

Public Document Pack

TENDRING DISTRICT COUNCIL

Committee Services
Room 33
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

14 January 2022

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 25 January 2022 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea.

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

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 25 January 2022

Prayers

1 Apologies for Absence

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

2 Minutes of the Last Meeting of the Council (Pages 1 - 18)

The Council is asked to approve, as a correct record, the minutes of the last meeting of the Council held on Tuesday 30 November 2021.

3 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.

4 Announcements by the Chairman of the Council

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

5 Announcements by the Chief Executive

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

6 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.

7 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.

8 Petitions to Council

The Council will consider petition(s) received, if any, in accordance with the Scheme approved by the Council.

9 Questions Pursuant to Council Procedure Rule 10.1

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.

10 Report of the Leader of the Council - A.1 - Urgent Cabinet or Portfolio Holder Decisions (Pages 19 - 20)

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

11 Minutes of Committees (Pages 21 - 48)

The Council will receive the minutes of the following Committees:

- (a) Resources and Services Overview & Scrutiny of Monday 1 November 2021;
- (b) Resources and Services Overview & Scrutiny of Monday 13 December 2021;
- (c) Human Resources & Council Tax of Wednesday 5 January 2022; and
- (d) Planning Policy & Local Plan of Tuesday 11 January 2022.

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; and
- (2) If any recommendations to Council have been made by those Committees, these are included within separate reports for Council to decide upon (i.e. by noting the minutes those recommendations are not approved at this stage of the proceedings).

12 Motions to Council

Pursuant to the provisions of Council Procedure Rule 12, the Council will duly consider any Motions submitted by Members of the Council.

13 Recommendations from the Cabinet

The Council will duly consider recommendations submitted to it by the Cabinet, if any.

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

The Council will duly consider reports submitted to it by an Overview and Scrutiny Committee, if any.

15 Reference from the Planning Policy & Local Plan Committee - A.2 - Formal Adoption of Section 2 of the Local Plan (Pages 49 - 418)

To enable the Council to consider recommendations of the Planning Policy & Local Plan Committee in relation to the formal adoption of Section 2 of the Local Plan.

16 Reference from the Human Resources & Council Tax Committee - A.3 - Pay Policy Statement 2022/23 (Pages 419 - 432)

To present the Pay Policy Statement for 2022/23.

17 Reference from the Human Resources & Council Tax Committee - A.4 - Change to the Terms and Conditions of the Post of Chief Executive (Pages 433 - 438)

To enable the Council to consider a recommendation of the Human Resources & Council Tax Committee that the Terms and Conditions of the current Chief Executive post holder be changed by way of a reduction in the hours of employment from 37 to 27.75 hours per week (a reduction of 25%).

18 Reference from the Planning Policy & Local Plan Committee - A.5 - Application of Article 4 Directions in the District of Tendring - (Councillor Alan Coley's Motion to Council Pursuant to Council Procedure Rule 12) (Pages 439 - 452)

To enable Council to consider the Planning Policy & Local Plan Committee's recommendation in relation to a motion submitted at the meeting of the Council held on 30 November 2021 by Councillor Alan Coley in relation to the application of Article 4 Directions.

19 Report of the Chief Executive - A.6 - Changes in Membership of Committees (Pages 453 - 454)

To inform Council of any changes in the membership of Committees that have occurred since the last ordinary meeting of the Council.

20 Report of the Chief Executive - A.7 - Councillor's Non-Attendance at Meetings (Pages 455 - 456)

In accordance with Article 2.06 of the Council's Constitution to inform Council that Councillor Peter Cawthron has almost exceeded four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

21 Questions Pursuant to Council Procedure Rule 11.2

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 Committees.

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.

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, 15 February 2022 at 7.30 pm - Princes Theatre - 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.

**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 30TH NOVEMBER, 2021 AT 7.38 PM
IN THE PRINCES THEATRE IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Bray (Chairman), Harris (Vice-Chairman), Alexander, Allen, Amos, Baker, Barry, Bush, Chapman, Chittock, Codling, Coley, Davidson, Davis, Fairley, Fowler, Griffiths, G V Guglielmi, V E Guglielmi, I J Henderson, J Henderson, P B Honeywood, S A Honeywood, Knowles, McWilliams, Miles, Morrison, Nash, Placey (except items 79 - 85 (part)), Porter, Scott, Skeels, Steady, G L Stephenson, M E Stephenson, Stock OBE, Talbot, Turner, White, Wiggins and Winfield
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Acting Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Kai Aberdeen (Theatre General Manager (Technical)), Keith Durran (Committee Services Officer), Will Fuller (Planning Officer), Matt Cattermole (Communications Assistant) and Eleanor Storey (Development Technician)

79. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Calver, Casey, Clifton, Land and Newton.

80. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED that the minutes of the ordinary meeting of the Council held on 14 September 2021 be approved as a correct record and be signed by the Chairman.

81. DECLARATIONS OF INTEREST

In respect of Agenda Item 15 – Joint Reference from the Cabinet and the Planning Policy & Local Plan Committee – A.3 – Tendring Colchester Borders Garden Community Joint Committee, Councillors G V Guglielmi and Turner each declared for the public record that they were this Council’s representatives on the Tendring Colchester Border Garden Community (TCBGC) Member Group.

82. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman of the Council (Councillor Bray) made the following announcements:-

Remembrance Day Services

The Chairman was pleased to state that the Remembrance Day Services across the District had been incredibly well attended. He had personally attended the service at the Clacton-on-Sea War Memorial which had been attended by thousands of people. He thanked all those who had organised or attended such services.

Chairman's 'Santathon'

The Chairman reminded everyone that this event would take place that coming Saturday (4th December). There remained available one or two "Santa Suits" for anyone who wished to participate and help raise money for a good cause (i.e. CVST).

83. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were no announcements by the Chief Executive on this occasion.

84. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor Stock OBE) made the following statement in relation to Section 2 of the Local Plan:-

"At the end of last week we received the final report from the Government appointed Planning Inspector on the soundness and legal compliance of Section 2 of the new Tendring Local Plan.

This follows on from the adoption of Section 1 in January of this year, the examination hearings for Section 2 that subsequently took place in February and March and the most recent consultation, on proposed modifications to the Local Plan that took place in July and August.

The Inspector's report has now confirmed that, with the proposed modifications (most of which were put forward by this Council to address objections and ensure the plan was kept up to date), Section 2 of the Local Plan meets the Government's requirements for soundness and legal compliance and, I am delighted to say, can now legally proceed to formal adoption.

This report marks a huge milestone for this Council – not only for all the Members and Officers that have been involved in producing the Local Plan over many difficult years, but also our residents and businesses who have been patiently waiting for this plan to materialise so that our communities have clarity and certainty over what development may or may not happen in their areas. The receipt of this report alone allows the Council to give almost full weight to the policies in the new plan in making planning decisions and dealing with appeals – including our new policies on climate change.

The report also confirms that the Council has identified more than sufficient land to meet our housing and employment land needs and that we are robust in identifying a five year supply of housing land which will help protect our District from unwanted speculative planning applications for major development outside of our town and village settlement boundaries.

Adoption of the Local Plan will be a decision for Full Council in the new year following consideration by the Planning Policy and Local Plan Committee – however given the consistent and unanimous support Councillors from all political groups have given to the progress of the plan in recent years, I am really positive and optimistic that we can this final stage of the process will be completed smoothly.

On adoption of the Section 2 Local Plan, this Council will for the first time since 2007 have a fully up-to-date and Government compliant planning framework in place.

And at that point I want to pay tribute to our Officers, both past and present, as there have been a lot over the years we have been dealing with this Local Plan. Obviously, to Gary Guiver who leads the Team and his staff and to all previous Heads of Planning and Planning Portfolio Holders and Planning Policy & Local Plan Committee Chairmen and Members of that Committee from all sides. I think right back to Iris Johnson who was the Planning Portfolio Holder when the Council “kicked off” on this Local Plan which was many years ago now. There has been a huge amount of work put in by Members of this Council and we should all be very proud that we have come together on this and that we have all pulled together. We have consistently voted unanimously on this over the last few years to agree this Local Plan and to get it to where it is and I look forward to it coming, hopefully to the next Full Council meeting in January when we can formally adopt it. But this is good news Chairman of which we can all be proud.”

85. STATEMENTS BY MEMBERS OF THE CABINET

Action on Climate Change Update

The Environment and Public Space Portfolio Holder (Councillor Talbot) made the following statement:-

“I am sure Members read in the press the lively debates at the start of this month as United National delegates discussed climate action at COP26 in Glasgow, so I will not go over those international discussions this evening. I will focus on our District.

First to remind Members that our own Climate Change Action Plan is designed to deal with the action within the Council’s own domain

I am pleased to report further moves to get the message out into the Community seeking to influence our residents and our Businesses.

Lee Heley, our Climate Change officer, called a first meeting on 17th November, of a new Climate Change Programme Board he has set up, with Officers who have Climate Change responsibilities and two elected Members, Councillor Alan Coley who led TDC’s original Climate Change Member Working Group and me. This first meeting reported, amongst other things, on the items listed below:-

- ✓ *Energy Audits of all Council owned buildings are being conducted. The Council is exploring future options for EV charging points across Council owned properties in addition to carparks.*
- ✓ *A definite proposition to place 4 Electric Vehicle charging points, in the Starling Car Park in Dovercourt.*
- ✓ *The development and delivery of training for staff and suppliers on Climate Change, carbon foot printing, carbon reduction and the important role of procurement in supporting change.*
- ✓ *All future committee, portfolio holder and officer decisions to consider and evaluate the impact on the net zero emissions target, to help inform decision making.*
- ✓ *A new Report Template has been drafted and when in use will direct attention to the above requirement.*
- ✓ *Clearly, some suggestions will be expensive if put into operation such as on our progress and for example a Solar Farm that would generate 5 MW, could cost us £3 million and by 2030 would offset 710 tonnes of Carbon Dioxide emissions.*

- ✓ *We will continue to engage with parish and town councils, businesses, our residents, Essex County Council, and other partners across Tendring to raise awareness and develop shared objectives.*
- ✓ *I am still chasing the NEPP over the installation of EV charging points in their parking places on roads that approach our various sea fronts but so far have just received polite answers.*

A more startling matter was introduced to me as below:-

*The Royal Town Planning Institute and the Town and Country Planning Association (TCPA) held a Climate Change conference that I attended on 19th October for what they have called a 'Climate Guide' Webinar. I was a bit startled by a comment from Hugh Ellis, Director of Policy TCPA, who said, in the context of Climate Change planning for the future, that we should plan to **"Relocate Parts of our population, and some Communities are going to have to be removed simply because their vulnerabilities are too high"**. This extract from the recording of the meeting is suggested on a permanent basis, to prepare ourselves for flood risk. This gentleman leads on policy development, briefings and engagement with central government and politicians. This was very interesting to me as I live virtually on the sea wall in Point Clear Bay, which was under two metres of water in the 1953 East Cost floods. A further reference was made to **NPPE obligations in Section 19 of the 2004 Act**. Gary Guiver, Acting Director (Planning) advises that Section 19 says - "Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change." Which in short, is referencing the statutory basis for including climate action in planning documents. There is no need for immediate concern as I know Mr Ellis was speaking about long-term planning for the country as a whole, but his comments brought home to me that Climate Change really does matter, particularly for a Coastal District such as ours!"*

Councillor Talbot then responded to questions put to him on his Statement by Councillors I J Henderson, Scott and Allen.

Corporate Enforcement Update

The Corporate Finance & Governance Portfolio Holder (Councillor G V Guglielmi) made the following statement:-

"I would like to give an update to Members on the work of the Corporate Enforcement Group. Back in 2015 I worked with Officers to create a Corporate Enforcement Strategy which was then adopted by Full Council. As a result of this a Corporate Enforcement Group was then set up in 2017 to co-ordinate enforcement responses across the Council under the Strategy.

The Group has had a few changes and tweaks but the current membership includes Portfolio Holders, Directors, Assistant Directors and senior managers of various services and it meets every two months. The purpose of this Group is to clearly explain the Council's approach to enforcement and non-compliance.

All authorised officers when making enforcement decisions shall abide by it, and the supporting documented procedures, both within the appendices and departmental processes.

The aim of the Strategy is to ensure that any enforcement is proportionate, accountable, consistent, transparent and targeted.

The primary focus is that we take a 'whole Council' approach rather than a 'service only' approach, which was the disjointed approach of previous years. It also provides direction and support to the recently formed Operational Enforcement Group which is made up of all Officers who carry out enforcement as part of their everyday activities. Although this is still in its infancy it has produced a document which clearly details 'who takes what action' across the Council and it is beginning to better co-ordinate action with Essex Police and other agencies to maximise the joint approach to tackle issues as they come up.

The Group has identified, agreed and allocated funds to purchase four mobile CCTV cameras and 26 body-worn cameras for our Public Realm Officers. It has also set aside funds for additional legal resource and has also funded a case officer post to support services to ensure that there is continuity in the way information is collected and recorded across the services, as well as assisting with case file preparation and provide advice and guidance about potential prosecutions.

The members of this group have worked together to identify future training needs to ensure that Officers have the skills, knowledge and confidence to do their duties. So far 16 members of staff have been fully trained on the issuing of Fixed Penalty Notices (FPNs) by an outside training provider.

