

# Appendix A1

## Interim Planning Policy for Jaywick

1. This document sets out the Council's interim planning policies for dealing with development proposals in Jaywick – an area that is affected by some unique planning considerations and in need of regeneration.
2. The interim policies contained in this document will hereby be used for development management purposes and will carry greater weight as a material consideration than policies CL15, CL15a and CL16 of the Tendring District Local Plan (adopted in December 2007). The interim policies will remain in operation until they are formally replaced by policies in the Council's emerging Local Development Framework – in particular the Site Allocations Document.
3. All other policies in the Local Plan will continue to apply in this area where appropriate.
4. The interim policies in this document apply to the 'Brooklands and Grasslands' and 'Village' areas shown in Figure 1 below (collectively referred to as the 'Jaywick Core Regeneration Area'):

**Fig 1: The Jaywick Core Regeneration Area**



5. The Council has produced this new set of interim policies for Jaywick because CL15, CL15a and CL16 of the Local Plan have, in practice, been materially affected by subsequent considerations such as the Government's latest planning policy on development and flood risk PPS25 (December 2006). While this document has not been through the same formal process of consultation and examination as the Local Plan, it provides a more robust framework for

considering development proposals in Jaywick than the current series of adopted policies and, for that reason, the Council considers that this document should carry significant weight as a material planning consideration.

### Why is Jaywick an exceptional case?

6. Jaywick is affected by a number of fundamental planning problems that warrant a very different approach to considering planning applications for new development than for elsewhere in the Tendring district.
7. Originally built as a seaside resort for Londoners in the 1930's with small chalets built on private unadopted roads, Jaywick has switched progressively from holiday to a permanent residential community, but without the benefit of the services and facilities that would go with planned housing development today. The main planning problems in Jaywick are:
  - **Flood Risk** – The whole of the area in question is at risk of tidal flooding and falls within 'Flood Zone 3a' as defined by the Environment Agency's flood risk maps. A Strategic Flood Risk Study carried out in 2008 concluded that there has been significant investment in sea defences over the years to protect Jaywick, minimise the risk to human life and property and avoid a repeat of the infamous 1953 floods. However, the effects of climate change over the next 70 years are anticipated to lead to breaching or overtopping of existing flood defences which would gradually increase the frequency and severity of flooding in relation to 1 in 200 flood events'. The flooding and erosion risks associated with Jaywick are also highlighted in the emerging draft Essex and South Suffolk Shoreline Management Plan (SMP), which sets out the proposed management approach for Tendring's shoreline over the next 100 years. In the short to medium term, the policy will be to hold the current line of defence. Whereas, in the long term, the policy will be a combination of holding the line and/or managed realignment.

Furthermore, the main transport routes in and out of this part of Jaywick lie at some of the lowest physical points and, in the event of a serious flood, particularly a tidal surge, access and egress would almost certainly be cut off. This could prevent people safely evacuating the area and the emergency services obtaining access to people in trouble. This increasing risk seriously brings into question the sustainability of the area in the longer term and the wisdom of continuing to allow Jaywick to develop in its current form, particularly when many properties are of substandard construction.

- **Substandard Construction** – A large number of the properties in this part of Jaywick were originally built as holiday accommodation and are typically single-storey, of lightweight wooden construction and on small plots. They were not designed to be used as permanent homes.

Whilst these dwellings provide affordable accommodation in an attractive location by the sea, they would provide little protection in the event of a serious flood and consequently the risk of flooding to human life is higher here than in any of the district's other coastal areas. The poor quality of housing is also a major contributory factor in high incidence of poor health and lower than average life expectancy.

There have also been numerous incidences of fires in Jaywick in the past and, with lightweight wooden properties being very densely packed, there is a higher-than-normal risk of fire spreading from one property to another.

