TCB

Tendring Colchester Borders Garden Community

Tendring Colchester Borders
Garden Community Project Team
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

Mr Graham Wyatt, Planning Inspector
C/O Ms Andrea Copsey, Programme Officer

By Email: copseyandrea@gmail.com

Date: 08.02.2025

Tel: (01255) 686159
Email: alester@tendringdc.gov.uk
Please ask for: Amy Lester

Our Ref: N/A

Dear Mr Wyatt,

I write further to your recent queries received on the 15th January 2024. Please accept this letter and the attached documents as the Councils response.

1. **The Council should prepare a table of responses to the representations. This should be done in Policy order.**

Responses to the representations have been prepared in policy order and reports for each policy, including Monitoring, Policies Map and Sustainability Appraisal are attached.

2. **Regarding gypsy and travellers, has the Council considered the following judgement: Lisa Smith v SSLUHC [2022] EWCA Civ 1391 dated 31st October 2022, which is a judgement regarding the interpretation of the Planning Policy for Traveller Sites (PPTS) and the application of that policy to gypsies and travellers who have ceased to pursue nomadic lifestyles. In light of this Judgement does the Council consider if it is necessary to review their assessment of Traveller site needs?**

Following the judgment in the Court of Appeal in the case of Smith v SSLUHC & Ors, the government has reverted to the definition of Gypsies and Travellers used in the PPTS to that adopted in 2012, with this change applying from 19 December 2023, for plan and decision making.

The Councils' gypsy and traveller needs, within the DPD Submission Version allocation, was based on the definition set out in the 2012 PPTS and includes those who have permanently stopped travelling. On this basis, the Councils do not consider it necessary to review the Colchester and Tendring Gypsy and Traveller Accommodation Assessments. For further clarification please see the attached '*TCBGC - Gypsies and Travellers Policy Position Note*'.

Notwithstanding that the Councils do not consider it necessary to review their assessment of Traveller need, to reflect the outcome of the judgement and the 19 December 2023 Government update to the PPTS, the Councils consider that a modification to the DPD Glossary definition within the Plan would be appropriate and suggest the wording outlined within the attached note.

3. **I note from page 6 of the DPD (penultimate paragraph) that the Policies within the TDC and CCC section 2 Plans have been copied over to the DPD. A list of these Policies should be provided. Additionally, there can be no ambiguity regarding which plan and its policies will remain in force for the site and out with the geographical area of the Garden Community.**

For the purposes of all land within the Site Allocation Boundary of the Garden Community, all policies within the TDC and CCC Section 2 Plans will be replaced by the DPD. Therefore, **NO** policies from the Section 2 Plans will be carried over to the DPD. For further clarification please see the attached '*TCBGC - TDC and CCC Section 2 Plan Clarification Note'* which includes the full list of policies from the TDC and CCC Section 2 Local Plans which will **NOT** apply to the Site Allocation Boundary of the Garden Community.

As a proactive authority, we are keen to work positively and pragmatically with all interested parties, especially yourself, in progressing the examination and to expedite the adoption of the DPD. At this stage and to aid our internal staff resource allocations, the Councils would be pleased to receive any update on your initial assessment of the plan, your preliminary thoughts with regard to matters, issues and questions that may have arisen. Armed with this information, we will be able to programme, provisionally, the necessary staff time and organise process issues (hearings notifications et al) to facilitate the examination requirements.

Please do not hesitate to contact me if any further clarification is required with regard to any matters highlighted within this letter.

Yours sincerely

Amy Lester
Garden Community Planning Manager
Tendring Colchester Boarders Garden Community Project:
Tendring District Council, Colchester City Council & Essex County Council