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TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 6 August 2019

Prayers

1 Summons to Council

2 Apologies for Absence

The Council is asked to note any apologies for absence received from Members.

3 Minutes of the Last Meeting of the Council (Pages 1 - 24)

The Council is asked to approve, as correct records, the minutes of the following:

(a) Council Meeting held on 26 March 2019;

(b) Annual Meeting of the Council held on 28 May 2019; and

(c) Extraordinary Council Meeting held on 15 July 2019.

4 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

5 Announcements by the Chairman of the Council

The Council is asked to note any announcements made by the Chairman of the Council.

6 Announcements by the Chief Executive

The Council is asked to note any announcements made by the Chief Executive.

7 Statements by the Leader of the Council

The Council is asked to note any statements made by the Leader of the Council.

Councillors may then ask questions of the Leader on his statements.

8 Statements by Members of the Cabinet

The Council is asked to note any statements made by Members of the Cabinet (Portfolio Holders).

Councillors may then ask questions of the Portfolio Holders on their statements.

9 Petitions to Council

No petitions have been submitted in accordance with the Scheme approved by the Council on this occasion.

10 Questions Pursuant to Council Procedure Rule 10.1 (Pages 25 - 26)

Subject to the required notice being given, members of the public can ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to 21 minutes.

There are two such questions on this occasion.

11 Questions Pursuant to Council Procedure Rule 11.2 (Pages 27 - 28)

Subject to the required notice being given, Members of the Council can ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of any Committee.

The time allocated for receiving and disposing of questions shall be a maximum of 30 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members the following working day unless withdrawn by the questioner.

There are four such Questions on this occasion.

12 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions

The Council will receive a report on any Cabinet or Portfolio Holder Decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 16.2, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

There is no such report on this occasion.

13 Minutes of Committees (Pages 29 - 68)

The Council will receive the minutes of the following Committees:

- (a) Resources and Services Overview & Scrutiny of Monday 18 March 2019;
- (b) Standards of Wednesday 20 March 2019;
- (c) Audit of Thursday 28 March 2019;
- (d) Resources and Services Overview & Scrutiny of Monday 24 June 2019;
- (e) Community Leadership Overview & Scrutiny of Monday 1 July 2019;
- (f) Standards of Wednesday 3 July 2019; and
- (g) Planning Policy & Local Plan of Tuesday 16 July 2019.

NOTES:

- (1) The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record.
- (2) There is a Recommendation to Council contained in Minute 6 of the minutes of the meeting of the Planning Policy & Local Plan Committee held on 16 July 2019 which Council will need to consider in conjunction with Agenda Item 18 below.

14 Motion to Council - "Proposed Declaration of a Climate Emergency" (Pages 69 - 70)

In accordance with the provisions of Council Procedure Rule 12, the Council will consider a Motion to Council submitted by Councillor Neil Stock OBE.

15 Recommendations from the Cabinet

No recommendations from the Cabinet have been submitted on this occasion.

16 Reports Submitted to the Council by an Overview and Scrutiny Committee

The Council is asked to consider any reports submitted to it by an Overview and Scrutiny Committee.

There are no such reports on this occasion.

17 Reference from the Licensing and Registration Committee - A.1 - Proposed Revision of Licensing Enforcement Policy (Pages 71 - 90)

Further to resolution (c) of Minute 83 of the meeting of the Licensing and Registration Committee held on 10 April 2019, the Council is requested to formally adopt the revised Licensing Enforcement Policy.

18 Reference from the Planning Policy & Local Plan Committee - A.2 - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence And Proposed Amendments (Pages 91 - 326)

Further to Minute 6 of the meeting of the Planning Policy and Local Plan Committee held on 16 July 2019, the Council will decide whether to adopt the Committee's recommendations made in respect of the above.

NOTE: The Minutes of the Committee meeting are set out within Agenda Item 13 above.

19 Report of the Chief Executive - A.3 - Membership of Committees (Pages 327 - 330)

To inform Council of appointments to Committees that have been made since the Annual Meeting of the Council held on 28 May 2019.

20 Report of the Chief Executive - A.4 - Membership of the Executive (Cabinet) (Pages 331 - 332)

To formally notify Council of the appointments to serve on the Council's Executive (Cabinet) made by the Leader of the Council (Councillor Stock OBE) following his election to that office at the Annual Meeting of the Council held on 28 May 2019.

21 Seating Plan for Future Meetings of the Council in the Princes Theatre (Pages 333 - 334)

Council's approval is sought in respect of the seating plan for future meetings of the Full Council held in the Princes Theatre.

22 Urgent Matters for Debate

The Council will consider any urgent matters submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p).

Date of the Next Scheduled Meeting of the Council

Tuesday, 10 September 2019 at 7.30 pm - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the four fire exits in the auditorium and follow the exit signs out of the building.

Please follow the instructions given by any member of staff and they will assist in leaving the building.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

Welcome to this evening's meeting of Tendring District Council.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you are included on the agenda to ask a public question, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record council meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission had not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

TENDRING DISTRICT COUNCIL

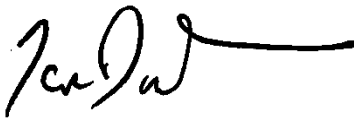
Committee Services
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

25 July 2019

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea at 7.30 p.m. on Tuesday 6 August 2019 when the business specified in the accompanying Agenda is proposed to be transacted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', followed by a horizontal line extending to the right.

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 26TH MARCH, 2019 AT 7.30 PM
PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA**

Present:	Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Baker, Bray, Broderick, B Brown, J Brown, M Brown, Bucke, Bush, Callender, Calver, Cawthron, Chapman, Chittock, Coley, Cossens, Davis, Everett, Ferguson, Fowler, Gray, Griffiths, C Guglielmi, V Guglielmi, Heaney, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Land, McWilliams, Miles, Newton, Pemberton, Poonian, Porter, Raby, Scott, Skeels Jnr, Skeels Snr, Steady, Stephenson, Stock OBE, Talbot, Watson, White and Winfield
In Attendance:	Ian Davidson (Chief Executive)(except Minute 146), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Karen Neath (Head of Leadership Support and Community), Anastasia Simpson (Head of People, Performance and Projects), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)

126. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bennison, Fairley, Hones, Khan, Nicholls, Turner and Whitmore.

127. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 5 February 2019, be approved as a correct record and signed by the Chairman.

128. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time by Members.

However, the Chief Executive indicated that he would declare an interest in Agenda Item 22 (Report of the Deputy Chief Executive – A.4 – Pay Policy Statement 2019/20 and Pay Assimilation) and that he would withdraw from the meeting at the appropriate time.

129. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

(1) Pride of Tendring Awards

The Chairman thanked all those who had attended the recent Pride of Tendring Awards and all those who had worked to make it such a successful occasion. He read out an extract from a letter of appreciation that he had received from the High Sheriff of Essex.

(2) Karen Neath, Head of Leadership Support and Community

The Chairman announced that this was the last meeting of the Council that Karen Neath would be attending. He informed Members that Karen had worked in local government since 1984 and had originally joined the Council as its Head of Finance and Section 151 Officer in April 2005. He thanked Karen for her great dedication to the Council and wished her well for the future.

Members showed their appreciation of Karen's service to the Council with a round of applause.

130. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

131. STATEMENTS BY THE LEADER OF THE COUNCIL

There were no statements by the Leader of the Council on this occasion.

132. STATEMENTS BY MEMBERS OF THE CABINET

There were no statements by Members of the Cabinet on this occasion.

133. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL

Further to the Chairman of the Council's announcement made earlier in the meeting, the Leader of the Council (Councillor Stock OBE) paid his own personal tribute to Karen Neath.

The Council then received the Annual State of the Tendring District Statement from the Leader of the Council.

Members expressed their appreciation of Councillor Stock's speech with a round of applause.

Councillors Broderick, Ferguson and I J Henderson addressed the Council during the debate on the Leader's Statement.

Councillor Broderick declared a personal interest in respect of the part of the Leader's statement that referred to the coast defence scheme at Holland-on-Sea insofar as her home was one of those that had benefited from those coast defences.

The Leader of the Council then informed Members that the Council had once again been re-assessed and credited as achieving Investors in People Gold status. This indicated that the Council had strong Officer leadership and that it was constantly striving to improve both its performance and its employees. He thanked the Chief Executive for his leadership which had enabled the Council to achieve this award as well as the wider Officer teams for their individual contributions.

Members expressed their appreciation of this achievement with a round of applause.

134. PETITIONS TO COUNCIL

There were none on this occasion.

135. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

There were none on this occasion.

136. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

There were none on this occasion.

137. REPORT OF THE LEADER OF THE COUNCIL - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

There was no Report on this occasion.

138. MINUTES OF COMMITTEES

It was **RESOLVED** that the minutes of the following Committees, as circulated, be received and noted:

- (a) Standards of Wednesday 16 January 2019;
- (b) Audit of Thursday 24 January 2019;
- (c) Community Leadership Overview & Scrutiny of Monday 28 January 2019;
- (d) Planning Policy & Local Plan of Tuesday 29 January 2019;
- (e) Resources and Services Overview & Scrutiny of Monday 11 February 2019;
- (f) Human Resources & Council Tax of Wednesday 20 February 2019; and
- (g) Community Leadership Overview & Scrutiny of Monday 25 February 2019.

There were Recommendations to Council contained within Minutes 37 and 44 of the minutes of the meetings of the Community Leadership Overview and Scrutiny Committee held, respectively, on 28 January 2019 and 25 February 2019. Those recommendations were taken, as appropriate, in conjunction with Agenda Items 16 and 17 as recorded under Minutes 140 and 141 below.

In addition, there was a recommendation to Council contained within Minute 21 of the meeting of the Human Resources and Council Tax Committee held on 20 February 2019. That recommendation was taken in conjunction with Agenda Item 22 as recorded under Minute 146 below.

139. MOTIONS TO COUNCIL

There were none on this occasion.

140. MOTION TO COUNCIL - "PROPOSED TOWN COUNCIL FOR CLACTON-ON-SEA"

Council further considered the following motion, which had been moved by Councillor Newton and seconded by Councillor Bucke at the meeting of the Council held on 27 November 2018 (Minute 87 referred) and which had stood referred to the Community Leadership Overview and Scrutiny Committee for consideration and report:

"This Council, in accordance with the Local Government and Public Involvement in Health Act 2007 (as amended) and the statutory guidance issued by DCLG in 2010, conducts a Community Governance Review with a view to creating a Clacton Town Council to come into effect in 2023.

The Council will consult with members of the public and other stakeholders as to the creation of a Clacton Town Council which will be intended to serve the areas of Clacton-on-Sea that are not currently being represented by a Town or Parish Council.

This will be inclusive of the following District Council Wards (as effective from May 2019)

–

*Bluehouse
Burrsville
Cann Hall
Coppins
Eastcliff
Pier
St Bartholomews
St James
St Johns
St Pauls
West Clacton and Jaywick Sands"*

Council was aware that Community Leadership Overview and Scrutiny Committee, at its meeting held on 28 January 2019 (Minute 37 referred) had considered Councillor Newton's motion. The relevant Committee Minute containing the Committee's recommendation to Council was contained within the Council Book.

Council also had before it a reference report containing further information for Members' consideration in making an informed decision on the Motion.

The Chairman of the Community Leadership Overview and Scrutiny Committee, Councillor Land, formally moved, on behalf of that Committee, that Councillor Newton's motion be amended to read as follows:-

"This Council, seeks to ascertain the views of the people of Jaywick, Clacton and Holland as to the possible creation of a Town Council or Councils for the currently unparished area of the District and that this be done by way of a question included with the Council Tax leaflet."

Councillors Stock, Bucke, Newton, Heaney, P B Honeywood, Baker, Miles, Griffiths, Bray, Broderick, Porter, Talbot, Stephenson and G V Guglielmi addressed the Council on the subject matter of Councillor Land's amendment.

In accordance with the provisions of Council Procedure Rule 19.4, Councillor Newton asked that a record of the vote on Councillor Land's amendment be taken. The request was supported by the requisite number of Councillors.

Accordingly, the result of that recorded vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Broderick	Alexander	Bush	Bennison
J Brown	Amos	Chapman	Fairley
Bucke	Baker	Davis	Hones
Calver	Bray	Miles	Khan
Cawthron	B Brown	Platt	Massey
Fowler	M Brown	Steady	Nicholls
Gray	Callender	Yallop	Turner
I Henderson	Chittock		Watling MP
J Henderson	Coley		Whitmore
King	Cossens		
Newton	Everett		
Pemberton	Ferguson		
Porter	Griffiths		
Scott	G V Guglielmi		
Stephenson	V E Guglielmi		
Winfield	Heaney		
	P B Honeywood		
	S A Honeywood		
	Land		
	McWilliams		
	Poonian		
	Raby		
	Skeels Jnr.		
	Skeels Snr.		
	Stock OBE		
	Talbot		
	Watson		
	White		

Councillor Land's amendment was thereupon declared **LOST**.

In accordance with the provisions of Council Procedure Rule 19.4, Councillor Newton asked that a record of the vote on her original motion be taken. The request was supported by the requisite number of Councillors.

Accordingly, the result of that recorded vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Broderick	Alexander	Bush	Bennison
J Brown	Amos	Chapman	Fairley
Bucke	Baker	Miles	Hones

Calver	Bray	Pemberton	Khan
Cawthron	B Brown	Platt	Massey
Fowler	M Brown	Steady	Nicholls
Gray	Callender	Yallop	Turner
I Henderson	Chittock		Watling MP
J Henderson	Coley		Whitmore
King	Cossens		
Newton	Davis		
Porter	Everett		
Scott	Ferguson		
Stephenson	Griffiths		
Winfield	G V Guglielmi		
	V E Guglielmi		
	Heaney		
	P B Honeywood		
	S A Honeywood		
	Land		
	McWilliams		
	Poonian		
	Raby		
	Skeels Jnr.		
	Skeels Snr.		
	Stock OBE		
	Talbot		
	Watson		
	White		

Councillor Newton's motion was thereupon declared **LOST**.

141. MOTION TO COUNCIL - "UTILISATION OF AVAILABLE ENFORCEMENT POWERS TO COMBAT STREET DRINKING AND ANTI-SOCIAL BEHAVIOUR IN CLACTON TOWN CENTRE"

Council further considered the following motion, which had been moved by Councillor P B Honeywood and seconded by Councillor Everett at the meeting of the Council held on 22 January 2019 (Minute 111 referred) and which had stood referred to the Community Leadership Overview and Scrutiny Committee for consideration and report:

"That this Council looks forward to the new Anti-Social Patrol Officer being appointed and asks that that person works closely with the Police and the dedicated PCSO for Clacton to ensure that all available enforcement powers are utilised to combat street drinking and anti-social behaviour in Clacton Town Centre to the fullest of their ability."

Council was aware that the Community Leadership Overview and Scrutiny Committee, at its meeting held on 25 February 2019 (Minute 44 referred) had considered Councillor Honeywood's motion. The relevant Minute containing that Committee's recommendation to Council was contained within the Council Book.

The Chairman of the Community Leadership Overview and Scrutiny Committee, Councillor Land formally moved, on behalf of that Committee, that Councillor Honeywood's motion be approved in its original format.

Councillor's P B Honeywood, Everett, Alexander, I J Henderson, Griffiths, Calver, Cossens, Winfield, Porter, Newton and Broderick addressed the Council on the subject matter of this item.

Councillor Land's motion, on being put to the vote, was declared **CARRIED**.

142. RECOMMENDATIONS FROM THE CABINET - ANNUAL CAPITAL AND TREASURY STRATEGY 2019/2020 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

The Council had before it the recommendation submitted to it by the Cabinet in respect of the proposed approval of the Annual Capital and Treasury Strategy for 2019/2020 [Minute 133 of the Cabinet meeting held on 8 March 2019 referred].

It was moved by Councillor G V Guglielmi and:-

RESOLVED that the Annual Capital and Treasury Strategy for 2019/2020 (including Prudential and Treasury Indicators), be approved and implemented.

143. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE

There were no Reports on this occasion.

144. REPORT OF THE CHIEF EXECUTIVE - A.1 - MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that Councillor Bucke had tendered his resignation as a member of the Standards Committee.

He also formally reported that, in accordance with the wishes of the Leader of the Liberal Democrats / Tendring First Group and the authority delegated to him, the following appointment had been duly made -

Standards Committee

Councillor Scott had been appointed to serve in place of Councillor Bucke.

Council noted the foregoing.

145. REPORT OF THE CHIEF EXECUTIVE - A.2 - CHANGE IN MEMBERSHIP OF POLITICAL GROUPS

The Chief Executive formally reported that, on 25 and 26 February 2019, Councillors Cawthron, Hones, Newton and Porter, pursuant to Regulation 10(d) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they no longer wished Councillor Davis to be treated as a member of the UKIP political group on Tendring District Council.

He further formally reported that, on 26 February 2019, Councillor Davis, pursuant to Regulation 9(b) of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that she wished to be treated as a member of the Independent political group. That notice had been duly counter-signed by the Leader of the Independent Group (Councillor Talbot).

Councillor Talbot had informed Officers that he did not wish to exercise his right under Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17(c) of the Local Government (Committees and Political Groups) Regulations 1990 to have a review of the allocation of seats to political groups carried out.

Council noted the foregoing.

146. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.3 - PAY POLICY STATEMENT 2019/20 AND PAY ASSIMILATION

The Chief Executive had earlier declared an interest in this item. He thereupon withdrew from the meeting whilst Council deliberated on this item and reached its decision.

Further to Minute 21 of the meeting of the Human Resources and Council Tax Committee held on 20 February 2019 the Council had before it for its approval the proposed Pay Policy Statement for 2019/20. Council was also requested to note the new Pay Spine that would come into effect from 1 April 2019.

It was moved by Councillor Callender, seconded by Councillor G V Guglielmi and –

RESOLVED that –

- (a) the Pay Policy Statement 2019/20, as set out at Appendix A to item A.3 of the Report of the Deputy Chief Executive, be adopted; and
- (b) the new Pay Spine that will come into effect from 1 April 2019, as set out in Appendix B to the aforementioned report, be noted.

147. REPORT OF THE MONITORING OFFICER - A.4 - REVIEW OF THE COUNCIL PROCEDURE RULES (PART 4 OF THE COUNCIL'S CONSTITUTION)

Further to Minute 112 of the meeting of the Council held on 22 January 2019 Members gave consideration to a Report of the Monitoring (report A.4) which sought Council's approval of the recommendations submitted to it by the Cabinet in respect of proposed changes to the Council Procedure Rules (Part 4 of the Council's Constitution).

Council recalled that, at its meeting held on 22 January 2019, it had considered Cabinet's recommendations in relation to proposed changes to the Council's Constitution and the sizes of the Council's Committees and had decided, inter alia, that:-

- (a) *the start time of 7.30pm for Ordinary Full Council meetings remains unchanged recognising that a proportion of elected councillors are employed; and*
- (b) *the alternative procedure for changes relating to dealing with Motions on Notice, as set out in the report, is agreed in principle only and that revised Council Procedure Rules be produced for approval to the next practicable meeting of Full Council, so that the same can come into effect on 1st May 2019.*

Revised Council Procedure Rules (Sections 1 and 2) which included the alternative procedure for dealing with Motions on Notice had subsequently been submitted to the meeting of the Cabinet held on 8 March 2019. Prior to Cabinet's meeting Group Leaders had been consulted on the contents of the revised Council Procedure Rules and their

comments together with the Finance and Corporate Resources Portfolio Holder's comments and recommendations in response thereto had also been submitted to that Cabinet meeting.

At that meeting held on 8 March 2019 Cabinet had decided that:-

- (a) *Cabinet recommends to Council that Part 4 of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A1 and A2 attached hereto (subject to Council Procedure Rule 36.1 in Appendix A2 being further amended in accordance with the Portfolio Holder's recommendation in Appendix A3) and that those changes come into effect from 1st May 2019; and*
- (b) *a mandatory review of the revised arrangements be undertaken, commencing six months from 1st May 2019.*

Appendices A1 and A2 to item A.4 of the Report of the Monitoring Officer contained, respectively, the Cabinet's recommended changes to Sections One and Two of the Council Procedure Rules (Part 4 of the Constitution).

It was moved by Councillor G V Guglielmi, seconded by Councillor Stock OBE and:-

RESOLVED that –

- (a) Part 4 of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A1 and A2 attached to item A.4 of the Report of the Monitoring Officer, and that such changes come into effect from 1st May 2019;
- (b) Council notes that a review of the revised arrangements will be undertaken, commencing six months from 1st May 2019.

148. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The Meeting was declared closed at 9.34 pm

Chairman

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Public Document Pack

Council

28 May 2019

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 28TH MAY, 2019 AT 7.30 PM
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Broderick, Bush, Calver, Casey, Cawthron, Chapman, Chittock, Clifton, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, C Guglielmi, V Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Knowles, McWilliams, Miles, Morrison, Newton, Overton, Placey, Porter, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
Also Present:	Mr M E Platt (retiring Chairman of the Council, in the Chair for items 1 – 5) and Mrs K D Yallop (retiring Vice-Chairman of the Council)
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Deputy Chief Executive (Corporate Services)), Keith Simmons (Head of Democratic Services and Elections), Elizabeth Ridout (Leadership Support Manager), William Lodge (Communications Manager), Katie Sullivan (Committee Services Officer), Charlotte Cooper (Leadership Support Officer) and Matt Cattermole (Business Support Officer)

1. CHAIR

In accordance with the provisions of Section 3(2) of the Local Government Act 1972, the Chair was occupied by the retiring Chairman, Mr M E Platt, until his successor became entitled to act as Chairman.

2. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL ELECTIONS - 2 MAY 2019 - SCHEDULE OF ELECTED MEMBERS

The Chief Executive, in his capacity as Returning Officer, reported that at the District Council Elections held on 2 May 2019 the following persons had been duly elected and that all had since made the Statutory Declaration of Acceptance of Office:-

Maurice John Michael Alexander	Ivan John Henderson
Edward Thomas Allen	Joanne Henderson
Christopher David Amos	Paul Bernard Honeywood
Michael Barry	Susan Ann Honeywood
Jeffrey Dennis Bray	Kanagasundaram Thevakumar King
Joyce Ann Broderick	Fiona Knowles
Michael Bush	Daniel James Land
Garry William John Calver	Lynda Ann McWilliams
Daniel John Casey	Margaret Delyth Miles
Peter Cawthron	Pamela June Morrison
Jayne Beverley Chapman	Mary Catherine Newton
John Chittock	Nicola Jayne Overton
Paul Clifton	Georgina Rose Placey

James Codling	Alex Oliver James Porter
Alan David Coley	Gary Gordon Ian Scott
William John Davidson	Michael John Skeels
Anne Hilary Davis	Graham David Steady
Zoe Jacqueline Fairley	Gemma Louise Stephenson
Maria Fowler	Mark Edward Stephenson
Christopher William Griffiths	Neil Robin Stock OBE
Giancarlo Valeriano Guglielmi	Nicholas William Turner
Valerie Edna Guglielmi	Rosemary Anne Wiggins
Peter James Harris	Colin Paul Winfield

Members were aware that, due to the death of a candidate, the poll in the St Osyth Ward of the District had had to be countermanded. That election had taken place on Thursday 23 May 2019.

The Returning Officer informed Council that Michael John Talbot and John Frederick White had been the successful candidates in that election. They had since each made the Statutory Declaration of Acceptance of Office.

Council noted the foregoing.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence submitted on this occasion.

4. RETIRING CHAIRMAN'S ANNOUNCEMENTS

The retiring Chairman (Mr M E Platt) stated that being Chairman of the Council was the highest honour that could be bestowed upon a Member by the Council and he expressed his gratitude that fellow Members had twice elected him to this prestigious position.

He expressed his gratitude to the following for all their unrelenting support and advice during his term of office:-

- (i) Members of the Council;
- (ii) The Vice-Chairman of the Council and her Consort;
- (iii) Officers especially the Princes Theatre staff and Members' Support Team,
- (iv) His Chaplain, The Reverend Peter Edwards; and
- (v) His Wife, Raluca.

Members showed their appreciation for the Chairman with a round of applause.

5. ELECTION OF THE CHAIRMAN OF THE COUNCIL FOR THE 2019/2020 MUNICIPAL YEAR

It was moved by Councillor Stock and seconded by Councillor G V Guglielmi that Councillor Land be elected Chairman of the Council.

It was then moved by Councillor Scott and seconded by Councillor M E Stephenson that Councillor Chapman be elected Chairman of the Council.

The vote on the election of the Chairman of the Council resulted as follows:-

<u>Councillors Voting for _____ Councillor Land</u>	<u>Councillors Voting for _____ Councillor Chapman</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Allen	None	None
Amos	Barry		
Bray	Bush		
Broderick	Calver		
Cawthron	Casey		
Chittock	Chapman		
Codling	Clifton		
Coley	Davidson		
Fairley	Davis		
Griffiths	Fowler		
G V Guglielmi	Harris		
V E Guglielmi	I J Henderson		
P B Honeywood	J Henderson		
S A Honeywood	Knowles		
King	Miles		
Land	Morrison		
McWilliams	Placey		
Newton	Scott		
Overton	Steady		
Porter	G L Stephenson		
Skeels	M E Stephenson		
Stock OBE	Talbot		
Turner	White		
Winfield	Wiggins		

As there was an equality of votes the Chairman was required by the provisions of Section 4(3) of the Local Government Act 1972 to give a casting vote. The Chairman thereupon gave his casting vote to Councillor Land and it was therefore:-

RESOLVED that, pursuant to Section 3(1) of the Local Government Act 1972, Councillor Land be elected Chairman of the Council for the 2019/2020 municipal year.

Members gave a round of applause to Councillor Land on his election.

Councillor Land thereupon made a Statutory Declaration of Acceptance of Office.

Councillor Land was thereupon invested with the badge and Chain of Office and made a Statutory Declaration of Acceptance of Office.

The Chairman thanked his parents, friends and the public for enabling him to be in a position to be elected Chairman of the Council.

He then paid tribute to the work undertaken by the retiring Chairman (Mr M E Platt) and retiring Vice-Chairman (Mrs K D Yallop). The Chairman also paid tribute to the service given to the District by the former Members of the Council who had either not stood for re-election or who had not been successful in the elections.

Mr M E Platt wished the Chairman well during his term of office and urged Members to give the Chairman their whole-hearted support.

6. ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL FOR THE 2019/2020 MUNICIPAL YEAR

It was moved by Councillor Stock OBE and seconded by Councillor Turner that Councillor Bray be elected Vice-Chairman of the Council.

It was then moved by Councillor I J Henderson and seconded by Councillor Talbot that Councillor Casey be elected Vice-Chairman of the Council.

The vote on the election of the Vice-Chairman of the Council resulted as follows:-

<u>Councillors Voting for Councillor Bray</u>	<u>Councillors Voting for Councillor Casey</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Allen	None	None
Amos	Barry		
Bray	Bush		
Broderick	Calver		
Cawthron	Casey		
Chittock	Chapman		
Codling	Clifton		
Coley	Davidson		
Fairley	Davis		
Griffiths	Fowler		
G V Guglielmi	Harris		
V E Guglielmi	I J Henderson		
P B Honeywood	J Henderson		
S A Honeywood	Knowles		
King	Miles		
Land	Morrison		
McWilliams	Placey		
Newton	Scott		
Overton	Steady		
Porter	G L Stephenson		
Skeels	M E Stephenson		
Stock OBE	Talbot		
Turner	White		
Winfield	Wiggins		

As there was an equality of votes the Chairman decided, in accordance with the provisions of paragraph 39(2) of Schedule 12 to the Local Government Act 1972, whether to give a casting vote. The Chairman thereupon gave his casting vote to Councillor Bray and it was therefore:-

RESOLVED that, pursuant to Section 5(1) of the Local Government Act 1972, Councillor Bray be elected Vice-Chairman of the Council for the 2019/2020 municipal year.

Members gave a round of applause to Councillor Bray on his election.

Councillor Bray was thereupon invested with the Vice-Chairman's Badge of Office and made a Statutory Declaration of Acceptance of Office. Councillor Bray expressed his thanks to the Council for their support. Councillor Bray paid tribute to the former Chairman and Vice-Chairman in office and he pledged that he would do his utmost to match their efforts during his year in office.

7. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman invited Members and Officers to join him in the Chairman's Parlour after the meeting for refreshments.

The Chairman paid tribute to the hard work carried out by the Council's Electoral Services Team and other Officers in successfully carrying out the recent District/Parish Council Elections and European Parliamentary Elections.

Members echoed those sentiments with a round of applause.

The Chairman announced that his chosen charities for the year would be a local Cat Rescue Centre in Thorpe-le-Soken and the Essex and Hertfordshire Air Ambulance.

He also urged Members to develop positive relationships with fellow Members and Officers and build something that the residents of the District of Tendring could be proud of in the next four years.

8. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

9. REPORT OF THE CHIEF EXECUTIVE - A.1 - MEMBERSHIP OF POLITICAL GROUPS (INCLUDING THEIR LEADERS AND DEPUTY LEADERS)

The Chief Executive formally reported that, following the District Council Elections held on 2 May 2019 and pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the following political groups had been formed on Tendring District Council:-

Conservative Group

Maurice Alexander
Chris Amos
Jeff Bray
John Chittock
Alan Coley
Zoe Fairley
Chris Griffiths
Carlo Guglielmi (Deputy Group Leader)
Val Guglielmi
Paul Honeywood
Sue Honeywood
Dan Land

Lynda McWilliams
Mick Skeels
Neil Stock OBE (Group Leader)
Nick Turner

Holland-on-Sea Group

Joy Broderick (Group Leader)
K T King
Colin Winfield (Deputy Group Leader)

Independent Group

Mick Barry
Jayne Chapman (Group Leader)
Anne Davis
Graham Steady (Deputy Group Leader)

Labour Group

Garry Calver (Deputy Group Leader)
Bill Davidson
Maria Fowler
Ivan Henderson (Group Leader)
Jo Henderson
Pam Morrison

Liberal Democrats Group

Gary Scott (Group Leader)
Ann Wiggins (Deputy Group Leader)

Tendring First Group

Terry Allen (Group Leader)
Paul Clifton
Fiona Knowles
Gina Placey

Tendring Independents Group

Mike Bush (Deputy Group Leader)
Dan Casey
Peter Harris
Delyth Miles
Gemma Stephenson
Mark Stephenson (Group Leader)

United Kingdom Independence Party (UKIP) Group

James Codling
Mary Newton (Group Leader)

Nicola Overton (Deputy Group Leader)
Alex Porter

Members were aware that the election of Councillors for the St Osyth Ward had been postponed (due to the death of a candidate) from 2 May 2019 to 23 May 2019 and that Michael Talbot and John White had duly been returned for the St Osyth Ward. They had, subsequently, both joined the Independent Group.

The Chief Executive formally reported that Councillor Peter Cawthron had earlier that day joined the UKIP Group following his statutory declaration of acceptance of office.

It was reported that, in accordance with Section 15(1)(e) of the Local Government and Housing Act 1989 and Regulation 17 of the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats on Committees etc. to political groups had been carried out based on the available information. The outcome of that review would be considered by Council later in the Annual Meeting under Minute 13 below.

Council noted the foregoing.

10. ELECTION OF LEADER OF THE COUNCIL

It was moved by Councillor G V Guglielmi and seconded by Councillor P B Honeywood that Councillor Stock OBE be elected Leader of the Council.

It was then moved by Councillor Miles and seconded by Councillor Scott that Councillor Allen be elected Leader of the Council.

The vote on the election of the Leader of the Council resulted as follows:-

<u>Councillors Voting for Councillor Stock</u>	<u>Councillors Voting for Councillor Allen</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Allen	Davis	None
Amos	Barry		
Bray	Bush		
Broderick	Calver		
Cawthron	Casey		
Chittock	Chapman		
Codling	Clifton		
Coley	Davidson		
Fairley	Fowler		
Griffiths	Harris		
G V Guglielmi	I J Henderson		
V E Guglielmi	J Henderson		
P B Honeywood	Knowles		
S A Honeywood	Miles		
King	Morrison		
Land	Placey		
McWilliams	Scott		
Newton	Steady		
Overton	G L Stephenson		

Porter	M E Stephenson
Skeels	Wiggins
Stock OBE	
Talbot	
Turner	
White	
Winfield	

RESOLVED that, in accordance with the Council's executive arrangements pursuant to Section 9I of the Local Government Act 2000, Councillor Stock OBE be elected Leader of the Council for a term of office ending on the day of the next post-election annual meeting (i.e. the Annual Meeting of the Council in May 2023).

Members gave a round of applause to Councillor Stock on his election.

Councillor Stock made a Statutory Declaration of Acceptance of Office.

11. APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) announced that he would appoint a Deputy Leader of the Council in due course.

Councillor Stock thanked Council for re-electing him as Leader. He also gave his commiserations to Councillor Allen and paid tribute to Councillor Allen's previous service to the Council as its first ever Leader under the 'Leader and Cabinet' governance arrangements brought in by the Local Government Act 2000.

Councillor Stock also paid tribute to the hard work carried out by the Council's Electoral Services Team and other Officers in successfully carrying out the recent District/Parish Council Elections and European Parliamentary Elections.

The Council noted the foregoing.

12. APPOINTMENT OF THE MEMBERS OF THE CABINET

The Leader of the Council (Councillor Stock OBE) confirmed that he would formally appoint the members of the Cabinet and allocate Portfolios to them in due course.

The Council noted the foregoing.

13. REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND ELECTIONS - A.2 - REVIEW OF THE SCHEME OF MEMBERS' ALLOWANCES BY THE INDEPENDENT REMUNERATION PANEL

Council had before it a report of the Head of Democratic Services and Elections, which informed Members that the Independent Remuneration Panel (IRP) had recently completed a review of Members' Allowances for a scheme commencing 1 May 2019 and that the Panel's recommendations had been published in accordance with legislation.

Council was advised that it must now have regard to the recommendations of the IRP in determining a Scheme of Allowances for 2019/20. The Council could depart from the

IRP recommendations provided it could demonstrate good reasons for doing so, having taken all relevant matters into account.

Members were informed that given the substantial change in the size of the Council it was proposed that a high level and light touch review be undertaken after three months in order to ensure that there were no significant anomalies in the Scheme of Allowances proposed. It was further proposed that a full review be undertaken early in 2020 in order to enable recommendations for a scheme for the 2020/21 Municipal Year to be put forward to the Annual Meeting of the Council in 2020.

It was also reported that HMRC had issued new benchmark subsistence rates and that the IRP had recommended that those be adopted as part of the scheme for 2019/20.

The Leader of the Council (Councillor Stock OBE) thanked the members of the IRP for the work that they had undertaken.

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:

RESOLVED that -

- (a) the allowances recommended by the Independent Remuneration Panel, as set out in its report attached at Appendix A to item A.2 of the Report of the Head of Democratic Services and Elections, be approved;
- (b) the IRP undertakes a high level and light touch review after three months;
- (c) the IRP undertakes a further full review for the 2020/21 Municipal Year and makes recommendations to the Annual Meeting of the Council in 2020; and
- (d) the Scheme of Members' Allowances in Part 7 of the Constitution be amended to reflect the agreed allowances and expenses.

The Leader of the Council (Councillor Stock OBE) informed Members that a meeting of all Group Leaders would be held as part of the three month review.

14. SIZE OF MEMBERSHIP OF COMMITTEES ETC.

Council noted the size of membership of the Council's Committees and Sub-Committees as follows:-

<u>Committee/Sub-Committee</u>	<u>No. of Members</u>
Audit	(7)
Community Leadership Overview & Scrutiny	(9)
Human Resources & Council Tax	(9)
Licensing and Registration	(9)
Planning Policy & Local Plan	(11)
Planning	(9)
Resources and Services Overview & Scrutiny	(9)
Standards	(7)
Miscellaneous Licensing Sub-Committee	(5)
Town & Parish Councils Standards Sub-Committee	(3)

15. ALLOCATION OF SEATS ON COMMITTEES AND SUB-COMMITTEES TO THE POLITICAL GROUPS FORMED ON TENDRING DISTRICT COUNCIL

Following a meeting of Group Leaders held that day to discuss and decide the matter, Council noted the allocation to the political groups formed on Tendring District Council of seats on those bodies that were subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989).

16. APPOINTMENT OF THE MEMBERSHIP OF COMMITTEES ETC. FOR THE 2019/2020 MUNICIPAL YEAR

The Council had before it a Schedule of Members that it was proposed by political Group Leaders should serve on each of the Council's bodies, which were subject to the Rules of Political Proportionality (Section 15 of the Local Government and Housing Act 1989). That Schedule was incomplete as not all Group Leaders had submitted their nominations.

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:

RESOLVED that the Committees and Sub-Committee of the Council, subject to the Rules of Political Proportionality be, and are, hereby appointed for the 2019/2020 municipal year and that their membership be as set out on the Schedule, subject to the remaining vacancies being decided by Group Leaders in accordance with the Local Government (Committees and Political Groups) Regulations 1990 and the necessary formal appointments being made by the Chief Executive in accordance with his delegated powers under the Council's Constitution.

17. APPOINTMENT OF THE TOWN AND PARISH COUNCILS STANDARDS SUB-COMMITTEE FOR THE 2019/2020 MUNICIPAL YEAR

RESOLVED that the appointment of the Town and Parish Councils Standards Sub-Committee for the 2019/2020 municipal year and its membership be deferred.

18. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES ETC. FOR THE 2019/2020 MUNICIPAL YEAR

It was moved by Councillor Stock OBE, seconded and:

RESOLVED that the Chairmen and Vice-Chairmen of the following Committees and Sub-Committee be and are elected respectively for the 2019/2020 municipal year as follows:

<u>Committee/Sub-Committee</u>	<u>Chairman</u>	<u>Vice-Chairman</u>
Audit	Coley	Alexander
Community Leadership Overview & Scrutiny	Newton	Skeels
Human Resources & Council Tax	Chapman	Griffiths
Licensing and Registration	Winfield	V Guglielmi
Planning Policy & Local Plan	Turner	Fairley
Planning	White	Bray
Resources and Services Overview & Scrutiny	Vacant	Vacant

Standards	Land	Amos
Miscellaneous Licensing Sub-Committee	V Guglielmi	S Honeywood

It was then moved by Councillor Allen, and seconded that Councillor M E Stephenson and Councillor Scott be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee.

RESOLVED that Councillors M E Stephenson and Scott be elected Chairman and Vice-Chairman, respectively, of the Resources and Services Overview and Scrutiny Committee for the 2019/2020 municipal year.

19. REPORT OF THE MONITORING OFFICER - A.3 - THE COUNCIL'S CONSTITUTION

Members were reminded that, in accordance with Council Procedure Rule 1.1 (xii), it was the normal practice at the annual meeting of the Council to formally reaffirm the Council's current Constitution.

The full text of the Council's Constitution could be found on the Council's website and Members had previously been provided with a booklet containing those sections of the Constitution most relevant to the work of Councillors.

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:

RESOLVED that the Council's Constitution be reaffirmed.

20. RECOMMENDATIONS FROM THE CABINET - A.4 - PROGRAMME OF MEETINGS: 2019/2020 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council and its Committees for the 2019/2020 municipal year.

The programme of meetings also included dates for All Member Briefings and Members' training on matters relating to planning and development control in order to assist Members in keeping their diaries up-to-date.

It was moved by Councillor Stock OBE, seconded by Councillor G V Guglielmi and:

RESOLVED that

- (a) the programme of meetings of the Council and its Committees, as set out in the Appendix to item A.4 of the Reference from Cabinet, be approved; and
- (b) the proposed dates for All Member Briefings and Planning Training for Members be noted.

21. REFERENCES FROM THE OVERVIEW AND SCRUTINY COMMITTEES - A.5 - OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2019/2020 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD MAY 2018 TO APRIL 2019

The Council considered a report which sought its approval to proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the

Resources and Services Overview and Scrutiny Committee for the 2019/2020 municipal year and which reviewed the work carried out by those Committees during the period May 2018 to April 2019.

It was moved by Councillor G V Guglielmi and seconded by Councillor Turner that -

- (a) the proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee for the 2019/2020 municipal year, as set out in Appendix A5A to item A.5 of the References from Overview and Scrutiny Committees, be approved; and
- (b) the review of the work carried out by those Committees in the last municipal year, as set out in Appendix A5B to the aforementioned report, be noted.

It was then moved by Councillor Stock OBE and seconded by Councillor I J Henderson that Councillor Guglielmi's motion be amended to read as follows:-

- (a) the Council, subject to the ratification of the respective overview and scrutiny committees, approves the proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee for the 2019/2020 municipal year, as set out in Appendix A5A to item A.5 of the References from Overview and Scrutiny Committees; and
- (b) the review of the work carried out by those Committees in the last municipal year, as set out in Appendix A5B to the aforementioned report, be noted.

Councillor Stock's amendment on being put to the vote was declared **CARRIED**.

The amendment on being put to the vote as the substantive motion was declared **CARRIED**.

22. APPOINTMENT OF MEMBER AUTHORITY REPRESENTATIVES TO SERVE ON/AT THE GENERAL ASSEMBLY OF THE LOCAL GOVERNMENT ASSOCIATION

In accordance with Council Procedure Rule 1.1 (xv) the Council was requested to appoint up to four Members, with each Member being a Member Authority Representative to serve on/at the General Assembly of the Local Government Association. Council was aware that two of the Members appointed must be the Leader and Deputy Leader of the Council.

RESOLVED that, in addition to the Leader and Deputy Leader of the Council, Councillors Coley and I J Henderson be appointed to represent Tendring District Council as Member Authority Representatives at the General Assembly of the Local Government Association.

The Meeting was declared closed at 8.46 pm

Chairman

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Council

15 July 2019

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON MONDAY, 15TH JULY, 2019 AT 7.30 PM
PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present:	Councillors Land (Chairman), Bray (Vice-Chairman), Alexander, Allen, Amos, Barry, Bush, Calver, Casey, Chapman, Chittock, Clifton, Codling, Davis, Fairley, Fowler, Griffiths, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, King, Knowles (except minutes 23-24), McWilliams, Miles, Morrison, Newton, Overton, Scott, Skeels, Steady, G Stephenson, M Stephenson, Stock OBE, Talbot, Turner, White and Winfield
Also Present:	Ian Davidson (Chief Executive), Lisa Hastings (Head of Governance and Legal Services and Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Charlotte Cooper (Committee Services Officer), Matthew Cattermole (Business Support Assistant)

23. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Broderick, Coley, G V Guglielmi, V E Guglielmi, Placey, Porter and Wiggins.

24. DECLARATIONS OF INTEREST

Councillor P Honeywood declared an interest in agenda item 4 (Future of Essex Libraries Services within the District of Tendring), insofar as he was also an Essex County Councillor.

Councillor I J Henderson also declared an interest in agenda item 4, insofar as he too was an Essex County Councillor too.

25. MOTIONS TO COUNCIL - FUTURE OF ESSEX LIBRARIES SERVICES WITHIN THE DISTRICT OF TENDRING

Council had before it the following motion, notice of which had been given by Councillors I J Henderson and M E Stephenson pursuant to Council Procedure Rule 12:-

“That Council resolves that –

This Council is aware of the overwhelming public and political opposition, including that of MPs, to the closure or reduction in opening hours of any public library within the Tendring District.

This Council therefore calls on the Cabinet of Essex County Council as part of its decision on the future of Essex Libraries to rule out any closures or any reduction in opening hours of any public library within the Tendring District and to instead commit to concentrating on making better use of them as community

hubs and to maximising the use of the buildings and sites in order to generate income for the library service.”

At the commencement of this item, the Chairman of the Council (Councillor Land) outlined the newly implemented procedure for consideration of motions following revisions to that procedure as now incorporated in the Council's Constitution.

Councillor I J Henderson formally moved the motion set out above, and Councillor M E Stephenson formally seconded the motion.

Councillor Henderson then explained the purpose of the motion and gave his reasons why he felt that it would be appropriate for the motion to be dealt with at the meeting. They included that there were no resource implications for this Council, that there were no conflicts with the Council's approved policy framework and that the subject matter was due to be considered at the Essex County Council Cabinet Meeting on 23 July 2019.

Councillor Stephenson then also gave his reasons why the motion should be dealt with at the meeting. Other than those already mentioned by Councillor I J Henderson, they included the opportunity for newly elected Councillors to express their view on the matter and, on the basis that it would be the case, a cross party supported motion in the terms submitted would send a powerful message to Essex County Council on the issue.

The Leader of the Council (Councillor Stock OBE) then responded and raised no objection to the motion being dealt with at the meeting. In addressing the meeting Councillor Stock OBE drew attention to the decision of this Council's Cabinet (Minute 114 of the meeting of 15 February 2019) in making representations during the Essex County Council's consultation on its "Future Library Services Strategy 2019 – 2024". Those representations opposed library closures.

The Chairman of the Council (Councillor Land) then made his ruling on whether the motion should be dealt with at the meeting or stand referred. He decided that the motion would be dealt with on the night for the reasons set out by Councillors I Henderson and M Stephenson.

In addition to the proposer and seconder of the Motion and the Leader of the Council, Councillor Miles addressed the Council on the subject matter of Councillor Henderson's motion, as did the Chairman of the Council.

Councillor I Henderson's motion, on being put to the vote, was declared **CARRIED** unanimously.

The Meeting was declared closed at 8.10 pm

Chairman

Questions pursuant to Council Procedure 10.1

The following questions have been received, on notice, from members of the public:

Question One

From James Machin to Councillor Neil Stock OBE, Leader of the Council:

“Pursuant to the motion to council – “PROPOSED TOWN COUNCIL FOR CLACTON-ON-SEA” voted on and lost at the last Council meeting prior to the District Council elections, I would draw to the attention of the recently elected representatives Tendring that many councillors voted against the motion solely on the grounds that they felt it was not in their gift to vote on a motion which would force the newly elected representatives to carry forward a motion which they had not the opportunity to debate themselves.

I therefore ask the Leader of the Council to remind the newly elected councillors of Tendring District Council of these discussions, and seek an assurance that the question will be put back to the newly elected councillors for consideration at their earliest opportunity.”

Question Two

From Steve Kelly to Councillor Neil Stock OBE, Leader of the Council:

“In the light of the top scientific research that is predicting more severe heatwaves, droughts and flooding; will the Council Leader agree that we should be spending more money on both amelioration and adaptation in order to prevent spending more money on climate crisis emergencies in the future?”

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Questions pursuant to Council Procedure 11.2

The following questions have been received, on notice, from Members:

Question One

From Councillor Pam Morrison to Councillor Michael Talbot, Portfolio Holder for Environment and Public Space:

“The Harwich Peninsula continues to suffer a high level of dog fouling. In a recent response to a written complaint from a resident, TDC informed her:

‘Our officers regularly patrol the seafront area and will take enforcement action against any individuals who fail to comply with the Dog (Fouling of Land) Act (Fixed Penalty Notice will be issued for failing to pick up dog poo)’.

Will the Portfolio Holder for Environmental Services please advise the Council how many fixed penalty notices have been issued for offences committed on Dovercourt Seafront or Dovercourt Bay beach in 2019 up until the date of writing (7th June)?”

Question Two

From Councillor Mark Stephenson to Councillor Joy Broderick, Portfolio Holder for Independent Living:

“This June the BBC have taken away the TV licence to the over 75's in what I can only call a money-grabbing exercise that shows no moral conscience for those faced with isolation and loneliness daily. The BBC, in an attempt to smokescreen its blatant disregard for viewers over that of money, has graciously offered that anyone over the age of 75 and on pension credit will still be entitled to a free TV licence.

With this in mind will the Cabinet member for Independent Living agree with me that we need to make every effort to raise the profile of the availability of Pension Credit to residents? Furthermore, will she work closely with Citizen Advice Bureau to increase the uptake of Pension Credit and to ensure that our pensioners get what they are entitled to?”

Question Three

From Councillor Mick Barry to Councillor Michael Talbot, Portfolio Holder for Environment and Public Space:

“Is the Cabinet Member with responsibility for the Environment and Public Space satisfied with the planning and implementation of the new council strategy for waste collection and recycling?”

PTO FOR QUESTION FOUR

Question Four

From Councillor Graham Steady to Councillor Michael Talbot, Portfolio Holder for Environment and Public Space:

“Do you think that your portfolio is being managed efficiently?”

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 18TH MARCH, 2019 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

Present:	Councillors Stephenson (Chairman), Alexander (Vice-Chair), Amos, Baker, Broderick, M Brown, Miles, Newton, Scott and Steady
In Attendance:	Anastasia Simpson (Head of People, Performance and Projects), Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections) and Ian Ford (Committee Services Manager & Deputy Monitoring Officer)

63. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Everett (with no substitute).

64. MINUTES OF THE LAST MEETING

The Minutes of the meeting of the Committee held on 11 February 2019 were approved as a correct record and signed by the Chairman.

65. DECLARATIONS OF INTEREST

With reference to Agenda Item 7, Councillor Baker indicated that he would declare a Personal Interest if there was to be any discussion in respect of the forthcoming executive decision to dispose of the greensward at 12-16 Wignall Street, Lawford insofar as he was a local Ward Member and that he knew personally some of the residents in that locality.

66. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were no such questions on this occasion.

67. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - FINANCIAL PERFORMANCE REPORT - IN-YEAR PERFORMANCE AGAINST THE BUDGET AT END OF DECEMBER 2018 AND LONG TERM FINANCIAL FORECAST UPDATE

The Committee had before it a report of the Deputy Chief Executive (report A.1), which presented it with an overview of the Council's actual financial position against the budget as at the end of December 2018 and which also presented an updated forecast on an on-going basis as part of developing the long-term financial plan..

The Committee was made aware that, at its meeting held on 15 February 2019, Cabinet had considered the same report and had resolved that:-

RESOLVED that -

-
- (1) *in respect of the financial performance against the budget at the end of December 2018:*
- (a) the position be noted; and*
 - (b) the proposed in-year adjustments to the budget, as set out in Appendix H to item A.6 of the Report of the Finance and Corporate Resources Portfolio Holder be agreed.*
- (2) *in respect of the Updated Long Term Forecast:*
- (a) the updated forecast be agreed; and*
 - (b) the Resources and Service Overview and Scrutiny Committee be consulted on the latest position.*

The Cabinet report referred to above was attached as Appendix A to item A.1 of the Report of the Deputy Chief Executive for the Committee's consideration.

Members raised questions and/or concerns which were responded to by the Head of Finance, Revenues and Benefits Services & Section 151 Officer (Richard Barrett) and the Head of People, Performance and Projects (Anastasia Simpson), as appropriate.

Having considered and discussed the report:-

It was **RESOLVED** that the contents of the report be noted.

It was moved by Councillor Baker, seconded by Councillor Scott and:-

RESOLVED that the Committee **RECOMMENDS TO CABINET** that the uncommitted grant income of £98,000 received from the Government as New Burdens funding be allocated to meet the rising costs of the homelessness service.

It was then moved by Councillor Baker, seconded by Councillor Miles and:-

RESOLVED that the Committee **RECOMMENDS TO CABINET** that the Housing Portfolio Holder be urged to direct his Officers to demolish the former Honeycroft sheltered housing scheme building as a matter of urgency in view of the ongoing costs to this Council such as Council Tax on empty properties.

It was further moved by Councillor Miles, seconded by Councillor Baker and:-

RESOLVED that the Committee **RECOMMENDS TO CABINET** that the previously carried feasibility studies be revisited in order to investigate the potential of the former Spendells sheltered housing scheme building being used for the homeless as a temporary alternative housing provision to bed and breakfast accommodation.

68. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.2 - REVIEW OF THE YEAR AND THE WORK PROGRAMME FOR 2019/20

There was submitted a report by the Deputy Chief Executive (report A.2), which provided the Committee with a review of the work it had carried out in the current municipal year and which also sought Members' approval to a draft Work Programme for the Committee for the coming 2019/2020 Municipal Year for recommendation to the Annual Meeting of the Council to be held on 21 May 2019.

The Council's Head of People, Performance and Projects explained that Appendix A to the report was a summary of what had been discussed and agreed by the Committee in the municipal year thus far.

Members were informed that the Resources and Services Overview and Scrutiny Committee would undertake discrete researched and evidenced reviews of the effectiveness of:

- Financial Forecast
- Budget setting and monitoring (including the General Fund and Housing Revenue account)
- Service Delivery and Performance (where not delegated to the Community Leadership Overview and Scrutiny Committee)
- Procurement and Contract Management
- Transformation and Digital Standards
- Customer Service and Standards

Meetings of task and finish groups could be called as required following the terms of reference being agreed by the Committee.

The Committee was aware that, under the Overview and Scrutiny Procedure Rules, the Constitution stated, in relation to the Work Programme (Rule 7), that:

"Each Overview and Scrutiny Committee will submit a work programme for the year ahead and a review of the previous year's activities to the Annual Meeting of the Council for approval. In addition, it will be responsible for coordinating and prioritising its work programme on an ongoing basis.

In preparing, coordinating and prioritising its programme, each Overview and Scrutiny Committee will take into account:-

- *the General Role and Principles of undertaking its functions, as set out in Part 2, Article 6 of the Constitution;*
- *the planned work on the preparation of elements of the Budget and Policy Framework, as set out in the Council's Business Plan;*
- *the need for statutory timetables to be met;*
- *the wishes of all members of the committee;*
- *requests from the Cabinet to carry out reviews; and*
- *Requests from Group Leaders in accordance with Rule 8."*

The Head of People, Performance and Projects stated that Appendix B was a suggested work programme for the new Committee and she invited the Committee to add any extra items it felt were required.

Following discussion by the Committee:-

It was moved by Councillor Stephenson, seconded by Councillor Scott and:-

RESOLVED that:

- (a) the report on the review of the municipal year 2018/19, as detailed in Appendix A to item A.2 of the report of the Deputy Chief Executive, be noted; and
- (b) the draft 2019/20 Work Programme for the Resources and Services Overview and Scrutiny Committee, as set out in Appendix B to the aforementioned report, be agreed and submitted to the Annual Meeting of the Council for approval, subject to the additional items being incorporated therein:-

29 July 2009 – add Review of the Council’s Public Convenience Strategy; NEGC Business Plan 2019 – 2022; and Review of the Business Case for the future of publicly owned Leisure Centres within the District.

17 February 2020 – add Scrutiny of the implementation of the new Waste and Recycling Collection Service.

69. SCRUTINY OF PROPOSED DECISIONS

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and/or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

The Committee noted the submitted list of published forthcoming decisions.

The meeting was declared closed at 9.21 pm

Chairman

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 20TH MARCH, 2019 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Heaney (Chairman), Bray (Vice-Chairman), Davis, S A Honeywood, Scott and Whitmore
Also Present:	Councillor P B Honeywood
In Attendance:	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)
Also in Attendance:	Clarissa Gosling, David Irvine, Jane Watts and John Wolton (all of whom were the Council's appointed Independent Persons)

46. JOHN WOLTON

The Chairman (Councillor Heaney) informed Members that this was the last meeting of the Committee that John Wolton would be attending. On behalf of the Committee she paid tribute to John for his service to the Council as an Independent Person and thanked him for his work and his assistance and advice to the Monitoring Officer and Members of the Council.

Councillor Heaney requested that a formal letter of thanks be sent to Mr Wolton which the Monitoring Officer undertook to arrange.

Mr Wolton thanked Councillor Heaney for her kind words.

47. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Nicholls (with no substitute) and Steady (with Councillor Davis substituting).

48. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Standards Committee, held on 16 January 2019, were approved as a correct record and signed by the Chairman.

49. DECLARATIONS OF INTEREST

There were none on this occasion.

50. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

51. REPORT OF THE MONITORING OFFICER - A.1 - MANDATORY TRAINING FOR MEMBERS - ANNUAL UPDATE

There was submitted a report (A.1) by the Monitoring Officer which sought to update the Committee, as part of its agreed work programme, on the current position of mandatory training for Members and named substitute Members of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

The report reiterated the Council's decision and constitutional requirement to make relevant training mandatory for Members, and their named substitutes, in respect of their membership on those committees which provided regulatory type functions. The report also detailed training undertaken and attendance to date.

Appendix A to the report provided details of those Members who had attended the new Code of Conduct training in May 2018. The Monitoring Officer confirmed that due to the type of matters considered by the Standards Committee, each topic involved consideration of the relevant factors and in doing so the Committee received a range of information to take into account. When hearings were required to determine the outcome of Members' Code of Conduct complaints a briefing would be held with the Committee beforehand, though no hearings had been undertaken in 2018/19.

Appendix B to the report provided details of the Planning Committee Mandatory Training for 2018/19. The Committee noted that a range of subjects had been delivered, with concentration on determining applications, the National Planning Policy Framework and Appeals as those sessions were essential to understanding the various considerations to be taken into account by the Planning Committee when making decisions on applications.

Appendix C to the report detailed the training record for the Licensing and Registration Committee. As usual only one session had been delivered (in November 2018) but it had covered a range of topics.

In respect of the Audit Committee the Committee was informed that there had been no formal committee-wide training in 2018/19. However, the Head of Finance, Revenues and Benefits & Section 151 Officer had undertaken general Audit Committee induction training for new members of the Committee on a one-on-one basis.

The Committee was reminded that to ensure that the training was successful and the application of the principles was understood by Members, each session tended to have a workshop style question and answer session at the end. This style had been adopted by the Licensing and Registration and Planning Committees' training sessions and had worked well for both Members and officers and had encouraged debate.

Members of the Committee indicated that they would like to see, as part of the post-election Members' Induction arrangements, a repeat of the previous training on overview and scrutiny matters provided by the Centre for Public Scrutiny as Members had found it to be very useful and informative.

Following discussion by the Committee, it was moved by Councillor Scott, seconded by Councillor Heaney and -

RESOLVED that the Standards Committee:

- (a) notes the contents of the report and its Appendices; and

- (b) continues to encourage Members of the Planning, Licensing and Registration and Audit Committees to attend organised mandatory training events in order to comply with the requirements of the Council's Constitution.

52. REPORT OF THE MONITORING OFFICER - A.2 - ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

There was submitted a report (A.2) by the Monitoring Officer which provided the Committee with an overview on the register of, and declarations of, interests made by Members in the period 25 April 2018 to 19 February 2019. The report provided statistics and related information on -

- 1) the Register of Members' Disclosable Pecuniary Interests (including any specific dispensations granted by the Monitoring Officer);
- 2) declarations of interest at meetings;
- 3) use of blanket dispensations;
- 4) declarations of offers/receipt of gifts and hospitality; and
- 5) updates to Members' Register of Interests.

The data had been collated from the Committee modern.gov IT system and from Members' submissions.

Having considered the information submitted it was moved by Councillor Heaney, seconded by Councillor Scott and:

RESOLVED that the contents of the report be noted.

53. DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER

(1) Quarterly Complaints Update

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave an update on existing cases together with general details of new cases, without providing any names, and went through them with the Committee.

(2) General Notes - Summary of Complaints in the period April 2018 to March 2019

The Monitoring Officer informed the Committee that a total of 11 complaints had been received during 2018/19 of which five had related to District Councillors and six had related to Town and Parish Councillors. Six complaints had originated from members of the public and five complaints had originated from Councillors.

The Monitoring Officer had decided that five of the complaints merited no further action and that three related to Councillors acting in a private capacity and could not be taken forward. Of the remaining three complaints, two were referred for external investigation and one complaint was pending.

The Monitoring Officer also reported that five complaints had involved the same Councillor and that no Hearings had been held during 2018/19.

(3) Requests for Dispensations

No requests for dispensations had been received since the last meeting of the Committee.

- (4) “The Local Government Ethical Standards Report dated January 2019 following a review by the Committee on Standards in Public Life”

The Committee had before it the published report by the Committee on Standards in Public Life (CSPL) following its review of Ethical Standards in Local Government.

The Monitoring Officer highlighted the salient points contained in the Chairman of the CSPL’s covering letter to the Prime Minister, the Executive Summary of the report, the list of recommendations made by the CSPL and its list of best practice recommendations directed at local authorities.

Having considered and discussed the contents of the report:-

It was moved by Councillor Bray, seconded by Councillor Scott and –

RESOLVED that –

- (a) the outcome of the review of Ethical Standards in Local Government by the CSPL be noted;
 - (b) an update on the progress being made on the implementation of the CSPL’s recommendations, together with the further information requested by Members in respect of recommendation 11 and the list of best practice be submitted to the next meeting of the Committee;
 - (c) the Monitoring Officer investigate ways in which the Independent Persons could be kept up-to-date with regard to the cases deemed to require “No Further Action”; and
 - (d) with regards to the quarterly complaints update, the Monitoring Officer be requested to give an indication whether multiple complaints had been submitted by an individual member of the public.
- (5) The Committee’s Work Programme for 2019/2020

The Committee gave consideration to its work programme for the 2019/2020 Municipal Year.

Members had before them a suggested work programme which had been submitted by the Monitoring Officer.

It was moved by Councillor Scott, seconded by Councillor Bray and –

RESOLVED that the annual Work Programme for 2019/2020, as set out below, be approved –

31 July 2019 (provisional date)

- Update on Member Induction – Code of Conduct Training

- Update of the ongoing progress of the implementation of the Review by Committee on Standards in Public Life/further discussion on list of Best Practice
- Quarterly Complaints update by Monitoring Officer

2 October 2019 (provisional date)

- Review of the Complaints Procedure
- Case review and guidance update for the Committee on decisions and actions taken nationally
- Quarterly Complaints update by Monitoring Officer

29 January 2020 (provisional date)

- Update on Mandatory Training
- Quarterly Complaints update by Monitoring Officer

8 April 2020 (provisional date)

- Annual Report on declarations of interest (meetings, gifts and hospitality)
- Work Programme 2020/2021
- Quarterly Complaints update by Monitoring Officer

The Committee was aware that individual matters might be referred to the above meetings by the Monitoring Officer in accordance with the Committee's Terms of Reference as necessary, for example an appeal against a dispensation decision or a code of conduct hearing.

The meeting was declared closed at 11.45 am

Chairman

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**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 28TH MARCH, 2019 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Coley (Chairman), Poonian (Vice-Chairman), Alexander, Bray, Hones, Scott and Yallop
In Attendance:	Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Keith Simmons (Head of Democratic Services and Elections) and Craig Clawson (Acting Audit and Governance Manager)
Also in Attendance:	Aphrodite Lefevre (Director) and Numan Indika (Manager) [both representing BDO LLP the Council's External Auditors]

63. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence submitted on this occasion.

64. MINUTES OF THE LAST MEETING

The minutes of the previous meeting of the Committee, held on 24 January 2019, were approved as a correct record and signed by the Chairman.

65. DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

66. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

67. REPORT OF THE ACTING AUDIT AND GOVERNANCE MANAGER - A.1 - REPORT ON INTERNAL AUDIT: DECEMBER 2018 - FEBRUARY 2019

The Council's Acting Audit and Governance Manager (Craig Clawson) provided a periodic report on the Internal Audit function for the period of December 2018 to February 2019.