- **Poor Roads** – Many of Jaywick’s roads, mainly in the Brooklands and Grasslands area, are private and as such are unadopted and unmade which gives the area a ‘run-down’ appearance and has implications for providing emergency access. Furthermore, being on lower ground on what is effectively marshland, natural drainage in the area is very poor. This means that road improvements have a limited life-span because they are quickly undermined through the process of water penetrating, freezing and eroding road surfaces.
- **Dwelling density** – At around 60-100 dwellings per hectare in places, dwelling densities in Jaywick are at a level that, in accordance with current national planning policy, would only be permissible within town centre locations where there is good accessibility to a wide range of jobs, shops, services and facilities. This area does not enjoy good access to these opportunities and therefore it suffers with a high concentration of social, economic and physical deprivation.
- **Deprivation** – Notwithstanding the physical issues, Jaywick suffers with high levels of deprivation and is ranked as the 3<sup>rd</sup> most deprived area in the country<sup>1</sup>. Problems include high unemployment, poor health and substance abuse.

This is perhaps not surprising given the relative affordability of the accommodation in Jaywick compared with other areas of the district and the high concentration of low-cost property. The ability of people who are either unemployed or on low incomes to access property in this area is subsequently quite high and this is a key factor in the deprivation statistics. The major health issues are undoubtedly partly linked to the poor quality of housing in the area.

A key characteristic of the area is the high proportion of residents who rent properties on a short-term basis. Many of these residents have a previous address in London and elsewhere. However, despite the high representation of the rented sector, there is a well-established community of long-standing residents that do have a very strong sense of community and who contribute greatly to the wellbeing and character of the area.

8. In an attempt to address these issues and prevent the situation from getting worse, an ‘Article 4 Direction’ for Jaywick was put in place in 1978 to strictly control future development. An Article 4 Direction removes certain ‘permitted development rights’ that apply elsewhere. Under an Article 4 Direction, planning permission is required for certain types of development that usually would not require planning permission. Consequently, all proposals for extensions to properties (as well as porches and the placing of structures in gardens) in Jaywick require planning permission. A revised Article 4 Direction was put in place in 2010.

### **What is wrong with the Adopted Local Plan policies?**

9. To explain why the current Local Plan policies are not achieving what they were designed for, it is important to explain the background to the policies and how circumstances have changed to warrant their early review.
10. In 2004, in response to the First Deposit Draft of the Local Plan the Environment Agency raised significant objection to the Council’s emerging policy on development in Jaywick as not being sufficiently robust enough to address their grave concerns about flood risk in the area in light of the national planning policy contained in PPG25 (the national policy position regarding development and flood risk at the time).

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<sup>1</sup> 2007 Indices of Deprivation available at <http://www.communities.gov.uk/communities/neighbourhoodrenewal/deprivation/deprivation07/>

11. Working closely with the Environment Agency, the Council then published the Re-Deposit Draft of the Local Plan in which contained new, more radical, policies on addressing development issues in Jaywick. These introduced the concept of only allowing 3-storey development on triple-sized plots in order to reduce density (thereby reducing the number of people exposed to the risk of flooding) and to improve the safety of dwellings to withstand flooding and to provide refuge at a safe height. It was originally intended that, to facilitate the phased upgrade of the housing stock to the new development standards, there would be a 'Master Plan' for the area to direct investment in land acquisition and using enabling development to raise additional capital to bring about improvements; not only to the housing stock but also community facilities in the area and the public realm. The first phase of enabling development was identified through new Policy CL15a that identified key sites where this exceptional new development would be allowed.
12. Working in partnership with the then Jaywick Agencies Group (which included Tendring District Council, Essex County Council, the Environment Agency and Go-East), the East of England Development Agency (EEDA) commissioned consultants (Llewellyn Davies Yeang) to prepare a Master Plan for the area that put forward three options for the regeneration of Jaywick. The options suggested varying levels of enabling development to achieve the regeneration of the area. However, when published in 2005, these options were very contentious within the local community and raised concerns from the Environment Agency that the level of enabling development proposed would, in fact, lead to a net increase in people living in the flood risk area (albeit in higher specification housing) which would be contrary to the newly introduced PPS25 (which replaced older guidance contained in PPG25).
13. On the advice of the Environment Agency, the Council and its partners then commissioned the Strategic Flood Risk Study in 2008 to quantify the severity of flood risk in the area and any variations that may occur within Jaywick. That study concluded that the vast majority of land that might have been considered for enabling development is located on low-lying land at the highest risk of flooding where safe access and egress (in the event of a flood) could not be easily achieved.
14. It was thus concluded by the Jaywick Agencies Group that a Master Plan for the area involving significant enabling development was no longer feasible and that a different approach to bring about regeneration in Jaywick would be required.
15. The consequence of this series of events is that policies CL15, CL15a and CL16 of the current Local Plan are unlikely to be effective in bringing about the kind of regeneration and redevelopment originally envisaged.
16. In addition, the current policy does not contain sufficient guidance on dealing with proposals for extensions to existing properties which may or may not have the potential to increase the risk to human life and property of flooding and, for which, the Council has had to rely heavily on the advice of the Environment Agency.

