



PLANNING POLICY AND LOCAL PLAN COMMITTEE

AGENDA

DATE:	Tuesday, 31 May 2022
TIME:	6.00 pm
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Turner (Chairman)
Councillor Fairley (Vice-Chairman)
Councillor Allen
Councillor Bush
Councillor Chapman BEM

Councillor Fowler
Councillor S Honeywood
Councillor Nash
Councillor Winfield

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DATE OF PUBLICATION: Wednesday, 18 May 2022

AGENDA

7 Report of Acting Director (Planning) - A.2 - Jaywick Sands Design Guide: Supplementary Planning Document (Pages 1 - 34)

To seek the Planning Policy and Local Plan Committee's comments on the Jaywick Sands Design Guide Supplementary Planning Document (SPD) Draft April 2022. To request the Committee's approval to recommend to Cabinet that it approves a statutory consultation on the document.

Information for Visitors

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Tendring District Council

Equality Impact Assessment (EqIA)

Draft Jaywick Sands Design Guide Supplementary Planning Document

May 2022

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1. Introduction

1.1 Local Authorities are required under legislation to undertake an Equality Impact Assessment (EQIA) when reviewing or developing new policies, strategies and functions to determine if there is any adverse impact or illegal discrimination or any unmet need or requirements.

1.2 This duty is set out in the Equality Act 2010, including age discrimination and public sector Equality Duty. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it is unlawful to treat someone.

1.3 The legislation imposes duties on local authorities to promote equality and tackle discrimination related to:

- **Age**
- **Disability**
- **Gender**
- **Gender Reassignment**
- **Marriage and Civil Partnership**
- **Race**
- **Religion or belief**
- **Pregnancy or maternity**
- **Sexual orientation**

This assessment aims to comply with the National Planning Policy Framework (NPPF). Specifically in regards to the following paragraphs:

Paragraph 60. To support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Profile of Jaywick Sands

Approximately 5,000 people live in Jaywick. Of these 51.3% are female and 48.7% are male. Jaywick has an aging population with almost a quarter of residents aged over 65. The largest section of the community are married (44%), followed by those who are single (24%), divorced (15%), widowed (13.3%), separated (3.4%), in a registered same sex civil partnership (0.2%). The general health in Jaywick Sands is poor, with over 20% of residents in bad health or very bad health. Across Jaywick Sands only 25% of residents are in very good health. The population ethnic make-up is classed as 96% white and 4% mixed, Asian, Black or of another ethnic group. In terms of religion, 65% would describe themselves as being Christian, 0.3% Muslim, 0.2% Buddhist, 0.1% Hindu, 0.1% Jewish and 0.6% other. Approximately 26% would describe themselves as having no religion. The data is based on the 2011 census data. At present, there is no data on sexual orientation, gender reassignment, pregnancy or maternity.

2. Initial Screening

Name of policy, strategy or function being assessed	Jaywick Sands Design SPD (Draft)
Is this a new or existing policy, strategy or function?	New Strategy
Person responsible for the assessment	Anthony Brindley – Planning Consultant
Service area	Planning Policy
Manager	Gary Guiver – Director of Planning
Additional screening	
Head of Service	Gary Guiver – Director of Planning
Date	January 2021

2.1 What is the main purpose of the Policy, Strategy or Function?

The Jaywick Sands Design Guide Supplementary Planning Document (SPD) provides guidance to support policies within the Tendring District Local Plan. It specifically supports the following policies:

- PP14 Priority Areas for Regeneration
- SPL3 Sustainable Design
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL5 Water Conservation, Drainage and Sewerage

The SPD shows how these policies should be interpreted within the specific context of Jaywick Sands, with regard to its character, layout and setting as well as the requirement to develop flood resistant and resilient buildings.

The SPD will be subject to the final formal stage of public consultation. Following this, the document will be reviewed to take into account representations received during the consultation and then adopted.

2.2 Who are you delivering your service to/who will be affected by the Strategy, Policy or Function?

All those who engage with the planning system and require planning guidance and advice.

The main stakeholders for the document include:

- Private individuals/residents of Jaywick
- Developers/landowners
- Local organisations and agencies
- Community and interest groups
- Parish Councils
- Existing communities
- Service providers
- Local businesses/employers
- All protected groups that live, work and travel to Jaywick.