Only this evening I have had confirmation that those CCTV cameras will be deployed in the Dovercourt area where there has been a recent spate of anti-social behaviour and criminal damage on Dovercourt seafront, including vandalism to 26 beach huts in the past two weeks. I am pleased to announce that in response to these mindless acts I have authorised the deployment of two of the newly purchased deployable CCTV cameras to that area and we are looking to have them installed by the end of the week. We are doing this to support local people and our partners in the Beach Hut Association by being pro-active as a Council in trying to combat this issue and prevent further instances occurring.

The other project that the Group has in mind is the purchase of mobile CCTV cameras that don't rely on power (i.e. they run on batteries) in order to tackle issues in the remoter, rural areas such as country lanes that are prone to instances of fly-tipping.

To give a few examples of recent enforcement actions:-

- 1) Point Clear – planning enforcement and planning appeal work in Flood Zone 3 where restricted occupation conditions had been imposed in the past. Working with the Environment Agency, Housing and planning enforcement officers will monitor the site during the 2021/2022 close season to ensure compliance and engage with owners/occupiers as necessary. The experience gained from the Point Clear work will be applied to other similar sites/investigations;*
- 2) Harwich (Orwell Terrace) – issues of poor building structure and accommodation;*
- 3) St Osyth (Clacton Road) – cases of statutory nuisance;*
- 4) Harwich (Emperor House) – misuse of community waste bins;*
- 5) Point Clear (Colne Way) – anti-social behaviour;*
- 6) Kirby Cross (Vista Avenue) – harassment case involving Essex Police;*
- 7) Clacton-on-Sea (Langham Drive) – anti-social behaviour and misuse of drugs; and*

8) *Dovercourt Swimming Pool – anti-social behaviour involving Essex Police.*

Finally, this year’s “Summertime Plan” included 95 ‘Covid-19’ visits to businesses by Community Ambassadors where there had been alleged breaches of Covid-19 regulations and 217 foot patrols across the District (amounting to 532 patrol hours).

142 incidents were referred for further action including Graffiti, fly tipping, licensing issues, PSPO warnings and waste accumulation.

The Ambassadors were key when the Safer Communities team held 3 Street Action Days over the summer period responding to ASB and waste concerns raised by residents and Councillors. The team’s contracts are due to expire in March 2022 and in view of the current situation we will need to consider a potential extension, but I am sure all of us are very grateful for their sterling work.

Thank you Mr Chairman.”

Councillor Guglielmi then responded to questions put to him on his Statement by Councillors Baker, J Henderson, I J Henderson, Allen and Turner.

86. PETITIONS TO COUNCIL

No Petitions had been submitted in accordance with the Scheme approved by the Council on this occasion.

87. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

No questions had been received, on notice, from members of the public on this occasion.

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

There was no such report of the Leader of the Council for Members to consider on this occasion.

89. MINUTES OF COMMITTEES

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

RESOLVED that the minutes of the following Committees, as circulated, be received and noted:-

- (a) Resources and Services Overview & Scrutiny of Monday 20 September 2021;
- (b) Community Leadership Overview & Scrutiny of Monday 27 September 2021;
- (c) Audit of Thursday 30 September 2021;
- (d) Planning Policy & Local Plan of Tuesday 19 October 2021;
- (e) Human Resources & Council Tax of Wednesday 20 October 2021;

- (f) Standards of Wednesday 27 October 2021;
- (g) Community Leadership Overview & Scrutiny of Monday 8 November 2021; and
- (h) Planning Policy & Local Plan of Thursday 11 November 2021.

90. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - APPLICATION OF ARTICLE 4 DIRECTIONS IN THE DISTRICT OF TENDRING

Pursuant to the provisions of Council Procedure Rule 12, Council considered the following Motion, notice of which had been given by Councillor Coley:-

“In order to preserve Tendring’s uniqueness, heritage, amenity areas and the established areas of industrial and commercial activity:-

This Council requests its Cabinet to explore the option of applying for an Article 4 Direction in respect of appropriate Conservation Areas, Industrial Estates and Commercial and Retail Centres in the District of Tendring.”

Councillor Coley formally moved the motion and Councillor G V Guglielmi formally seconded the motion.

Councillors Coley and Guglielmi then each explained the purpose of the motion.

The Leader of the Council (Councillor Stock OBE) then spoke to the Motion and explained that he felt that the Motion should appropriately be referred to the Planning Policy & Local Plan Committee for consideration and report as that Committee was best placed to advise Council and Cabinet on the best way forward.

The Chairman of the Council (Councillor Bray) concurred with that view and therefore decided that the motion would be referred to the Planning Policy & Local Plan Committee as the appropriate body on the grounds that it was best placed to advise Council and Cabinet on the best way forward.

91. REFERENCE FROM THE CABINET - A.1 - GROUNDS MAINTENANCE SERVICE (COUNCILLOR IVAN HENDERSON'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12)

Members recalled that, at the meeting of the Council held on 13 July 2021 (Minute 50 referred), the following motion had been moved by Councillor I J Henderson and seconded by Councillor Allen and, in accordance with Council Procedure Rule 12.4, had stood referred to the Cabinet for further consideration:

“That this Council accepts that its ground maintenance service is failing the tourist economy of the Tendring District as the lack of regular grass cutting and weed clearance is resulting in a negative visual impact for those seeking to enjoy Tendring’s Sunshine Coast.

It is further proposed that the necessary resources are immediately made available to ensure that Tendring’s coastal resorts present a positive visual impact throughout the 2021 summer season and that a review of the grounds maintenance policy then takes place to ensure that this issue does not reoccur in future years.”

Councillor Henderson's motion consequently had been submitted to the formal meeting of the Cabinet held on 17 September 2021 (Minute 36 referred). Having duly considered Councillor Henderson's motion and in order for the Cabinet's opinion and recommendation to be reported back to Council, Cabinet had resolved:-

"That Cabinet –

- (a) recommends that the Council should not support the motion in its original format; and*
- (b) will not suggest to Council at this time that an amended motion be proposed but will consider this further at a future meeting."*

Subsequently, at its meeting held on 12 November 2021 (Minute 76 referred), Cabinet had had before it a suggested amended motion for its consideration however, following the Leader's recommendation, and to enable this matter to be brought to a conclusion at this meeting of the Full Council, without fettering the discussion of the original motion, Cabinet had decided:-

"That Cabinet does not put forward an amended motion to Full Council."

In summary therefore, on the original motion Cabinet had decided that:-

- (1) it recommends that the Council should not support the motion in its original format; and*
- (2) an amended motion is not being put forward.*

Council thereupon debated Councillor Henderson's motion having regard to the provisions, as applicable, of Council Procedure Rules 16, 19, 23, 24, 25, 28 and 29.

Councillors I J Henderson, Steady, Talbot, Allen, P B Honeywood, G V Guglielmi, Stock OBE, J Henderson, Miles and M E Stephenson each, in turn, addressed the Council on the subject matter of the Motion.

Councillor M E Stephenson then moved and Councillor Bush seconded that Councillor Henderson's motion be amended to read as follows:-

"It is proposed that the necessary resources are immediately made available to ensure that Tendring's coastal resorts present a positive visual impact throughout the 2021 summer season and that a review of the grounds maintenance policy then takes place to ensure that this issue does not reoccur in future years."

After a consultation with the Chief Executive, the Monitoring Officer, the Leader of the Council (Councillor Stock OBE), the Environment & Public Space Portfolio Holder (Councillor Talbot), his Secunder (Councillor Bush) and the mover of the original motion (Councillor I J Henderson), Councillor Stephenson withdraw his amendment (pursuant to Council Procedure Rule 16.6 – Alteration of Motion) and in its place he moved the following amendment in its place, namely that Councillor Henderson's motion be amended to read as follows:-

“It is proposed that the necessary resources are immediately made available to ensure that Tendring’s coastal resorts present a positive visual impact throughout the 2022 summer season and that a review of the grounds maintenance policy then takes place and this be referred to the relevant Overview & Scrutiny Committee for consideration and thence to Cabinet.”

Councillor Bush seconded the revised amendment.

Councillors P B Honeywood, Turner, Coley, Morrison and Porter addressed the Council on the subject matter of the amendment.

In answer to a question from Councillor Coley, the Monitoring Officer (Lisa Hastings) confirmed that the amendment did not contravene the provisions of Council Procedure Rule 16.5 (Amendments to Motions).

Pursuant to the provisions of Council Procedure Rule 16.6(a) (Alteration of Motion), Councillor I J Henderson, with the consent of his seconder, Councillor Allen, accepted Councillor Stephenson’s and altered his motion accordingly.

Pursuant to the provisions of Council Procedure Rule 19.4 (Recorded Vote), Councillor M E Stephenson, supported by 8 other Members, demanded a recorded vote on Councillor I J Henderson’s substantive motion, as now altered. That vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Allen	Alexander	Fairley	Calver
Baker	Amos	Griffiths	Casey
Barry	Bray	Harris	Cawthron
Bush	Chittock	White	Clifton
Chapman	Codling		King
Davidson	Coley		Land
Davis	G V Guglielmi		Newton
Fowler	V E Guglielmi		
I J Henderson	P B Honeywood		
J Henderson	S A Honeywood		
Knowles	McWilliams		
Miles	Nash		
Morrison	Porter		
Placey	Skeels		
Scott	Stock		
Steady	Talbot		
G L Stephenson	Turner		
M E Stephenson	Winfield		
Wiggins			

Councillor Henderson’s motion was thereupon declared **CARRIED**.

92. **REFERENCE FROM THE CABINET - A.2 - THE LOCAL COUNCIL TAX SUPPORT SCHEME 2022/2023 - COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2022/2023 AND THE ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2022/2023**

The Council considered the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2022/2023 (including the associated exceptional hardship policy), Council Tax Exemptions, Discounts and Premiums for 2022/2023 and the Annual Minimum Revenue Provision Policy Statement 2022/2023 (Minute 83 – Cabinet meeting of 12 November 2021).

A copy of the published Housing Portfolio Holder and the Corporate Finance and Governance Portfolio Holder's joint report (and its appendices) to the Cabinet meeting held on 12 November 2021 were attached as appendices to item A.2 of the References from the Cabinet.

It was moved by Councillor P B Honeywood and:-

RESOLVED That Council approves that –

- (a) the LCTS scheme for 2022/23 remains the same as the current year, as set out as Appendix A to item A.13 of the joint report of the Housing Portfolio Holder and Corporate Finance & Governance Portfolio Holder as submitted to the meeting of the Cabinet held on 12 November 2021 with the maximum LCTS award being 80% for working age claimants [Appendix 2 to item A.2 of the References from Cabinet];
- (b) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2022;
- (c) the Council Tax Exceptional Hardship Policy, as set out in Appendix B to the aforementioned joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 3];
- (d) the locally determined council tax discounts, as set out in Appendix C to the aforesaid joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 4];
- (e) the council tax discount policy for young people leaving care, as set out in Appendix D to the above mentioned joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 5];
- (f) the discretionary council tax premiums, as set out in Appendix E to the aforementioned joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 6];
- (g) the Assistant Director (Finance and IT), in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2022; and
- (h) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2022/23, as set out in Appendix F to the aforesaid joint report as submitted to the meeting of the Cabinet held on 12 November 2021 be approved [Appendix 7].

93. **JOINT REFERENCE FROM THE CABINET AND THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.3 - TENDRING COLCHESTER BORDERS GARDEN COMMUNITY (TCBGC) JOINT COMMITTEE**

Earlier on in the meeting, Councillors G V Guglielmi and Turner had each declared for the public record that they were this Council's representatives on the Tendring Colchester Border Garden Community (TCBGC) Member Group.

Council considered the Cabinet's and the Planning Policy & Local Plan Committee's recommendations that a Joint Tendring Colchester Borders Garden Community (TCBGC) Committee be appointed for the discharge of executive and non-executive functions related to the TCBGC and that the Terms of Reference of the Joint Committee were included within Part 3 of the Council's Constitution.

Planning Policy & Local Plan Committee – 11 November 2021 (Minute 23)

At its meeting held on 11 November 2021 the Planning Policy & Local Plan Committee had considered a report of the Deputy Chief Executive & Monitoring Officer (A.1) which had sought its approval to formally recommend to Full Council that a joint Development Plan Document be prepared together with Colchester Borough Council; and further that a Joint Committee be established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community.

Having considered all of the information and advice contained in the Officer report and its appendices that Committee had:-

“RESOLVED that the Planning Policy & Local Plan Committee recommends to Full Council that –

- (a) a joint Development Plan Document is prepared together with Colchester Borough Council in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004;*
- (b) a Joint Committee is established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community for the discharge of executive and non-executive functions related to TCBGC, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix A to item A.1 of the Report of the Deputy Chief Executive & Monitoring Officer; and*
- (c) the third elected Member of the Joint Committee to be appointed by the Full Council should be a Member from a political group that is not represented on the Cabinet.”*

Cabinet – 12 November 2021 (Minute 77)

At its meeting held on 12 November 2021 Cabinet had considered a report of the Corporate Finance & Governance Portfolio Holder (A.7) which had sought its approval for referral to Full Council the draft terms of reference of a Joint Committee to be established for the Tendring Colchester Borders Garden Community together with Tendring District Council, Colchester Borough Council and Essex County Council.