The Acting Audit and Governance Manager informed the Committee four audits had been completed in the period in question. Two audits had received an Adequate Assurance opinion and the other two audits had received a Substantial Assurance opinion. Fieldwork had been completed on another audit, Inventory Management, with the actions and overall opinion yet to be agreed.

Members were informed that consultative reviews were still ongoing in respect of Digital Transformation Programme, Office Transformation Programme, Project Management and PCI DSS Compliance. There had been no material changes since the last meeting of the Committee.

As previously reported at the previous meeting, even though Internal Audit were behind target it was anticipated that all key audits would be completed within the next six weeks in order to provide an overall assurance opinion in the Annual Governance Statement in May 2019 and the Head of Internal Audit's Annual Report due to be reported in July 2019.

The Acting Audit and Governance Manager also informed the Committee of the current position in relation to the following matters:

- (i) Inventory Management;
- (ii) Health and Safety;
- (iii) Quality Assurance;
- (iv) Resourcing; and
- (v) Outcomes of Internal Audit Work.

In relation to (iii) above the Head of Finance, Revenues and Benefits (Richard Barrett) stated that the pending restructure of the Internal Audit Section would be communicated to the Members of the Committee at the time that it was implemented.

The Acting Audit and Governance Manager also updated the Committee on previous significant issues reported, namely:-

- (a) Facilities Management actions at Weeley Crematorium; and
- (b) Council's Bank Account – use of Corporate Credit Card.

Members expressed their concern at the length of time being taken to implement the outstanding action from the health and safety audit (and specifically the fire evacuation testing process) at Weeley Crematorium and stated that a firm date for its conclusion should be established as a matter of urgency.

It was moved by Councillor Bray, seconded by Councillor Scott and:-

RESOLVED that the contents of the periodic report be noted.

68. REPORT OF ACTING AUDIT AND GOVERNANCE MANAGER - A.2 - INTERNAL AUDIT PLAN 2019/20

There was submitted a report by the Council's Acting Audit and Governance Manager (A.2) which sought the Committee's approval for the Internal Audit Plan for 2019/20. The Plan was before the Committee as Appendix A to that report and had been developed using a risk based approach, taking into account the Council's Corporate Objectives, Corporate Risks and Emerging Risks.

The Committee was also reminded that Public Sector Internal Audit Standards required that the Acting Audit and Governance Manager -

1. Established a risk based Internal Audit Plan, at least annually, to determine the priorities of the Internal Audit function, consistent with the Council's goals.
2. Had in place a mechanism to review and adjust the plan, as necessary, in response to changes to the Council's business, risks, operations, programmes, systems and controls.

3. Produced a plan that took into account the need to produce an annual Internal Audit opinion.
4. Considered the input of senior management and the Audit Committee in producing the plan.
5. Assessed the Internal Audit resource requirements.

Members were informed that it was proposed to deliver the Annual Audit Plan based on the current resource establishment and by using the Team's adaptation to new innovative techniques and leaner ways of working. The number of audit days had been reduced from 570 to 520; however, this would not impact on the level of assurance provided to the Committee and the overall assurance opinion for a number of reasons, namely -

- A leaner more practical audit plan had been developed using a risk based approach, knowledge of all operational processes within service areas, historical assurance opinions and an understanding of where procedural changes had occurred around the Council; and
- By having a leaner audit plan it had saved a total of 50 days that would now be used to support services in implementing agreed audit actions in order to help them facilitate change and create more efficient and effective processes within their area.

The Committee was advised that the Plan would be kept under review during the year, in consultation with the Council's senior management, and taking account of changes to the Council's priorities, operations and risk. Changes to the Plan would be brought to the attention of the Committee for its approval.

Members stated the importance of the Planning Enforcement audit as they felt that if the Council's planning enforcement functions were not carried out in an adequate manner then this could lead to a significant negative impact on the Council's reputation.

Following discussion, it was moved by Councillor Bray, seconded by Councillor Alexander and –

RESOLVED that -

- (a) the Internal Audit Plan for 2019/20 be approved; and
- (b) that the existing arrangements for updating the Plan during the year, where necessary to reflect changing Authority activity and operational needs and to provide flexibility of service delivery, be continued, with significant amendments reported to the Committee as part of the periodic Internal Audit reporting arrangements.

69. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.3 - EXTERNAL AUDITOR'S AUDIT PLANNING REPORT FOR THE YEAR ENDED 31 MARCH 2019

There was submitted a report by the Council's Deputy Chief Executive (report A.3) which presented for the Committee's consideration and agreement the External Auditor's Audit Planning Report for the year ended 31 March 2019.

The Head of Finance, Revenues and Benefits (Richard Barrett) introduced to the Committee Aphrodite Lefevre and Nuwan Indika who were attending the meeting on behalf of the Council's new External Auditors, BDO LLP. He complimented the readability of BDO's planning document for the period up to issuing the overall audit opinion to the Council in July 2019. The materiality figures would be updated following the end of the 2018/19 financial year.

Members were informed that the External Auditor's Audit Plan for the year ending 31 March 2019 set out their planned audit work in respect of forming their opinion on the 2018/19 Financial Statements and the Council's use of resources. The Plan had been developed against a risk based approach in order to provide a focus on areas of the financial statements where the risk of material misstatement was higher or where there was a risk that the organisation had not made proper arrangements for securing value for money in its use of resources.

Having considered the proposed External Auditor's Audit Plan it was moved by Councillor Bray, seconded by Councillor Yallop and -

RESOLVED that the External Auditor's Audit Planning Report for the year ended 31 March 2019 be approved.

70. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.4 - TABLE OF OUTSTANDING ISSUES

There was submitted a report by the Council's Deputy Chief Executive (report A.4) which presented to Members the progress against outstanding actions previously identified by the Committee.

It was reported that the Table of Outstanding Issues had been reviewed and updated since it was last considered by the Committee at its meeting held on 24 January 2019.

It was further reported that there were no outstanding actions in respect general issues previously identified by the Committee.

Updates against actions identified within the Annual Governance Statement were set out in Appendix A with no significant issues to highlight at the present time with work remaining in progress or updates provided elsewhere on the Agenda.

In relation to the North Essex Garden Communities project the Head of Finance, Revenues and Benefits (Richard Barrett) informed the Committee that it was anticipated that decisions on the future funding and delivery of the project over the coming years would be made in the period June – July 2019.

It was moved by Councillor Hones, seconded by Councillor Scott and –

RESOLVED that the progress on the outstanding issues be noted.

71. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.5 - AUDIT COMMITTEE WORK PROGRAMME 2019/20

There was submitted a report by the Council's Deputy Chief Executive (report A.5) which presented for approval the Committee's proposed work programme for the period

April 2019 to March 2020. The work programme was before the Committee as an Appendix to the report.

Members were aware that, in addition to the regulatory and statutory activities undertaken by the Committee such as the Statement of Accounts, Corporate Governance and Risk Management, the Committee was also required to review and scrutinise:

- The work and performance of the Internal Audit function;
- The outcomes from the work of the Council's External Auditor; and
- Progress against audit recommendations and other items identified by the Committee.

Members were made further aware that, during the year, other matters apart from those set out above might be presented to the Committee for consideration. Given the on-going regulatory and statutory workload and the various additional activities undertaken by the Committee, any additional items that might arise would need to be considered against the proposed work programme and included for reporting at the appropriate meeting, or considered for inclusion in subsequent work programmes.

Although not included in the formal work programme, it was recognised that the Committee might wish to develop training opportunities, which could be considered during the year. Such opportunities would either form part of future meetings or, where necessary, separate arrangements would be made.

It was also reported that as the year progressed, it might be necessary to review items on the work programme as some reports / activities and associated timescales could be subject to change. As appropriate, the Chairman of the Committee would be consulted on any significant changes to the work programme.

Having considered the proposed Work Programme it was moved by Councillor Bray, seconded by Councillor Scott and -

RESOLVED that the Audit Committee's Work Programme for 2019/20 be approved.

The Chairman and Members of the Committee thanked Officers for all of the work that they had undertaken on behalf of the Committee throughout this municipal year.

The meeting was declared closed at 8.30 pm

Chairman

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Resources and Services Overview and
Scrutiny Committee

24 June 2019

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 24TH JUNE, 2019 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Barry, Codling, Griffiths, V Guglielmi, Morrison and Turner
Also Present:	Councillors Broderick (Portfolio Holder for Independent Living) and Calver
In Attendance:	Mark Westall (Head of Customer and Commercial Services)(except minutes 75-77), Claire Ellington (Control Centre Service Development Manager) (except minutes 75-77), Anastasia Simpson (Head of People, Performance and Projects) (except minutes 76-77), Katie Wilkins (HR and Business Manager) (except minutes 76-77), Keith Simmons (Head of Democratic Services and Elections), Charlotte Cooper (Committee Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Bray, with Councillor V. Guglielmi as substitute.

2. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 18 March 2019 were approved as a correct record and signed by the Chairman.

Councillor Stephenson then invited the Committee to concur with his view that a new agenda item will be added for all future meetings of the Committee to receive a report from the Cabinet/Council outlining the determination of recommendations from this Committee to them.

3. DECLARATIONS OF INTEREST

Councillor Griffiths declared that he had a personal interest with regards to agenda item 5 – Replacement of the Careline Computer Call Handling System.

For reasons of transparency, Councillor Turner declared that he was the Chairman of the Planning Policy and Local Plan Committee, of which was to be discussed on agenda item 6 – Report of the Deputy Chief Executive – A.1 – Performance Report January – March 2019 (Quarter 4 Outturn).

Councillor Scott also declared that he was a member of the Planning Policy and Local Plan Committee, of which was to be discussed on agenda item 6 – Report of the Deputy Chief Executive – A.1 – Performance Report January – March 2019 (Quarter 4 Outturn).

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were no such questions on this occasion under Procedure Rule 38.

5. REPLACEMENT OF THE CARELINE COMPUTER AND CALL HANDLING SYSTEM

Further to the decision taken by the Committee at its meeting held on 11 February 2019 (minute 62 refers) and pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee enquired into the following forthcoming decision before the Corporate Finance and Governance Portfolio Holder and the Housing Portfolio Holder take the final joint decision on the matter:-

“Replacement of Careline Computer Call Handling System”

The Council’s Head of Customer and Commercial Services (Mark Westall) attended the meeting to answer Members questions on this proposed decision. Mark also presented to the Committee a PowerPoint presentation outlining why the replacement of the existing system was being proposed and why the recommendation to the Portfolio Holders would be the replace that system with the UMO system from Verklizan.

After some deliberation by the Committee it was proposed by Councillor Griffiths and seconded by Councillor V. Guglielmi and **RESOLVED** that:

- The Committee recommended the Portfolio Holder for Independent Living (Councillor Broderick) to approve the purchase of this system.
- The Committee also wished to record its congratulations for all the hard work of Careline Staff.

The Committee requested for the Council’s Head of Customer and Commercial Services (Mark Westall) to come back to the Committee at a later date to update it on the implementation of the new system in order that the envisaged benefits could be assessed at that stage.

**6. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - PERFORMANCE REPORT
JANUARY - MARCH 2019 (QUARTER 4 OUTTURN)**

The Committee had before it a report of the Deputy Chief Executive which presented the performance report for Quarter 4 (January to March 2019) including the Corporate Plan and Prioritise and Projects 208/19.

Appendix A to that report contained details of the 18 indicators and projects where performance was measured. Of those, 13 (72%) were on, or above their expected target and 5 (28%) were not currently in line with the expected performance.

Members were informed that the performance report for Quarter Four would be presented to Cabinet on 14th June 2019. Any feedback from the Committee would be presented to a future meeting of the Cabinet as a separate report.

The Council’s Human Resources and Business Manager (Katie Wilkins) gave the Committee an update in respect of the indicators and projects with particular focus on those indicators that were currently listed as behind target.

Officers responded to questions raised by Members on various topics and where an answer was not immediately available the Human Resources and Business Manager undertook to respond to Members as soon as possible after the meeting.

It was proposed by Councillor Stephenson, and seconded by Councillor Griffiths and **RESOLVED** that this Committee recommends that –

1. The Committee are concerned about the progress of the North Essex Garden Communities scheme and the limited information available to the Committee to date, on the Business Plan for the scheme. The Committee were looking forward to receiving this information at its meeting on 29 July 2019, including the slippage on the scheme and its description on the performance system as being “on target”.

The Committee would be happy to receive information that is exempt from publication if this was necessary in order for it to perform its overview and scrutiny role of the North Essex Garden Communities Scheme.

7. SCRUTINY OF PROPOSED DECISIONS

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and / or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee

The Committee noted the submitted list of published forthcoming decisions.

RESOLVED that, pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee wishes to enquire into the following forthcoming decision before the Finance and Corporate Resources Portfolio Holder and Housing Portfolio Holder take their final joint decision on the matter:-

IT Transformation Update – the Committee will review this around six months after it has started when a briefing will be provided by the Head of IT and Corporate Resilience. If the Committee considers that there is a need to further scrutinise matters the matter will be added to the work programme for further review.

8. WORK PROGRAMME 2019/2020

Further to Minute 21 of the Annual Council Meeting on 28 May 2019, the work programme approved at that meeting was submitted to the Committee for consideration. In addition, some further items had been identified at the Overview and Scrutiny training for Members held on 5 June 2019 and further suggestions had been made in response to the invitation to identify items from the Chairman of this Committee and the Vice-Chairman of the Corporate Leadership Overview and Scrutiny Committee sent to all Members. Those suggestions were reported to the Committee as they were relevant to the terms of reference of this Committee.

RESOLVED that the following amendments be made to the Committee’s Work Programme for 2019/2020:-

1. The “Review of the Business Case for the future of publicly owned Leisure Centres within the District” currently on the work programme for the 29 July 2019 Meeting is to be moved to the 16 September 2019 Meeting.
2. The topic of “Ground Maintenance (including Weeding) is to be added onto the Work Programme for the 29 July 2019 Meeting.
3. The topic of “Energy Efficiency” is to be added onto the Work Programme for the 23 March 2020 Meeting.
4. To record an expectation that the Committee would be provided with a report for each item on its work programme.

The meeting was declared closed at 9.30 pm

Chairman

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Community Leadership Overview and
Scrutiny Committee

1 July 2019

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON MONDAY, 1ST JULY, 2019 AT 7.30 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Skeels (Chairman), Amos, Chittock (Vice-Chairman), Davidson, Davis, King, Miles and Overton
Also Present:	Councillor Joy Broderick, Councillor Ivan Henderson and Councillor Mary Newton
In Attendance:	Keith Simmons (Head of Democratic Services and Elections), Anastasia Simposon (Head of People, Performance and Projects), Rebecca Morton (Executive Projects Manager) and Charlotte Cooper (Committee Services Officer)

48. ELECTION OF THE CHAIRMAN OF THE COMMITTEE

Following the appointment to serve on the Council's Executive (Cabinet) of the previous incumbent (Councillor Newton), the Committee, in accordance with Council Procedure Rule 33.5 (Casual Vacancies), the Committee were to elect from its Members a Chairman for the remainder of the municipal year;

It was put forward by Councillor Amos and seconded by Councillor Chittock to elect Councillor Skeels as Chairman.

It was then put forward by Councillor Davis and seconded by Councillor Davidson to elect Councillor Miles as Chairman.

It was **RESOLVED** that Councillor Skeels be elected as Chairman of the Committee.

The Committee then agreed to elect the Vice-Chairman of the Committee for the remainder of the municipal year;

It was put forward by Councillor Davis and Seconded by Councillor Davidson to elect Councillor Miles as Vice-Chairman of the Committee.

It was then put forward by Councillor Amos and seconded by Councillor King to elect Councillor Chittock as Vice-Chairman of the Committee.

Councillor Miles then withdrew her nomination for Vice-Chairman of the Committee.

It was therefore **RESOLVED** that Councillor Chittock be elected as Vice-Chairman of the Committee.

49. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Clifton, with no substitute.

50. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on 25 February 2019 were approved as a correct record and signed by the Chairman.

51. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

52. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion

**53. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.1 - PERFORMANCE REPORT
JANUARY - MARCH 2019 (QUARTER 4 OUTTURN)**

The Committee had before it a report of the Deputy Chief Executive which presented the performance report for Quarter four (January to March 2019) including the Corporate Plan and Priorities and Projects 2019/20.

Appendix A to that report contained details of the indicators and projects relevant to the terms of reference of this Committee. Those indicators and projects were deemed 'non measureable' as this Council's role was that of 'influence only'.

Members were informed that the Performance Report for Quarter four had been presented to Cabinet on 14 June 2019. Any feedback from this Committee would be presented to a future meeting of the Cabinet as a separate reference report.

After some deliberation by the Committee it was **RESOLVED** that;

1. The following items, which had been discussed by members of the Committee, will be looked into and an update / briefing note will be sent to Committee members accordingly;
 - Update on the "Meeting with young people in Walton with police, to establish a dialogue around ASB and how we can all work together to find a solution that works for all parties" and "street Action Day held in Walton, spread over a two day period" mentioned on page 6 of the report under "Community Safety", including information on exactly what is being delivered and by whom.

**54. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.2 - UPDATE ON THE CHILDREN
AND YOUNG PEOPLE STRATEGY**

The Committee had before it a report on the review of Tendring's Children and Young People Partnership Delivery Plan 2017/2018 (referred to herewith as the "Delivery Plan"). This report explained that the Delivery Plan was put in place to support the Children and Young People's Strategy 2017-2020. The Delivery plan provides the Council to support work with key partner organisations to ensure that progress is made

against agreed objectives / priorities in compliance with government guidelines and best practice.

The Delivery Plan reflects the four main priority areas agreed by the Council; Start Well, Stay Safe, Mental Health and Emotional Wellbeing and Positive Futures. This report reviews the progress made against these priority areas in Appendix A. A proposed **new partnership delivery plan** was also included in Appendix B.

The Council's Executive Projects Manager (Rebecca Morton) attended the meeting to answer any Member queries.

After some deliberation by the Committee it was **RESOLVED** that:-

1. The updates and progress made against the 2017/18 targets identified within the Children and Young Peoples Partnership Delivery Plan were noted.
2. The new Partnership Delivery Plan 2019/2020 was noted.
3. The Committee recommends that the value of extending the pilot well-being hub.
4. Further information on Marathon Kids scheme to be circulated to Members.

55. RESEARCH INTO ALCOHOL ABUSE WITHIN THE DISTRICT OF TENDRING

The Committee had before it a report of the Head of Democratic Services and Elections which invited the Committee to receive the material provided and determine its approach to the subject as part of the work programme for the Committee.

The Committee recalled that at its meeting on 4 June 2018, it established a Task and Finish Group on the issue of drug and alcohol abuse within Tendring. The terms of reference for the group are set out in the minute of that meeting at Appendix A of the report. A related matter was considered by the Committee on 3 December 2018 concerning drug and alcohol support services in the district, the minute extract was attached as Appendix B to this report. The Committee also then considered enforcement against anti-social street drinking at its meeting on 28 February 2019, the relevant minute set out as Appendix C to this report. Appendix D to this report showed evidence for the review submitted by Councillor Newton on behalf of the task and finish group.

After some deliberation by the Committee it was **RESOLVED** that:-

The topic of 'Drug Abuse' to be added to the work programme, the Council's Head of People, Performance and Projects to arrange for the Community Safety Manager to attend the Meeting of the Committee on 7 October 2019 and include a Tendring drug and alcohol abuse update . This is a change to the original draft work programme and the Community Safety update will be presented to the Committee on 7 October 2019 instead of 3 February 2020.

56. SCRUTINY OF PROPOSED DECISIONS

Pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee reviewed any new and / or amended published forthcoming decisions relevant to its terms of reference with a view to deciding whether it wished to enquire into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

The Committee noted the published list of relevant forthcoming decisions.

RESOLVED that, pursuant to the provisions of Overview and Scrutiny Procedure Rule 13, the Committee wishes to enquire into the following forthcoming decisions;

1. House Building Strategy to be added to the work programme for the meeting on 5 August 2019
2. Tendring4Growth Strategy to be added to the work programme for the meeting on 2 December 2019

57. WORK PROGRAMME 2019/2020

Further to the decision taken by Members at the Annual Meeting of the Council held on 28 May 2019 (minute 21 refers) the Committee considered its work programme for 2019 / 2020 with a view to ratifying it or amending it as appropriate.

The 2019 / 2020 work programme for the Committee that was approved at the Annual Meeting of the Council held on 28 May 2019 was before Members for their reference.

After some deliberation by the Committee, it was **RESOLVED** that the following amendments be made to the Committees Work Programme for 2019 / 2020

1. The House Building Strategy to be added to the 5 August 2019 Meeting,
2. The Tendring4Growth Strategy to be added to the 2 December 2019 Meeting.
3. The Community Safety update be moved forward to the 7 October 2019 Meeting, instead of February 2020.

The Committee also decided to view the Work Programme as an ongoing document, and would like to add to the work programme as and when issues arise.

The meeting was declared closed at 8.52 pm

Chairman

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Standards Committee

3 July 2019

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 3RD JULY, 2019 AT 10.00 AM
IN THE CONNAUGHT ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Land (Chairman), Alexander, Harris, J Henderson, Overton and Wiggins
Also Present:	Councillor I J Henderson
In Attendance:	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)
Also in Attendance:	Sue Gallone, Clarissa Gosling and Jane Watts (all of whom were the Council's appointed Independent Persons)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Amos (with Councillor Alexander substituting) and David Irvine (one of the Council's appointed Independent Persons).

2. MINUTES OF THE LAST MEETING

It was moved by Councillor Land, seconded by Councillor Harris and:-

RESOLVED that the minutes of the meeting of the Standards Committee, held on Wednesday 20 March 2019, be approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none on this occasion.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

5. STANDARDS COMMITTEE - TERMS OF REFERENCE

As this was the first meeting of the Committee following the District Council elections in May, the Council's Monitoring Officer (Lisa Hastings) explained the terms of reference and delegated powers of the Standards Committee and also the Town and Parish Councils' Standards Sub-Committee and responded to Members' questions thereon.

The Committee noted the foregoing.

6. CODE OF CONDUCT TRAINING

The Monitoring Officer updated the Committee on the Members' Code of Conduct training that had been provided to Members as part of the post-election Members' Induction process.

After discussion, it was moved by Councillor Land, seconded by Councillor J Henderson and:-

RESOLVED that –

- (a) the Monitoring Officer be requested to arrange a further session of training on the Members' Code of Conduct for those Members who did not attend on 15 May 2019; and
- (b) the Committee stresses once again the importance of all Members receiving training on the Members' Code of Conduct.

7. **“THE LOCAL GOVERNMENT ETHICAL STANDARDS REPORT DATED JANUARY 2019 FOLLOWING A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE”**

Further to Minute 53(4) of the meeting of the Committee held on 20 March 2019, the Monitoring Officer gave an update on the progress being made on the implementation of the Committee on Standards in Public Life's (CSPL) recommendations.

The Committee had before it a summary of the issues, overall findings and recommendations arising from the CSPL's review which formed the basis of the Monitoring Officer's update.

Further to an undertaking given at the last meeting of the Committee, the Monitoring Officer outlined the Council's current position in regards to professional indemnity cover for Members, Officers and the Independent Persons. She confirmed that there was no business need at present for such general cover but that decisions would be taken as needed on their individual merits.

Following a discussion of the issues arising in the update the Monitoring Officer undertook to submit to the next meeting of the Committee a breakdown of:-

- (1) which of the CSPL's recommendations required changes in legislation;
- (2) which of the CSPL's 'good practice' recommendations could be adopted and implemented straight away by local authorities; and
- (3) which of the 'good practice' recommendations referred to in (2) above this Council has already implemented.

It was then moved by Councillor Alexander, seconded by Councillor J Henderson and:-

RESOLVED that the Head of Finance, Revenues and Benefits Services be requested to produce for the Committee's consideration a business case for providing a general professional indemnity cover for Members, Officers and, in particular, the Independent Persons.

8. **QUARTERLY COMPLAINTS UPDATE**

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave an update on existing cases together with general details of new cases, without providing any names, and went through them with the Committee. There had been no requests for dispensations from Members.

The Committee noted the foregoing.

9. APPOINTMENT OF MEMBERS TO SERVE ON THE TOWN AND PARISH COUNCILS' STANDARDS SUB-COMMITTEE

Pursuant to the provisions of Article 9.05 of the Council's Constitution, the Committee was requested to appoint three of its members to serve on the Town and Parish Councils' Standards Sub-Committee for the 2019/2020 Municipal Year.

RESOLVED that –

- (a) subject to (b) below, Councillors Overton, Steady and Wiggins be appointed to serve on the Town and Parish Councils' Standards Sub-Committee for the 2019/2020 Municipal Year; and
- (b) Councillor Steady's appointment be subject to confirmation by him of his willingness to serve on the Sub-Committee.

The meeting was declared closed at 11.29 am

Chairman

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Planning Policy and Local Plan Committee

16 July 2019

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,
HELD ON TUESDAY, 16TH JULY, 2019 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman, Coley, Newton, Scott and Skeels
Also Present:	Councillor Lynda McWilliams
In Attendance:	Ian Davidson (Chief Executive), Ewan Green (Corporate Director (Planning and Regeneration)), Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections), Gary Guiver (Planning Manager), Will Fuller (Planning Officer) and Paul Woods (Development Technician)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Broderick (with no substitute) and G V Guglielmi (with Councillor Coley substituting).

2. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 29 January 2019, be approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none on this occasion.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

5. PUBLIC SPEAKING

The Chairman invited the following persons to address the Committee:

Bill Marshall, a resident of the District, made a statement relating to item A.1 of the report of the Corporate Director (Planning and Regeneration) in which he urged Councillors not to approve the recommendations in that report. He referenced the publication of the report and appendices on 25 July and considered that there was too much information to digest in too short a period. He invited Members to delay, defer and reconsider the detail in the report. He expressed the view that residents had been excluded from the proposals and those residents did not want the proposed Garden Communities. He drew attention to the £2 billion borrowing and that this would, in his view, burden local residents for generations. As an alternative, Members were advised that he had submitted a proposal which he referenced as being DRPP, which had then

been identified as Alternative 7 and E4 in the Assessment. He also drew attention to a model he had displayed at the meeting of a rapid transport floating train.

Ted Gittens, a resident of the District, made a statement relating to item A.1 of the report of the Corporate Director (Planning and Regeneration) in which he considered that the Local Plan process was at a crucial point and he referenced the words of the Local Plan Inspector on the issue of promoting all three Garden Communities across North Essex at the same time and the difficulties with justification for this simultaneous development the Inspector had outlined. He considered the west-Tendring Garden Community was little more than a Colchester overspill with transport links westward rather than into the rest of Tendring. Instead he spoke in support of development in the area where the A120 and A133 diverge of which he described as Tendring central and linked it to the Metro Plan proposal referenced in the report. This he considered would redistribute development eastward and be more sustainable for the District.

Carol Bannister, a resident of the District, made statements relating to items A.1, A.2 and A.3 of the Report of the Corporate Director (Planning and Regeneration) in which she outlined that she supported Garden Communities, although not on the scale proposed. She described the District of Tendring as being a rural, tourist and retirement area and she spoke strongly about the need to retain this character. She did not believe organisations such as CAUSE represented the views of local people in Tendring. She was of the view that the Metro Plan proposal referenced in the report would destroy the villages identified in that proposal due to the huge growth the proposal envisaged. In respect of the report at A2, she advised the Committee that she considered the housing supply proposals should be accepted. She also spoke on the report at A3, and referenced her support for measures to protect local habitats and, in this regard, quoted Weeley Wood.

The Chairman, on behalf of the Committee, thanked the above persons for their input, views and considerations.

6. REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.1 - SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Planning and Regeneration) (A.1) which sought:-

- a) the Committee's recommendation to Full Council that the Additional Sustainability Appraisal be approved and to inform the Committee of the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex;
- b) the Committee's recommendation to Full Council that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications; and
- c) the Committee's recommendation to Full Council that a six weeks public consultation be undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they

were submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude their examination.

Background

The Committee was aware that Section 1 of the submitted Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across Braintree, Colchester and Tendring (the 'North Essex Authorities' ('NEAs')). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposed three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, 'the Section 2 Plan' for each of the three authorities contained more specific local policies and proposals relevant only to their individual area.

Members were also aware that before a Local Plan could be formally adopted by a Council, it must be examined by a Government-appointed Inspector whose job it was to check that: (1) the Plan had been prepared in line with various legal requirements; and (2) that the policies and proposals in the plan complied with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF). Examination hearings for the Section 1 Plan had taken place between January and May 2018. In June 2018 the Inspector had written to the North Essex Authorities setting out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the Plan and praised the NEAs' innovation and ambition, the Inspector had found some of the evidence and justification in support of Garden Communities to be lacking and had therefore been unable to pass the Section 1 Plan as 'sound'. The Inspector's specific concerns had been reported to the former Local Plan Committee at its meeting held on 30 October 2018 (Minute 6 referred).

In his letter, the Inspector had offered the NEAs advice and options for how best to proceed. Having considered his advice, the NEAs in October 2018 had confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns. On 10th December 2018, the Inspector had confirmed that he was satisfied that the proposals for further work on the evidence base satisfactorily responded to the points he had raised as identified issues and he had paused the examination until the NEAs' further work on the evidence base and an Additional Sustainability Appraisal had been completed. Monthly updates had been submitted to the Inspector on the programme timetable as requested.

That additional evidence had now been completed and the findings were detailed within the main body of the Corporate Director's report. Those findings were summarised as follows:-

Additional Sustainability Appraisal

Some of the Inspector's biggest concerns had been about the previous Sustainability Appraisal (SA) which was both a legal requirement of the plan making process and a key piece of evidence in determining the most appropriate 'spatial' strategy for growth. The Inspector had found that some of its

assumptions were either not properly justified or were 'biased' in favour of the NEA's preferred spatial strategy for three Garden Communities and therefore did not represent an objective, or reliable, assessment. He had advised that further work would be needed to rectify those problems and he had further advised different consultants ought to be selected for that work.

The Committee was informed that the additional SA had been undertaken by consultants LUC who had followed a revised methodology that had been shared with the Inspector and had been the subject of consultation and engagement with statutory bodies and key participants in the Local Plan examination – taking particular care to ensure it addressed the Inspector's previous concerns. The Additional SA first tested a range of alternative development site proposals against a series of tried and tested 'sustainability criteria' applying assumptions guided, where possible, by information provided by site promoters themselves. The second stage of the SA then tested different combinations of those site proposals against the sustainability criteria which represented a reasonable range of alternative spatial strategies for the Authorities to consider in determining the most appropriate approach for the Local Plan.

It was reported that the findings of the Additional SA had indicated that many of the site proposals and alternative spatial strategy options were closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies had stood out as performing notably stronger than the current strategy in the submitted Section 1 Local Plan. There was consequently nothing arising from this new evidence that had suggested that the current spatial strategy was not justified or needed to change to make way for an alternative approach. Officers had therefore recommended that the NEAs continued to promote the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.

Additional evidence base

- **Housing Infrastructure Fund Bids:**

A progress update on two bids to the Government's 'Housing Infrastructure Fund' (HIF) by Essex County Council (ECC) to secure funding: (a) for the realignment of the A12 between Marks Tey and Kelvedon; and (b) for the construction of a link road between the A133 and A120 and a rapid transit system to the east of Colchester. This would demonstrate to the Inspector that positive progress was being made in securing the road infrastructure that would be a key to the delivery of the proposed Garden Communities. The bids were currently being evaluated by Homes England. ECC had written to Government Ministers setting out the importance of announcements on the outcome of the HIF bids being made as soon as possible.

- **A120 Dualling:**

Indicative timescales had been drawn up for the construction of a new dual carriageway between Braintree and the A12 south of Kelvedon, following ECC's favoured route announcement in June 2018. This would provide greater clarity to the Inspector over the timing of works and their implications for highway capacity and the delivery of Garden Communities.

- Rapid Transit:

A technical feasibility study from transport consultants Jacobs had been commissioned showing how and when a 'Rapid Transit System' (RTS) could be delivered to connect the new Garden Communities to key services, facilities and employment opportunities in and around Colchester, Braintree and Stanstead; and how much it was likely to cost. This would address the specific shortcomings in the previous evidence identified by the Inspector in his letter.

- Modal Shift:

A technical paper from consultants ITP had been commissioned which explained how, through RTS proposals and other measures, the NEAs could achieve a 'modal shift' target for 30% of all journeys to, from and within, the Garden Communities to be made by rapid transit. Again, this would address the Inspector's previous concern about the likelihood of achieving that target.

- Marks Tey Station:

Update from discussions with Network Rail that suggested that a relocation of Marks Tey Railway Station to the centre of the proposed Garden Community for the Colchester/Braintree Borders Garden Community was unlikely to be a practical option. Although the Garden Community had never been reliant on the station being relocated, there was now clarity in moving forward that the development would need to be planned to integrate with the station's existing location.

- Housing Delivery:

Research had been carried out by the NEAs on the rates of housing development that could be achieved on large scale developments following different models and approaches in order to satisfy the Inspector that the scales of development proposed for the Garden Communities were realistically deliverable.

- Viability:

A Viability Assessment (VA) update from consultants Hyas which had re-tested the economic viability of the three Garden Community proposals in light of updated cost and value assumptions, and which addressed the specific concerns raised by the Inspector in relation to assumptions made in the previous assessment – including the cost of RTS. The updated VA had confirmed that all three Garden Communities could be considered to be economically viable under a range of situations and scenarios which were considered to be rational and reasonable. West of Braintree Garden Community was viable under all modelled scenarios. The viability of the Colchester/Braintree Borders Garden Community and (to a lesser degree) the Tendring/Colchester Borders Garden Community were more dependent on securing Government investment for upfront infrastructure and/or inflation in future property values.

- Employment Land:

A paper had been prepared by the Centre of Economics and Business Research (Cebr) advising on the calculation of how much 'employment land' ought to be incorporated into the Garden Community proposals in order to meet the needs likely to arise from growth in business and industrial activities and to contribute towards overall employment growth. This addressed the Inspector's specific concern about the lack of any indication as to how much employment land would be provided at each of the three Garden Communities. Cebr's paper had provided figures which formed the basis of proposed modifications to the Section 1 Plan.

- Phasing and Delivery:

An Infrastructure Planning, Phasing and Delivery report had been prepared by consultants AECOM which explored and set out reasonable assumptions for how each of the three Garden Communities could be delivered in a phased manner. The assumptions in that report had been particularly useful in informing wider assumptions about infrastructure delivery and economic viability.

- Infrastructure Costs:

A detailed cost estimate had been produced by consultants Gleeds which set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.

- Habitats Regulation Assessment (HRA):

-

An assessment had been undertaken by consultants LUC of the likely effects of development in the Local Plan on wildlife sites of European importance. A HRA was a legal requirement and the report had been updated to take into account an important legal ruling from the Court of Justice for the European Union and the progress that Essex Authorities had made in developing the Essex Recreation disturbance Avoidance Mitigation Strategy (RAMS).

- Delivery Mechanisms:

A paper had been commissioned from legal firm Dentons which explained how it was intended that a public and private sector partnership in the form of a Local Delivery Vehicle would be used to deliver the Garden Communities and how this meshed with current Government thinking. That evidence had also included a paper on State Aid considerations.

It was felt that all of the above evidence supported the Officers' view that the current proposals in the Section 1 Local Plan were sound and, when presented to the Planning Inspector, would address all of his previous concerns.

Proposed amendments

The Committee was made aware that, as well as producing the above evidence in response to the Planning Inspector's concerns about Garden Communities, the North Essex Authorities had also compiled a table of proposed amendments to the Section 1 Plan. Those amendments were aimed at addressing certain

issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring that the Plan met the tests of soundness. Many of the proposed amendments had arisen from suggestions and discussions at the examination hearings in 2018 and the Inspector's interim findings whereas others had arisen from the findings of the additional evidence base.

Importantly, Officers were not recommending any substantial changes to the strategy for growth, as set out in the Section 1 Local Plan. The additional evidence prepared in response to the Inspector's original concerns had demonstrated that the establishment of three Garden Communities in the broad locations already identified in the plan was justified and represented an appropriate, sustainable and deliverable strategy.

It was reported that notable amendments included:

- New policies (SP1A and SP1B) in order to clarify how the Local Plan, taken as a whole, would operate in practice in the determination of planning applications; and to reflect the new Essex-wide approach to recreational disturbance avoidance and mitigation in relation to internationally important wildlife sites.
- Additional wording in Policy SP3: 'Meeting Housing Needs' in order to explain how the housing figures in the policy would be used for assessing each Authority's five-year housing supply requirements.
- Corrections to the employment land figures in Policy SP4 for the individual NEAs following the discussions at the examination hearings and the Inspector's subsequent advice.
- Additional wording for the infrastructure and connectivity policy (SP5) in order to provide greater clarity over what would happen if, for whatever reason, it became clear that the infrastructure required for the Garden Communities would not be funded or delivered; as well as identifying the key infrastructure projects that would need to be secured in advance of the start of the Garden Communities.
- The inclusion of specific employment land figures in the Garden Community policies SP7, SP8, SP9 and SP10 as well as additional wording in relation to waste water, the protection of European designated sites and the historic environment and specific infrastructure priorities relevant to specific Garden Communities.

The Committee was aware that it would be the Inspector's choice whether to accept the proposed amendments to the Local Plan through the resumed examination process, in determining whether it satisfied the necessary statutory requirements and was sound. Section 20(7C) of the Planning and Compulsory Purchase Act 2004 provided that the Inspector must, if asked to do so by the local planning authority, recommend formal modifications to the local plan that would satisfy the requirements mentioned in subsection 20(5)(a) and was sound, therefore such modifications could be suggested by the Inspector following conclusion of the examination.

Next steps

Members were informed that if Full Council gave approval and the other NEAs also agreed, the Additional Sustainability Appraisal, all of the additional new evidence base documents listed above and the table of proposed amendments would be published for a six weeks public consultation period between 19 August and 30 September 2019 before they were submitted, along with any public representations received, to the Planning Inspector in order to enable him to resume the examination. It was expected that the further examination hearings would take place in late 2019 or early 2020.

After comments and questions on the actual subject matter of the report, some Members expressed concern about the volume of the information to be digested and the time to do this. In response to a procedural question, in respect of participation and voting at this meeting and at Council, the Head of Legal Services and Monitoring Officer confirmed that statements and voting at this Committee did not bind the Member in respect of the item's consideration at Full Council.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices:-

It was moved by Councillor Newton, seconded by Councillor Skeels and:-

RECOMMENDED TO COUNCIL that –

- a) the additional evidence base summarised within Appendices 2 to 11 to the report of the Corporate Director (Planning and Regeneration) and available in full as background papers be accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- b) the findings of the Additional Sustainability Appraisal work (summarised in Appendix 1 to the aforementioned report) which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy be approved;
- c) the Additional Sustainability Appraisal work and evidence base (including the additional evidence) be endorsed as supporting the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;
- d) the schedule of proposed amendments to the submitted Local Plan (attached as appendix 12 to the above report) be approved;
- e) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
- f) following that period of public consultation, the above-mentioned documents along with any duly made representations received during the public consultation period, be submitted to the Secretary of State in order to enable the Local Plan

Inspector to resume and complete the examination of the Section 1 Local Plan; and

- g) the Local Plan Inspector be formally requested to recommend any further modifications to the Publication Draft Local Plan as necessary in order to make it 'sound'.

[Note: In respect of this item, at the conclusion of the meeting, the Committee's Chairman stated that all Councillors will be sent a copy of this report within the next couple of days to ensure that they had access to all the information for at least two weeks before the meeting of the Council. In addition, an offer of another All Member Briefing on this matter prior to 6 August was made.]

7. **REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.2 - UPDATED HOUSING SUPPLY POSITION, HOUSING TRAJECTORY AND STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT (SHLAA)**

The Committee had before it a detailed report (and appendices) of the Corporate Director (Planning and Regeneration) (A.2) which reported:-

- the number of new homes built in the District during the 2018/19 financial year;
- the current housing land supply position (the 'five-year' supply);
- the updated year-by-year trajectory for building new homes over the remainder of the new Local Plan period up to 2033; and
- the new Strategic Housing Land Availability Assessment (SHLAA) which provided the detailed evidence base for the above figures.

Housing Completions

It was reported that, in the period 1 April 2018 to 31 March 2019, 915 new homes had been completed in the District. This meant that the housebuilding target for the District (550 homes a year as set out in the emerging Local Plan) had been achieved for a third year in succession.

Five Year Supply

The Committee was informed that, in February 2019, the Government had made amendments to the National Planning Policy Framework (NPPF) which affected the way Councils calculated whether they could identify a five year housing supply. Where a Council's adopted Local Plan housing policies were more than five years old (as was the case for Tendring District Council), they were required to calculate housing supply against a 'local housing need' figure generated using the Government's standard methodology which, for this Council, meant a housing target of 863 homes a year as opposed to the 550 homes a year target in the emerging (but yet to be adopted) Local Plan. As a result of this change in Government planning policy which affected the way housing supply was calculated, the Council could technically only demonstrate a 4.2 year supply of deliverable housing sites. The implications of this were reported in the main body of the Corporate Director's report.

Housing Trajectory

Members were made aware that the Council could, however, demonstrate that the Local Plan requirement of 11,000 new homes between 2013 and 2033 could be met and comfortably exceeded. This would be through a combination of homes already completed since April 2013, development on large sites with planning permission, sites allocated for development in the Plan and small 'windfall' sites.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices:-

It was moved by Councillor Fairley, seconded by Councillor Coley and:-

RESOLVED that the contents of the Corporate Director's Report be noted and the new Strategic Housing Land Availability Assessment (attached as Appendix 1 thereto) be endorsed as evidence to support the deliverability of housing proposals in the new local plan and to demonstrate an up-to-date five year housing land supply position for the purposes of determining planning applications and contesting planning appeals.

8. **REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION) - A.3 - ESSEX COASTAL RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY (RAMS)**

The Committee had before it a comprehensive report (with appendices) of the Corporate Director (Planning and Regeneration) (A.3) which provided an update on the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and which described how this could affect the Council's planning policies and decision-making in the future.

Members were informed that twelve Essex local planning authorities were working together on a mitigation strategy in order to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex.

The Strategy sets out the necessary measures to avoid and mitigate the effects from increased recreational disturbance. The RAMS set a tariff of £122.30 per dwelling. This tariff would apply to all residential proposals, even proposals for one dwelling. This was because the whole of the District was within the Zone of Influence and the RAMS sought to avoid and mitigate the in-combination effects from all new dwellings.

The Committee was advised that in order to comply with the European Habitat Regulations, this Council was already seeking the said contribution from all new dwellings via legal agreements – but that the consultation on, and adoption of, the Supplementary Planning Document would ensure that this arrangement was formalised in a consistent way across Essex.

A number of comments were made by Members in respect of improving the access to designated protected habitats in order to reduce the impact of visitors to those habitats.

In response to a question, the Planning Manager confirmed that the proposed Essex RAMS tariff would apply to single dwelling developments as it would to

larger developments. In the same way, the current approach to the application of the tariff albeit without the benefit of supplementary Planning Document as now submitted for consultation applied to single dwelling developments and larger developments.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices:-

It was moved by Councillor Scott, seconded by Councillor Skeels and:-

RESOLVED that –

- (a) the Draft Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) be approved for consultation purposes and that the contents of the RAMS Strategy Document (Technical Report and Mitigation Report) be noted; and
- (b) the Head of Planning be authorised to make minor changes to the SPD should it be necessary prior to the commencement of the consultation.. Any changes considered by the Head of Planning to be more than minor will be reported back to the Committee prior to any such consultation commencing.

The meeting was declared closed at 7.58 pm

Chairman

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COUNCILLOR NEIL STOCK'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 – "CLIMATE EMERGENCY"

"That the Council notes

- *That the impact of climate breakdown is already causing serious damage around the world.*
- *That the "Special Report on Global Warming of 1.5 degrees" published by the intergovernmental Panel On Climate Change in October 2018*
 - *Describes the enormous harm that a 2 degree C average rise in global temperatures is likely to cause compared with a 1 degree rise,*
 - *Confirms that limiting Global Warming to 1.5 degrees may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector.*
- *That the impact of projected rises in sea levels as a result of global warming places the East Coast of the UK in the front line where impacts will be felt soonest and most severely.*
- *That all Governments (National, Regional and Local) have a moral duty to act, and local Governments should not wait for national Government to change their policies.*
- *That the challenge of taking action to avoid climate breakdown is of an unprecedented scale and scope which will have very significant additional costs and impacts on the prioritisation of budgets and will require sources of funding beyond the Council, and local Business Rate and Council Tax payers if the goals are to be met.*
- *That the need for determined action must be set alongside and balanced with the Council's other statutory responsibilities.*
- *That strong policies to cut emissions also have associated health, well-being and economic benefits; and*
- *That, recognising the above, over 80 councils across the UK have already passed "Climate Emergency" motions.*

It is therefore proposed that this Council:

- 1 *Declares a Climate Emergency and instructs the Chief Executive to prepare an Action Plan for consideration by Cabinet and recommendation to the Full Council to form part of the Policy Framework, as soon as practicable with the aim of activities of the Council being carbon neutral by 2030.*

- 2 *Instructs the Chief Executive to draw up the Action Plan in two parts,*
 - *Part 1 setting out clear research and evidence as to what the Council's Carbon footprint is and precisely how it is composed and setting out costed actions and policies together with appropriate milestones to make the Council's activities carbon neutral by 2030*
 - *Part 2 setting out community leadership actions to influence and encourage partners, businesses, community groups and individuals across Tendring to join the Council in striving to achieve carbon neutrality for the District as a whole.*
- 3 *Calls on the UK Government to provide the powers, resources and help with funding to achieve carbon neutrality and to call on local MPs to do likewise.*
- 4 *Authorises the Chief Executive to use the £150,000 allocated by the last Cabinet meeting to a Climate Emergency budget to enable specialist advice to be obtained to complete the essential research to establish the Council's Carbon footprint to be carried out and to provide the capacity to enable a comprehensive and costed Action Plan to be prepared for agreement by full Council as set out above.*
- 5 *Notes that the Leader will form a Working Party to oversee and work alongside officers to prepare the Action Plan, to be established in accordance with Article 7.7 of the Constitution, which will be broadly politically balanced, and that the Leader of each political Group on the Council will be invited to join the Working Party or to nominate a representative."*

COUNCIL

6 AUGUST 2019

REFERENCE FROM THE LICENSING & REGISTRATION COMMITTEE

A.1 PROPOSED REVISION OF THE COUNCIL'S LICENSING ENFORCEMENT POLICY

(Report prepared by Ian Ford)

PURPOSE OF THE REPORT

To enable Council to consider the recommendations submitted by the Licensing & Registration Committee in respect of the adoption of a revised Licensing Enforcement Policy.

BACKGROUND

On 10 April 2019 the Licensing and Registration Committee gave consideration to a report which requested it to approve, in principle, a revised draft Licensing Enforcement Policy, and sought its permission for the document to be circulated to key stakeholders for consultation purposes.

It was considered good practice that the Authority revised the policy on enforcement processes from time to time to ensure that the most current information and guidance was made available to applicants taking into consideration the current legislation and resources available.

It was therefore unanimously **RESOLVED** by the Committee that –

(a) the draft Enforcement Policy, as set out in Appendix A to item A.2 of the Report of the Corporate Director (Operational Services), be approved, in principle.

(b) the draft Enforcement Policy be circulated to the Licensing Authority's key stakeholders for consultation purposes and that any representations received be considered at a future meeting of the Committee.

(c) if no representations are received, the Licensing Manager, in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee, be authorised to forward the proposed Enforcement Policy to Full Council for its consideration and formal adoption.

There were no representations received and therefore, in accordance with resolution (c) above, the proposed Enforcement Policy is now submitted to Council for its consideration.

RECOMMENDATION

That Council considers the proposed Licensing Enforcement Policy submitted by the Licensing and Registration Committee and determines whether to formally adopt it.

APPENDICES

Report of the Corporate Director (Operational Services) considered by the Licensing and Registration Committee on 10 April 2019

Appendix to that report namely the proposed revised Licensing Enforcement Policy

Relevant extract from the minutes of the meeting of the Licensing and Registration Committee on 10 April 2019

A.2 Proposed Revision of Licensing Enforcement Policy

Report prepared by Emma King

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To request that the Committee approve in principle a revised draft Licensing Enforcement Policy, and to seek permission for the document to be circulated to key stakeholders for consultation purposes.

EXECUTIVE SUMMARY

It is best practice that the Authority revises the policy on Enforcement processes from time to time to ensure that the most current information and guidance is made available to applicants taking into consideration the legislation and resources available.

RECOMMENDATION(S)

It is recommended that Members agree:

- a) That subject to any representations that members may wish to make, that the draft Enforcement Policy as set out in Appendix A to this report be approved in principle.
- b) That the draft Enforcement Policy be circulated to the Licensing Authority's key stakeholders for consultation purposes and that any representations received be considered at a future meeting of the committee.
- c) That if no representations are received, the Licensing Manager in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee be authorised to forward the proposed Enforcement Policy to Full Council for consideration and adoption.

PART 2 – IMPLICATIONS OF THE DECISION

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Whilst statutory regulations do not permit charging for functions relating to some enforcement, the revised regulations and implemented Policy would not adversely affect the budgets. The revised approach to enforcement action may outline further steps in a staged approach to dealing with matters in order to achieve compliance. Compliance is permitted to be afforded for within certain fees, for example in taxi licensing.

The implementation of a concise and staged approach to compliance and enforcement matters will enhance the role and assist informing Officers when engaged in any enforcement process. This will lead to more robust and defensible decisions in relation to action concerning breaches of the legislation, conditions and unlicensed traders. This may reduce the risk of costs should a decision be appealed. In adopting a compliance and enforcement policy, the courts will understand the rationale and reason behind Officers' actions.

<p>LEGAL</p> <p>Decisions in relation to a licence holder are likely to amount, amongst other things, to consideration of civil rights and obligations under the Human Rights Act 1998. This policy assists in ensuring that these rights are fully considered.</p> <p>A reasonable and proportionate policy will ensure that Officers consider and take action against infringements of legislation in a robust, consistent, transparent and proportionate manner which will assist in ensuring that they are defensible in a Court of Law.</p>
<p>OTHER IMPLICATIONS</p> <p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p> <p>CRIME AND DISORDER</p> <p>The adoption of a revised Enforcement Policy will enable Officers to demonstrate a robust, consistent, transparent and proportionate approach to Licensing enforcement issues.</p> <p>EQUALITY AND DIVERSITY</p> <p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to:</p> <ul style="list-style-type: none"> (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups <p>The decisions recommended through this paper fall in line with the legislation and do not pose a risk to issues surrounding equality.</p> <p>The Council has had due regard with reference to the Human Rights Act 1998 in ensuring no right is compromised by the way in which the Council make enforcement decisions and that enforcement is considered with proportionately, balancing the public need with the need of the individual or organisation concerned. An Equality Impact Assessment has been completed by the Licensing Manager.</p> <p>AREA/WARDS AFFECTED</p> <p>All</p> <p>CONSULTATION</p> <p>It is important that the Licensing Authority engages with its stakeholders before a revised Enforcement Policy is adopted in order that all parties can have an opportunity to comment on the proposals.</p>

PART 3 – SUPPORTING INFORMATION

<p>BACKGROUND</p> <p>Tendring District Council as the Licensing Authority has responsibility for licensing and registering a range of functions in the interests of public safety and protection. As such, we have a moral and legal duty to uphold the requirements of various legislation in which we are governed.</p> <p>It is best practice to be transparent and concise in how we as the Licensing Authority achieve compliance and enforcement. It is important to revise our policy on our approach to compliance and enforcement matters to reflect change over time, changes in resources and to reflect changes in legislation in order to maintain public confidence, continue to</p>

achieve public safety and prevent offences being committed under the various Acts.

An Enforcement Policy enables clarity on the position of licence holders, what is expected of them, steps the Licensing Authority would expect them to take to rectify an issue and steps we make take to resolve an issue in relation to non-compliance and offences under various Acts.

The Policy will also act as guidance to members of the Miscellaneous Licensing Sub-Committee when making decisions on the status of a licence. The guidance will outline actions that are reasonable and proportionate to ensure decisions are fair, in the public interest and proportionate and that any decision taken will be defensible.

Compliance and enforcement is important to maintain integrity and confidence in the various licensing regimes, and to prevent anyone obtaining an unfair advantage through unlicensed activities and to ensure the security and safety of the public.

Some functions in which we have a duty to ensure requirements, regulations and various licensing objectives are upheld include:

- a) hackney carriage and private hire drivers and vehicles and private hire operators;
- b) alcohol, entertainment and late night refreshment;
- c) charity collections;
- d) sex establishments;
- e) gambling premises, permits and lottery registrations;
- f) scrap metal dealers and collectors.

This Licensing and Enforcement Policy seeks to cover all relevant licensing functions and all related topics.

The revised policy will replace the previous Licensing Enforcement Policy to ensure consistency and fairness in the way in which we regulate licensing functions.

CURRENT POSITION

The Authority's Licensing Enforcement Policy was last revised on 3 September 2009.

Consultation Proposals

When the first Enforcement Policy was put out for consultation, key stakeholders were asked for their views on the document. It is proposed that stakeholders from the Corporate Enforcement Strategy are consulted.

Timetable

In order to ensure that any revisions to the Enforcement Policy are in place, it is suggested that the following timetable be adopted.

10 April 2019	Licensing and Registration Committee authorise consultation process to commence.
TBC	Consultation Period.
TBC	If representations are received the Licensing and Registration Committee meet to consider these and formulate revised policy document for submission to Council.
TBC	If no representations are received, the Licensing Manager in consultation with the Chairman (or failing him the Vice-

Chairman) of the Committee be authorised to forward the proposed Licensing Enforcement Policy to Council for consideration and adoption.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A - Draft Licensing Enforcement Policy

Tendring District Council



LICENSING ENFORCEMENT POLICY

Adopted by Full Council as Policy on ***** 2019

Review date ***** 2024

This Licensing Enforcement Policy replaces the existing Policy and will be the basis for all Licensing enforcement decisions taken by the Council over the next five years. It was adopted by Full Council on ***** 2019 and came into effect on ***** 2019. A review of the Policy will take place in ***** 2024.

Tendring District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities.

The District forms a rural peninsular bounded by the Stour Estuary to the North, the Colne Estuary to the South and the North Sea to the East. As at 2016 the population stood at an estimated 143,400 who live in well-established towns, the largest of which is Clacton on Sea; however many residents occupy the rural hinterland in the District's many thriving villages and hamlets.

Tendring is well known for having one of the longest coastlines and the sunniest, driest weather of any District in the county. Tourism thrives in the District with many former visitors choosing to settle here and with tourism being a main source of income for the District.

The District benefits from a good rail and road infrastructure and is within easy reach of London Stansted Airport. The District boasts no fewer than fourteen railway stations, with London Liverpool Street being just one hour away from the mainline station at Manningtree. There are also excellent links to the continent via Harwich International Port.

Authorisation of Officers

1. Authorisation of Officers is of paramount importance in the effective delivery of licensing functions in accordance with the Council's Constitution. The Officer having delegated responsibility to authorise Enforcement Officers is the Corporate Director.
2. All authorisations of Enforcement Officers are in writing, specifying the limits of authorisation. This forms part of the identification cards which can be shown during visits/inspections if necessary.

Decision Making, Consistency and Transparency

3. The Council recognises the importance of achieving and maintaining consistency in its approach to making all decisions that concern enforcement action, including prosecution. Consistency of approach means taking a similar approach in similar circumstances to achieve similar results; it does not necessarily mean uniformity. To achieve this, the guidance given in Codes of Practice, LGA support for regulatory services, Government guidance, circulars and other advisory documents will always be considered.
4. Enforcement Officers are faced with many variables; these include the severity of the risk/hazard, the attitude and competence of management of areas that are licensed and the licensee's/permit holder's compliance history. The Council has arrangements in place to promote consistency in the exercise of discretion, and these include liaison with other enforcing authorities.
5. Elected Members will decide in general policy terms what attitude the Council will take to serious breaches of the law relating to licensing matters. Having determined this policy, Members will not thereafter be involved in detailed consideration of individual cases other

than in exceptional circumstances or where a licence may be considered for suspension, revocation or refusal.

6. The decision to suspend, revoke or refuse a licence is made by the Licensing and Registration Committee or one of its Sub-Committees acting under delegated powers. The Committee or its Sub-Committees will also determine all other applications where there are relevant representations or where a licence is reviewed following representations, a conviction for failing to comply with licence conditions or convictions which bring into question their fitness to be licensed as Hackney Carriage/Private Hire Drivers/Operators.
7. The decision as to whether to prosecute is delegated to the Corporate Director after consultation with the Legal and Governance Department, with notice to the Chair of the Licensing and Registration Committee or failing that the Vice-Chair. That decision will be based on the legislation and statutory Codes of Practice along with the CPS Codes of Practice.
8. Certain types of formal enforcement action, excluding prosecution, are delegated to the Licensing Manager and Licensing Officer.
9. All regulatory activities by the Licensing Section will be conducted in a way that is transparent, accountable, proportionate and consistent. Activities will, so far as possible, be targeted only at cases in which action is needed.
10. The Council will expect relevant good practice to be followed.
11. The Licensing Section will base all enforcement decisions on:
 - The severity and scale of the actual or potential harm arising from an incident
 - The seriousness of any potential breach of the law
 - The effect of the legislative breach upon the potential persons affected
 - The future consequences of failing to address the breach at the present time
 - The track record of the licence holder or the business
 - With regard to the Corporate Enforcement Policy
 - The practicality of achieving results
 - The wider relevance of the incident including serious public concern
 - Any concurrent or potential action by other services and agencies and the suitability and effect of our action as opposed to combined with theirs in addressing the issues
12. The Licensing Section will have due regard to the advice given in statutory Codes of Practice, strategic plans and guidance including:
 - The Regulators' Code (Department for Business, Innovation and Skills, Better Regulation Delivery Office, Regulators' Code Apr 2014).
 - The Central and Local Government Concordat on Good Enforcement (Enforcement Concordat) where not superseded by the Regulators' Compliance Code)
 - Advice from Local Authorities Coordinators of Regulatory Services (LACORS)
 - Advice and guidance on licensing matters from the Home Office and the Department for Culture, Media and Sport (DCMS)
 - Advice from the Gambling Commission

and other relevant Government and professional bodies and to follow appropriate national strategies.

13. The Council will use discretion in deciding the level of response to incidents or complaints. In accordance with maintaining a proportionate response, most resources available for the investigation of incidents will be devoted to the more serious events.
14. In relation to Hackney Carriage/Private Hire Operators and Drivers, the Council operates a three stage warning system to deal with infringements of its licensing conditions. The system provides stepped enforcement for those licence holders who have contravened licence conditions or associated legal provisions and is administered by the Corporate Director. Where three warnings are issued to a driver over a six month period they are required to attend a meeting of the Council's Miscellaneous Licensing Sub- Committee. Having listened to all relevant parties the Sub-Committee will then determine what action, if any, should be taken which might include suspension or revocation of the relevant licence.
15. Transparency means helping licence/permit holders to understand what is expected of them and what they should expect from regulators. It also means making clear to licence/permit holders not only what they have to do but, where this is relevant, what they do not. Officers will always distinguish between statutory requirements and advice or guidance about what is desirable but not compulsory.
16. Transparency also involves Officers keeping all relevant parties informed as appropriate or as reasonable. These arrangements have regard to legal constraints, requirements and the procedural remit of this Authority.
17. Officers will explain what to expect when they call and what the complaint procedure is for matters received that require an investigation. In particular when Officers offer information or advice, face to face or in writing, including any warning, they will explain what has to be done to comply with the law and explain why. If asked, Officers will confirm any advice in writing and distinguish legal requirements from best practice advice.

Supporting Economic Progress

18. The Licensing Section will consider the impact of its interventions and ensure that the burden on 'regulated entities', i.e. businesses, is the minimum compatible with achieving the regulatory objective.

Risk Assessment

19. Legislation makes some duties specific and absolute. Others require action so far as is reasonably practicable. Deciding what is reasonably practicable to control risks involves the exercise of judgement. In the final analysis, it is the courts that determine what is reasonably practicable in a particular case. Where licensees/permit holders must control risks so far as reasonably practicable, the Council will, when considering protective measures taken by them, take account of the degree of risk on the one hand, and on the other the cost, whether in money, time or trouble, involved in the measures necessary to avert the risk. Unless it can be shown that there is a gross disproportion between these factors and that the risk is insignificant in relation to the cost, the licensee/permit holder must take measures and incur costs to reduce the risks.
20. The Licensing Section has a system for prioritising inspections according to the risks posed by a licensee/permit holder's operations, which takes account of the hazards and the nature and extent of the risks that arise. We will ensure that our efforts are targeted on businesses

where they are most needed and will apply a risk based approach across all licensing functions.

21. Enforcement powers are only employed as a means to an end. Action will generally follow a structured tier of alternatives unless urgent intervention is required.

Advice and Guidance

22. The Licensing Section will help and encourage businesses to understand and meet regulatory requirements more easily but this does not relieve regulated entities of their responsibility to comply with their obligations under the law.
23. The Licensing Section is committed to providing general advice for businesses and individuals in an effort to bring about improved standards and places great emphasis on providing clear guidance, information and advice so as to encourage compliance with the legislation. The Council's web site is employed extensively to disseminate up to date information.

Inspections

24. It is neither possible nor necessary for the Council to investigate all issues of non-compliance with the law that are uncovered in the course of planned inspections or reported events.
25. The Licensing Section will ensure that regulatory effort is focussed on those businesses where non-compliance is likely and impact is high.
26. Joint working with other agencies including the Police, Fire and Rescue Service, Security Industry Authority (SIA), Trading Standards and Driver and Vehicle Standards Agency (DVSA) is already in place.
27. Whenever an enforcement decision needs to be made, fair regard shall be given to the normal hours of trading of any business under investigation. When necessary, inspections and investigations will be carried out in the early morning, in the evening and at weekends, in order to obtain fair and representative evidence pertaining to the alleged breach(es).
28. Prior notification of an impending enforcement inspection will not be made when notification would defeat the purpose for which the inspection was being undertaken.
29. In conducting investigations the Council will take account of any likely complimentary or shared enforcement roles, e.g. vehicle inspections with DVSA. We will also refer relevant information to other Regulators where there is a wider regulatory interest.
30. Various surveillance platforms may be used, including the internet and social media, as a general observation duty with regard to legislative functions and this may include publicly accessible areas of the internet and social media.

Information Requirements

31. Information requirements on businesses will be weighed against the costs and benefits of providing it and the Licensing Section will seek to share this data to avoid duplication.

Compliance and Enforcement Actions

32. Action will be taken where appropriate but there will be discussion with the business first, unless immediate action is warranted or delay would defeat the object of the enforcement action.