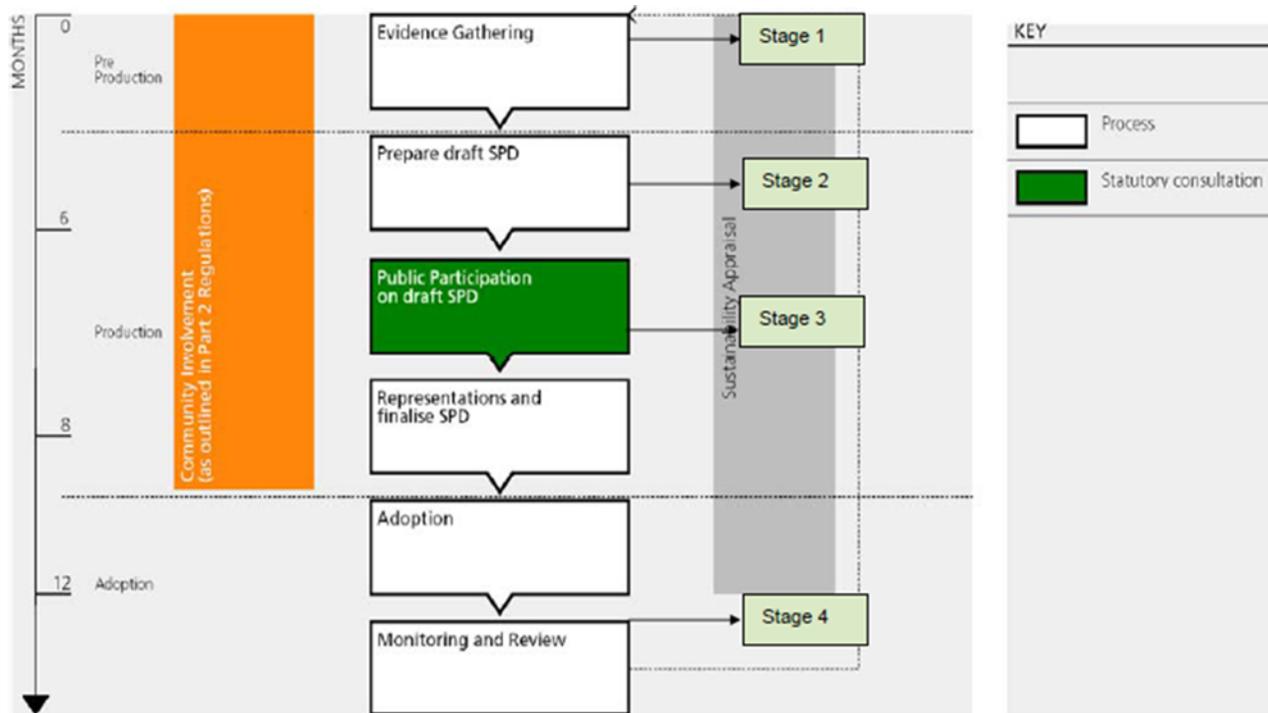


Table 1: Process for the production of an SPD

2.3 As part of the stage 1 evidence gathering process and the preparation of the SPD (Stage 2), a range of stakeholders have been consulted. A statement of the record of consultation undertaken during Stage 1 and Stage 2 accompanies this document.

2.4 For the public consultation (Stage 3) we will use a range of methods to inform the public and organisations (and various equality groups) including notification by letter, email and newsletter. Following this public consultation period, the comments submitted by residents and other stakeholders will be taken into account when preparing the final version of the SPD for adoption and a report of the comments received will be published on the Council’s website alongside the adopted SPD.

2.5 The SPD is unlikely to have significant adverse effects on the natural or built environment. This is shown in the accompanying Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) screening statement.

3. Appraisal of the Jaywick Sands Design SPD

3.1 The following symbols have been used in the appraisal of the draft Jaywick Sands Design Guide in the consideration of the SPD as a whole and in the criteria specific assessment:

Key	
++	The SPD is likely to have significant positive effect upon the protected group
+	The SPD is likely to have positive effect or no effect which would prejudice the protected group
/	The forward slash denotes a mixed effect upon the protected group
0	The SPD is considered to have a neutral effect
-	The SPD could have a negative effect upon a protected group
--	The SPD could have a significant negative effect upon a protected group

3.2 The Local Plan policies which this guidance is based were appraised by the EQIA accompanying the Local Plan as follows:

Criteria	Expected Outcomes	Age	Gender	Race	Gender reassignment	Pregnancy or maternity	Sexual orientation	Religion or belief	Disability	Marriage or civil partnership	Comments and recommendations
PP14 – Priority areas for regeneration		++	+	+	++	++	+	+	++	+	
SPL3 – Sustainable Design		++	+	+	/	+	/	/	++	+	
LP3 – Housing Density and standards		+	+	+	/	+	/	/	+	+	
LP4 – Housing Layout		++	+	+	+	++	/	/	++	+	
PPL5 – Water conservation, drainage and sewerage		+	+	+	+	+	+	+	+	+	