Having considered all of the information and advice contained in the Portfolio Holder's report and its appendices, Cabinet had:-

“RESOLVED that Cabinet –

- (a) endorses the proposal that a joint Development Plan Document be prepared together with Colchester Borough Council, and further that a Joint Committee is established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community;
- (b) agrees that all three Councils should be represented on the appointed Joint Committee with full voting rights;
- (c) agrees that executive functions in relation to the preparation of the joint Development Plan Document are delegated to be discharged by the appointed Joint Committee in accordance with Sections 101(5) and 102(1)(b) of the Local Government Act 1972;
- (d) agrees that each Council should be represented on the appointed Joint Committee with 3 members each under Section 102(2) of the Local Government Act 1972, one of which will be a member of the Cabinet, appointed by the Leader of the Council;
- (e) agrees the Terms of Reference for the Joint Committee, as set out in Appendix A to item A.7 of the Report of the Leader of the Council, for recommendation onto Full Council in respect of non-executive functions;
- (f) endorses the Leader of the Council to delegate further executive functions to the Tendring Colchester Borders Garden Community Joint Committee, in consultation with the Monitoring Officer and the Section 151 Officer;
- (g) authorises the Acting Director (Planning), in consultation with the Leader of the Council and the Portfolio Holder for Corporate Finance and Governance to enter into a partnership agreement between the Councils, if deemed necessary, in order to support the operation of the Joint Committee and Tendring Colchester Borders Garden Community project; and
- (h) authorises the Portfolio Holder for Corporate Finance and Governance to allocate further financial contributions from the existing Garden Communities budget to support the Tendring Colchester Borders project for the purposes of local plan making.

RECOMMENDED TO FULL COUNCIL that:

- (i) a Tendring Colchester Borders Garden Community Joint Committee be appointed for the discharge of executive and non-executive functions related to TCBGC, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix A to item A.7 of the Report of the Portfolio Holder for Corporate Finance & Governance;
- (j) Part 3 of the Constitution (Responsibility of Functions) be amended to include the Terms of Reference of the Joint Committee; and

- (k) the Terms of Reference of the Planning Policy and Local Plan Committee be amended, as set out in Appendix B to the aforementioned report.”

Councillors Turner, I J Henderson, G V Guglielmi and Stock OBE spoke during the discussion of this item.

Having duly considered the recommendations submitted by the Planning Policy & Local Plan Committee and the Cabinet:-

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

RESOLVED that Council approves that –

- (a) a joint Development Plan Document is prepared together with Colchester Borough Council in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004;
- (b) a Tendring Colchester Borders Garden Community (TCBGC) Joint Committee be appointed for the discharge of executive and non-executive functions related to TCBGC, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix C to item A.3 of the Joint Reference from the Cabinet and the Planning Policy & Local Plan Committee;
- (c) Part 3 of the Constitution (Responsibility of Functions) be amended to include the Terms of Reference of the Joint Committee;
- (d) the Terms of Reference of the Planning Policy and Local Plan Committee be amended, as set out in Appendix D to the aforementioned Joint Reference report;
- (e) the Chairman of the Planning Policy & Local Plan Committee (currently Councillor Turner) and Councillor Bush (as the Member from a political group that is not represented on the Cabinet) be appointed to serve on the Tendring Colchester Borders Garden Community Joint Committee;
- (f) Councillor Bray be appointed as a substitute member of the Joint Committee; and
- (g) the Leader of the Council be requested to appoint a member of the Cabinet to serve on the Tendring Colchester Borders Garden Community Joint Committee.

94. REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE - A.4 - COVID-19 MEMORIAL AND ANNUAL DAY OF REMEMBRANCE (COUNCILLOR MARK STEPHENSON'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12)

Members recalled that, at its meeting held on 13 July 2021, Council had had before it a motion submitted by Councillor M E Stephenson pursuant to the provisions of Council Procedure Rule 12 in which he proposed that the Council create a Memorial and Annual Day of Remembrance for Covid-19. That Motion had been worded as follows:-

“That Tendring District Council acknowledges the heartache, pain and suffering that Covid-19 has inflicted upon our residents and their families and that this Council

supports the provision of a memorial to allow us all to recognise and commemorate the loss of so many loved ones.

The memorial to be situated in a form acceptable to those who have lost loved ones, be that a garden, plaque or public artwork, taking into consideration their wishes, at a suitable location, where families could gather together throughout the year at a day and time significant to them.

That this Council also considers an Annual Day of Remembrance to be established, where all members of the community could gather together for a service of Remembrance.

In addition, the commemoration would also remember all those key workers and volunteers, who continue to provide, throughout this pandemic, help and support and comfort to the bereaved in their time of need.”

At that meeting of the Council and in the absence of Councillor Stephenson, Councillor Bush had formally moved the motion. Councillor Baker had then formally seconded the motion.

After hearing arguments for and against, the Chairman of the Council (Councillor Bray) had then considered whether the motion should be dealt with at the meeting or stand referred. He had decided that the motion would be referred to the Community Leadership Overview & Scrutiny Committee on the grounds that it was the appropriate body to examine the motion in detail and to report back to Council at a later date.

The motion had thereupon stood referred to the Community Leadership Overview & Scrutiny Committee for its consideration in accordance with the provisions of Council Procedure Rules 12.5 and 12.6.

The motion had been duly submitted to the meeting of the Community Leadership Overview & Scrutiny Committee held on 8 November 2021 (Minute 24 referred). In accordance with Council Procedure Rule 12.6 (Referred Motions – Right of Mover to Attend Meeting), Councillor Stephenson had attended that meeting to answer any questions and/or points of clarification, if requested.

Having considered the motion and in order to enable this matter to be brought to a conclusion at this meeting of the Full Council, the Community Leadership Overview & Scrutiny Committee had decided to recommend to Full Council that the motion be approved subject to some additional wording. The motion, as so amended, would now read:-

“That Tendring District Council acknowledges the heartache, pain and suffering that Covid-19 has inflicted upon our residents and their families and that this Council supports the provision of a memorial to allow us all to recognise and commemorate the loss of so many loved ones.

The memorial to be situated in a form acceptable to those who have lost loved ones, be that a garden, plaque or public artwork, taking into consideration their wishes, at a suitable location, where families could gather together throughout the year at a day and time significant to them.

That this Council also considers an Annual Day of Remembrance to be established, where all members of the community could gather together for a service of Remembrance.

In addition, the commemoration would also remember all those key workers and volunteers, who continue to provide, throughout this pandemic, help and support and comfort to the bereaved in their time of need.

That the proposed memorial be located in the Clacton-on-Sea Memorial Gardens, adjacent to Marine Parade West, with the intention that the memorial should be an uplifting positive initiative for the whole District.”

The Chairman of the Community Leadership Overview & Scrutiny Committee (Councillor Chittock) thereupon moved the amendment.

Councillor M E Stephenson addressed the Council on the subject matter of Councillor Chittock's amendment.

Pursuant to the provisions of Council Procedure Rule 16.6 (Alteration of Motion), Councillor Bush, with the consent of his seconder, Councillor Baker, accepted the amendment and altered his motion accordingly, which now became the substantive motion.

Councillor Stock OBE moved and Councillor G V Guglielmi seconded that the substantive motion be amended by the addition of the following paragraph:-

“That this matter be now referred to the Cabinet to carry it out.”

Pursuant to the provisions of Council Procedure Rule 16.6 (Alteration of Motion), Councillor Bush, with the consent of his seconder, Councillor Baker, accepted that amendment and altered his motion accordingly, which now became the substantive motion.

Councillors M E Stephenson, I J Henderson and P B Honeywood addressed the Council on the substantive motion.

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

95. REPORT OF THE CHIEF EXECUTIVE - A.5 - CHANGES IN MEMBERSHIP OF COMMITTEES

The Chief Executive formally reported that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to him, the following appointment had been duly made since the last ordinary meeting of the Council, namely:-

Planning Policy & Local Plan Committee

Councillor Nash had been appointed to serve in place of Councillor S A Honeywood.

Council noted the foregoing.

96. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

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

One question had been submitted by a Member on this occasion as set out below:-

Question

Councillor I J Henderson asked the Partnerships Portfolio Holder (Councillor McWilliams):-

“The Government introduced some new anti-social behaviour (ASB) tools and powers on 20th October 2014. Alongside these new powers are a number of early and informal interventions which can be utilised by this Council if appropriate. List of powers available:

*Community Trigger
Civil Injunction
Criminal Behaviour Order
Dispersal Powers
Community Protection Notice
Public Spaces Protection Orders
Closure Notice
Closure Orders
Community Remedy*

Can the Portfolio Holder please provide a breakdown on how many times each of these powers have been used within this District and where?”

The Partnerships Portfolio Holder replied as follows:-

“In response to Cllr Henderson’s question I feel I should give a little background information and some context in relation to the Anti-social Behaviour, Crime and Policing Act 2014 (‘the 2014 Act’).

These powers are deliberately local in nature, as those who work within, and for, local communities will be best placed to understand what is driving the behaviour in question, the impact that it is having, and to determine the most appropriate response.

There are two parts to taking action under the ASB Act 2014, the first focuses specifically on putting victims at the heart of the response to anti-social behaviour. The second focuses on the use of powers provided by the 2014 Act. These are designed to be flexible to ensure that local agencies have the tools they need to respond to different forms of anti-social behaviour. There is a legal test that must be met before the powers can be used

Whilst we have specific officers in the Safer Communities team, the legislation can be used by any Council Officer if deemed to be appropriate, however some of the powers are not available to Councils, and they are specifically for Police. There is a very strict criteria to enable any Officers to use the powers.

The powers available to the Council are:

The ASB Case Review (also known as the Community Trigger)

Since 2016 TDC has undertaken 11 Case Reviews (only have last 5 years).

Civil Injunction

Since 2014 TDC has issued 1 Civil Injunction (Housing).

Community Protection Notice

TDC (Community Safety) has issued 2 CPNs.

Public Spaces Protection Order (PSPO)

TDC has 1 PSPO in place in Clacton Town Centre.

Closure Power

TDC has never issued a Closure Order.”

Councillor Henderson then asked a question of clarification to which Councillor McWilliams responded.

97. DECISION NOTICE ON THE OUTCOME OF THE HEARING TAKEN BY THE STANDARDS COMMITTEE ON 27 OCTOBER 2021 IN RELATION TO AN ALLEGATION THAT A MEMBER OF TENDRING DISTRICT COUNCIL HAD FAILED TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT

The Council formally received and noted the Decision Notice on the outcome of the Hearing taken by the Standards Committee on 27 October 2021 in relation to an allegation that Councillor Peter Cawthron had failed to comply with the Members' Code of Conduct.

98. URGENT MATTERS FOR DEBATE

There were no urgent matters for Council to debate on this occasion.

99. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 22 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

100. EXEMPT MINUTES OF THE MEETINGS OF THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE HELD ON WEDNESDAY 7 JULY AND WEDNESDAY 20 OCTOBER 2021

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

RESOLVED that the exempt minutes of the meetings of the Human Resources & Council Tax Committee held on Wednesday 7 July and Wednesday 20 October 2021, as circulated, be received and noted.

The Meeting was declared closed at 9.54 pm

Chairman

COUNCIL

26 JANUARY 2021

REPORT OF LEADER OF THE COUNCIL

A.1 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

EXECUTIVE SUMMARY

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

RECOMMENDATION

That the contents of the report be noted.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

The "Special Urgency" procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

DECISION(S) TAKEN AS A MATTER OF URGENCY

Transfer of funds from Additional Restrictions Grant to Business Adaptations Grant

On 28 November 2021, the Interim Corporate Director (Project Delivery) (Lee Heley), in conjunction with the Corporate Finance & Governance Portfolio Holder (Councillor G V Guglielmi), and in view of the urgency of the issue concerned, in accordance with Rule 18(i) of the Overview and Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's (Councillor M E Stephenson) consent that the Corporate Finance & Governance Portfolio Holder's decision relating to the transfer of the remaining funds from the Additional Restrictions Grant to the Business Adaptations Grant be exempt from the Council's call-in procedure.

The Corporate Finance & Governance Portfolio Holder's decision was as follows:-

"To transfer up to £511,000 from the Additional Restrictions Grant (ARG) to support the Business Adaptations Grant (BAG) scheme: the amount transferred should cover the shortfall in the BAG scheme between existing funding and eligible grant applications received before the BAG scheme ends, capped at £511,000."

It was felt that any delay likely to be caused by the usual key decision and call-in processes would have seriously prejudiced the Council's and the public's interest for the following reasons:-

"The Council needed to be able to pay money out to local businesses who successfully applied for grants as quickly as possible, and to meet the Government's expectation of making all payments under the Business Adaptations Grant scheme by the end of December 2021, with our published application deadline of 15 December."

The demand from local businesses for the Business Adaptations Grant (BAG) scheme outstrips existing funding. The unspent funds from the Additional Restrictions Grant (ARG) must return to Government at the end of March 2021, offering very limited time to develop alternative proposals.

The alternative course of action would be to end the Business Adaptations Scheme early as the current funding is used up. The Council would likely then need to return ARG funding to Government unspent, and disappoint local firms who fit the BAG grant criteria."

BACKGROUND PAPERS

Transfer of Funds from ARG scheme to the Business Adaptations Grant scheme

Letter dated 28 November 2021 from the Corporate Governance & Finance Portfolio Holder, to the Chairman of the Resources and Services Overview and Scrutiny Committee.