Accountability

33. The Licensing Section has put in place consultation opportunities for businesses to provide feedback including the use of NI 182, which measures the business satisfaction with regulatory services. The Council also provides an corporate complaints procedure.

Informal Action

34. Informal action will be appropriate in the following circumstances:
- The consequence of non-compliance will not pose a significant risk to members of the public who may visit the premises or use a licensed vehicle
 - The act or omission is not serious enough to warrant formal action
 - From the past history of the individual, enterprise or licence/permit holder it can be reasonably expected that informal action will achieve compliance, and
 - Confidence in the individual or licence/permit holder, or in the management of the enterprise, is high
35. Even where some of the above criteria are not met there may be circumstances in which informal action will be more effective than the formal approach. This may apply to businesses and enterprises associated with voluntary organisations using volunteers where no one is employed to work.
36. When informal action is taken to secure compliance, Officers will ensure written documentation is provided that:
- Contains all the information necessary to understand what action is required, why it is necessary and the timescale for compliance
 - Offers the opportunity for discussion or for the individual or proprietor to make representations, including contact points and names
 - Indicates the statute or regulation contravened, measures which will enable compliance with the legal requirements and that other means of achieving the same effect may be chosen
 - Provides the details of any other Council services or outside Agencies that may be able to provide assistance or related services
 - Clearly indicates that any recommendations of good practice are not legal requirements

Statutory and Other Notices issued under Licensing Legislation

37. Only Officers who are duly authorised by the Corporate Director or the Head of Governance and Legal Services and Council's Monitoring Officer, may issue (i.e. sign) Statutory Notices.
38. Authorised Officers must have personally witnessed the matter or issue concerned, be satisfied that it is significant and that any other appropriate criteria are met before issuing or requesting any Notice. The Corporate Director may issue certain Statutory Notices on the

recommendation of Authorised Officers where the latter are not personally authorised to do so.

39. Unless specified in legislation, Authorised Officers shall endeavour to obtain the agreement of the licence/permit holder regarding the placing of time limits on Notices, having taken due account of the risk. Authorised Officers will always discuss the works or other matters required with the licence/permit holder, if possible resolve points of difference and fully consider alternative solutions.
40. When issuing a Statutory Notice the Authorised Officer will provide information about the right of appeal.
41. Failure to comply with a Statutory Notice will generally result in legal proceedings and/or work in default where appropriate and permitted.

Formal Warning

42. The following conditions will be met before a Formal Warning is administered:
 - There must be evidence of the suspected offender's guilt sufficient enough to give a realistic prospect of conviction, and
 - The suspected offender must admit the offence either verbally or in writing (there must be a record). A Formal Warning will not be appropriate where a person has not made a clear and reliable admission of the offence (for example where intent is denied or there are doubts about the person's mental health or intellectual capacity or where it is likely that the person could avail themselves of the provisions of a statutory defence), and
 - It is in the public interest to use a Formal Warning as the appropriate means of disposal, and
 - The suspected offender must understand the significance of a Formal Warning and give consent to being cautioned
43. The significance of a formal warning is that a note to the effect that a Formal Warning was administered will be placed on the relevant documents held as part of the Council's records and held for as long as the warning and incident is relevant.
44. If all the above requirements are met, the Officer will always consider whether the offence makes it appropriate for disposal by a Formal Warning but where a suspect is under 18, a Formal Warning will not be given.
45. Where a person declines the offer of a Formal Warning, the suspect will be advised that the Council has the discretion to proceed with the matter by way of legal proceedings.
46. Simple Cautions may be appropriate for individuals and corporate bodies. They will be used only in accordance with the relevant Government guidance.
47. When considering the disposal of a matter by way of Formal Warning the Council will have regard to any aggravating or mitigating factors involved in the commission of the offence and determine which factors may be most appropriate in the local circumstances.
48. The views of the victim, if any, will be taken into account and the proposal to offer a Formal Warning explained; though the fact that a victim declines to support a prosecution will not preclude the consideration of a Simple Caution. The final decision is at the discretion of the Council. The victim will be kept informed of the final outcome.

49. The Suspect's criminal record will be checked to avoid inappropriate use of a Simple Caution. In particular, the Home, Lead or Originating Authority will be contacted for this purpose. If the suspect has previously received a Caution, then a further Formal Warning will not normally be considered unless the matter is trivial or unrelated.
50. The Formal Warning may be administered by post or in person. The suspect will be given adequate time to decide whether to accept, including the opportunity to seek independent legal advice.

Prosecution and/or Default Action

51. Where circumstances have been identified which may warrant a prosecution, all evidence and information will be considered to enable a consistent, proportionate and objective decision to be made.
52. A decision to prosecute is delegated to the Corporate Director after consultation with the Legal and Governance Department, with notice to the Chairperson or in their absence the Vice-Chairperson of the Licensing and Registration Committee; the decision being based on the legislation and statutory Codes of Practice and the CPS Code for Prosecutors, in any of the following circumstances and at the earliest opportunity:
 - Where the alleged offence involves a reckless disregard of the law such that safety or well-being of the public is being put at risk
 - Where death was a result of breach of the legislation
 - Where the gravity of the alleged offence, taken together with the seriousness of any actual or, or the general record and approach of the offender, warrants it
 - The alleged offence involves a failure by the suspected offender to correct an identified serious potential risk having been given a reasonable opportunity to comply with the lawful requirements of an Authorised Officer
 - A Formal Warning has been offered but rejected
 - The alleged offence involves the failure to comply in full or in part with the requirements of a Statutory Notice
 - There is a history of similar offences of persistent poor compliance
 - There has been a failure to comply with a written informal warning
 - Authorised Officers have been intentionally obstructed or assaulted in the lawful course and pursuit of their duties. This includes refusing to provide name and address when requested by an Authorised Officer.
53. The Corporate Director after consultation with the Legal and Governance Department, will also consider prosecution where, following an investigation or other regulatory contact, the following circumstances apply:
 - False information has been wilfully supplied or there has been intent to deceive
 - There have been serious failures by the management of the business or organisation
 - It is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law and conviction may deter others from similar failures to comply with the law.
54. When considering the decision to prosecute, Officers will also have regard to relevant Codes of Practice and guidance from the appropriate national regulators and consider the following factors:

- a) The seriousness of the alleged offence e.g.
 - Harm or the risk of harm to the public
 - Failure to comply with a Statutory Notice served for a significant breach of legislation
 - Deliberate disregard for financial reward
 - b) The previous history of the party concerned, including:
 - Offences following a history of similar offences
 - Failure to respond positively to past warnings
 - Failure to comply with Statutory Notices
 - c) The competence of any important witnesses and their willingness to co-operate
 - d) The willingness of the party to prevent a recurrence of the problem
 - e) The probable public benefit of a prosecution and the importance of the case, e.g. whether it might establish legal precedent or address a high incidence of similar offences in the area. Advice on the public interest test is contained in the Code for Crown Prosecutors. The general advice is that the more grave the offence, the more likely that it will be in the public interest for prosecution to be pursued.
 - f) Whether any other action, such as issuing a Formal Warning or a Notice or imposing Prohibition, would be more appropriate or effective. It is possible in exceptional circumstances to prosecute as well as issue a notice and failure to comply with a notice would be an additional offence
 - g) Any explanation offered by the company or the suspected offender. Suspected offenders will always be given the opportunity to offer an explanation before prosecution decisions are taken
 - h) Where applicable, the likelihood of the defendant being able to establish a 'due diligence' or 'best practicable means' defence. Where appropriate, reference will be made to case law and guidance issued to regulatory bodies.
55. Before a prosecution proceeds the Corporate Director, in consultation with the Authority's Legal and Governance Department; will ensure that they are satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company. The Legal and Governance Department and Corporate Director must deem there to be a realistic prospect of conviction, a bare prima facie case will not be sufficient.
56. Additionally, the Council will actively consider the management chain and the role played by individual Directors and Managers of areas licensed by this Authority. Where appropriate, the Council will seek disqualification of Directors under the Company Directors Disqualification Act 1986.
57. Where circumstances warrant it, and the evidence to support a case is available, the Council will prosecute without prior warning or recourse to alternative sanctions.

Licensed Premises

58. Licensing Act 2003 (the Act): The Licensing Authority is required to promote the following four (4) objectives in relation to premises and people under the Act:
- The prevention of crime and disorder
 - Public safety

- The prevention of public nuisance
 - The protection of children from harm
59. Tendring District Council, acting as the Licensing Authority, recognises the interest of both citizens and businesses and will work closely, along with partners, to assist licence holders to comply with the law and the four licensing objectives that it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.
60. The Tendring District Corporate Enforcement Strategy formalises the working agreement between the Licensing Authority, Essex Police, Essex Fire and Rescue Service, Essex County Council Trading Standards, North East Essex Clinical Commissioning Group and Essex County Council Children’s Safeguarding Service in respect of licensing compliance. This includes for example the nomination of liaison officers, disclosure agreements, provision of advice, complaint investigation, review of licences etc.
61. The Enforcement Strategy sets out the roles and responsibilities of the various enforcement agencies. It promotes the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run.
62. Gambling Licensing: The Corporate Director or Head of Governance and Legal Services (and Council’s Monitoring Officer) or Senior Solicitor (Litigation and Governance), is the appropriate person to initiate any enforcement action to be taken under the Gambling Act 2005 with regard to Premises Licences and Gaming/Gaming Machine Permits. Any other enforcement action is the responsibility of The Gambling Commission.

Referral to Another Agency

63. Where any matter is found to fall more appropriately under the enforcement regime of another regulatory body or agency, then the case will be referred to that agency by the Council. In all cases of referred enforcement, the person(s) under investigation will be notified (if appropriate and not prejudicial to any enforcement action) in writing by the Council stating the reasons for referral.

Revisits to Premises

64. Following service of a Statutory Notice or a written informal warning and/or advice, Officers will revisit the premises, to check that compliance has been achieved. For very minor contraventions, Officers may advise that a check will be carried out at the next routine inspection. The decision on whether a follow-up visit is necessary will be based upon the seriousness of the non-compliance and the likelihood that further formal action will be taken as a direct result of the visit. Where practicable, the Officer who undertook the original visit or inspection will carry out the re-visit if there are any significant breaches of legislation.

Enforcement at Premises in which the Council has an interest

65. The Council will not take action against itself and where such action may prove necessary the matter will be passed to the Corporate Director, for referral to the appropriate national enforcement authority.

66. Where Council owned premises are operated by a contractor or other occupier then the Council shall retain responsibility for enforcement. Under these circumstances the Council will apply its enforcement policy and procedures in exactly the same way as it does in all other premises at which it has the enforcement responsibility.

Police and Criminal Evidence Act 1984 – PACE interviews

67. Questioning of licence/permit holders and other persons will be carried out as a formal interview where there is suspected involvement in criminal offences. All interviews shall be conducted with regard to the above Act and associated Codes of Practice.

Human Rights Act 1998

68. Regard shall be had to the Human Rights Act 1998 when applying this Policy.

Equality and Diversity and the Equality Act 2010

69. Full regard will be taken of the Council's Equality and Diversity policies when applying the Licensing Enforcement Policy and in considering any matter or making any decision the Council will have due regard to the Equality Act 2010 including the public sector equality duty (PSED) at section 149 of the Equality Act 2010.

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83. **REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.2 - PROPOSED REVISION OF LICENSING ENFORCEMENT POLICY**

The Committee had before it a report (A.2) which requested it to approve, in principle, a revised draft Licensing Enforcement Policy, and sought its permission for the document to be circulated to key stakeholders for consultation purposes.

It was considered good practice that the Authority revised the policy on enforcement processes from time to time to ensure that the most current information and guidance was made available to applicants taking into consideration the current legislation and resources available.

It was therefore moved by Councillor Callender, seconded by Councillor Watson and unanimously **RESOLVED** that – (a) the draft Enforcement Policy, as set out in Appendix A to item A.2 of the Report of the Corporate Director (Operational Services), be approved, in principle.

(b) the draft Enforcement Policy be circulated to the Licensing Authority's key stakeholders for consultation purposes and that any representations received be considered at a future meeting of the Committee.

(c) if no representations are received, the Licensing Manager, in consultation with the Chairman (or failing him the Vice-Chairman) of the Committee, be authorised to forward the proposed Enforcement Policy to Full Council for its consideration and formal adoption.

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COUNCIL

6 AUGUST 2019

REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE

A.2 SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS

(Report prepared by Ian Ford)

PURPOSE OF THE REPORT

To enable Council to consider the recommendations submitted by the Planning Policy & Local Plan Committee in respect of the proposed Additional Sustainability Appraisal, evidence and amendments relating to Section 1 of the Local Plan which it is further proposed should be submitted, together with the responses received from a proposed public consultation thereon, to the Planning Inspector.

BACKGROUND

On 16 July 2019 the Planning Policy & Local Plan Committee gave consideration to a comprehensive report (and appendices) of the Corporate Director (Planning and Regeneration) which sought:-

- a) the Committee's recommendation to Full Council that the Additional Sustainability Appraisal be approved and to inform the Committee of the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex;
- b) the Committee's recommendation to Full Council that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications; and
- c) the Committee's recommendation to Full Council that a six weeks public consultation be undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they were submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude their examination.

Having considered and discussed the contents of the Corporate Director's comprehensive report and appendices the Committee decided to recommend to Council that –

- a) *the additional evidence base summarised within Appendices 2 to 11 to the report of the Corporate Director (Planning and Regeneration) and available in full as background papers be accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;*
- b) *the findings of the Additional Sustainability Appraisal work (summarised in Appendix 1 to the aforementioned report) which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy be approved;*
- c) *the Additional Sustainability Appraisal work and evidence base (including the*

additional evidence) be endorsed as supporting the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;

- d) the schedule of proposed amendments to the submitted Local Plan (attached as appendix 12 to the above report) be approved;*
- e) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;*
- f) following that period of public consultation, the above-mentioned documents along with any duly made representations received during the public consultation period, be submitted to the Secretary of State in order to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and*
- g) the Local Plan Inspector be formally requested to recommend any further modifications to the Publication Draft Local Plan as necessary in order to make it 'sound'.*

RECOMMENDATION

That Council considers the recommendations submitted by the Planning Policy & Local Plan Committee and determines whether to approve them.

APPENDICES

Report of the Corporate Director (Planning and Regeneration) considered by the Planning Policy & Local Plan Committee on 16 July 2019

Appendices to that report namely:-

1. Additional Sustainability Appraisal of North Essex Local Plan Section 1: Summary of Draft Findings.'
2. Executive summary of 'North Essex Rapid Transit System for North Essex: From vision to plan'.
3. Conclusion and next steps from 'Mode Share Strategy for the North Essex Garden Communities'.
4. Summary of findings and conclusion from 'Build Out Rates in the Garden Communities'.
5. Executive summary of 'North Essex Local Plans (Section 1) Viability Assessment Update – Main Report'.
6. 'Employment Provision for the North Essex Garden Communities.
7. Tendring/Colchester Borders extract from 'North Essex Garden Communities Infrastructure Planning, Phasing and Delivery.

8. Summary of 'North Essex Authorities Infrastructure Order of Cost Estimate (41,000 homes)'.
9. Conclusions of 'HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan'.
10. 'North Essex Authorities' Position Statement on Delivery Mechanisms'.
11. 'North Essex Authorities' Position Statement on State Aid.
12. Proposed amendments to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section One.

BACKGROUND PAPERS

Full versions of the evidence base documents listed as Appendices 1 to 11 are hosted on the Braintree District Council website and can be accessed using the following link:
https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_on_local_plan/9

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PLANNING POLICY AND LOCAL PLAN COMMITTEE

16 JULY 2019

REPORT OF THE CORPORATE DIRECTOR (PLANNING AND REGENERATION)

A.1 – SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS

(Report prepared by Gary Guiver and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

- a) To recommend to Full Council approval of the Additional Sustainability Appraisal and to report to the Planning Policy and Local Plan Committee the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex.
- b) To seek the Committee's recommendation to Full Council that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications.
- c) To seek the Committee's recommendation to Full Council that six weeks public consultation is undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they are submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude their examination.

EXECUTIVE SUMMARY

Background

Section 1 of the submitted Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.

Before a Local Plan can be formally adopted by a Council, it must be examined by a government-appointed Inspector whose job it is to check that 1) the plan has been prepared in line with various legal requirements and 2) that the policies and proposals in the plan comply with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF). Examination hearings for the Section 1 Plan took place between January and May 2018; and in June 2018 the

Inspector wrote to the North Essex Authorities setting out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the plan and praised the NEAs' innovation and ambition, the Inspector found some of the evidence and justification in support of Garden Communities to be lacking and was therefore unable to pass the Section 1 Plan as sound. The Inspector's specific concerns were reported to Members in October 2018.

In his letter, the Inspector offered the NEAs advice and options for how best to proceed. Having considered his advice, the NEAs in October 2018 confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns. On the 10th December 2008, the Inspector confirmed that he was satisfied that the proposals for further work on the evidence base satisfactorily responded to the points he had raised as identified issues and paused the examination until the NEAs' further work on the evidence base and an Additional Sustainability Appraisal was completed. Monthly updates have been submitted to the Inspector on the programme timetable as requested.

The additional evidence has now been completed and the findings are detailed within the main body of this report with a summary of the findings set out below.

Additional Sustainability Appraisal

Some of the Inspector's biggest concerns were about the previous Sustainability Appraisal (SA) which is both a legal requirement of the plan making process and a key piece of evidence in determining the most appropriate 'spatial' strategy for growth. The Inspector found that some of its assumptions were either not properly justified or were biased in favour of the NEA's preferred spatial strategy for three Garden Communities and therefore did not represent an objective or reliable assessment. He advised that further work would be needed to rectify these problems and advised different consultants ought to be selected for that work.

The Additional SA has been undertaken by consultants LUC who have followed a revised methodology that has been shared with the Inspector himself and has been the subject of consultation and engagement with statutory bodies and key participants in the Local Plan examination – taking particular care to ensure it addresses the Inspector's previous concerns. The Additional SA first tests a range of alternative development site proposals against a series of tried and tested 'sustainability criteria' applying assumptions guided, where possible, by information provided by site promoters themselves. The second stage of the SA then tests different combinations of those site proposals against the sustainability criteria which represent a reasonable range of alternative spatial strategies for the authorities to consider in determining the most appropriate approach for the Local Plan.

The findings of the Additional SA indicate that many of the site proposals and alternative spatial strategy options are closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies stand out as performing notably stronger than the current strategy in the submitted Section 1 Local Plan. There is consequently nothing arising

from this new evidence that would suggest that the current spatial strategy is not justified or needs to change to make way for an alternative approach. Officers therefore recommend that the NEAs continue to promote the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.

Additional evidence base

- HIF Bids: A progress update on two bids to the government's 'Housing Infrastructure Fund' (HIF) by Essex County Council to secure funding a) for the realignment of the A12 between Marks Tey and Kelvedon and b) for the construction of a link road between the A133 and A120 and a rapid transit system to the east of Colchester. This will demonstrate to the Inspector that positive progress is being made in securing the road infrastructure that will be key to the delivery of the proposed Garden Communities. The bids are currently being evaluated by Homes England. ECC has written to Government Ministers setting out the importance of announcements on the outcome of the HIF bids as quickly as possible.
- A12 Dualling: Indicative timescales for constructing of a new dual carriageway between Braintree and the A12 south of Kelvedon following Essex County Council's favoured route announcement in June 2018. This will provide greater clarity to the Inspector over the timing of works and their implications for highway capacity and the delivery of Garden Communities.
- Rapid Transit: Technical feasibility study from transport consultants Jacobs showing how and when a 'Rapid Transit System' (RTS) can be delivered to connect the new Garden Communities to key services, facilities and employment opportunities in and around Colchester, Braintree and Stanstead; and how much it is likely to cost. This will address the specific shortcomings in the previous evidence identified by the Inspector in his letter.
- Modal Shift: Technical paper from consultants ITP explaining how, through RTS proposals and other measures, the NEAs can achieve a 'modal shift' target for 30% of all journeys to, from and within the Garden Communities to be made by rapid transit. Again, this will address the Inspector's previous concern about the likelihood of achieving that target.
- Marks Tey Station: Update from discussions with Network Rail that suggest relocating Marks Tey Station to the centre of the proposed Garden Community for the Colchester/Braintree Borders Garden Community is unlikely to be practical option. Although the Garden Community was never reliant on the station being relocated, there is now clarity in moving forward that the development will need to be planned to integrate with the station's existing location.
- Housing Delivery: Research by the NEAs on the rates of housing development that can be achieved on large scale developments following different models and approaches to satisfy the Inspector that the scales of development proposed for the Garden Communities are realistically deliverable.

- Viability: Viability Assessment Update from consultants Hyas which re-tests the economic viability of three Garden Community proposals in light of updated cost and value assumptions, and addresses the specific concerns raised by the Inspector in relation to assumptions made in the previous assessment – including the cost of RTS. The updated assessment confirms that all three Garden Communities can be considered to be economically viable under a range of situations and scenarios which are considered to be rational and reasonable. West of Braintree Garden Community is viable under all modelled scenarios. The viability of the Colchester Braintree Borders Garden Community and (to a lesser degree) the Tendring Colchester Borders Garden Community are more dependent on securing Government investment for upfront infrastructure and/or inflation in future property values.
- Employment Land: Paper prepared by the Centre of Economics and Business Research (Cebr) advising on the calculation of how much ‘employment land’ ought to be incorporated into the Garden Community proposals to meet the needs likely to arise from growth in business and industrial activities and to contribute towards overall employment growth. This addresses the Inspector’s specific concern about the lack of any indication as to how much employment land would be provided at each of the three Garden Communities. Cebr’s paper provides figures which form the basis of proposed modifications to the Section 1 Plan.
- Phasing and Delivery: Infrastructure Planning, Phasing and Delivery report prepared by consultants AECOM which explores and sets out reasonable assumptions for how each of the three Garden Communities could be delivered in a phased manner. The assumptions in this report are particularly useful in informing wider assumptions about infrastructure delivery and economic viability.
- Infrastructure Costs: A detailed cost estimate produced by Gleeds has set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.
- Habitats Regulation Assessment (HRA): An assessment undertaken by consultants LUC of the likely effects of development in the Local Plan on wildlife sites of European importance. HRA is a legal requirement and the report has been updated to take into account an important legal ruling from the Court of Justice for the European Union and the progress that Essex Authorities have made in developing the Essex Recreation disturbance Avoidance Mitigation Strategy (RAMS).
- Delivery Mechanisms: A paper from legal firm Dentons which explains how it is intended that a public and private sector partnership in the form of a Local Delivery Vehicle will be used to deliver the Garden Communities and how this fits with current government thinking. This evidence also included a paper on State Aid considerations.

All of the above evidence supports Officers' view that the current proposals in the Section 1 Local Plan are sound and, when presented to the Planning Inspector, will address all of his previous concerns.

Proposed amendments

As well as producing the above evidence in response to the Planning Inspector's concerns about Garden Communities, the North Essex Authorities have also compiled a table of proposed amendments to the Section 1 Plan. These amendments are aimed at addressing certain issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring the plan meets the tests of soundness. Many of the proposed amendments arose from suggestions and discussions at the examination hearings in 2018 and the Inspector's interim findings whereas others arise from the findings of the additional evidence base.

Importantly, Officers are not recommending any substantial changes to the strategy for growth as set out in the Section 1 Local Plan. The additional evidence prepared in response to the Inspector's original concerns demonstrates that the establishment of three Garden Communities in the broad locations already identified in the plan is justified and represents an appropriate, sustainable and deliverable strategy.

Notable amendments include:

- New policies (SP1A and SP1B) to clarify how the Local Plan, taken as a whole, will operate in practice in the determination of planning applications; and to reflect the new Essex-wide approach to recreational disturbance avoidance and mitigation in relation to internationally important wildlife sites.
- Additional wording in Policy SP3: 'Meeting Housing Needs' to explain how the housing figures in the policy will be used for assessing authority's five-year housing supply requirements.
- Corrections to the employment land figures in Policy SP4 for the individual NEAs following the discussions at the examination hearings and the Inspector's subsequent advice.
- Additional wording for the infrastructure and connectivity policy (SP5) to provide greater clarity over what would happen if, for whatever reason, it becomes clear that the infrastructure required for the Garden Communities will not be funded or delivered; as well as identifying the key infrastructure projects that would need to be secured in advance of the start of the Garden Communities.
- The inclusion of specific employment land figures in the Garden Community policies SP7, SP8, SP9 and SP10 as well as additional wording in relation to waste water, the protection European designated sites and the historic environment and specific infrastructure priorities relevant to specific Garden Communities.

It will be the Inspector's choice whether or not to accept the proposed amendments to the Local Plan through the resumed examination process, in determining whether it satisfies the necessary statutory requirements and is sound. Section 20(7C) of the 2004 Act provides that the Inspector must, if asked to do so by the local planning authority, recommend formal modifications to the local plan that would satisfy the requirements mentioned in subsection 20(5)(a) and is sound, therefore such modifications could be suggested by the Inspector following conclusion of the examination.

Next steps

If Full Council approves and the other NEAs agree, the Additional Sustainability Appraisal, all of the additional new evidence base documents listed above and the table of proposed amendments are published for six weeks public consultation between 19th August and 30th September 2019 before they are submitted, along with any representations received, to the Planning Inspector to enable him to resume the examination. It is expected that the further examination hearings will take place in late 2019 or early 2020.

RECOMMENDATION

That the Planning Policy and Local Plan Committee recommends to Council that:

- a) the additional evidence base summarised within Appendices 2 to 11 to this report and available in full as background papers are accepted as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;**
- b) it approves the findings of the Additional Sustainability Appraisal work (summarised in Appendix 1) which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy;**
- c) it agrees that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;**
- d) it approves the schedule of proposed amendments to the submitted Local Plan (attached as appendix 12);**
- e) a six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;**
- f) following the period of consultation, the above documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan; and**

g) the Council requests the Local Plan Inspector to recommend any further modifications to the Publication Draft Local Plan as necessary to make it sound.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The preparation of a new Local Plan is a high priority for all three of the North Essex Authorities. It is also the goal of government for local planning authorities to deliver sustainable development and coordinated provision of housing, jobs and infrastructure whilst best protecting and enhancing the natural and built environment. The North Essex Authorities and Essex County Council are working together to deliver a coordinated approach which promotes the creation of new ‘garden communities’ crossing district borders.

RESOURCES AND RISK

The examination of Section 1 of the Local Plan has been funded jointly by the North Essex Authorities through their respective LDF/Local Plan budgets.

If any significant modifications to Section 1 of the Local Plan are required, they will need to be the subject of public consultation in their own right before the plan can proceed to adoption. The consultation may result in further objections; however, unless they raise fundamental issues which require re-examination, they are unlikely to result in further changes. If they do, there is a risk of further delay to the examination process for Section 2 of the Local Plan. There is also a risk of legal challenge following the adoption of the Local Plan if any party believes that the Inspector or the Councils have made any legal or procedural errors. This risk has however been minimised with the Inspector taking particular care to thoroughly examine legal and procedural matters, twice, as part of the examination process.

If Members decide to proceed with substantially different approach to existing strategy would necessitate the formal withdrawal of the Section 1 Plan and all three Section 2 Plans from the examination process – requiring the authorities to begin the plan-making process again, either jointly, in partnership or individually. Whilst some of the technical evidence prepared to date could be used to inform the preparation of a new plan(s), the majority of evidence base documents would need to be revised and the plan itself would have to follow a different format to reflect the requirements of the new NPPF that was published in 2018. To meet with legal and procedural requirements, the three-stage plan-making process would need to start from scratch with the first stage being consultation on issues and options.

Section 1 of the Local Plan is individually submitted by the North Essex Authorities but applies equally to all three Councils, therefore for the Examination to be resumed and proceed, each authority must agree to continue with the existing strategy and submitted plan. Should either Braintree District or Colchester Borough Councils postpone or make an alternative decision

Members at Tendring will need to consider their position. The outcome of the Local Plan Committees for Braintree and Colchester will be reported to Full Council.

LEGAL

The planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the new 2018 version) place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. The statutory ‘development plan’ for Tendring, as it stands is the 2007 Adopted Local Plan. However, the policies and proposals in the Adopted Local Plan are increasingly out of date. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore essential to progress the emerging Local Plan through the stages of the plan making process and ensure it meets the requirements of national planning policy so it can become the new statutory development plan and be relied upon by the Council acting as the Local Planning Authority.

Section 33A of the Planning and Compulsory Purchase Act 2004, as amended (“2004 Act”) places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation, this is known as the ‘Duty to Cooperate’ on strategic matters of cross-boundary significance, which includes housing supply. Before a Planning Inspector can begin the process of examining a Local Plan, they need to be satisfied that the local authority has demonstrated it has done everything it can to ensure effective cooperation with neighbouring authorities and other partner organisations and has sought to resolve, as far as is possible, any cross-boundary planning issues.

The Town and Country Planning (Local Planning)(England) Regulations 2012 make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a local plan and the independent examination.

Section 19 of the 2004 Act requires a local planning authority to carry out a Sustainability Appraisal of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation and in addition prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with

the objective of contributing to the achievement of sustainable development”. The Sustainability Appraisals for Sections 1 and 2 incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Assessment Regulations’), which implement the requirements of the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment. The purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues.

There are two Sustainability Appraisals for the Publication Draft Local Plan. One for Section 1 and one for Section 2. Section 1 is common with Colchester and Braintree Councils and has been examined as part of the Section 1 hearings. An Additional Sustainability Appraisal for Section 1 has been undertaken in light of the Inspector’s concerns to ensure it considers a full range of realistic alternatives to Garden Communities, at a range of different sizes. The detail of the Additional Sustainability Appraisal is set out within the body of this Report.

The NPPF requires a local planning authority to submit a plan for examination which it considers to be “sound” meaning that it is: positively prepared, justified and effective. The job of the Planning Inspector is to test that the Local Plan meets legal and procedural requirements and the above tests of soundness. The Inspector has confirmed that legal and procedural requirements have been met, however further evidence is required to comply with the tests of soundness and this evidence is already in the process of being prepared. Any modifications proposed by the Inspector at the end of the examination process will ensure the plan meets all of these requirements but these have to be published for consultation in their own right before the Council can proceed to the adoption of Section 1 and the examination of Section 2.

Section 20(7C) of the 2004 Act provides that the Inspector must, if asked to do so by the local planning authority, recommend modifications to the local plan that would satisfy the requirements mentioned in subsection 20(5)(a) and is sound.

OTHER IMPLICATIONS

Area or Ward affected: All wards (although the land proposed for a Garden Community crossing the Tendring/Colchester Border falls mainly within the new Alresford and Elmstead ward and the Ardleigh and Little Bromley ward).

Consultation/Public Engagement: The Leader of the Council and Chairman of the Local Plan Committee has informed and updated all elected members at various stages since the letters were received from the Inspector. Communication has been through correspondence to members, all member briefings with officers and a statement at Full Council.

As outlined in the May 2019 update to the Planning Inspector, the NEAs will undertake consultation on the revised evidence base, additional sustainability appraisal, and proposed

modifications to Section 1 from Mid-August to the end of September, subject of course to decisions made at the respective committees.

The purpose of the consultation will be to gather views on the additional evidence base documents that have been commissioned to address the issues raised in the Inspector's interim findings on Section 1 in June last year. By doing so the NEAs hope that any issues with the evidence base will be raised at the earliest opportunity to help inform the Examination.

The questions posed to consultees will be intentionally general in nature as the proper place for specific questions on the revised evidence base will be through any additional matters, issues and questions the Inspector may publish prior to reconvened hearing sessions. However, it will be important for the consultation and the responses to the consultation to avoid revisiting matters which the Inspector has not raised as of concern to the Examination of Section 1.

The consultation will be jointly hosted on the NEAs' web-based portal and measures will be put in place to avoid duplicate responses being made to individual authorities. Due to the technical nature of the consultation the NEAs do not intend to carry out any drop-in sessions, however the consultation will be carried out in accordance with regulations 19 and 35 to ensure that all interested parties have an equivalent opportunity to make representations.

Revised evidence base

The NEAs will publish the additional documents as previously set out to the Inspector on the portal and invite comments on their content. The NEAs envisage posing a question such as *'Do you have any comments to make on the additional evidence base documents that have been prepared by the NEAs' in response to the Inspector's interim findings?'*

Additional Sustainability Appraisal

The NEAs will publish the final SA report on the portal and invite comments on its content. Similar to the proposed question on the revised evidence base, the NEAs envisage asking consultees a question such as *'Do you have any comments to make on the Additional Sustainability Appraisal which has been prepared in response to the Inspector's interim findings?'*

Proposed modifications

The NEAs will publish a full set of proposed modifications to Section 1 which have been suggested in response to discussions at the previous Examination hearing sessions; in response to the Inspector's interim findings; and also in response to the findings of the revised evidence base. Although the Inspector has already provided feedback on some of these proposed modifications the NEAs consider it appropriate to invite feedback on all of proposed changes at this stage. The NEAs envisage posing a question such as *'Do you have any comments to make on the proposed modifications to the NEAs' shared Section 1 Local Plans?'*

Given the more complicated nature of this aspect of the consultation, the NEAs will ensure that the responses are clearly related to specific modifications and that revised wording is requested where consultees consider the proposed modifications to be unsound. Where proposed modifications

materially affect the plan's policies, they can only be made if the Inspector considers they are necessary to make the plan sound and/or legally compliant.

Following the consultation the NEAs will process all representations received and submit them (alongside the documents subject to the consultation) to the Programme Officer in a similar fashion to which followed the Regulation 19 Submission consultation in October 2017.

PART 3 – SUPPORTING INFORMATION

Background

Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area.

The three Garden Communities proposed in the Section 1 Plan are:

- Tendring/Colchester Borders Garden Community (Policy SP8) – 7,000-9,000 homes on land between Elmstead Market and Colchester.
- Colchester/Braintree Borders Garden Community (Policy SP9) – 15,000 to 24,000 homes on land around Marks Tey.
- West of Braintree Garden Community (Policy SP10) – 7,000 to 10,000 homes on land north of the A120 west of Rayne.

These are long-term comprehensively-planned development proposals designed to follow 'Garden Community Principles' including pro-active collaboration between the public and private sectors, community empowerment and engagement, high quality design and management of the built and public realm, integration of infrastructure and development and long-term governance and stewardship arrangements. The developments are expected to take place partly within the timescale of the Local Plan (to 2033) but mostly beyond that period. The Section 1 Plan currently envisages that each of the three Garden Communities will deliver 2,500 new homes in the plan period up to 2033; i.e. 7,500 homes across North Essex. The majority of new housing development expected in the period between now and 2033 will still however come from sites that are already under construction or have already obtained planning permission and sites that are allocated for housing development in each of the authorities' Section 2 Local Plans.

The final part of the process for the preparation of a Local Plan, before it can be formally adopted,

is the examination. The purpose of the examination is for a government-appointed Planning Inspector to ensure the Council has followed relevant legal and procedural requirements and to test the plan for its 'soundness' which includes ensuring that it is consistency with national planning policy. Key legal tests include ensuring the Council has complied with the legal duty to cooperate, the requirements for sustainability appraisal and requirements for community consultation. The 'tests of soundness' which are set out in the National Planning Policy Framework (NPPF) are:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr. Roger Clews, to undertake the examination for Section 1 of the plan.

Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in respect of the Inspector's first letter. The content of these letters were all reported to Members in 2018.

Overall, the Inspector was satisfied that the authorities had complied with the legal duty to cooperate and other legal and procedural matters and was also satisfied that the overarching employment and housing targets in the plan had been justified on the basis sound evidence. He also praised the authorities for their innovation and ambition in promoting three new Garden Communities in North Essex and stated that if carried out successfully it has the potential to provide for housing and employment needs not just in the current Plan period but well beyond it.

However, the Inspector found the evidence provided to support the Garden Communities was lacking in a number of respects. The main areas of concern related to:

- Transport infrastructure – in particular the lack of certainty over its practical delivery, timing,

costs and funding;

- Housing delivery – in particular the assumptions about how many new homes could realistically be built at the Garden Communities in the period up to 2033;
- Employment provision – the lack of any indication as to how much employment land would be provided as part of the new Garden Communities;
- Viability – in particular some of the assumption made in respect of transport infrastructure costs, land purchase and interest costs and contingency allowances.
- Delivery mechanisms - questions over the NEAs approach to delivering Garden Communities through the formation of a locally-led 'development corporation' and whether the development could be delivered through other alternative methods.
- Sustainability appraisal – in particular the objectivity of the appraisal and concerns that it was biased in favour of the NEA's preferred strategy.

In summary, the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the authorities had selected the option of Garden Communities over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Local Plan as being sound. Instead, the Inspector provided the authorities with three options for how to progress a Local Plan towards adoption.

Option 1 would have involved removing Garden Communities from the Local Plan and proceeding with the examination of Section 2, so long as the Local Plan was reviewed again within 2-3 years (at which point the evidence in support of Garden Communities might have been stronger). Option 2 effectively meant undertaking more work to fill the gaps in the evidence and delaying the examination of Section 2 until the Inspector had been satisfied that the Garden Communities were deliverable and that Section 1 of the Plan was sound. Option 3 would have meant withdrawing the Local Plan and starting again.

On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Communities principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:

- the availability of funding for the necessary strategic infrastructure;
- the financial viability of the proposed communities;
- the environmental effects, including transport issues;
- employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and
- continuing engagement with the local communities.

The Councils also committed to reviewing the 'Sustainability Appraisal' underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of reasonable alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary.

Additional Sustainability Appraisal (SA)

The role of Sustainability Appraisal (SA)

The strategy for growth or 'spatial strategy' in the Section 1 Local Plan includes the establishment of three Garden Communities along the A120 corridor to deliver long-term growth within the current plan period to 2033 and beyond. One of the tests of soundness is to ensure that the plan and its spatial strategy is 'justified'. To be justified, the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. The Sustainability Appraisal (SA) is a legal requirement and key piece of evidence designed to test different policies, proposals and alternative strategies and to inform the decisions a planning authority takes when choosing its strategy for growth.

The purpose of the SA is to ensure that potential environmental effects are given full consideration alongside social and economic issues. SA is also a legal requirement and should be undertaken at each of the key stages of the plan making process. Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out an SA of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so "with the objective of contributing to the achievement of sustainable development". SAs also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations'), which implement the requirements of the European Directive 2001/42/EC (the 'Strategic Environmental Assessment Directive') on the assessment of the effects of certain plans and programmes on the environment.

The Inspector's concerns about the previous SA and suggestions for further work

In his June 2018 letter (paragraphs 93-129) the Inspector raised a number of concerns about the previous SA prepared and submitted alongside the Section 1 Local Plan. He firstly questioned the objectivity of the assessment; concluding that its authors had made optimistic assumptions about the benefits of Garden Communities and correspondingly negative assumptions about the alternatives, without evidence to support many of those assumptions - thus he felt that the assessment lacked objectivity and was unreliable. He secondly questioned the rationale behind the choice of alternative strategies that were tested as part of the assessment and identified a lack of clarity in the description of the alternatives and why they were tested at certain scales - making it difficult for the public to understand the alternatives and to give an effective opinion. Thirdly, the Inspector questioned the combinations of sites that were tested, in particular the reasons for excluding of the alternative 'Monks Wood' development proposal from Lightwood Strategic as an option for testing in combination with other Garden Communities. Because of the shortfalls identified in the previous SA, the Inspector concluded that the choice of three Garden Communities as part of the preferred spatial strategy had not been properly justified and it had not been demonstrated that the chosen strategy was the most appropriate when considered against the reasonable alternatives.

In advising the NEAs on how to proceed, the Inspector provided some suggestions in his letter as to how the shortcomings in the SA might be rectified. He first suggested (paragraph 122) that

before embarking on any Additional SA work the NEAs re-examine the evidence base for any Garden Community proposals they wish to assess, especially with regard to viability, the provision of transport infrastructure and employment opportunities, in order to ensure that they have a sound basis on which to score them against the SA objectives. As explained elsewhere in this report, additional evidence in respect of each of these subjects has now been prepared.

The Inspector also advised (paragraph 123) that Additional SA work must be an objective comparison of individual Garden Community site options at a range of different sizes, insuring (in particular) that the Monks Wood proposal is assessed as an alternative at an appropriate scale. Adequate reasons (paragraph 124) would have to be given for taking forward or rejecting certain options from the first stage of the assessment. In the second stage of the assessment, the Inspector (paragraph 125) would expect an assessment of alternative spatial strategies for the Plan area including, as a minimum, the following:

- Proportionate growth at and around existing settlements;
- CAUSE's Metro Town proposal; and
- One, two or more Garden Communities (depending on the outcomes of the first-stage of the assessment).

The Inspector also advised (paragraph 128) that different consultants be used to undertake the Additional SA work than the authors of the previous SA to help ensure that the further work is free from any earlier influences and is therefore fully objective.

Methodology for the Additional Sustainability Appraisal (SA)

Independent consultants LUC have been appointed to undertake the Additional SA advised by the Inspector. The methodology that LUC has applied takes on board the Inspector's advice and was the subject of consultation in its own right with statutory consultees, other partner organisations and participants in the Local Plan Examination (including campaign groups and site promoters). The methodology has also been shared with the Inspector himself to allow him the opportunity to indicate any suggestions or concerns with the Additional Sustainability Appraisal [SA] Method Scoping Statement. In his letter in December 2018, the Inspector confirmed he was satisfied with the approach being adopted. There has also been engagement between LUC and various stakeholders in the form of meetings, a 'check and challenge workshop' and requests for information from alternative site promoters which have all helped to ensure that the assessment is as robust, and transparent, as possible.

The methodology for the Additional SA work has followed a two-stage process – the first involving an assessment of a range of potential development sites throughout North Essex at different scales of development; and the second involving an assessment of different 'spatial strategy' alternatives derived from different combinations of those sites, ensuring that the alternatives identified specifically by the Inspector are tested.

All sites and spatial strategy alternatives are assessed against the established 15 sustainability objectives which include creating safe, cohesive communities; meeting housing needs; achieving more sustainable travel behaviour; conserving and enhancing wildlife and geological sites; improving air quality; conserving and enhancing landscape quality; and safeguarding and

enhancing soil quality and mineral deposits.

Options tested

The alternative spatial strategy options tested as part of the Additional SA work have been derived following some key principles to ensure they represent a good range of reasonable alternatives. The principles include: ensuring all options meet the required housing need in the plan period to 2033; reflecting the relative housing need and commuting patterns as they affect different parts of North Essex; and ensuring alternative strategies are coherent, logical and reasonable. 17 spatial strategy options have been tested which comprise 11 options for the area of North Essex to the west of Colchester (mainly affecting Braintree district) and 6 options for the area east of Colchester (mainly affecting Tendring) – with the idea being that the most appropriate option to the west is combined with the most appropriate option to the east to result in the most appropriate spatial strategy for North Essex overall.

As required by the Inspector, the option of proportionate growth around existing settlements has been tested. It takes two forms in the assessment – a ‘percentage-based’ approach to growth which requires all towns and villages in North Essex area to accommodate the same percentage increase in dwelling stock in the period up to 2033; and a ‘hierarchy-based’ approach which directs more development towards larger towns and less development towards smaller villages with limited services and facilities. Both approaches take into account the amount of housing development that is already proposed through existing planning permissions and housing allocations in respective Section 2 Local Plans – which already account for some 80% of expected growth. The percentage-based growth scenario involves a ‘thin spread’ of development around nearly every town and village in the western part of the North Essex area (Option West 1) and a stronger focus for major development around the coastal towns to the east, including Clacton, Harwich, Frinton, Walton, West Mersea and Wivenhoe (Option East 1). In contrast, the hierarchy-based growth scenario involves a greater focus on development on the edge of Braintree and at Hatfield Peverel and Halstead to the west (Option West 2); and significant growth around the coastal town of Brightlingsea to the east (Option East 2).

Options involving different numbers and different combinations of Garden Communities have been also tested in line with the Inspector’s advice. To the west of North Essex, the current strategy in the Section 1 Local Plan of Garden Communities west of Braintree and at the Colchester/Braintree border at Marks Tey (Option West 3) has been re-assessed as well alternatives incorporating the Monks Wood alternative Garden Community proposal from Lightwood Strategic. These include Monks Wood being developed alongside and in addition to the existing Local Plan Garden Community proposals (Option West 4); and as a direct alternative to either of the two current proposals (Options West 5 and West 6).

Strategic developments in the form of major urban extensions to the east of Braintree (Option West 7) and on land at Halstead (Option West 8) have been tested alongside proportionate growth around other settlements; and the option of just having one single Garden Community alongside proportionate growth around existing settlements has also been tested in a different combinations involving the West of Braintree Garden Community alone (Option West 9); the Colchester/Braintree Borders Garden Community alone (Option West 10); and the Monks Wood

alternative Garden Community alone (Options West 11).

For the eastern part of North Essex, the alternative options that have been tested are the current Tendring/Colchester borders Garden Community (Option East 3); a north-east urban extension to Colchester crossing the administrative boundary at Ardleigh (Option East 4); 'Tendring Central Garden Village' – a proposal for major development on land around Frating, as promoted by Edward Gittins & Associates (Option East 5); and, in line with the Inspector's advice, the 'Metro Plan' concept promoted as an alternative by the Campaign Against Urban Sprawl in Essex (CAUSE) which involves developing land around the railway stations at the villages of Alresford, Great Bentley, Weeley and Thorpe le Soken which are all along the Colchester to Clacton branch line.

Assessment findings (see Appendix 1)

The Councils have now received from LUC the 'Summary of Draft Findings' with the full SA report to be completed in time for the meetings of the three authorities' respective Committees.

The options for further proportionate growth around existing settlements to end of the plan period in 2033 performed relatively poorly against the various sustainability objectives compared to alternatives that involved more focussed strategic development in the form of new settlements or major urban extensions – particularly in relation to travel patterns, modes of transport and the delivery of affordable housing. The proportionate growth scenarios have therefore been found to be less sustainable - which demonstrates, importantly, that the NEAs are justified in exploring more strategic alternatives that involve the establishment of new communities.

For those more strategic spatial strategy alternatives to the west of Colchester, the SA finds that performance against the various sustainability objectives is fairly similar and there is consequently 'little to choose' between the different options. Professional judgement is therefore required to distinguish between them, taking other factors into account.

For the spatial strategy alternatives to the east of Colchester, again the options perform similarly against the sustainability objectives although the proposal for a north-east extension to Colchester (Options East 4) is considered to be the weakest due to its potential negative impacts on the Bullock Wood SSSI and limited transport connections into Colchester. The Tendring/Colchester Borders Garden Community (Option East 3) and Tendring Central Garden Village (Option East 5) perform better than the CAUSE Metro Plan (Option East 6) in the longer term because they would provide for a scale of development sufficient to accommodate a health care facility; although Tendring Central is likely to be subject to significant adverse effects from noise pollution.

The Tendring/Colchester Borders Garden Community performs well in terms of potential economic growth. Metro Plan performs well in terms of its easy access to railway stations which could help to reduce carbon emissions, however the rural location of the Metro Plan developments could lead to longer journeys by car where rail is not a realistic choice. For shorter journeys, the Garden Community performs most strongly.

In many respects Tendring Central Garden Village performs as well as the Tendring/Colchester Garden Community, although no better; and whilst it has the advantage of an existing employment

area and would retain its own distinctiveness being separated by some distance from Colchester, its location and distance from Colchester is likely to encourage a high proportion of journeys by car.

Officers' recommendation following the findings of the Additional SA work

Whilst many of the alternative spatial strategy options perform similarly against the various sustainability objectives, the findings of the Additional SA work do not suggest in any way that there is a clearly stronger alternative to the current strategy for three Garden Communities set out in the submitted Section 1 Local Plan. On this basis, there are no reasons arising from the SA findings for Officers to change their recommendation in respect of the most appropriate strategy for growth in North Essex. It is considered that the Additional SA work will satisfy the Inspector that reasonable alternatives have been considered in an objective way and that the choice of spatial strategy for the Section 1 Plan is both justified and sound.

Additional Evidence Base

As well as the additional work on the Sustainability Appraisal, there are various pieces of other evidence aimed at addressing the Inspector's specific concerns. Below is a summary of the evidence, setting out the Local Plan position, the issues raised by the Inspector and how the evidence addresses those issues.

HIF Bids

The Section 1 Local Plan (through Policy SP5) identifies 'strategic priorities for infrastructure provision and improvements' to support the major growth proposed for North Essex. These include improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120 and A133 to improve access to markets and suppliers for businesses, widen employment opportunities and support growth.

For the Tendring/Colchester Borders Garden Community, Policy SP8 in the Section 1 Plan requires primary vehicular access to the site to be provided off the A120 and A133 and the Concept Framework prepared by David Lock Associates shows a potential link road between the A133 and the A120.

For the Colchester/Braintree Borders Garden Community, it is already proposed that the A12 will be widened – however the form that widening will take will have implications for the scale of development that the Garden Community can deliver. Policy SP9 in the Section 1 Plan envisages between 15,000 and 24,000 new homes. The Concept Framework prepared by David Lock Associates shows how realigning the A12 to follow a more southerly route could release more land to enable development to achieve the upper-end of that range and a pattern of development that can be centred around key facilities.

Both the Colchester/Braintree Garden Community and the West of Braintree Garden Community benefit from additional road capacity being created through the dualling of the A120 between

Braintree and the A12 – the form of which would also have implications for the way in which the Colchester/Braintree Borders scheme is to be laid out.

In his June 2018 letter, the Inspector (paragraph 37) indicated that greater certainty over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey would be necessary to demonstrate that the Garden Communities were deliverable in full. At the time of the Local Plan examination in 2018, no decisions had been taken in respect of either of these schemes.

In response to the Inspector's advice, the NEAs can now provide an update on the progress of two bids that have been made by Essex County Council to the government's Housing Infrastructure Fund (HIF).

Essex County Council has submitted two bids under the 'Forward Funding' element of the HIF programme, which seeks to provide upfront early funding of strategic infrastructure to enable housing to come forward:

- **Colchester Braintree Borders Garden Community (£229m):** The bid seeks funding to support the realignment of the A12 between Kelvedon and Marks Tey to facilitate and realise the full growth potential of the Garden Community. Land is currently being promoted either side of the A12. A comprehensive development is unlikely to be deliverable given severance should the route of the A12 remain. The infrastructure provided by the proposed scheme would facilitate the delivery of 21,000 new homes at the CBBGC site of which 15,000 are unlocked by this HIF investment. Without this funding, development at the site would be capped at around 6,000 homes. Without HIF funding this is likely to continue to be promoted as a single site but unlikely to achieve full Garden City principles, would still suffer from access issues, and may well remain stalled. The realigned route is proposed to reconnect with the existing A12 south and west of Marks Tey, and not east of Marks Tey as per the Colchester Braintree Borders Concept Framework (DLA, 2017, reference EB/026) illustrative alignment, which reduces capacity of the site to 21,000 units. The bid also includes a new junction 25 which will provide direct access to the proposed Garden Community, signalling junction 23 at Kelvedon where the A12 meets a new A120 to facilitate traffic flow and widening of the Kelvedon Bypass to four lanes in each direction to accommodate future traffic volumes.
- **Tendring Colchester Borders Garden Community (£99m):** The bid seeks funding for a new A120 – A133 Link Road and provision for a rapid transit system (RTS). Funding is sought to implement the RTS which will prioritise public transport on key routes into Colchester for new and existing residents. The system will service a new Park and Ride and help to better connect the planned Garden Community on the borders of Colchester and Tendring with the rest of the town. A new strategic link between the A120 and A133 will improve connectivity locally and within the wider region and relieve traffic going to the University of Essex and its Knowledge Gateway technology and research park.

The bids are currently being evaluated by Homes England. Engagement between ECC and

government officials has been very positive to date, and ECC has written to Government Ministers setting out the importance of announcements on the outcome of the HIF bids as quickly as possible.

The bids require works and spend to be implemented by April 2024 and therefore Essex County Council is continuing to evolve more detailed proposals and work on delivery of the infrastructure components in advance of funding decisions, in order to provide a strong foundation for future delivery.

A12 widening and junction improvements

As per the position at the examination, this scheme is included in the funding round known as Road Investment Strategy (RIS) 1 with funding already secured. The A12 programme between J19-25 will be delivered by Highways England under the Project Control Framework (PCF). It is anticipated that Highways England will make a preferred route announcement on the A12 widening project in Summer 2020. The A12 works will require consent through Development Consent Order and the current programme expects this to be submitted in 2022, with start of physical construction in Spring 2023 with works anticipated to be complete by 2027/28.

Highways England have recently announced the appointment of their Delivery Integration Partner, Costain, who alongside Jacobs, will deliver the A12 Chelmsford to A120 Widening scheme from preliminary design and planning application submission, through to construction.

Highways England, Essex County Council, Braintree District Council and Colchester Borough Council are continuing to work closely to understand the impact of the proposed North Essex Garden Community at Marks Tey. The proposed development is likely to affect the alignment of the A12 between junctions 24 and 25, and consequently it may be necessary to put forward new plans that reconsider the road alignment between junctions 24-25. In this case, Highways England will consult with those affected on any potential realignments.

A120 Dualling

At the time of the hearing sessions held in January and May 2018 and the Inspector's June 2018 letter, there had been no decisions in respect of the proposed alignment for the dualled A120 and the Inspector was concerned (paragraph 36) that the various options for realigning the A120 that were under consideration at the time could have quite different implications for the A120's relationship with the Colchester/Braintree Borders Garden Community.

ECC announced its favoured route in June 2018, and was recommended to Highways England / Department for Transport for inclusion in the RIS2. The favoured route runs from Galleys Corner at Braintree to a junction with the A12, to the south of Kelvedon. If the A120 Braintree to A12 upgrade is included in the funding round known as RIS 2, it is expected to be announced in 2019. If successful, this would likely be followed by a Preferred Route Announcement. Provided that the scheme progresses as planned, and funding is made available, it is anticipated that construction

could commence in 2023 with the road ready for use by 2027. ECC will continue to lobby the Government if the A120 is not included in RIS 2 to include it for improvement at the earliest possible opportunity.

The A120 Essex project team and Highways England have established a joint Project Board to take strategic and collective decisions and to review progress of the scheme. The project has been reviewed at several points both by Highways England, and through an Independent Assurance Review process. Highways England is satisfied that the project has undertaken its technical and consultation processes effectively, and in accordance with its requirements. The review team concluded that the project team is on track to identify a viable scheme for consideration for inclusion in RIS 2. They gave the project a “green” Delivery Confidence Assessment.

Rapid Transit

The Section 1 Local Plan (through Policy SP7) proposes a step change in integrated and sustainable transport systems for the North Essex area that put walking, cycling and rapid public transit networks and connections at the heart of growth in the area, encouraging and incentivising more sustainable active travel patterns. Key to achieving this, it is proposed that each Garden Community is served by a ‘rapid transit system’ (RTS) to enable fast public transport connections into Colchester, Braintree and Stanstead. A Movement and Access Study produced in support of the plan set a target of 30% of all journeys to, and from the Garden Communities, to be made by rapid transit.

In his June 2018 letter (paragraph 39), the Inspector raised concern that such a target could only be achieved if RTS was available early on in the lifetime of the Garden Communities and that, at the time of the examination, the planning for RTS was at a very early stage and that there was insufficient evidence on which to determine the likely form of RTS, its capital cost (which would be key to the overall viability of Garden Communities) and the timescales for delivery.

In response to the Inspector’s concerns, Essex Highways (the partnership between Essex County Council and consultants Ringway Jacobs) have produced a document entitled ‘Rapid Transit System for North Essex – from vision to plan’ (summarised in Appendix 2) which explains how a high quality, frequent and rapid public transport system can be created which, alongside other measures incorporated into the Garden Communities, will provide the best possible chance of achieving a successful outcome. The document considers different modes of rapid transport and recommends that bus and trackless tram technology is the best option for the North Essex Garden Communities and also sets out four clearly identified route options for the RTS (see below) which enable rapid linkages between the Garden Communities, town centres, key employment areas (including Stansted Airport) and other important attractors utilising a combination of newly created routes and existing roads.

The four route options include:

- **Route 1** connecting Tendring/Colchester Borders Garden Community, a potential eastern

park and ride site, the university, the main rail station, the hospital and the existing Colchester northern park and ride site.

- **Route 2** connecting Colchester/Braintree Borders Garden Community, a potential western park and ride site, the town centre and the rail station.
- **Route 3** being planning jointly with Uttlesford District Council and connecting Stansted with Braintree via the West of Braintree Garden Community.
- **Route 4** connecting Braintree and the Colchester Braintree Borders Garden Community, and in doing so connects the two subsystems that would have been created.

More detailed study work has already begun on Route 1 as part of the HIF bid for the A120/A133 link road. In terms of delivery, it is expected that Route 1, 2 and 3 will be in place by the end of the plan period. Post 2033, the intention is to extend the level of segregation on Routes 1-3 and introduce Route 4, which connects the two subsystems. The timescales for this further investment will be timed according to funding availability. Whilst significant investment is planned as part of the garden communities, it is expected that additional bids will be made to government for monies (eg. Housing Infrastructure Fund; Strategic Infrastructure Tariff).

The report explains how the proposed form of RTS is economically viable and that it can be incrementally developed, in a phased manner, alongside the growth at Garden Communities.

Modal Shift

In addition to the document produced on RTS, a paper entitled 'Mode Share Strategy for the North Essex Garden Communities' (see extract in Appendix 3) has been produced separately by consultants ITP which sets out a variety of measures that can be put in place to influence the way in which people travel, which, alongside RTS will enable the 30% target to be achieved. Such measures include achieving mixed-use developments which integrate residential, leisure and employment land uses together; higher density development in certain locations; building close to the public transport network; the use of car parking restrictions on specific streets; giving priority to walking and cycling in the layout of development; and creation of car free areas in certain locations.

Marks Tey Station

Policy SP9 in the Section 1 Plan in respect of the Colchester/Braintree Borders Garden Community states that opportunities will be explored to establish how Marks Tey rail station can be made more accessible to residents of the new community including through the improvement of walking, cycling and public transport links to the station, or to relocate the station to a more central location. A Concept Framework for the Garden Community shows the relocation of the station some 2km to the south-west where it could form part of a transport interchange in the centre of the community. Neither the Section 1 Plan nor the Concept Framework say that the relocation of the station is essential to the success of the Garden Community.

In his letter, the Inspector stated (paragraph 44) that the current peripheral location of the station would integrate poorly with the structure of the proposed Garden Community and whilst he acknowledged (paragraph 45) that relocation was not essential, he nonetheless felt it would be a missed opportunity if a Garden Community on the scale currently proposed were to proceed with the station on its periphery. Furthermore, the Inspector noted (paragraph 47) that the viability appraisal in support of the Local Plan allocated a considerable cost of some £50million towards the relocation of the station albeit 30 years into the build programme which, in his view, would be too late to enable the station to be integrated into the planning of the new town centre.

Further joint working is being undertaken with Network Rail regarding the potential for a new rail station. Network Rail has undertaken a timetable evaluation to understand the potential implications of a new station on the Great Eastern Main Line (GEML). This analysis indicated that the provision of an additional new station would have a detrimental impact on journey times between Colchester and Chelmsford. Network Rail have advised that it would be more appropriate to consider providing improved connectivity to/from existing stations on the GEML as opposed to the provision of a new station. Additional work is ongoing to look into the capacity of the GEML to consider the impacts of the GC and wider growth on the line.

Consequently, it is presently considered that moving Marks Tey Station is not likely to be feasible and that if the Garden Community for the Colchester/Braintree border is to proceed, it should be assumed that the station will remain in its current location. With the relocation of Marks Tey Station likely to be ruled out, any master planning for the Garden Community will have to proceed on the basis that the station will remain in its current location.

Housing Delivery

All three of the proposed Garden Communities are expected to deliver new homes partly within the timescale of the Local Plan up to 2033 but mostly beyond 2033 and potentially over multiple plan-periods. Whilst they propose between 29,000 and 43,000 in total over their full period of construction, it was only expected that 7,500 new homes will be delivered i.e. 2,500 in each of the three locations up to 2033. To achieve this level of development between now and 2033, each location would need to see rates of development increasing over time to between 250 and 350 homes a year.

In his letter, the Local Plan Inspector (paragraph 53) found that whilst not impossible that one of more of the Garden Communities could deliver at rates of around 300 homes a year, he felt (based on the evidence before him) that it would be more prudent to plan on the basis of an annual average 250 a year. If the NEAs were to adopt this approach, the total number of homes that Garden Communities could be expected to contribute towards housing supply in the period up to 2033 would reduce slightly from 7,500 to nearer 7,000 but more importantly the overall construction period for the Garden Communities would be extremely long, particularly for the larger Colchester/Braintree Borders Garden Community where the construction period would be somewhere between 60 and 96 years. The implications on viability of such a long construction period are considerable – particularly in relation to interest payments.

In response to the Inspector's comments, Officers from the three NEAs have conducted further research into the rates of housebuilding that are achievable and have produced a topic paper entitled 'Build out rates in the Garden Communities' (findings summarised in Appendix 4). The topic paper includes a review of the evidence that was before the Inspector at the examination hearings and a review of recent publications which explore how to boost housebuilding (including the Oliver Letwin Review) as well as evidence on high build-out rates that have either been achieved or are expected to be achieved on sites in other parts of the country.

The topic paper concludes that since the examination hearings the Inspector's advice to plan for an annual average of 250 completions a year at the Garden Communities is overly cautious and that, based on the evidence compiled, rates of more than 300 homes a year are achievable.

Viability

It is important that proposals in the Local Plan are economically viable to ensure they have a realistic prospect of being delivered within the timescales envisaged. The Garden Community proposals were supported by an assessment of viability undertaken by Hvas (North Essex Local Plans (Section 1) Viability Assessment: Main Report & Appendices, April 2017), which was subject to considerable debate at the Examination in Public.

In his letter following the Hearing sessions, the Inspector acknowledged the 'strategic' nature of the viability work in light of the early stage of proposals, the residual valuation methodology and key importance of making sound assumptions. The Inspector accepted that generally reasonable assumptions had been adopted with respect to a broad range of key inputs, but highlighted a number of areas where he felt that the viability assessment required additional work and therefore had not sufficiently demonstrated that the proposed Garden Communities were financially viable.

The specific areas of concern were:

- Transport infrastructure costs – where the Inspector (paragraphs 66 & 68) found that the potential cost of a rapid transit system and/or any likely developer contributions towards the A12 and A120 improvements required further consideration and needed to be fully taken into account as part of the viability assessment work.
- Land purchase and interest – where the Inspector (paragraph 71) found that no allowance had been included in the viability appraisal for the cost of interest on any borrowing to fund the purchase of land by a master developer – which, given the likely scale and duration of the Garden Communities, could be substantial.
- Contingencies and sensitivity testing – where the Inspector (paragraph 77) found that the 'contingency' allowance being applied to certain capital sums for specific elements of infrastructure was potentially too low.