3.3 Assessment of the draft Jaywick Sands Design SPD taken as a whole

Will the document improve the accommodation, health and well-being of the protected groups?	From the view point of:			
	Equality group		Supporting comments	Evidence
	Age	+	The provision of new dwellings which are well designed, properly insulated, with appropriate space standards and modern amenities will help all protected groups, particularly the elderly and the disabled. The improvement of the area as a whole will lead to less discrimination.	The following policies are viewed to support the question: <ul style="list-style-type: none"> • PP14 Priority Areas for Regeneration • SPL3 Sustainable Design • LP3 Housing Density and Standards • LP4 Housing Layout • PPL5 Water Conservation, Drainage and Sewerage
	Gender	+		
	Race	+		
	Gender reassignment	+		
	Pregnancy or maternity	+		
	Sexual orientation	+		
	Religion or belief	+		
	Disability	+		
Marriage or civil partnership	+			

Will the document improve the safety of the protected group?	From the view point of:			
	Equality group		Supporting comments	Evidence
	Age	+	Providing secure accommodation which provides a better standard of flood protection will help all the protected groups, particularly those elderly and disabled.	The following policies are viewed to support the question: <ul style="list-style-type: none"> • PP14 Priority Areas for Regeneration • SPL3 Sustainable Design • LP3 Housing Density and Standards • LP4 Housing Layout • PPL5 Water Conservation, Drainage and Sewerage
	Gender	+		
	Race	+		
	Gender reassignment	+		
	Pregnancy or maternity	+		
	Sexual orientation	+		
	Religion or belief	+		
	Disability	+		
Marriage or civil partnership	+			

3.4 Criteria specific assessment of the Jaywick Sands Design SPD

Criteria	Expected Outcomes	Age	Gender	Race	Gender reassignment	Pregnancy or maternity	Sexual orientation	Religion or belief	Disability	Marriage or civil partnership	Comments and recommendations
2A: Landscape character and visual impact	Protection of visual amenity, amenity and protection important heritage assets.	+	+	+	+	+	+	+	+	+	The criteria promotes appropriate development which protects the amenity of existing and future residents. The criteria seeks to protect the character of important buildings and enhance the visual amenity of the locality.
2B: Sustaining local character and distinctiveness	Protection of the local character and distinctiveness.	+	+	+	+	+	+	+	+	+	The criteria requires new buildings to enhance the amenity of the area and respect the local character and distinctiveness. The criteria is beneficial to all residents.
3A: Designing for flood resistance and resilience	New dwellings which are more flood resistant and resilient.	++	+	+	+	++	+	+	++	+	This criteria benefits all residents but particularly those who are more vulnerable or disabled. New dwellings will be safer for residents to occupy.
4A: Building footprint	New dwellings are built to a good standard and will not	+	+	+	+	+	+	+	+	+	The policy seeks to ensure that new development provides adequate space and light, which will be beneficial to all residents, particularly elderly residents and those with disabilities.

Criteria	Expected Outcomes	Age	Gender	Race	Gender reassignment	Pregnancy or maternity	Sexual orientation	Religion or belief	Disability	Marriage or civil partnership	Comments and recommendations
	harm the amenity of existing residents.										
4B: Scale and massing	The scale and massing will be appropriate to the site, provide adequate amenity space with sufficient light and will not be detrimental to existing residents	++	+	+	+	+	+	+	++	+	The scale and massing of new buildings will be appropriate to the site, creating usable amenity space, safeguarding privacy and light, ensuring adequate internal space standards and will not be detrimental to existing residents. The criteria will ensure new development is built to a good standard meeting the basic needs of all residents.
5A: Creating safe and attractive streets	New dwellings will provide safe access and the boundary treatments will add to the amenity of the area	++	+	+	+	++	+	+	++	+	The creation of safer access arrangements will particularly help more vulnerable groups, for example, those with impaired vision or people who are less mobile. The improvements in amenity standards will advantage all residents.
5B: Vehicle and cycle parking standards	Appropriate parking standards will lead to safer, accessible and improved amenity	++	+	+	+	++	+	+	++	+	This will help all residents particularly those who are less mobile and /or have physical disabilities.

Criteria	Expected Outcomes	Age	Gender	Race	Gender reassignment	Pregnancy or maternity	Sexual orientation	Religion or belief	Disability	Marriage or civil partnership	Comments and recommendations
	standards within the locality.										
6A: Internal space standards	New dwellings will be built to national standards and provide residents with an acceptable level of living accommodation	++	+	+	+	+	+	+	++	+	94% of homes within the worst areas are officially overcrowded. Overcrowding impacts residents physical and mental health; the ability of children to study and family relationships. Improvements to internal space standards will benefit all residents.
6B: External private amenity space	An acceptable level of amenity space will be provided in new development. This will improve the health and wellbeing of all residents.	++	+	+	+	+	+	+	++	+	This is of benefit to all residents, particularly those who are less mobile or spend a significant amounts of time at home.
7A: Design for climate change adaptation and mitigation	Properties will be built to modern standards of construction, mitigating climate	++	+	+	+	++	+	+	++	+	Households in Jaywick experience high levels of fuel poverty, with 29% of households in Brooklands and Grasslands fuel poor. As such, ensuring energy efficient homes is a key aim in reducing deprivation in the community. This will

