TCBGC - TDC and CCC Section 2 Plan Clarification Note

On the 15 January 2024 the Councils received the following request from the Inspector:

- **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.**

The paragraph referred to above read as follows within the Submission Version of the DPD:

> *"In addition to the Section 1 Local Plan, TDC and CCC each have their own Section 2 Local Plans, which contain policies and allocations that apply to any land or properties outside of the Garden Community. There is also a Neighbourhood Plan for Wivenhoe and Neighbourhood Plans are being prepared for Ardleigh and Elmstead, but they will only apply to land and property outside of the Garden Community. TDC adopted its Section 2 Local Plan in January 2022 and CCC adopted its Section 2 Local Plan in July 2022. Requirements from relevant development management policies from the TDC and CCC Section 2 Plans have been included in this Plan. Therefore, proposals for the Garden Community will need to comply with all policies set out in this Plan, which replaces all policies set out in both the TDC and CCC Section 2 Local Plans."*

For clarity, the Councils confirm that 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. None of the Section 2 Plan policies will apply to land within the Site Allocation Boundary of the DPD.

With regard to the TDC Section 2 Plan the following policies will **NOT** apply to the Site Allocation Boundary of the Garden Community:

Policy SPL 1	MANAGING GROWTH
Policy SPL 2	SETTLEMENT DEVELOPMENT BOUNDARIES
Policy SPL 3	SUSTAINABLE DESIGN
Policy HP 1	IMPROVING HEALTH AND WELLBEING
Policy HP 2	COMMUNITY FACILITIES
Policy HP 3	GREEN INFRASTRUCTURE
Policy HP 4	SAFEGUARDED OPEN SPACE
Policy HP 5	OPEN SPACE, SPORTS AND RECREATION FACILITIES
Policy LP 1	HOUSING SUPPLY
Policy LP 2	HOUSING CHOICE
Policy LP 3	HOUSING DENSITY AND STANDARDS
Policy LP 4	HOUSING LAYOUT
Policy LP 5	AFFORDABLE HOUSING
Policy LP 6	RURAL EXCEPTION SITES
Policy LP 7	SELF-BUILD AND CUSTOM-BUILT HOMES
Policy LP 8	BACKLAND RESIDENTIAL DEVELOPMENT
Policy LP 9	GYPSY AND TRAVELLER SITES
Policy LP 10	CARE, INDEPENDENT ASSISTED LIVING
Policy LP 11	HMO AND BEDSITS
Policy PP 1	NEW RETAIL DEVELOPMENT
Policy PP 2	RETAIL HIERARCHY

Policy PP 3	VILLAGE AND NEIGHBOURHOOD CENTRES
Policy PP 4	LOCAL IMPACT THRESHOLD
Policy PP 5	TOWN CENTRE USES
Policy PP 6	EMPLOYMENT SITES
Policy PP 7	EMPLOYMENT ALLOCATIONS
Policy PP 8	TOURISM
Policy PP 9	HOTELS AND GUESTHOUSES
Policy PP 10	CAMPING AND TOURING CARAVAN SITES
Policy PP 11	HOLIDAY PARKS
Policy PP 12	IMPROVING EDUCATION AND SKILLS
Policy PP 13	THE RURAL ECONOMY
Policy PP 14	PRIORITY AREAS FOR REGENERATION
Policy PPL 1	DEVELOPMENT AND FLOOD RISK
Policy PPL 2	COASTAL PROTECTION BELT
Policy PPL 3	THE RURAL LANDSCAPE
Policy PPL 4	BIODIVERSITY AND GEODIVERSITY
Policy PPL 5	WATER CONSERVATION, DRAINAGE AND SEWERAGE
Policy PPL 6	STRATEGIC GREEN GAPS
Policy PPL 7	ARCHAEOLOGY
Policy PPL 8	CONSERVATION AREAS
Policy PPL 9	LISTED BUILDINGS
Policy PPL 10	RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES
Policy PPL 11	THE AVENUES AREA OF SPECIAL CHARACTER, FRINTON-ON-SEA
Policy PPL 12	THE GARDENS AREA OF SPECIAL CHARACTER, CLACTON-ON-SEA
Policy PPL 13	ARDLEIGH RESERVOIR CATCHMENT AREA
Policy PPL 14	SAFEGUARDING OF CIVIL TECHNICAL SITE, NORTH EAST OF LITTLE CLACTON/SOUTH OF THORPE-LE-SOKEN
Policy PPL 15	SAFEGUARDING OF HAZARDOUS SUBSTANCE SITE, SOUTH EAST OF GREAT OAKLEY/SOUTH WEST OF HARWICH
Policy CP 1	SUSTAINABLE TRANSPORT AND ACCESSIBILITY
Policy CP 2	IMPROVING THE TRANSPORT NETWORK
Policy CP 3	IMPROVING THE TELECOMMUNICATIONS NETWORK
Policy SAMU1	DEVELOPMENT AT EDME MALTINGS, MISTLEY
Policy SAMU2	DEVELOPMENT AT HARTLEY GARDENS, CLACTON
Policy SAMU3	DEVELOPMENT AT OAKWOOD PARK, CLACTON
Policy SAMU4	DEVELOPMENT AT ROUSES FARM, JAYWICK LANE, CLACTON
Policy SAMU5	DEVELOPMENT SOUTH OF THORPE ROAD, WEELEY
Policy SAH2	DEVELOPMENT LOW ROAD, DOVERCOURT
Policy SAE1	CARLESS EXTENSION, HARWICH
Policy DI1	INFRASTRUCTURE DELIVERY AND IMPACT MITIGATION