- Price of Land – where the Inspector (paragraphs 82-85) found that landowners would require sufficient land values to persuade them to bring land forward for development and that the viability assessment would need to demonstrate that such reasonable uplifts over and above current use values could be achieved.
- Other specific aspects including the cost and timing of a potential new rail station at Marks Tey (paragraph 47), the build out rate being achievable (paragraph 53), the provision of employment land consistent with the wider approach, and ability to deliver the required level of affordable housing.

In response to these issues, Hyas have produced an updated viability assessment (summarised in Appendix 5) which takes into account the latest information on the costs of all strategic infrastructure (including the RTS and elements included in the HIF bids), includes an allowance for interest costs on land purchase, applies higher contingency rates and addresses all other matters raised by the Inspector. The update also considers updates to national planning policy and guidance relating to viability since the previous Examination in Public which provide further clarity to the consideration of viability going forward. A detailed cost estimate produced by Gleeds (extract in Appendix 8) has set out the overall scope, scale and estimated costs of all strategic infrastructure requirements for each proposed Garden Community.

The updated assessment finds that all three of the Garden Community proposals can be considered viable in that they are capable of producing Residual Land Values that will create significant uplift for landowners well in excess of existing/current values. This is alongside generating sufficient profit for developers and investors to meet their requirements, including supplementary considerations of the time/value of money through a discounted cash flow analysis.

The assessment for West of Braintree Garden Community projects positive uplifts in land value (to circa £80,000-£140,000 per gross acre) without any grant assistance and with no allowance for inflation. This is considerably in excess of current use values with greenfield agricultural land worth in the order of £10,000 per acre with positive inflation (which would be expected over time), the uplifts in land value could be considerable meaning that this Garden Community is comfortably viable across a range of scenarios.

The Tendring/Colchester Borders Garden Community is located in an area where house prices are generally lower than those achievable to the West of Braintree and therefore the projected uplift in land value are also generally lower. That said, even without grant assistance and no allowance for positive inflation, the development could still achieve a positive, albeit lower uplift (between £15,000-£70,000 per gross acre) beyond similar agricultural land values (circa £10,000 per acre). The site is more marginal in viability terms at the highest consideration of contingencies. However the achievement of Government grant funding for upfront strategic infrastructure (such as via the currently shortlisted HIF bid, or any subsequent funding opportunity) would increase uplifts to higher levels (upwards to around £200,000 per gross acre). With positive inflation, the scheme could deliver a much higher uplift (upwards of £300,000 per hectare).

The Colchester/Braintree Garden Community comes with significantly higher upfront infrastructure costs than the other two schemes (primarily due to the need to invest in works to the A12) and, as a result, without grant or positive inflation, the development would not achieve an uplift beyond current land values and would not be considered viable. That said, the site benefits from a short-listed infrastructure funding bid and it is therefore not unreasonable to anticipate the proposals to be considered favourably for potential grant funding, either through the current HIF process, or through any future infrastructure funding opportunities that may be implemented to support strategic housing growth. In addition inflation based scenarios produce considerably higher residual land values. With grant but no positive inflation, the development could achieve a positive land value uplift (£60,000 to £100,000 per gross acre) and with inflation the uplift would be considerably higher.

The assessments therefore reveal that for both Tendring Colchester Borders and Colchester Braintree Borders there is a degree of reliance on securing either Grant funding, and/or inflationary impacts to demonstrate viability. The consultants consider that such scenarios are both credible and realistic given the long history of Government support in infrastructure to support housing growth, and trends in inflation over recent decades (including through periods of economic change and uncertainty, albeit recognising that forecasting over such a long timescale will be subject to considerable uncertainty).

The updated viability work is clear in that it can only provide a strategic overview of viability and a point in time consideration that will need to be monitored and reviewed over time. There will be a broad range of factors which could depress or enhance viability going forward, and are set out in the viability update report. Some aspects such as unforeseen costs or wider economic conditions are considered as factors that may depress viability, but a wide range of other factors are identified that could enhance viability over time such as enhanced value created through placemaking, construction cost efficiencies such as through wider uptake of modular construction, inflation rates being higher than forecast, speedier delivery and ability to secure future Government investment support. The updated viability assessment has taken a relatively prudent approach to many assumptions thus providing further confidence that the viability position could improve over time.

As a further consideration, the approach to the Garden Communities is based upon the preparation subsequent site specific Development Plan Documents and ultimately through the development management process. As such viability will need to be subject to ongoing monitoring and review as part of a future and ongoing processes to track costs, values and potential returns.

The overall findings of the updated viability assessment suggest that there is no reason to abandon any of the three Garden Community proposals at this stage in the process over insurmountable concerns about economic viability, as there are realistic and credible scenarios which can deliver viable schemes.

Section 1 (through Policy SP6) aims to deliver sufficient employment within the Garden Communities to accommodate the 'one job per household' ambition set out in the NEGC Charter. The submitted Section 1 does not specify how much land should be allocated for employment uses, instead opting for an approach that would allow for the amount of employment land within each Garden Community to be defined through the Strategic Growth Development Plan Documents (DPDs).

In his interim findings the Inspector took issue with this approach and whilst he accepted the difficulties involved in forecasting employment requirements so far into the future, he nonetheless considered it appropriate for Section 1 to provide an indicative employment land requirement. He therefore recommended that the NEAs modify Section 1 to include employment land figures for each Garden Community; doing so would provide direction to the preparation of the DPDs in a similar way to how the housing ranges will be used to inform residential land requirements in the DPDs.

To address this issue, the NEAs appointed Cebr (Centre for Business and Economic Research) to prepare an evidence base document (Appendix 6) which defines the amount of employment land required at each Garden Community. In doing so Cebr have analysed the existing sectors within the North Essex economy and forecasted the growth of these sectors using a variety of assumptions including past trends and the ability to intervene to attract particular sectors to the area. From this analysis Cebr were able to apply industry standard employee to floorspace ratios (different sectors have different ratios) which provided a volume of employment floorspace for each sector. This floorspace information was then converted into gross employment land.

Using Cebr's work, the NEAs are therefore now in a position to modify Section 1 to include employment land requirements for three Garden Communities as follows:

- Tendring Colchester Borders – 6.9ha within the plan period (as part of a total of 24.5ha)
- Colchester Braintree Borders – 4.0ha within the plan period (as part of a total of 70.1ha)
- West of Braintree – 9.1ha within the plan period (as part of a total of 43.4ha)

These employment land requirements are suggested for inclusion in the proposed modifications.

Phasing and delivery

Section 1 of the Local Plans sets out an ambitious plan to uphold high standards of placemaking and design, whilst also ensuring timely delivery of transport, community, health, education and green and infrastructure. For example Policy SP7 (at point iv) states that infrastructure will be delivered ahead of, or in tandem with, residential development to support new residents and establish sustainable travel patterns.

In his interim findings, the Inspector concluded that whilst he supported the NEAs ambition to deliver infrastructure in such a way he was not convinced that he had seen sufficient evidence to demonstrate the deliverability of such an approach. For example at paragraph 134 he remarks:

‘...The NEAs have, quite rightly, set high aspirations for the quality of their GC proposals and for the provision of affordable housing, open space, and social and community facilities in them. Clarity is needed at the outset over the affordability and deliverability of those aspirations, to ensure that they are not compromised during the development process because of unclear or conflicting expectations.’

In response to the Inspector’s findings the NEAs considered it necessary to provide evidence on the deliverability of the ambition set out in Policy SP7 as well as the site specific Garden Community policies (SP8, SP9 and SP10). The NEAs therefore appointed AECOM to prepare an Infrastructure Planning, Phasing and Delivery report (extract for Tendring/Colchester Borders in Appendix 7), the purpose of which is to demonstrate the phased manner in which infrastructure will be delivered alongside new homes at the Garden Communities. The report looks in detail at the requirements of Section 1 to ensure that the phasing approach is compliant with policy requirements and more generally fulfils the NEAs’ ambition of infrastructure-led communities. Importantly the NEAs have ensured that this report is fully consistent with the viability evidence, demonstrating both the deliverability and the financial viability of the approach put forward in Section 1.

Habitats Regulation Assessment (HRA)

The ‘Habitats Regulations’ relate to the protection of wildlife sites of European importance including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) which include the Colne Estuary, Hamford Water and the Stour Estuary. ‘Habitats Regulation Assessment’ (HRA) is required to determine whether or not a proposal, policy or plan for development would adversely affect the integrity of a European site – either alone, or in combination with other plans and projects. The HRA has to be undertaken by the ‘competent authority’ who, for the Section 1 Local Plan, are the NEAs (i.e. Braintree, Colchester and Tendring Councils).

HRA was undertaken for the Section 1 Local Plan but in April 2018 (after the Local Plan had been submitted, but before the Inspector issued his letter) there was a landmark legal ruling from the Court of Justice for the European Union (CJEU) called the ‘People over Wind, Peter Sweetman v Coillte Teoranta’ judgement. That judgement had implications for how HRA should be carried out and at which stage of the process mitigation measures (intended to avoid or reduce and harmful effects) should be carried out. In his letter, the Inspector advised that the NEAs would need to consider the implications of this legal judgement and would need to ensure that the HRA is compatible with this landmark judgement. In response, ‘Land Use Consultants’ (LUC) were commissioned by the NEAs to update the HRA for the Section 1 Local Plan, in consultation with statutory agencies including National England, in light of the legal judgement and this was completed in June 2019.

The 'HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan' (conclusions attached as Appendix 9) identifies the likely significant effects on European sites as being loss of offsite habitat, recreational impacts and water quality impacts. The assessment concludes that mitigation measures can be secured as part of the relevant developments to address loss of offsite habitat; that recreation impacts can be mitigated through the measures in the Essex Recreation disturbance Mitigation Strategy (RAMS) put in place by Essex authorities; and that the development should not result in adverse impacts to water quality so long as there is a commitment to address water treatment capacity issues prior to specific developments. Modifications to the policies in the Section 1 Local Plan are suggested to ensure that the plan properly reflects the findings of the updated HRA and that necessary mitigation is put in place. This report, alongside the suggested modifications, should demonstrate to the Inspector that the NEAs have complied with the Habitats Regulations in assessing the impacts of the Local Plan.

Delivery Mechanisms

The Section 1 Local Plan explains that the NEAs are committed to ensuring that the new garden communities are as sustainable and high quality as possible and that the infrastructure needed to support them is delivered at the right time. This will require the Councils to work very closely with the relevant landowners using a robust delivery mechanism that ensures a fair and equitable distribution of the costs and land requirements needed to secure the ambitions for the Garden Communities and create a long term legacy appropriate to the scale of the ambition. Given the scale of complexity of the proposed Garden Communities, it is envisaged that 'Local Delivery Vehicles' (LDVs), with both private and public sector representation, will be used to oversee these developments.

Whilst, in his letter, the Inspector acknowledged that this approach was generally compatible with national planning policy and deploying new models of delivery was a legitimate aspiration, he questioned if other delivery mechanisms could be adopted – suggesting that there was no substantial evidence to show that only new models of delivery were capable of delivering Garden Communities in the way envisaged.

In response to this, the Councils' legal advisors Dentons have produced a specific paper entitled 'Delivery of the Garden Communities' (Appendix 10) which explains that since the submission of the Local Plan in 2017, the government has placed greater emphasis on local authorities taking a more pro-active role in the delivery of new homes and the delivery of Garden Communities. It also explains that new statutory provisions have been put in place promoting 'Locally Led New Town Development Corporations' (LLNTDCs) as a mechanism by which new development can be delivered. It is proposed that modifications to the Local Plan are made to reflect the potential for Garden Communities to be delivered via LLNTDCs but that it will ultimately be for the Councils to decide whether this is the most appropriate means by which to proceed.

The paper also explains that if LLNTDCs are not used as a vehicle to deliver the Garden Communities and landowners and developers are left to bring the development forward on their

own, they will be expected to meet all costs associated with their delivery in accordance with both the policies in the Local Plan and any more detailed requirements set to be included in the new Development Plan Documents (DPDs) for each of the schemes. It also explains that if landowners were unwilling to release their land at a reasonable price which allows for these costs to be met, the NEAs would be willing to use 'Compulsory Purchase Order' (CPO) powers to acquire the land – something that is supported by national planning policy, where necessary.

Dentons' paper will help to explain to the Inspector that whilst a Local Delivery Vehicle or a LLNTDC is the preferred means by which to deliver the Garden Communities, other delivery mechanisms are available and could be employed to ensure that the developments come forward in the way envisaged. When the detailed delivery mechanisms for the Garden Communities are discussed and decided, State Aid issues will be addressed (see Appendix 11).

Overall conclusions

Your Officers consider that the findings of the further Sustainability work and the additional pieces of evidence outlined above provide responses to all of the issues raised by the Inspector in his 2018 letters and demonstrate that the spatial strategy for growth set out in the submitted Section 1 Local Plan, including the three Garden Communities, meets the tests of soundness set out in the National Planning Policy Framework (NPPF).

The further SA work provides an objective assessment that addresses the Inspector's concerns about the previous assessment and follows a robust and transparent methodology developed through positive engagement with objectors to the plan and promoters of alternative development proposals. The findings of the SA work demonstrate that none of the reasonable alternative spatial strategy options perform notably better than the current strategy in the Section 1 Plan and provides no reason for Officers to conclude that the strategy should change. Given that the findings of the additional SA work suggest that many of the options perform similarly against the sustainability objections, planning judgement based on wider factors has to be exercised in determining the most appropriate strategy for growth in North Essex.

The alternative of further proportionate growth around existing settlements up to 2033 has been assessed as part of the additional SA work to help determine whether or not the NEAs are justified in taking a more strategic cross-border approach involving the establishment of new communities. However, the Local Plan process has already considered options relating to growing the main urban areas across North Essex and the majority of housing allocations in the three authorities' Section 2 Local Plans comprise such sites. The NEAs consider that reasonable opportunities to accommodate growth around existing settlements have been exhausted for the purposes of the plan period to 2033. It should be noted that the NEAs have also had a strong record in making use of existing previously developed 'brownfield' sites within settlements where possible.

Adding more development to existing towns and villages to make up the residual housing requirement to 2033 raises some genuine concerns about the efficient provision of infrastructure with existing and future residents having to cope with unnecessary pressure and demand on

existing services and facilities that are not able to be efficiently expanded to cater for growth. Applying a 'percentage-based' approach to achieving further proportionate growth around existing settlements, including rural settlements would result in a thin distribution of development around numerous settlements, particularly to the west of Colchester and from a transportation perspective, such a thin distribution of growth is likely to lead to further dependence on the private car. The percentage-based approach would also push more development to coastal towns such as Clacton, Harwich, Frinton/Walton, Brightlingsea, Wivenhoe and West Mersea and this raises serious concerns about environmental impacts on internationally important wildlife areas, impacts on existing transport infrastructure and the ability for the market to realistically deliver the number of homes required given the weaker housing market conditions to the east.

A 'hierarchy-based' approach to proportionate growth which directs additional housing to larger settlements would, in contrast, place a large proportion of North Essex's development to land on the edge of Braintree (a town that is already earmarked for significant growth in the plan period to 2033 in the Braintree Section 2 Plan); and, to a lesser extent, Halstead and Hatfield Peverel. In the face of highly challenging housing requirements going into the future and the constraints and challenges associated with continuing to expand existing settlements, the NEAs are justified in working together to establish new communities in line with Garden Community principles that provide scope for long-term managed growth in strategically important locations extending beyond the timeframes of the current plan that achieve a scale of development that will incorporate and deliver new infrastructure and thus reduce the pressure for expansion of existing communities.

To the west of Colchester, whilst many of the alternative strategies for strategic growth perform similarly against the sustainability objectives in the additional SA work, the proposals for Garden Communities to the West of Braintree and crossing the Colchester/Braintree Border carry genuine advantages. The proposal West of Braintree provides a strategic long term opportunity to deliver growth within the current plan period and beyond and to address needs in the western part of North Essex with direct access to the A120. It is well located to Stansted Airport both as a centre of local employment but also providing opportunities for new business growth. It also provides access to the M11 and the London Stanstead Cambridge Corridor. It is well located to the urban area of Braintree thus enabling it to benefit from the services and facilities provided in that higher order settlement, with a rapid transport system integral to realising that benefit.

The Colchester/Braintree Borders Garden Community also provides the potential for long term growth on a site with close proximity to the mainline railway station at Marks Tey and regular train links to London, Colchester and beyond within walking, cycling or bus rapid transport system to the station. It is well located at the intersection of the A12 and A120 thus providing opportunities for good accessibility and attractiveness to prospective residents and employers alike. There are also more opportunities for sustainable travel links into Colchester, a regionally important centre of employment offering a full range of facilities including a hospital and a major shopping and cultural destination.

Lightwood Strategic's proposal for an alternative Garden Community at Monks Wood (Pattiswick) is located within 3km of the proposed Colchester/Braintree Borders Garden Community with

Coggeshall located between the two. It performs similarly against the sustainability objectives in the additional SA work but given the scale and proximity of these two proposals, it is not considered appropriate to include Monks Wood in the plan as well as the current Colchester/Braintree Garden Community given the impact on infrastructure, landscape and the existing resident population that these two large developments would have. Monks Wood is accessible to a much smaller, albeit very successful, cluster around Earls Colne Airfield and Coggeshall and is closer to Braintree than the Colchester/Braintree Borders Garden Community. However, the employment market in Braintree is not as strong as Colchester's and major new employment areas are proposed on the west side of Braintree which is in closer proximity to the proposed West of Braintree Garden Community. A Garden Community at Monks Wood would be located on the highly trafficked single carriageway of the A120 and whilst it is proposed that the A120 is dualled and realigned further south (between Kelvedon and Braintree), the only other roads in the vicinity are rural lanes with very limited opportunity to access a site of this size by other routes. The impact on the historic character of the dispersed settlement of Pattiswick is also considered to be greater than on the character of Marks Tey which is much more of a modern settlement.

To the east of Colchester, the Tendring/Colchester borders Garden Community offers multiple benefits to both Colchester and Tendring in terms of housing delivery, the A133/120 link road and the opportunities to relieve traffic and unlock the economic potential for more expansion of the University of Essex and the Knowledge Gateway whilst relieving pressure caused by continued growth on the edge of existing towns and villages. CAUSE's Metro Plan concept does not offer such mutually beneficial outcomes, raises concerns about encouraging car-borne journeys where rail is not a viable alternative, and would significantly and unnecessarily alter the character of a number of rural communities in Tendring that are already under pressure from current developments, and in a district that does not need any further housing sites to meet its objectively assessed housing need up to 2033 over and above the allocations in its Section 2 Local Plan. The Tendring Central Garden Village concept scores similarly to the Tendring/Colchester Borders Garden Community in the additional SA work, but critically does not offer the mutual cross-border benefits to Colchester and Tendring that arise from the link road and potential for growth at the University of Essex and the Knowledge Gateway – it would be an unnecessary standalone development further east into Tendring that would encourage longer car journeys.

Officers therefore consider that the current strategy in the Section 1 Local Plan which proposed three Garden Communities in the locations currently suggested remains the most appropriate strategy for North Essex. The other additional evidence, including studies on rapid transit, housing delivery and viability respond directly to the issues raised by the Inspector and demonstrate that the three proposed Garden Communities are viable and deliverable.

Proposed amendments

If, through the examination process, an Inspector identifies certain issues with the soundness of a Local Plan that can be easily resolved, they can recommend 'modifications' to the plan. Under normal circumstances, modifications are published for consultation following the completion of the

examination and responses are considered by the Inspector before they confirm that the plan is sound and can be formally adopted.

For the Section 1 Plan for North Essex, a number of areas have already been identified which would benefit from amendments which have arisen from a number of sources, including representations received in response to the publication of the plan in 2017; statements of common ground entered into with statutory consultees in the run up to the examination hearings; responses to the Inspector's initial Matters Issues and Questions (MIQs) before the examination hearings; the discussions at the examination hearings themselves; and the Inspector's post-examination letters.

Officers have compiled a schedule of proposed amendments and the Inspector has agreed that these should be published for consultation alongside the Additional Sustainability Appraisal work and other evidence before the examination is resumed. The majority of the proposed amendments are minor changes to the wording of policies and supporting text but others could be considered to represent more fundamental changes to policies and how they are interpreted.

Whilst Members are being asked to endorse the proposed amendments for public consultation, it will be the Inspector who will ultimately decide which, if any, of the amendments should be main modifications to the final version of the plan before it is adopted. Any final modifications recommended by the Inspector will require further consultation following the completion of the examination, but the consultation proposed for the current schedule of modifications will enable objections to be considered, by the Inspector, when he resumes the examination in due course.

The full schedule of proposed amendments is provided at Appendix 12. None of these amendments represent fundamental changes to the overarching strategy in the plan. The most significant of the proposed amendments are highlighted below:

- New Policy SP1A 'Delivering Sustainable Development through the planning system'

An additional policy is suggested for inclusion in the Section 1 Local Plan, on the advice of the Inspector, to clarify how the policies in the Local Plan, taken as a whole, will operate in practice in the determination of planning applications. The proposed policy would state:

"Development that demonstrably contributes to the achievement of the policies in this Local Plan (and, where relevant, of policies in neighbourhood plans) will normally be permitted unless material considerations indicate otherwise.

Development that is not in accordance with, or which will prejudice the delivery of, the strategic scale development or the achievement of the place making principles, in this Local Plan will not normally be permitted."

- New Policy SP1B 'Recreational disturbance Avoidance and Mitigation Strategy (RAMS)'

An additional policy is suggested for inclusion in the Section 1 Local Plan, as agreed with Natural England, to reflect the new Essex-wide approach to mitigating against the impacts

on internationally important wildlife sites arising from an increase in development and the associated risk of increased recreational disturbance at those sites. The proposed wording would state:

“An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy will be completed in compliance with the Habitats Directive and Habitat Regulations. Contributions will be secured towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs) which will be completed by the time the Local Plan is adopted.

Prior to RAMS completion, the NEAs will seek contributions from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.”

- Policy SP3: ‘Meeting Housing Needs’

Modifications to Policy SP3 are suggested to provide some explanation, on the Inspector’s advice, as to how the housing figures in the policy will be used for assessing each authority’s five-year housing supply requirements. The additional wording proposed would state:

“The annual housing requirement figures set out below will be used as the basis for assessing each authority’s five-year housing land supply subject to any adjustments in Section 2 of each plan to address any undersupply since 2013. The North Essex authorities will review their housing requirement regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area.”

- Policy SP4: ‘Providing for Employment’

Adjustments to the employment land requirements for the three authorities have been recommended by the Inspector to reflect the outcome of discussions at the examination hearings. In particular, they will rectify errors found within the figures for Braintree and Tendring. The revised employment land figures will be as follows:

	Baseline (ha)	Higher Growth Scenario (ha)
Braintree	20.9	43.3
Colchester	22.0	30
Tendring	12.0	20.0
North Essex	54.9	93.3

- Policy SP5: ‘Infrastructure and Connectivity’

Modifications to the infrastructure and connectivity policy are suggested to provide greater clarity over what would happen if, for whatever reason, it becomes clear that the infrastructure required for the Garden Communities will not be funded or delivered. The

modifications also provide greater clarity over what key infrastructure projects will need to be secured in advance of the start of the Garden Communities. The main relevant wording would be as follows:

“If the necessary strategic infrastructure for the Garden Communities as required by Policy SP5 is not committed within a reasonable period of time and phased alongside the delivery of new communities a review of the Plan will be undertaken prior to any consent being implemented, in order that the consequential shortfall in housing delivery does not overburden the infrastructure of existing communities/settlements.”

“Infrastructure provision will be secured in a timely manner and programmed to keep pace with growth of new communities.

Funding and route commitments for the following strategic transport infrastructure projects will need to be secured in advance of the start of the Garden Communities as follows:

- *Colchester/ Braintree Borders –*
 - *A12 widening and junction improvements*
 - *A dualled A120 from Braintree to the A12*
- *Tendring /Colchester Borders –*
 - *A120-A133 Link road*
- *A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities into the rapid transit network*
- *Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by masterplanning.*

Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community.”

- Policy SP7: ‘Development and Delivery of New Garden Communities in North Essex’

A number of modifications are suggested for the wording of this policy, the most significant of which is to address the Inspector’s request that the Section 1 Local Plan specifies the employment land requirements for the Garden Communities. Based on the evidence contained within the report from Cebr, the total amount of employment land included in the three Garden Communities would be around 138 hectares delivering approximately 850,000 square metres of business floorspace.

- Policies SP8, SP9 and SP10: Specific policies for each of the three Garden Communities

It is suggested that each of the policies that correspond with the specific Garden Community proposals are modified to include wording agreed with Natural England in relation to the impact of waste water on internationally important wildlife sites. The wording would be:

“To ensure new development does not have an adverse effect on any European Protected sites, the required waste water treatment capacity must be available including any associated sewer connections in advance of planning consent.”

Additional wording is also proposed to address issues raised by Historic England at the examination in respect of the potential impact of the Garden Communities on the historic environment, as follows:

“A Heritage Impact Assessment for each DPD in accordance with Historic England guidance will be required in order to assess impact of proposed allocations upon the historic environment, to inform the appropriate extent, nature and form of the development and establish any mitigation measures necessary.”

Each Garden Community policy will also include a section to set out the amount of employment space to be created as part that development – based on the evidence contained within the report from Cebr. For the Tendring/Colchester Borders Garden Community (SP8) the figure will be 24.5 square metres; for the Colchester/Braintree Borders Garden Community (SP9) it will be 70.1 square metres; and for the West Braintree Garden Community (SP10) it will be 43.4 square metres.

Further bespoke modifications to each of the Garden Community policies are also proposed to reflect specific infrastructure or environmental requirements, for example additional wording around the proposed A120/A133 link road, the realignment of the A12 and the dualling of the A120 and the need to protect relevant internationally and nationally important wildlife designations.

Next Steps

The relevant Committees of the three Councils are all considering the additional evidence base that has been prepared, the findings of the Additional Sustainability Appraisal work and proposed amendments. Braintree and Tendring District Councils will need to make recommendations to Full Councils and the outcomes of Braintree and Colchester’s meetings will be reported to Full Council. If all three authorities agree, the additional evidence base, Additional Sustainability Appraisal work and the proposed amendments will be published for six-weeks consultation to allow third parties the opportunity to consider both the modifications and the evidence and make any comments. The six-week consultation period is expected to run from 19 August 2019 to 30 September 2019.

The Officers of the three authorities will collect any representations made and, following the six-week consultation period, will submit the schedule of proposed amendments, Additional SA work and all the other additional evidence base to the Inspector, along with all the representations received from third parties. The Inspector will then consider all of this information and will liaise with the NEAs to confirm the timetable for resuming the examination and undertaking further examination hearings. The Inspector may issue a further series of Matters, Issues and Questions (MIQs) to establish the main topics he wishes to examine and to invite written responses from

participants in the examination ahead of the hearings. It is currently anticipated that hearings will take place either at the end of 2019 or in early 2020.

Following the completion of the further examination hearings, the Inspector will write to the NEAs to confirm whether or not his concerns about the Garden Communities have been addressed and whether or not the Section 1 Local Plan now meets the tests of soundness. The Inspector will have the ability to recommend additional post-examination main modifications to the plan which would need to be the subject of further consultation in their own right before the plan can be finalised and formally adopted by the NEAs.

The examination of the authorities' individual Section 2 Local Plans will not take place until Section 1 has been examined and found to be sound.

APPENDICES

1. 'Additional Sustainability Appraisal of North Essex Local Plan Section 1: Summary of Draft Findings.'
2. Executive summary of 'North Essex Rapid Transit System for North Essex: From vision to plan'.
3. Conclusion and next steps from 'Mode Share Strategy for the North Essex Garden Communities'.
4. Summary of findings and conclusion from 'Build Out Rates in the Garden Communities'.
5. Executive summary of 'North Essex Local Plans (Section 1) Viability Assessment Update – Main Report'.
6. 'Employment Provision for the North Essex Garden Communities.
7. Tendring/Colchester Borders extract from 'North Essex Garden Communities Infrastructure Planning, Phasing and Delivery.
8. Summary of 'North Essex Authorities Infrastructure Order of Cost Estimate (41,000 homes)'.
9. Conclusions of 'HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan.
10. 'North Essex Authorities' Position Statement on Delivery Mechanisms'.
11. 'North Essex Authorities' Position Statement on State Aid.
12. Proposed amendments to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section One.

BACKGROUND PAPERS

Full versions of the evidence base documents listed as Appendices 1 to 11 are hosted on the Braintree District Council website and can be accessed using the following link:

https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_local_plan/9



Additional Sustainability Appraisal of North Essex Local Plan Section 1: Summary of Draft Findings

Prepared by LUC
July 2019

Project Title: North Essex Local Plan Section 1 Additional Sustainability Appraisal

Client: North Essex Authorities

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2.0	1 July 2019	Submitted to client	Jeremy Owen Stuart Langer Jon Pearson	Jon Pearson Jeremy Owen	Jeremy Owen



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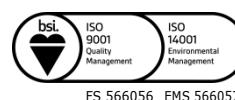
Additional Sustainability Appraisal of North Essex Local Plan Section 1: Summary of Draft Findings

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July 2019

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1 Introduction

- 1.1 This Summary presents the draft findings of the Additional Sustainability Appraisal (SA) of the alternatives to providing growth in the North Essex Authorities (NEA) Plan Area.
- 1.2 The Additional SA of the North Essex Section 1 Local Plan followed a two stage process:
 - Stage 1 appraised strategic sites that could form part of alternative spatial strategies for the Section 1 Local Plan.
 - Stage 2 appraised alternative spatial strategies.
- 1.3 The SA of the strategic sites, which has fed into the SA of the spatial strategies, has been undertaken in a consistent and objective way, using assumptions for the SA objectives that have been applied in the same way for all strategic sites, using the same evidence base.
- 1.4 In carrying out the SA of the spatial strategies, an element of professional judgement has been required to interpret the findings of the individual strategic sites when combined into a spatial strategy, and taking into account existing commitments, Section 2 allocations, and strategic infrastructure.
- 1.5 In order to provide further context and evidence for the SA work, we carried out a review of academic research and guidance on urban form, which sought to identify the sustainability advantages and disadvantages of different approaches to delivering growth.
- 1.6 It should be noted that Quality Assurance checks of the Additional SA work are still being carried out, which may mean that there are some amendments and refinements to be made to these draft findings, which will be reflected in the final Additional SA Report. However, it is not considered that these will result in any fundamental changes to our conclusions.

2 Stage 1 – SA of Strategic Site Alternatives

2.1 At the outset of the Additional SA work, LUC felt it was necessary not only to appraise alternative new settlement proposals, but also to consider alternatives to new settlements. The Inspector specifically requested that proportionate growth be appraised, and LUC felt it was appropriate to explicitly consider urban extensions as alternatives to new settlements, in order to provide a complete and comprehensive SA.

2.2 The NEAs identified 26 sites that could be considered to be 'strategic' in size to be subject to SA. The sites were (NEAGC = North Essex Authorities' Garden Community; ALTGC = Alternative Garden Community; SUE = Strategic Urban Extension; VE1 = Village Extension; C – CAUSE sites):

- NEAGC1 West of Braintree
- NEAGC2 Colchester Braintree Borders Garden Community (Marks Tey)
- NEAGC3 Tendring Colchester Borders Garden Community
- ALTGC1 Land West of Braintree
- ALTGC2 Land east of Silver End
- ALTGC3 North West Coggeshall (Monks Wood)
- ALTGC4 Land at Marks Tey Option One
- ALTGC5 Land at Marks Tey Option Two
- ALTGC6 Land at Marks Tey Option Three
- ALTGC7 Land at East of Colchester Option One
- ALTGC8 Land at East of Colchester Option Two
- ALTGC9 Land at East of Colchester Option Three
- ALTGC10 Land at East of Colchester Option Four
- ALTGC11 Langham Garden Village
- SUE1 Land at Halstead
- SUE2 Land East of Braintree (including Temple Border)
- SUE3 Land south east of Braintree
- SUE4 Land south of Haverhill
- VE1 Land at Kelvedon
- VE2 Land at Coggeshall
- VE4 Weeley Garden Village
- VE5 Tendring Central Garden Village
- C1 CAUSE Alresford
- C2 CAUSE Great Bentley
- C3 CAUSE Weeley
- C4 CAUSE Thorpe-le-Soken

2.3 It should be noted that:

- VE3 (which was the combination of the four CAUSE sites) was, instead, considered as four separate sites C1-C4 under Stage 1 of the SA, then as a coherent whole under Stage 2 of the SA.

- ALTGC1 was subject to initial SA but was not taken any further as it was too similar to NEAGC1.
 - ALTGC4 and ALTGC5 were subsequently merged into one site, ALTGC4.
 - VE2 was subject to initial SA but the NEAs subsequently determined that there is no longer capacity for strategic development as part of the site is consented and the smaller, unconsented residual is appropriately assessed as an option for the Section 2 Local Plans.
- 2.4 The SA was carried out using a set of assumptions applied to each SA objective, in order to ensure consistency in the appraisal process. An initial SA using Geographical Information Systems (GIS) was undertaken, and this was then supplemented by more detailed appraisal of each site.
- 2.5 The detailed appraisal was informed by information included in site information forms (SIFs). The SIFs, which were drafted by the NEAs, were provided to each promoter of a site in order to give them the opportunity to validate or amend the information prepared by the NEAs. The NEAs sought to minimise any further changes to the SIFs, restricting these to clarifications, and aspects of deliverability. The information included the infrastructure that could be anticipated to be delivered as a component of development at each site, in addition to housing.

Summary of findings of the SA of alternative strategic sites

- 2.6 The overall performance of the alternative strategic sites against the SA objectives found that the difference between them was not that great. There were no sites that performed extremely well against all the criteria and no sites that performed extremely poorly.
- 2.7 For example, all of the sites could involve the development of potential mineral resources and best and most versatile agricultural land, and all could have a potential effect on heritage assets and biodiversity assets. Although there was some variation in the potential for effects between sites, the scale of the sites could provide scope for mitigation.
- 2.8 In summary, no 'showstoppers' were found at this stage of assessment, which meant that it was concluded that no individual sites could be ruled out on the basis of the SA alone.

3 Defining Spatial Strategy Alternatives

- 3.1 Taking into account the findings of Stage 1 of the SA, the NEAs proceeded to define alternative spatial strategies to be subject to SA during Stage 2 of the Additional SA process.
- 3.2 The spatial strategy alternatives are set out in the NEA document 'Selection of Spatial Strategy Alternatives', a copy of which is included at **Appendix 1** of this Summary. This document sets out seven principles which the NEAs established to guide the selection of spatial strategy alternatives to be subject to Additional SA. These are:
- Principle 1: Meet the residual housing need within the plan period
 - Principle 2: Test the alternatives suggested by the Local Plan Inspector
 - Principle 3: Reflect relative housing need and commuting patterns in any alternative strategy
 - Principle 4: Ensure alternative strategies are coherent and logical
 - Principle 5: Ensure alternative strategies are reasonable
 - Principle 6: Strategic sites will deliver a minimum of 2,000 homes within the plan period to 2033
 - Principle 7: All strategy options will deliver social infrastructure
- 3.3 As a result of applying these principles, some of the potential strategic sites from the assessment (due to various reasons, as set out in **Appendix 1**) were removed by the NEAs from inclusion in any of the alternative spatial strategies :
- ALTGC1 Land West of Braintree
 - ALTGC2 Land east of Silver End
 - ALTGC5 Land at Marks Tey Option Two (merged with ALTGC4)
 - ALTGC8 Land at East of Colchester Option Two
 - ALTGC9 Land at East of Colchester Option Three
 - ALTGC10 Land at East of Colchester Option Four
 - ALTGC11 Langham Garden Village
 - SUE4 Land south of Haverhill
 - VE2 Land at Coggeshall
 - VE4 Weeley Garden Village
- 3.4 The remaining strategic sites were included in alternative spatial strategies, along with proportionate growth alternatives.
- 3.5 In order to meet principle 3, the housing provision was split across the plan area on a west / east basis, to reflect that the relationship between Colchester and Tendring is different to that between Colchester and Braintree and, that in effect, the choice of strategy for the west of Colchester was not reliant on the choice of strategy to the east of Colchester to a significant degree, and *vice versa*. Breaking down the North Essex area in this way made comparisons between strategies easier and, in our view, more logical.
- 3.6 Taking all the above into account, the following 17 alternative spatial strategies set out in **Table 3.1** were appraised (note that Spatial Strategy West 4 has two variants at different scales of growth). It is considered that these represent an appropriate range of spatial strategies, in that they both respond to the advice of the Inspector and are suitable for the purposes of SA.

Table 3.1: Spatial strategy alternatives

WEST OF COLCHESTER (Whole of Braintree and most of Colchester) Target of approximately 5,000 additional homes up to 2033	EAST OF COLCHESTER (Tendring and eastern part of Colchester) Target to deliver approximately 2,500 additional homes up to 2033
<ol style="list-style-type: none"> 1. Proportionate (percentage-based) growth 2. Proportionate (hierarchy-based) growth 3. West of Braintree GC [NEAGC 1] + Colchester/Braintree GC [NEAGC 2] 4. West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC 3] + Colchester/Braintree GC [NEAGC 2] <p>West 4a: smaller scale of West of Braintree [NEAGC1] + Monks Wood GC [ALTGC 3] + smaller scale of Colchester/Braintree GC [NEAGC2]</p> <ol style="list-style-type: none"> 5. Monks Wood GC [ALTGC 3] + Colchester/Braintree Borders GC [NEAGC 2] 6. West of Braintree GC [NEAGC 1] + Monks Wood GC [ALTGC 3] 7. East of Braintree [SUE 2] + Kelvedon [VE 1] 8. Land at Halstead [SUE 1] + proportionate growth. 9. West of Braintree GC [NEAGC1] + proportionate growth 10. Colchester/Braintree GC [NEAGC2] + proportionate growth 11. Monks Wood GC [ALTGC3] + proportionate growth 	<ol style="list-style-type: none"> 1. Proportionate (percentage-based) growth 2. Proportionate (hierarchy-based) growth 3. Tendring Colchester Borders GC [NEAGC 3] 4. Colchester North-East Urban Extension [ALTGC 7] 5. Tendring Central Garden Village [VE 4] 6. CAUSE Metro Plan [C1, C2, C3 & C4]

4 Stage 2 – SA of Spatial Strategy Alternatives

The approach to the SA of alternative spatial strategies

- 4.1 The majority of the alternative spatial strategies comprised different combinations of the strategic sites appraised in Stage 1 of the SA. The SAs of the alternative spatial strategies were informed by the SA of the strategic sites carried out in Stage 1, including information included in the SIFs. Each alternative spatial strategy included information on employment and the strategic infrastructure that would be needed to support delivery of the strategy.
- 4.2 With respect to the proportionate growth alternatives, or those alternatives where a strategic site was combined with an element of proportionate growth, a greater element of professional judgement was required, particularly for the spatial strategy alternative whereby each settlement would grow at the same percentage (18%), because specific sites were not identified. However, the SA for these alternatives was based on clear descriptions of how much development would go to each settlement, which provided a reasonable basis for coming to judgements.

Plan period versus fully built out scenarios

- 4.3 The SA has assessed the Section 1 Local Plan alternative spatial strategies both within the plan period (i.e. to 2033) and when fully built out (no specified end date, but likely to be several years, if not decades, beyond the end of the plan period). This makes direct comparisons between the alternative spatial strategies difficult, because some (e.g. proportionate growth) will be delivered by 2033, whereas others that include major strategic sites will continue well beyond 2033. In a sense, this is comparing 'apples and pears'.
- 4.4 It should be noted that, although some spatial strategies only allocate development to the end of the plan period, development is, in reality, likely to continue beyond 2033. However there is no spatial strategy for this post-2033 development, although it could be presumed that development would continue in the same vein. The effects of the spatial strategies that involve major strategic sites will not be fully felt until well after the end of the plan period. Similarly, temporary effects related to their construction (e.g. noise and disturbance) are likely to be experienced over many years.
- 4.5 In addition, it should be noted that existing commitments and allocations in the Section 2 Local Plans already make up over 80% of the total housing required to be delivered within the plan period (approximately 35,600 of 43,200 homes). In this respect, those spatial strategies that seek to deliver the remaining approximate 7,500 homes within the plan period and no more could be considered too small in scale to be strategic. Conversely, although all spatial strategy alternatives seek to deliver the required additional 7,500 homes in the plan period, some could go on to deliver potentially as much as 35,500 additional homes beyond the plan period. In fact, taking into account the 7,500 they will deliver within the plan period, they could total a similar amount of housing that is planned for through the Section 2 Local Plans.
- 4.6 The Section 2 Local Plans already seek to focus development at existing settlements within North Essex, through Policy SP2 of the Section 1 Local Plan, according to settlement scales, sustainability and existing role. In this respect, some of the settlements are already likely to experience significant housing growth, such as:
- Colchester (18% growth).
 - Braintree (22%).
 - Clacton-on-Sea (10%).
 - Witham (22%).
 - Halstead (11%).

- Manningtree, Lawford & Mistley (25%)
- Kelvedon with Feering (42%).
- Hatfield Peverel (16%).
- Alresford (28%).
- Elmstead Market (24%).
- Great Bentley (27%).
- Thorpe-le-Soken (24%).
- Weeley (57%).
- Eight Ash Green (31%).
- Rowhedge (21%).
- Tiptree (22%).

4.7 This provides the context for the additional SA work, and the consideration of further growth, both within the plan period and beyond.

Pros and cons of different urban forms

- 4.8 The review of research undertaken with respect to urban form, which looked at the in-principle pros and cons of new settlements, urban extensions and dispersed development provided some useful indicators as to how these different types of urban form compare in sustainability terms. This found that:
- Dispersed development, which bears many similarities with the proportionate (percentage-based) growth spatial strategy alternative appraised in the Additional SA, performs less well across a range of criteria than new settlements or urban extensions, for example in relation to travel patterns and modes of transport and the delivery of affordable housing.
 - New settlements and urban extensions can perform similarly, depending upon where they are located, and how they are designed and delivered.
- 4.9 For new settlements to perform well in sustainability terms, it is critical that the infrastructure is provided in the early stages of development in order to avoid unsustainable travel behaviours becoming embedded before sustainable transport alternatives become available, and to develop a sense of community cohesion. New settlements can involve a significant amount of embodied carbon by having to develop 'from scratch', although new settlements can be designed to be efficient in carbon terms, including inclusion of renewable energy and encouraging low carbon behaviours, such as sustainable modes of transport. Larger new settlements are more likely to attract economic activity.
- 4.10 Urban extensions can make use of existing infrastructure, or expansions to existing infrastructure, rather than having to start from scratch. If well integrated with the settlements they are attached to, they can offer immediate access to a range of existing jobs, services and facilities, although they can lack a sense of place. Larger urban extensions can also deliver their own services and facilities, economic activity, and the design features associated with new settlements with respect to sustainable travel and reduced carbon.
- 4.11 Viability and deliverability issues can affect both new settlements and urban extensions, but tend to be more pronounced with new settlements unless appropriate funding and governance structures are put in place. Dispersed development may have less in the way of upfront investment, but on the other hand can lead to an accumulation of development with insufficient investment in supporting services, facilities and infrastructure.
- 4.12 In terms of guiding principles, the research found that new settlements are likely to perform best when they are in close proximity to thriving towns and cities in order to share infrastructure and access to jobs and services during the early stages. On the other hand, there is a risk that such new development can draw resources and investment away from the towns and cities with which they are associated.

- 4.13 Of critical importance is that new strategic development should be located in areas with high public transport accessibility, for example along well-served bus corridors, and in close proximity to railway stations and other transport interchanges. The potential to extend existing networks, making better use of existing mainline stations or disused lines, and additional branches (e.g. rapid transit systems) through new neighbourhoods are considered to help make new strategic development more accessible and more successful.
- 4.14 In terms of design, connectivity is important, and the need to avoid severance by major roads and roundabouts. While landscape buffers and green space are to be encouraged, they should not threaten permeability and connectivity with surrounding land uses.
- 4.15 It is acknowledged in the research that the achievement of 'self-containment' is an unrealistic ambition given the choice of modes of transport available to modern communities, but that if developments are of a sufficient scale, they can provide for many of the everyday needs of residents within the development, reducing the incentive to travel elsewhere. This can be helped by designing compact developments, which incorporate a mix of uses.
- 4.16 It is interesting to note that the Additional SA of the spatial strategy alternatives for North Essex largely mirrors the findings of the research. The proportionate growth alternatives, based on a simple percentage increase in growth of each settlement, performed relatively poorly against the SA objectives, whereas many of the new settlement and urban extension alternatives performed similarly. In some respects this is not surprising, because the strategic scale of development proposed under these alternatives is such that they are capable of including a range of services and facilities, including jobs, as well as supporting infrastructure.

Summary of findings of the SA of alternative spatial strategies

West of Colchester

- 4.17 As described above, the proportionate (percentage-based) growth spatial strategy alternative (West 1) performs less well across a number of the SA objectives than the other spatial strategy alternatives, and therefore can be considered less sustainable.
- 4.18 The remaining spatial strategy alternatives perform similarly, albeit with some differences between them:
- It is considered that the spatial strategy alternatives will all be capable of delivering the residual housing requirement (approximately 7,500 homes) within the plan period, and those that extend beyond the plan period will continue to deliver new homes for many years to come. This includes appropriate provision for affordable housing, and a mix of types and tenures, in line with North Essex policy objectives (SA objective 2). The only exception to this is West 2, being proportionate (hierarchical growth), which would require the delivery of 4,500 to 5,000 dwellings as an urban extension to the east of Braintree, which may be challenging to deliver within the plan period.
 - All spatial strategy alternatives are likely to have significant adverse effects on the existing communities affected by the large-scale developments, primarily because of the considerable change of character around existing settlements. However, several of the spatial strategy alternatives are considered to deliver significant positive effects when the new communities are delivered, due to their being designed as coherent settlements in their own right, with a range of services and facilities (SA objective 1).
 - The health benefits will tend to be delivered beyond the plan period, as the level of housing becomes sufficient to accommodate health care facilities at 4,500 dwellings (SA objective 3).
 - Given the scale of development proposed, all of the spatial strategy alternatives will be of sufficient size to incorporate local centres (SA objective 4) and employment land and other jobs (SA objective 5).
 - All of the spatial strategy alternatives could have adverse effects on biodiversity, and for West 3, West 4, West 4a, West 5, West 6, West 10, and West 11 this could be significant depending upon mitigation (SA objective 6). It should be noted that West 3, West 4, West 4a, West 5 and West 10 are located very close to Marks Tey Brick Pit SSSI, although being a geological SSSI it should be possible to mitigate and manage adverse effects. All spatial strategies

include development within SSSI 'Impact Risk Zones', whereby Natural England should be consulted for potential impacts, although this does not mean that they cannot be mitigated.

- With respect to shorter journeys, the majority of spatial strategy alternatives will have significant positive effects in the long-term as services and facilities, and jobs, are provided on site, although those strategies which involve building near existing facilities and services, or the provision of Rapid Transit System could achieve this within the plan period (SA objective 7).
- With regard to longer journeys, it is considered that those spatial strategy alternatives that include both access to a railway station, particularly on the Great Eastern mainline, as well as investment in a Rapid Transit System, will result in significant positive effects in the longer term (SA objective 7). This is because commuting patterns suggest that the primary commuting destinations for residents of Braintree are Chelmsford, Colchester, Uttlesford and London, and that Braintree, Chelmsford and London represent three of the top four commuting destinations for residents of Colchester. Therefore, those spatial strategy alternatives that include relatively easy access to a choice of sustainable transport modes (rail and rapid transit) perform most strongly.
- All of the spatial strategy alternatives could potentially have a significant negative effect on heritage assets (SA objective 9). In many instances, the heritage assets include Grade I and Grade II* listed buildings either within the site or in close proximity.
- Although all of the spatial strategy alternatives are considered to have minor positive effects on carbon, this is primarily with respect to delivery on site, rather than from traffic. From a traffic perspective, those sites that perform strongest against SA objective 7 are also likely to perform strongest with respect to transport related carbon emissions (SA objective 10).
- None of the spatial strategy alternatives were identified as having significant effects with respect to water (SA objective 11), flood risk (SA objective 12) or air quality (SA objective 13).
- All of the spatial strategy alternatives were considered to have potentially significant adverse effects with respect to landscape (SA objective 14).
- All of the spatial strategy alternatives were considered likely to have potentially significant adverse effects with respect to minerals and likely to have significant adverse effects with respect to soils (SA objective 15).
- In many instances, there was uncertainty with respect to the effects identified as it may be possible to include mitigation, given the scale of the strategic sites that form components of many of the alternative spatial strategies, depending upon how development is designed and delivered.

4.19 In light of the findings of the SA, there is little to choose between the spatial strategies in terms of significant effects at the strategic scale (other than West 1, as noted above). However, the following observations using professional judgement may help to distinguish between them a little more than the objective, assumptions-led SA has achieved:

- The research into urban form suggests that access to good sustainable transport links and services is critical to the achievement of sustainability, and it also makes sense to work with established patterns of travel but seek to achieve changes in travel mode. Those strategies that combine both development focused on railway stations, particularly the Great Eastern mainline, and provision for Rapid Transit, are therefore likely to perform well.
- Those spatial strategies that do not include easy access to rail, especially to the Great Eastern mainline, could be considered to perform less well. For example, Halstead is not well connected in sustainable transport terms, and is not in the major commuting corridors, so those spatial strategies that include significant additional development at Halstead may be considered less sustainable than some of the other spatial strategies.
- On the other hand, those spatial strategies that focus a significant proportion of development along the Great Eastern mainline, for example West 3, West 4, West 5, West 7 and West 10, could, when coupled with development already committed or allocated in the Section 2 Local Plans, lead to the perception of continued urbanisation of the Great Eastern mainline/A12 corridor. Consultations during the SA have also highlighted the lack of capacity on the mainline services to accommodate more passengers at peak times.

- Some strategies rely on Rapid Transit to be successful, including West 3, West 4 and West 4a, West 5, West 6, West 9 and West 11. We understand that developments in the order of 2,500 homes should enable Rapid Transit to begin to become viable, and that as the number of homes increases, services can become more frequent, viability improves, and extensions to the Rapid Transit System (RTS) can be considered. However, it should be noted that this is based on informal advice from the NEA's transport consultants and in the absence of formal evidence is subject to uncertainty.
- Braintree is already earmarked for 22% growth in the plan period, through commitments and Section 2 allocations. Urban extensions to the east of Braintree, such as in spatial strategies West 2, West 7, West 8, West 9, West 10 and West 11 would increase this growth further. It should be noted that these strategies would result in the first encroachment of development east of the A120 Braintree bypass, and the bypass itself could act as a barrier to integration of new development with the town.
- The scale of development proposed, in particular under spatial strategy alternatives West 3, West 4, and West 5, is very significant (over 25,000 additional homes when fully built out). Once fully built out, each of these spatial strategies would provide more houses than there currently are in the town of Braintree (even before taking into account planned growth through commitments and Section 2 allocations). It is recognised that large scale development is more likely to attract investment, but it is also more likely to change the character of this part of North Essex. Primarily rural areas would become a chain of settlements linking into the existing settlements. This would particularly be the case for those strategies, such as West 4, which would see considerable development along the A120 corridor. It is also difficult to judge what the impacts may be on the existing settlements, which could either be positive (e.g. providing further support for jobs, services and facilities) or negative (e.g. diverting investment away from the existing settlements to new settlements).

4.20 With all the spatial strategies, given the scale of development proposed, there is considerable risk. If for any reason they are not delivered as planned, for example through lack of government funding, or changing market conditions, then delivery may not happen as quickly as anticipated, quality could be compromised, and some aspects may not be delivered as wished. For example, there may be choices to be made with respect to the delivery of affordable housing, a full range of services and facilities, open space, sustainable transport infrastructure and services. This is not to say that these will not be delivered, but simply to observe that development on this scale does carry the risk that its full sustainability potential may not be realised in practice. Much will depend upon funding and governance.

4.21 Summaries of the assessment findings for the sites West of Colchester within the plan period (**Table 4.1**) and when fully built out (**Table 4.2**) are included below.

Table 4.1: Summary of SA scores for spatial strategies west of Colchester within the plan period

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	West 1	--?/?	++?	--/0?	-	-	-?	--?/--?	+?	--?/?	+?	-?/?	0	0/-?	-?	--?/--
	West 2	--?/+	-?	+?/-	++	++	-?	++?/++?	+?	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 3	--?/+	++	+/-	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4	--?/+	++	+/-	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4a	--?/+	++?	+/-	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 5	--?/+	++	+/0	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/0	--?	--?/--
	West 6	--?/++	++	+/-	++	++	--?	++?/++?	+?	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 7	--?/+	++	+/-	+	++	-?	+?/+?	+?	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 8	--?/+	++	+/-	++	++	-?	+?/+?	+?	--?/?	+	0/-?	0	0/0?	--?	--?/--
	West 9	--?/+	++	+?/-	++	++	-?	++?/++?	+?	--?/?	+	-?/?	0	0/0?	--?	--?/--
	West 10	--?/++?	++?	+/-?	+	++	--?	++?/++?	+?	--?/?	+	-?/?	0	0/-?	--?	--?/--
	West 11	--?/+	++	+?/-	++	++	--?	++?/++?	+?	--?/?	+	-?/?	0	0/0?	--?	--?/--

Table 4.2: Summary of SA scores for spatial strategies west of Colchester when fully built out

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	West 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	West 2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	West 3	--?/++	++	++/-	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4	--?/++	++	++/-	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 4a	--?/++	+++?	++/-	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 5	--?/++	++	++/0	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/0	--?	--?/--
	West 6	--?/++	++	++/-	++	++	--?	+++?/+++?	+	--?/?	+	0/?	0	0/-?	--?	--?/--
	West 7	--?/+	++	++/-	+	++	-?	+++?/+++?	+	--?/?	+	0/?	0	0/0?	--?	--?/--
	West 8	--?/+	++	+/-	++	++	-?	+++?/+++?	+	--?/?	+	0/-?	0	0/0?	--?	--?/--
	West 9	--?/+	++	+?/-	++	++	-?	+++?/+++?	+	--?/?	+	-?/?	0	0/0?	--?	--?/--
	West 10	--?/+++?	+++?	+/-?	+	++	--?	+++?/+++?	+	--?/?	+	-?/?	0	0/-?	--?	--?/--
West 11	--?/+	++	+?/-	++	++	--?	+++?/+++?	+	--?/?	+	-?/?	0	0/0?	--?	--?/--	

East of Colchester

- 4.22 East of Colchester, the choice of strategies is more straightforward. As previously described for West of Colchester, proportionate (percentage) growth East of Colchester (East 1) also performs less well across a number of the SA objectives than the other spatial strategy alternatives, and therefore can be considered less sustainable. Similarly, proportionate (hierarchy) growth (East 2) does not perform well because it would lead to considerable development at Brightlingsea, which is not a sustainable location for strategic growth due to its poor accessibility and environmental sensitivities. Notably it would also fail to deliver sufficient housing within the plan period.
- 4.23 With respect to the remaining spatial strategies (East 3, East 4, East 5 and East 6):
- In the longer term, the effects on existing communities and also the effects arising from the new communities would be similar in terms of significance (SA objective 1).
 - All would deliver the homes required in the plan period (SA objective 2).
 - In terms of access to health care, East 3, East 4 and East 5 perform better than East 6 in the longer term, because they will provide for a scale of development sufficient to accommodate a health care facility (SA objective 3). On the other hand, East 5 could be subject to significant adverse effects from noise pollution.
 - East 3 and East 4 are considered to perform more strongly with respect to access to local centre facilities (SA objective 4) at the end of the plan period, however East 6 also performs well after the plan period.
 - East 3 and East 4 are considered to perform more strongly with respect to the economy (SA objective 5) at the end of the plan period, however East 5 also performs well after the plan period.
 - East 3 and East 5 are anticipated to perform better than East 4 and East 6 with respect to biodiversity (SA objective 6).
 - The main advantage of East 6 when fully built out is with respect to longer journeys and easy access to railway stations (SA objective 7) which is reinforced by the strong commuting relationship between Tendring and Colchester. This would also feed into effects on carbon emissions from traffic (SA objective 10). On the other hand, the rural locations could lead to longer journeys by car for those journeys where rail is not a realistic choice. For shorter journeys, East 3 and East 4 perform most strongly.
 - All of the spatial strategy alternatives could potentially have a significant negative effect on heritage assets (SA objective 9).
 - None of the spatial strategy alternatives were identified as having significant effects with respect to water (SA objective 11), flood risk (SA objective 12) or air quality (SA objective 13).
 - All of the spatial strategy alternatives were considered to have potentially significant adverse effects with respect to landscape, with the exception of East 3, where the landscape impact was considered to be potentially minor (SA objective 14).
 - All of the spatial strategy alternatives were considered to have potentially significant adverse effects with respect to minerals and likely to have significant adverse effects with respect to soils (SA objective 15).
 - In many instances, there was uncertainty with respect to the effects identified as it may be possible to include mitigation, taking into account the scale of the strategic sites, and how development is designed and delivered.
- 4.24 East 3 is the Garden Community proposed in the Section 1 Local Plan. Its main disadvantage compared to some of the other spatial strategies is that it is not on a rail link and as a result a Rapid Transit connection to Colchester and beyond is proposed. It is, though, close to the University of Essex, albeit separated by the A133 dual carriageway. The site is also separated from the urban area of Colchester by Salary Brook Local Nature Reserve, which will help to retain distinctiveness between the communities and act as a resource for both existing and new communities, but may act as a barrier to integration.

- 4.25 Although East 4 performs as well as some of the alternative spatial strategies for the East of Colchester, it would, in effect result in the complete surrounding of Bullock Wood SSSI by development, adding to the development that already exists to the west of this ancient woodland SSSI. In terms of maintaining ecological networks, and potential disturbance effects, this is considered to be a particularly significant risk. It also has no rail link into Colchester.
- 4.26 In many respects, East 5 performs as well as East 3, although no better. It has the advantage of an existing employment area on site, and would retain its own distinctiveness being separated by some distance from Colchester town. Its location on the A120 and its distance from Colchester could encourage a high proportion of journeys by car.
- 4.27 East 6 is designed to operate as a chain of settlements along the Clacton to Colchester rail route, with stations within walking distance and use of rail facilitated by proposed increases in the frequency of services. The chain of settlements would support one another, as well as link into Colchester as the main commuting destination. In this respect it has many advantages, although the rural location of the four settlements could encourage car journeys, notwithstanding the opportunity to travel by train. In other respects, this spatial strategy does not perform any better than the alternatives. It is being promoted by local people rather than landowners or developers, which suggests that it may have a groundswell of support, but it is less certain whether it is deliverable in practice, and therefore there are risks attached.
- 4.28 Summaries of the assessment findings for the sites East of Colchester within the plan period (**Table 4.3**) and when fully built out (**Table 4.4**) are included below.

Table 4.3: Summary of SA scores for spatial strategies east of Colchester within the plan period

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	East 1	--?/?	--	--?/0	-	+	--?	-?/-?	-?	--?/?	+	0/?	0	0/-?	--?	--?/--
	East 2	--?/?	--	?/0	++	++	--?	++?/-?	-?	--?/?	+	0/?	0	0/-?	--?	-?/--
	East 3	--?/++	++	+/-	++	++	-?	++?/+?	+	--?/?	+	0/0?	0	0/-?	-?	--?/--
	East 4	--?/++	++	+/-	++	++	--?	++?/+?	+	--?/0	+	0/0?	0	0/-?	--?	--?/--
	East 5	--?/++	++?	+?/--	+	+	-?	+?/-?	+	--?/?	+	0/0?	0	0/-?	--?	--?/--
	East 6	-?/+	++	+/0?	+	?	--?	?/+?	+	--?/?	+	-?/?	-?	0/0	--?	--?/--

Table 4.4: Summary of SA scores for spatial strategies east of Colchester when fully built out

		SA objective														
		SA1: Communities	SA2: Homes	SA3: Health	SA4: Centres	SA5: Economy	SA6: Biodiversity	SA7: Travel	SA8: Infrastructure	SA9: Heritage	SA10: Climate	SA11: Water	SA12: Flood risk	SA13: Air quality	SA14: Landscape	SA15: Minerals & soils
Strategy	East 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	East 2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	East 3	--?/++	++	++/-	++	++	-?	++?/+?	+	--?/?	+	0/-?	0	0/-?	-?	--?/--
	East 4	--?/++	++	++/-	++	++	--?	++?/+?	+	--?/0	+	0/0?	0	0/-?	--?	--?/--
	East 5	--?/++	++?	++?/--	+	++	-?	++?/-?	+	--?/?	+	0/0?	0	0/-?	--?	--?/--
	East 6	--?/++	++	+/0?	++	+	--?	?/+?/+?	+	--?/?	+	-?/?	-?	0/0	--?	--?/--

5 Conclusions

- 5.1 The SA of alternative strategic sites showed that many performed similarly against the SA objectives.
- 5.2 With respect to alternative strategic spatial strategies, the clearest conclusion is that those spatial strategies that rely solely on proportionate growth (percentage) are the poorest performing, but for others the differences are much more finely balanced. No spatial strategies stood out as performing much more strongly than the others. None of the spatial strategies are without challenges with respect to environmental assets, such as biodiversity, heritage, minerals and the best and most versatile agricultural land.
- 5.3 To the west of Colchester, the choice of strategy is complicated. Those alternatives that include urban extensions (e.g. to Braintree or Halstead) offer the opportunity to be integrated with existing settlements. However, east of Braintree would be severed from Braintree by the Braintree eastern bypass which represents an important eastern limit to the town. Halstead has no rail service and is not in the key commuting corridors.
- 5.4 The other alternatives tend to offer different combinations of new settlements and/or extensions of existing smaller settlements. Those that are associated with the Great Eastern mainline offer use of existing infrastructure and sustainable access to key commuting destinations including Colchester, Chelmsford and London (although concerns have been expressed by local people of the capacity of this route to cater for additional demand at peak times). The opportunity to introduce a coherent and integrated RTS system to cater for other commuting routes, particularly east-west and to Stansted could be of considerable benefit since these routes are currently poorly served by more sustainable modes of transport. Therefore those alternatives that offer a combination of both access to existing rail and investment in RTS perform strongly in sustainable transport terms.
- 5.5 To the east of Colchester, it appears to be a choice between three alternatives. East 1, being proportionate (percentage) growth does not perform well compared to the alternatives. East 2 does not perform well because it would lead to considerable development at Brightlingsea, which is not a sustainable location for strategic growth due to its poor accessibility and environmental sensitivities. East 4 has potentially significant biodiversity issues due to its potential impact on Bullock Wood SSSI. This leaves East 3 (the Garden Community on the Colchester/Tendring Borders), East 5 (Tendring Central Garden Village), and East 6 (the CAUSE Metro Plan).
- 5.6 East 6 offers the considerable advantage of being on an existing railway line which links into important commuting destinations for people in Tendring (Colchester and Clacton-on-Sea, Kirby Cross, Frinton-on-Sea and Walton-on the-Naze). Taken together, the four constituent growth locations along the railway line form a critical size to support a range of services and facilities, although individually they do not. They are also rural in character, and all four settlements are earmarked for considerable growth through existing commitments and Section 2 Local Plan allocations.
- 5.7 East 3 and East 5 offer similar opportunities to develop a coherent development that incorporates a good range of services and facilities. Both have the drawback of not being on a rail route, although East 3 offers the opportunity to be connected to Colchester and beyond by RTS and is close to the university. East 5 has the advantage of an existing employment area and good connections to the strategic road network.
- 5.8 It is therefore not possible to come to a definitive conclusion that any one strategy, whether west of Colchester or east of Colchester, is the most sustainable option. The advantage of the Section 1 Local Plan as it stands is that it provides clear direction for strategic development to accommodate North Essex over many decades to come and therefore more certainty in terms of coherence and investment, including in new transport infrastructure, services and facilities. However, some of the alternatives offer opportunities to deliver similar benefits.