Criteria	Expected Outcomes	Age	Gender	Race	Gender reassignment	Pregnancy or maternity	Sexual orientation	Religion or belief	Disability	Marriage or civil partnership	Comments and recommendations
	change and ensuring energy efficient homes.										particularly help those groups who are housebound or spend a significant amount of time within their accommodation.
7B: Design for water management	Effective drainage will be designed as part of the property.	+	+	+	+	+	+	+	+	+	This will benefit all sections of the community.
7C: Design for biodiversity	A development which is sympathetic to the natural environment.	+	+	+	+	+	+	+	++	+	Providing adequate open space which is rich in biodiversity will improve the physical and mental health of all sections of the community.

4. Monitoring and Review Arrangements

The SPD and EqIA will be reviewed following the statutory consultation process to take into account representations received.

Dear Sir / Madam

Strategic Environmental Assessment (SEA) Screening Statement of the Jaywick Sands Design Guide Supplementary Planning Document (SPD)

The purpose of this letter is to consult statutory consultees on the SEA Screening of the draft Jaywick Sands Design Guide SPD. Consideration has also been given as to whether HRA screening is required.

1. Introduction and Background Context

Jaywick Sands is listed as a priority area for regeneration in Policy PP 14 of the Tendring District Local Plan 2013-2033. This policy states that:

'These areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure. As well as this, the Council will seek to: preserve or enhance the heritage assets of these areas, including the at risk conservation areas. The at risk Conservation Areas are: Clacton Seafront, Dovercourt, St Osyth, Thorpe-le-Soken and Thorpe-le-Soken Station and Maltings. The Council will support proposals for new development which are consistent with achieving its regeneration aims.'

The National Planning Policy Framework (NPPF) 2021 describes Supplementary Planning Documents (SPDs) as:

'Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.'

Tendring District Council is preparing a draft Jaywick Sands Design Guide Supplementary Planning Document (SPD) to provide further 'design' guidance to support the following specific policies within the adopted Tendring District Local Plan 2013-2033 and Beyond, Section 2. These specific policies are:

- SPL 3 Sustainable Design
- LP 3 Housing Density and Standards
- LP 4 Housing Layout
- PPL 5 Water Conservation, Drainage and Sewerage

The Design Guide SPD shows how these policies should be interpreted within the specific context of Jaywick Sands, with regard to its character, layout and setting as well as the requirement to develop flood resistant and resilient buildings. It does not introduce new policy, but instead adds greater detail to the parent policies and is intended to provide further guidance to the adopted Tendring Local Plan which is the planning policy framework for its area. The Tendring Local Plan has been subject to a full Sustainability Appraisal (SA) (including Strategic Environmental Assessment (SEA)).

SEA is a process for evaluating the environmental effects of a plan before it is made. Under the SEA Directive, supplementary planning documents (SPD) should be assessed to determine whether the plan is likely to have significant environmental effects. Planning Practice Guidance states that SPDs are not required to be accompanied by a Sustainability Appraisal. In exceptional circumstances, an SPD may require an SEA if they are likely to have significant effects on the environment which have not been assessed as part of the Local Plan SA. This Screening Assessment has therefore been prepared to assess if the draft Jaywick Sands Design Guide SPD requires SEA.

Before deciding whether significant effects are likely, the local planning authority (in this case Tendring District Council) should take into account the criteria specified in the Regulations and consult the three environment consultation bodies¹.

This letter constitutes the SEA Screening as part of the evidence gathering and engagement stage of the Design Guide SPD preparation.

2. SEA Screening Process

To determine if an SPD is likely to have significant effects on the environment, Planning Practice Guidance recommends local planning authorities consider the criteria specified in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004. Table 1 below in this letter presents the criteria in table form and considers each of the criteria in relation to the draft Design Guide SPD.

Table 1: Criteria from Schedule 1 of the SEA Directive to the Proposed SPD

Criteria		Likely to have significant effects	Screening Assessment / Justification
1 a	The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions, or by allocating resources.	No	The draft Design Guide SPD will promote sustainable development by detailing how four specific policies in the Tendring Local Plan (Policies SPL3, LP3, LP4, PPL5) should be interpreted within the specific context of Jaywick Sands and therefore contribute to the framework for future development consent. The SPD will provide more detail to the policies established in an upper tier plan (i.e. the Local Plan) which has been subject to SA incorporating SEA. Therefore, it is the upper tier plan which sets the framework for development and not the SPD.
1 b	the degree to which the plan or programme influences other plans or programmes including those in a hierarchy	No	The SPD sits at the lowest tier of the development plan hierarchy and therefore does not influence other plans or programmes, instead providing detail for the interpretation of other plans. The SPD will supplement the

¹ Natural England, Historic England and the Environment Agency.