### **Development within Jaywick in the Future**

17. Due to the severity of the issues facing Jaywick, Essex County Council and Tendring District Council's regeneration teams have subsequently taken on a leading role in investigating alternative sources of funding and developing a vision, capable of community support, for the area. Any emerging work will inform the preparation of the Council's Local Development Framework (LDF), which will subsequently replace the Local Plan and plan for the future of the district up to 2031. In particular, this work has informed the Core Strategy (which sets out the broad vision for the area) and will inform the Site Allocations Document (which will set out new

specific planning policies and proposals for the area) that together will guide long term regeneration in Jaywick post 2011.

18. In preparing the LDF Core Strategy, the Council considered three options for the broad vision for Jaywick in its March 2009 'Issues and Possible Options Discussion Document', which was placed on public consultation. These were:

**1. Jaywick's current situation remains unaltered** – This would involve no change to existing policies. There would be selective repairs to the private roads and perhaps some improvements to existing community facilities; but very limited opportunities to renew and improve the condition of the housing stock. There will continue to be restrictions on new development in the area to prevent more people being exposed to the flood risk.

**2. Jaywick benefits from limited improvements** – Over many years, some sub-standard, derelict and vacant dwellings are dealt with together with limited improvements to public areas, the private roads, and community facilities. Policies would seek to reduce the current density further, restrict new development, and direct development towards recreational and community use (including more accessible green space), and where appropriate commercial/leisure activity.

**3. Jaywick undergoes a renaissance** – The area sees significant investment over a number of years to deal with all of the sub-standard housing funded through a combination of public/private investment. The area benefits from policies designed to improve local amenities and recreational space; the main transport routes would be safeguarded and improved; new non-residential development for leisure and recreation would be encouraged, but residential development would not be permitted unless flood risk requirements could be met. Development would be focused on attracting inward investment, employment opportunities, and improvements to local facilities. Development of holiday accommodation, attractions and facilities would be encouraged.

19. In response to comments received during the Issues and Options period of consultation and to reflect the issues already mentioned in this paper, the emerging draft Core Strategy and Development Policies Proposed Submission Document (Regulation 27) supports the delivery of Option 3. This also appears to be the option most compatible with the emerging draft Shoreline Management Plan. The Council's preferred approach is detailed within 'Project 3' of the draft Core Strategy, which reads as follows:

### **Project 3: Jaywick**

The southern part of Jaywick is one of the most deprived areas in the whole of England and apart from the socio-economic problems such as high unemployment, low skills, and long-term illness, the physical environment is very poor with a significant proportion of housing being substandard; originally built as holiday accommodation.

Jaywick is adjacent to one of the best beaches on the East Coast. This is an important asset that can be used to stimulate tourism, and economic activity. However, the residential area is in Flood Zone 3, the highest category of flood risk. Despite being relatively well defended at present, the risk to human life from flooding from either a breach in the sea wall or through overtopping is expected to increase over the next 50 to 75 years as a result of climate change. The poor quality of housing in the area increases the risk to residents.

In response to these challenges, Essex County Council and Tendring District Council are working in partnership with other bodies including the Homes and Communities Agency, Environment Agency, East of England Development Agency and the Government Office for the East of England to secure public funding and bring about a renaissance of the whole area.

The Brooklands and Grasslands area, and parts of the Village, suffer the most acute problems at present, and will undergo the greatest physical change over the period 2011 to 2026. These changes will include:

- The acquisition of vacant sites;
- The removal of substandard and potentially unsafe properties;
- The provision of new recreational open spaces and associated heritage and leisure opportunities;
- Selective public realm improvements;
- New residential development outside of the high flood-risk area; and
- Development that is compatible with flood risk restrictions to promote the areas as a destination for tourists and visitors.