Reply dated 30 November 2021 from the Chairman of the Resources and Services Overview and Scrutiny Committee signifying his consent to allow the decision to be exempt from call-in.

APPENDICES

None.

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 1ST NOVEMBER, 2021 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, Harris and Morrison
Also Present:	Councillor Talbot (Portfolios Holder for Environmental & Housing)
In Attendance:	Tim Clarke (Assistant Director (Housing and Environment)), Andy White (Assistant Director (Building and Public Realm)), Graham Nourse (Assistant Director (Planning)), Keith Simmons (Head of Democratic Services and Elections), Mark Westall (Head of Customer and Commercial Services), Jonathan Hamlet (Street Scene Officer), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant)

[Note: Anastasia Simpson (Assistant Director (Partnerships)), Tim Clarke (Assistant Director (Housing and Environment)), Andy White (Assistant Director (Building and Public Realm)), Graham Nourse (Assistant Director (Planning)), Mark Westall (Head of Customer and Commercial Services) and Matt Cattermole (Communications Assistant) were able to contribute to the meeting remotely through the use of the Microsoft Teams platform]

28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Land, as a Member of the Committee, (with no substitution).

An apology for absence was also submitted on behalf of Councillor C Guglielmi as Portfolio Holder with responsibility for enforcement.

29. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 20 September 2021 be approved as a correct record.

30. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any on the agenda for this meeting.

31. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

32. REVIEW OF THE WORK PROGRAMME

The work programme of the Committee was circulated to it with the agenda for the meeting. At the meeting a proposed revised Work Programme was circulated addressing the issues previously approved (Minute 27 of 20 September 2021 refers) and providing for a review of the performance at the half year point against the key priority actions for 2021/22.

Further to the above, the Committee was invited to re-schedule the meeting to be held on 20 December 2021 and instead hold that meeting on 13 December 2021.

The Committee also had before it at the meeting, the scoping document for the Joint Scrutiny Panel to look at Economic Development and Growth. .

The Committee noted the contents of the report and **RESOLVED** to approve the changes set out and otherwise relayed to it (as set out at Appendix A to these Minutes). The Committee also **RESOLVED** to approve the scoping document for the Joint Scrutiny Panel to look at Economic Development and Growth (as set out at Appendix B to these Minutes)

33. **REPORT OF DEPUTY LEADER, PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE. - A.2 - TENDRING DISTRICT COUNCIL ENFORCEMENT**

The Committee had undertaken an enquiry into the Council's enforcement function as "Effective Enforcement and Regulation" was a priority in the Council's Corporate Plan 2020-24 (within the theme of Delivering High Quality Services).

To assist the Committee with its enquiry, the Committee received a report in the name of the Portfolio Holder for Corporate Governance and Finance. His report referenced the Corporate Enforcement Group (CEG) which had been formed in 2017 with a view to coordinating the enforcement response across the Council under the overarching Corporate Enforcement Strategy. The Group had had a number of iterations and the current membership comprised of Portfolio Holders, Directors, Assistant Directors and Senior Managers within the Council with the aim to improve and develop the enforcement response across the Authority.

It was also reported to the Committee that all authorised Officers, when making enforcement decisions should abide by the Corporate Enforcement Strategy, and the supporting documented procedures, both within the appendices and departmental processes.

Enforcement enabled the Council to ensure rules were followed in a way that improved outcomes for residents in Tendring. The Council's investment and wide range of enforcement activity successfully helped to keep the District clean and tidy, supported high quality housing, kept people safe whilst travelling, and ensured better health.

The Council would exercise its regulatory activities in a way which was:

 ***"Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.***

- ✚ **Accountable** – *our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.*
- ✚ **Consistent** – *our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.*
- ✚ **Transparent** – *we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.*
- ✚ **Targeted** – *we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities”.*

The report had also provided an overview of training for officers to equip them to carry out their enforcement duties in accordance with the legislative requirements and the Corporate Enforcement Strategy. In addition, details of enforcement activity across the Council, including against fly tipping, littering, stray dogs, dog fouling, noise nuisance, situations prejudicial to health, filthy and verminous premises, pests, contaminated land, permitting of polluting processes, abandoned vehicles, regulated housing conditions in the owner occupied and privately rented housing (including in respect of the licensing of mobile home sites and houses in multiple occupation), enforcement of tenancy conditions and the collection of rent for those properties where the Council was the landlord, planning enforcement and anti-social behaviour (with partners).

In response to questions, Members were advised that the Council's Community Ambassadors had also been trained in issuing Fixed Penalty Notices for dog fouling, littering and fly tipping. Those Notices had been recently revised and re-produced.

After a short discussion it was **RESOLVED TO RECOMMENDED TO CABINET** that:

1. the protection of trees on land to be developed be considered with the view to seeking to prevent a loss of trees in sites that are approved for development,
2. Essex County Council be requested to plant a tree for each highway or other tree removed by it as close as possible to the site of the removed tree,
3. the Council looks at, in conjunction with Ward Councillors, the reintroduction of Perspex lamp post signs to reinforce the message about not dog fouling and the penalty for those that allow their dogs to foul,
4. the Council discuss again the relative advantage of deploying covert cameras as part of enforcement, particularly for those specific areas where there is reoffending, in order to identify those offenders,
5. the legal position be considered on the responsibility of those who sell fast food for litter that comes from the packaging provided by those who sell fast food,
6. the reasoning why there have been no FPN's issued in respect of breaches of the PSPO, dog fouling, fly-tipping and littering be shared with the Committee,
7. the Council uses social media and the press to make a push to highlight our Community Ambassadors, ASB case officer and Town Centre Officer, the powers they have and the tickets, fines they can issue.

In addition to the above, the Committee **RESOLVED** to request that the detail that could not be provided to it at the meeting in respect of the following, be provided at the earliest opportunity:

“In relation to Anti-Social Behaviour, whether it be a nuisance, public disorder, fly tipping, dog fouling etc..

How convictions have we in the last 5 years?

How many court appearances have we got in the last 5 years?

How many tickets and or notices have we issued in the last 5 years?”

34. REPORT OF PORTFOLIO HOLDER FOR ENVIRONMENT AND PUBLIC SPACES - A.3 - WASTE AND RECYCLING SERVICE

The Chairman welcomed Cllr Talbot, Portfolio Holder for Environment to the Scrutiny Committee meeting together with John Hamlet, Street Scene Manager. Full Council, at its meeting on 13 July 2021, instructed this Committee to conduct a thorough review of recycling bring sites, the process of determining public litter bin sites and the clearing of the A12/A133 near the waste transfer station. The aim approved by Council was that this Committee could enquire into those elements of the strategic approach to waste and recycling and the delivery against that approach.

The Committee then heard a prepared oral statement from Councillor Talbot, who then left the meeting.

The Chairman invited the Committee to establish a Task and Finish Group to look at the Waste and Recycling elements requested by Full Council for this Committee to enquire into and that this group be chaired by Councillor Daniel Land.

35. SCRUTINY OF PROPOSED DECISIONS

The Committee **NOTED** the contents of the report.

36. RECOMMENDATIONS MONITORING REPORT

The Committee **NOTED** the contents of the report.

The meeting was declared closed at 10.01 pm

Chairman

Public Document Pack

Resources and Services Overview and
Scrutiny Committee

13 December 2021

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 13TH DECEMBER, 2021 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, Fowler, Griffiths and Harris
Also Present:	Councillors G Guglielmi (Deputy Leader), Porter (Portfolio Holder for Leisure and Tourism) and Steady
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Interim Corporate Director (Projects Delivery)), Michael Carran (Assistant Director (Economic Growth & Leisure)), Keith Simmons (Head of Democratic Services and Elections) and Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Officer)

37. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received on behalf of Councillor Land (no substitution) and Councillor Morrison (with Councillor Fowler substituting).

38. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the meeting of the Committee held on Monday 1 November 2021 be approved as a correct record.

39. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any on the agenda for this meeting.

40. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

41. 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 look into any such decision before it was taken. The relevant forthcoming decisions were before the Committee.

The Committee **NOTED** the contents of the report including the reference to forthcoming decisions of Cabinet on the Housing Revenue Account Estimates 2022/23, the updated General Fund Financial Forecast and Initial Budget Proposals 2022/23 that would form part of this Committee's enquiry into the budget to take place on 12 January 2022.

42. RECOMMENDATIONS MONITORING REPORT

The Committee before it the current Recommendations Monitoring Report which set out those items which had previously made recommendations to the Cabinet/ Portfolio Holder and the approved response to the recommendations and any subsequent action for the Committee to consider.

The Committee **NOTED** the contents of the report including the follow-up actions as proposed by the Chairman of the Committee and on which there had been no contrary proposals submitted by Members of the Committee during prior consultation with them.

43. REVIEW OF THE WORK PROGRAMME

The work programme of the Committee was submitted to it in order to enable the Committee to review that programme.

The Committee **NOTED** the contents of the report including the intention to hold an informal meeting on 5 January 2022 (commencing at 9.30am) followed by a formal meeting of the Committee on 12 January 2022 (again commencing at 9.30am) in order to undertake an enquiry into the General Fund and Housing Revenue Account for the Council for 2022/23.

[Note: The enquiry referred to in this Minute shall also include consideration of the Council's Treasury Strategy and the Quarter Two financial forecasts for 2021/22.]

44. REPORT OF THE LEADER OF THE COUNCIL. - A.4 - KEY PRIORITY ACTIONS 2021/22 TOWARDS CORPORATE PLAN THEMES - MONITORING REPORT AT THE HALF YEAR POINT

The Committee had before it the report submitted to Cabinet on 8 October 2021 (Minute 57 refers) concerning progress with the highlight priority actions for 2021/22 adopted by Cabinet on 19 March 2021. The report set out the six month position for each of those highlight priority actions and the specified milestones for each of the actions.

The Deputy Leader addressed the Committee on the progress with the highlight priority actions for 2021/22 and emphasised the linkages of those actions back to the Council's Corporate Plan 2020-24.

The Chairman conveyed the thanks of the Committee for adopting the milestones approach for the highlight priority actions and for reporting on these in the way set out in the report. He stated that this level of openness in reporting was very much welcomed and had been something requested by the Committee in the past. It provided a balanced score card on the work of the Council.

After a brief discussion, the Committee **NOTED** the report and thanked the Deputy Leader for attending and presenting it.

45. JOINT USE FACILITIES OPTIONS REPORT

Prior to the day of the meeting a site visit to the Brightlingsea and Harwich joint use sports facilities for Members of the Committee had been arranged. The site visits had taken place on 6 December 2020 and the Assistant Director (Leisure and Sport) had

escorted Members and support officers around the two facilities. A note of the site visits was circulated at the meeting.

The Committee received advice from the Monitoring Officer in relation to the Overview and Scrutiny Procedure Rule 18 – that set out the exceptions to Call-in. The rules were set out in the Constitution, Part 5.31 (Cream) Rule 18 (ii)(d) which stated that *“Unless the decision has taken into account new material considerations arising since the original consultation with the Council or an Overview and Scrutiny Committee a decision by the Cabinet in response to such consultation shall not be subject to call-in.”*

In view of the fact that the Committee was considering the report that was also on the Cabinet’s agenda for its meeting on Friday, 17 December 2021 (in respect of the future of joint use sports facilities) any resultant decision of Cabinet at that meeting would be unlikely to be subject to ‘call-in’ as other decisions were. The Committee was urged to make the most of the debate on the joint use sports facilities and to consider the options within the Report to Cabinet. If the Committee did not agree with the proposed approach, as recommended within the report to Cabinet, it was its opportunity to give recommendations to Cabinet for it to consider.

The report submitted to the Committee outlined the Community use agreements with the Sigma Trust for the Joint Use Sports Facilities at Brightlingsea and Harwich Sports Centres. The term of the agreements was until 31 December 2021. This paper set out options for consideration by Cabinet and a recommendation on how to proceed.

The Committee heard that over a period of 30 years and 15 years respectively, the Council had managed community use arrangements at Brightlingsea and Harwich Sports Centres on the basis of the allocated element of the relevant school buildings. Agreements with the respective schools had enabled the Council to open facilities to the public on those non-Council owned sites after curriculum hours and, in some cases, for daytime use also. The schools were Colne Community School & College in Brightlingsea and the Harwich & Dovercourt High School in Harwich.

Members also heard that in August 2021, the Council in conjunction with the Sigma Trust decided to extend the agreements for five months, from their original expiry date of 31 July 2021, until 31 December 2021. That was to ensure all appropriate residents and stakeholders were consulted and an evaluation could be undertaken for a considered decision by Cabinet on the Council’s future involvement.

It was reported to the Committee that the combined subsidy for managing community use facilities on the school sites was £146,969 and, prior to the Covid-19 pandemic, combined attendances decreased year on year from 68,832 to 61,864 (between 2017 and 2019). In order to address that decline, a significant investment programme was considered necessary.

The report outlined that the Council’s own facilities at Dovercourt and Walton had been subject to investment over recent years and a refurbishment was close to completion at Clacton Leisure Centre. The Joint Use Facilities also required investment and Cabinet would need to consider the viability of investing in facilities which the Council did not own. That should also be considered in the context of longer term investment requirements for the three facilities under the Council’s ownership at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles.