- 5.9 It should be noted that the scale of development proposed in the Section 1 Local Plan is considerable and will change the character of parts of North Essex, and the effects on the role and function, and relationship between the new and existing settlements is uncertain – if they complement and support one another, then this would be of benefit, but if they compete for investment and resources this could be a dis-benefit. Some of the other alternatives propose a similar scale of development and therefore offer similar opportunities and risks. The alternatives that propose lower amounts of growth would be less likely to alter the character of North Essex and relationships between settlements, but on the other hand may be less likely to attract the scale of investment of the larger scale alternatives. In addition, in the longer-term, it is likely that there will continue to be a need for more development, and so in future years (planning to well beyond the plan period), similar decisions will need to be made about where the additional growth should go. Under the larger scale alternatives, this decision will already have been made.
- 5.10 Finally, it is worth mentioning that the pace of change of technology, the introduction of 'smart city' thinking, and planning for climate change (both in terms of a net zero carbon future, and adaptation to the effects of climate change), could result in changes in the way that we live our lives that are difficult to anticipate given our embedded lifestyles and, in particular, our reliance on fossil fuels and the private car. It is therefore important that any strategy is future proofed and flexible enough to accommodate these changes as and when they arise.

LUC

1 July 2019

Appendix 1

'Selection of Spatial Strategy Alternatives' document prepared by NEAs

Selection of Spatial Strategy Alternatives

The Stage 1 assessment of individual site-based options suggests that many of the alternatives perform similarly against the various sustainability criteria and for the majority of sites, there are no alternatives that stand out as being particularly desirable or undesirable. The consequence of this outcome for Stage 2 of the assessment is that there are theoretically a significant and unwieldy number of permutations in which different sites could be combined to form an overall spatial strategy for North Essex. For every site option to be combined with every other potential alternative site and then tested as a spatial strategy in its own right would be an unmanageable task and therefore it is important to apply some common sense judgement to determine what a reasonable number of alternative options would be, based on some reasonable planning principles. Indeed the Local Plan Inspector states in his 8th June 2018 letter, in paragraph 118: *“It is not feasible to test every possible option through SA. Reasonable planning judgements have to be made on what to include. That is recognised in the legal requirement for reasons to be given for the selection of alternatives for assessment.”*

From the round table discussions involving different stakeholders held as part of the ‘check and challenge workshop held on 29th March 2019, a number of key principles, ideas, arguments and factors arose from the discussions. As taken from the record of the check and challenge workshop prepared by LUC, these included:

- Considering demographics, housing need and travel to work patterns to provide the right homes in the right places and to enable choice.
- Ideally each authority should seek to meet its own individual housing needs with their own area rather than crossing boundaries.
- Maximising the opportunities for sustainable travel and alternative means of travel including public transport, electric vehicles and cycles – focussing development on rail links where possible.
- Aspiring to achieve self-containment/self-sufficiency within new settlements but with strong connectivity to other settlements.
- Considering local attributes and settlements’ strengths and weaknesses in terms of infrastructure and environmental capacity.
- Treating viability, deliverability and cost benefit analysis as key determining factors.
- Utilising existing infrastructure capacity where it exists and only considering new settlements when the opportunities for proportionate growth around existing settlements have been exhausted.
- Avoiding scales of development that place additional burden on existing infrastructure without the means to increase infrastructure capacity.
- Empowering communities to plan the growth in their area (e.g. through Neighbourhood Planning) and ensuring communities are well informed.
- Promoting development that supports health provision and the prevention of ill health through health facilities and quality recreational space.
- Considering the impact on various environmental assets including heritage, landscape and biodiversity.
- Considering impact on the vitality and viability of existing town centres, especially if new centres are proposed as part of new developments.

- Considering the potential for new technologies to alter the way people work and commute in the future, including superfast broadband, 5G and driverless vehicles.
- Providing for a mixture of smaller and larger developments to ensure that both short term needs and longer-term strategic needs are met.
- Exploring opportunities for developments in locations with poor services and facilities where they could help to improve those assets for the benefit of all residents.
- Promoting long-term strategic developments that can deliver new infrastructure through economies of scale and a planned approach.
- Considering targeted (as opposed to proportionate) growth in certain areas where it would meet key objectives.
- Planning for strategic-scale growth, but not at the scale currently proposed as part of the Garden Communities.
- Developing a plan that only includes proposals to deal with housing need up to 2033 only.
- Ensuring there are sufficient guarantees over the timing and funding of infrastructure as part of any strategy.
- Expanding existing settlements in a sequential order until they meet their optimum size in terms of maximising self-containment and self-sufficiency.
- Directing development to locations that will support and deliver key transport links and key transport improvements to help tackle congestion problems. Maximising the use of previously developed brownfield land. Avoiding the coalescence of villages through the safeguarding of landscape buffers.
- Locating development close to employment opportunities and locations where new employment sites are likely to be viable.
- Directing more development towards the east and the more deprived areas of Tendring to help stimulate their regeneration.
- Considering large urban extensions where they can deliver rapid transit services to existing jobs, shops, services and facilities.
- Making sure the cumulative impacts of the development are taken into account.
- Assessing the West of Braintree Garden Community in combination with proposals for growth in Uttlesford.

These ideas have all been taken into account along with the Local Plan Inspector's specific comments both by LUC in developing the methodology for the additional Sustainability work and by the NEAs in developing an overarching set of principles to guide the planning judgement that has been applied in the selection of a reasonable set of spatial strategy alternatives for assessing. These seven principles are set out below.

Principle 1: Meet the residual housing need within the plan period

As a basic principle, any spatial strategy alternative should, as a minimum, meet the objectively assessed housing need for housing in North Essex for the remainder of the plan period to 2033 plus a reasonable level of flexibility (as is currently the case) to guard against the prospect of certain sites not coming forward for development when expected – whether that is through a strategy that identifies sites for the plan period only, or a strategy that identifies larger strategic sites that will deliver homes both within the plan period and beyond.

As set out in Policy SP3 in the Section 1 plan, the total minimum housing requirement for the period 2013 to 2033 is 43,720 – a figure that has already been found to be based on sound evidence by the Local Plan Inspector and of which approximately 11,000 have already been built in the period 2013-2019. Between 2019 and 2033, approximately 31,000 homes are expected to be delivered across North Essex on existing sites with planning permission and on sites allocated in Section 2 Local Plans. For the purposes of the further Sustainability Appraisal Work, it is assumed that the Section 2 allocations will be found to be sound through the examination process; and that together with existing planning permissions, they will deliver the above-mentioned 31,000 homes within the plan period and there is no intention to deallocate any of these sites. Site allocations in the three Section 2 Local Plans have been the subject of separate Sustainability Appraisals which will be examined, in due course, through the future Section 2 examinations.

Taking into account the above planning permissions and Section 2 allocations, the residual requirement for housing in the plan period to 2033 (for which additional sites are required) currently sits at around 2,000 homes. Whilst, in the context of the overall housing need this is relatively modest requirement, it is common planning practice to ‘over-allocate’ land for development to keep to a minimum the risk of the housing need not being met within the plan period because of certain sites failing to come forward for development when expected - for a range of unpredictable reasons. In the current Section 1 Local Plan, the strategy includes proposals for three Garden Communities that, together, are expected to deliver 7,500 in the period to 2033 – meeting and residual requirement for the plan period and incorporating a healthy level of over-allocation whilst also providing locations for longer-term growth beyond the plan period and into subsequent plan periods.

Therefore in testing alternative options to the current strategy, those alternatives must also aim to deliver an equivalent 7,500 homes (approximately) up to 2033 for them to be comparable.

Principle 2: Test the alternatives suggested by the Local Plan Inspector

In his letter of 8th June 2018, the Local Plan Inspector Mr. Clews provided some clear advice as to the alternative options that should be tested through the Sustainability Appraisal. In paragraph 125 of his letter, the Inspector suggested that the alternatives should include, as a minimum:

- Proportionate growth at and around existing settlements
- CAUSE’s Metro Town proposal
- One, two or more GCs (depending on the outcomes of the first-stage assessment)

It is therefore important that these alternatives form part of the assessment.

Proportionate growth at and around existing settlements has been tested as part of the further Sustainability Appraisal work in two forms: a) a ‘percentage-based’ distribution of growth that sees each defined settlement (irrespective of their position in the settlement hierarchy) accommodating the same

percentage increase in new housing relative to their existing size and dwelling stock; and b) and ‘hierarchy-based’ distribution which actively prioritises growth around the larger settlements further up the settlement hierarchy which are generally best served by shops, jobs, services and facilities. These proportionate growth options seek only to deliver housing required to the end of the plan period to 2033 and can incorporate development sites of any scale necessary to meet that requirement. The purpose of testing proportionate growth scenarios is to determine whether or not there is any need for the North Essex Authorities to bring forward proposals for stand-alone settlements, Garden Communities or any other more strategic development proposals within this plan period.

CAUSE’s Metro Town (now ‘Metro Plan’) concept is also part of the further Sustainability Appraisal work and, as a strategy, aims to focus growth on land around existing railway stations on the Colchester to Clacton branch line, namely at the villages of Alresford, Great Bentley, Weeley and Thorpe le Soken – all within the Tendring District. It is important that this concept is tested in combination with other options.

Different numbers and combinations of Garden Communities are also now tested in the further Sustainability Appraisal work including, notably, the Monks Wood proposal by Lightwood Strategic at a scale of development which reflects the site promoter’s aspirations.

Principle 3: Reflect relative housing need and commuting patterns in any alternative strategy

The North Essex area contains three local authorities for which housing need has been assessed as part of the Objectively Assessed Housing Needs Study. Through the current proposals in both the Section 1 and Section 2 Local Plans, the distribution of housing growth reflects, broadly, the relative housing needs of the three authorities i.e. that housing need is greater towards the west. These relative housing needs in turn also reflect commuting patterns and how they vary across the North Essex – for example a strong relationship of commuting from Tendring to Colchester for work and, to the west, the relationships between Braintree and Colchester with one-another and more widely with Chelmsford, London and Stansted.

Any alternative spatial strategy should also take the relative housing need and commuting patterns into account for them to be based upon reasonable evidence and logic. For example, there would be little sense in pursuing a spatial option that places all of the 7,500 homes currently proposed through Garden Communities in just one of the three districts because it would ignore the respective housing needs and the commuting patterns of the other two. There would also little sense in promoting a strategy that does not acknowledge or reflect important transport corridors in North Essex such as the A12, the A120 and/or rail connections.

To ensure all alternatives respect relative housing needs and commuting patterns, and to help distil the options down to a manageable number for testing, it is proposed that the North Essex area be divided into two notional sub-areas – namely 1) the area west of Colchester including Braintree and the western part of

Colchester borough and urban area; and 2) the area east of Colchester including Tendring district and the eastern part of Colchester borough and urban area. In accordance with the housing need and commuting patterns it would be reasonable to discount concentrating development at one end of the North Essex area and to expect any spatial strategies to broadly deliver around 5,000 dwellings west of Colchester and 2,500 east of Colchester.

Looking more closely at the residual housing requirements of the three individual authorities, Braintree, Colchester and Tendring are required to deliver an objectively assessed need derived requirement of 14,320, 18,400 and 11,000 homes between 2013 and 2033 respectively – a rough percentage split of 33%, 42% and 25%.

Between 2013 and 2019, actual dwelling completions in each authority were approximately 2,500, 5,500 and 3,000 respectively (11,000 in total) and the amount of development already expected to be delivered within the remainder of the plan period to 2033 through existing planning permissions, Section 2 Allocations and windfall sites in each authority amounts to approximately 11,000 12,000 and 8,000 respectively (31,000 in total). That leaves a ‘residual’ or remaining housing need within each authority (for which additional site allocations would be required) of approximately 2,000 i.e. 1,000 in Braintree (14,320 – 2,500 – 11,000); 1,000 in Colchester (18,400 – 5,500 – 12,000); and 0 in Tendring (11,000 – 3,000 – 8,000). In percentage terms, the split of this residual requirement is approximately: 50% Braintree, 50% Colchester and 0% Tendring as summarised, in very broad terms, in the table below.

Table 1

District	Objectively assessed housing requirement 2013-2033	Actual dwelling stock increase 2013-2018	Dwellings expected 2018-2033 from existing planning permissions, Section 2 allocations and windfall sites	Residual requirement 2013-2018 for which additional allocations are required	% split of the residual requirement by district
Braintree	14,320	2,500	11,000	1,000	50%
Colchester	18,400	5,500	12,000	1,000	50%
Tendring	11,000	3,000	8,000	0	0%

However, the current allocation in the Local Plan across the three authorities incorporates a healthy level of flexibility to provide a buffer for under delivery and to guard against the possibility that, for one reason or another, certain sites might not deliver as planned. This flexibility amounts to some 5,500 homes on top of the residual need of 2,000 which accounts for the 7,500 currently planned for through the three Garden Communities). If that 5,500 homes is allocated to the three authorities in proportion to their overall housing need (i.e. applying the 33:42:25 split), it would give 1,800 extra to Braintree, 2,300 to Colchester and 1,400 to Tendring (roughly 13% flexibility for each district over and above their respective OAN requirements).

For the Section 1 allocation of 7,500 homes to genuinely reflect the objectively assessed housing needs of each of the three authorities, it would need to be distributed as follows:

- Braintree: 2,800 (1,000 + 1,800)
- Colchester: 3,300 (1,000 + 2,300)
- Tendring: 1,400 (0 + 1,400)

If these figures are applied to the notional division of North Essex in west of Colchester and east of Colchester by simply dividing the Colchester figure in half, it would allocate the housing as follows:

- West of Colchester: 4,450 (made up of 2,800 at Braintree and 1,650 derived from half of Colchester's number)
- East of Colchester 3,050 (made up of 1,400 for Tendring and 1,650 derived from the other half of Colchester's number).

This would suggest that the current allocation of 5,000 homes to the two Garden Communities west of Colchester and 2,500 homes to the single Garden Community east of Colchester is broadly reflective of objectively assessed housing needs and it would therefore follow that any strategy that deviates significantly from this 2:1 ratio does not reflect the evidence of housing need. This general principle of testing options that reflect relative levels of need is also reflected, indirectly, in the Inspector's comments within paragraph 114 of his 8th June 2018 letter where he says *"it is difficult to see the logic of assessing Monks Wood as an alternative to [the Colchester/Braintree Borders Garden Community] CBBGC and to [the Tendring/Colchester Borders Garden Community] TCBGC, but not to [West of Braintree Garden Community] WoBGC, when appraising combinations of three GCs."* The logic behind assessing comparable options to the west of Colchester separately from comparable options to the east therefore appears to be in line with the Inspector's thinking.

Principle 4: Ensure alternative strategies are coherent and logical

For a strategy to be genuinely strategic, it should follow a coherent logic rather than being cobbled together from a 'mix and match' of different concepts and approaches. For example, a strategy for North Essex that incorporated entirely different approaches to growth in each of the three constituent authorities would not reasonably constitute a coherent strategy and would bring into question the benefit of having a joint strategic plan for North Essex. Neither would it be logical to have a strategy that, on the whole, follows the A120 corridor or other key transport corridors but in one location takes an entirely different path that does not reflect such corridors. As a general principle therefore, there ought to be some sensible logic behind any alternative strategy put forward for testing through the Sustainability Appraisal rather than an unnecessary assessment of every conceivable permutation of sites.

Principle 5: Ensure alternative strategies are reasonable

If there is limited evidence to suggest that an option is likely to be delivered, it begs the question whether that option is reasonable. For example, if a site or sites have been put forward as an alternative concept but there is no evidence of any developer or land-promoter involvement or there are significant unresolved questions about the form of development, its infrastructure requirements or the willingness of landowners to bring a scheme forward, there is little sense in treating it as a reasonable alternative to what is currently proposed in the Local Plan. If an assumingly unreasonable site option had emerged from the Stage 1 assessment as performing notably stronger against the sustainability criteria than other alternatives, there may have been a case for investing more time and effort into working with the promoters to work the proposal up into a feasible scheme – however, the conclusion of the Stage 1 assessment has shown that this is not the case and that no one option performs significantly better or significantly worse than another. On this basis, it would not be unreasonable to discount options from the next stage of the process on the basis that the current evidence shows them to be unreasonable. The responses (or lack of response) from site promoters to the method scoping statement consultation, check and challenge workshop and deliverability and viability consultation has helped inform any decisions as to whether certain options are reasonable.

Principle 6: Strategic sites will deliver a minimum of 2,000 homes within the plan period to 2033

With the exception of the proportionate growth scenarios where sites of any size could be combined in order to deliver the residual housing requirement, all the strategy options involving specific strategic sites assume that those sites will deliver a minimum of 2,000 homes within the remainder of the plan period up to 2033.

Principle 7: All strategy options will deliver social infrastructure

All spatial strategy options will deliver the following infrastructure: early years, primary & secondary schools, youth centre provision, open space, bus services, local centre facilities, healthcare facilities and community meeting spaces.

Sites to be discounted from the Stage 2 Assessment

The following list of sites tested as part of the Stage 1 assessment are proposed not to be carried forward into the Stage 2 assessment where different combinations of sites are tested as alternative spatial strategies. The main reasons for sites being discounted at this stage relate to either a lack of evidence to suggest there are reasonably deliverable proposals being advanced through the plan-making process at this time, or a lack of evidence to demonstrate that

they are reasonable options in practical planning terms. Some sites have been discounted because they overlap or form part of a larger site that is being carried forward into Stage 2 or, following responses to the engagement with site promoters, it has been decided to merge certain sites together.

Table 2

Site	Reason for discounting
ALTGC1 Land West of Braintree	This is a smaller part of the West of Braintree Garden Community but is not being actively promoted by any landowners or developers at the size of 2,000 dwellings. This option was therefore merged with NEAGC1.
ALTGC2 Land east of Silver End	This site is an eastern extension to Silver End village which is a larger village with a selection of civic and retail services, as such it is not expected that the proposal would be stand-alone. The site is promoted for 1,800 dwellings but large enough to be able to accommodate 2,500 dwellings, these proposals incorporated the route of the A120 (options 4/5 along) with a grade-separated junction as the primary access and it is not likely that existing junctions on the A12 and A120 could accommodate anticipated traffic growth without severe highway impact. Due to the proposal's limited scale, interdependence on Silver End, reliance on the delivery of the new A120 route and lack of clarity on new junctions, this site has been discounted.
ALTGC5 Land at Marks Tey Option Two	This site refers to land west of Marks Tey and is a subsection of the alternative Garden Community being independently promoted by L&Q, Cirrus Land and Gateway 120. The landowner has no desire to subdivide their scheme therefore this site was combined with ALTGC4 to form the full alternative Garden Community proposal. This was assessed through stage 1 as ALTGC4 thus ALTGC5 does not need to be carried forward to the Stage 2 assessment in its own right.
ALTGC8 Land at East of Colchester Option Two	Site not being actively promoted by any landowning party unlike the adjoining ALTGC7 which is being promoted by Gatesby Estates and is more likely to be a deliverable option. There are also concerns about achieving suitable road access and achieving a development of significant dwelling capacity that is also sensitive to the undulating landscape around the valley of Salary Brook.
ALTGC9 Land at East of Colchester Option Three	Forms the northern part of the current Garden Community proposal at NEAGC3 but is unlikely to be a desirable development on its own as it would fail to achieve desired links to the University of Essex and would not facilitate or incorporate the full A133/A120 link road which is a key component of the Garden Community scheme. The AECOM Report on Infrastructure, Planning, Phasing and Delivery suggests that the northern part of the Garden Community would most likely be developed in later phases most likely beyond the current plan period.
ALTGC10 Land at East of Colchester Option Four	Forms the southern part of the current Garden Community proposal but is unlikely to be a desirable development on its own as it would not facilitate or incorporate the full A133/A120 link road thereby lacking direct access to the strategic road network. It is likely that development would cause severe traffic problems for areas East of Colchester Town Centre which already operate at capacity. This option has been discounted in favour of the full development proposed

Site	Reason for discounting
	on the scale of NEAGC3 which would deliver the full link road.
ALTGC11 Langham Garden Village	Site no longer being actively promoted by its original proponent and considered to be an illogical northward extension to Colchester that breaches the strong defensible boundary formed by the A12 Colchester Bypass and threatens the sensitive landscape of the Dedham Vale Area of Outstanding Natural Beauty crossing the Essex/Suffolk border.
SUE4 Land south of Haverhill	Haverhill located outside of the Braintree district and the land in question at extreme north west corner of the Braintree thus there is poor compliance with the principle of developing along the A120 growth corridor. Any strategic development would have to take place in co-operation with West Suffolk Council. However West Suffolk Council is only just embarking on the preparation of a new Local Plan and is exploring issues and options – so plan making timetables for the two authorities are not currently aligned.
VE2 Land at Coggeshall	Envisioned by the LPA as a group of village extensions capable of achieving 2,000 dwellings in total. One of the larger sites (Cogg182) was granted outline permission in 2018 meaning that there is no longer capacity for a strategic scale development at this location.
VE4 Weeley Garden Village	Multiple ownership, no interest from landowners to work together to deliver a comprehensive scheme. Major development at Weeley considered as an option by Tendring District Council as part of its Section 2 Local Plan. Strategic growth at Weeley best tested as part of the CAUSE Metro Plan concept which involves different landowners and forms part of a more cohesive strategy involving other villages along the Colchester to Clacton branch line.

Sites to be included in Stage 2 Assessment

The following list of sites tested as part of the Stage 1 assessment are proposed to be carried forward into Stage 2 where they will be assessed in different combinations, with explanations given.

Table 3

Site	Explanation
NEAGC1 West of Braintree	This is one of the three current Garden Community proposals in the submitted Section 1 Local Plan – against which alternative proposals are to be tested.
NEAGC2 Colchester Braintree Borders Garden Community (Marks Tey)	This is one of the three current Garden Community proposals in the submitted Section 1 Local Plan – against which alternative proposals are to be tested.
NEAGC3 Tendring Colchester Borders Garden Community	This is one of the three current Garden Community proposals in the submitted Section 1 Local Plan – against which alternative proposals are to be tested.
	Scheme being actively promoted by Lightwood Strategic. While the Local Plan Inspector has specifically suggested this

Site	Explanation
ALTGC3 North West Coggeshall (Monks Wood)	scheme be tested at an alternative at 5,000 and 7,000 homes (IED011, para123), Lightwood have confirmed though consultation responses that their evolved scheme stands at 5,500 dwellings.
ALTGC4 Land at Marks Tey Option One	Forms part of the Colchester Braintree Borders Garden Community and also independently promoted by L&Q, Cirrus Land and Gateway 120. AECOM Report on Infrastructure, Planning, Phasing and Delivery suggests that the land around ALTGC 4 and ALTGC 6 could form part of the earlier phases of development and could therefore be the areas of land likely to be preferred if a 'smaller' version Marks Tey development was to progress. Proposed that ALTGC 4 and ALTGC 6 be tested as part of an option that includes a greater number of 'smaller Garden Communities' (alongside Monks Wood and West of Braintree – see 'West 4' below).
ALTGC6 Land at Marks Tey Option Three	Forms part of the Colchester Braintree Borders Garden Community and also independently promoted by L&Q, Cirrus Land and Gateway 120. AECOM Report on Infrastructure, Planning, Phasing and Delivery suggests that the land around ALTGC 4 and ALTGC 6 could form part of the earlier phases of development and could therefore be the areas of land likely to be preferred if a 'smaller' version Marks Tey development was to progress. Proposed that ALTGC 4 and ALTGC 6 be tested as part of an option that includes a greater number of 'smaller Garden Communities' (alongside Monks Wood and West of Braintree – see 'West 4' below).
ALTGC7 Land at East of Colchester Option One	Site being actively promoted by Gatesby Estates and is effectively an urban extension to north east Colchester. Should be tested as a reasonable alternative to the Tendring Colchester Borders Garden Community and other alternatives proposed for the area east of Colchester.
SUE 1 Land at Halstead	Some of this land could form part of an urban extension to Halstead under a proportionate (hierarchy-based) growth option despite poor compliance with the principle of developing along the A120 growth corridor. The site would be capable of delivering dwellings beyond the plan period in reasonable proximity to the Tier 2 settlement of Halstead.
SUE2 Land East of Braintree (including Temple Border)	Could be considered both under a proportionate (hierarchy-based) growth option (with SUE 3) or as a strategic urban extension option in its own right given its proximity to the Tier 1 settlement of Braintree.
SUE3 Land south east of Braintree	Could be considered both under a proportionate (hierarchy-based) growth option (with SUE 3) or as a strategic urban extension option in its own right given its proximity to the Tier 1 settlement of Braintree.
VE1 Land at Kelvedon	Some of this land could form part of an urban extension to Kelvedon to be tested alongside urban extensions to Braintree as a 'strategic urban extension' option, particularly as it aligns well with the A120 and A12 growth corridor.
C1, C2, C3, C4 CAUSE Metro Plan	Local Plan Inspector specifically requires the Metro Plan concept to be tested as a spatial strategy alternative. It is a logical concept which aims to focus growth on land around existing railway stations on the Colchester to Clacton branch line, namely at the villages of Alresford, Great Bentley, Weeley and Thorpe le Soken – all within the Tendring District. In taking housing need and commuting patterns into account, the option would be tested as an alternative to the

Site	Explanation
	Tendring Colchester Borders Garden Community and other alternatives proposed for the area east of Colchester.
VE5 Tendring Central	Scheme being actively promoted by Edward Gittins. Development in this location has been considered by Tendring District Council and discounted in the past, but the latest version is a larger development which does relate well to the A120 growth corridor and should be tested as a reasonable alternative to the Tendring Colchester Borders Garden Community and other alternatives proposed for the area east of Colchester (such as Metro Plan).

Proposed Spatial Strategy Options (Table 4)

WEST OF COLCHESTER (Whole of Braintree and most of Colchester) Target of approximately 5,000 additional homes up to 2033	EAST OF COLCHESTER (Tendring and eastern part of Colchester) Target to deliver approximately 2,500 additional homes up to 2033
<ol style="list-style-type: none"> 1. Proportionate (percentage-based) growth <i>[Resulting in a thin distribution of growth across both urban and rural settlements]</i> 2. Proportionate (hierarchy-based) growth <i>[Resulting a strong focus for growth on Braintree, Halstead and Hatfield Peverel]</i> 3. West of Braintree GC [NEAGC1] + Colchester/Braintree GC [NEAGC2] <i>[As currently proposed in the submitted Section 1 Local Plan]</i> 4. West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC3] + Colchester/Braintree GC [NEAGC2] and West 4a: smaller scale of West of Braintree [NEAGC1] + Monks Wood GC [ALTGC3] + smaller scale of Colchester/Braintree GC [NEAGC2] <i>[Options involving three Garden Communities including Monks Wood]</i> 5. Monks Wood GC [ALTGC3] + Colchester/Braintree Borders GC [NEAGC2] <i>[An alternative combination of two Garden Communities]</i> 6. West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC3] <i>[Another alternative combination of two Garden Communities]</i> 7. East of Braintree [SUE2] + Kelvedon [VE1] <i>[A non-Garden Community option proposing focussed growth at Braintree and Kelvedon]</i> 8. Land at Halstead [SUE1] + proportionate growth. <i>[One alternative Garden Community alongside proportionate growth at existing settlements]</i> 	<ol style="list-style-type: none"> 1. Proportionate (percentage-based) growth <i>[Resulting in large increases in development at coastal towns]</i> 2. Proportionate (hierarchy-based) growth <i>[Resulting in major development around Brightlingsea]</i> 3. Tendring Colchester Borders GC [NEAGC3] <i>[As currently proposed in the submitted Section 1 Local Plan]</i> 4. Colchester North-East Urban Extension [ALTGC7] <i>[Strategic urban extension across the Colchester/Tendring border]</i> 5. Tendring Central Garden Village [VE5] <i>[New settlement at Frating at the A133/A120 interchange]</i> 6. CAUSE Metro Plan [C1, C2, C3 & C4] <i>[Development focussed on railway stations along the Colchester to Clacton branch line at Alresford, Great Bentley, Weeley and Thorpe le Soken]</i>

WEST OF COLCHESTER**(Whole of Braintree and most of Colchester)**

Target of approximately 5,000 additional homes up to 2033

EAST OF COLCHESTER**(Tendring and eastern part of Colchester)**

Target to deliver approximately 2,500 additional homes up to 2033

9. West of Braintree GC [NEAGC1] + proportionate growth

[One alternative Garden Community alongside proportionate growth at existing settlements]

10. Colchester/Braintree GC [NEAGC2] + proportionate growth

[One alternative Garden Community alongside proportionate growth at existing settlements]

11. Monks Wood GC [ALTGC3] + proportionate growth

[One alternative Garden Community alongside proportionate growth at existing settlements]

Descriptions of the Options

West 1: Proportionate (percentage-based) growth

The rationale behind each of the proportionate growth scenarios (West 1 & 2 and East 1 & 2) is to test the potential for accommodating the development currently expected to be delivered through Garden Communities within the current plan period on land in and around existing settlements – thus avoiding the need to establish any new ‘stand-alone’ settlements or other strategic-scale developments, at least until 2033. The Inspector has specifically requested that this option is assessed as part of the further SA work to help demonstrate whether or not a strategy involving the creation of new settlements is justified in the current plan period.

Under this particular option, it is envisaged that all defined settlements in North Essex across all three authorities, regardless of their position within the Local Plan settlement hierarchies would accommodate a pro-rata share of the remainder of the North Essex housing requirement for the period 2019 to 2033 including an element of flexibility – a level of approximately 40,000 homes. This represents an approximate 18% increase in dwelling stock above 2019 levels and under this percentage-based approach, each defined settlement would accommodate an 18% increase in housing over 14 years (2019-2033).

Taking into account homes already expected on sites with planning permission or otherwise allocated in Section 2 plans, many of the existing settlements would not need to accommodate any additional housing as they are already expected to achieve or exceed their 18% dwelling stock quota through existing proposals. There are however some settlements that would be expected to accommodate additional housing allocations under this percentage-based proportionate approach to achieve the remainder of the requirement. For the settlements in the area west of Colchester, these are summarised, in broad terms, in the table below.

Table 5.1

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Halstead	200-300	N/a	Existing employment allocations in Section 2 Local Plans to be retained and possibly expanded. Some of the additional developments might be accompanied by a range of new small employment areas or expansion of existing areas.	Halstead bypass desirable but not likely to be deliverable off the back of the relatively modest level of additional development that proportionate growth would bring. Infrastructure proposed as a result of proposals in the
Colchester	100-199 (each)	N/a		
Coggeshall				
Black Notley				
Rayne				
Sible Hedingham				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Earls Colne	50-99 (each)	N/a		<p>Section 2 Local Plans to be retained and, where necessary, expanded.</p> <p>The very thin spread of additional growth, particularly across smaller villages, would result in numerous developments of insufficient scale to accommodate new facilities such as schools or health centres. Such infrastructure might need to be delivered through pooled financial contributions towards expanding existing facilities or delivering new shared facilities for which land would need to be identified and acquired.</p>
Finchingfield				
Castle Hedingham				
Gosfield				
Panfield				
Wethersfield				
Aldham	1-49 (each)	N/a		
Birch				
Easthorpe				
Great Wigborough				
Layer Breton				
Little Horkesley				
Messing-Cum-Inworth				
Mount Bures				
Peldon				
Salcott				
Wormingford				
Bures Hamlet				
Great Bardfield				
Great Yeldham				
Steeple Bumpstead				
Ashden				
Audley End				
Belchamp Otten				
Belchamp St Paul				
Belchamp Walter				
Blackmore End				
Bradwell				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Bulmer				
Bulmer Tey				
Colne Engaine				
Cornish Hall End				
Cressing				
Foxearth				
Gestingthorpe				
Great Maplestead				
Great Sailing				
Greenstead Green				
High Garret				
Helions Bumpstead				
Lamarsh				
Little Maplestead				
Little Yeldham				
Nounsley				
Pebmarsh				
Ridgewell				
Rivenhall				
Rivenhall End				
Shalford				
Shalford Church End				
Stambourne Chapelend Way				
Stambourne Dyers End				
Stinstead				
Sturmer				
Surrex				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
(Coggeshall)				
Terling				
Tilbury Juxta Clare				
Topplesfield				
White Colne				
White Notley				
Wickham St. Paul				

For the area west of Colchester, a percentage based growth strategy would result in a very thin spread of development through the various settlements with only Halstead having to accommodate additional allocations of 200+ dwellings and six other settlements accommodating 100+. The total amount of development generated through this percentage-based approach would deliver approximately 3,000 homes which is around 2,000 short of what might be expected from the area west of Colchester when applying principle 3 above. This indicates that the proportionate percentage-based approach would shift the majority of the additional development to Tendring and East Colchester, as can be seen under the East 1 option, albeit not to the extent by which such a strategy might be seen as altogether unreasonable.

West 2: Proportionate (hierarchy-based) growth

Under this option, it is envisaged that development would be allocated to settlements in North Essex across all three authorities according to their position within the settlement hierarchy with the aim of directing growth towards the most sustainable locations.

Policy SP2 in the Section 1 Local, which sets out the spatial strategy for North Essex, states that existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period with development being accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Under this hierarchy-based growth strategy, this principle is extended to deliver the full housing requirement for North Essex instead of part of the proposed growth being delivered through Garden Communities.

The hierarchy-based strategy involves 50% of the 40,000 homes between 2019 and 2033 going to the larger 'Tier 1' settlements of Colchester and Braintree; 20% to 'Tier 2' settlements such as Clacton, Harwich, Witham and Halstead; and 10% to 'Tier 3' settlements such as Frinton, Walton & Kirby Cross; Manningtree, Lawford & Mistley, Brightlingsea, Kelvedon and Hatfield Peverel. The remaining 15% would be delivered around smaller 'Tier 4' and 'Tier 5' settlements but with growth already accounted for through existing planning permissions and Section 2 housing allocations.

The Inspector has specifically requested that proportionate growth is assessed as part of the further SA work to help demonstrate whether or not a strategy involving the creation of new settlements is justified in the current plan period. Hierarchy based proportionate growth is a different interpretation to the proportionate growth option outlined under West 1. Appraising two different approaches ensures that proportionate growth has been properly and fully explored. For the settlements in the area west of Colchester, the hierarchy-based distribution of growth is summarised, in broad terms, in the table below.

Table 5.2

Proposal/site	Dwellings to 2033	Total dwellings	Employment Assumptions	Strategy-specific infrastructure assumptions
Land east of Braintree [SUE2]	4,500-5,000	N/a	The proposals for the Braintree site includes the provision of a range of leisure, employment and retail uses to complement the relocation of Braintree Football Club to the site. Approximately 10 hectares of B-use employment land in total is suggested as	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport, and Colchester • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June
Hatfield Peverel	800 (each)	N/a		

Proposal/site	Dwellings to 2033	Total dwellings	Employment Assumptions	Strategy-specific infrastructure assumptions
Halstead			<p>being deliverable as part of the Braintree scheme alongside 5,000 dwellings.</p> <p>Smaller employment sites of around 2ha could be delivered alongside each of the developments at Hatfield Peverel and Halstead.</p>	<p>2020).</p> <ul style="list-style-type: none"> • New route of A120 to provide a free-flow link in place of the Galley's Corner roundabout. • RIS funded A12 upgrading 2022 to 2025 • Bypass for Halstead

Like the percentage-based proportionate growth scenario, the hierarchy-based model results in many of the existing settlements not needing to accommodate any additional housing as they are already expected to achieve their share of the new homes increase through existing proposals. Unlike the percentage-based approach, however, the settlements that would be expected to accommodate additional housing allocations are fewer in number – meaning less of a ‘thin spread’ of development, but the scale of required growth in the affected settlements much greater, particularly for Braintree and, to a lesser extent, Hatfield Peverel and Halstead.

This approach would deliver around 6,000-6,500 additional homes in the area the west of Colchester which is substantially greater than the 5,000 that would be expected under a strict application of Principle 3 above. This demonstrates that a hierarchy-based approach shifts the focus of development to the west – mainly because Braintree is categorised as a Tier 1 settlement even though its existing dwelling stock and current proposals for development are significantly smaller than that of Colchester.

West 3: West of Braintree GC [NEAGC1] + Colchester/Braintree GC [NEAGC2]

This option reflects what is already included in the submitted Section 1 Local Plan with development at two new Garden Communities, one west of Braintree and one on the Colchester/Braintree border around Marks Tey. In the submitted plan, each of these Garden Communities is expected to deliver 2,500 new homes within the remainder of the plan period to 2033. In terms of their long-term dwelling capacity, the Colchester Braintree borders proposal will potentially be more than double the size of that west of Braintree.

Under this option, the two garden communities are of a sufficient mass and distance from each other, and other town centres, to be capable of developing as standalone communities. The connection of the proposed garden communities, along the A120 corridor, means that RTS is an option. The Concept Feasibility Study (EB/008) provides evidence that 2,500 dwellings can be delivered in each garden community within the plan period. The two garden communities proposed will deliver a total of 5,000 dwellings to the west of Colchester within the plan period, as justified under principles 1 and 3. The total dwellings figure, which is within the range in the Submission Local Plan, is taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update report by Hyas Associates and thus reflects the most up to date position in respect of viability assumptions.

Table 5.3

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
West of Braintree GC NEAGC1	2,500	10,000	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033, 26ha by 2050 and 43ha by 2071. For the Colchester/Braintree Borders, it suggests 4ha by 2033, 19ha by 2050 and 37ha by 2071. Totally built out, it is suggested that West of Braintree will likely deliver 43ha of employment land and Colchester/Braintree borders 37ha.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120.
Colchester/Braintree GC NEAGC2	2,500	21,000		

West 4: West of Braintree [NEAGC1] + Monks Wood GC [ALTGC3] + Colchester/Braintree GC [NEAGC2] and West 4a: smaller scale of West of Braintree [NEAGC1] + Monks Wood GC [ALTGC 3] + smaller scale of Colchester/Braintree GC [NEAGC2]

Under these options, there would be three new garden communities to the west of Colchester each of a smaller size overall than those proposed in the Section 1 Local Plan, but each expected to deliver around 2,000 homes in the remainder of the plan period to 2033. The three smaller garden communities would be west of Braintree, the Monks Wood site being promoted by Lightwood Strategic and at Marks Tey. The Inspector specifically requested that a range of options including more or fewer garden communities, including the Monks Wood proposal, are tested as he felt that these would be reasonable scenarios that the previous SA had failed to cover.

Under these scenarios, it is anticipated that each of the three locations – all well related to the existing A120, could reasonably deliver 2,000 dwellings (in line with Principal 6 explained above) i.e. around 6,000 in total for the area west of Colchester – slightly higher than the 5,000 expected from the two Garden Communities currently proposed in the Section 1 Local Plan. This reflects the likely delivery within the plan period of 2,500 dwellings for each site as evidenced in the Concept Feasibility Study for West of Braintree and Braintree Colchester borders GCs and the viability and deliverability site information form for Monks Wood, but adding in an element of flexibility as three garden communities are proposed.

The size of each proposed garden community under this option is less than options involving 1 or 2 garden communities because, whilst planning for longer term development through the delivery of garden communities this option, if taken forward, will be combined with development to the east of Colchester. An option involving a lower scale of development enables the SA to draw out the different effects, both positive and negative, from smaller and larger garden communities.

The total dwellings figures for West 4 for West of Braintree is within the range in the Submission Local Plan and is taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update report by Hyas Associates Ltd. The total dwellings figure for Marks Tey is within the range in the Submission Local Plan and includes land that is being independently promoted by L&Q, Cirrus Land and Gateway 120. The AECOM Report on Infrastructure, Planning, Phasing and Delivery suggests that this land could form part of the earlier phases of development and could therefore be the areas of land likely to be preferred if a smaller version Marks Tey development was to progress. The total dwellings figure for Monks Wood reflects the scale of development being promoted as set out in the viability and deliverability site information form.

The total dwelling figures for West 4a for each of the three sites is 5,500. This allows the NEAs to consider the likely sustainability effects of smaller scale development and facilitates a direct comparison of these three sites.

Table 5.4

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
West of Braintree GC NEAGC1	2,000	10,000	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033, 26ha by 2050 and 43ha by 2071. For the Colchester/Braintree Borders, it suggests 4ha by 2033, 19ha by 2050 and 37ha by 2071. Totally built out, it is suggested that West of Braintree will likely deliver 43ha of employment land and Colchester/Braintree borders 37ha.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120. • Sustainable transport link to Kelvedon Station • District centres
Colchester/Braintree GC NEAGC2	2,000	17,000		
Monks Wood ALTGC3	2,000	5,500	<p>25h.2a for B 'uses' has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes. Estimated that 11ha would be delivered in the plan period up to 2033.</p> <p>16.2ha has been identified for Retail /District/Local Centre 'A' uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above</p>	

Table 5.4a

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
West of Braintree GC NEAGC1	2,000	5,500	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033. For the Colchester/Braintree Borders, it suggests 4ha by 2033. It is suggested that these figures are doubled to 18 and 8ha respectively to correspond with the fully built out scenario of 5,500 homes at each development.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120. • Sustainable transport link to Kelvedon Station • District centres
Colchester/Braintree GC NEAGC2	2,000	5,500		
Monks Wood ALTGC3	2,000	5,500	<p>25h.2a for B 'uses' has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes.</p> <p>16.2ha has been identified for Retail /District/Local Centre 'A' uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above</p>	

West 5: Monks Wood GC [ALTGC3] + Colchester/Braintree Borders GC [NEAGC2]

Under this option, there would be two Garden Communities to the west of Colchester but the Garden Community West of Braintree would be substituted with the Monks Wood proposal from Lightwood Strategic so the strategy would include Monks Wood and the Colchester/Braintree Borders Garden Community at Marks Tey. The focus of growth would therefore shift eastwards along the A120 corridor towards Colchester but further away from Braintree and Stansted.

This option would assume 2,500 homes being built at each of the two Garden Communities within the plan period to 2033 – delivering an equivalent number of homes to that already proposed through the Garden Communities in the Section 1 Local Plan. Longer-term however, a total of 26,500 homes are proposed.

Table 5.5

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Monks Wood GC ALTGC3	2,500	5,500	25h.2a for B ‘uses’ has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes. Estimated that 11ha would be delivered in the plan period up to 2033. Likewise, 16.2ha has been identified for Retail /District/Local Centre ‘A’ uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120. • Sustainable transport link to Kelvedon Station • District centres
Colchester/Braintree GC NEAGC2	2,500	21,000	Evidence base document entitled ‘Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For the Colchester/Braintree Borders, it suggests 4ha	

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			by 2033, 19ha by 2050 and 37ha by 2071. Totally built out, it is suggested that Colchester/ Braintree borders scheme will likely deliver 37ha.	

West 6: West of Braintree GC [NEAGC1] + Monks Wood GC [ALTGC3]

Under this option, there are two garden communities: the Colchester Braintree Borders Garden Community at Marks Tey would be substituted with Monks Wood and would delivered alongside the Garden Community West of Braintree. The focus of growth would therefore shift westwards along the A120 corridor away from Colchester and more towards Braintree with the majority of development being within the Braintree district.

This option would assume 2,500 homes being built at each of the two Garden Communities within the plan period to 2033 – delivering an equivalent number of homes to that already proposed through the Garden Communities in the Section 1 Local Plan. Longer-term however, 15,000 homes are proposed.

Table 5.6

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Monks Wood GC ALTGC3	2,500	5,500	25h.2a for B ‘uses’ has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes. Estimated that 11ha would be delivered in the plan period up to 2033. Likewise, 16.2ha has been identified for Retail /District/Local Centre ‘A’ uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Bypass for A120. • Sustainable transport link to Kelvedon Station • District centres
West of Braintree NEAGC1	2,500	10,000	Evidence base document entitled ‘Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033, 26ha	

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			by 2050 and 43ha by 2071. Totally built out, it is suggested that West of Braintree will likely deliver 43ha of employment land.	

West 7: East of Braintree [SUE2] + Kelvedon [VE1]

Under this option, there would be no stand-alone Garden Communities to the west of Colchester at all. This non-Garden Community option would be different to the proportionate growth scenarios in that it would involve targeted growth in the form of two strategic urban extensions – one to the east of Braintree and one to Kelvedon – both within Braintree district. The focus of growth would therefore move away from Colchester with development to the west at Braintree and further south along the A12 corridor at Kelvedon.

Traditionally growth has been delivered across the NEAs through planned urban extensions to existing settlements, this option is a continuation of this approach. Both options are proposed to deliver 2,500 dwellings each within the plan period and a further 2,500 dwellings each beyond the plan period. Whilst the Inspector did not specifically request that non-garden community options are appraised as part of the Additional SA, the NEAs consider that the appraisal and consideration of urban extensions as a spatial strategy option will provide a useful comparison to the options involving garden communities. Land east of Braintree and land at Kelvedon have been selected as these sites meet the principles outlined above.

Table 5.7

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Land east of Braintree SUE2	2,500	5,000	The proposals for the site includes the provision of a range of leisure, employment and retail uses to complement the relocation of Braintree Football Club to the site. Approximately 10 hectares of B-use employment land in total is suggested as being deliverable as part of the Braintree scheme alongside 5,000 dwellings of which 5ha would be achieved in the plan period to 2033 alongside 2,500 dwellings.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport, and Colchester • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley's Corner roundabout. • The delivery of the Kings Dene scheme (Kelvedon) is not contingent upon the prior (or eventual) construction of the dualled A120 or the 'Option D' alignment, nor does it prejudice the delivery of this alignment. • RIS funded A12 upgrading 2022 to
Land at Kelvedon VE1	2,500	5,000	The proposals for Kings Dene include the provision of up to 36ha of employment land for B use class employment use (B1, B2 and B8). This land is to be provided in a highly accessible location to the south west of the	

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			<p>site between the A12 and railway line. To complement the proposed employment land provision, opportunities also exist to provide B1 and non B class employment generating uses around the rail station as part of mixed used district centre and within local centres.</p>	<p>2025</p> <ul style="list-style-type: none"> Alternative route from Coggeshall Road through the site to the A12 south west of Kelvedon. This provides the opportunity to remove through traffic from the restricted centre of Kelvedon and connect the Coggeshall traffic directly to the new A12 junction.

West 8: Halstead (SUE1) and proportionate growth

This option and the following three options, all involve development of one garden community alongside further proportionate growth. Each of the proposed garden communities to the west of Colchester that are included in the 'Sites to be included in Stage 2 Assessment' table are options (West 8, 9, 10 & 11).

The Inspector asked for a range of garden community options to be appraised, including 1, 2 or more garden communities. As the housing requirement to the west of Colchester under Principle 3 is for approximately 5,000 dwellings in the plan period and one strategic site [i.e. at Halstead] is only realistically capable of delivering 2,500 dwellings in the plan period, the remaining development would be delivered through proportionate growth around existing settlements. The total dwellings for site SUE1 at Halstead reflects what the site promoter believes is achievable on the site, as set out in the viability and deliverability site information form.

The proportionate growth for other settlements west of Colchester follows the 'hierarchy-based' approach as explained under the West 2 option which, when compared to the 'percentage-based' approach (which spreads development very thinly across rural settlements) is considered to be the more sustainable approach. Where a strategic site is being proposed alongside proportionate hierarchy-based growth, the amount of development proposed under proportionate growth is set at half of what is proposed under option West 2. Essentially, this option would direct development to Halstead, Braintree and, to a lesser extent, Hatfield Peverel and would deliver approximately 5,500 homes which reflects, broadly the scale of growth required west of Colchester to meet housing needs in line with Principle 3.

Table 5.8

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Land at Halstead [SUE1]	2,500	8,000	Yes, please refer to accompanying note to site information form. The site provides an opportunity to enhance accessibility to (and/or expand) the Bluebridge Industrial Estate. 2ha of employment land suggested.	<ul style="list-style-type: none"> • Full Halstead Bypass • Restore and restore dismantled railway Colchester Road to Tidings Hill as a new cycle and pedestrian route. • RTS links to Braintree Town, Braintree Freeport, and Colchester • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley's Corner
Land east of Braintree [SUE2]	2,500	N/a		
Hatfield Peverel	400	N/a		

			Smaller employment sites of around 1ha could be delivered alongside development at Hatfield Peverel.	roundabout. <ul style="list-style-type: none"> • RIS funded A12 upgrading 2022 to 2025 • Bypass for Halstead
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West 9: West of Braintree GC [NEAGC1] and proportionate growth

This option involves development of one garden community and proportionate growth. Each of the proposed garden communities to the west of Colchester that are included in the 'Sites to be included in Stage 2 Assessment' table are options (West 8, 9, 10 & 11).

The Inspector asked for a range of garden community options to be appraised, including 1, 2 or more garden communities. As the housing requirement to the west of Colchester is for approximately 5,000 dwellings in the plan period and the West of Braintree Garden Community is only capable of delivering 2,500 dwellings in the plan period, proportionate growth is also required under this option to make up the remainder. That remainder under this option is formed by applying half the development expected under the hierarchy based approach to proportionate growth as set out per West 2. The total dwellings figure, which is within the range in the Submission Local Plan, is taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update Report by Hyas Associates (June 2019).

The proportionate –hierarchy-based growth that would be delivered alongside the Garden Community would result in a strong focus of development around Braintree with major developments to the east and the west. This option could deliver around 6,000 homes which reflects, broadly the scale of growth required west of Colchester to meet housing needs in line with Principle 3.

Table 5.9

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
West of Braintree GC NEAGC1	2,500	10,000	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For West of Braintree, it suggests approximately 9ha by 2033, 26ha by 2050 and 43ha by 2071. Totally built out, it is suggested that West of Braintree will likely deliver 43ha. Smaller employment sites of around 1ha	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted. • RTS links to Braintree Town, Braintree Freeport, and Colchester • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley's Corner roundabout. • RIS funded A12 upgrading 2022 to 2025
Land east of Braintree [SUE2]	2,500	N/a		
Hatfield Peverel	400 (each)	N/a		
Halstead				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			could be delivered alongside development at Hatfield Peverel and Halstead.	<ul style="list-style-type: none"> <li data-bbox="1576 236 1856 260">• Bypass for Halstead

West 10: Colchester/ Braintree Borders garden community [NEAGC2] and proportionate growth

This option involves development of one garden community and proportionate growth. Each of the proposed garden communities to the west of Colchester that are included in the ‘Sites to be included in Stage 2 Assessment’ table are options (West 8, 9, 10 & 11).

The Inspector asked for a range of garden community options to be appraised, including 1, 2 or more garden communities. As the housing requirement to the west of Colchester is for approximately 5,000 dwellings in the plan period and the Colchester/Braintree Borders Garden Community is only capable of delivering 2,500 dwellings in the plan period, proportionate growth is also required under this option to make up the remainder. That remainder under this option is formed by applying half the development expected under the hierarchy based approach to proportionate growth as set out per West 2. The total dwellings figure, which is within the range in the Submission Local Plan, is taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update Report by Hyas Associates (June 2019).

Table 5.10

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Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Colchester/ Braintree Borders garden community NEAGC2	2,500	21,000	Evidence base document entitled ‘Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For the Colchester/Braintree Borders, it suggests 4ha by 2033, 19ha by 2050 and 37ha by 2071. Totally built out, it is suggested that the scheme will likely deliver 37ha. The proposals for the Braintree site includes the provision of a range of leisure, employment and retail uses to complement the relocation of Braintree Football Club to the site. 5ha of employment land suggested alongside 2,500 homes.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Stansted • RTS links to Colchester and Braintree, with potential to link to London Stansted Airport. • Strategic improvements to Marks Tey Railway Station. • New junctions. Widening, and rerouting of A12. • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley’s Corner roundabout. • RIS funded A12 upgrading 2022 to
Land east of Braintree [SUE2]	2,500	N/a		
Hatfield Peverel	400 (each)	N/a		
Halstead				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
			Smaller employment sites of around 1ha could be delivered alongside development at Hatfield Peverel and Halstead.	2025 <ul style="list-style-type: none"> • Bypass for Halstead

West 11: Monks Wood [ALTGC3] and proportionate growth

This option involves development of one garden community and proportionate growth. Each of the proposed garden communities to the west of Colchester that are included in the ‘Sites to be included in Stage 2 Assessment’ table are options (West 8, 9, 10 & 11).

The Inspector asked for a range of garden community options to be appraised, including 1, 2 or more garden communities. As the housing requirement to the west of Colchester is for approximately 5,000 dwellings in the plan period and the Monks Wood development is considered capable of delivering 2,500 dwellings in the plan period, proportionate growth is also required under this option to make up the remainder. That remainder under this option is formed by applying half the development expected under the hierarchy based approach to proportionate growth as set out per West 2. The total dwellings reflect what the site promoter believes is achievable on the site, as set out in the viability and deliverability site information form.

Table 5.11

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Monks Wood ALTGC3	2,000	5,500	25h.2a for B ‘uses’ has been identified in the master plan /land use budget plan that underpins the Alder King Viability Report for Monks Wood (March 2019) at 5,500 homes. Estimated that 11ha would be delivered in the plan period up to 2033. Likewise, 16.2ha has been identified for Retail /District/Local Centre ‘A’ uses. Upper floors can provide alternative or additional B1 space to that within the 25.2ha referred to above. The proposals for the Braintree site includes the provision of a range of leisure, employment and retail uses to complement the relocation of Braintree Football Club to the site. 5ha of employment land suggested alongside 2,500 homes. Smaller employment sites of around 1ha could be delivered alongside development at Hatfield Peverel and Halstead.	<ul style="list-style-type: none"> • RTS links to Braintree Town, Braintree Freeport and Colchester • Sustainable transport link to Kelvedon Station • Realignment and upgrading of A120 route and junctions to accommodate traffic generated. • Millennium slipways at Galleys Corner Roundabout are required to provide additional capacity for initial phases (funded and expected to be constructed June 2020). • New route of A120 to provide a free-flow link in place of the Galley’s Corner roundabout. • RIS funded A12 upgrading 2022 to 2025 • Bypass for Halstead
Land east of Braintree [SUE2]	2,500	N/a		
Hatfield Peverel	400 (each)	N/a		
Halstead				

East 1: Proportionate (percentage-based) growth

For the area east of Colchester, the percentage-based proportionate approach to growth (explained in more detail under West 1 above) would generate the need for additional housing allocations in the following locations:

Table 5.12

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Clacton	1,000-2,000	N/a	Existing employment allocations in Section 2 Local Plans to be retained and possibly expanded. The Section 2 Local Plan for Tendring already includes a significant over-allocation of employment land to bring choice to the market. Employment land proposals for Clacton and Harwich in particular would have to be brought forward at an accelerated rate to support additional housing growth proposed under this scenario. Some of the other additional developments might be accompanied by a range of new small employment areas or expansion of existing areas.	The link road currently proposed for north Clacton as part of the Hartley Gardens Strategic Development in Tendring's Section 2 Local Plan would need to be funded and brought forward early to enable the rate of development to be accelerated and to enable the additional 1,000-2,000 homes to be delivered before 2033. Increased development around Tendring's coastal towns would also require the £1million upgrade to the A133/A120 roundabout at Frating to be undertaken early within the current plan period. Generally, infrastructure proposed as a result of proposals in the Section 2 Local Plans to be retained and, where necessary, expanded or accelerated.
Harwich	500-999 (each)	N/a		
Frinton/Walton				
Brightlingsea	300-499	N/a		
West Mersea	200-299 (each)	N/a		
Wivenhoe				
St. Osyth	100-199 (each)	N/a		
Thorrington				
Little Clacton	50-99 (each)	N/a		
Dedham				
Ardleigh				
Bradfield				
Kirby-le-Soken				
Little Oakley				
Dedham Heath				

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Abberton and Langenhoe	10-49 (each)	N/a		The thinner spread of additional growth across the smaller villages, would result in numerous developments of insufficient scale to accommodate new facilities such as schools or health centres. Such infrastructure might need to be delivered through pooled financial contributions towards expanding existing facilities or delivering new shared facilities for which land would need to be identified and acquired.
Boxted				
Beaumont-Cum-Moze				
Great Bromley				
Great Holland				
Little Bentley				
Little Bromley				
Ramsey Village				
Tendring				
Wix				
Wrabness				
East Mersea				
Fingringhoe				

Under this percentage-based approach to proportionate growth, settlements to the east of Colchester would be delivering approximately 5,000 additional dwellings which is significantly above the 2,500 level proposed in the current Colchester/Tendring Garden Community and the proportion of growth that might be expected in applying principle 3. That said, the level of additional development is not wholly unreasonable in the context of the overall housing need – although a shift to the east does bring about questions over the ability for lower-value areas such as Clacton and Harwich to generate sufficient market demand to deliver the additional growth and also the environmental impacts of directing growth towards more sensitive locations on the coast. Because many of the rural settlements to the east of Colchester are already expected to deliver their fair share of growth through existing proposals, the focus for additional development under this option would indeed be on settlements around the coast, both in Tendring and in Colchester.

In the Section 2 Local Plan for Tendring, a significant amount of land around Clacton is already earmarked for new development and would be capable, in physical terms, of accommodating 1,000 to 2,000 additional homes – however the Section 2 plan makes conservative assumptions about how much development is realistically achievable on those sites within the plan period to 2033 and thus much of the strategic growth that is currently expected to take place beyond 2033 would somehow need to be accelerated under this scenario to achieve higher built-out rates in the period up to 2033. Key road infrastructure projects in north Clacton and on the A133 at Frating would need to be delivered early to enable an accelerated rate of development.

The other coastal towns that would be affected by this growth scenario would be Harwich, Frinton/Walton, Brightlingsea West Mersea and Wivenhoe – all of which are environmentally sensitive in landscape and ecological terms (with close proximity to the European Designated sites) and physically constrained by the coast and peripheral locations. Brightlingsea and West Mersea are both served only by one road in and out with no rail services and an infrequent bus service. Wivenhoe is the subject of an adopted Neighbourhood Plan which limits the contribution of additional development it could make within the plan period to 2033.

East 2: Proportionate (hierarchy-based) growth

For the area east of Colchester, the hierarchy-based growth scenario would only deliver around 1,500 homes against the 2,500 proposed at the Tendring/Colchester Garden Community.

Table 5.13

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Brightlingsea	900-1,000	N/a	Existing Section 2 Local Plan allocations for the Harwich area would need to deliver faster than currently anticipated. Additional employment land circa 3-4ha would be required at Brightlingsea to achieve a level of self-containment – particularly given the town’s transport limitations.	Major transport infrastructure improvement for Brightlingsea would be required to enable it to accommodate such a high level of additional development and this might involve re-opening the historic railway line to Wivenhoe or constructing a second access road to the town.
Harwich	300-400	N/a		
Frinton/Walton	100-299	N/a		

This approach would only deliver around 1,500 additional homes in the area east of Colchester which is lower than the 2,500 that would be expected when applying Principle 3 and what is proposed at the proposed Tendring/Colchester Borders Garden Community.

Brightlingsea is the settlement that would be most greatly affected because it is town in the settlement hierarchy but one where growth has been limited due to its significant physical and environmental constraints and because of its limited transport network. A development of some 900-1,000 homes in this location would require the development of greenfield sites that are sensitive in landscape terms and within close proximity to the Colne Estuary which is an internationally designated wildlife site. It would also bring into question the adequacy of the current transport provision which is limited to a single road (the B1029) in and out of the town, a limited bus service and no rail provision. The re-opening of the historic branch line between Brightlingsea and Wivenhoe would be a popular choice, but would be extremely expensive in relation to the scale of development being proposed and the necessary engineering works would no doubt bring great disturbance to the Colne Estuary wildlife. Similarly the construction of a new road into Brightlingsea would be cost prohibitive and environmentally damaging – when weighed up against the amount of housing that would realistically be achieved.

East 3: Tendring Colchester Borders GC [NEAGC 3]

This option reflects what is already included in the submitted Section 1 Local Plan with development at a Garden Community, east of Colchester. In the submitted plan, this Garden Community is expected to deliver 2,500 new homes within the remainder of the plan period to 2033. In terms of overall dwelling capacity, the Tendring Colchester borders garden community proposal will deliver 7,500 dwellings which is within the range in the Submission Local Plan and taken from evidence in the North Essex Local Plan (Strategic) Section 1 Viability Assessment Update (DRAFT) (Hyas Associates Ltd, May 2019) report and thus reflects the most up to date position.

Table 5.14

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Tendring/ Colchester Borders GC NEAGC3	2,500	7,500	Evidence base document entitled 'Reconciliation of Cebr and Cambridge Econometrics Employment Scenarios and Floorspace Requirements for the North Essex Garden Communities – Cebr note for the North Essex Authorities recommends employment land figures for the Garden Community proposals. For the Tendring/Colchester Borders Garden Community, it suggests approximately 7ha by 2033, 21ha by 2050 and 25ha by 2071. Totally built out, it is suggested that the scheme will likely deliver 21ha.	<ul style="list-style-type: none"> • RTS links to Colchester Town with potential to link to Braintree and London Stansted Airport. • A120 to A133 link road with new junctions.

East 4: Colchester North-East Urban Extension [ALTGC 7]

Under this option, there would be no stand-alone Garden Community to the east of Colchester at all. This non-Garden Community option would be different to the proportionate growth scenarios in that it would involve targeted growth in the form of a strategic urban extension to the north-east of Colchester. This site could deliver 2,500 dwellings within the plan period and an additional 1,500 dwellings beyond the plan period.

Traditionally growth has been delivered across the NEAs through planned urban extensions to larger settlements, this option is a continuation of this approach. Whilst the Inspector did not specifically request that non-garden community options are appraised as part of the Additional SA, the NEAs consider that the appraisal and consideration of urban extensions as a spatial strategy option will provide a useful comparison to the options involving garden communities. This site has been selected as an option as it is being actively promoted and is effectively an urban extension to north-east Colchester.