By transforming Brooklands and Grasslands, over time, the hope is that more people will visit the area, leading to the creation of employment opportunities in leisure and tourism. This makes the most of the area's greatest asset – its beach. The wider area has the potential to develop a service-based economy of its own with new shops, leisure and recreational facilities in an area of high unemployment.

New residential development will have to be directed outside the flood risk area. More appropriate development is likely to be holiday accommodation, leisure developments, arts and heritage and open spaces, and commercial buildings, built to a high specification, enabling the area to thrive while recognising the need to maintain its flood resilience. Policies in the Council's Site Allocations Document will provide the special criteria against which development proposals in Jaywick will be assessed.

Elsewhere in the southern parts of Jaywick, the focus will be on environmental improvements to benefit the existing settled community including public realm improvements in the main commercial area along Broadway.

20. The interim policies in this document have been written to ensure consistency with the above statement and to assist in delivering its principle objectives.

### **What do these interim policies aim to achieve?**

21. In the interim period between now and at the point of adopting the new Site Allocations Document, it is the Council's intention, working with Essex County Council and the Environment Agency, to implement these interim policies to:

- more reasonably reflect the current position with regard to the emerging vision for Jaywick and the latest evidence on flood risk;
- include more realistic assumptions about what can (and cannot) be achieved;
- make it clear what kinds of development will and will not be allowed, particularly with regard to extensions; and
- provide clearer guidance as to what information someone wishing to develop in Jaywick will need to provide as part of their planning application.

22. The main objectives of these interim policies are to:

- facilitate a gradual reduction in the number of properties and thus people living in the flood risk area;
  - prevent any more substandard and unsafe dwellings being built in the area;
  - reduce the density of housing to better reflect modern development standards and allow living accommodation to be provided at a higher and safer level;
  - prevent extensions to existing properties that might lead to an increase in the number of people living in the flood risk area; and
  - improve the safety of development by applying strict development standards.
23. In theory, any proposal for development in the Jaywick area would be strictly contrary to PPS25, which requires a sequential approach to the location of proposals for all new development, seeking to direct development towards land at the lowest risk of flooding. This is because the area of Jaywick in question is entirely within Flood Zone 3a and there are various opportunities for new development elsewhere in the Tendring district where the risk of flooding is much lower. In theory, development should therefore be directed to these areas of lower risk.
24. PPS25 does, however, allow development in areas at risk of flooding in exceptional circumstances where the wider regenerative benefits outweigh the risk of flooding, as long as it is, itself, safe.

### **Flood Risk Assessments (FRA) in Jaywick**

25. Because the risk of flooding is such a major issue in Jaywick, the Council has to be extra careful that any new development in the area is safe from flooding and does not bring about any additional risk. For many development proposals, the Council will require a 'Flood Risk Assessment' (FRA) as part of a planning application that will determine the nature of possible flood risk and demonstrate how the development will mitigate against this risk, including measures to ensure floor-heights are above the level of flooding, provide safe emergency access and egress and ensure the construction would withstand the force of tidal flooding.
26. For the majority of areas, the Environment Agency offers 'Standing Advice' on its website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) to enable prospective applicants to determine whether or not a Flood Risk Assessment would be required for their development proposal. However, for Jaywick, the Environment Agency has issued some special advice in light of the area's exceptional problems and this is reflected in Interim Policy JAY1 below.
27. In essence, when it comes to proposals for residential development or domestic extensions, the Standing Advice on the Environment Agency website does not apply in Jaywick and most applications for such development will need to be supported by a Flood Risk Assessment. For other kinds of development, the Environment Agency's Standing Advice will apply.