The Committee heard that in order to establish local views on current and future community use of those facilities prior to a Cabinet decision, a six week consultation exercise had been carried out. The consultation focussed on those facilities incorporated into the Joint Use Agreements. During the consultation Brightlingsea and Harwich Town Councils had been approached to establish opinions and whether they would consider future involvement in the operation of Brightlingsea and Harwich Sports Centres respectively. Officers could facilitate further discussions with the respective Town Councils and the Sigma Trust, to establish if there was appetite for involvement in opening the facilities for community use. That would also apply to any health partners, who may have considered opening up a dialogue.

The Schools which host the Joint Use Sports Facilities at Brightlingsea and Harwich Town Councils were operated by the Sigma Trust, who also retained responsibility for Clacton County High School. BSC had been under the Trust's management since 1 January 2019 and Harwich Sports Centres from 1 June 2017. Discussions with the Sigma Trust had also taken place during the consultation period.

The Committee heard how a Sports Facilities Strategy was due to be brought forward for consideration by Cabinet in 2020, but it had been postponed due to the Covid-19 pandemic. As there was significant turbulence in the leisure sector and wider economy, largely instigated by two national lockdowns, it was not considered appropriate to adopt a strategy at that time. Proposals are in place to develop the sports facilities strategy by March 2022. The aim in taking decisions on the future of the joint-use agreement was to sustain the greatest use of facilities for sport and leisure, while reducing significant pressure on the council's overall financial position. In addition, it would look at meeting the Council's strategic ambitions for sport and leisure in improving local activity levels and opportunities for improving health outcomes.

The Committee was advised that the current Joint Use Facilities Agreements would end on 31 December 2021, the Council was not seeking to extend the Agreements and any community use of the facilities at the two schools concerned would be determined by the Sigma Trust. The Portfolio Holder indicated that this did not mean the two centres would close and that the ending of the agreements was entirely amicable between the Council and the Sigma Trust. He also pointed to the separate agreement between the Council and the Sigma Trust in respect of artificial pitch use at the Vista Road Recreation Ground in Clacton (adjacent to Clacton Leisure Centre).

In response to a question, the Committee was advised by the Assistant Director (Economic Growth & Leisure) that an invitation to a representative of the Sigma Trust had not been made to attend the meeting in response to the request for such an invitation to be made by a Member of the Committee.

With permission from the Chairman, Councillor Steady read a statement in relation to the item.

After an in-depth discussion it was **RECOMMENDED** to Cabinet that:

- a) the proposal to cabinet in the report to it on the joint use sports facilities at Brightlingsea and Harwich is placed on hold (and appropriate steps taken to facilitate this status quo continuing), to allow the proposal to be considered:

- (i) within the context of the councils emerging Sports Facility Strategy (due to be published in March 2022); and
 - (ii) in conjunction with the future intentions of the Sigma Trust (which are, as yet, unknown).
- b) It adopts the above as it will allow an all encompassing scrutiny of the future provision of Council sports facility provision and, as the Joint Use Facilities Budget is not to be immediately reallocated, there is no immediate need for this decision to be implemented.

[Note: In respect of appropriate steps in the above recommendation it was agreed that this shall include approaching the Sigma Trust on the issue, discussing the proposal and agreeing the extension of the agreement should the Sigma Trust agree to this.]

The Committee also **RESOLVED** to:

- (a) authorise the Chairman to discuss with the Portfolio Holder for Leisure and Tourism the possibility of establishing a group of Members to consider the emerging Sports Facilities Strategy (including the provision for sports in Brightlingsea and Harwich).
- (b) note that the following were adopted statements by this Council in respect of sports and leisure provision:

Page 108 of Section 2 of Tendring District Local Plan 2013-2023 and beyond –in respect of provision for Healthy Places.

“Indoor sports facilities including sports halls, health and fitness facilities and swimming pools are classed as ‘Community Facilities’ and are protected through Policy HP2. The Council will work with partners to improve the provision of indoor sports facilities in the District and will support proposals for new facilities subject to meeting the requirements of other policies in this Local Plan and may consider the use of all delivery mechanisms including Community Infrastructure Levy to help deliver new and improved existing Indoor sports facilities to meet the needs of a growing population”.

Page 30 of the Playing Pitch Strategy and Action Plan for Tendring District Council and its partners (June 2017)

“Recommendation c – Maximise community use of education sites where there is a need to do so given the mix of provider in Tendring, there is a need for the Council and NGBs to work with other partners, for example, town and parish councils to help maximise use of outdoor sports facilities and in particular grass pitches and AGPs”.

The meeting was declared closed at 10.01 pm

Chairman

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Human Resources and Council Tax
Committee

5 January 2022

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON WEDNESDAY, 5TH JANUARY, 2022 AT 7.30 PM
IN THE COMMITTEE ROOM, IN THE TOWN HALL, STATION ROAD, CLACTON-ON-
SEA, CO15 1SE**

Present:	Councillors Chapman BEM (Chairman), Griffiths (Vice-Chairman), Baker, Calver, Chittock, S Honeywood, Morrison and M Stephenson
Also Present:	Councillor P Honeywood
In Attendance:	Anastasia Simpson (Assistant Director (Partnerships)), Ian Ford (Committee Services Manager), Carol Magnus (Organisational Development Manager), Katie Wilkins (Human Resources and Business Manager) and Matt Cattermole (Communications Assistant)

75. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or notices of substitution submitted on behalf of Councillors on this occasion.

76. MINUTES OF THE LAST MEETING

It was moved by Councillor M E Stephenson, seconded by Councillor Griffiths and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Wednesday 20 October 2021, be approved as a correct record and be signed by the Chairman.

77. DECLARATIONS OF INTEREST

Councillor Griffiths stated for the public record that he was a member of the GMB union and a Shop Steward but he had no involvement with Tendring District Council in that capacity.

78. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice had been submitted for this meeting of the Committee.

79. JOINT REPORT OF THE DEPUTY CHIEF EXECUTIVE AND THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.1 - CHANGE TO THE TERMS AND CONDITIONS OF THE POST OF CHIEF EXECUTIVE

The Committee had before it a joint report of the Deputy Chief Executive and the Assistant Director (Partnerships) (A.1) which enabled it to decide whether to recommend a change in the Terms and Conditions of the current Chief Executive post holder by reducing the hours of employment from 37 to 27.75 hours per week (a reduction of 25%). Approval for any such change would have to be formally agreed by Full Council.

Members were aware that the terms and conditions of employment for Chief Executives in local authorities were agreed nationally as part of the Joint Negotiating Committee for Local Authority Chief Executives. The terms and conditions of the current post of the Chief Executive at Tendring District Council had been in place since the appointment of the current post holder on 1st December 2010. In the intervening years the practices of the Council, in line with legislative changes and best practice, had developed to enable more flexible ways of working; this included enabling staff to request reductions in hours and varied work patterns. The terms and conditions of employment for the post of Chief Executive were agreed by Council following the advice and recommendations of the Human Resources and Council Tax Committee.

The report now before the Committee detailed a request to change one element of those terms; namely a reduction in the hours of employment by 25%. It was noted that this change was being proposed, at the request of the current post holder.

Members noted that it was not intended that this request would require cover by the Council's senior management team or other resources, and by accepting the proposed change in hours, the Council would be agreeing to a Chief Executive operating on reduced hours. However, the post holder remained fully committed to Tendring District Council and the reduction of hours would be spread across the full working week ensuring that the Chief Executive continued to be available to the organisation from Monday to Friday. Details of specific practical and operational arrangements would be agreed with the Leader of the Council prior to implementation.

The Committee was made aware that the proposed reduction in hours would result in a salary saving of £43,899.70 per annum for the Council.

The Committee was informed that the Leader of the Council, Councillor Neil Stock OBE, had been consulted regarding this proposed change and he had advised that he fully supported the proposal and he had responded as follows:-

"When Ian Davidson was appointed as Tendring's Chief Executive over a decade ago the Council was in a very sorry state; the Audit Commission had published a damning report that highlighted "issues of probity and perceptions of corruption" within the planning function; decision making was overly bureaucratic and intensely risk-averse, relations between members were overly antagonistic while dealings between members and officers were based on suspicion and mistrust. Fundamentally, the reputation of the Authority across the wider local government world was exceedingly poor.

Ian changed all that. Through his positivity, can-do spirit and tireless determination and enthusiasm Tendring District Council is now widely regarded as one of the best-run and the most ambitious local authorities in the country. We have all played our part in that incredible progress; all the members and officers who have been involved with the Council over the past ten years have done their bit to make it the outstanding local authority that we know today, but it is Ian who has led from the front, who has always demanded the best and who has been the inspiration for all our successes.

So, whilst an employer of the size and scale as Tendring District Council has a duty to consider any reasonable request that a member of staff may make to vary the terms and conditions of their employment, I am especially happy to support this request from our Chief Executive, as quite frankly I think it is the least we owe him. I would also like to

acknowledge that as part of this request he has stated his continued commitment to the Council, and I would like simply to say thank you.”

Councillors Griffiths, Baker, Calver, M E Stephenson and Morrison asked questions regarding this matter which were responded to by either the Assistant Director (Partnerships) or the Organisational Development Manager.

With the permission of the Chairman, Councillor Calver made a statement strongly condemning the vitriolic online abuse that the Chief Executive had been the subject of since this matter had been placed in the public domain. The Chairman endorsed those sentiments.

Having considered the Chief Executive’s request and its implications for this Council:-

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

RESOLVED that this Committee -

- (a) notes the request of the current Chief Executive to reduce his hours of employment from 37 hours to 27.75 hours;
- (b) supports the request, acknowledging the reduction of the Chief Executive’s availability and that additional cover will not be provided for the reduction in working hours; and
- (c) recommends to Full Council that:
 - (i) the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31st March 2022;
 - (ii) this change be reviewed after an initial period of six months operation and then at twelve month intervals following that; and
 - (iii) the post will remain at 37 hours on the Council’s establishment.

80. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - PAY POLICY STATEMENT 2022/23

The Committee was aware that the Localism Act 2011 (Section 38(1)) required Tendring District Council to prepare a pay policy statement each year. That pay policy statement was required to articulate the Council’s approach to a range of issues relating to the pay of its workforce, particularly its senior staff (or ‘chief officers’) and its lowest paid employees.

The matters that had to be included in the statutory Pay Policy Statement were as follows:

- “• *A local authority’s policy on the level and elements of remuneration for each Chief Officer.*

-
- *A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).*
 - *A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.*
 - *A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency."*

The statement was also required to be published on the Council's website following each review and its approval by Full Council.

It was reported that the Pay Policy Statement 2022/23 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. The framework was based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework aimed to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the council taxpaying residents of Tendring.

Members were reminded that the Council had a statutory and contractual obligation to adopt the NJC pay spine and that the last agreed inflationary pay award of 2.75% (paid across the pay spine) had been awarded for 2020/21. Agreement had yet to be reached between National Employers and National Unions, regarding the Pay Award for 2021/22. On 19 October 2021, the National Employers had agreed by a majority to reaffirm their offer made to National Unions on 27 July 2021 as full and final.

The Committee was informed that the Conditions of Employment with Tendring District Council in the main conformed to those established for local government generally by the NJC, commonly known as the 'Green Book'. Agreements reached by the NJC were 'collective agreements' and if they were incorporated into employees' contracts of employment, then the changes took effect automatically.

It was reported that the Pay Policy Statement for 2022/23 provided updated information on the Council's pay spine and remuneration arrangements. There was limited change reported in the 2022/23 Statement. The Pay Policy Statement for 2022/23 also included Gender Pay Gap Reporting figures, in line with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

A summary of the Council's Gender Pay Gap figures was as follows:

Mean difference across Gender

The difference between the male and female mean hourly rate was £1.02. The male mean hourly rate was 7.7% higher than the female mean hourly rate.

Median difference across Gender

The difference between the male and female median hourly rate was £0.40. The female median hourly rate was 3.5% higher than the male median hourly rate.

UNISON had been consulted on those proposals and had confirmed its agreement as follows:-

“In my capacity as Unison Chairman, I have reviewed the Pay Policy 2022/23 and am happy for it to be adopted”.

Councillor Chapman asked a question pertaining to this matter which was responded to by the Assistant Director (Partnerships).

Following discussion it was moved by Councillor Griffiths, seconded by Councillor Chittock and:-

RESOLVED that this Committee recommends to Full Council that the Pay Policy Statement 2022/23, as set out in the Appendix to item A.2 of the Report of the Assistant Director (Partnerships), be adopted.

81. EXCLUSION OF PRESS AND PUBLIC

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 8 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

82. EXEMPT MINUTE OF THE MEETING OF THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE HELD ON WEDNESDAY 20 OCTOBER 2021

Councillor M E Stephenson informed the Committee that this Minute should also have included a reference to the fact that this Council had requested the East of England Local Government Association (EELGA) to undertake a pay review of its staffing pay grades.

It was moved by Councillor M E Stephenson, seconded by Councillor Griffiths and:-

RESOLVED that the exempt minute of the meeting of the Committee, held on Wednesday 20 October 2021, be approved as a correct record and be signed by the Chairman, subject to the inclusion of the aforementioned addition.

83. COUNCILLOR JAYNE CHAPMAN BEM

The Assistant Director (Partnerships) congratulated Councillor Chapman on being awarded the British Empire Medal (BEM) in the New Year Honour's List.

