within the policy for "*No single housing development will exceed 50 dwellings in size*" should be removed, as this fails to recognise the sustainability benefits which larger developments can bring, as well as unnecessarily restricting growth in sustainable locations in circumstances where clearly additional provision is needed overall.
- 3.5 It also does not allow for flexibility in delivering a level of housing which is appropriate to an individual settlement or site and does not take into consideration the sustainability credentials of a specific location. The Council has identified a higher housing requirement than it is planning for, yet it is seeking to restrict growth in sustainable locations; these two elements are contradictory and undesirably restrictive of growth, which goes against the aim of the NPPF to "*boost significantly the supply of housing*". The policy as worded is contrary to the thrust of national policy in the NPPF in seeking to boost housing delivery as part of broader objectives in terms of economic growth and housing development.

4. ALRESFORD HOUSING ALLOCATIONS

Policy KEY1: Development South of Cockaynes Lane, Alresford and Proposed Major Changes 11.1 and 11.2

- 4.1 We object to the removal of the proposed allocated site South of Cockaynes Lane. The Council has not provided any sound reasons for 'de-allocating' this site for development. The site South of Cockaynes Lane scored the most favourably in the recent Strategic Housing Land Availability Assessment (SHLAA, September 2013) compared to the alternative sites in Alresford. **It was the only site to be considered fully deliverable, i.e. 'suitable, available and achievable'. Officer comments in terms of the site's suitability are favourable;**

"Site represents an obvious gap in the built up area and would introduce housing close to the village centre and railway station".

- 4.2 Constraints were identified in respect of access and viability, however none were identified which could not be overcome. In the 'MAJ11.2 reason for change', the Council say that the de-allocation of the site was in response to locally-raised concerns about the impact of development on the character and environmental attributes of Cockaynes Lane. Whilst it is acknowledged that the views of local people should form part of the planning process, this should not over-ride the technical evidence and assessment of the potential housing sites. The SHLAA did not identify any environmental constraints or concerns regarding the suitability of the site itself. It is sustainably located close to the village centre and railway station. Furthermore, the allocation of the site for a mixed-use development including employment uses will contribute towards the growth and vitality of the village, and will provide additional opportunities to the community in addition to the provision of market and affordable housing.
- 4.3 In contrast, the proposed replacement allocation **Land off St. Andrew's Close** was considered in the SHLAA to be available, but **not suitable** for development due to its nature conservation value – it is designated as a Local Wildlife Site (LoWS) in the draft Plan following the recommendation in the Council's Wildlife Sites Review 2008. It was therefore **not considered to be achievable** for development.
- 4.4 The **Wildlife Sites Review** identifies the site at St. Andrews Close as Crestland Wood Meadow LoWS; a site which supports a notable population of glow-worm beetles which are rare in Essex. Policy PLA4: Nature Conservation and Geo-Diversity in the draft Plan seeks to protect sites designated locally and nationally for nature conservation importance from development. This includes Local Wildlife Sites for which the policy states;

"Sites designated for their local importance to nature conservation including Local Wildlife Sites (LoWS) and Local Nature Reserves will be protected from development that is likely to have an adverse impact".

- 4.5 Development of the site would result in the destruction of the habitat for the beetles, and would therefore have a significant detrimental impact on the nature conservation value of the site. It is considered that this alone makes the site unsuitable for development due to the conflict with Policy PLA4. In addition, the site is adjacent to Crestland Wood; a semi-natural ancient woodland, which could be adversely affected by residential development of the site. It is notable that the Council has

not provided any consideration of the scope to mitigate this constraint, not even including a specific site allocation policy.