#### **Interim Policy JAY1 – Flood Risk Assessments in Jaywick**

**All planning applications for new development in the Jaywick Core Regeneration Area must be accompanied by a Flood Risk Assessment (FRA) if they involve any of the following:**

- **A new dwelling;**



- **The replacement of an existing dwelling (e.g. demolition and re-build);**
- **The subdivision of a dwelling to create one or more additional dwellings;**
- **The extension of an existing dwelling (either outwards or upwards) including the creation of living space within the roof;**
- **The conversion or change of use of a building from non-residential use to residential use.**

**For other kinds of development, the Environment Agency's 'Standing Advice' (as to whether an FRA is required) will apply.**

**The Environment Agency will be invited to comment on all such applications and the content of the FRA. Applicants should obtain a copy of the Environment Agency's requirements in respect of planning applications in flood risk zones directly from them (see contact details at the back of this paper).**

### **Residential Development in Brooklands and Grasslands**

28. The 'Brooklands and Grasslands' area of Jaywick suffers the most acute planning problems: it contains the highest concentration of substandard properties and, in the event of a tidal surge over St. Osyth Marshes, would be the first area to be hit by flood water.
29. Given these problems, Brooklands and Grasslands is identified by Essex County Council as the priority area for change where, over the next few years, resources will be concentrated. By making a concerted effort to bring about change in this selected part of Jaywick, there is a realistic prospect of securing visible improvements in the medium term between now and 2026.
30. Based on the emerging options for the future of Jaywick being investigated as part of the Local Development Framework, the most radical solution would be that the area will progressively revert away from being a predominantly residential area. Instead, new uses (for which the consequences of major flooding are less severe), such as employment generating uses, holiday accommodation, tourist attractions and other facilities, are likely to be encouraged. This approach would also be consistent with the long term policy for the management of the Jaywick stretch of coast contained in the emerging draft Shoreline Management Plan.
31. This will involve, over a number of years, the careful relocation of the settled community to housing in a safer location away from the flood risk area. Any development that runs counter to this future vision could jeopardise the Council's chances of achieving that vision and therefore these interim policies seek to prevent such developments taking place.
32. Interim Policy JAY2 below has the sole objective of stopping all new permanent residential development in Brooklands and Grasslands. This policy is very strict but extremely necessary if the above vision is to be achieved.
33. This interim policy will not only prevent residential development on vacant land (which will lead to a net increase in the settled population and would be contrary to the PPS25 sequential approach); it will also stop the replacement of existing dwellings with new permanent dwellings.
34. In accordance with PPS25, new development should be safe from the risks of flooding throughout the lifetime of the development. If the Council were to allow new permanent homes



(including replacement dwellings) to be constructed in Brooklands and Grasslands now, they are likely to still be occupied, in 75 years time, when flooding is expected to be a more frequent and dangerous occurrence.

35. As well as stopping the creation of new dwellings and the replacement of dwellings, Interim Policy JAY2 also places strict controls on dwelling extensions and major alterations to existing residential properties in the Brooklands and Grasslands area. This is because extending or altering a property can actually serve to increase the amount of accommodation in a dwelling and the number of individuals, potentially, that will be living in the flood risk area – which, again, would conflict with the Council's intention of reducing the number of people living in an area at serious risk of flooding.
36. Residents who wish to make minor alterations or improvements to their homes should be allowed to do so, provided such changes do not result in more people living in an area at serious risk of flooding. Proposals for minor alterations and improvements will therefore be judged on their merits.
37. The only circumstances where new accommodation will be permitted will be where that accommodation is intended for seasonal occupancy and is of high quality design and construction. In these circumstances, the Council will impose strict occupancy conditions that will only allow people to stay overnight in the accommodation between 1st April and 31st August in any one calendar year. This will prevent people living in the accommodation during the autumn/winter months when the risk of flooding is at its greatest, due to more severe weather conditions and higher tides.

#### **Interim Policy JAY2 – Residential Development In Brooklands and Grasslands**

**New permanent residential development will not be permitted in the 'Brooklands and Grasslands' area of Jaywick (as defined in Fig 1 above). This includes proposals for the construction of new dwellings, replacement of existing dwellings and conversion or change of use of non-residential buildings to residential use.**

**The only form of new accommodation that will be permitted will be permanent holiday homes of high quality design to replace an existing substandard residential dwelling that shall only be occupied between 1<sup>st</sup> April and 31<sup>st</sup> August in any one calendar year. To achieve this, the Council will impose occupancy conditions on the grant of planning permission.**