Members gave Councillor Chapman a round of applause.

The meeting was declared closed at 8.02 pm

Chairman

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Planning Policy and Local Plan Committee

11 January 2022

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON TUESDAY, 11TH JANUARY, 2022 AT 6.00 PM
IN THE COMMITTEE ROOM, IN THE TOWN HALL, STATION ROAD, CLACTON-ON-
SEA, CO15 1SE**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman BEM, G V Guglielmi, I J Henderson (except items 24 - 28), Newton, Scott and Winfield
Also Present:	Councillors Coley V E Guglielmi and White
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Acting Director (Planning)), Ian Ford (Committee Services Manager), Will Fuller (Planning Officer), Paul Woods (Planning Officer) and Matt Cattermole (Communications Assistant)

24. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or notices of substitution received on this occasion.

25. CHAIRMAN'S OPENING AND INTRODUCTORY REMARKS

The Chairman of the Committee (Councillor Turner) made the following opening remarks:-

“Good evening fellow Councillors; Officers; and members of the public. New Year, new beginnings.

At last, at very long last, we have the finishing line in sight for the major work of this Committee, the Local Plan. This is the 12th meet of this Committee since the start of this Council term in May 2019. We have had in excess of 3,000 pages of reports, none of them easy reading. All requiring thought and study. May I thank all past and present members of this Committee for their contributions, ideas and their diligence. I believe we have produced a robust plan that will serve this District and our Council well. More importantly it is already stopping speculation building and will provide much better and more user friendly homes, which will be cheaper to own and run.”

At the appropriate juncture in the meeting, the Chairman made the following introductory remarks in relation to report item A.1:-

“Thank you all. Now onto the next step – Full Council on the 25th of January for adoption if the Council so wishes. I must now thank our Officers, in particular, Mr Guiver and his team for their unflagging enthusiasm, application, and knowledge accompanied by their ability to keep their noses firmly pinned to the grindstone. Mr Guiver and his team turned around the Planning Inspector’s final letter by checking and accepting the main and minor modifications in 24 hours. That is despite being given three weeks to do so.

Further, I would like us to thank our legal team led by our Deputy Chief Executive, Mrs Lisa Hastings, She has kept us on the straight and narrow and her advice has been invaluable.

Finally, Mr. Ian Ford and his team for taking our minutes accurately, unflappably and making sure we Members have been well-served."

26. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on 11 November 2021 be approved as a correct record and be signed by the Chairman.

27. DECLARATIONS OF INTEREST

Councillor Allen indicated that he would declare an interest if there were any discussions that related specifically to the Frinton Conservation Area as he resided within that area and he was also a Ward Member for Frinton.

The Monitor Officer confirmed that this would be accepted for all members of the Committee, who this applied to.

28. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question pursuant to Council Procedure Rule 38.

29. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, one member of the public had registered to ask at this meeting a question or to make a statement regarding the items contained in the report of the Acting Director (Planning) or the Reference from Council.

Ms Carol Bannister made a statement in relation to item A.1 of the report of the Acting Director (Planning) in which she raised concerns about Local Map B.28 (Weeley). She felt that Weeley Caravan Park was incorrectly labelled and that Oakleigh Caravan Park was not labelled at all. She also stated that Oakleigh Caravan Park Phase 4 did not show an internal road or the traveller site with an additional five pitches.

Later on in the meeting under Minute 30 below the Acting Director (Planning) stated that Officers would look at the matters raised by Ms Bannister and that there was scope to amend the map if that should prove necessary.

The Chairman responded to Ms Bannister as follows:-

"Ms Bannister, thank you as always for your contribution and comments. Always to the point, you keep us on our toes and together with other critical friends, in particular Mr Bill Marshall, we have produced a solid forward looking plan. Thank you again."

30. REPORT OF ACTING DIRECTOR (PLANNING) - A.1 - SECTION 2 LOCAL PLAN: PLANNING INSPECTORS' FINAL REPORT AND PROCESS FOR ADOPTION

The Committee gave consideration to a comprehensive report of the Acting Director (Planning) (A.1) which:-

- a) reported the Local Plan Inspectors' final conclusions on the legal compliance and 'soundness' of Section 2 of the Council's new Local Plan following consultation on their recommended 'Main Modifications' and the subsequent receipt of their final report on 24th November 2021;
- b) reported that, by incorporating the Inspectors' recommended Main Modifications, the Section 2 Local Plan met the tests for legal compliance and soundness - as required for a plan to proceed to formal adoption; and
- c) sought the Committee's agreement that the modified Section 2 Local Plan be now recommended to Full Council for formal adoption.

Key Points

Members were informed that Planning Inspectors Anne Jordan and Jameson Bridgewater had issued their final report on the soundness and legal compliance of Section 2 of the new Tendring Local Plan, following examination hearings in February and March 2021 and having considered the consultation responses on their recommended 'Main Modifications'.

Officers were delighted to report that, with the incorporation of the Inspectors' final list of slightly adjusted Main Modifications, the Section 2 Local Plan was sound, legally compliant and could now be formally adopted by the Council.

The Committee was advised that the final list of modifications had contained no surprises and no significant changes from those considered by the Committee in June 2021 and subsequently published for consultation in July and August 2021. Indeed, the majority of those modifications had been put forward by the Council itself to improve the soundness of the Plan, address previous objections and ensure that the Plan was kept up to date and reflected the latest evidence. The modifications had not been particularly contentious when published for consultation and there had been more representations of support than of objection.

Members were made aware that the receipt of the Inspectors' final report already enabled the Council to give almost full weight to the policies in the new Local Plan in determining planning applications and in contesting appeals.

The Committee was reminded that formal adoption of the modified Section 2 Local Plan would require a decision of Full Council and the Committee was invited to recommend this to Full Council at its scheduled meeting on 25th January 2022.

Members recognised that the adoption of the Section 2 Local Plan would represent a major milestone for Tendring District Council as the new plan would supersede, in full, the previous outdated Local Plan of 2007 and would ensure the Council had a fully up-to-date Local Plan in place to guide development up to 2033.

Councillors G V Guglielmi, Chapman, I J Henderson, Bush and Scott asked questions on the report which were responded to by the Acting Director (Planning). In response to specific comments on the extent to which certain areas were depicted in detail on the local maps accompanying the Local Plan, the Acting Director (Planning) explained that the scale of the maps could be adjusted as appropriate in finalising the plan for its final publication.

With the permission of the Chairman (Councillor Turner), Councillor White, in his capacity as the Chairman of the Planning Committee, addressed the meeting on behalf of that Committee and extended its congratulations to the members of the Planning Policy & Local Plan Committee and to the Acting Director (Planning) and his Team for getting the Local Plan to the 'finishing line'.

Having considered all of the information and advice contained in the Officer report and its appendices:-

It was moved by Councillor Turner, seconded by Councillor Fairley and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee:

- 1) notes the findings of the Planning Inspectors' 'Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2' received on 24th November 2021 (attached as Appendix 1 to the Acting Director (Planning)'s report) and their final 'Schedule of Main Modifications' (attached as Appendix 2 thereto); and
- 2) recommends, subject to the agreement of the Leader of the Council, to Full Council:
 - (i) the formal adoption of the 'modified' Tendring District Local Plan 2013-2033 and Beyond Section 2 (attached as Appendix 3 to the aforesaid report) i.e. incorporating the Inspectors' final Main Modifications, as well as the other 'Additional Modifications' and 'Modifications to Local Plan Maps, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004; and
 - (ii) that authority be delegated to the Acting Director (Planning), in consultation with the Leader of the Council and the Chairman of the Planning Policy and Local Plan Committee, to:
 - (a) make administrative corrections, if necessary, to address any minor typographical, grammatical or factual errors within the documents or maps contained within the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 (in Appendix 3), in the event that any are discovered before its final publication;
 - (b) agree the insertion of an appropriate 'foreword' into the opening pages of the final published version of the Tendring District Local Plan 2013-2033 Section 2; and
 - (c) agree an appropriate and up-to-date set of photographs of the District for insertion into the final published version of the Tendring District Local Plan 2013-2033 Section 2 to refresh and update those previously included in the version of the Local Plan published for consultation in 2017.

31. REFERENCE FROM COUNCIL - A.2 - MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - APPLICATION OF ARTICLE 4 DIRECTIONS IN THE DISTRICT OF TENDRING

Members were aware that, at the meeting of the Council held on 30 November 2021 (Minute 90 referred), the following motion had been moved by Councillor Coley,

seconded by Councillor G V Guglielmi and, in accordance with Council Procedure Rule 12.4, had stood referred to the Planning Policy & Local Plan Committee for further consideration:

“In order to preserve Tendring’s uniqueness, heritage, amenity areas and the established areas of industrial and commercial activity:-

This Council requests its Cabinet to explore the option of applying for an Article 4 Direction in respect of appropriate Conservation Areas, Industrial Estates and Commercial and Retail Centres in the District of Tendring.”

On further discussions by Officers with Councillor Coley, it had been determined that the key areas of his concern revolved around the following issues:-

- *“Inappropriate permitted changes of use of property to residential dwellings which can result in an incompatible mix of uses – particularly in predominantly commercial areas and above shops;*
- *Permitted changes of use to residential dwellings that provide substandard levels of private amenity space;*
- *The inability to secure financial contributions from permitted developments for infrastructure such as children’s play areas;*
- *Permitted changes in Conservation Areas that can impact on the character and setting of listed buildings; and*
- *Conversion and redevelopment of agricultural buildings to residential dwellings which have a negative impact on the countryside.”*

In accordance with Council Procedure Rule 12.6 (Referred Motions – Right of Mover to Attend Meeting), Councillor Coley had been notified to attend the meeting to answer any questions and/or points of clarification, if requested.

It was reported that an ‘Article 4 Direction’ was a Direction under Article 4 of the General Permitted Development Order which enabled the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area. An Article 4 Direction could not be used to restrict changes between uses in the same use class of the Use Classes Order, but it could restrict and require planning permission to be sought for certain types of development that would otherwise be permitted.

The National Planning Policy Framework advised that all Article 4 Directions should be applied in a measured and targeted way. They should be based on robust evidence, and applied to the smallest geographical area possible.

Provided that there was clear justification for both its purpose and extent, an Article 4 Direction could:-

- *remove specified permitted development rights related to operational development or change of use; or*
- *remove permitted development rights with temporary or permanent effect.*

Where an Article 4 Direction related to a change from non-residential use to residential use, it had to be limited to situations where an Article 4 Direction was necessary to avoid wholly unacceptable adverse impacts. In other cases, Article 4 Directions should be

limited to situations where it was necessary to protect local amenity or the well-being of the area.

The potential harm that the Article 4 Direction was intended to address would need to be clearly identified and demonstrated, and there would need to be a particularly strong justification for the withdrawal of permitted development rights relating to:-

- *a wide area (e.g. those covering a large proportion of or the entire area of a local planning authority, National Park or Area of Outstanding National Beauty);*
- *an area extending beyond the essential core of a primary shopping area;*
- *Agriculture and forestry development. Article 4 Directions related to agriculture and forestry would need to demonstrate that permitted development rights posed a serious threat to areas or landscapes of exceptional beauty;*
- *cases where prior approval powers were available to control permitted development; and*
- *the installation of microgeneration equipment.*

The Committee was informed that, at present, the Council had a number of Article 4 Directions in place throughout the District. Those included:-

- *a number of roads in Mistley where rights had been withdrawn for windows, doors, rendering, painting and the erection of porches;*
- *in Jaywick extensions and alterations to houses and alterations to the roof had been withdrawn; and*
- *District-wide rights for the conversion to HMOs had been withdrawn.*

Members were made aware of the other existing protections in the planning system as follows:-

The General Permitted Development Order (GDPO)

It was reported that permitted development rights were a provision of the national planning system that automatically granted consent for certain building works and changes of use to be carried out without the need to apply for planning permission. Permitted development rights were subject to certain conditions, size thresholds and limitations to control impacts and to protect local amenity – but generally allowed many types of development to take place without any control from the local authority.

The GPDO covered a vast variety of land uses and set out the permitted development rights that existed for each. For the purposes of this reference report, Officers had focussed on the permitted development rights most pertinent to the particular concerns identified by Councillor Coley, as follows:-

Commercial Permitted Development

Part 7 of the GPDO provided for non-residential (commercial) extensions and alterations. It allowed, inter alia, without the need for planning permission:

Commercial and business properties (Use Class E)

- *Buildings can be extended by 50% or 100 square metres in floor area*
- *Buildings can be extended up to, but no higher than 4 metres*

- *New development may not include the insertion or alteration of a shopfront*

Industrial building or warehouse (Use class B1 and B8)

- *No more than 200 square metres for a new building within a commercial site*
- *Extensions of no more than 50% or 1000 square metres in floor area*
- *Extensions of no more than 15 metres high*

Restricted Permitted Development within Conservation Areas

Within Conservation Areas (and Areas of Outstanding Natural Beauty) the following additional restrictions applied:-

Residential/householder development in Conservation Areas:

- *No side extensions are permitted*
- *No cladding and pebbledash*
- *No dormers on front and rear (in all other cases front facing dormers are not permitted)*
- *No outbuilding to side*
- *Photovoltaic as far as practical out of sight*
- *Chimneys and vent pipes not permitted if they are on wall or roof fronts a highway and principle or side wall*
- *Satellite dishes and antenna not permitted mounted on chimney wall or roof slope fronting highway*

Commercial and business development in Conservation Areas:

- *Extensions limited to 25% of original building or 50 sq m (half the standard allowance); materials must be similar; and extensions not permitted if within 2m of any boundary.*
- *Click and collect not permitted.*
- *Modification of loading bays not permitted.*
- *Industrial and Warehouse new buildings 100 sq m (half standard allowance).*
- *Extensions 10% of original floorspace or 500 sq m (standard is 50% or 1000 sq m)*
- *Industrial and Warehouse buildings, extensions and alterations must use similar materials.*
- *Waste management facilities – no extensions, alterations or replacement plant or machinery permitted*

From the above, Members recognised that there were already a number of restrictions in place controlling development of a commercial or business use and further restrictions within Conservation Areas. However, concern had been raised about some of the development that had been allowed in Conservation Areas including the inappropriate changes of use of property to residential dwellings which could result in an incompatible mix of uses, particularly in predominantly commercial areas and above shops. Concerns had also been raised over changes of use to residential dwellings that provided sub-standard levels of private amenity space and those changes of agricultural buildings in the countryside which could negatively impact on the character of the area. The inability to secure financial contributions from permitted developments for

infrastructure such as children's play areas was also of concern. As were changes in Conservation Areas that could impact on the character and setting of listed buildings.