Table 3.16

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Colchester North-East ALTGC7	2,500	4,000	None as the site is within walking distance to existing employment provision, including but not limited to, Severalls Business Park.	<ul style="list-style-type: none"> • Bullock Wood, which borders part of the site's western boundary, is a SSSI and ancient woodland. The site promoter recognises that this would require a minimum 15m stand off from built development which can be sensitively designed to incorporate this stand off. • Link road between Ipswich Road and Harwich Road. • RTS links to Colchester

East 5: Tendring Central Garden Village [VE 5]

This option involves the delivery of a Garden Community in Tendring district, adjacent to the A120 but detached from Colchester and Clacton. The site information form confirms that 2,500 dwellings can be delivered within the plan period, with a further 2,500 dwellings beyond the plan period. This is an alternative garden community to the proposed garden community in the Submission Local Plan and is the only alternative garden community proposed east of Colchester.

Table 5.15

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Tendring Central Garden Village VE5	2,500	5,000	In addition to the existing employment areas (Penguin Books, Manheim Auctions etc.): B1, B2 & B8 : 29.85 ha. Village Centre: 4.59 ha.	<ul style="list-style-type: none"> Project includes delivery of omni-directional access between the A120 and A133 at the Oasis (Trunk Road) Junction. Community Woodland <p>The site information form states that improvements to the B1029 to a new Metro Plan Station at Thorrington will be delivered. This assumption can, however, only be made under options involving both Tendring Central and the Metro Plan but should not be considered under this option, which involves Tendring Central only.</p>

East 6: CAUSE Metro Plan [C1, C2, C3 & C4]

The Inspector has indicated that CAUSE’s Metro Plan should be appraised as a spatial strategy option. This option represents both a short term and long term alternative to the garden communities proposed by the NEAs and the alternative garden community proposed under option East 5. Within the plan period, 2,800 dwellings are suggested, based on an average of 700 new homes being delivered at each of the four settlements and which will provide the East Colchester requirement with added flexibility. The longer term option, proposes 8,000 dwellings, which is comparable in scale to the Tendring/Colchester Borders Garden Community.

Table 5.16

Proposal/site	Dwellings to 2033	Total dwellings	Employment assumptions	Strategy-specific infrastructure assumptions
Alresford CAUSE	700	2,000	CAUSE’s 1000 home appraisal allows for 6.5% employment land, the same proportion as for West Tey. In addition there will be agglomeration benefits arising from the excellent connectivity between Colchester, Clacton and the Metro villages which will create local jobs better than standalone settlements connected mainly to London. The Metro settlements will also provide support for existing businesses in adjacent villages. Based on above assumptions, employment land expectations are approximately 8ha each at Alresford and Great Bentley, 9ha at Weeley and 12ha at Thorpe le Soken.	Increased frequency of trains utilising the Colchester to Clacton/Walton branch line – as advised by CAUSE’s transport advisor. Early years, schools and health provision would be delivered in a way that be accessed via the branch line services. It would expected that each settlement would deliver a new primary school and early years facility, but only one new health facility and one new secondary school would be delivered and these would be located at one or two of the villages concerned – potentially the two central villages of Great Bentley and Weeley.
Great Bentley CAUSE	700	2,000		
Weeley CAUSE	700	2,000		
Thorpe le Soken CAUSE	700	2,000		

Given the multitude of ownerships within the 800m circle around the four railway stations, the amalgamation and acquisition of the necessary land to deliver schools and health facilities would one of the main infrastructure challenges facing this strategy.

Rapid Transit System For North Essex

From vision to plan
1 July 2019

Executive summary

Introduction

The Garden Communities Charter states that 'garden communities will be planned around a step change in integrated and sustainable transport system for the North Essex area, which will put walking, cycling and public transit systems at the heart of the development, and be delivered in a timely way to support the communities as they grow.'

The charter explains that this means:

- an integrated approach between land use and transport planning;
- seeking a modern and rapid forms of public transport;
- introducing sustainable transport early within the development of garden communities; and
- providing a green infrastructure including safe, convenient and attractive walking and cycling routes.

This report provides a strategic plan detailing what such a rapid transit system for North Essex could look like, and how it can be delivered and afforded. There is a firm belief that the vision is achievable and will contribute significantly to wider policy objectives related to climate change and air pollution, providing healthy and active choices, and sustainable economic growth.

Technological revolution

The UK is at the cusp of a revolution in technological solutions and personal transport choices¹ within which there is key role for rapid transit in successful towns. The fundamental challenge is to create the space to enable public transit to be rapid and reliable. If this is achieved, then transit solutions can evolve in response to innovation as and when it becomes practical to do so.

For North Essex, it is proposed that rapid transit aims towards introducing a system akin to a trackless tram. This combines the advantages of light rail with the practicality and flexibility of bus rapid transit. The system can be built up incrementally, growing alongside the garden communities. It adapts readily to early adoption of autonomous vehicle technology and, in time, the main

¹ <http://www.demand.ac.uk/commission-on-travel-demand/>

trackless trams would co-ordinate with automated pods to take passengers to final destinations.



Examples of rapid transit solutions and the desired level of segregation
Sources: CRRR TEC, railexpress.com.au/Sydney Inner West Council

Routes

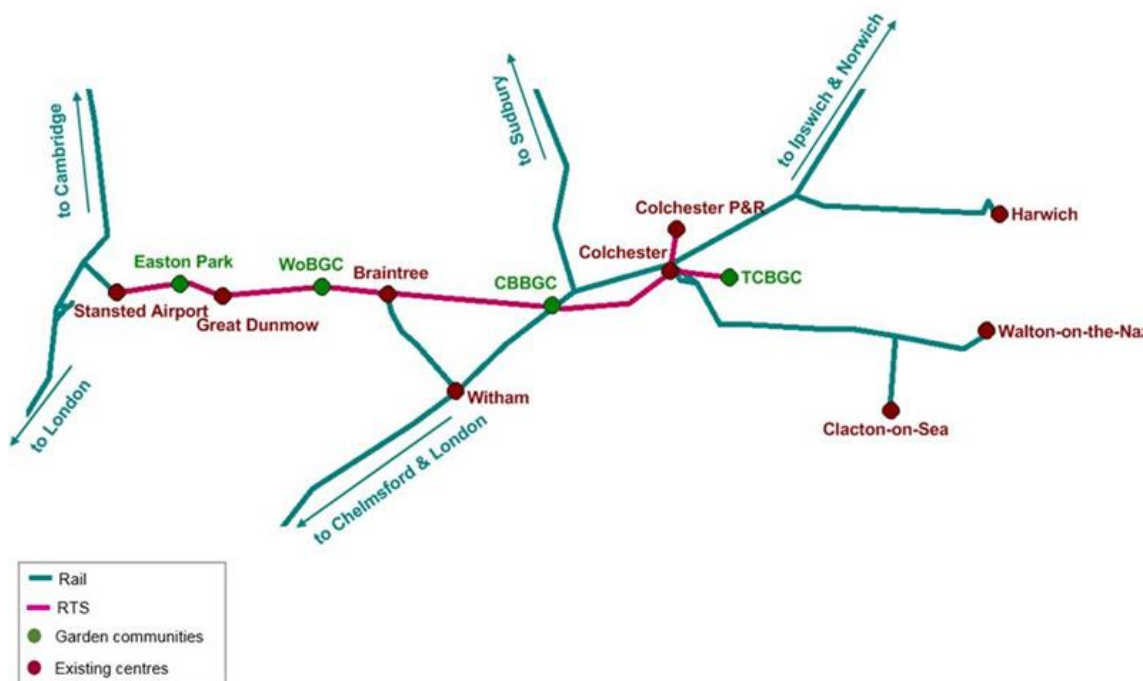
Trackless trams are a recent development which have been used in Zhuzhou, China. The aim will be to create a route network connecting key destinations across North Essex, which can be used by rapid transit vehicles and trackless trams, or equivalent technological solutions, once such systems are readily available. A key advantage of the strategy to develop a rapid transit route network is its adaptability to different technologies.

The dedicated routes, oftentimes alongside cycle lanes, will either be segregated or provide high levels of priority for rapid transit over other traffic. The latter arrangement would be used at locations where, for example, local access is needed. It is forecast that rapid transit will, over time, provide a genuinely practicable and attractive transport choice for many key destinations across North Essex and contribute to a virtuous circle of increasing sustainable travel. Prior to 2033 it is not expected that rapid transit vehicles will be driverless; it is only post 2033 that fully autonomous vehicles are expected to become a possibility.

This report identifies how the first four RTS routes can be incrementally created to deliver the space, priority and segregation required. It is expected that after

the first four routes are established the network of destinations served would expand.

- **Route 1** connects Tendring Colchester Borders Garden Community, a potential eastern park and ride site, the university, the main rail station, the hospital and the existing Colchester northern park and ride site;
- **Route 2** connects Colchester Braintree Borders Garden Community, a potential western park and ride site, the town centre and the rail station;
- **Route 3** is being planning jointly with Uttlesford District Council and connects Stansted with Braintree via the West of Braintree Garden Community; and
- **Route 4** connects Braintree and the Colchester Braintree Borders Garden Community, and in doing so connects the two subsystems that would have been created.



Rapid Transit Network

Integration with transport and planning policy

To ensure success and the step change in public transport use implied by the vision, however, the report also identifies the principles for the image, quality and service standards which will guide design and operations. Furthermore,

those complementary measures and policies with which it is necessary for rapid transit to be co-ordinated are discussed, including:

- access to stops to maximise the catchment of potential users;
- road space reallocation to public transport and active modes;
- parking supply and demand changes including park and ride;
- interchanges and secondary services;
- ticketing and information; and
- following best practice for accessible and inclusive design.

Viability

Given the routes, stop configurations and expectation of complementary measures, a transport model has been used to estimate the likely patronage on a rapid transit system at different stages of its development. The estimates have been adjusted to reflect pessimistic and optimistic futures, for example on the success of complementary measures.

The report shows that the capital cost is related to the amount of contribution that can be expected from garden communities in North Essex. Although contributions from central government sources are being sought in order to accelerate implementation and maximise benefits for all. Furthermore, reflecting the appeal of route choices that have been made, the rapid transit system is shown to be operationally viable from 2033, able to cover both maintenance and operational revenue costs.

Conclusion

While there is much detailed work still to follow, it is hoped that this report provides a clear strategic plan to create a world class rapid transit system for North Essex - reimagining public transport affordably, swiftly and practicably - and so exceeding the aspirations embedded in the vision for garden communities in North Essex.

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North Essex Authorities

Mode Share Strategy
For the North Essex
Garden Communities

July 2019



8. Conclusion and next steps

- 8.1 ITP's review of Census travel-to-work data revealed that, in the existing North Essex context, wherever public transport services and walk/cycle infrastructure are most-developed the mode share by these modes is higher. Furthermore, nearly 40% of existing commuter trips are shorter than five kilometres and could therefore be converted into trips by sustainable modes rather than those made by car.
- 8.2 We found that high sustainable mode share is achieved not only across Europe, but also in specific places in the UK. The conditions that contribute to highly sustainable mode share vary depending on factors such as social factors, scale, density, type of infrastructure provided, parking restraint and the physical arrangement of streets. A key finding in this report is that the most successful places for sustainable travel in the world are those which combine high quality walking, cycling and public transport infrastructure with constraints on car ownership and use.
- 8.3 Ultimately though there is nothing intrinsically 'Dutch' or 'Danish' about achieving high sustainable mode share - with the right investments and placemaking decisions they can be, and are, achieved in the UK. This report demonstrates which measures have been successful elsewhere and outlines the key elements that will be delivered in the GCs.
- 8.4 As well as detailing the range of measures required, the report sets out how each measure can be delivered in a phased way as development progresses across the GCs, including how it will be secured and who will deliver it. A range of complementary measures have also been set that will also be secured and help ensure delivery of a refined set of mode share targets for each of the GCs.
- 8.5 The range of measures set out in this report will form the basis of the transport strategies for each GC and will be secured by DPDs and enshrined in the emerging masterplans for each new community.

Build out rates in the Garden Communities

North Essex Authorities



July 2019



11. Summary of Findings

11.1 The ***Start to Finish*** report, focuses primarily on housing building during a recessionary and post-recessionary period. Economic cycles are cyclical but it is **not a sound approach to base the build out rates of the Garden Communities** solely on data which is skewed towards the post-recessionary period. The report, however, highlights a number of factors which drive build out rates.

11.2 The Letwin Review considers further the key drivers of build out rates, and the constraints affecting the achievement of high build out rates. The Letwin Review identifies the absorption rate – the rate at which newly constructed homes can be sold, or are believed by the house builder to be able to be sold successfully into, the local market – to be the fundamental driver of build out rates. That absorption rate is largely determined by the type of home being construction, in terms of size, design, context and tenure.

11.3 The size and scale of **the Garden Communities allow for significant variation in the design and character of different neighbourhoods**. That will be secured through a Strategic Growth DPD for each community. This will ensure that numerous sales outlets are able to operate simultaneously whilst reducing the risk of direct competition (through the offering of different housing products).

11.4 The **Garden Communities’ policies require them to deliver a wide array of housing types and tenures** including affordable rent, affordable ownership, social housing, private rented, supported living housing, and key worker housing as well as housing for market sale.

11.5 The Letwin Review supports a **more involved public sector in the delivery of large residential sites** to ensure the diversification of housing products. This matches the intended delivery approach of the Garden Communities. **This collaborative approach to public and private working is enshrined in Policy SP7.**

11.6 The **comprehensive planning and delivery of the Garden Communities, secured by the DPDs, will ensure the timely delivery of infrastructure**, land remediation, utilities installation and site logistics.

11.7 The potential establishment of a **development corporation would substantially reduce risks** associated with planning approvals and infrastructure delivery.

11.8 Historically, **development corporations have delivered housing at rates far higher** than sites delivered by private developers. More recently, **the accelerating effect of development corporation status is demonstrated by recent housing delivery** at Ebbsfleet Garden City.

11.9 The Garden Communities are situated in a housing market area characterised by **strong housing demand**. Furthermore, adjacent strategic housing sites in North Essex have seen high build out rates despite being delivered a way less conducive to the accelerated delivery approach that is advocated in the Letwin Review. The strength of the local housing market in **North Essex therefore provides an excellent basis to maximise market absorption of new housing in the Garden Communities.**

11.10 **Strategic sites around the country have been planned and delivered at rates significantly higher than 250dpa**, most notably at sites in and around Milton Keynes, Otterpool Park, and Harlow and Gilston Garden Town. All of these developments have similarities with the North Essex Garden Communities which are conducive to accelerating build out rates, meaning that delivery rates of 300dpa are reasonable.

12. Conclusion

12.1 In conclusion, and following a review of the original evidence, current literature and additional evidence from other strategic sites, this Topic Paper has demonstrated that the build out rates anticipated for the Garden Communities are realistic and achievable.

12.2 Despite the evidence contained in this Topic Paper, the NEAs do not propose that the higher end of the evidenced build out rates (>500dpa) should be used for modelling purposes, but consider that adopting the 250dpa figure proposed by the Inspector would be overly cautious based on the evidence available and the context and attributes of the Garden Communities themselves.

12.3 Within Section 1 of their shared strategic Local Plans, the NEAs have committed to an approach that involves the public sector working pro-actively and collaboratively with the private sector to design and bring forward these Garden Communities (Policy SP7).

12.4 That approach, combined with the specifics of the scale and location of these communities, means the Garden Communities have the potential to deliver at far higher rates than other strategic developments. This model will likely not be unique to North Essex given the emerging support for more public sector involvement in the delivery of residential developments.

12.5 In light of this and taking account of the specifics of each Garden Community, the NEAs consider the following build out rates to be a reasonable basis for modelling purposes:

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Onwards
West of Braintree Garden Community	100	200	300	300	300	300	300
Colchester Braintree Borders Garden Community	150	300	300	300	300	300	300
Tendring Colchester Borders Garden Community	100	150	200	250	300	300	300

12.6 The NEAs have therefore modelled build out rates at an achievable, albeit conservative, figure of 300dpa although the authorities are in agreement that this figure could be substantially increased over time.

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June 2019



Hyas

**North Essex Local Plans
(Section 1)
Viability Assessment Update**

Main Report

Executive Summary

Overall Summary & Key findings

1. Viability assessment is a process of assessing whether a specific site can be considered to be financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, landowner and developer returns.
2. This Viability Assessment Update Report considers the viability of the three proposed Garden Communities which are included in the shared Section 1 Local Plans prepared by the North Essex Authorities (Braintree District Council, Colchester Borough Council and Tendring District Council). It is an update of, and supplementary to, the previous Viability Assessment work published in 2017.
3. It has been prepared to address the matters raised through discussions at the Examination in Public in 2018 and incorporates updated and additional evidence that the North Essex Authorities have assembled in the intervening period. The study addresses the specific assumptions referenced by the Planning Inspector including the approach to contingencies, land costs, scheme financing and the pace of delivery.
4. There are many factors that will influence viability over time, and as such the analysis has considered a small number of high-level scenarios including a 'Reference Case' based upon current cost and value assumptions; 'Grant' related to securing funding from Government for early upfront strategic infrastructure, and 'Inflation' to recognise that over time all costs and values will be subject to inflation.
5. The overall key test of viability is to demonstrate sufficient competitive returns to landowners, developers and funders to incentivise them to bring land forward for development. Such returns must take into account the need for investment in strategic infrastructure and enable the delivery of policy compliant development, including appropriate levels of affordable housing. There are no fixed benchmarks as to what may be sufficient as sites such as the proposed Garden Communities have unique circumstances and infrastructure requirements incomparable to other schemes.
6. The analysis compares scheme costs against values to generate 'Residual Land Values' which can be considered as to whether they provide sufficient incentive beyond current, existing or acceptable alternative values for the land subject to potential redevelopment. The Garden Communities are proposed on predominantly greenfield land in agricultural use and are therefore of relatively low value.
7. The analysis demonstrates that all 3 proposed Garden Communities can be considered viable in that they are capable of producing Residual Land Values that will create significant uplift for landowners well in excess of existing/current values. This is

alongside generating sufficient profit for developers and investors to meet their requirements. With reference to each site assessed:

- The West of Braintree scheme produces the strongest position on viability under all modelled scenarios, due primarily to the area's strongest sales values;
 - Tendring Colchester Borders generates residual land values well in excess of existing use values, although the surpluses decrease when additional allowances for contingencies are at their highest. Should Grant be secured (such as via the current Housing Infrastructure Fund bid or any future equivalent funding opportunity) then viability is strong. Inflation would also have a major impact enhancing residual land values considerably;
 - The analysis shows that the Colchester Braintree Borders scheme is not capable of generating the required competitive returns to landowners under present day costs and values due primarily to the requirement for significant upfront investment in works to the A12. However, should the Housing Infrastructure Fund bid be successful (or wider Government funding secured) this would bring the site to a strong position. Inflation would have a major impact on this site and has the potential to drive significantly higher returns due to the longest delivery timescale.
8. The assessments reveal that for both Tendring Colchester Borders and Colchester Braintree Borders there is a degree of reliance on securing either Grant funding, and/or inflationary impacts. Such scenarios are both credible and realistic given the long history of Government support with infrastructure funding to enable housing growth, and trends in inflation over recent decades (including through periods of economic change and uncertainty).
9. It must also be recognised that the assessment work set out in this report presents a point in time consideration of viability that will need to be monitored and reviewed going forward. There will be a broad range of wider factors which will influence viability which may depress or enhance viability going forward. This study has taken a relatively prudent approach to many assumptions. Some aspects such as unforeseen costs or wider economic conditions may well depress viability. A wide range of other factors can improve viability over time such as enhanced value created through placemaking, construction cost efficiencies for example through the wider implementation of modular construction practices, inflation rates being higher than forecast, speedier delivery and ability to attract future Government investment.

Study Context

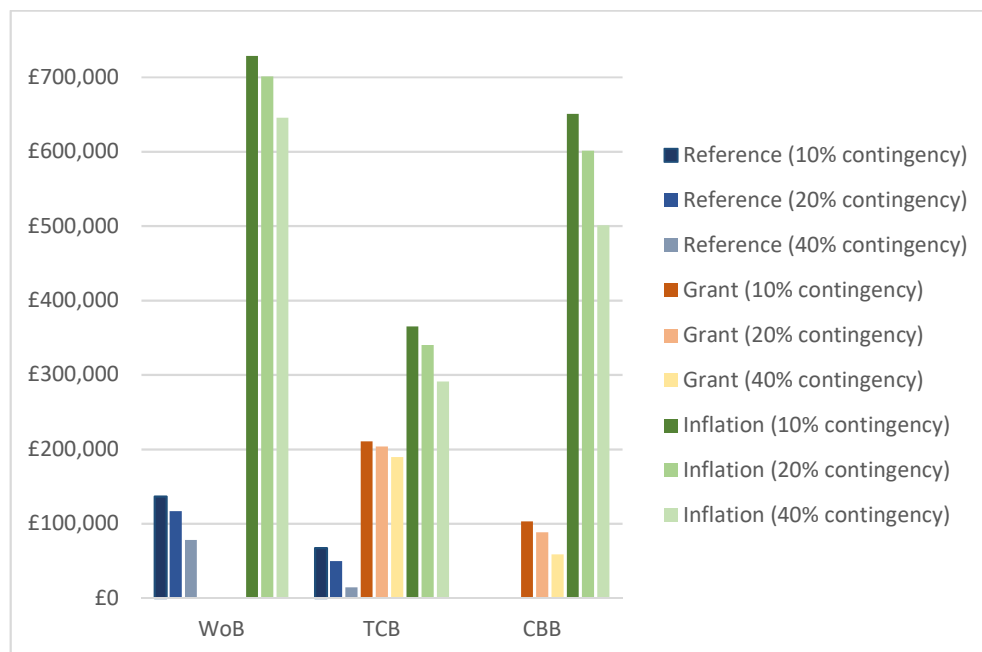
10. This North Essex Local Plans (Shared Section 1) Viability Assessment Update Report has been prepared by Hvas Associates Ltd to provide a comprehensive update of the previous assessment work prepared and published as part of the evidence base for the Shared Section 1 of the Local Plans for Braintree, Colchester and Tendring (collectively known as the 'North Essex Authorities').

11. As the core spatial component of the Shared Section 1, this Viability Assessment Update Report considers the viability of the three proposed Garden Communities namely the West of Braintree Garden Community, Colchester Braintree Borders Garden Community and Tendring Colchester Borders Garden Community.
12. The approach utilises the same viability model to enable consideration of 'residual land values' as a key measure of scheme viability. The models have been updated to provide additional functionality to reflect the full development timescales of the projects concerned and address issues and matters as considered via the Examination in Public hearing sessions, and subsequent correspondence received by the North Essex Authorities (NEA) from the Planning Inspector in June 2018.
13. In light of the time since the original assessment was undertaken (with the previous assessment considering information available from 2016/2017) a number of important assumptions have been reviewed, reconsidered and updated in light of more up to date information and additional evidence that has been assembled by the North Essex Authorities. This has included key aspects such as assumptions relating to residential sales values, build costs, strategic infrastructure costs, anticipated build out rates, treatment of contingencies, developer profit rates, and the consideration of inflation.
14. Since the previous assessment was prepared, the Government has issued updated national planning policy and practice guidance specific to the consideration of viability. The shared Section 1 Local Plans will continue to be considered against policy and practice guidance relevant at the time of Submission of the Local Plans (i.e. before the updated material became available), but it is appropriate for this Viability Assessment Update to be aware of key changes, as viability will need to remain a live process that will be subject to ongoing review and consideration as proposals evolve into the future. The updated policy and guidance provides further clarity and direction to the consideration of matters such as the treatment of benchmark land value. It also aims to standardise the approach to viability testing, which will be of direct relevance to the approach in North Essex through the production of future site specific Development Plan Documents and consideration of future planning applications.
15. Given the early stage of concept evolution of each of the proposed Garden Communities, the approach remains strategic in nature, which in line with policy & guidance is proportionate and pragmatic in its approach. The assessments draw upon the most up to date set of data sources and assumptions and continue to present a general consideration of viability based upon the best available evidence. They examine the viability of illustrative concepts together with a wider range of sensitivity and scenario testing to provide a broad overview of viability under alternative circumstances. The results are highly sensitive to the assumptions underpinning the analysis, which undoubtedly will be subject to change over time.

Viability of the Garden Communities

16. The core measure of viability entails a comparison of residual land values (after consideration of all scheme costs and values) to existing or realistic alternative values, to assess whether there is sufficient competitive uplift to incentivise landowners to bring sites forward for development. In addition, the models need to accommodate sufficient returns for developers to incentivise them to undertake direct construction activity.
17. As the Garden Community sites are greenfield in nature and in agricultural use, existing use values will be circa £10,000 per gross acre, with limited scope for alternative uses. Figure ES1 below sets out the summary findings of the Viability Assessment Update, illustrating the residual land values related to the various sites and scenario tests undertaken, which can be compared to such existing use values.

Figure ES1 Summary Residual Land Values by Scenario



18. The assessments reveal the following in relation to each of the proposed Garden Communities.
- West of Braintree Garden Community.** Under the Reference Case Scenarios residual land values range from £136,509/acre with 10% contingencies to £77,946/acre at 40% contingencies. The inflation scenarios all produce considerably higher residual land values beyond existing use values across all contingency rates, driven in part by the higher initial sales values and timescale of the development programme across over which inflation is compounded. No scenarios have been prepared to test the impact of securing Government grant funding for infrastructure as there are no live funding bids being considered.

- **Tendring Colchester Borders Garden Community.** Under the Reference Case Scenarios residual land values range from £67,394/acre at 10% contingencies to £14,529/acre at 40% contingencies. Should the current bids for Government funding via the Housing Infrastructure Fund be successful, residual land values would be lifted to between £210,504/acre at 10% contingencies to £189,411/acre at 40% contingencies. Inflation scenarios again produce considerably higher residual land values, albeit lower than the other sites due to the Garden Community having the lowest scale of development and shortest delivery timescale across which costs & value growth is compounded.
 - **Colchester Braintree Borders Garden Community.** The analysis indicates that under the Reference Case Scenarios the cashflow would be negative and therefore not achieve Existing Use Values. Should the current bids for Government funding via the Housing Infrastructure Fund be successful, residual land values would be lifted to between £102,913/acre at 10% contingencies to £58,702/acre at 40% contingencies. Inflation scenarios again produce considerably higher residual land values, which are strong due to the overall length of delivery timescale and application of cost and value growth over a considerably longer timeframe than the other 2 Garden Communities.
19. Additional analysis has been undertaken to consider returns in respect to the 'Internal Rate of Return' for any prospective master-developer and/or scheme funders taking account of the time/value of money through a discounted cash flow approach. This illustrates that rates of circa 7-10% are achievable based upon the scenarios as modelled which will exceed the anticipated average cost of finance.
20. The test of viability is based upon the judgement of the achievability of such residual land values and consideration as to whether these provide suitable incentive to landowners to bring land to the market. There are no equivalent benchmarks against which such a judgement should be strictly applied, and it is not considered appropriate to define an arbitrary approach aligned with approaches from elsewhere which can not be considered as suitably comparable or relevant to the scale or context of the 3 Garden Communities under assessment.
21. Consideration should therefore focus upon comparison to existing use or alternative uses for the sites that may be considered feasible. Agricultural land in the area is worth in the order of £10,000/acre and therefore sets a lowest possible benchmark for consideration. However judging viability against the equivalent existing use value does not recognise the need to incentivise landowners sufficiently for them to bring their land to market. It is difficult to accurately predict Alternative Use Values across the full site areas, although given the general location of the sites, they are generally unsuitable for redevelopment unless it was for large scale comprehensive redevelopment with associated infrastructure provision. The North Essex Authorities have the sites in the Shared Section 1 on the basis that such an approach is considered the most suitable. It therefore becomes a judgement as to the prospect of securing values in excess of any realistic alternatives.

22. The Viability Assessment Update has considered the various scenarios and shown under what conditions and circumstances certain scales of uplift can be achieved. The ultimate position cannot be fully predicated at this stage of the process, and an ongoing process of viability review will be needed to test proposals going forward.
23. The current analysis indicates that the West of Braintree scheme produces reasonably strong residual land values under the Reference Case scenarios even with the highest consideration of contingencies, with inflation driving far higher values over time.
24. Tendring Colchester Borders has lower residual land values, and the Reference Case indicates that higher contingencies would start to drive these down to a level akin to Existing Use Values. Should the current live Housing Infrastructure Fund bid be successful this would bring the site to a far stronger position. As per West of Braintree, inflation would also generate strong values.
25. Delivery of the 21,000 unit Colchester Braintree Borders is not capable of meeting Existing Use Values plus sufficient premium under present day costs and values and without investment to enable the implementation of upfront strategic infrastructure. However should the Housing Infrastructure Fund bid (or any future equivalent funding opportunity) be successful this would bring the site to a far stronger position. The impact of inflation would have a significant impact on this site and has the potential to drive significantly higher returns.

Wider considerations & influences

26. It is important to acknowledge that the judgement of viability ought also reflect on wider factors which will influence viability, and the position taken within this Viability Assessment Update which may change the analysis over time. Aspects which may depress or enhance viability going forward should also be born in mind when making an ultimate judgement over the potential residual land values that may be achievable and the associated consideration of long-term viability. Such further considerations will include:
 - The impact of any property market downturn and/or economic shocks which may depress sales values and/or reduce market demand and the associated build out rate. Historical trend analysis can provide some context to the likelihood and extent of such issues, with the property market over time showing a degree of resilience and growth to overcome time limited market corrections;
 - Currently unforeseen or underestimated costs. The schemes are at relatively early stages in terms of the technical design and therefore the range and scale of costs may not as yet be appropriately identified. This requires appropriate consideration for potential cost over-runs as well as ongoing adjustments to reflect future occupier/consumer behaviour and technological change (for example influencing movement and associated transport implications). There may

also be changes in construction practices which may reduce costs, such as through modular construction which could have a significant impact on future build costs;

- The impact of quality placemaking which may well deliver a value premium over and above values currently being considered. Any enhanced sales values would improve overall viability;
- Cost or value inflation not being consistent. A relatively prudent approach has been taken within this Viability Assessment Update within the inflation scenarios which assumes value growth matches but does not exceed cost inflation. This is inconsistent with historical data and trends, albeit there can be no assurance that such trends would continue indefinitely into the future. Should sales values outpace costs this will have a significant impact on viability, with the converse also being true;
- The assessments have incorporated the current view on scheme delivery rates, which is in part informed by historical evidence and projects not truly comparable in scale or kind to the sites subject to this study. Any improvements in delivery rates would have a considerable impact on viability through reducing the development programme and overall financing costs. Site promoters are likely to intend to deliver the sites at a faster rate than as assumed within this study;
- The delivery model itself which may enable more efficient scheme delivery. For example, development may come forward under build under licence / lease arrangements to streamline delivery processes and enable savings such as through tax efficient approaches;
- There have been numerous funding initiatives implemented by Government in recognition that large scale strategic growth has additional challenges, in particular in relation to the need for early funding and delivery of strategic infrastructure. This includes initiatives such as the Local Infrastructure Fund, Large Sites Infrastructure Fund, Home Building Fund and the more recent Housing Infrastructure Fund. Given the importance of improving housing supply, and an ongoing recognition of the significance of delivery from large sites, it is reasonable to anticipate that such funding opportunities would continue to emerge over time to address any particular challenges as they may occur.

27. In conclusion, this Viability Assessment update report provides a comprehensive review of the current viability position across the sites, and addresses the issues and matters raised through the Examination in Public. It sets out the range of scenarios and resulting residual land values to enable consideration of viability.

28. It sets out that when considering the overall costs and values over the lifetime of the projects, residual land values are generated through the various scenario tests which are well in excess of Existing Use Values and can be considered to provide a sufficient return (premium) beyond reasonable alternatives to stimulate the market. The sites can be considered viable under a number of rational and reasonable defined scenarios.



Employment provision for the North Essex Garden Communities

Centre for Economics and Business Research report for the North Essex Authorities

1st July 2019

Disclaimer

Whilst every effort has been made to ensure the accuracy of the material in this document, neither Centre for Economics and Business Research Ltd nor the report's authors will be liable for any loss or damages incurred through the use of the report.

Authorship and acknowledgements

This report has been produced by Cebr, an independent economics and business research consultancy established in 1992. The views expressed herein are those of the authors only and are based upon independent research by them.

The report does not necessarily reflect the views of North Essex Garden Communities Ltd

London, July 2019

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1. Introduction

- 1.1 In April 2017, Cambridge Econometrics and SQW produced an employment and demographic report for the North Essex Authorities¹. This included scenarios for the population and employment of the Garden Communities, together with high-level estimates of employment space requirements.
- 1.2 In March 2019, the Centre for Economics and Business Research (Cebr) was commissioned to produce estimates of employment floorspace and employment land requirements for the three Garden Communities planned in North Essex. These estimates supersede the previous work done by Cambridge Econometrics and SQW.
- 1.3 In this note, we set out to present clearly and to a reasonable level of detail the assumptions used in the work to generate employment, employment floorspace, and employment land estimates.
- 1.4 Employment space estimates are for B class uses (industrial, office, and warehousing).
- 1.5 At the end of this document, results are summarised.

¹ Colchester Borough Council, Braintree District Council, Tendring District Council and Essex County Council.

2. Methodology

Employment scenarios

- 2.1 Cebr considered two main scenarios for employment levels in each Garden Community: the 'reference case and 'investment led'.
- 2.2 Colchester Borough Council provided 2022-2033 housing trajectories per Garden Community which informed employment scenarios. Figures provided are summarised in Table 1. After 2033, 300 dwellings per annum is assumed in each community until they meet the top end of the local plan range (13,000 for West of Braintree, 24,000 for Colchester Braintree Borders, and 9,000 for Tendring Colchester Borders). Results at the end of this note are included for each Garden Community in 2033, 2050, and the 'final state' completion of construction. This last year is different for each Garden Community: 2055 for Tendring Colchester Borders, 2068 for West of Braintree, and 2109 for Colchester Braintree Borders.

Table 1: Annual housing trajectories to 2033/34 for the Garden Communities

	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
West of Braintree	100	200	300	300	300	300	300	300	300	300
Colchester Braintree Borders	-	-	-	-	-	150	300	300	300	300
Tendring Colchester Borders	100	150	200	250	300	300	300	300	300	300

- 2.3 In the reference case scenario, total employment in each Garden Community is exactly equal to number of dwellings.
- 2.4 The investment led scenario is based on previous scenario-based economic analysis carried out by Cebr for NEG Ltd. In this scenario, employment-to-population ratio in North Essex as a whole gradually increases to converge on the ratio forecast² for a set of comparators³ in 2036. In 2016 North Essex's employment-to-population ratio was 38.5% and under this scenario it increases to 43.5% in 2036.
- 2.5 The investment led scenario for this piece of work assumes that the employment-to-population ratio remains constant from 2036 onwards, and that in each Garden Community it is identical to the rate across North Essex (i.e. this employment-to-population ratio is achieved across North Essex as a whole and within each of the Garden Communities).

² Based on Cebr's in-house local authority employment forecasts and ONS population forecasts, extrapolated as necessary

³ West Essex, Cambridgeshire, Milton Keynes, Buckinghamshire, Oxfordshire, Berkshire, and Surrey

- 2.6 For the purposes of the employment calculations in the investment led scenario, population in each Garden Community is assumed on the basis of household size (i.e. the number of people per house) following the ONS 2016-based household projections for England to 2041 – after 2041, household sizes are assumed to remain constant at 2.26.
- 2.7 Estimated total employment numbers for each Garden Community in 2033, 2050, and on completion of construction ('final state') are summarised in the results section.

Industrial sectors

- 2.8 A mix of industrial sectors was assumed for each Garden Community based on an assessment of their relative strengths and economic opportunities. Percentage of jobs in each of the ten high-level sectors under the Standard Industrial Classifications (SIC07) by Garden Community is shown in Table 2. These are based on adjustments to sectoral employment shares for the comparator regions implied by Cebr's in-house forecasts for GVA⁴ by sector per local authority.

Table 2: Assumed employment by sector from Cebr work

	West of Braintree	Colchester Braintree Borders	Tending Colchester Borders
Agriculture, mining, electricity, gas, water and waste	1.0%	1.0%	1.0%
Manufacturing	4.5%	4.5%	2.5%
Construction	5.0%	5.0%	5.0%
Distribution; transport; accommodation and food	25.0%	15.0%	15.0%
Information and communication	20.0%	20.0%	30.0%
Financial and insurance activities	1.0%	9.0%	1.0%
Real estate activities	0.5%	0.5%	0.5%
Business service activities	28.0%	30.0%	30.0%
Public administration; education; health	12.0%	12.0%	12.0%
Other services and household activities	3.0%	3.0%	3.0%

⁴ A measure of the value of goods and services produced within a geographic area and/or economic sector of an economy, calculated as the value of output less the value of intermediate consumption (i.e. raw materials and other inputs).

- 2.9 These assumptions give a different number of jobs per sector depending on total employment scenario (reference case or investment led).

Employment densities

- 2.10 Homes and Communities Agency (HCA) guidance⁵ on observed employment densities for different types of workplace was used to convert employment per sector for each Garden Community into floorspace requirements.
- 2.11 Business register and employment survey (BRES) data was analysed to inform decisions about the assignment of employment in each sector to different types of workspace; for each sector it provides a breakdown by more specific occupational classes, which were approximately assigned to different types of office, industrial, or warehousing space or to non-B class space. In doing this we made sure to accommodate the NEGC ambition for Garden Communities to contain research and development (R&D) space (assumed 20% of business service activities employment) and business incubators (assumed 10% of information and communication employment).
- 2.12 Densities provided in the HCA guidance were all converted into GEA (Gross External Area) measurements for consistency, following HCA rules of thumb for conversions of NIA (Net Internal Area) into GIA (Gross Internal Area) and GIA into GEA.⁶
- 2.13 GEA, GIA, and NIA are defined as follows:⁷
- a. Gross External Area (GEA) includes walls, plant rooms, and outbuildings, but excludes external space such as balconies and terraces.
 - b. Gross Internal Area (GIA) refers to the entire area inside the external walls of a building and includes corridors, lifts, plant rooms, service accommodation (e.g. toilets).
 - c. Net Internal Area (NIA) – this is commonly referred to as the net lettable or ‘usable’ area of offices and retail units. It includes entrance halls, kitchens and cleaners’ cupboards, but excludes corridors, internal walls, stairwells, lifts, WCs and other communal areas.
- 2.14 To give an example, within the particularly varied ‘Distribution; transport; accommodation and food’ sector, we arrived at an average density of 26.2m² of B class space per employee. The assignment of employment to different types of workplace was as follows:
- a. 0.10 to B1c Light Industrial, with a GEA of 52.1m²/employee.
 - b. 0.30 to B8 Final Mile Distribution, with a GEA of 70.0m²/employee.
 - c. 0.60 to non-B class uses.
- 2.15 B class space per employee for each sector is shown in Table 3⁸.

⁵ *Employment Density Guide 3rd Edition*, Homes & Communities Agency, November 2015, page 29

⁶ Conversion of NIA to GIA: HCA says that for non-industrial premises GIA is 15-20% higher than NIA; industrial NIA is 95% of GIA
Conversion of GIA to GEA: assumed that GIA = 0.95*GEA for all premises, again as per HCA guidance

⁷ Definitions based on *Employment Density Guide 3rd Edition*, Homes & Communities Agency, November 2015, page 4

⁸ Cebr considered employment densities per sector for ‘baseline’ and ‘digital focus’ scenarios. The former did not account for R&D and incubator space requirements, so the digital focus densities are shown here. In the baseline the requirements were 13.6 rather than 16.7 for information and communication and 12.9 rather than 20.1 for business service activities.

Table 3: B class employment space requirements (m²/employee) per industrial sector from Cebr work

Industrial sector	B class space per employee
Agriculture, mining, electricity, gas, water and waste	1.5
Manufacturing	46.4
Construction	26.1
Distribution; transport; accommodation and food	26.2
Information and communication	16.7
Financial and insurance activities	13.6
Real estate activities	14.8
Business service activities	20.1
Public administration; education; health	3.0
Other services and household activities	0.0

- 2.16 From the B class space requirements and number of employees per sector it was thus possible to estimate employment space requirements for each Garden Community for key future years.
- 2.17 Estimated floorspace requirements for each Garden Community in 2033, 2050, and on completion of construction ('final state') are summarised in the results section.

Conversion to employment land requirement

- 2.18 Floorspace requirements were converted into employment land requirements using a plot ratio⁹ of 200% for offices (B1a Offices, Mixed B Class in the HCA employment densities table), 40% for industrial (B1b, B1c, B2), and 50% for warehousing (B8). This was based on government guidance¹⁰ and Cebr's discussions with AECOM, who confirmed these were widely-applicable ratios which have been used in other North Essex planning policy work.
- 2.19 Estimated employment land requirements for each Garden Community in 2033, 2050, and on completion of construction ('final state') are summarised in the results section.

⁹ A plot ratio defines the employment land requirement relative to the employment floorspace requirement, giving the latter as a percentage of the former. E.g. a 50% plot ratio indicates that employment floorspace requirement is 50% of the land required; 5,000m² of floorspace requires 10,000m² (1 hectare) of land.

¹⁰ Office of the Deputy Prime Minister, *Employment Land Reviews: Guidance Note* (2004), page 101.

3. Summary of Results

3.1 Employment, floorspace required, and land required under each scenario and key year are summarised by Garden Community in Table 4.

Table 4: Summary of employment, floorspace, and land results by employment scenario, Garden Community, and year

West of Braintree		2033	2050	Final state
Reference case	Employment	2,700	7,800	13,000
	Employment floorspace (sq. m.)	52,666	152,147	253,579
	Employment land (hectares)	9.2	26.5	44.1
Investment led	Employment	2,685	7,671	12,786
	Employment floorspace (sq. m.)	52,380	149,640	249,400
	Employment land (hectares)	9.1	26.0	43.4
Colchester Braintree Borders		2033	2050	Final state
Reference case	Employment	1,350	6,450	24,000
	Employment floorspace (sq. m.)	24,807	118,524	441,020
	Employment land (hectares)	4.0	19.1	71.2
Investment led	Employment	1,343	6,344	23,605
	Employment floorspace (sq. m.)	24,672	116,571	433,753
	Employment land (hectares)	4.0	18.8	70.1
Tendring Colchester Borders		2033	2050	Final state
Reference case	Employment	2,500	7,600	9,000
	Employment floorspace (sq. m.)	45,083	137,053	162,300
	Employment land (hectares)	6.9	21.0	24.9
Investment led	Employment	2,486	7,475	8,852
	Employment floorspace (sq. m.)	44,838	134,795	159,625
	Employment land (hectares)	6.9	20.7	24.5

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NORTH ESSEX GARDEN COMMUNITIES

INFRASTRUCTURE PLANNING, PHASING AND DELIVERY

FINAL REPORT

July 2019

3.1 Concept Framework

The Tendring Colchester Borders Concept Framework defines a spatial option for the long term delivery of a Garden Community and is framed by the following key principles:

- **Land use, capacity and placemaking** - A landscape led framework provides 7 development parcels each with its own characteristics and each with a particular role to play in the new community as a whole.
- **Employment** - Employment land includes an extension to the University's Knowledge Gateway, and a Business Park adjacent to the A120 with a mix of employment uses supported by Park and Ride, and served by a Mass Rapid Transit network, and employment floorspace within the district and local centres
- **Access and movement** - a key element of the access and movement strategy is the integration of a mass rapid transit system that connects Colchester Town and its stations with the University and with the new Garden Community. A new junction on the A120 will be required to provide a highway link to the A133 and to provide access to the Garden Community. The link road is proposed to form a development edge which will define the eastern extent of the new community which could be designed as a 'Parkland Avenue', with junctions to provide access into core development areas.
- **Open Space**- The landscape framework extends the green landscape of the urban edge of Colchester into the new suburb to provide a strong landscape link that connects existing communities and Salary Brook with the new Garden Community. The Framework emphasises a central 'east-west' orientated corridor between Greenstead, Salary Brook and new Country Park towards the rural eastern edge of the Suburb and on to Elmstead Market to the east. There is also potential to link across the A120 to Ardleigh Reservoir.
- **Phasing and delivery** - An informed position on how the development could be phased and delivered within the site constraints and opportunities, including key infrastructure requirements and delivery commentary.

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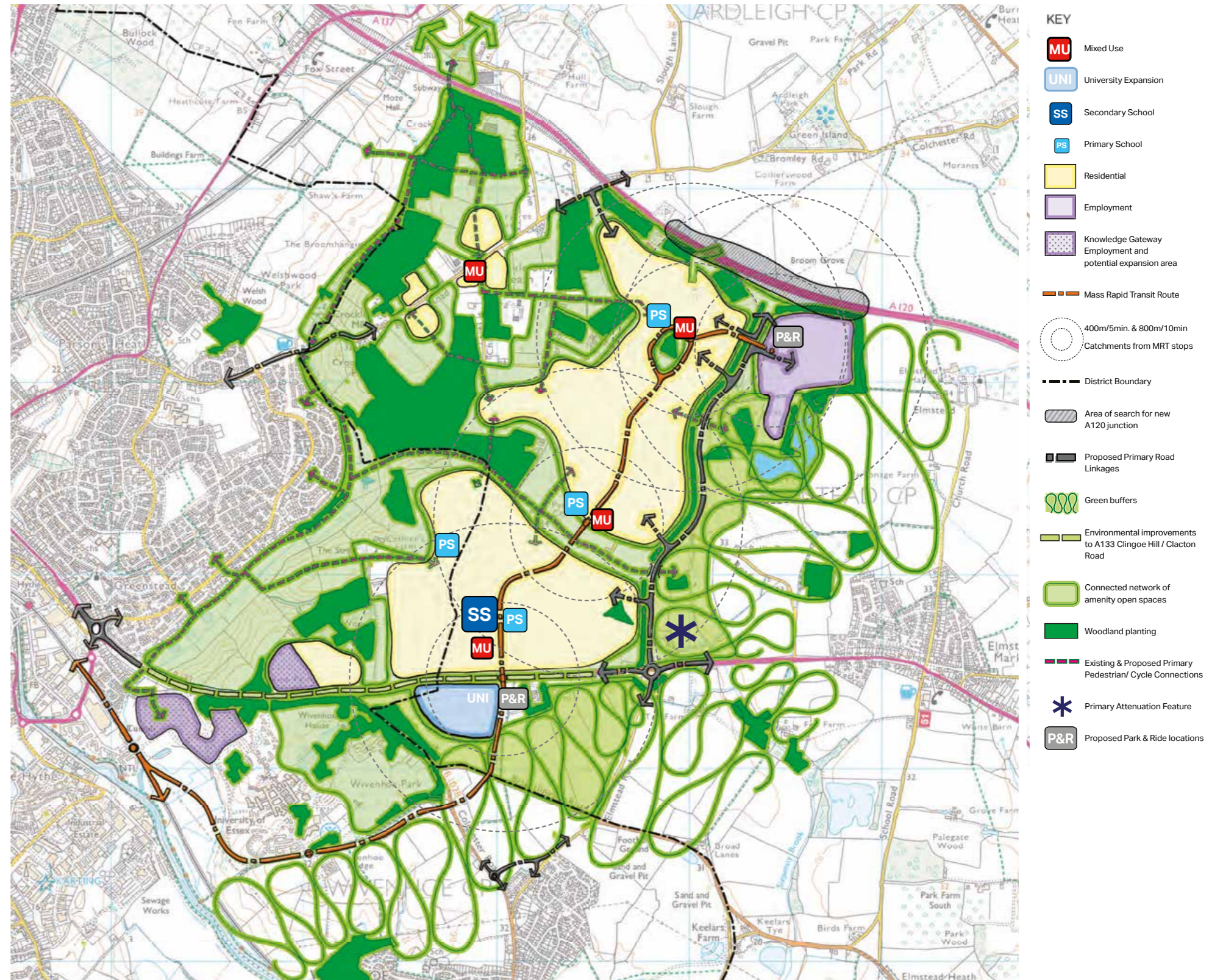


Figure 8: Tendring Colchester Borders Concept Framework. Source: David Lock Associates (2017)

3.2 Indicative masterplan and land use budget

The plan that forms the basis of this current exercise is an iteration of the Tendring Colchester Borders Concept Framework. The modifications shown in this revised plan are minimal and derive from an update to the approach to infrastructure provision and to take account of more detailed work on the need for employment land, outlined by Cebr in their July 2019 report.

The other principal change is the re-calibration of open space, across the site, with a target level of provision that is more in keeping with the standard assumed across all three Garden Community sites.

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Table 4: Tendring Colchester Borders Land Use Budget

	Area	Dwellings
Residential (ha)	196.06	
Dwellings in Residential		6,960
Mixed Use (ha)	9.00	
Dwellings in Mixed Use		540
Primary School (ha)	15.00	
Secondary School (ha)	10.00	
Employment (ha)	24.50	
Park and Ride	3.67	
Open Space (ha)	144.73	
Infrastructure (5%)	21.21	
Total	424.17 Ha	7,500

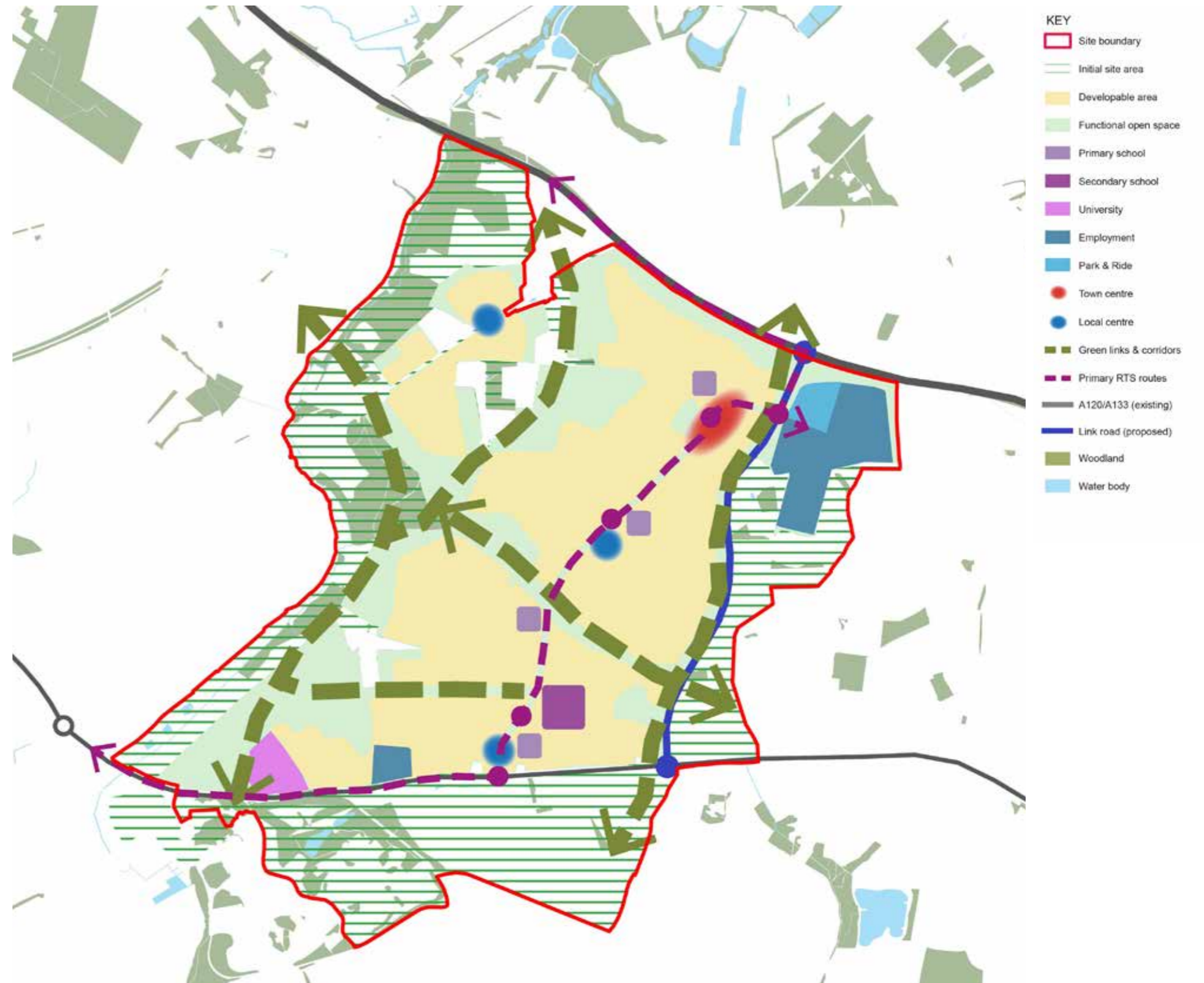


Figure 9: Tendring Colchester Borders Indicative masterplan (derived from Concept Framework)

3.3 Movement and connectivity baseline

Whilst Phase 1 is well located to access the local road and bus networks, access for active modes will require enhancing. Some existing junctions will also require improvements in order to mitigate the impact of development, unless the A133 – A120 link road is delivered in parallel with Phase 1.

Key Findings - Roads



Current Situation

- The site is located on the eastern fringe of Colchester between the A133 to the south and the A120 to the north providing opportunities for connection with the A120 trunk road.
- Bromley Road and Harwich Road both pass through the site providing connections onto the A137 for links to and from Colchester town centre.
- In addition, numerous roads (predominantly rural roads) run through the site, providing wider vehicular access to the area.

Future and Wider Issues

- The development of the Tendring Colchester Borders site will require direct connections to the A120 and A133 which could be delivered phased with development in the form of new junctions.
- A number of existing junctions and links surrounding the site operate near to or at capacity during the peak periods. Improvements will therefore need to be brought forwards to these links and junctions in tandem with sustainable connections to minimise the impacts on the existing highway network.

Key Findings - Public Transport



Current Situation

- Local bus routes operate within the vicinity of the site at a relative high frequency, whilst more strategic bus routes provide low frequency inter-urban connections.
- The closest rail station to the site is Hythe station, located approximately 2.3km southwest of the centre of the site but only 800m from the southern boundary. It offers services on the Sunshine Coast line (GEML branch) providing up to two trains per hour between London and Clacton-on-Sea, and another train per hour in either direction between London and Walton-on-the-Naze. Both services connect with Colchester Mainline Station from where connections on the wider GEML are achievable with up to 10 services per hour to London.

Future and Wider Issues

- The potential for greater public transport connectivity has been identified in the concept framework and further explored by Jacobs' North Essex Rapid Transit study suggesting main corridors of movements between the 3 North Essex sites and their main local employment centres such as in the Tendring District and Colchester.

Key Findings - Active Modes



Current Situation

- Existing provision for active modes (walking and cycling network) is very limited on site. However, PROWs exist across the site in various locations.
- Other dedicated walking and cycling corridors are located close to the site such as the NCN 51 (long-distance cycle route) and Colchester cycle network running along the western edge of the site.
- Bromley Road allows movements across the A120 for cyclists and pedestrians, reducing the severance effect of this road and good pedestrian footway links are in place on the A133 linking the University site and west towards the town centre.
- The nature of the roads that cross the site mean pedestrian footway connections are limited; in many cases to one side of the carriageway or not present at all in the case of the rural roads.

Future and Wider Issues

- Building on the garden communities principles, Tendring Colchester Borders has the potential to plan for an important number of internalised movements to be undertaken by walk or cycle thanks to high-quality and dedicated infrastructure on-site.
- For wider hinterland/commuting movements, significant improvements would be required to increase the quality of the existing infrastructure and encourage cycling as an alternative to the car towards Tendring in particular.

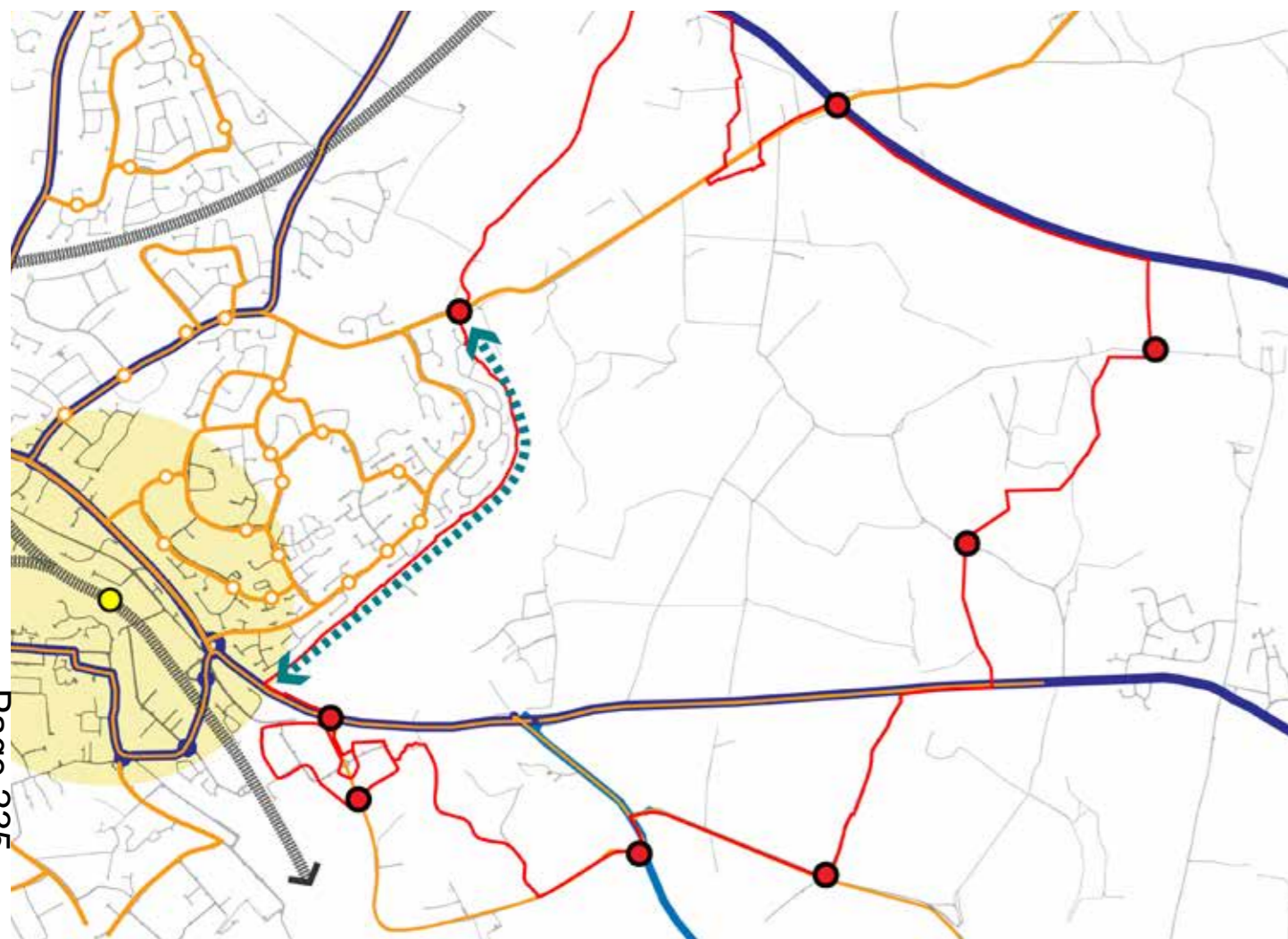


Figure 10: Tendring Colchester Borders Movement and connectivity baseline. AECOM.

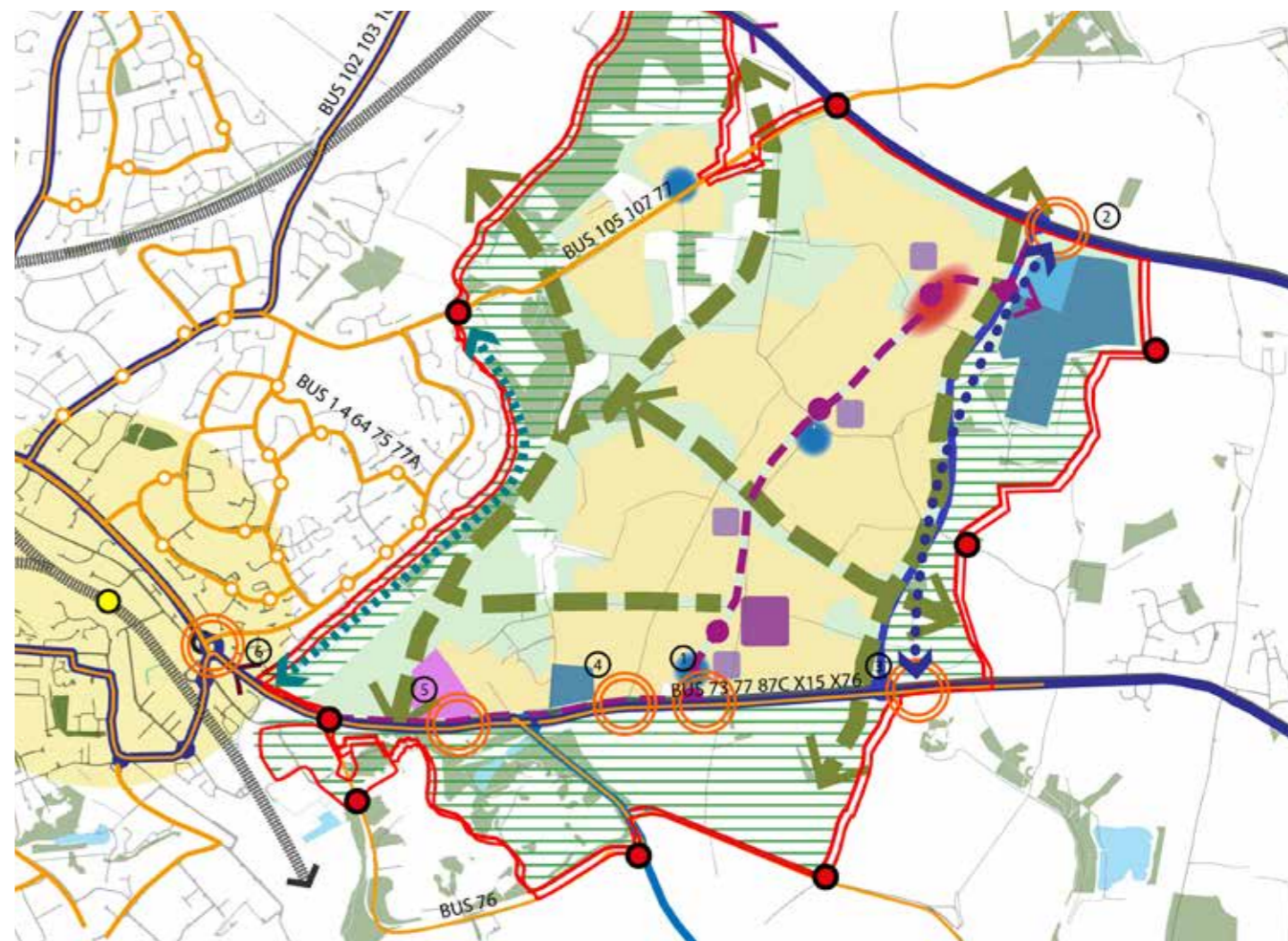
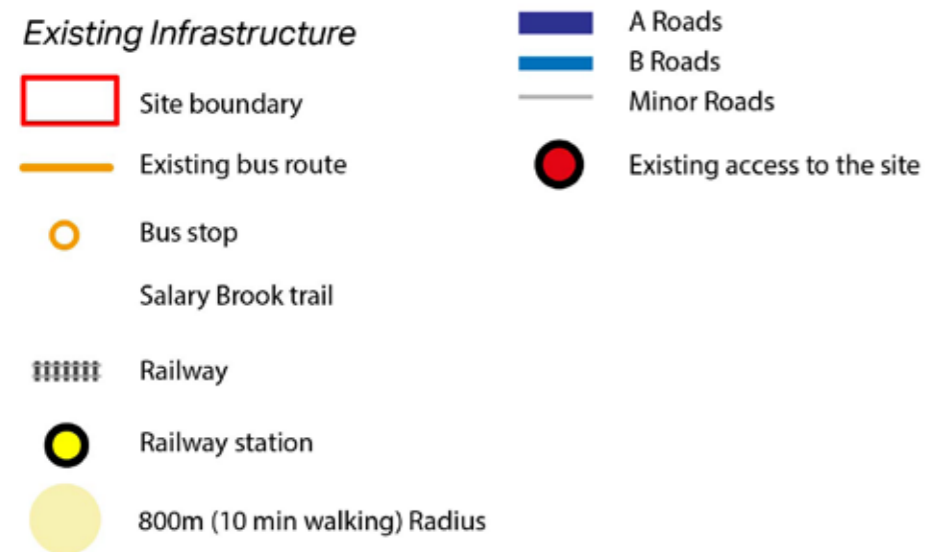
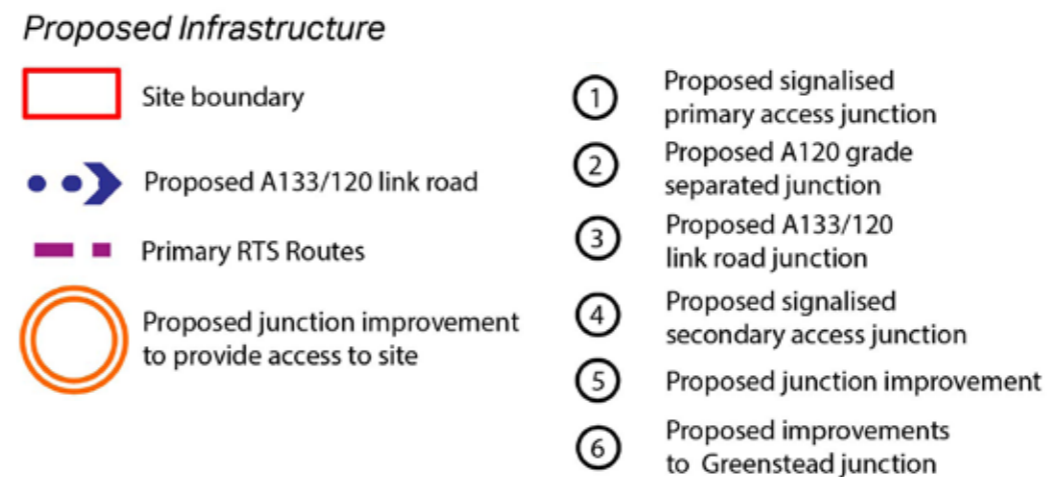


Figure 11: Tendring Colchester Borders Movement and connectivity potential interventions. AECOM.