			Tendring Local Plan which is the planning policy framework for the SPD area and which has been subject to a full SA including SEA.
1 c	the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD provides more detail to the specific policies established in the adopted Tendring Local Plan as listed in criteria 1a above. It is therefore considered to contribute positively to the integration of environmental considerations.
1 d	environmental problems relevant to the plan	No	The SPD will not introduce or exacerbate environmental problems. It will help mitigate climate change and provide additional guidance on sustainable design, housing layout/density as well as water conservation which will help develop flood resistant and better environmentally designed buildings.
1 e	the relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	No	Together with the upper tier plans the SPD provides further detail and guidance on the implementation of community legislation, specifically through the provision of design guidance for water management and ensuring the use of sustainable urban drainage systems in relation to surface water drainage.
2 a	the probability, duration, frequency and reversibility of the effects	No	The SPD supplements adopted planning policy. This has been assessed through the SA of the Tendring Local Plan.
2 b	the cumulative nature of the effects	No	The SPD supplements adopted planning policy. This has been assessed through the SA of the Tendring Local Plan.
2 c	the trans-boundary nature of the effects	No	The SPD supplements adopted planning policy. This has been assessed through the SA of the Tendring Local Plan. The effects of the SPD are limited to the Jaywick Sands area rather than more widely across the district.
2 d	the risks to human health or the environment (e.g. due to accidents)	No	The SPD supplements adopted planning policy. This has been assessed through the SA of the Tendring Local Plan. There are no additional risks to human health or the environment arising from the application of this SPD.
2 e	the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The spatial extent of the SPD is specific to the Jaywick Sands area and will provide supplementary guidance to policies in the adopted Local Plan. Therefore, the influence of the Local Plan is low magnitude and a small spatial extent.
2 f	the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage (ii) exceeded environmental quality standards (iii) intensive land-use	No	Jaywick Sands lies within the impact zone of Clacton Cliffs & Foreshore Special Site of Scientific Interest (SSSI) and adjacent to the Essex estuary Special Area of Conservation (SAC) and Marine Conservation Zone (MCZ). There are no designated heritage assets in the

			<p>area covered by the SPD and the coastal areas of Tendring have low quality agricultural land. The value and vulnerability of the SPD area has been considered as part of the Tendring Local Plan SA. This concluded that it is not likely that the SPD will have any significant effect on the value and vulnerability of the area. The SA assessed the relevant policies (Policies SPL3, LP3, LP4 and PPL5) within the Local Plan, against Sustainability Objective 6 (the protection and enhancement of natural, historical and environmental assets), and concluded that there are likely to be significant positive effects on Policies SPL3 and LP4 in terms of enhancement from development and minor positive effects for Policy PPL5 in relation to biodiversity gain associated with SuDS integration. The assessment also concluded that Sustainability Objective 6 was not relevant to Policy LP3 as it relates to housing density.</p>
2 g	the effects on areas or landscapes which have a recognised national, community or international protection status	No	<p>Jaywick Sands lies within the impact zone of Clacton Cliffs & Foreshore Special Site of Scientific Interest (SSSI) and adjacent to the Essex estuary Special Area of Conservation (SAC) and Marine Conservation Zone.</p> <p>Consideration of effects on landscape has been assessed through the SA of the Local Plan which concluded that these relevant policies would have positive effects on the quality of the local environment and enhance local character. This excludes Policy LP3 where an assessment is not considered to be applicable as the policy relates solely to housing density.</p>

3. Conclusion of Screening Assessment

In considering the scope of the Design Guide SPD against the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, it is concluded that the Jaywick Sands Design Guide SPD will not change or introduce new planning policy, proposals or allocations in addition to those already set out in the adopted Local Plan which has been subject to SA/SEA.

Instead, it provides specific guidance relating to design of how certain policies in the adopted Local Plan should be interpreted within the specific context of Jaywick Sands. For example, it provides additional guidance on how new residential development in Jaywick Sands can be designed with regards to internal and external space standards and for flood resistance and resilience.

It is considered unlikely therefore that there will be any significant environmental effects arising from the SPD and for this reason it is concluded that SEA is not required for the Jaywick Sands Place Plan SPD.

This screening opinion will be published alongside the draft Design Guide SPD and before it is confirmed as final it will also be consulted on by Tendring District Council with the three statutory consultation bodies – Historic England, Natural England, and the Environment Agency.

4. Habitats Regulation Assessment (HRA)

In addition to the SEA Screening Assessment, consideration has been given to whether HRA screening is required for the draft Jaywick Sands Design Guide SPD.