- 4.6 Although the St Andrews Close site is located closer to the primary school than Cockaynes Orchard, it is further from the village centre and railway station, as well as from bus stops. The site is therefore less sustainable in accessibility terms than the site at Cockaynes Lane. Moreover, its size constrains the potential for development, meaning both that there is no longer any scope to provide employment in the village (should demand prove this to be appropriate), whilst the limited capacity represents a lost opportunity given the requirement for more housing provision overall.
- 4.7 Taking into consideration the ecological impacts and relative sustainability of the site, it is considered to be unsuitable for residential development and should not be identified as a housing allocation in the Plan. The Local Wildlife Site designation should be re-instated and the site protected in accordance with the requirement of Policy PLA4.
- 4.8 It is our view that there is no sound justification for the de-allocation of the site South of Cockaynes Lane for development, and therefore it should be re-instated in preference to the St. Andrews Close site as the key housing allocation for Alresford. Given the size of the site, it could be suitable for delivering more than 50 dwellings, either in the short term or to meet longer term housing requirements (i.e. post-2024).
- 4.9 Notwithstanding our comments above, if the St. Andrews Close site is to be allocated it should be in addition to the site South of Cockaynes Lane in order to allow a greater contribution to meeting development needs overall, in a sustainable location.

Policy Map Inset 7: Alresford and Proposed Change PM7.1

- 4.10 We object to the removal of Policy KEY1 from the Policy Map and the inclusion of land at St. Andrews Close within the settlement boundary – for the reasons set out above.
- 4.11 The proposed allocation of the site at St. Andrews Close for residential development has replaced the previous designation of Local Wildlife Site (LoWS) on the Policy Map. It is considered that the LoWS annotation cannot simply be removed because the Council has opted to allocate the site for residential development; it should remain part of the map annotations and is a constraint which will need to be addressed should proposals for development of the site come forward.

5. CONSIDERATION OF SOUNDNESS AND CONCLUSION

- 5.1 The changes which have been made to the draft Plan since the last consultation are not sufficient to overcome our concerns regarding the overall soundness of the Plan. The Council has identified its objectively assessed housing need, but has failed to Plan to meet this need, or provide sufficient justification for why it is unable to meet the needs in full. The spatial strategy is unclear and not based on a robust assessment of the most suitable and sustainable locations for future growth and development.
- 5.2 The Plan fails in a number of respects - in its consistency with national policy; in respect of planning for an adequate amount of housing and in identifying a five year supply of deliverable sites. The Plan as drafted does not set out where development will be located in order to meet development needs post-2024. This does not provide the certainty which the planning system seeks to create, for residents of the District or the development industry. The Council should prepare a Plan which spans the entire Plan period and which identifies at least broad locations for future growth during the latter part of the Plan.
- 5.3 In our view, the Council should review the Plan starting from the basis of the objectively assessed housing needs of 685 dwellings per annum, and adopt a spatial strategy which directs development towards the most sustainable locations, both towns and villages, based on the existing or planned provision of infrastructure. The 'cap' of 50 dwellings in the rural settlements should be removed, and the Council should acknowledge that in some circumstances larger scale development will bring additional benefits to a settlement, such as public open space, financial contributions towards local services and employment opportunities.
- 5.4 The site at St. Andrews Close, Alresford is in our view not suitable for residential development given its status as a Local Wildlife Site, home to a rare species of beetle. The suitability of the site is not confirmed in the Council's recent SHLAA (September 2013) and housing is concluded not to be achievable. It compares unfavourably with the site South of Cockyanes Lane; which was the only site which the assessment concluded to be suitable, available and achievable. There are no sound reasons for the change in proposed allocation, and therefore we urge the Council to re-instate the proposed allocation of the Land South of Cockaynes Lane for a mixed-use residential-led development – taking in to account our representations on the Pre-Submission Draft Plan in this respect.
- 5.5 In summary the changes we seek to the Pre-Submission Focussed Changes are as follows.

Chapter 2: Delivering Sustainable Development and Proposed Major Change 2.1

- 5.6 A review of the strategy is needed in order to accommodate the additional housing requirement. The Plan needs to be clear that it is allocating development on the basis of sustainability principles. There remains confusion in the document as to whether the previous 6% strategy has been abandoned – as it should be. The Plan should direct development towards the larger settlements ahead of smaller towns and villages, taking into account the sustainability merits of individual

settlements, and the linkages between settlements which may enhance accessibility to key services and facilities.