3.4 Utilities baseline

This section provides a high level analysis of utilities based on preliminary conversations with service providers and desk-based study. Further discussions will be required as masterplans are worked up and more detail emerges.

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Key Findings - Electricity



Current Situation

- A meeting was held with UKPN to discuss issues relating to capacity of power available in the four areas under consideration. These informal meetings are referred to as "surgeries" by UKPN and are designed to offer some headline advice ahead of any formal engagement.
- UKPN advised that they expect a capacity demand somewhere between 5MW and 10 MW would trigger the need for a new primary substation.
- There is some good information in the evidence base for this area. General information is provided in the UKPN Regional Development Plan (RDP), and this is amplified through a meeting with UKPN in September 2014. Some network reinforcement will be needed in the period to 2031 to ensure that the Regulated reliability criteria are maintained under winter loading conditions.

Future and Wider Issues

- Development east of the Salary Brook could be supported by upgrading Colchester Primary substation, but distribution may be more costly owing to the need to install new circuits under the river but other supply options could be made available to the area, subject to further study. Specifically, the substation at Lawford could be upgraded which would avoid the river crossing.

Key Findings - Waste Water



Current Situation

- The Colchester Waste Water Treatment Plant, now referred to Water Recycling Centre (WRC), is near capacity. There is a high level strategy to expand the plant, but expenditure will only be committed in response to developer demand. Expansion will have a fairly long lead-in time, so there may be some constraint on early development.
- There are a number of small WRC's with some capacity in this area. These include WRC's at Fingringhoe and Great Bromley. These could serve early development, but before the end of the plan period (2033), waste water would have to be pumped to Colchester WRC at Hythe, or a new treatment plant would have to be built. Pumping to Hythe would involve a river crossing.

Future and Wider Issues

- Most sewers are running with limited spare capacity, and infrastructure upgrades will be needed to support new development. This offers the opportunity to explore new approaches.
- Development in North Colchester may trigger the need for a new WRC within this region also; there could be an opportunity to install a WRC with sufficient capacity to serve both sites, benefiting from economies of scale and providing a more sustainable water cycle.

Key Findings - Gas



Current Situation

- According to an email from National Grid Gas in September 2014, the high and medium pressure network is expected to be able to deliver the predicted additional demand from new development, but the low pressure network will require reinforcement where connections to new development are required.

Future and Wider Issues

- A new pipeline connecting the existing Medium Pressure main to a new pressure reducing station will be required.

Key Findings - Telecommunications



Current Situation

- Evidence limited with additional investigation under masterplanning required.

Future and Wider Issues

- Telecommunication network will be made available to the development at no cost, following a commitment by BT Openreach to serve all developments of more the 30 homes with high speed broadband.

Key Findings - Water Supply



Current Situation

- There is some general information in the Anglian Water development plan covering the period 2015 to 2020. The region east of Colchester (referred to in the Anglian Water development plan as "South Essex") is predicted to be in water deficit condition by 2030.

Future and Wider Issues

- Water will need to be delivered from other areas within the Anglian Water region, or supplemented by neighbouring water companies, namely Affinity Water to the south and Severn Trent to the west. The Anglian water predictions are based on average growth trends; any accelerated growth will bring the date forward. There is no specific information about the proposed development area. There are no major supply projects planned during the current review period (to 2020) – the focus is firmly on demand reduction by tackling leakage and installing water meters.
- The Ardleigh Reservoir, located to the north of the site, could provide additional supply, however this is subject to agreement with the relevant stakeholders. It would also require upgrades to existing as well as new infrastructure.

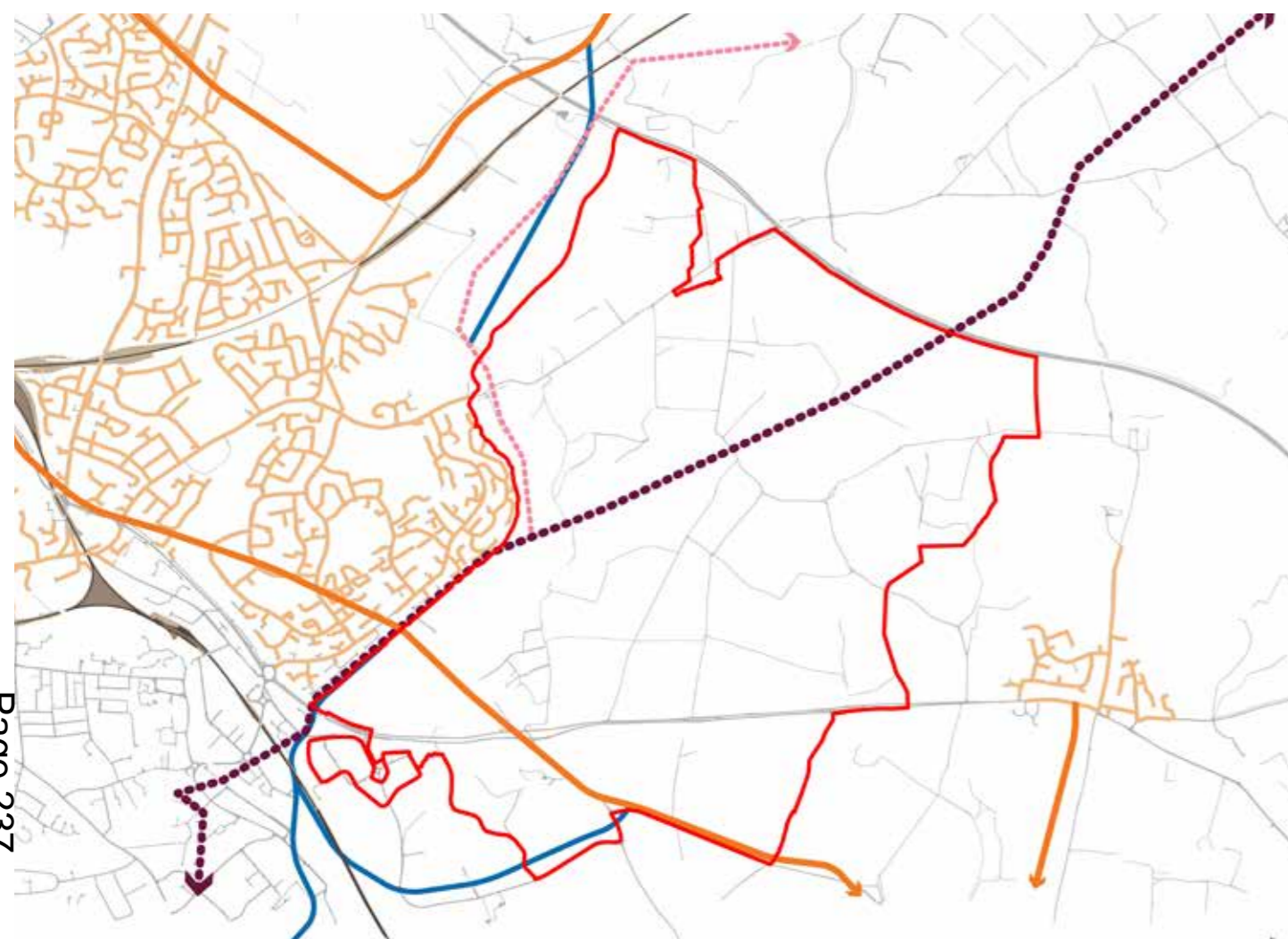


Figure 12: Tendring Colchester Borders Utilities baseline. AECOM.

- High pressure Gas
- Medium Pressure Gas Pipe
- ⋯ 33,000 V Tower Line
- ⋯ 132,000 V Tower Line



Figure 13: Tendring Colchester Borders Utility interventions. AECOM.

- High pressure Gas
- Medium Pressure Gas Pipe
- ⋯ 33,000 V Tower Line
- ⋯ 132,000 V Tower Line
- - -> Medium pressure gas supply
- Sewage treatment
- ▲ Primary substation supply

3.5 Infrastructure requirements by phase

Project List

Infrastructure delivery forms a key element of the Garden Community principles. Table 5 contains the estimated infrastructure required to support development at Tendring Colchester Borders and the figures below show phasing assumptions spatially. Please note the infrastructure highlighted is indicative and not based on a detailed masterplanning exercise.

In accordance with the Garden Community approach, the programme assumes the front-loading of several infrastructure items so that they are provided before the benchmarked trigger point.

Table 5: Tendring Colchester Borders Infrastructure requirements

Infrastructure	Demand arising from development	Unit of demand	Commentary/assumptions	Cumulative Development Schedule					
				Phase 1 1,442	Phase 2 3,004	Phase 3 4,556	Phase 4 5,783	Phase 5 6,848	Phase 6 7,500
Education									
Primary Schools: 2 Form Entry (including 56 place EY+C facility)	8	FE	2FE facilities and EY + C Assuming 210 places per FE and 56 places per EY. Excludes temporary accommodation.	2FE + EY	2FE + EY	2FE + EY		2FE + EY	
Secondary Schools	8	FE	Assuming 150 places per FE. Excludes temporary accommodation.		8FE				
Standalone Early Year Facilities (56 place, above those co-located with Primary)	5	Facilities	Assuming 56 places per facility. 4 EY facilities within primary schools, 9 in total required by development. Excludes temporary accommodation.	1	1		2		1
Healthcare & Community									
General Practitioners	1,650	m ²	Demand arising 10 GPs. Assuming 1800 population per GP. Assuming a population of 18,000 (2.4/unit). Assuming 165 m ² / GP.	2	2	2	1	2	1
Dentists	550	m ²	Demand arising 11 Dentists. Assuming 1760 population per dentist. Assuming a population of 18,000 (2.4/unit). Assuming 50 m ² / Dentist.	3	2	1	2	2	1
Community Space and Libraries	1,800	m ²	Demand arising 540 m ² of Library Space. Assuming 30 m ² per 1000 persons. Demand arising 1080m ² of Community Space. Assuming 60 m ² per 1000 persons. Demand arising 1nr 1800 m ² facilities. Assuming a population of 18,000 (2.4/unit).	19%	21%	21%	16%	14%	9%
4 Court Sports Centre	952	m ²	Demand arising 2 nr facilities. Assuming 0.072 facilities per 1000 persons. Assuming 476m ² per facility. Assuming a population of 18,000 (2.4/unit).	1			1		
4 Lane Swimming Pool	245	m ²	Demand arising 1 nr facility. Assuming 0.048 facilities per 1000 persons. Assuming 245m ² per facility.. Assuming a population of 18,000 (2.4/unit).	1					
Open Space									
Open space	144	ha	Assuming a population of 18,000 (2.4/unit). Including; 8ha total open space per 1000 population.	38.88	47.52	1.44	28.80	20.16	7.20
Environment/waste - Allowance	7,500	units	Include allowance per unit to cover the provision of acoustic bunding / fencing to mitigate the impact of external sources of noise such as highways and public transport and localised solid waste recycling area.	1442	1562	1552	1227	1065	652

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Cumulative Development Schedule

Infrastructure	Demand arising from development	Unit of demand	Commentary/assumptions	Phase 1 1,442	Phase 2 3,004	Phase 3 4,556	Phase 4 5,783	Phase 5 6,848	Phase 6 7,500
Utilities - Scheme-Wide Enabling Works									
Site Preparations and Earthworks			Assume Site Area of 403ha plus an allowance for an additional 10% of this area to allow for works outside of the core development area and within the site boundary.	19%	21%	21%	16%	14%	9%
General demolition and site clearance 443 ha = m ²	4,430,000	m ²							
Strategic Earthworks; cut and fill									
Highways									
Primary and secondary road network									
Drainage									
Foul and surface water network									
Landscaping									
Cost captured in open space									
Noise attenuation									
Cost captured in open space									
Waste Management									
Provision for recycling on site, excluding new amenitys	7,500	Nr							
Energy									
33 No. 11 kV to 400 V distribution substations	33	Substations							
7 No. 11 kV ring circuits from primary substation to connect to distribution substations.	7	Ring Circuits							
400 V LV circuits from distribution substations to end users	7,500	Circuits/Unit							
Residential Electricity Connections									
Budget cost per Low Voltage (LV) Service Disconnection		Unit							
Potable water									
New network of distribution pipework									
Water mains, connections and infrastructure charges									
Waste Water									
New network of collection pipework									
Plot connections for all properties to waste water distribution network									
Gas									
Low Pressure Residential Connections									
Utilities - Off-Site Requirements									
Electricity									
132 kV connection to Primary Substation from Colchester Grid Substation					100%				
Electricity Diversion Works				100%					

Cumulative Development Schedule

Infrastructure	Demand arising from development	Unit of demand	Commentary/assumptions	Phase 1 1,442	Phase 2 3,004	Phase 3 4,556	Phase 4 5,783	Phase 5 6,848	Phase 6 7,500
Potable Water									
Connection to closest feasible supply source with capacity (e.g. trunk main or reservoir)				100%					
Budget cost per lowering of the Affinity Water 12" AC Distribution Water Main to accommodate a site entrance.			Assuming lowering of the distribution water main to accommodate site entrances within Brightlingsea Road, Elmstead Road and Colchester Road.	100%					
Waste Water / Foul Water									
Upgrades to water course discharges			Allowance for environmental enhancement / EA regulations. Note: Does not account for university student population.	100%					
Connection to existing waste water treatment works via new pumping station - primary and secondary collection networks			Pumped to Colchester WRC (5.2 km pipeline). Note: Does not account for university student population.	100%					
Gas									
Extension to Medium Pressure network				100%					
1 No. Medium to Low Pressure reducing station	Station	% of total provision		19%	21%	21%	16%	14%	9%
Re-routing of 12" Medium Pressure Gas Main through the new on-site road network				100%					
Telecommunications									
Development of access chambers for BT Telecoms network, BT Openreach fibre optic network and private telecoms network throughout development.				19%	21%	21%	16%	14%	9%
Openreach diversion works associated with Mount Pleasant and Allen's Farm off Tye Road.				100%					
Openreach diversion works associated with highway works on the A133.				100%					
Transport									
New signalised access onto A133 (primary access to site)		% of total provision		100%					
Secondary signalised access onto A133		% of total provision		100%					
Interim highways improvements measures (including improvements to Greenstead roundabout and A133 Hare Green roundabout)		% of total provision		100%					
A120-A133 Link Road		% of total provision			100%				
On site RTS route and related improvements/facilities		% of total provision		20%	20%	20%	20%	20%	
Contribution to provisions of off site RTS network		% of total provision		27%	30%	14%	14%	15%	
Park & Ride facilities and interchange with RTS		% of total provision		50%		50%			
Upgrade existing walking / cycling infrastructure		% of total provision		50%	50%				
Various combined segregated pedestrian / cycle "Greenways" through site		% of total provision		19%	21%	21%	16%	14%	9%
Internal road network		% of total provision	Include in enabling costs						

Cumulative Development Schedule									
Infrastructure	Demand arising from development	Unit of demand	Commentary/assumptions	Phase 1 1,442	Phase 2 3,004	Phase 3 4,556	Phase 4 5,783	Phase 5 6,848	Phase 6 7,500
Per Unit Contributions									
Investment in early phase bus/transit services		% of total provision		19%	21%	21%	16%	14%	9%
Travel plan measures (smarter choices, car clubs, charging points, etc) - Straight Line Cost Over Time		% of total provision	Aligned to Modal Shift analysis (ITP). Delivered from day one with funding annually.	19%	21%	21%	16%	14%	9%
Open Space Endowment		% of total provision		19%	21%	21%	16%	14%	9%
Employment Space		% of total provision		19%	21%	21%	16%	14%	9%

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North Essex Authorities

Infrastructure Order of Cost Estimate [41,000 Homes]

North Essex Authorities
Gleeds Cost Management
Project LNCM 0931

Version: 1
Date: 01/07/2019

Executive Summary

Gleeds have undertaken a review of the cost of infrastructure works associated with the development of 41,000 homes across 3 new garden communities in North Essex. This report is based on the design information contained within AECOM's Infrastructure Planning, Phasing and Delivery (NEGC IPPD) Draft Report dated July 2019..

We have identified clear assumptions within our report under Section 5.

This estimate reflects prices at Q4 2018 based on the details referenced therein. The pricing basis of this preliminary budget estimate is current market conditions and should be reviewed at regular intervals of no longer than 3 months.

Throughout the cost estimating process we have worked collaboratively with other consultants. The infrastructure requirements have been informed by review of the design information as set out in the AECOM IPPD Draft Report July 2019, and in some cases estimated using metrics outlined in ECC Developer's Guide to Infrastructure Contributions Document. We have also incorporated Essex County Councils' guidance on Education requirements, UCML guidance on utilities provisions, Essex Highways guidance on Rapid Transit System requirements and the North Essex Authorities guidance on Per Unit Contributions.

A number of benchmark data are identified within this report; however, the following are key priorities during the next stage of the feasibility design;

- Inflation Forecast to be reviewed
- Refined design information to determine accurate benchmark information
- Strategic review of associated risk

Introduction

Overview

Gleeds have been asked to provide cost advice for the community infrastructure and enabling works required to support the delivery of 41,000 homes across three new garden communities over a number of phases in Essex to Garden Community Principles.

Whilst it is too early to provide detailed substantiation behind the Order of Cost Estimate contained within this report, this report aims to give the NEA the intended guidance of the likely cost associated with the infrastructure works.

This report presents the findings of a “high-level” design assessment based on AECOM’s IPPD Draft Report dated July 2019. Identifying three broad locations at West of Braintree, Tendring Colchester Borders and Colchester Braintree Borders. It is noted that these analysis and options will continue to evolve, and the basis of our report is the assumed delivery of 41,000 homes as outlined within AECOM’s IPPD Draft Report dated July 2019 and the number of homes proposed for each of the Garden Communities is as follows:

Site	Gleeds	AECOM
	Number of Residential Units	Number of Residential Units
1 - West of Braintree	12,500	12,500
2 - Tendring Colchester Borders	7,500	7,500
3 - Colchester Braintree Borders	21,000	21,000
	41,000	41,000

Garden Community	NEA	ONS	Gleeds
	Number of Residential Units	Anticipated Population	£ / Residential Unit
Site 1 – West of Braintree	12,500	30,000	£64,000
Site 2 – Tendring Colchester Borders	7,500	18,000	£66,000
Site 3 – Colchester Braintree Borders	21,000	50,400	£63,000

Please note: £ / Residential Unit rates reflect prices at 4Q2018 and include 10% Professional Fees and 10% Risk.

Infrastructure Costs per Site:

	Site 1	Site 2	Site 3	All Sites
	West of Braintree	Tendring Colchester Borders	Colchester Braintree Borders	
Number of Units	12,500	7,500	21,000	41,000
	(£ Total)	(£ Total)	(£ Total)	(£ Total)
Education	105,930,000	65,250,000	172,350,000	343,530,000
Healthcare & Community	23,260,000	13,020,000	36,090,000	72,370,000
Open Space	39,850,000	23,910,000	66,950,000	130,710,000
Utilities - Scheme-Wide Enabling Works	230,420,000	138,640,000	389,980,000	759,040,000
Additional Onsite Requirements	8,340,000			8,340,000
Utilities - Off-Site Requirements	34,910,000	27,250,000	70,360,000	132,520,000
Transport	140,830,000	108,740,000	248,850,000	498,020,000
Per Unit Contributions	81,690,000	30,710,000	117,600,000	230,000,000
Total Construction Cost (exc. Fees and Risk)	665,230,000	407,520,000	1,101,780,000	2,174,530,000
Cost per Unit (exc. Fees and Risk)	53,000	54,000	52,000	53,000
Professional Fees (10%)	66,520,000	40,750,000	110,180,000	217,450,000
Project Risk (10%)	73,180,000	44,830,000	121,200,000	239,200,000
Total Cost at 4Q2018 (exc. VAT)	804,930,000	493,100,000	1,333,160,000	2,631,180,000
Cost per Unit	64,000	66,000	63,000	64,000

Assumptions:

- Number of units as per the AECOM IPPD Draft Report dated July 2019.
- Anticipated population assumes a population per household rate in line with the Office for National Statistics (ONS, 2017) average of 2.4 persons per household.

Professional Fees and Risk Allowances:

- Professional fees assumed at 10%.
- Project risk assumed at 10%. Given the high-level nature of this estimate, we have assumed 10% Risk as a reasonable starting point. Risk allowance and allocation on an item by item basis should be strategically reviewed as a key priority.

This report provides the analysis and conclusions that derived from a select group of documents given the works that has gone into the Garden Communities Charter and the three Borough Councils Local Plan process. We also used the objectives as set out in the NEGC Concept Feasibility Study. A schedule of information used can be found in Appendix D.



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HRA Report for North Essex Authorities Shared Strategic Section 1 Local Plan

Prepared by LUC
July 2019

7 Conclusion

- 7.1 At the Screening stage, Likely Significant Effects on European Sites, either alone or in combination with other plan and projects, were identified as follows.
- **Loss of offsite habitat** – Abberton Reservoir SPA/Ramsar, Blackwater Estuary SPA/Ramsar, Hamford Water SAC, Hamford Water SPA/Ramsar, Stour and Orwell Estuaries SPA/Ramsar, and Colne Estuaries SPA and Ramsar.
 - **Recreational Impacts** – Abberton Reservoir SPA, Essex Estuaries SAC, Hamford Water SAC, Hamford Water SPA/Ramsar, Stour and Orwell Estuaries SPA and Ramsar, Colne Estuary SPA/Ramsar, Blackwater Estuary SPA/Ramsar and Outer Thames Estuary SPA.
 - **Water quality** – Essex Estuaries SAC, Stour and Orwell Estuaries SPA/Ramsar, Colne Estuary SPA/Ramsar.
- 7.2 The Appropriate Assessment stage identified whether the above Likely Significant Effects will, in light of mitigation and avoidance measures, result in adverse effects on the integrity of the European sites either alone or in-combination with other plans and projects. Where necessary, suitable mitigation measures and modified policy wording is recommended which would enable a sufficient level of certainty to conclude no Adverse Effect on the Integrity of European sites.

Loss of offsite habitat

- 7.3 The Tendring and Colchester Borders Garden Community and larger housing allocations on the edge of Clacton-on-Sea were identified as providing suitable offsite foraging habitat for golden plover and lapwing in the form of arable fields and short grazed pasture. In isolation the importance of these sites for these species is likely to be low when compared with the extensive areas of habitat of greater suitability both within the North Essex Authorities and the wider land areas surrounding these European sites, particularly given the influence of limiting factors such as distance from SPAs, disruption of flight paths by urban settlements, and presence of edge features. As a result, the potential for the loss of offsite habitat to adversely affect these species related primarily to the cumulative effect of reducing the extent of feeding areas. The likelihood of this occurring was considered low given the quality of the habitat affected and the small amount of habitat affected as a proportion of that available around each of the European sites.
- 7.4 Nevertheless, despite the above, uncertainty remained under the precautionary principle as to whether the loss of sites will cumulatively adversely affect the integrity of the SPA/Ramsar sites in relation to golden plover and lapwing. Given the dependency of these species on offsite arable fields and grasslands, inclusion and implementation of appropriate safeguards and mitigation has been recommended for inclusion in the Shared Strategic Section 1 Local Plan to provide certainty that there will be no adverse effect on the integrity of the Stour and Orwell SPA/Ramsar, Hamford Water SPA/Ramsar, Colne Estuary SPA/Ramsar, Blackwater Estuary SPA/Ramsar, and Abberton Reservoir SPA/Ramsar.
- 7.5 Mitigation required in the Shared Strategic Section 1 Local Plan includes:
- Wintering bird surveys as part of any project level development proposals and masterplanning for the Tendring and Colchester Borders Garden Community, undertaken as part of a coordinated approach with the parallel requirement which has been identified as mitigation for certain site allocations in the HRA of the Tendring District Draft Section 2 Local Plan.
 - A commitment to phasing of development and mitigation. This may include provision of appropriate mitigation in the form of habitat creation and management in perpetuity, either on-site or through provision of strategic sites for these species elsewhere.
- 7.6 The mitigation measures recommended in this HRA are considered precautionary, appropriate and effective. Given its size, the Tendring and Colchester Borders Garden Community would likely be capable of mitigating for its own impact on-site if necessary, and therefore the above measures

have been recommended to provide certainty that the cumulative effect of habitat loss would not result in significant adverse effects.

- 7.7 **In conclusion, providing that the above mitigation safeguards are incorporated into the Shared Strategic Section 1 Local Plan, and are implemented successfully, adverse effects on the integrity of the Stour and Orwell SPA/Ramsar, Hamford Water SPA/Ramsar, Colne Estuary SPA/Ramsar, Blackwater Estuary SPA/Ramsar, and Abberton Reservoir SPA/Ramsar, as a result of loss of offsite functionally linked habitat will be avoided.**

Recreational impacts

- 7.8 The assessment concluded that the Section 1 Local Plan will not result in adverse effects on the integrity of the Outer Thames Estuary either alone or in-combination, and no mitigation is required.
- 7.9 The assessment concluded that the existing avoidance and mitigation measures in place at Abberton Reservoir (e.g. site management) are sufficient to ensure that the Section 1 Local Plan will not result in adverse effects on the integrity of the SPA either alone or in-combination.
- 7.10 Recreational impacts were identified as a key threat to Essex Estuaries SAC, Hamford Water SAC, Hamford Water SPA/Ramsar, Stour and Orwell Estuaries SPA and Ramsar, Colne Estuary SPA/Ramsar and Blackwater Estuary SPA/Ramsar, both alone and, in the case of the Stour and Orwell Estuaries SPA/Ramsar, as a result of in-combination effects with the Local Plans of neighbouring Suffolk Authorities.
- 7.11 This issue is an increasingly prevalent threat to European sites across the UK, and in response to emerging research and evidence, the consensus between Local Authorities, Natural England, and other key stakeholders such as the RSPB and the Wildlife Trusts, was that the most appropriate method of mitigation and avoidance is via implementation of Recreational disturbance Avoidance and Mitigation Strategies (RAMS) which provides a multi-faceted approach and is adaptive and responsive to regular monitoring.
- 7.12 Eleven Essex Authorities, including the NEAs, have produced a final draft of the Essex coast RAMS in close consultation and approved by Natural England, with each authority taking the RAMS to its elected members for approval in Spring 2019. The authorities have also drafted a Supplementary Planning Document (SPD) which will facilitate the delivery of the Essex coast RAMS. Consultation on the draft SPD will take place in 2019, in accordance with the Statement of Community Involvement of each Authority. It is anticipated that the SPD will be adopted by each LPA in 2019.
- 7.13 This strategic approach has the following advantages:
- It meets the requirements of planning legislation: necessary to make a development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to a development;
 - It is endorsed by Natural England and has been used to protect other such Sites across England;
 - It is pragmatic: a simple and effective way of protecting and enhancing the internationally important wildlife of the Essex coast and will help to reduce the time taken to reach planning decisions;
 - It allows for detailed evidence to be gathered to understand the recreational disturbance patterns and provide an effective mitigation package;
 - It provides an evidence based and fair mechanism to fund the mitigation measures required as a result of the planned residential growth; and
 - It provides developers, agents and planning authorities with a comprehensive, consistent and efficient way to ensure that appropriate mitigation for residential schemes within the Zone of Influence is provided in an effective and timely manner
- 7.14 As a result of this approach there is a high degree of certainty that the impacts identified in this assessment can be avoided.

- 7.15 As a result, **the Appropriate Assessment concluded that the Shared Strategic Section 1 Local Plan will not result in adverse effects on the integrity of European Sites as a result of recreational pressures, either alone or in-combination, due to the adequacy, appropriateness and effectiveness of the avoidance and mitigation measures proposed.**

Water quality

- 7.16 The assessment concluded that adverse effects on the integrity of European sites as a result of changes in water quality can be avoided provided the above additional commitments and policy safeguards are included in the appropriate Local Plan document, such as a commitment to ensure that phasing of development does not exceed infrastructure capabilities and that the necessary upgrades are in place prior to development coming forward.
- 7.17 As a result of the policy safeguards which will be provided, **the Shared Strategic Section 1 Local Plan will not result in adverse effects on the integrity of the Stour and Orwell Estuaries SPA/Ramsar, the Colne Estuary SPA/Ramsar and Essex Estuaries SAC as a result of changes in water quality, either alone or in-combination due to the ability and commitment to address water treatment capacity issues prior to specific developments.**

Overall conclusion

- 7.18 The approach being taken by the North Essex Authorities in addressing the key issues, particularly the strategic and collaborative approach, and working closely with Natural England, is advocated and deemed to be the most appropriate and pragmatic approach in ensuring that the Shared Strategic Section 1 Local Plan is sound.
- 7.19 In light of the People Over Wind and Holohan ruling, it can be confirmed that the findings of the HRA rely on avoidance and mitigation measures only at the Appropriate Assessment and that the complex relationships between qualifying and non-qualifying habitats and species for each site are taken into account.
- 7.20 **In conclusion, providing that key recommendations and mitigation requirements are adopted and implemented, the Shared Strategic Section 1 Local Plan will not result in adverse effects on the integrity of European sites either alone or in-combination.**

North Essex Authorities' Position Statement on Delivery Mechanisms

1. The National Planning Policy Framework 2012 requires local plans to be deliverable. This is reflected in the "effective" part of the soundness test, which requires local plans to be deliverable over the plan period (para. 182). In addition the NPPF requires local planning authorities to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, using the full range of powers available to them.
2. From the outset the North Essex Authorities have been concerned to ensure that the proposed garden communities are deliverable. That concern is evidenced in work such as the Garden Communities Concept Feasibility Study (EB/008) which undertook an analysis of the constraints and opportunities within areas of search and the further more detailed work undertaken in the Concept Frameworks for each proposed garden community (EB/012, EB/026 and EB/027).
3. Further work has since been undertaken which supports these initial conclusions. The NEA have investigated the possible physical and financial constraints and are satisfied, on the basis of the evidence prepared, that each of the communities is deliverable.
4. In most cases local plan allocations are supported by landowners and developers who, in normal market circumstances, will then take responsibility for the development of allocated sites. The ability of landowners and developers to deliver is not usually examined in detail.
5. The NEA appreciated that the scale and complexity of the proposed garden communities, and the need to secure a high quality of development over a lengthy period of delivery, required them to consider how each community would be developed. Their approach was described in the submission draft Local Plan:

8.11 At least two of the three garden communities will be cross-boundary, and continued close joint working between the authorities involved will be required to secure their successful delivery. Each of the authorities is committed to ensuring that the new garden communities are as sustainable and high quality as possible and that the infrastructure needed to support them is delivered at the right time. This will require the local authorities to work very closely with the landowners within the proposed garden community locations to develop and put in place a robust delivery mechanism that will ensure a fair and equitable distribution of the costs and land requirements needed to secure the ambitions for these garden communities and create a long term legacy appropriate to the scale of this ambition. The Councils have developed and incorporated Local Delivery Vehicles (LDV) that could be used to deliver the garden communities. The Councils are aware of the emerging Government proposals for locally led new town development corporations that may offer an alternative means of delivery. Other delivery models are also being considered, and an appropriate tailored approach will need to be used in relation to each community. The Councils are confident that the LDV models viable and can deliver successful and sustainable garden communities, but will continue to explore other ways of achieving the vision that offer similar levels of confidence that the right quality of development will be delivered at the right time. The North Essex Garden Communities Charter has provided a good starting point in creating a framework for this approach.

6. Ahead of the publication of the draft Local Plan in 2017 and in order to be confident about delivery the four Councils set up a joint company, North Essex Garden Communities Ltd to act, through local delivery vehicles, to deliver the proposed communities. At the time of the publication of the draft Local Plan the intention was that the four Councils would use, if necessary, the then existing planning, compulsory purchase and other powers to assist NEGC in delivering the communities. Each of the Councils agreed in principle to this approach.
7. That approach was reflected in the NEGC Charter which envisaged that the garden communities would be delivered through local delivery vehicles. The draft Local Plan made it clear, however, that the NEA remained willing to consider other delivery models if other approaches offered similar levels of confidence that the right quality of development would be delivered at the right time. In particular, the draft Local Plan noted that the NEA were aware of the emerging Government proposals for locally led new town development corporations (LLNTDCs) and recognised that those proposals offered an alternative means of delivery.
8. Since the submission of the draft Local Plan in June 2017 there has been an increased Government focus on both the delivery of new homes and on garden communities. On delivery this has led to the introduction of the Housing Delivery Test that puts a far stronger emphasis on local planning authorities having a responsibility to secure the delivery of new homes. The commissioning of the Letwin Report indicated the Government's agenda.

9. The Government introduced new statutory provisions to allow for the promotion of LLNTDCs. Since the initial examination in public that legislative framework has been supported by detailed regulations, guidance on when LLNTDCs can be incorporated and draft guidance on the use of compulsory purchase powers by LLNTDCs.
10. In the light of these changes the four Councils believe that an LLNTDC is clearly an appropriate model for delivering the garden communities. It provides a clear and long-lasting vehicle committed to delivering the ambitions of the draft Local Plan, with statutory obligations to ensure good design, stewardship and community participation. LLNTDCs also have planning and compulsory purchase powers that make delivery simpler than would have been the case using existing local authority powers.
11. The NEGC Charter and draft Local Plan has been amended to refer to the potential for the NEA's to deliver the garden communities via LLNTDCs. These amendments do not preclude other options being explored and for the purposes of the draft Local Plan the NEA do not rely on the use of an LLNTDC. If other delivery models can achieve the same levels of confidence about quality, equalisation, delivery, stewardship and control throughout the plan period and beyond they will continue to be explored. It may be the case that different models emerge in each garden community, perhaps with joint venture or land owner agreement arrangements under the umbrella of an LLNTDC. It will ultimately be for the NEA to make a decision on a community by community basis.
12. It is important to note that the use of the compulsory purchase powers of an LLNTDC is not needed in order to secure the viability of the garden communities. If an LLNTDC is used then the landowners of any land compulsorily acquired will be compensated in accordance with the compensation code. Land will be valued in accordance with the "no scheme" world principles. The effect of the 'no scheme principle' is that any increase in value attributable to the designation of land as a new town under section 1 of New Towns Act 1981 is to be disregarded when assessing compensation. The compensation payable will depend on the likely development prospects of that land at the time of acquisition. In the absence of the garden community scheme most of the land in the proposed garden community boundaries is

not developable in the foreseeable future. The NEA have received professional advice that the land would be valued at close to the existing use value, with a margin in appropriate circumstances to reflect any existing hope value or development prospects.

13. If an LLNTDC is not the delivery vehicle and the garden communities are brought forward by landowners and developers they will be expected to meet all costs associated with the delivery of the garden communities in accordance with the policies in the draft Local Plan and in the proposed Strategic Growth DPDs. Land prices in the area will have to adjust to reflect those policy requirements.
14. If landowners are unwilling to release land at prices that allow for development to proceed whilst meeting Local Plan policy requirements then the NEA remain willing, in principle, to use CPO powers to ensure that land is acquired to support the delivery of the new communities whether by LDVs or by private promoters if that ensures that the development meets development plan policy requirements. Paragraph 119 of NPPF 2018, which would be relevant to any future CPO, supports the use of compulsory purchase powers where it can help bring more land forward to meet development needs and/or secure better development outcomes.
15. The compensation value paid in those circumstances would either be the value of the land in the no scheme world (since the use of CPO powers would then suggest that in the absence of a CPO appropriate development is not possible) or the residual value of the land having met policy requirements. The former reflects the valuation principles that would apply to LLNTDCs. The latter reflects RICS guidance principles on valuation.

North Essex Authorities

July 2019

North Essex Authorities' Position Statement on State Aid

Summary

1. This note provides a brief summary of the application of state aid law to the North Essex garden community proposals. It concludes that there is no legitimate objection to the Section 1 Local Plans on state aid grounds.

State aid

2. State aid is an advantage granted by a public authority through state resources on a selective basis to an undertaking in a way that could potentially distort competition and trade in the European Union.
3. State aid rules can apply to the following (and other) forms of assistance:
 - a. grants;
 - b. loans;
 - c. tax breaks;
 - d. the use or sale of a state asset at less than market value.
4. State aid may fall within an exemption and therefore permissible. It may be notified to the EU and cleared. If state aid is not notified, is not within an exemption and is found to be unlawful the recipient will normally be required to repay the state aid.
5. State aid rarely arises in relation to policy or plan-making unless the aid is a direct and inevitable consequence of the policy or plan. Even where the conditions for state aid exist in principle consideration needs to be given to whether the aid is part of the object or nature of the scheme. If so it will not normally be treated as aid.
6. So far as we are aware there have been no cases where a local plan proposal or policy has been found "unsound" as a consequence of state aid issues.

Timing for consideration of state aid

6. When the detailed delivery mechanisms for the garden communities are discussed and decided, state aid issues will be addressed. The delivery mechanisms will either have to be state aid compliant, fit within an appropriate exemption or approval will need to be sought from the Commission.
7. There is no reason to believe, and certainly no evidence to suggest, that a state aid compliant approach to delivery cannot be achieved.

NEA Local Plans Section 1: identification of broad locations

7. The North Essex Local Plan Section 1 identifies three broad locations for garden communities. There is no conceivable way in which the identification of a broad location for development on land outside public ownership can amount to state aid.

Choice of delivery vehicle

8. Section 1 of the Local Plans makes it clear that the North Essex Authorities (NEAs) have considered a number of delivery options. It is not prescriptive about the method of delivery. That approach to delivery cannot reasonably give rise to any state aid concern at the Local Plan level.
9. The available options include the delivery of one or all of the garden communities by the private sector acting independently within the development plan framework. That would clearly not result in any state aid.
10. The NEAs have indicated a willingness to explore either direct delivery of the garden communities by local delivery vehicles (LDV) (using existing local authority powers) or the promotion of a locally-led new town development corporation. The commitment is intended to demonstrate that the development of garden communities will occur even in the absence of a willing private sector promoter. It is evidence that mechanisms exist for the public sector to step in, if appropriate, to secure delivery of the garden communities.

11. Since the Local Plan examination, the New Towns Act 1981 (Local Authority Oversight) Regulations 2018 have been made (the Regulations). Guidance on the Regulations was issued in June 2018. Draft CPO guidance has been issued. There is now a clear structure within which locally-led garden communities (LLNTDC) can be brought forward. It is a structure that the Government believes is capable of being state aid compliant.
12. It is proposed that any LDV or LLNTDC will be publicly held. They will invest in infrastructure and will endow stewardship arrangements to support the garden communities. They will sell land for development at market value. There is no component of state aid in arrangements of this type.
13. The LDVs and the LLDC may transact with or joint venture with the private sector. If so they will do so on commercial terms. There is no state aid issue arising out of commercial transactions.

Financial modelling

14. As part of the evidence base for the examination, the NEAs have provided further financial modelling of the viability of the proposed garden communities. That modelling assumes that any investment in, or loans to, any delivery vehicle will be made on market economy operator principles (MEOP) basis. If investment and/or loans are made on an MEOP basis it is not state aid.
15. In considering the appropriate terms of any investment or interest, consideration will need to be given to the nature and structure of any local authority vehicle and/or development corporation. That will take account of the capitalisation arrangements for the company, the land ownership position (including the security offered by land controls), the residual responsibility for any liabilities on termination of the delivery vehicle and the prevailing European Commission state aid reference rates. The Regulations specify that the local authorities comprising the oversight authority are ultimately responsible for the liabilities of the LLNTDC. That will be taken into account in identifying appropriate reference rates.

16. It is believed that the modelled approach and the identified interest rates represents an MEOP compliant approach for the proposed delivery arrangement. That conclusion is supported by the soft market testing that has been carried out on behalf of the NEAs.
17. The model assumes that government grant will be given to fund infrastructure related to the two of the garden communities. Grant will not be provided unless it is state aid compliant. Factors indicating compliance include:
 - a. the public sector nature of the grant recipient – the grant could be characterised simply as the transfer of funds within the overarching UK State;
 - b. the extent to which the infrastructure benefits the wider public;
 - c. any land benefitting from public infrastructure will be sold on at market rate.
18. The proposed grant does not engage any state aid concern.
19. At present the modelling does not assume that there will be a need for any public sector guarantees. If guarantees are proposed they would need to be appraised to ensure that they were state aid compliant.

Government investment

20. The Government has committed to significant investment in the transport network in North Essex. The A12 and A120 will both be upgraded. Both schemes are identified requirements to meet future growth regardless of the garden communities. The A12 is funded. A final decision on the A120 upgrade is anticipated in due course.
21. National infrastructure generally benefits the public at large. Unless it clearly and directly offers an advantage to one or more organisations it will not be state aid. There is no realistic suggestion that either the A12 or the A120 projects (or any other identified investment) amounts to state aid.

Land Acquisition

22. If either the LDV or the LLNTDC route is followed then land will either be purchased voluntarily at market value, or will be compulsorily acquired. If compulsorily acquired the general principles of compensation require market value to be paid. If acquired by the local authorities it will be transferred to the LDV at market value. If market value is paid for land the transaction cannot be state aid.

Conclusion

23. Unless state aid is a direct and inevitable consequence of the development plan approach it cannot, properly, be a basis for finding the plan unsound. There is no evidence to suggest that aid is a consequence of the proposed approach.
24. In relation to each of the elements of state aid the proposed arrangement will not:
- a. offer any advantage through state resources;
 - b. advantage, on a selective basis, any identified undertaking or class of undertaking;
 - c. distort competition and trade in the EU.
25. Each of these elements needs to be met for a transaction to amount to state aid. None are met.
26. In any event, any consideration of state aid is premature. State aid issues will be considered (if any), fully and properly, when the approach to delivery of the garden communities is settled.

North Essex Authorities

July 2019

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Suggested Amendments to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section One

July 2019

Ref	Policy / Para	Amendment Bold new text strike through deleted text	Reason
1	Colchester Local Plan Front Cover	The Publication Draft stage of the Colchester Borough Local Plan 2013 2017-2033	Align start date with start dates for Braintree and Tendring Local Plans
2	Tendring Local Plan	Change numbering to match Braintree and Colchester numbering for Section 1	To ensure consistency between all plans
3	Para 1.9 1 st line	Consequently, Braintree, Colchester and Tendring, together referred to in this plan as the North Essex Authorities , have agreed to come together and prepare a common Section1 Local Plan because of their shared desire to promote a sustainable growth strategy for the longer term; and the particular need to articulate the strategic priorities within the wider area and how these priorities will be addressed.	To clarify terminology and role of Section 1 Local Plan
4	Para 1.12	This strategic chapter Section 1 of the authorities' Local Plans reflects the Duty to Co-operate as it concerns strategic matters with cross-boundary impacts in North Essex. Section 2 of each plan contains policies and allocations addressing authority-specific issues.	To clarify terminology and role of Section 1 Local Plan
5	Para 1.18 2 nd line	It also carries freight traffic to and from the Haven Ports including Harwich International Port, which handles container ships and freight transport to and from the rest of the UK.	Change required for clarification. The key generator of freight on the GEML is the Port of Felixstowe although Harwich contributes to this demand.

Ref	Policy / Para	Amendment Bold new text strike through deleted text	Reason
6	Section heading prior to para 1.25	Key Strategic Issues: Opportunities and Challenges	To clarify issues considered in Section 1
7	Para 1.26 last sentence	... does not erode the special environment, continues to conserve and where possible enhance the historic environment (Mod A) and will also seek net environmental gains where possible, (Mod B) heritage and urban assets...	To ensure that development considers net environmental gains where possible, consistent with NPPF paragraph 9.
8	Para 1.30 New 3 rd sentence	...The vision for North Essex sets this out at a strategic level and provides a context for the more detailed vision for the growth of each individual authority's area. The joint vision set out below should be read in conjunction with the vision for each local authority set out in Part 2 of each Local Plan. The high housing need identified for North Essex, constraints in many existing urban areas and the desire to support a sustainable form of development in the long term as part of the strategy for the development, has led to the Local Plans are proposing standalone new settlements that follow the principles of Garden Communities.	To clarify the role of Sections 1 and 2 of the Plan.
9	Para 1.32 Final sentence	...Policies that address local matters are included in the following section of the plan. The Plan as a whole, including both Sections 1 and 2, will supersede previous Local Plan policies and allocations upon its adoption. A full list of superseded policies is included as an appendix following Section 2 of the plan.	To meet national requirements (Appendix 2 below provides a list of Colchester and Tendring policies that will be superseded by

Ref	Policy / Para	Amendment Bold new text strike through deleted text	Reason
			the new plan. (already included in Braintree plan))
10	Vision for North Essex	<p>North Essex will be an area of significant growth over the period to 2033 and beyond, embracing positively the need to build well-designed new homes, create jobs and improve and develop infrastructure for the benefit of existing and new communities.</p> <p>It will continue to be an attractive and vibrant area in which to live and work, making the most of its rich heritage, town centres, natural environment, coastal resorts, excellent educational facilities and strategic transport links which provide access to the ports, Stansted Airport, London and beyond. Rural and urban communities will be encouraged to thrive and prosper and will be supported by adequate community Infrastructure. (Mod A)</p> <p>Sustainable development principles will be at the core of the strategic area's response to its growth needs, balancing social, economic and environmental issues. Green and blue infrastructure and new and expanded education and health care facilities enabling healthy and active lifestyles (Mod B) will be planned and provided along with other facilities to support the development of substantial new growth; while the undeveloped countryside, (Mod C) natural environment (Mod D) and the countryside and heritage assets historic environment will be protected preserved and enhanced. Key to delivering sustainable development is that new development will address the requirement to protect and enhance be informed by an understanding of the historic environment and settlement character (Mod E)</p> <p>At the heart of our strategic vision for North Essex are new garden communities, the delivery of which is based on Garden City principles covered by policy SP7.</p>	<p>To ensure the following clarifying points:</p> <p>Mod A - Highlight the strategic issues relevant to Section 1</p> <p>Mod B -Include high level strategic objective on the need to support healthy and active lifestyles</p> <p>Mod C – To clarify definition of countryside to be protected.</p> <p>Mod D- Include high level strategic objective on the need to protect and enhance the natural environment.</p> <p>Mod E - Include high level strategic</p>

Ref	Policy / Para	Amendment Bold new text strike through deleted text	Reason
		<p>The garden communities provide an opportunity to create the right balance of jobs, housing and Infrastructure in the right locations and (Mod F) will attract residents and businesses who value innovation, community cohesion and a high quality environment, and who will be provided with opportunities to take an active role in managing the garden community to ensure its continuing success. Residents will live in high quality, innovatively designed, contemporary homes, (Mod G) accommodating a variety of needs and aspirations, located in well-designed neighbourhoods where they can meet their day-to-day needs. There will be a network of tree-lined streets and green spaces, incorporating and enhancing existing landscape features and also accommodating safe and attractive routes and space for sustainable drainage solutions; and leisure and recreation opportunities for both residents and visitors of the garden communities. Suitable models for the long term stewardship of community assets will be established and funded to provide long term management and governance of assets. All Garden City principles as specified in the North Essex Garden Communities Charter will be positively embraced including new approaches to delivery and partnership working for the benefit of the new communities. Central to this is the comprehensive planning and development of each garden community, and the aligned delivery of homes and the supporting infrastructure. (Mod H)</p>	<p>objective on the need to protect and enhance the historic environment. Mod F – Clarify role of Garden Communities in meeting planning objectives. Mod G -Reference to ‘contemporary’ is deleted for limiting flexibility. Strengthen references to importance of comprehensive planning for Garden Communities. Mod H– Clarify role of Garden Communities in meeting planning objectives.</p>
11	Strategic Objectives	Providing New and Improved Transport & Communication Infrastructure – to make efficient use of existing transport infrastructure and to ensure sustainable transport opportunities are promoted in all new development to support new and existing	Mod A – To clarify new transport infrastructure will

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		<p><u>communities.</u> (Mod A) <i>Add sentence to end of paragraph 'Ensuring High Quality Outcomes'-</i> New development needs to be informed by an understanding of the historic environment resource gained through the preparation of Historic Impact Assessments and to conserve and enhance the significance of the heritage assets and their settings. (Mod B)</p>	<p>benefit both new and existing communities Mod B -To clarify requirements to conserve and enhance the historic environment.</p>
12	Policy SP1	<p>Presumption in Favour of Sustainable Development When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Sustainable development in North Essex will demonstrably contribute to the strategic and local vision and objectives and will accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans)- Development that complies with the Plan in this regard will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant or the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise—taking into account whether:</p> <ul style="list-style-type: none"> • Any adverse impacts of granting permission would significantly and 	<p>To clarify policy wording to distinguish between reference to national policy and its application in local policy.</p>

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		<p>demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole or</p> <ul style="list-style-type: none"> • Specific policies in that Framework or the Plan that indicate that development should be restricted. 	
13	New Policy SP1A to follow after Policy SP1	<p>SP 1A Delivering Sustainable Development through the planning system <i>Explanatory Text</i> Development that is in accordance with the policies in this Plan will normally be permitted.</p> <p>The policies in this strategic Section 1 of the Local Plan are common to and important to each North Essex Authority. Accordingly policy SP 1A seeks to make sure that development which would prejudice the delivery of any of the policies in Section 1 will be refused. Examples of prejudice might include a failure to meet the high standards proposed in the place making principles, a lack of comprehensive development or prematurity.</p> <p><i>Policy</i> Development that demonstrably contributes to the achievement of the policies in this Local Plan (and, where relevant, of policies in neighbourhood plans) will normally be permitted unless material considerations indicate otherwise.</p> <p>Development that is not in accordance with, or which will prejudice the delivery of, the strategic scale development or the achievement of the place making principles, in this Local Plan will not normally be permitted.</p>	To clarify policy wording to distinguish between reference to national policy and its application in local policy.
14	New Policy SP1B	<p>SP1B Recreational disturbance Avoidance and Mitigation Strategy (RAMS) <i>Explanatory Text</i> A Habitat Regulations Assessment (HRA) was completed for Section 1 of the</p>	The Essex Coast RAMS Strategy Document is

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		<p>Plan. The loss of off-site habitat, water quality and increased recreational disturbance were identified as issues with the potential to result in likely significant effects on European Sites, without mitigation, to address the effects.</p> <p>The Appropriate Assessment (AA) identified a number of avoidance and mitigation measures to be implemented, to ensure that development proposals in the Plan will not result in adverse effects on the integrity of the Blackwater Estuary SPA and Ramsar site, Colne Estuary SPA and Ramsar Site, Colne Special Area of Conservation Abberton Reservoir SPA and Ramsar, Hamford Water SPA and Ramsar Essex Estuaries SAC and the Stour and Orwell SPA/Ramsar sites and are HRA compliant.</p> <p>To mitigate for the loss of off-site habitat, the AA identified the need for wintering bird surveys for the Tendring/Colchester Borders Garden Community as part of any project level development proposals and masterplanning.</p> <p>To protect water quality, the AA recommended the inclusion of policy safeguards to ensure that adequate water and waste water treatment capacity or infrastructure upgrades are in place prior to development proceeding.</p> <p>Recreation activities can potentially harm Habitats Sites. The Shared Strategic Plan AA identified disturbance of water birds from people and dogs, and impacts from water sports/watercraft as the key recreational threats to Habitats Sites.</p> <p>To mitigate for any increases in recreational disturbance at Habitats Sites, the AA identified the need for a mitigation strategy. Natural England's West Anglian Team identified the Essex coast as a priority for a strategic and</p>	<p>complete and the NEAs are collecting contributions from development within the Zones of Influence. The update to the text reflects the latest position.</p>

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		<p>proactive planning approach as it is rich and diverse ecologically, and many of the coastal habitats are designated as Habitats Sites. Consequently, 12 local planning authorities in Essex have prepared an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS sets out specific avoidance and mitigation measures by which disturbance from increased recreation can be avoided and mitigated thus enabling the delivery of growth without adversely affecting Habitats sites. These measures are deliverable, realistic, underpinned by robust up to date evidence, precautionary and provides certainty for developers around deliverability and contributions. The Essex Coast RAMS Strategy Document was completed in 2019 and will be supported by an SPD.</p> <p><i>Policy</i> SP1B Recreational disturbance Avoidance and Mitigation Strategy (RAMS)</p> <p>An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy will be completed in compliance with the Habitats Directive and Habitat Regulations.</p> <p>Contributions will be secured towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs) which will be completed by the time the Local Plan is adopted. Prior to RAMS completion, the NEAs will seek contributions from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.</p>	
15	Para 3	3. Spatial Strategy Context	Clarifies that Section 1 establishes the

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			spatial context for new development but does not specify a spatial strategy which is found in Section 2
16	Para 3.1 2 nd line	New homes, jobs, retail and leisure facilities serviced by new and upgraded infrastructure will be accommodated as part of existing settlements according to their scale, sustainability and role, and by the creation of strategic scale new settlements based on the North Essex Garden Community Charter principles . The countryside will be protected and enhanced.	To clarify basis of Garden Community strategy
17	Para 3.2 2 nd line	However, it is relevant here to set out the spatial strategy at an appropriate level, spatial context of the North Essex Area as it relates to the main settlements and strategic-scale new development.	Clarifies that Section 1 establishes the spatial context for new development but does not specify a spatial strategy which is found in Section 2
18	New para 3.6	The three new Garden Communities are identified as new settlements in each of the Section 2 settlement hierarchies. Over time each of the Garden Communities will grow to influence the area's spatial hierarchy and will be included in the tiers underneath the sub-regional centre role played by Colchester. Future reviews of the plans will address this point, but the Garden Communities will not grow to a size that will affect the spatial hierarchy within the plan period to 2033.	To clarify the relationship of new Garden Communities to the spatial hierarchy

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19	Policy SP2 Title First Para 2 nd Para 3 rd Para 4 th Para 5 th Para	<p>Policy SP2 –Spatial Planning Strategy for North Essex (Mod A)</p> <p>Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. (Mod B) Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.</p> <p>Policy SP6 (Place Shaping Principles), Policies SP7-10 (in respect of the Garden Communities) and Section 2 of the plan provide detail on how Ffuture growth will be planned to ensure existing settlements maintain their distinctive character and role. (Mod C) Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.</p> <p>Each local authority will identify a hierarchy of settlements in Section 2 of its Local Plan where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. (Mod D)</p> <p>Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.</p> <p>Three new garden communities will be developed and delivered as part of the sustainable strategy for growth at the locations shown on Map 3.3 below and the Proposals Map the Key Diagram and the Policies Map. (Mod E) These new communities will provide strategic locations for employment and at least 7,500</p>	<p>Mod A – To clarify policy does not specify a spatial strategy</p> <p>Mod B -To clarify locational scope of plan.</p> <p>Modes C-D – To clarify terminology and cross-references within plan</p> <p>Mod E – To provide clarification of references to spatial illustrations.</p> <p>Mod F – To strengthen references to supporting employment growth</p> <p>Mod G - To be consistent with other references in the document to Garden Communities Charter (e.g. Policy SP7, penultimate</p>

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		<p>5,910 additional homes within the Plan period in North Essex. Employment development will also be progressed with tThe expectation is that substantial additional housing and employment development will be delivered in each community beyond the current Local Plan periods. (Mod F) As specified in Policy SP7, Tthey will be planned and developed drawing based on North Essex Garden-City Community Charter principles, with necessary infrastructure and facilities provided and a high quality of place-making and urban design. (Mod G)</p> <p>Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment. (Mod H)</p>	paragraph). Mod H – To clarify position of rural areas in settlement hierarchy
20	Additional Paragraph 4.8	<p>4.8 The North Essex authorities will identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their individual housing requirements set out in Policy SP3 below. Each authority will incorporate an additional buffer as required by national planning policy to ensure choice and competition for land.</p>	Include reference to a Buffer as referenced in the NPPF
21	Policy SP3	<p>The local planning North Essex Authorities will identify sufficient deliverable or developable sites or broad locations for their respective plan period, against to meet the requirement in the table below and will incorporate an additional buffer to ensure choice and competition for land. (Mod A)</p> <p>Each authority will maintain a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer in accordance with national policy, and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan. The</p>	Mod A- To include reference to a Buffer as referenced in the NPPF. Mod B – To clarify role of Section 2 in addressing undersupply issues.

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		<p>annual housing requirement figures set out below will be used as the basis for assessing each authority's five-year housing land supply subject to any adjustments in Section 2 of each plan to address any undersupply since 2013. (Mod B) The North Essex authorities will review their housing requirement regularly in accordance with national policy requirements, and in doing so will have regard to the housing needs of the wider area. (Mod C)</p> <table border="1"> <thead> <tr> <th>Local Authority</th> <th>Objectively Assessed Need for Housing requirement per Annum</th> <th>Total minimum housing supply in requirement for the plan period (2013 – 2033)</th> </tr> </thead> <tbody> <tr> <td>Braintree</td> <td>716</td> <td>14,320</td> </tr> <tr> <td>Colchester</td> <td>920</td> <td>18,400</td> </tr> <tr> <td>Tendring</td> <td>550</td> <td>11,000</td> </tr> <tr> <td>Total</td> <td>2,186</td> <td>43,720</td> </tr> </tbody> </table>	Local Authority	Objectively Assessed Need for Housing requirement per Annum	Total minimum housing supply in requirement for the plan period (2013 – 2033)	Braintree	716	14,320	Colchester	920	18,400	Tendring	550	11,000	Total	2,186	43,720	Mod C – To address national requirement to have regard to wider housing needs
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Total	2,186	43,720																
22	Para 5.9	<p>5.9 As part of the work to assess housing requirements, an analysis of economic forecasts was undertaken together with demographic projections to establish the inter-relationship between population growth, forecasts of new jobs and the number of new homes needed to accommodate these levels of growth. Employment forecasts have been developed using two standard models (East of England Forecasting Model (EEFM) and Experian 2016) which forecast total job growth for each of the local authorities based on past trends. Each local authority has been advised on the most appropriate modelling figure to use in the context of reconciling job and housing demand. The-forecast growth figures for the housing area for the period 2013-2037 as are set out in Policy</p>	To provide more focussed wording for the policy by moving explanatory wording to the supporting text.															

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		<p>SP4. Employment Land Needs Assessments have been carried out by each authority which set out the amount of employment land that is required within the Plan period. In terms of specific B use land provision, each local authority has undertaken work to establish what quantum of employment land would be required within the Plan period to meet the demand identified below for additional B use employment land. These B use employment areas are distributed between each local authority area and based on achieving a sustainable balance between jobs and the available labour force through population growth. As noted above, calculations of employment land required are affected by a range of issues that lead to different employment land portfolios for each local authority area, resulting in a proportionately greater quantum of new floorspace per job in Braintree and Tendring than in Colchester. This is a function of the prominence of higher density office requirements in Colchester and lower density logistics and industrial uses in Braintree and Tendring. The table in Policy SP4 below sets out the three authorities' employment land (B Class uses) requirements for the period 2016 – 33 for two plausible scenarios, baseline and higher growth. These two bookends provide flexibility to allow for each authority's supply trajectory to reflect their differing requirements. Site specific employment allocations meeting the needs of different sectors in each local authority are set out in section 2 of their Local Plan.</p>	
23	Policy SP4 Title	Providing for Employment and Retail	To accurately reflect the content of the policy.