The draft Jaywick Sands Design SPD provides further 'design' guidance to support Tendring Local Plan policies listed above relating to sustainable design, housing density and standards, housing layout and water conservation, drainage and sewerage. These policies have been subject to HRA as part of the preparation of the adopted Tendring District Local Plan 2013-2033 and Beyond, Section 2. The HRA of Tendring District Local Plan Publication Draft - Section 2 (LUC, October 2018) concludes that there will be no adverse effects on European sites resulting from the policies within the Tendring Local Plan Section 2, either alone or in-combination.

The key issues in the area covered by the Jaywick Sands Design SPD in terms of HRA would be recreation (caused by population increase) and loss of supporting land for birds (i.e. development of new sites). As the SPD is not going to increase the amount of housing and therefore lead to population increase or lead to housing on new areas or expansion of Jaywick Sands (the SPD has no spatial element) then HRA for the Jaywick Sands Design SPD should not be needed.

As the Jaywick Sands Design SPD supports the policies within the Tendring District Local Plan and only provides additional design guidelines for their application in Jaywick Sands, it is concluded that a separate HRA of the Design SPD is not required.

Consultation

As a statutory consultee we would be very grateful if you could respond to this screening consultation by Friday 29th April 2022.

Please reply to:

Anthony Brindley
Tendring District Council
Weeley Council Offices
Thorpe Road
Weeley
CO16 9AJ

If you have any queries please do not hesitate to contact me.

Yours Sincerely,

Anthony Brindley
Tendring District Council

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Jaywick Sands Design Guide Draft Supplementary Planning
Document (SPD)

Consultation Statement May 2022

Jaywick Sands Design Guide Draft Supplementary Planning Document (SPD)

Consultation Statement

(Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 12))

1 Introduction

Under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 it is a requirement to prepare and make available a Consultation Statement setting out:

- i. the persons the local planning authority consulted when preparing the supplementary planning document;
- ii. a summary of the main issues raised by those persons; and
- iii. how those issues have been addressed in the supplementary planning document;

This statement is a record of consultation undertaken during the production stage of the SPD prior to formal public consultation.

The Jaywick Sands Design Guide Supplementary Planning Document provides guidance to support policies within the Tendring Local Plan (2013 - 2033), and the regeneration of Jaywick Sands. It specifically supports the following policies:

- PP 14 Priority Areas for Regeneration
- SPL 3 Sustainable Design
- LP 3 Housing Density and Standards
- LP 4 Housing Layout
- PPL 5 Water Conservation, Drainage and Sewerage

It applies specifically to development within Flood Zone 3 and the Priority Area for Regeneration as defined in Policy PP14, and not to development in the norther part of Jaywick Sands (the Tudor Estate)

2 Preparation of the draft SPD

Jaywick Sands is a unique and resilient community with a distinctive sense of place. It is a rare example of a plotlands development where the original small plots, gridded street pattern and chalet-style buildings survives largely unchanged since it was founded in the 1930s. Jaywick Sands' position by the sea is both its greatest asset and also its greatest challenge as the community now faces an increasing risk of flooding, which is particularly concerning as many homes in Jaywick Sands are now in very poor condition. It is therefore vital to encourage the sympathetic replacement and upgrading of homes in

Jaywick Sands to a flood safe standard while also enhancing the character of the area and supporting its regeneration.

The need for design guidance for Jaywick Sands was identified through the work to develop the Jaywick Sands Place Plan and analysis of planning applications submitted, and consents granted, over the last several years.

The draft SPD was developed by HAT Projects as consultants to Tendring District Council, and in consultation with a range of stakeholders.

Early drafts of the SPD were produced in spring 2020 and shared iteratively with key stakeholders including the Environment Agency and Essex County Council, ecology specialists engaged to support the Place Plan work, and the development management team within Tendring District Council as the Local Planning Authority, who would be using and applying the guidance in pre-application discussions and the determination of applications. The following feedback was received:

- Strongly positive feedback from the TDC development management team, that the document was helpful and easy to use
- TDC development management team requested that further information on flood resilience measures be included in the design guide
- Environment Agency supported the principle of developing design guidance in a SPD form for Jaywick Sands, and the majority of the design principles set out in the draft SPD.
- Environment Agency commented that the level of actual present day flood risk in their latest coastal modelling was not fully represented, and that dry finished floors for present day flood risk would be expected. Clear evidence of betterment would be supported.
- Environment Agency also submitted detailed comments on various aspects of the SPD wording.
- Essex County Council as the highways authority supported the principle of developing design guidance in a SPD form for Jaywick Sands, and the majority of the design principles set out in the draft SPD.
- ECC as the highways authority confirmed what reduced parking standards would be acceptable for replacement dwellings.
- Woodfield Ecology commented on the specific ecological sensitivities in Jaywick Sands, in particular bats and house sparrows.