**Proposals for extensions or alterations to existing residential properties within this area that have the potential to bring about a net increase in the number of occupants the dwelling can accommodate will not be permitted.**

**Proposals for minor alterations and improvements that do not have the potential to bring about a net increase in the number of occupants the dwelling can accommodate will be judged on their individual merits.**

#### **Residential Development in 'The Village' area**

38. The 'Village' area of Jaywick also suffers with similar planning problems to the Brooklands and Grasslands area, but these are not as severe or as concentrated. Ideally, it would be sensible to seek to transform this area of Jaywick as well, but the Council has to be sensible about what can realistically be achieved. In the period to 2026, the relocation of residents away from the

Village area of Jaywick is not the Council's priority. Instead, the Council will seek to support the long-term retention of this local community and will seek to bring about environmental, economic and flood safety enhancements.

39. Effectively, this new interim policy represents a relaxation of planning policy in the Village area compared with what is permitted within the current adopted Local Plan. However, certain principles will still apply. New dwellings on vacant sites within the Village area will not be permitted; however, unlike for Brooklands and Grasslands, proposals for replacement dwellings will be considered subject to meeting the strict criteria set out in Interim Policy JAY3 below.
40. This interim policy also represents a relaxation of planning policy when considering proposals to extend or alter existing residential properties. Proposals to extend or alter existing residential properties within this area will only be considered subject to the resulting house meeting the strict criteria set out in Interim Policy JAY3 below. As with Brooklands and Grasslands, residents who wish to make minor alterations or improvements to their homes should be allowed to do so, provided such changes do not result in more people living in an area at serious risk of flooding. Proposals for minor alterations and improvements will therefore be judged on their merits.
41. The main purpose of the policy is to prevent development that results in any net increase in the number of people at risk of flooding but requires residents of this area to improve the safety of their homes if and when opportunities to rebuild properties arise.

#### **Interim Policy JAY3 – Residential Development in 'The Village'**

**In 'The Village' area of Jaywick (as defined in Fig 1 above) new permanent residential development that involves a net increase in dwellings will not be permitted. The replacement of an existing dwelling will only be permitted if it meets all of the following criteria:**

- **the necessary emergency access/egress requirements as identified in a Flood Risk Assessment can be met;**
- **it is a minimum of two storeys in height;**
- **it is of construction that is demonstrated to withstand the water pressure resulting from a 1 in 100 year flood event;**
- **it contains no more bedrooms than the original dwelling, nor does it have the potential to bring about a net increase in the number of occupants the dwelling can accommodate;**
- **it contains no bedrooms on the ground floor; and**
- **there is no material increase in the footprint of the dwellinghouse.**

**Proposals for extensions or alterations to existing residential properties within this area will only be considered providing the resulting dwelling meets all the above strict criteria.**

**Proposals for minor alterations and improvements that do not have the potential to bring about a net increase in the number of occupants the dwelling can accommodate will be judged on their individual merits.**

42. To demonstrate that the standards in Interim Policies JAY2 and JAY3 relating to extensions to existing residential properties have been achieved, an application for any extension incorporating a habitable element must include, within its Flood Risk Assessment, information on:

- Existing and proposed land levels related to GPS;
- the 1:200 year probability coastal flood level;
- identification of the design flood level, that is the depth of flooding that would occur if flood defences were to fail, to be established through an analysis of the effects of a breach of the flood defences;
- identification of static forces of flood water at design flood level, and measures to counteract these pressures as part of the design of the building;
- the impacts of flowing floodwater affecting the structure in the event of a breach or overtopping of the flood defences, and measures to withstand the forces of flowing waters;
- appropriate flood proofing measures, having regard to the design flood level; and
- demonstrate adequate access and egress to/from the site in a 1:200 year probability tidal event/breaching of local flood defences scenario; and
- existing and proposed floor plans.

**Contact Information:**

**For more information on the requirements of Flood Risk Assessments, please contact the Environment Agency on 08708 506506.**

**For information on the planning process, please contact Planning Services at Tendring District Council on 01255 686868.**

**For information on the wider investment programmes for Jaywick and regeneration, please contact Tendring District Council or Essex County Council on 01255 686868 or 01245 430430**