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24	Policy SP4	<p>A strong, sustainable and diverse economy will be promoted across North Essex with the Councils pursuing a flexible approach to economic sectors showing growth potential across the Plan period. Jobs provision is reconciled with housing demand and is informed by modelling. The following forecasts will apply to the North Essex Authorities; (Mod A)</p> <p>Annual Jobs Forecast:</p> <table border="1" data-bbox="495 528 1585 644"> <tr> <td>Braintree (EEFM)</td> <td>490</td> </tr> <tr> <td>Colchester (EEFM)</td> <td>928</td> </tr> <tr> <td>Tendring (Experian)</td> <td>490</td> </tr> </table> <p><i>Relocate second paragraph to supporting text – see above modifications to para 5.9 (Mod B)</i></p> <p>In order to meet the needs of the three authorities’ employment land requirements for B class employment uses and maintain appropriate flexibility in provision to meet the needs of different sectors, Section 2 of each plan will allocate employment land within the ranges set out below. (Mod C)</p> <p>Hectares of B use employment land required:</p> <table border="1" data-bbox="495 1018 1682 1272"> <thead> <tr> <th></th> <th>Baseline (2012-Based SNPP) (ha)</th> <th>Higher Growth Scenario</th> </tr> </thead> <tbody> <tr> <td>Braintree</td> <td>23-20.9</td> <td>43.3</td> </tr> <tr> <td>Colchester</td> <td>22.0</td> <td>30</td> </tr> <tr> <td>Tendring</td> <td>2012.0</td> <td>3820.0</td> </tr> <tr> <td>North Essex (Mod D)</td> <td>65-54.9</td> <td>137.193.3</td> </tr> </tbody> </table>	Braintree (EEFM)	490	Colchester (EEFM)	928	Tendring (Experian)	490		Baseline (2012-Based SNPP) (ha)	Higher Growth Scenario	Braintree	23-20.9	43.3	Colchester	22.0	30	Tendring	2012.0	3820.0	North Essex (Mod D)	65-54.9	137.193.3	<p>Mod A – To clarify link between housing and jobs provision</p> <p>Mod B –To provide a more clearly focussed policy, leaving explanatory detail to the supporting text</p> <p>To provide more focus and clarity to policy wording.</p> <p>Mod C -The additional sentence is to make it clear that site allocations are included in section 2 plans to meet the target in policy SP4.</p> <p>Mod D – to update table with corrected figures</p>
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25	Para 6.1	<p>A coordinated and integrated approach to infrastructure planning and delivery is required to implement the vision for North Essex. Provision of appropriate and timely infrastructure to support growth will be central to the area's continuing prosperity, attractiveness and sustainability. Plan-led growth that includes proposed large scale garden community infrastructure with a particular focus will be on transport, education, healthcare, telecommunications (including broadband).</p> <p>Section 1 of the Local Plan highlights strategic and cross-boundary infrastructure, identifying the strategic transport infrastructure projects required to underpin delivery of the planned growth in the area including the proposed Garden Communities, and sets priorities for other infrastructure requirements such as education, healthcare, digital connectivity, water supply and wastewater.</p> <p>Section 2 of the Local Plan contains the infrastructure requirements for allocations made in that section of the plan The Infrastructure Delivery Plan (IDP) provides more detail about the phasing and costing of infrastructure requirements- for the Garden Communities and the Section 2 allocations required within the plan period.</p>	Modifications to improve organisation and clarity of policy in response to Inspector's letter of 8 June 2018
26	New section A Garden Communities	<i>Sections re-ordered to improve clarity and paragraphs renumbered. New Section A (Garden Communities) included in both explanatory text and policy.</i>	Modifications to improve organisation and clarity of policy
27	Para 6.242 2 nd line	<p>6.24 The North Essex Garden Communities Charter seeks to ensure that land use planning of the new communities maximises the provision and use of sustainable transport internally and connects externally to key urban centres.</p> <p>Given the Charter's commitment to the timely delivery of infrastructure,</p>	To clarify delivery process for infrastructure

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		policies SP7-10 will ensure that key transport projects align with housing and employment delivery.	
28	Para 6.253 2 nd line	To achieve the desired step change in sustainable transport, policy will require that this infrastructure will need to be funded and its delivery phased to align with provided early in with the development phases.	To clarify delivery process for infrastructure
29	A.B Transport	B Transportation and Travel	Clarity
30	6.24	North Essex is well placed in the context of connections by road, rail, air and sea to the wider region and beyond, and these connections will need to be strengthened as part of developing sustainable transport networks. The A12 and A120 trunk road network form part of the Trans-European Network carrying international vehicular traffic. The Great Eastern Main Line (GEML) and branch lines, link the major towns and cities via a high capacity, high frequency rail line radiating from London. The strategically important London Stansted Airport lies to the west within a 60km radius of key urban centres in North Essex. Access via sea is provided by the port at Harwich.	Explanatory detail not essential.
31	Para 6.35 2 nd line	Growth promoted through the new Local Plans, particularly via large scale new developments where delivery will extend beyond the plan period, provides an opportunity to prioritise, facilitate and deliver larger scale transport infrastructure projects that can significantly improve connectivity across and within the area. A focus on sustainable transport in and around urban areas and the Garden Communities will and positively alter travel patterns and behaviour to reduce reliance on the private car.	To clarify focus of policy.

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32	6.46	The Local Plans seek to improve transport infrastructure to enable the efficient movement of people, goods and ensure that new development is accessible by sustainable forms of transport. Measures designed to encourage people to make other sustainable travel choices such as better public transport provision, car clubs, electric vehicle charging points and provision of cycle links and walk footways will also be required to achieve such a change. It will also help to enhance air quality and improve health and well-being.	To clarify focus of policy.
33	6.57	Braintree, Colchester and Tendring will continue to work closely with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to better integrate all forms of transport and improve roads and public transport and to promote cycling and walking. Key projects during the plan period will see improvements to the A12, A120, Great Eastern Main Line including rail services, and provision of rapid transit connections in and around urban areas and the Garden Communities. An integrated and sustainable transport system will be delivered that supports economic growth and helps deliver the best quality of life. Although the funding for some of these improvements is not guaranteed the authorities will work with providers to ensure that investment commitments will be made at the appropriate time to support the proposed growth.	To clarify focus of policy. Last sentence now covered by last sentence of new para 6.4
34	Para 6.6	On the inter urban road network traffic levels have increased significantly in recent years with parts of the A12 around Colchester and Marks Tey carrying up to 90,000 vehicles per day, which is high for an A-class trunk road.	To delete text which is overly detailed for a strategic section of the plan.
35	Para 6.7	Most of the inter-urban road network, particularly the capacity of the A12, is constrained by the operation of the junctions and sub-standard slips, and periods of congestion. The East of England Route Based Strategy (March 2017) provides a	To delete text which is overly detailed for a strategic section of

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		<p>review of the state of the network in the East of England (including A120 Harwich to the A12 and A12 from the M25 to A14), and will inform a Strategic Road Network Initial Report (late 2017), which will outline the ambitions for the network across 2020—2025 (ie Road Investment Strategy (RIS) 2 period) and beyond. Consultation on plans to improve both the A12 and A120 has taken place, and the decisions made on these proposals should be informed by the planned growth, identified in Local Plans given the connection between new planned growth and the infrastructure needed to support it.</p>	the plan.
36	Para 6.8	<p>The A12 is set to have major improvements as part of the Government’s Roads Investment Strategy (2015-2020) (RIS1), with the aim of improving capacity and relieving congestion. The plans were announced in December 2014 and will represent the largest investment in road infrastructure received by Essex. The RIS confirmed</p> <ul style="list-style-type: none"> • investment in a technology package for the length of the A12 from the M25 to the junction with the A14; • phased improvement of the road to a consistent dual 3 lane standard; and • improvement to the A12/M25 junction. <p>Consultation on route improvement options between junction 19 and junction 25 of the A12 concluded in March 2017. A decision by the Planning Inspectorate on the preferred improvement option is expected in 2019.</p>	To clarify terminology used and to delete text which is overly detailed for a strategic section of the plan.
37	Para 6.9	<p>The A120 is a key east-west corridor across Essex providing access to London Stansted Airport in the west to the Harwich ports in the east and serving the economies of Braintree, Colchester and Tendring, with links to Chelmsford via the A130. Upgrading the strategically important road will unlock greater economic</p>	To delete text which is overly detailed for a strategic section of the plan.

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		potential for not only North Essex, but also the county and wider South East. It will provide tangible benefits to road users, businesses and local neighbourhoods.	
38	Para 6.10	Consultation on A120 route improvement options between Braintree and the A12 ended in March 2017. and ECC has identified a favoured route which has been recommended to Highways England and the Department of Transport for inclusion in Road Investment Strategy 2 (RIS2), which is the next funding period for the strategic road network and will make a recommendation for a preferred option to the Secretary of State for Transport and Highways England in Autumn 2017. ECC will recommend the preferred route to Government for inclusion in the next Route Investment Strategy 2 , which will run from 2020 to 2025. In addition a series of short term interventions will be delivered along the route to improve safety and relieve congestion. The final alignment may influence the final boundaries and scale of the proposed Garden Community on the Colchester Braintree border. The A120 from the A12 to Harwich is subject to a Highways England Route Based Strategy and improvements to this section of road are expected over the plan period.	To clarify terminology used and update latest position.
39	Para 6.11	Route-based strategies are prepared and delivered by the County Council for strategic main road corridors, in consultation with local authorities. The following strategies relevant to North Essex are currently being prepared for delivery post 2018/19: A131 Chelmsford to Braintree; A131 Braintree to Sudbury; Colchester to Manningtree and A133 Colchester to Clacton. The key objective is to identify options that will support economic growth.	To delete text which is overly detailed for a strategic section of the plan.
40	Para 6.12	The Great Eastern Main Line (GEML) runs between London Liverpool Street and Norwich and carries a mixture of intercity services and commuter services serving the major urban settlements; and freight from the Haven Ports (Harwich and Felixstowe). Further branch lines provide connections to Braintree, Sudbury,	To delete text which is overly detailed for a strategic section of the plan.

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		Harwich, Clacton and Walton	
41	Para 6.4311 1 st line	The Anglia Route Study prepared by Network Rail (March 2016) shows that while capacity varies along the Great Eastern Main Line , capacity to accommodate growth is limited and is particularly constrained in peak times from Chelmsford to London.	Name of rail line added for clarity.
42	Para 6.4513	A new franchise has been was awarded to Greater Anglia for passenger services in the region. New services will be provided which commencing in 2018 and the entire fleet of trains will be replaced and in service by 2020 adding capacity.	To update text.
43	Title preceding para 6.163	Bus, Public Transport , Walking and Cycling	To better reflect contents of following paragraphs
44	Para 6.4614	Alternative forms of transport to the private car (public transport, walking, and cycling and public transport) to for travel to work and other trips are essential in managing congestion and to accommodate sustainable growth. The levels of growth proposed in the Local Plans will require that the consequent need to travel is managed. Travel planning and smarter choices initiatives will be promoted to ensure that all residents have good access to local jobs, services and facilities, preferably by either walking or cycling. For longer trips and in rural areas where there are fewer local services and employment opportunities, public transport will be promoted. By promoting travel by sustainable modes there are wider benefits to local people such as improved health and air quality.	Reordering in first sentence reflects heading order. Last sentence deleted as covered by last sentence in new para 6.7
45	Para 6.1715	Within the urban areas, bus networks are available although currently underutilised. Essex County Council will address this through a new passenger transport strategy that places emphasis on improving sustainable travel modes, i.e. creating viable public transport routes that operate smoothly and potentially have	To update text to reflect latest strategies and to delete text covered

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		priority over private car travel, thus making public transport a more appealing method of travel. Essex County Council prioritises passenger transport (bus, minibus, taxi and community transport) according to the 'Getting Around in Essex Strategy'. The County Council will work in partnership with stakeholders to improve bus services and their supporting infrastructure to provide a real alternative to the private car. This will be achieved by identifying opportunities for a better bus network (routes, frequency, community based services); integrating school and commercial bus networks; the implementation of travel planning (work, business, school and health); provision of digital information measures; provision of park and ride; and supporting the growth in key commuter and inter urban routes. Conventional local bus services, and in particular improving existing services, will be an important part of promoting sustainable travel across North Essex, and will complement the new high quality rapid transit network.	below.
46	Para 6.48 1 st line	Through implementation of the Essex Cycling Strategy (2016), Cycling Action Plans will be have been prepared in all the NEAs to increase cycle levels; identify safety issues; identify gaps on key routes; identify ways of closing gaps; and create better cycle connectivity to key employment areas, development zones and schools.	To update policy.
47	Titles preceding para 6.49	Achieving Sustainable Transport Policies and Delivery Mechanisms for Sustainable Transport Sustainable travel & major new developments	To better reflect contents of following paragraphs
48	Para 6.21	Proposals for major new development set out in this plan provide an opportunity to create a step change in establishing sustainable travel modes, particularly in the	Covered by paras 6.4-6.7 above.

Ref	Policy / Para	Amendment Bold new text strikethrough deleted text	Reason
		case of the proposed new garden communities. Management of travel demand will occur through providing retailing, jobs, services and facilities within the new communities to help reduce the need to travel, and the communities will be integrated and connected with the rest of North Essex and beyond through excellent public transport links providing a step change in sustainable travel patterns and will also reduce any adverse impact they might have on the highway network. Provision for car travel will include an emphasis on the use of new technology such as electric and ultra-low emission vehicles. Strategies for car usage will include car sharing, car clubs and appropriate car parking strategies.	
49	Para 6.22	To maximise the use of public transport new forms of high quality rapid transit networks will be provided to connect the proposed garden communities to existing urban centres such as Colchester and Braintree; key destinations such as the University of Essex; and key transport interchanges in North Essex. To achieve the desired step change in sustainable transport this infrastructure will be identified in subsequent development plan documents and need required to be funded and provided early in the development phase to enable subsequent housing and employment delivery.	Covered by paras 6.4-6.7 above.
50	B. Education C. Social Infrastructure	B. Education C. Social Infrastructure	To clarify links between education and healthcare by regrouping them under wider social infrastructure heading
51	New Para 6.21	New schools are an important place-making component of Garden Communities where early provision is usually critical in providing core social infrastructure to help a new community thrive, improve social integration and	To reflect latest Government guidance

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		support the creation of sustainable travel patterns and a healthy environment.	
52	Para 6.2822	<p>Local authorities have a role in creating a healthy community. The North Essex authorities will work closely with relevant stakeholders such as The authorities will need to work with the NHS, Public Health, and local health partnerships, developers and communities to ensure that future development in North Essex takes into account the need to improve health and wellbeing of local residents (and workers) including access to appropriate health and care infrastructure adequate provision and range of healthcare facilities to support new and growing communities. and this is Requirements are set out in more detail within the Infrastructure Delivery Plan. This will be particularly important given the ageing profile of existing and future residents. There is already a need for more and better quality health care facilities across North Essex with some areas having relatively poor access to health care facilities. Garden Communities will provide the conditions for a healthy community Health through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and which is accessible by walking and cycling and public transport. objectives will also be delivered through providing safe, attractive and convenient routes for walking and cycling, and maximising participation in active modes of travel. Support will be given to to meet cross-boundary need for hospice facilities.</p>	
53	D. Broadband Digital Connectivity	D. Broadband Digital Connectivity	Update to reflect latest terminology

Ref	Policy / Para	Amendment Bold new text strike through deleted text	Reason
54	Para 6.2923	The NPPF indicates how high quality communications infrastructure is essential for economic growth and social well-being crucial for sustainable growth . The availability of high speed and reliable broadband, particularly in rural areas, is a key factor in unlocking new development opportunities and ensuring that people can access services online and work from home. By 2020 the Government is introducing a broadband Universal Service Obligation, whereby everyone will have a clear, enforceable right to request high speed broadband.	To update to reflect latest position on digital connectivity
55	Para 6.3024	Fast broadband connections and telecommunications are an increasingly important requirement to serve all development. New development should contribute to the creation of a comprehensive and effective network in both urban and rural areas to promote economic competitiveness and to reduce the need to travel. The priority is to secure full fibre connections the earliest availability for universal broadband coverage and fastest connection speeds for to all existing and new developments. Developers are encouraged to engage with broadband providers at the earliest opportunity . Where provision is possible broadband must be installed on an open access basis and which will need to provide be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access to the fibre optic cable for future repair, replacement or upgrading.	The change provides clarification of current practice.
56	New Section E Water Supply and Wastewater and Para 6.25	The authorities will need to work with Anglian Water, Affinity Water, Environment Agency and other infrastructure providers to ensure sufficient capacity and provision of an adequate water supply and waste water management facilities to support growing communities as outlined in the Integrated Water Management Strategy and Infrastructure Delivery Plan. This will be particularly important as water supplies continue to be threatened by climate change. Garden Communities have the opportunity to minimise demand and wastewater generation, through exploring opportunities at both	New section added to ensure a wide range of infrastructure requirements is reflected.

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		the strategic and local level.	
57	Policy SP5 First para New 2 nd para	<p>All Ddevelopment must be supported by the provision of infrastructure, services and facilities that are required to serve the needs arising from new development. The infrastructure planning process will include the identification of funding sources, and may include using appropriate mechanisms of shared public sector delivery financing mechanisms and the implementation of a strategic infrastructure tariff or other suitable mechanisms to apply across North Essex.</p> <p>If the necessary strategic infrastructure for the Garden Communities as required by Policy SP5 is not committed within a reasonable period of time and phased alongside the delivery of new communities a review of the Plan will be undertaken prior to any consent being implemented, in order that the consequential shortfall in housing delivery does not overburden the infrastructure of existing communities/settlements.</p> <p>The requirements in section A apply to only the Garden Communities area of search whilst the remaining sections B, C, D and E apply to all allocations and development proposals in the North Essex Area:</p>	To clarify coverage of policy.
58	New para A.Garden Communities	<p>A. Garden Communities</p> <p>Infrastructure provision will be secured in a timely manner and programmed to keep pace with growth of new communities.</p> <ul style="list-style-type: none"> • Funding and route commitments for the following strategic transport infrastructure projects will need to be secured in advance of the start of the Garden Communities as follows: <ul style="list-style-type: none"> ○ Colchester/ Braintree Borders – <ul style="list-style-type: none"> ▪ A12 widening and junction improvements 	To clarify essential requirements for Garden Communities

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		<ul style="list-style-type: none"> ▪ A dualled A120 from Braintree to the A12 ○ Tendring /Colchester Borders – <ul style="list-style-type: none"> ▪ A120-A133 Link road • A scheme and specification for a phased rapid transit network and programme for the integration of the three Garden Communities into the rapid transit network • Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by masterplanning. • Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community 	
59	Policy SP5 B. Transport	<p>B. Transportation and travel</p> <p>The authorities will work with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to deliver the following :</p> <ul style="list-style-type: none"> • Changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles. • A comprehensive network of segregated walking and cycling routes linking key centres of activity planned to prioritise safe, attractive and convenient routes for walking and cycling <p>New and improved infrastructure required to support economic growth, strategic</p>	To clarify transport requirements and cross-references to other policies in the plan.

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		<p>and site-specific priorities outlined in the second part of each Local Plan</p> <ul style="list-style-type: none"> • Substantially improved connectivity by promoting and enabling more sustainable travel patterns, introducing urban transport packages to increase ing transport modal choice, providing better public transport infrastructure and services, and enhanced ing inter-urban transport corridors • Increased rail capacity, reliability and punctuality; and reduced overall journey times by rail • Support changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles • Prioritise Improved urban and inter-urban Ppublic transport, particularly in the urban areas, including new and innovative ways of providing public transport provision including; <ul style="list-style-type: none"> ○ high quality rapid transit networks and connections, in and around urban areas with links to the new Garden Communities as required by policy SP5 (A) and policies SP8, 9, and 10 ○ maximising the use of the local rail network to serve existing communities and locations for large-scale growth ○ a bus network providing a high frequency, reliable and efficient service, that is high quality, reliable, simple to use, integrated with other transport modes serving and offers flexibility to serve areas of new demand ○ promoting wider use of community transport schemes • Increased rail capacity, reliability and punctuality; and reduced overall journey times by rail 	

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		<ul style="list-style-type: none"> • New and improved road infrastructure to help reduce congestion and improve journey time reliability along the A12, A120 and A133 that will also link new development and provide strategic highway connections specifically: to improve access to markets and suppliers for business, widen employment opportunities and support growth • Improved access to and capacity of junctions on the A12 and other main roads to reduce congestion, improve journey time reliability and address safety • A dualled A120 between the A12 and Braintree • A comprehensive network of segregated walking and cycling routes linking key centres of activity contributing to an attractive, safe, legible and prioritised walking/cycling environment • Develop Innovative strategies for the management of private car use and parking including the promotion of car clubs and car sharing, and provision of support for electric car charging points. 	
60	SP 5 C. Social Infrastructure Education Broadband	<p>C. Social Infrastructure The authorities will work with relevant providers and developers to facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable.</p> <p>Education</p> <ul style="list-style-type: none"> • Provide Sufficient school places will be provided in the form of expanded or new primary and secondary schools together with early years and childcare facilities that are phased with new development, with larger developments setting aside land and/or contributing to the cost of delivering land for new schools 	To clarify organisation of policy wording and to clarify links between provision of different types of social infrastructure and new development

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		<p>where required.</p> <ul style="list-style-type: none"> Facilitate and support provision of pPractical vocational training, apprenticeships, and further and higher education will be provided and supported. <p>Health and well-being</p> <ul style="list-style-type: none"> Ensure that essential hHealthcare infrastructure will be is provided as part of new developments of appropriate scale in the form of expanded or new healthcare facilities including primary and acute care; pharmacies; dental surgeries; opticians, supporting community services including hospices, treatment and counselling centres. Require new development to maximise its positive contribution in creating healthy communities and minimise its negative health impacts, both in avoidance and mitigation, as far as is practicable. The conditions for a healthy community will be provided through the pattern of development, good urban design, access to local services and facilities; green open space and safe places for active play and food growing, and which are all accessible by walking, cycling and public transport. 	
61	D. Broadband Digital Connectivity	<p>D. Digital Connectivity</p> <p>Comprehensive digital access to support business and community activity will be delivered through the Roll-out of superfast ultrafast broadband across North Essex to secure the earliest availability for full fibre connections universal broadband coverage and fastest connection speeds for to all existing and new developments (residential and non-residential), where all new properties allow for the provision for superfast broadband in order to allow connection to that network as and when it is made available. Roll-out of superfast ultrafast broadband across North Essex to secure the earliest availability for universal broadband coverage</p>	To reflect latest terminology

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		and fastest connection speeds for all existing and new developments (residential and non-residential), where all new properties allow for the provision for superfast ultrafast broadband in order to allow connection to that network as and when it is made available.	
62	SP5 – add to end of policy new section E. Wastewater	E. Water & Waste water The authorities will work with relevant providers to ensure that there is resilient capacity in the water management and waste water systems to respond to new development and provide improvements to water infrastructure and waste water treatment and off-site drainage improvements.	To ensure a wide range of infrastructure requirements is reflected.
63	Para 7.2	Networks of green and blue infrastructure should be provided across new developments, linking new developments within existing networks of open space. These areas can be multi use, providing space for natural species and habitats as well as space for informal recreation, and walking, cycling and equestrian links.	To clarify range of multi-use links required.
64	Para 7.3 3 rd line	Strategic scale and more local green infrastructure can make a vital contribution to quality of place, biodiversity gains, alleviating recreational pressure , and health outcomes if properly integrated into the design and delivery of new development.	To clarify benefits of green infrastructure
65	Policy SP6	All new development must meet the highest high (Mod A) standards of urban and architectural design. The local authorities encourage the use of d Development frameworks, masterplans, design codes , and other design guidance documents and will be prepared in consultation with stakeholders where they are needed to support this objective. use design codes where appropriate for strategic scale development. (Mod B) All new developments should, where applicable, (Mod C) reflect the following place shaping principles:	Mod A – Modified to align with NPPF guidance and to suggest a proportionate design response. Mod B – Clarifies the use of

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		<ul style="list-style-type: none"> • Respond positively to local character and context to preserve and enhance the quality of existing communities places (Mod D) and their environs. • Provide buildings that exhibit individual architectural quality within well-considered public and private realms; • Protect and enhance assets of historical or natural value; • Incorporate biodiversity creation and enhancement measures; (Mod E) • Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car; • Where possible, appropriate, provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods; • Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;(Mod F) • Provide streets and spaces that are overlooked and active and promote inclusive access; • Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall; • Provide an integrated and connected network of multi-functional public open space and green and blue infrastructure that connects with existing green infrastructure where possible, including alleviating recreational pressure on designated sites; (Mod G) • Include measures to promote environmental sustainability including addressing energy and water efficiency and provision of appropriate wastewater and flood mitigation measures including the use of open space to provide sustainable drainage solutions; (Mod H) and • Protect the amenity of existing and future residents and users with regard to 	<p>design guidance documents</p> <p>Mod C - Clarifies not all the principles are applicable to some developments.</p> <p>Mod D - Clarifies a wider definition of areas covered by the requirement to preserve and enhance.</p> <p>Mod E - To ensure that development considers net environmental gains, consistent with NPPF paragraph 9.</p> <p>Mod F- To provide consistent level of detail</p> <p>Mod G To strengthen the policy to ensure that new development incorporates</p>

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		noise, vibration, smell, loss of light, overbearing and overlooking. (Mod I)	biodiversity creation and enhancement into its design. Mod G – To highlight importance of alleviating recreational pressure on designated sites Mod H – To highlight potential for sustainable water management solutions Mod I – To clarify factors affecting amenity
66	Paragraphs 8.3 – 8.7	Remove paragraph number and bullet point as sub sections of paragraph 8.3. Renumber paragraphs in rest of section as appropriate	To reflect new policy SP1B and supporting explanatory text
67	New Para 8.7	Heritage Impacts – To ensure that the significance of designated and undesignated heritage assets and their settings within and adjoining development areas is conserved and where possible enhanced, the detailed nature, form and boundary of new development is to be informed by the site selection methodology set out within Historic England’s Advice Note 3 (2017) (The Historic Environment and Site Allocations in Local Plans) or any subsequent replacement. Heritage Impact Assessments will be undertaken to	To clarify requirements for conserving and enhancing heritage assets and their settings.

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		ensure that the detailed form of development proposals is informed by an understanding of the assets and any adverse impacts mitigated appropriately.	
68	Para 8.141, First two sentences	At least two of the three garden communities will be cross-boundary, and the continued close joint working between the authorities involved will be required to secure their successful delivery. Each of the authorities is committed to ensuring that the new garden communities are as sustainable and high quality as possible and that the infrastructure needed to support them is delivered at the right time.	Duplicates the first two sentences of 8.11
69	Para 8.152	Based on the partnership wording between the North Essex authorities to date and their continuing commitment to the projects, each of the three proposed garden communities is planned to deliver 2,500 dwellings during the Local Plan to 2033. Delivery of 2,500 dwellings in the cross border garden communities, no matter where they are physically built, within the Local Plan period to 2033 will be attributed as set out in section 2 of each of the individual Local Plans, or if more dwellings are built then 50:50 between the two districts concerned. A detailed mechanism will be developed to attribute housing completions to the local planning authorities to deal with the possibility that fewer than 2,500 dwellings are completed in any of the communities during the plan period to 2033; it will be informed by the DPD and agreed through a Memorandum of Understanding. It will take into account a range of factors including: The resources, including finance, committed to the partnership by the councils to support delivery of high quality garden communities and achieve the projected housing delivery in both districts; The wider benefits of the garden communities to the districts; The burdens to the infrastructure of the districts generated by communities; and The proportion of the housing built in each district	New mechanism added to each policy

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70	SP7, first section	<p>The following three new garden communities are proposed in North Essex. Tendring/Colchester Borders, a new garden community will deliver 2,500 homes and 7 hectares of employment land within the Plan period (as part of an overall total of between 7,000-9.000 homes and 25 hectares of employment land to be delivered beyond 2033),</p> <p>Colchester/Braintree Borders, a new garden community will deliver 2,500 1,350 homes and 4 hectares of employment land within the Plan period (as part of an overall total of between 15,000 – 24,000 homes and 71 hectares of employment land to be delivered beyond 2033).</p> <p>West of Braintree in Braintree DC, a new garden community will deliver 2,500 2,060 homes and 9 hectares of employment land within the Plan period (as part of an overall total of between 7,000-10,000 homes and 44 hectares of employment land to be delivered beyond 2033).</p> <p>Each of these will be an holistically and comprehensively planned new community with a distinct identity that responds directly to its context and is of sufficient scale to incorporate a range of homes, employment, education & community facilities, green space and other uses to enable residents to meet the majority of their day-to-day needs, reducing the need for outward commuting. Each new garden community will be comprehensively planned from the outset with Delivery of each new community will be being phased as part of that whole and underpinned by a comprehensive package of infrastructure.</p> <p>The Councils will need to be confident, before any consent is granted, that the following requirements have been secured either in the form of appropriate public</p>	To strengthen references to providing for employment growth

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		ownership, planning agreements and obligations and, if necessary a local infrastructure tariff.	
71	SP7 criteria (ii)	The public sector working pro-actively and collaboratively with the private sector to design, and bring forward these garden communities, deploying new models of delivery where appropriate sharing risk and reward and ensuring that the cost of achieving the following is borne by landowners and those promoting the developments: : (a) securing a high-quality of place-making, (b) ensuring the timely delivery of both on-site and off-site infrastructure required to address the impact of these new communities, and (c) providing and funding a mechanism for future stewardship, management, maintenance and renewal of community infrastructure and assets. Given the scale of and time period for development of these new garden communities, the appropriate model of delivery will need to secure a comprehensive approach to the delivery of each new community in order to achieve the outcomes outlined above, avoid a piecemeal approach to development, provide the funding and phasing of both development and infrastructure, and be sustainable and accountable in the long term.	To clarify requirements for delivery models.
72	SP7 criteria (v)	To meet the requirements of those most in need including a minimum of 30% affordable housing in each garden community.	To provide consistency with wording of Garden Community policies on affordable housing in SP8, 9 and 10

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73	SP7 criteria (vi)	In accordance with the Garden Community Charter principle of providing one job per household within the new community or within a short distance by public transport, p Provide and promote opportunities for employment within each new community and within sustainable commuting distance of it. Around 850,000 square metres of floorspace will be provided in total, with allocations to be defined within Development Plan Documents for each Garden Community totalling some 138 hectares.	To strengthen references to providing for employment growth and clarify process for identifying allocations
74	SP7 – criteria (xi)	Secure a smart and sustainable approach that fosters climate resilience and a 21st century environment in the design and construction of each garden community to secure net gains in local biodiversity, highest standards of energy efficiency and innovation in technology to reduce impact of climate change, the incorporation of innovative water efficiency/re-use measures (with the aim of being water neutral in identified areas of serious water stress), and sustainable waste and mineral management.'	Clarification of water measures required.
75	SP7 - Criterion (iv) of policy SP7, F17 of SP8 and F18 of policy SP9 and F18 of SP10	Add wording to end of section: To ensure new development does not have an adverse effect on any European Protected sites, the required waste water treatment capacity must be available including any associated sewer connections in advance of planning consent.	To provide a policy safeguard to ensure that phasing of development does not exceed capacity.
76	SP7 final paragraph	A Development Plan Document will be developed for each of the garden communities to set out how they will deliver the above principles as well as further detail of their design, development and phasing. as well as a A	To clarify role of DPDs

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		mechanism to appropriately distribute housing completions to the three Councils and this will be agreed through a Memorandum of Understanding.	
77	Policy SP8 First para	The adopted policies map identifies the broad location for the development of a new garden community of which the details and final number of homes along with allocations supporting the delivery of B use employment space will be set out in a Strategic Growth Development Plan Document to be prepared jointly between Colchester BC and Tendring DC and which will incorporate around 2,500 dwellings within the Plan period (as part of an overall total of between 7,000-9,000 homes) and provision for Gypsy and Travellers.	To strengthen references to employment in line with Section 1 objectives
78	Policy SP8 New third paragraph	For the Plan period up to 2033 Tendring District Council and Colchester Borough Council agree that housing delivery from the Tendring Colchester Borders Garden Community will be distributed to the Authorities as set out in the published Local Plan trajectory, irrespective of where they are built. Should there be additional or fewer new dwellings delivered up to 2033 in the Garden Community then the number above or below the cumulative number will be distributed evenly between the Authorities. If there remains a shortage of overall delivery against need then each Authority, having taken 50% of the shortfall into account, would need to make up the shortfall within their Authority area given their overall Authority position.	To clarify how the housing on cross boundary sites will be distributed
79	Policies SP8, SP9 and SP10 Para A.2.	Planning applications for this garden community will be expected to be consistent with, and follow on from , the approved DPDs and subsequent masterplans and design and planning guidance. A Heritage Impact Assessment for each DPD in accordance with Historic England guidance will be required in order to assess impact of proposed allocations upon the historic environment, to	To clarify plan-making process for Garden Communities, including requirements for

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		inform the appropriate extent, nature and form of the development and establish any mitigation measures necessary.	assessment of historic environment impacts.
80	Policy SP8, C.5. 1 st line	Provision for a wide range of job, skills and training opportunities will be created in the garden community, Allocations supporting the delivery of 25 hectares of B use employment space will be defined within the Development Plan Document for the Garden Community.	To clarify process for determining employment land allocations
81	Policies SP8, Para D.7	A package of measures will be introduced to encourage smarter transport choices to meet the needs of the new community and maximise the opportunities for sustainable travel. As highlighted in Policy SP5 funding and route commitments for the following strategic transport infrastructure will be required to be in place in advance of the Tendring / Colchester Borders Garden Community starting: A120-A133 Link road A scheme and specification for a phased rapid transit network and programme for the integration of the Garden Community into the rapid transit network Additional transport priorities including the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to access the adjoining areas; development of of a public rapid transit system connecting the garden community to Essex University and Colchester town centre park and ride facilities and other effective integrated measures to mitigate the transport impacts of the proposed development on the strategic and local road network. Longer term transport interventions will need to be carefully designed to minimise the impacts on the strategic and local road transport network and fully mitigate any environmental or traffic impacts arising from the development. These shall include	To clarify requirement for essential transport infrastructure in Garden Communities.

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		bus (or other public transit provisions) priority measures between the site, University of Essex, Hythe station and Colchester Town Centre;	
82	Policy SP8 D.9	Primary vehicular access to the site will be provided off the A120 and A133. Further road improvements will be proposed as part of the masterplanning process to address both local needs and strategic movements between the A120 and A133.	Referenced in Hearing Statement. Matter 8
83	Policies SP8 and SP10 Para E.13 SP9 Para 14	Increased P primary healthcare facilities capacity will be provided to serve the new development as appropriate. This may be by means of new infrastructure or improvement, reconfiguration, extension or relocation of existing medical facilities.	Clarifies delivery options for new healthcare provision.
84	Policy SP8, Para F.17 and SP9, Para F.18	The delivery of smart, innovative and sustainable water efficiency/re-use solutions that fosters climate resilience and a 21st century approach towards water supply, water and waste water treatment and flood risk management. Provision of improvements to waste water treatment plant including an upgrade to the Colchester Waste Water Treatment Plan and off-site drainage improvements aligned with the phasing of the development within the plan period and that proposed post 2033.	Changes required for consistency with changes recommended to policy SP7.
85	Policy SP8 Para F.20,	Avoidance, P rotection and/or enhancement of heritage and biodiversity assets within and surrounding the site, including Bullock Wood SSSI, Ardleigh Gravel Pits SSSI, Wivenhoe Pits SSSI and Upper Colne Marshes SSSI and relevant European protected sites. Contributions will be secured towards mitigation measures identified in the Essex wide Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Wintering bird surveys will be undertaken at	Additions to first sentence are to ensure the protection of SSSIs and for consistency with policies SP9 & SP10.

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		the appropriate time of year as part of the DPD preparation to identify any offsite functional habitat. Should any be identified, development must firstly avoid impacts. Where this is not possible, it must be phased to deliver habitat creation and management either on- or off-site to mitigate any significant impacts	The 2 nd sentence highlights the mitigation measures to be secured through the RAMS and the 3 rd sentence clarifies the requirement for wintering bird surveys for the Tendring Colchester Borders area.
86	SP9 title (BDC version)	Colchester/Braintree Borders Borders Garden Community	typo
87	SP9 first para	The adopted policies map identifies the broad location for the development of a new garden community of which the details and final number of homes along with allocations supporting the delivery of B use employment space will be set out in a Strategic Growth Development Plan Document to be prepared jointly between Colchester BC and Braintree DC and which will incorporate around 2,500 1,350 dwellings within the Plan period (as part of an overall total of between 7,000-9,000 homes) and provision for Gypsy and Travellers.	To strengthen references to employment in line with Section 1 objectives and amend housing number
88	SP9 new third para	For the Plan period up to 2033 Colchester Borough Council and Braintree District Council agree that housing delivery from the Colchester Braintree Borders Garden will be distributed to the Authorities as set out in the published Local Plan trajectory, irrespective of where they are built. Should there be additional or fewer new dwellings delivered up to 2033 in the	To clarify how the housing on cross boundary sites will be distributed

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		Garden Community then the number above or below the cumulative number will be distributed evenly between the Authorities. If there remains a shortage of overall delivery against need then each Authority, having taken 50% of the shortfall into account, would need to make up the shortfall within their Authority area given their overall Authority position.	
89	SP9 – B3 Housing 1 st line	A mix of housing types and tenures including self- and custom-build and starter homes affordable housing will be provided on the site.	Change required for consistency with SP8 and SP10.
90	SP9 – C5 1 st line	Provision for a wide range of job, skills and training opportunities will be created in the garden community, Allocations supporting the delivery of 71 hectares of B use employment space will be defined within the Development Plan Document for the Garden Community.	To clarify process for determining employment land allocations
91	SP9 Para D.7. 1 st and 2 nd line	A package of measures will be introduced to encourage smarter transport choices to meet the needs of the new community and maximise the opportunities for sustainable travel. As highlighted in Policy SP5 funding and route commitments for the following strategic transport infrastructure will be required to be in place in advance of the Colchester/Braintree Borders Garden Community starting: A12 widening and junction improvements A dualled A120 from Braintree to the A12 A scheme and specification for a phased rapid transit network and programme for the integration of the Garden Communities into the rapid transit network Additional transport priorities including including the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to	To clarify requirement for essential transport infrastructure in Garden Communities

Ref	Policy / Para	Amendment Bold new text strike through deleted text	Reason
		access the adjoining area; development of a public rapid transit system connecting this new garden community to the wider Colchester context; development of opportunities to improve accessibility to Marks Tey rail station (or provide for its relocation to a more central location within the garden community); and effective measures to mitigate the transport impacts of the proposed development on the strategic and local road network.	
92	SP9 Para D.11	Opportunities will be explored to establish how Marks Tey rail station can be made more accessible to residents of the new community including relocation of the station to a more central location and improvement of walking, cycling and public transport links to the station.	To reflect latest masterplanning approach
93	SP9 Para F. 21	Avoidance , Pprotection and/or enhancement of heritage and biodiversity assets within and surrounding the site including the SSSI at Marks Tey brick pit, Marks Tey Hall, Easthorpe Hall Farm, Easthorpe Hall and the habitats along and adjoining the Domsey Brook and Roman River corridors. Contributions will be secured towards mitigation measures identified in the Essex wide Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).	The addition of the word 'avoidance' reflects the ecological mitigation hierarchy. The 2 nd sentence highlights the mitigation measures to be secured through the RAMS
94	SP10 1 st Para	The adopted policies map identifies the broad location for the development of a new garden community of which the details and final number of homes along with allocations supporting the delivery of B use employment space will be set out in a Strategic Growth Development Plan Document to be prepared jointly between Braintree DC and Uttlesford DC if applicable and which will incorporate around 2,500 2,060 dwellings within the Plan period (as part of an overall total of between 7,000-9,000 homes) and provision for Gypsy and Travellers.	To strengthen references to employment in line with Section 1 objectives and amend housing number.

Ref	Policy / Para	Amendment Bold new text strikethrough deleted text	Reason
95	SP10 new 4 th para	<p>Within the Plan period completions in a given year will be assigned to BDC and UDC in line with the trajectory contained within the Local Plans regardless of where dwellings are built in the Garden Community.</p> <ul style="list-style-type: none"> • Within the Plan period if the site over delivers on housing in a given year then that over delivery will be split 75% BDC and 25% UDC regardless of where the dwellings are built in the Garden Community • Within the Plan period if the site under delivers on housing in a given year the number of homes delivered will be split 75% BDC and 25% UDC regardless of where there are built in the Garden Community. • Any completions in 2023/24 and 2024/25 will be wholly assigned to BDC. • The total number of dwellings assigned to UDC will not exceed 3,500, or any subsequent figure for dwellings in Uttlesford defined in the West of Braintree DPD. The total number of dwellings assigned to BDC will not exceed 10,000, or any subsequent figure for dwellings defined in the West of Braintree DPD. This will not artificially constrain the DPD in identifying the capacity of the site, the capacity of the site will be design-led and defined through the DPD and subsequent planning applications. 	To clarify how the housing on cross boundary sites will be distributed
96	SP10 Para C.5 1 st line	<p>Employment – additional wording pending further evidence base findings. Provision for a wide range of job, skills and training opportunities will be created in the garden community, Allocations supporting the delivery of 44 hectares of B use employment space will be defined within the Development Plan Document for the Garden Community.</p>	typo and to clarify process for determining employment land allocations
97	Policy	The delivery of smart, innovative and sustainable water efficiency/re-use	Change required for

Ref	Policy / Para	Amendment Bold new text strike through deleted text	Reason
	SP10 Para F.17	solutions that fosters climate resilience and a 21st century approach towards water supply, water and waste water treatment and flood risk management. Provision of improvements to waste water treatment and off-site drainage improvements aligned with the phasing of the development within the plan period and that proposed post-2033.	consistency with changes recommended to policy SP7.
98	Policy SP10 F.20	Avoidance, P rotection and/or enhancement of heritage and biodiversity assets within and surrounding the site including Great Saling Hall conservation area and areas of deciduous woodland within and adjoining the site. Contributions will be secured toward mitigation measures identified in the Essex wide Recreational disturbance Avoidance and Mitigation Strategy (RAMS).	The addition of the word 'avoidance' reflects the ecological mitigation hierarchy. The 2 nd sentence highlights the mitigation measures to be secured through the RAMS
99	Paragraph 9.4 Table 1	<i>Amend as shown in Appendix 1 to this document</i>	To provide clarity
100	Addition to Glossary in section 2 Plans	Blue Infrastructure – Water assets and features including rivers, streams, estuaries, ponds, culverts, and the North Sea which deliver a wide range of environmental and quality of life benefits for local communities and wildlife.	To ensure the definition of the term is made clear.

Appendix 1

Revisions to address clarity

9.4 Table 1 Monitoring Requirements for Section1

Part One Objectives	Part One Policies	Targets	Key Indicators in Authority Monitoring Reports
Providing sufficient new homes	SP1 Presumption in favour of Sustainable Development	Delivery of new development in accordance with the Development Plan	Record of planning decisions including appeals
Fostering economic development	SP2 Spatial Strategy for North Essex	Deliver Garden Communities as the most sustainable options for large scale, long term growth	Local authority agreement and delivery of governance, community involvement, stewardship arrangements and funding arrangements for Garden Communities
Providing new and improved infrastructure			
Addressing education and healthcare needs	SP3 Meeting Housing Needs	Deliver new housing in line with spatial strategy	Market and affordable housing completions per annum (net)

Ensuring high quality outcomes		and Objectively Assessed Need targets	
	SP4 Providing for Employment	Deliver new employment land in line with spatial strategy and evidence base targets	Amount of floorspace development for employment and leisure by type.
	SP5 Infrastructure and Connectivity	Delivery of identified infrastructure schemes including transport, education, community, healthcare, green/blue infrastructure and environmental protection	Identify and monitor progress of strategic infrastructure projects

		Increase modal share of non-motorised transport.	Monitor modal splits and self-containment via Census and measure traffic levels on key routes
	SP5 Place Shaping Principles	Approved DPDS, masterplans & other planning & design guidance in place for each community prior to the commencement of development it relates to	Monitor availability of DPDs and other planning guidance relative to the submission & determination of planning applications for the development it relates to
	SP7 Garden Communities	Deliver Garden Communities as the most sustainable options for large scale, long term growth	Local authority agreement and delivery of governance, community involvement, stewardship arrangements and funding arrangements for Garden Communities
	SP8 Tending	Deliver sustainable	Delivery rates of all

	Colchester Borders Garden Community	new communities in accordance with guidance as adopted	development including supporting infrastructure as documented in housing trajectories and other monitoring data
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Appendix 2

(to be inserted as Appendix 1 to Section 1)

Recreational Pressures at Essex/Suffolk European Sites

European site	Recreational Pressure
Abberton Reservoir SPA/Ramsar	Recreational disturbance not a threat at this
Blackwater Estuary SPA/Ramsar	The key threat to this site relates primarily to disturbance of water birds from people and dogs, in addition to water sports such as use of jet skis and motorboats.
Colne Estuary SPA/Ramsar	The key threat to this site relates primarily to disturbance of water birds from people and dogs, in addition to water sports such as use of jet skis and motorboats.
Hamford Water SPA/Ramsar	The key recreational threat identified at the screening stage relates primarily to disturbance of water birds from people and dogs in addition to water sports such as use of jet skis and motorboats.
Stour and Orwell Estuaries SPA/Ramsar	Breeding and overwintering waterbirds are susceptible to human disturbance from a range of land and water-based activities, including boating and watersports; walking; bait-digging; fishing; wildfowling, and military overflight training. Some activities, such as powerboating, may produce physical disturbance to habitats.

Essex Estuaries SAC	The SAC is vulnerable to physical damage which can be caused by trampling and erosion associated with terrestrial recreation and wave damage caused by water based recreation. The SAC is also vulnerable to the effects of other negative factors associated with recreation such as littering, fire and vandalism.
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Appendix 3

List of Superseded Policies – Colchester and Tendring

Colchester

List of Colchester Policies- Core Strategy Focussed Review Version (July 2014) / Site Allocations Adopted October 2010 /
Development Policies Focussed Review Version (July 2014) - Superseded by the Colchester Local Plan 2013-2033

New Policy Number	Policy ref on 2017-2033 Local Plan	Replaces Policy
SP1	Presumption in Favour of Sustainable Development	SD1
SP2	Spatial Strategy for North Essex	H1
SP3	Meeting Housing Needs	H1
SP4	Providing for Employment	CE1
SP5	Infrastructure and Connectivity	SD2
SP6	Place Shaping Principles	-
SP7	Development and Delivery of New Garden -Communities in North Essex	-
SP8	Tendring/Colchester Borders Garden Community	-

SP9	Colchester/Braintree Borders Garden Community	-
SP10	West of Braintree New Garden Community	-
SG1	Colchester's Spatial Strategy	H1
SG2	Housing Delivery	H1
SG3	Economic Growth Provision	CE3 /DP5
SG4	Local Economic Areas	CE3 / DP5
SG5	Centre Hierarchy	CE1
SG6	Town Centre Uses	DP6
SG6a	Local Centres	CE2c / DP7
SG7	Infrastructure Delivery and Impact Mitigation	SD2 / SD3
SG8	Neighbourhood Plan	ENV2
ENV1	Environment	ENV1/ DP 21
ENV2	Coastal Areas	ENV1 / DP23
ENV3	Green Infrastructure	ENV1/ PR1
ENV4	Dedham Vale Area of Outstanding Natural Beauty	ENV1 / DP22

ENV5	Pollution and Contaminated Land	-
CC1	Climate Change	ER1
PP1	Generic Infrastructure and Mitigation Requirements	DP3
TC1	Town Centre Policy and Hierarchy	CE1
TC2	Retail Frontages	DP6
TC3	Town Centre allocations	SA TC1
TC4	Transport in Colchester Town centre	TA4 / DP18
NC1	North Colchester and Severalls Strategic Economic Areas	CE1/ SA NGA1/ SA NGA3
NC2	North Station Special Policy Area	SA TC1
NC3	North Colchester	-
NC4	Transport in North Colchester	TA4 / DP18
SC1	South Colchester Allocations	CE3*
SC2	Middlewick Ranges	-
SC3	Transport in South Colchester	TA4 / DP18
EC1	Knowledge gateway and University of Essex Strategic Economic Area	CE1/ SA EC7
EC2	East Colchester / Hythe Special Policy	SA EC2/ SA EC3 Area 1/

	Area	SA EC4 Area 2/ SA EC6 Area 4
EC3	East Colchester	SA H1/ SA EC1/ SA EC5 Area 3/ CE3
EC4	Transport in East Colchester	TA4 / DP18. SA EC8
WC1	Stanway Strategic Economic Area	CE1/ SA STA1/ SA STA3
WC2	Stanway	SA STA1/ SA STA5
WC3	Colchester Zoo	-
WC4	West Colchester	-
WC5	Transport in Colchester	TA4 /DP18/ SA STA4
SS1	Abberton and Langenhoe	CE3*
SS2	Boxted	-
SS3	Chappel and Wakes Colne	-
SS4	Copford	-
SS5	Eight Ash Green	-
SS6	Fordham	-
SS7	Great Horkesley	CE3*
SS8	Great Tey	CE3*

SS9	Langham	CE3*
SS10	Layer de La Haye	-
SS11	Marks Tey	CE3*
SS12a	West Mersea	-
SS12b	Coast Road West Mersea	DP23
SS12c	Mersea Island Caravan Parks	DP10/ DP21/ DP23
SS13	Rowhedge	-
SS14	Tiptree	SA TIP2
SS15	West Bergholt	-
SS16	Wivenhoe	-
OV1	Development in Other Villages	ENV2
OV2	Countryside	ENV2 / DP9
DM1	Health and Wellbeing	DP2
DM2	Community Facilities	DP4
DM3	Education Provision	SD3
DM4	Sports Provision	DP15
DM5	Tourism, leisure, Culture and Heritage	DP10
DM6	Economic Development in Rural Areas	DP5 / DP9

and the Countryside

DM7	Agricultural Development and Diversification	DP8
DM8	Affordable Housing	H4
DM9	Development Density	H2
DM10	Housing Diversity	H3
DM11	Gypsies, Travellers and Travelling Showpeople	H5/ SA H2
DM12	Housing Standards	DP12
DM13	Domestic Development	DP11/ DP13
DM14	Rural Workers Dwellings	H6
DM15	Design and Amenity	UR2 /DP1
DM16	Historic Environment	UR2 /DP14
DM17	Retention of Open Space	DP15
DM18	Provision of Open Space and Recreation Facilities	PR1/ PR2/ DP16
DM19	Private Amenity Space	DP16
DM20	Promoting Sustainable Transport and Changing Travel behaviour	TA1 / TA2 / TA3 / DP17

DM21	Sustainable Access to development	PR2 / TA2 / DP17
DM22	Parking	TA5 / DP19
DM23	Flood Risk and Water Management	ENV1/ DP20
DM24	Sustainable Urban Drainage Systems	DP20
DM25	Renewable Energy, Water Waste and Recycling	ER1 / DP25

* Please note that the housing allocation elements of the policy are new and do not supersede adopted policies. However, these policies include reference to Local Employment Areas and this part of the policy supersedes adopted policy CE

Tendring

List of Tendring Policies - Tendring District Local Plan (2007) superseded by the Tendring District Local Plan 2013-2033

New Policy Number	Policy ref on 2013-2033 Local Plan	Replaces Policy
SP1	Presumption in Favour of Sustainable Development	-
SP2	Spatial Strategy for North Essex	QL1
SP3	Meeting Housing Needs	HG1
SP4	Providing for Employment	QL4
SP5	Infrastructure and Connectivity	-
SP6	Place Shaping Principles	QL8 / QL9 / QL10 / QL11
SP7	Development and Delivery of New Garden Communities in North Essex	-
SP8	Tendring/Colchester Borders Garden Community	-
SP9	Colchester/Braintree Borders Garden Community	-
SP10	West of Braintree New Garden Community	-

SPL1	Managing Growth	QL1 / RA4
SPL2	Settlement Development Boundaries	QL1 / HG3 / HG12 / HG16 / HG20 / HG21
SPL3	Sustainable Design	QL9 / QL10 / QL11 / ER39 / ER40 / EN12 / HG3 / HG11 / COM19 / COM20 / COM21 / COM22 / COM23 / COM34
HP1	Improving Health and Wellbeing	QL12 / COM2 / COM24
HP2	Community Facilities	COM3 / COM4 / FW3 / RA6
HP3	Green Infrastructure	COM6 / COM7 / COM7a / COM8a / COM9 / COM13 / COM25
HP4	Safeguarded Local Greenspace	COM7 / COM7a / COM9 / COM13 / COM25
HP5	Open Space, Sports and Recreation Facilities	COM4 / COM6 / COM8 / COM8a / COM9 / COM10 / COM11
LP1	Housing Supply	HG1
LP2	Housing Choice	HG3a / HG6
LP3	Housing Density and Standards	HG7
LP4	Housing Layout	HG3 / HG9 / HG14

LP5	Affordable and Council Housing	HG4
LP6	Rural Exception Sites	HG5
LP7	Self-Build and Custom-Built Homes	-
LP8	Backland Residential Development	HG13
LP9	Traveller Sites	HG22
LP10	Care, Independent Assisted Living	COM5
LP11	HMO and Bedsits	HG10
PP1	New Retail Development	ER31 / ER32 / ER32a / ER37 / CL7 / CL10
PP2	Retail Hierarchy	ER31
PP3	Village and Neighbourhood Centres	ER31
PP4	Local Impact Threshold	ER31 / ER32 / ER32a / ER37
PP5	Town Centre Uses	ER31 / ER32 / ER32a / ER33 / ER37 / ER40 / CL9
PP6	Employment Sites	ER3 / ER4 / ER5 / ER7 / ER13 / RA1
PP7	Employment Allocations	QL4 / QL5 / ER1 / ER2 / ER5 / ER7 / ER13

PP8	Tourism	ER16 / ER26 / ER27 / ER28 / ER29 / COM15 / COM15a / CL2 / CL3 / CL4 / CL5 / HAR8 / FW1 / FW2 /
PP9	Hotels and Guesthouses	ER24 / ER25 / ER26
PP10	Camping and Touring Caravan Sites	CE1/ SA EC7
PP11	Holiday Parks	ER18 / ER19 / ER19a / ER20 / ER22
PP12	Improving Education and Skills	QL12 / COM26
PP13	The Rural Economy	QL7 / ER10 / ER11 / ER38 / HG17 / HG18/ HG19 / RA8 / COM12
PP14	Priority Areas for Regeneration	QL6 / ER30 / CL8 / CL10 / CL19 / HAR4a / HAR10 / HAR12 / HAR13 / HAR14 / HAR15 / RA2
PPL1	Development and Flood Risk	QL3 / COM32 / COM33 / COM35
PPL2	Coastal Protection Belt	EN3
PPL3	The Rural Landscape	EN1 / EN5 / EN5a
PPL4	Biodiversity and Geodiversity	COM16 / EN6 / EN6a / EN6b

/ EN11a / EN11b / EN11c

PPL5	Water Conservation, Drainage and Sewerage	COM31a / EN13
PPL6	Strategic Green Gaps	EN2
PPL7	Archaeology	EN29 / EN30
PPL8	Conservation Areas	EN17 / EN18 / EN18a / EN20 / EN25
PPL9	Listed Buildings	EN21 / EN22 / EN23 / EN24 / EN25 / EN26
PPL10	Renewable Energy Generation	EN13a
PPL11	The Avenues Area of Special Character, Frinton-on-Sea	FW5 / FW6
PPL12	The Gardens Area of Special Character, Clacton-on-Sea	CL17
PPL13	Ardleigh Reservoir Catchment Area	COM18
PPL14	Safeguarding of Civil Technical Sitet, North East of Little Clacon/South of Thorpe-le-Soken	COM28
PPL15	Safeguarding of Hazardous Substance Site, South East of Great Oakley/South West of Harwich	-

CP1	Sustainable Transport and Accessibility	QL2 / COM1 / TR1a / TR1 / TR2 / TR3a / TR4 / TR5 / TR6 / TR7 / TR9 / TR10 / CP1
CP2	Improving the Transport Network	QL2
CP3	Improving the Telecommunications Network	COM27
SAMU1	Development at EDME Maltings, Mistley	LMM1 / LMM1a
SAMU2	Development at Hartley Gardens, Clacton	-
SAMU3	Development at Oakwood Park, Clacton	-
SAMU4	Development at Rouses Farm, Jaywick Lane, Clacton	-
SAMU5	Development South of Thorpe Road, Weeley	-
SAH1	Development at Greenfield Farm, Dovercourt	-
SAH2	Development Low Road, Dovercourt	-
SAH3	Development Robinson Road,	-

	Brightlingsea	
SAE1	Carless Extension, Harwich	HAR3
SAE2	Land South of Long Road, Mistley	-
SAE3	Lanswood Park, Elmstead Market	-
SAE4	Mercedes Site, Bathside Bay	-
SAE5	Development at Mistley Port	LMM1 / LMM1a
SAE6	Development at Mistley Marine	LMM1 / LMM1a
SAE7	Stanton Europark	ER1
DI1	Infrastructure Delivery and Impact Mitigation	QL12 / COM29 / COM30 / COM31 /
	Other policies superseded by the 2013-2033 Local Plan but not specifically replaced or replicated.	EN4 / EN7 / EN27 / EN27a / TR8 / TR10a / CL14 / CL14a / CL15 / CL15a / CL16 / CL18 / CL21 / HAR1 / HAR2 / HAR3a / HAR6 / HAR11 / HAR16 / HAR17 / BR1 / BR2 / BR3 / BR 4 / BR5 / LMM2 / RA3 /

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COUNCIL

6 AUGUST 2019

REPORT OF CHIEF EXECUTIVE

A.3 **MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, following the Annual Meeting of the Council held on 28 May 2019 and in accordance with the wishes of the relevant Political Group Leaders, I exercised my delegated powers and appointed, with effect from 31 May 2019, Members to serve on the under-mentioned Committees and Sub-Committee as follows:

Audit Committee

Councillors Alexander, Coley, King, Miles, Placey, Porter and Steady

Community Leadership O & S Committee

Councillors Amos, Broderick, Chittock, Clifton, Davidson, Davis, Miles, Newton and Skeels

Human Resources & Council Tax Committee

Councillors Calver, Chapman, Chittock, Clifton, Griffiths, S Honeywood, King, Morrison and M Stephenson

Licensing & Registration Committee

Councillors Casey, Coley, V Guglielmi, J Henderson, S Honeywood, Knowles, Overton, White and Winfield

Planning Policy & Local Plan Committee

Councillors Allen, Broderick, Bush, Chapman, Fairley, G Guglielmi, I Henderson, Newton, Scott, Skeels and Turner

Planning Committee

Councillors Alexander, Bray, Cawthron, Codling, Fowler, Harris, McWilliams, Placey and White

Resources and Services O & S Committee

Councillors Allen, Barry, Bray, Codling, Griffiths, Morrison, Scott, M Stephenson and Turner

Standards Committee

Councillors Amos, Harris, J Henderson, Land, Overton, Steady and Wiggins

Miscellaneous Licensing Sub-Committee

Councillors Casey, V Guglielmi, J Henderson, S Honeywood and White

Subsequently, following the appointment of the Cabinet by the Leader of the Council and other necessary changes, I also formally report that, on 10 and 11 June 2019, I again

exercised my delegated powers, in accordance with the wishes of the Leaders of the Holland-on-Sea, Independent and UKIP Groups and duly made the following appointments:-

Audit Committee

Councillor Codling has been appointed to serve in place of Councillor Porter.

Community Leadership O & S Committee

Councillor King has been appointed to serve in place of Councillor Broderick.

Councillor Overton has been appointed to serve in place of Councillor Newton.

Human Resources & Council Tax Committee

Councillor Broderick has been appointed to serve in place of Councillor King.

Licensing & Registration Committee

Councillor Davis has been appointed to serve in place of Councillor White.

Miscellaneous Licensing Sub-Committee

Councillor Davis has been appointed to serve in place of Councillor White.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

6 AUGUST 2019

**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.3 MEMBERSHIP OF COMMITTEES ETC.

Formal appointments dated 31 May, 10 June and 11 June 2019.

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COUNCIL

6 AUGUST 2019

REPORT OF CHIEF EXECUTIVE

A.4 **MEMBERSHIP OF THE EXECUTIVE (CABINET)**

(Report prepared by Ian Ford)

I formally report that, following the Annual Meeting of the Council held on 28 May 2019, the Leader of the Council (Councillor Stock OBE) exercised his delegated powers and appointed, with effect from 5 June 2019, Members to serve on the Council's Executive (Cabinet) as follows:

PORTFOLIO	COUNCILLOR APPOINTED
Business and Economic Growth	M C Newton
Corporate Finance and Governance	G V Guglielmi
Deputy Leader of the Council	
Environment and Public Space	M J Talbot
Housing	P B Honeywood
Independent Living	J A Broderick
Leisure and Tourism	A O J Porter
Partnerships	L A McWilliams

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

6 AUGUST 2019

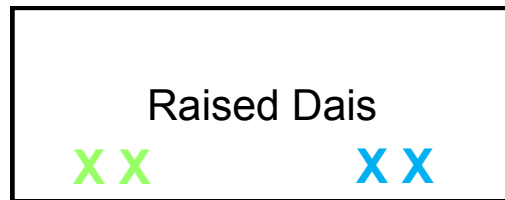
**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.4 MEMBERSHIP OF THE EXECUTIVE (CABINET)

Formal appointments dated 5 June 2019.

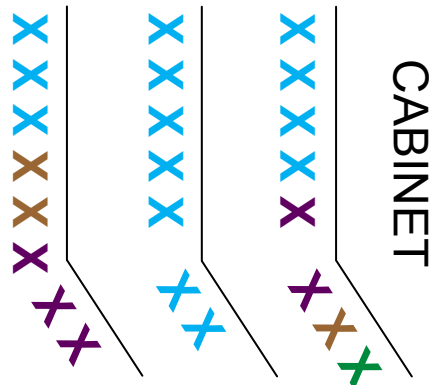
LAYOUT FOR MEETING OF THE COUNCIL - PRINCES THEATRE (AUGUST 2019)

(Chairman
Vice Chairman
Chief Executive
Head of Governance and Legal Services
& Monitoring Officer)



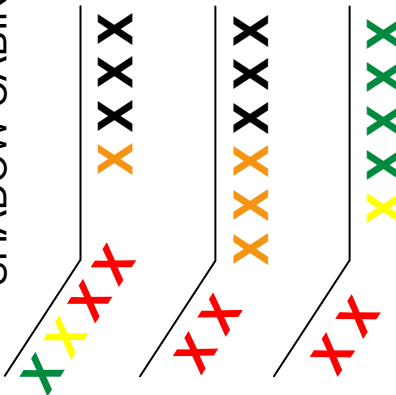
XX

Democratic Services Staff



UNOFFICIAL

SHADOW CABINET



KEY

- X (Blue) = Conservatives
- X (Black) = Tendring Independents
- X (Brown) = Holland-on-Sea
- X (Green) = Independent
- X (Red) = Labour
- X (Yellow) = Liberal Democrats
- X (Orange) = Tendring First
- X (Purple) = UKIP
- X (Lime) = Officers

SEATING FOR PUBLIC

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