Work on the draft SPD was paused during the Covid-19 pandemic and restarted in December 2021. This included a review of updated national policy and guidance and updates to reflect the final adopted Tendring Local Plan, which was adopted in January 2022. An updated draft of the SPD was prepared and shared with the above consultees for further review and input. Further work was undertaken with the Environment Agency to ensure full clarity around the sequential and exception test, and the design issues that would trigger a holding objection from the Environment Agency as a statutory consultee. Updated modelling of flood levels, including updated climate change allowances, were provided by the Environment Agency and incorporated into the design guidance.

Strategic Environmental Assessment and Habitats Regulations Assessment screening reports were prepared independently by Clearlead Consulting and sent to the relevant

statutory consultees for comment. The consultation exercise confirmed that an SEA is not required.

3 Consultation on the draft Jaywick Sands Design Guide SPD

It is proposed that a public consultation takes place on the draft SPD for a period of six weeks. As the draft SPD supports the Tendring Local Plan, and does not propose additional development, there is no further need to undertake a separate Strategic Environmental Assessment or Habitats Regulations Assessment for this document, although screening reports have been completed and will be made available during the consultation. An Equalities Impact Assessment has been completed and will be made available during the consultation.

4 Consultation Methodology

A four-week consultation period for the draft Jaywick Sands Design Guide SPD will take place from 9am on 5th September 2022 to 5pm on 17th October 2022.

The draft SPD and other supporting documents will be available for inspection during the consultation period at the following locations:

- online on the Council's website;
- in hard copy at the Council's offices and libraries through the district

A Public Notice will be published in [TBC]

The local planning authority maintains a Planning Policy consultations database, which currently contains [TBC] consultees. All of these consultees will be notified of the consultation and invited to make representations. A list of organisations on the LPAs consultation database is included in [appendix 1 - TBC]. Please note that the individuals on this database have not been listed in the appendix.

In addition, drop-in events are proposed to be held during the consultation period, in liaison with community groups and venues in Jaywick Sands and in conjunction with the planned consultation on the Jaywick Sands Place Plan. Times and venues for drop-in events will be publicised on the Council's website and social media as well as through flyers to all households in Jaywick Sands.

A press release will be issued to raise awareness of the consultation through local media outlets.

Comments can be made using:

- an online questionnaire, which is available via the Council's website
- a paper response form, which will be available at drop-in events, as a download on the Council's website and on request to the Planning Policy team at planning.policy@tendringdc.gov.uk.

5 Next steps

After the close of consultation, the key issues raised will be considered by the Council and changes made to the draft SPD where appropriate prior to adoption.

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Jaywick Sands – Approach to betterment, sequential and exception test.

Technical Guidance for builders and developers.

21 April 2022.

1. Introduction

All new development within Flood Zone 3 should demonstrate that it has passed the sequential and the exception tests where required and as set out in the National Planning Policy Framework and Planning Practice Guidance 3.

The National Planning Policy Framework (paragraph 159) states that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

The sequential test is a method to test if a suitable alternative location for the development is available. The exception test is a method to test if a proposal will provide wider sustainability benefits to the community that outweigh the flood risk; and be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both tests may need to be passed in order for the proposal to comply with the NPPF. Planning Practice Guidance sets out the process for applying the sequential and exception tests, in order to comply with the National Planning Policy Framework position.

This note advises on the application of the sequential and exception tests in the specific circumstances of Jaywick Sands.

2. Applying the sequential test and the first part of the exception test

Jaywick Sands is identified as a Priority Area for Regeneration under Policy PP14 of the adopted Tendring Local Plan. Policy PP14 states that Priority Areas for Regeneration will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure, and that the Council will support proposals for new development which are consistent with achieving its regeneration aims.

Jaywick Sands has a high proportion of poor quality homes which are also at risk of flooding, now and in the future. Actual flood risk today includes flood depths of 700mm (0.7m) for some homes along the seafront in the design (0.5% AEP) flood event, and rises to depths of 3m and above over the next 100 years. Therefore, improving the safety of residents in a flood event, and the flood resistance and resilience of homes, is an important part of meeting the aims of Policy PP14.

All of the Priority Area for Regeneration, as shown on the adopted Policies Map, falls within Flood Zone 3. For proposals which can demonstrate that they meet the regeneration aims of PP14, sites outside the identified policy area boundary are unlikely to provide reasonable alternatives, so the sequential search area would reasonably be set as the boundary of the policy area. Although the whole of this area is in Flood Zone 3, some areas within Jaywick are at greater risk due to increased depths, velocities and other factors. The sequential approach should be applied to consider whether there are suitable

lower risk alternative sites within the policy area. This reflects the approach to the sequential test identified in Diagram 2 in paras 020 and 021 of the Flood Risk and Coastal Change section of the PPG as well as the advice given in para 033. If the sequential test was passed, the first part of the Exception Test would also be passed as wider sustainability benefits would be demonstrated.