Policy SD3: Key Rural Service Centres and Proposed Major Change 2.4

- 5.7 In addition to the issue raised above, we object to the arbitrary cap of 50 dwellings as a limit to development size in the rural service centres. This restriction should be removed, as this fails to recognise the sustainability benefits which larger developments can bring, as well as unnecessarily restricting growth in sustainable locations in circumstances where clearly additional provision is needed overall.

Chapter 4: Planning for People and Proposed Major Change 4.1

- 5.8 The Plan will not be sound unless it makes provision to meet the full needs as required by paras. 14 and 47 of the NPPF. On this basis, it is submitted that the Council should be planning to meet the full objectively assessed housing needs of 685 dwellings per annum, which over a 15 year Plan period totals 10,275 dwellings.
- 5.9 The Plan period should be taken from 2015 to 2030 as a minimum. Related to this objection to the Plan, the Council should also be setting out a strategy for meeting the housing requirement across the whole of the Plan period and not just the first 10 years.

Policy PEO1: Housing Supply and Proposed Major Change 4.2

- 5.10 Although the Council purports to have abandoned the pre-submission strategy of allocating housing provision on the basis of a 6% increase in housing stock within each settlement, proposed paragraph 4.7b makes reference to the new strategy delivering “a 6% increase in housing stock for most settlements”. This is misleading and needs to be amended throughout the draft Plan.
- 5.11 The Plan contains insufficient flexibility to address future uncertainties and therefore produce a robust strategy. This is reflected in an excessive reliance on windfalls, the lack of allocations or even broad locations from 224 onwards, an assumption that all sites will deliver 100% of their identified capacity.

Policy PEO2: Housing Trajectory and Proposed Major Change 4.3

- 5.12 The Council urgently needs to identify more sites for delivery within the next five years in order to maintain a five year supply of housing land as required by the NPPF. The Council should be providing sufficient housing in the next 5 years (based on the selected housing target) with the inclusion of a 20% buffer.

Policy KEY1: Development South of Cockaynes Lane, Alresford and Proposed Major Changes 11.1 and 11.2

- 5.13 There is no justification for de-allocating the site South of Cockaynes Lane and its replacement by St Andrews Close. The Council’s up-to-date SHLAA (September 2013) identifies the Cockaynes Lane site as suitable, available and achievable, whereas the St Andrews Close site is queried as to suitability and is not achievable. Moreover it is constrained by an important nature conservation habitat which is the subject of existing policy protection. The Focussed Changes contain no recognition of this constraint or mitigation strategy to overcome it.

- 5.14 The St Andrews Close site is not in such a sustainable location and has limited size such that it cannot contribute potential a mixed use strategy, nor more than 50 dwellings. The Cockaynes Lane land should be included in the Plan as an allocation, on the basis of the proposals set out in our representations on the Pre-submission Draft Plan.
- 5.15 If notwithstanding the objections to the St Andrews Close land the decision is taken to retain the allocation, this should be in addition to Cockaynes Lane and not instead of it, thereby allowing Alresford as a relative sustainable settlement to make a more significant contribution to the increased housing requirement for the District.

Policy Map Inset 7: Alresford and Proposed Change PM7.1

- 5.16 We object to the removal of Policy KEY1 from the Policy Map and the inclusion of land at St. Andrews Close within the settlement boundary – for the reasons set out above.
- 5.17 Even if the site at St. Andrews Close is retained as an allocation for residential development, the LoWS annotation should remain part of the map annotations and as a constraint which will need to be addressed should proposals for development of the site come forward.
- 5.18 Absent the changes summarised above we submit that the Plan is **unsound**.
- 5.19 We re-iterate our request to appear at the Examination in order to discuss the important policy issues raised in these representations in more detail.



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