Permitted Development Change of Use to Dwellings

It was further reported that the GDPO also allowed (in Part 3) the change of use from specific buildings and uses to residential dwellings without the need for planning permission, but subject to a simpler 'Prior Notification' process. The following were permitted to change to residential dwellings:-

- *Small HMOs*
- *Retail and betting shops*
- *Amusement arcade and casino*
- *Offices*
- *Storage and distribution B1(c)*
- *Agricultural*

Also within the GPDO (Part 20) there was an allowance for new dwelling houses to be constructed above flats without planning permission. It was noted that all of those permitted changes had certain conditions, size thresholds and restrictions attached.

Subject to a number of conditions and restrictions, agricultural buildings and land within their curtilage could be converted to a use falling within Class C3 of the Schedule to the Use Classes Order 1987 (dwelling houses). Those conditions and restrictions were set out in Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

The right allowed for a maximum number for the following types of houses:

- *up to 3 larger homes, to be greater than 100 square metres in floor area, and within an overall floorspace of 465 square metres in total; or*
- *up to 5 smaller homes each no greater than 100 square metres; or*
- *Up to 5 homes comprising a mixture of larger and smaller homes, with neither exceeding the thresholds for each type of home.*

The right required that for larger homes each of the 3 homes had to be larger than 100 square metres in residential use and allowed for up to 1 home of 465 square metres in residential use. For smaller homes the right required that a home could have no more than 100 square metres of floor space in residential use. Development of dwelling houses other than those defined as "larger" or "smaller" was not allowed under Class Q. In calculating the number of new homes allowed under the right any existing homes within the established agricultural unit not granted permission under Class Q were discounted.

Consequences for imposing further Article 4 Directions in the District

As reported above, the use of Article 4 Directions could only be used in very specific circumstances with strong justification. Taking each of the use cases in turn, Officers had the following considerations for Members to take into account:-

Removing Permitted Development Rights for Conversion to Dwellings

Members were made aware that the Government was clear that it intended to significantly boost the supply of new homes in the coming years. A key part of this was to allow changes of use without full planning permission for agricultural buildings and for certain uses.

Officers considered that to restrict conversion of agricultural outbuildings would require an Article 4 Direction to apply across a wide area (covering all land within the District) and that was unlikely to be supported by the Secretary of State. No serious threat to landscape character had been identified and the prior approval regime could control those impacts. Given that a large part of the District and the large part of the country was rural in character and therefore subject to those permitted development rights and that the material harm caused by this form of development was generally low, Officers believed it would be unlikely that the Secretary of State would agree to a direction. Officers did not consider therefore that using Article 4 Directions to control this kind of development would be appropriate.

Similarly, for the other uses which may change to dwellings, no serious justification had been given as to the harm caused and where the specific locations were in the District. In both kinds of conversions, Officers would need more detail to recommend the use of an Article 4 Direction to Members.

Restricting Permitted Development Rights in Conservation Areas

The Committee was advised that within the adopted Heritage Strategy, one its recommendations to preserve the heritage of the District was for Officers to investigate its powers using Article 4 Directions. Moreover, within the Conservation Area Management Plans taken to this Committee in October 2021, there had also been recommendations for Officers to consider the use of Article 4 Directions, specifically to control the inversion of windows and doors and shopfront design.

Officers put forward that they could investigate stricter controls within Conservation Areas using Article 4 Directions and that once each of the Conservation Area Appraisals returned from public consultation, Officers could explore this in more detail. This approach was recommended as it was likely that the boundary of Conservation Areas would change and the boundary for any new Article 4 Direction should reflect the most up-to-date Conservation Area boundary.

Restricting Permitted Development Rights in Town Centres

Members recalled that they had previously considered a report which had highlighted the Government's recent rethink of town centre uses. This involved the implementation of a new 'Class E' planning use class which brought together a number of traditionally town centre uses and also allowed the permitted change of some of those uses to residential. The Government was attempting to provide more flexibility to town centre uses. Officers considered that there was no strong justification to tighten those rights and in any event, this approach would not be supported by the Government.

Further Considerations

Officers felt that all of the above pointed to a wider piece of work to examine how well the Article 4 Directions the Council already had in place were achieving their goals.

Indeed, Government guidance required that Local Planning Authorities monitored Article 4 Directions to make sure the original purpose of the Direction was being achieved.

In considering the merits of Councillor Coley's motion, the Committee was aware of Council Procedure Rule 12.5 (Referral of Motions) which stated that:-

"Where a motion has been referred in accordance with Rule 12.4 the Cabinet or any relevant Committee shall (subject to the provisions of Rule 12.6) be required to consider such motion and to advise the Council (by no later than the second Ordinary Meeting of the Council held following the date of Council's referral) of their opinion and reason as to whether such motion should be supported in its original format.*

Prior to making its decision Cabinet or the relevant Committee may following consultation with Officers, require further information to be presented to them for consideration on the implications of the proposed motion. Such a report must be considered in a timely manner.

If the Cabinet or relevant Committee decides to advise the Council of its opinion that such motion in its original format should not be supported, the Cabinet or relevant Committee may, in addition, suggest to the Council that an amended motion be proposed.

Once Cabinet or any relevant Committee has considered the motion it will be referred back to Council with the recommendation. If an amended motion is proposed by Cabinet, or relevant Committee, when presented back to Council, the amended motion will be debated first, in accordance with Rule 16.5 and Rule 16.10 (b)."

** In this instance the relevant Full Council meeting was on 29 March 2022.*

Members were reminded that the making of Article 4 Directions was an Executive function and consequently, the Planning Policy and Local Plan Committee and full Council were limited in being able to make recommendations to Cabinet for its consideration. All decisions made by Tendring District Council must follow the general principles of decision making, as set out in Article 13 of the Council's Constitution:-

"13.02 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);*
- (b) Due consideration of all the relevant factors and options, taking into account the results of any consultation undertaken and the professional advice of Officers;*
- (c) Respect for human rights, and equality and diversity;*
- (d) A presumption in favour of openness;*
- (e) Clarity of aims and desired outcomes; and*
- (f) Transparency (i.e. explaining what options were considered and giving the reasons for that decision).*

In addition, decision-makers will follow the relevant procedure rules, as set out in Part 5 or Article 7, as appropriate when considering the matter."

The Committee was advised that the full implications of the proposals referred to in the motion were unknown at this stage and would require further research before an informed decision could be made. Alternatively, any recommendation to proceed would be subject to the implications being fully considered by Cabinet prior to approvals, to ensure any action was taken in accordance with the Council's Budget and Policy Framework.

In accordance with Council Procedure Rule 12.6 (Referred Motions – Right of Mover to Attend Meeting), Councillor Coley attended the meeting to answer any questions and/or points of clarification.

At the invitation of the Chairman, Councillor Coley addressed the Committee on the subject matter of this item. In addressing the Committee, Councillor Coley clarified that the conversion of agricultural buildings to residential was not one of his specific concerns and that it had not been his intention, or assertion, that Article 4 Directions be applied on a District-wide 'blanket' basis.

Councillor G V Guglielmi informed the Committee that, given he had seconded Councillor Coley's motion at the full Council meeting, he would remain in the meeting but that he would take no part in the debate on this matter nor would he take part in the voting thereon.

The Chairman (Councillor Turner) read out the following statement:-

"The making of an Article 4 Direction is only justified on a local basis to address locally specific problems and must be justified with evidence. It is not a one-size fits all 'blanket' solution to all general concerns about our national planning system. In the meantime this Committee's work continues with the review of our Conservation Areas (CAs) – we have 15 more to go. The review of CAs provides the perfect opportunity to consider the need for Article 4 Directions on an area-by-area basis. The Committee involves the Parishes and the Members effected as we review their CAs, by asking for their comments. At this stage relevant problems and solutions to local needs can be found. Further, where planning issues arise I am sure that with the Local Plan adopted, the NPPF and building regulations, there will be solutions."

Having duly considered the contents of the detailed reference report and the information and advice contained therein:-

It was then moved by Councillor Turner, seconded by Councillor Scott and:-

RESOLVED that -

- (a) Council be informed that this Committee does not support Councillor Coley's motion; and
- (b) this Committee further recommends instead to Cabinet and Council that a further report on this matter be prepared and brought back to the Planning Policy & Local Plan Committee and that such report focus firstly on the ward of Lawford, Manningtree and Mistle.

The meeting was declared closed at 7.17 pm

Chairman

COUNCIL

25 JANUARY 2021

REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE

A.2 FORMAL ADOPTION OF SECTION 2 OF THE LOCAL PLAN

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Council to consider recommendations of the Planning Policy & Local Plan Committee in relation to the formal adoption of Section 2 of the Local Plan.

EXECUTIVE SUMMARY

The Planning Policy & Local Plan Committee (“the Committee”), at its meeting held on 11 January 2022 (Minute 30 refers), considered a comprehensive report of the Acting Director (Planning) which:-

- a) reported the Local Plan Inspectors’ final conclusions on the legal compliance and ‘soundness’ of Section 2 of the Council’s new Local Plan following consultation on their recommended ‘Main Modifications’ and the subsequent receipt of their final report on 24th November 2021;
- b) reported that, by incorporating the Inspectors’ recommended Main Modifications, the Section 2 Local Plan met the tests for legal compliance and soundness - as required for a plan to proceed to formal adoption; and
- c) sought the Committee’s agreement that the modified Section 2 Local Plan be now recommended to Full Council for formal adoption.

Having considered all of the information and advice contained in the Officer report and its appendices the Planning Policy and Local Plan Committee had unanimously resolved that it:-

- 1) *“notes the findings of the Planning Inspectors’ ‘Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2’ received on 24th November 2021 (attached as Appendix 1 to the Acting Director (Planning)’s report) and their final ‘Schedule of Main Modifications’ (attached as Appendix 2 thereto); and*
- 2) *recommends, subject to the agreement of the Leader of the Council, to Full Council:*
 - (i) *the formal adoption of the ‘modified’ Tendring District Local Plan 2013-2033 and Beyond Section 2 (attached as Appendix 3 to the aforesaid report) i.e. incorporating the Inspectors’ final Main Modifications, as well as the other ‘Additional Modifications’ and ‘Modifications to Local Plan Maps, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004; and*

(ii) that authority be delegated to the Acting Director (Planning), in consultation with the Leader of the Council and the Chairman of the Planning Policy and Local Plan Committee, to:

- (a) make administrative corrections, if necessary, to address any minor typographical, grammatical or factual errors within the documents or maps contained within the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 (in Appendix 3), in the event that any are discovered before its final publication;
- (b) agree the insertion of an appropriate 'foreword' into the opening pages of the final published version of the Tendring District Local Plan 2013-2033 Section 2; and
- (c) agree an appropriate and up-to-date set of photographs of the District for insertion into the final published version of the Tendring District Local Plan 2013-2033 Section 2 to refresh and update those previously included in the version of the Local Plan published for consultation in 2017."

A copy of the published report (and its appendices) of the Acting Director (Planning) to the meeting of the Planning Policy & Local Plan Committee held on 11 January 2022, are attached as appendices to this report.

RECOMMENDATIONS

That Council approves:-

- (i) the formal adoption of the 'modified' Tendring District Local Plan 2013-2033 and Beyond Section 2 (attached as Appendix 4 to this reference report) i.e. incorporating the Inspectors' final Main Modifications, as well as the other 'Additional Modifications' and 'Modifications to Local Plan Maps, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004; and**
- (ii) that authority be delegated to the Acting Director (Planning), in consultation with the Leader of the Council and the Chairman of the Planning Policy and Local Plan Committee, to:**
 - (a) make administrative corrections, if necessary, to address any minor typographical, grammatical or factual errors within the documents or maps contained within the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 (in the aforesaid Appendix 4), in the event that any are discovered before its final publication;**
 - (b) agree the insertion of an appropriate 'foreword' into the opening pages of the final published version of the Tendring District Local Plan 2013-2033 Section 2; and**
 - (c) agree an appropriate and up-to-date set of photographs of the District for insertion into the final published version of the Tendring District Local Plan 2013-2033 Section 2 to refresh and update those previously included in the version of the Local Plan published for consultation in 2017.**

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Planning Policy & Local Plan Committee held on 11 January 2022.