With regard to the CCC Section 2 Plan the following policies will **NOT** apply to the Site Allocation Boundary of the Garden Community:

SG1	Colchester's Spatial Strategy
SG2	Housing Delivery
SG3	Economic Growth Provision
SG4	Local Economic Areas
SG5	Centre Hierarchy

SG6	Town Centre Uses
SG6a	Local Centres
SG7	Infrastructure Delivery and Impact Mitigation
SG8	Neighbourhood Plan
ENV1	Environment
ENV2	Coastal Areas
ENV3	Green Infrastructure
ENV4	Dedham Vale Area of Outstanding Natural Beauty
ENV5	Pollution and Contaminated Land
CC1	Climate Change
PP1	Generic Infrastructure and Mitigation Requirements
TC1	Town Centre Policy and Hierarchy
TC2	Retail Frontages
TC3	Town Centre allocations
TC4	Transport in Colchester Town centre
NC1	North Colchester and Severalls Strategic Economic Areas
NC2	North Station Special Policy Area
NC3	North Colchester
NC4	Transport in North Colchester
SC1	South Colchester Allocations
SC2	Middlewick Ranges
SC3	Transport in South Colchester
EC1	Knowledge gateway and University of Essex Strategic Economic Area
EC2	East Colchester / Hythe Special Policy Area
EC3	East Colchester
EC4	Transport in East Colchester
WC1	Stanway Strategic Economic Area
WC2	Stanway
WC3	Colchester Zoo
WC4	West Colchester
WC5	Transport in West Colchester
SS1	Abberton and Langenhoe
SS2	Boxted
SS3	Chappel and Wakes Colne
SS4	Copford
SS5	Eight Ash Green
SS6	Fordham
SS7	Great Horkesley
SS8	Great Tey
SS9	Langham
SS10	Layer de La Haye
SS11	Marks Tey
SS12a	West Mersea
SS12b	Coast Road West Mersea
SS12c	Mersea Island Caravan Parks
SS13	Rowhedge
SS14	Tiptree
SS15	West Bergholt
SS16	Wivenhoe
OV1	Development in Other Villages

OV2	Countryside
DM1	Health and Wellbeing
DM2	Community Facilities
DM3	Education Provision
DM4	Sports Provision
DM5	Tourism, leisure, Culture and Heritage
DM6	Economic Development in Rural Areas and the Countryside
DM7	Agricultural Development and Diversification
DM8	Affordable Housing
DM11	Gypsies, Travellers and Travelling Showpeople
DM12	Housing Standards
DM13	Domestic Development
DM14	Rural Workers Dwellings
DM15	Design and Amenity
DM16	Historic Environment
DM17	Retention of Open Space
DM18	Provision of Open Space and Recreation Facilities
DM19	Private Amenity Space DP16
DM20	Promoting Sustainable Transport and Changing Travel Behaviour
DM21	Sustainable Access to development
DM22	Parking
DM23	Flood Risk and Water Management
DM24	Sustainable Urban Drainage Systems
DM25	Renewable Energy, Water Waste and Recycling

Neighbourhood Plans

The Wivenhoe Neighbourhood Plan (WNP) was made and adopted by CCC on the 31 May 2019 and therefore the WNP comprises part of the development plan and will continue to apply where relevant within the WNP designated area. As such its policies will remain in force for the geographical land which falls within the Site Allocation Boundary of the Garden Community. There is not considered to be a conflict between the two plans.

The Elmstead Neighbourhood Plan (ENP) is currently in the process of Independent Examination. An Independent Examiner has been appointed and a public hearing scheduled to be held on 8th February 2024. The Independent Examiner has indicated that he is content at this stage that there will be no conflict between the DPD and ENP policies.

The Ardleigh Neighbourhood Plan (ANP) is in the process of Independent Examination. An Independent Examiner has been appointed and the ANP is currently subject to Focused Consultation following receipt of Proposed Significant Changes. The Independent Examiner has suggested the following modification to the Planning Policy Context of the ANP:

- Add a new paragraph which reads: *"The policies in this Neighbourhood Plan do not apply to the Garden Community site which partly falls within the Plan and Parish area."*