However, for development proposals which would not be consistent with achieving the regeneration aims of PP 14, the sequential search area may need to be set wider and applicants will need to demonstrate wider sustainability benefits to the community which outweigh flood risk. In practice, if proposals are not consistent with achieving the regeneration aims of PP14, demonstrating these sustainability benefits, and demonstrating that there are no available sites at lower flood risk, may be challenging.

3. Applying the second part of the exception test

In order to satisfy the second part of the Exception Test, applicants must provide evidence to show that the proposed development would be safe and that any residual flood risk can be overcome to the satisfaction of the local planning authority, taking account of any advice from the Environment Agency.

Jaywick Sands benefits from flood defences but there is a present day flood risk for a 0.5% AEP event in seafront areas, with inundation depths of up to 0.7m. The Shoreline Management Plan has a 'Hold the Line' policy position for the coastal defences protecting Jaywick Sands, which states that an appropriate flood defence for the community will be maintained into the future, although the standard of protection is not defined. This is an unfunded aspiration for the future flood management of the frontage, and its delivery will require continued partnership working, and significant partnership funding. While uncertainties regarding funding and viability exist, it is important that any new development is designed to be both resilient to flooding (should there be any delay to the delivery of improved coastal flood defences) as well as being safe for the future occupants.

To meet the NPPF requirement for 'safe development', the Environment Agency typically look to ensure that internal habitable space for 'more vulnerable' development (which includes residential uses) should have floor levels set above the design flood level, plus the appropriate 'freeboard' allowance. This is to ensure that future residents are not placed in danger from flood hazards and the development is appropriately flood resistant and resilient in the event of a flood (reflecting aims of para 167 of the NPPF). The design flood level for tidal flooding is typically the level of inundation for an 0.5% AEP event plus an allowance for climate change over the lifetime of the property (which for residential is typically set at 100 years). It may be considered acceptable for 'more vulnerable' development types, which include residential development, to flood on the ground floor in a residual risk scenario, provided there is refuge above the flood level, and the development is protected by flood defences for the lifetime of the development.

It is the preferred approach of TDC and the EA for new properties not to flood internally in a design flood event, given that it may be many years before the defences are renewed and raised. However, it is recognised that, due to the unusual plot pattern and land ownership in Jaywick Sands, that replacing a single dwelling on-plot is highly challenging to achieve, without detrimental impacts on future residents and neighbouring occupiers, as demonstrated in the draft SPD. In effect this means that replacing existing individual dwellings on the smallest plots, if required to have all habitable space above the design

flood level, would not be possible without consolidating multiple plots into a single property holding. This could act as a barrier to improving housing quality and flood resilience in Jaywick Sands and would therefore work against the aims of Policy PP14 of the Tendring Local Plan, and NPPF paragraphs 152, 153 and 161c.

The Environment Agency have indicated that a holding objection will not be raised for proposals in the areas of Jaywick Sands which lie within Flood Zone 3, which are for on-plot replacement dwellings and involve no net increase in bedspaces, if the following criteria are met in full by the applicant:

- Floor levels for habitable space must be higher than the floor levels of the property being replaced;
- Floor levels for habitable space should be set, if possible, above the present day 0.5% AEP flood level. If this is not possible without contravening the other design guidance within the SPD regarding parking, internal and external space standards, amenity, daylight, sunlight and overlooking, floor levels should be set so that internal flooding in a 0.5% AEP present day event would be no greater than 0.3m (the FD2320 matrix threshold for 'danger to some').
- Flood resistant and/or flood resilient construction measures (as appropriate) are used to minimise damage to the property in a flood event, and to allow the re-occupancy of the building quickly;
- A secure and accessible area of refuge is provided above the flood level of a 0.1% AEP event, plus the appropriate climate change allowance and freeboard;
- Buildings and their foundations are designed to withstand the hydrostatic and hydrodynamic pressures of flood water so that they will remain standing **during flood conditions** when refuge is relied on.
- An escape window or hatch is provided from the refuge level to facilitate communication with neighbours and emergency response authorities and to provide options for rescue should this become necessary.

A full site-specific flood risk assessment will be required for all applications and this must cover the approach to other related matters, including but not limited to flood warning and evacuation, access and egress, and resident awareness.

For proposals which would result in a net increase in the number of bedspaces on the site, and therefore increase the number of people living within Flood Zone 3, the Environment Agency will raise a holding objection unless the normal requirements for 'safe development' are followed in full and all habitable floorspace is raised above the design flood level, with the appropriate climate change and freeboard allowances.

It is important to note that while the Environment Agency provides comment, which can include a holding objection, to proposals, it is for the Local Planning Authority to weigh the planning balance and reach a decision on whether the response to flood risk within the design represents a safe and appropriate response to site specific circumstances, and therefore the second part of the exception test will be passed.

4. Summary – decision tree

To view and comment, visit the [Jaywick Sands Sequential and Exception Test Miro board](#).

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