APPENDICES

Appendix 1 = Published Report of the Acting Director (Planning) for the meeting of the Planning Policy & Local Plan Committee held on 11 January 2022 (Report A.1)

Appendix 2 = Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (24 November 2021).

Appendix 3 = Tendring District Local Plan 2013-2033 and Beyond Section 2 – Schedule of Recommended Main Modifications (24 November 2021).

Appendix 4 = The modified Tendring District Local Plan 2013-2033 and Beyond Section 2, including links to Local Maps.

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A.2 APPENDIX 1

PLANNING POLICY AND LOCAL PLAN COMMITTEE

11 JANUARY 2022

REPORT OF THE ACTING DIRECTOR (PLANNING)

A.1 – SECTION 2 LOCAL PLAN: PLANNING INSPECTORS’ FINAL REPORT AND PROCESS FOR ADOPTION

(Report prepared by Gary Guiver and Paul Woods)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
<p>a) To report the Local Plan Inspectors’ final conclusions on the legal compliance and ‘soundness’ of Section 2 of the Council’s new Local Plan following consultation on their recommended ‘Main Modifications’ and the subsequent receipt of their final report on 24th November 2021;</p> <p>b) To report that, by incorporating the Inspectors’ recommended Main Modifications, the Section 2 Local Plan meets the tests for legal compliance and soundness - as required for a plan to proceed to formal adoption; and</p> <p>c) To seek the Planning Policy and Local Plan Committee’s agreement that the modified Section 2 Local Plan be recommended to Full Council for formal adoption.</p>

EXECUTIVE SUMMARY
<p><u>Key Points</u></p> <ul style="list-style-type: none">• Planning Inspectors Anne Jordan and Jameson Bridgewater have issued their final report on the soundness and legal compliance of Section 2 of the new Tendring Local Plan, following examination hearings in February and March 2021 and having considered the consultation responses on their recommended ‘Main Modifications’.• Officers are delighted to report that, with the incorporation of the Inspectors’ final list of slightly adjusted Main Modifications, the Section 2 Local Plan is sound, legally compliant and can now be formally adopted by the Council.• The final list of modifications contains no surprises and no significant changes from those considered by the Committee in June and published for consultation in July and August 2021 - the majority of which were put forward by the Council itself to improve soundness of the Plan, address previous objections and ensure the Plan is kept up to date, reflecting the latest evidence.

A.2 APPENDIX 1

- The modifications were not particularly contentious when published for consultation and there were more representations of support than of objection.
- The receipt of the Inspectors' final report already enables the Council to give almost full weight to the policies in the new Local Plan in determining planning applications and in contesting appeals.
- Formal adoption of the modified Section 2 Local Plan will require a decision of Full Council and the Planning Policy and Local Plan Committee is invited to recommend this to Full Council at its scheduled meeting on 25th January 2022.
- Adoption of the Section 2 Local Plan will represent a major milestone for Tendring District Council as the new plan will supersede, in full, the previous outdated Local Plan of 2007 and will ensure the Council has a fully up-to-date Local Plan in place to guide development up to 2033.

In January 2021, the Council formally adopted Section 1 of Local Plan - establishing the overarching strategy for growth in North Essex, the housing and employment targets for Tendring, Colchester and Braintree and policies for the Tendring Colchester Borders Garden Community.

Section 2 of the Local Plan, in contrast, contains more specific local policies and proposals relevant and applicable only to Tendring. As reported to the Planning Policy and Local Plan Committee on 29th June 2021, the Section 2 Local Plan was the subject of an independent examination undertaken by two government-appointed Planning Inspectors whose job was to check 1) that the Plan had 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).

The examination hearings held in February and March 2021 were followed by recommendations from the Inspectors that a number of 'Main Modifications' be published for consultation – the majority of which reflected those put forward by the Councils itself. Following consideration by the Committee on 29th June 2021, the recommended Main Modifications were published for six-weeks consultation between 16th July and 31st August 2021 alongside a schedule of less significant 'Additional Modifications', a number of 'Modifications to Local Plan Maps, an updated 'Sustainability Appraisal' and an updated 'Habitats Regulations Assessment'.

The Council only received comments from around 30 individuals and organisations – the vast majority of whom were either in support or contained only minor suggestions. The comments (which can be viewed on the Council's website – see [link](#)) were forwarded to the Inspectors for their consideration

A.2 APPENDIX 1

in coming to a final view on the modifications needed to make the Local Plan sound and legally compliant.

On 24th November 2021, the Council received the final report from the Inspectors which concludes that, with the incorporation of their final set of Main Modifications, the Section 2 Local Plan will meet the required tests which enable it to proceed to formal adoption. The Inspectors' report is attached in full as Appendix 1 to this report. The final Main Modifications are mostly unchanged from those published for consultation with just a small number of fairly minor adjustments. The final set of Main Modifications is attached as Appendix 2 to this report. The Inspectors have also advised the Council to incorporate the Modifications to the Local Plan Maps that were published for consultation, with one exception relating to the depiction of Southcliffe Trailer Park in Walton-on-the-Naze.

Attached as Appendix 3 to this report is the modified version of the Section 2 Local Plan incorporating all of the Inspectors' Main Modifications, the Modifications to the Maps and the Additional Modifications. The Committee is invited to endorse the new up to date Section 2 Local Plan and recommend it to Full Council on 25th January 2022 to be formally adopted. On adoption, the Section 2 Local Plan will join Section 1 in superseding, in full, the old 2007 Local Plan and meaning that the Council will have a fully up to date Local Plan to guide development up to 2033.

Even ahead of formal adoption of the Local Plan, the receipt of the Inspectors' final report in itself has significant implications for determining planning applications and dealing with planning appeals. The National Planning Policy Framework (NPPF) allows Councils to give weight to emerging Local Plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the national policy. On the basis that the Council has received the Inspectors' final report, all objections have been considered and resolved and the Plan has been confirmed as sound and therefore compliant with national policy, almost full weight can and is already being given to the new policies by Planning Officers and the Planning Committee.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- (1) notes the findings of the Planning Inspectors' 'Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2' received on 24th November 2021 (attached as Appendix 1 to this report) and their final 'Schedule of Main Modifications' (attached as Appendix 2); and**
- (2) with the agreement of the Leader of the Council recommends, to Full Council:**
 - (i) the formal adoption of the 'modified' Tendring District Local Plan 2013-2033 and Beyond Section 2 (attached as Appendix 3 to this report) i.e. incorporating the Inspectors' final Main Modifications, as well as the other 'Additional Modifications'**

A.2 APPENDIX 1

and 'Modifications to Local Plan Maps, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004; and

- (ii) that authority be delegated to the Acting Director of Planning, in consultation with the Leader of the Council and the Chairman of the Planning Policy and Local Plan Committee, to:
- (a) make administrative corrections, if necessary, to address any minor typographical, grammatical or factual errors within the documents or maps contained within the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 (in Appendix 3), in the event that any are discovered before its final publication;
 - (b) agree the insertion of an appropriate 'foreword' into the opening pages of the final published version of the Tendring District Local Plan 2013-2033 Section 2; and
 - (c) agree an appropriate and up to date set of photographs of the district for insertion into the final published version of the Tendring District Local Plan 2013-2033 Section 2 to refresh and update those previously included in the version of the Local Plan published for consultation in 2017.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The preparation and adoption of a new Local Plan is a high priority for the Council. 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. As we move towards the adoption of Section 2 of the Local Plan (following adoption of Section 1 earlier this year), the Council has greater power to resist speculative development, exercise greater control over the way development is delivered within the district and push towards achieving higher standards of quality.

RESOURCES AND RISK

There is a risk of legal challenge following the adoption of the Section 2 Local Plan if any party believes that the Inspectors or the Council have made any legal or procedural errors. This risk has however been minimised with the Inspectors taking particular care to thoroughly examine legal and procedural matters as part of the examination process. For information, there was no legal challenge to the adoption of the Section 1 Local Plan earlier this year.

The Inspectors have now given clear advice on the how the Section 2 Plan ought to be modified in order to meet the Government's tests of soundness and for the Council to proceed to adoption.

A.2 APPENDIX 1

In the event that a legal challenge were lodged (within 6 six weeks from the date of adoption), it would not affect the status of the Section 1 Plan or the Council's decision to adopt the Plan unless and until such time that a Court ruled that the decision should be quashed. There are however no obvious grounds that would justify such a challenge.

LEGAL

The Planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the new 2021 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, as amended, (“2004 Act”) 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 important to progress the emerging Local Plan towards adoption, ensuring 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 2004 Act places a legal duty upon local authorities and other public bodies to engage constructively, actively and on an on-going basis on strategic matters of cross-boundary significance (which includes housing supply) to maximise the effectiveness of Local Plan preparation. This is known as the ‘Duty to Cooperate’. Before Planning Inspectors 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 Inspectors have concluded through the examination process and in their final report that the relevant authorities have met with this legal duty.

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.

A.2 APPENDIX 1

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 purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues. The Inspectors have concluded through the examination process and in their final report that the requirement for Sustainability Appraisal has been met and that the content of the Plan and its proposed modifications has been suitably informed by its findings.

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 Inspectors is to test that the Local Plan meets legal and procedural requirements and the above tests of soundness. The Inspectors have already confirmed that legal and procedural requirements have been met but that the Section 2 Local Plan requires modifications to ensure that it is sound. The Council must adopt Section 2 with the Main Modifications in accordance with Section 23(3) of the 2004 Act.

Following receipt of the Inspectors’ report, it is for the Council to decide whether and when to adopt the Section 2 Plan.

The terms of reference of the Planning Policy and Local Plan Committee includes the exercise of the Council’s functions, powers and duties in relation to the preparation of the District Council’s Local Plan, including ensuring that it meets the “tests of soundness” set out in the NPPF. In accordance with Section 23 of the 2004 Act, the Section 2 Plan, with the Main Modifications, can be adopted by resolution of Full Council and the Committee is invited to make that recommendation.

On adoption, in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Councils will be required to give notice of adoption through the publication of an ‘Adoption Statement’ that would be published on the website. In addition, the adopted plan itself, the Sustainability Appraisal and details of where the Plan is available for inspection have to be published. A copy of the Adoption Statement has to be sent to everyone on the Council’s databases who had been asked to be notified of adoption and a copy has to be sent to the Secretary of State.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

Consultation/Public Engagement: Section 2 of the Local Plan has now progressed through all of the necessary stages of public consultation and engagement and the Inspectors’ final recommended Main Modifications can be endorsed by the Council without the need to carry out further consultation.

A.2 APPENDIX 1

The Inspectors' amendments to the Modifications are not significant enough to warrant further consultation.

There will however be further public engagement and consultation in due course in relation to preparing a Development Plan Document for the Tendring Colchester Borders Garden Community and any 'Supplementary Planning Documents' (SPD) designed to provide more detailed guidance to supplement the policies in the Local Plan.

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 Plan includes a proposal for a new cross-boundary 'Garden Community' at the border between Tendring District and Colchester Borough.

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. Following the necessary stages of consultation, the Local Plans were submitted to the Secretary of State in 2017 to begin the process of independent examination.

Following examination hearings between 2018 and 2020, the Section 1 Plan was found to be sound – providing a number of Main Modifications were made. The modified Section 1 Plan was formally adopted following a meeting of the Full Council on 26th January 2021.

Preparations for the Section 2 Examination began in autumn 2020, when the Council was notified that the examination would be conducted jointly by two Inspectors, Anne Jordan BA (Hons) MRTPI and Jameson Bridgwater PGDipTP MRTPI. Examination hearings took place online on Microsoft Teams (and were streamed to the public on YouTube) between 23rd February and 3rd March 2021. At each session the Council was represented by Officers, who at some sessions were supported by consultants who had previously been commissioned to complete certain technical studies and evidence documents. Third parties, such as land owners and members of the public, were given the opportunity to speak if they had requested to do so during the public consultation in 2017. They were allowed to present their views to the Inspector, and the Council was given the opportunity to respond to points raised and refer the Inspector to any relevant evidence to enable her to reach her conclusions.

Following the hearing sessions, written communication was exchanged between the Council and the Inspectors, which provided confirmation and clarification of any points discussed during the Hearings. Throughout the hearings, the Inspectors considered the soundness of the Section 2 Local Plan but also gave consideration to the modifications that had been put forward by the Council with the aim of improving the Plan and keeping it up to date. The Inspector provided indications

A.2 APPENDIX 1

throughout the hearings as to issues that might require further changes or further work and, because of this, none of the modifications that have been recommended have come as a surprise to Officers.

On 19th May 2021 the Council received a letter from the Inspectors indicating that the Section 2 Plan could be found sound if a number of Main Modifications are made. A schedule of the Main Modifications along with a schedule of additional modifications (which could be made at the Council's discretion) were included with the letter as an Annex. There was also a requirement for the Council to produce addenda to the Sustainability Appraisal and Habitats Regulations Assessment.

All of these documents were published for a 6-week public consultation between 16th July and 31st August 2021. Only around 30 individuals and organisations made comments during the consultation, the majority of whom were either in support or made only minor suggestions. All comments can be viewed on the Council's website – [link](#).

Key stakeholders, such as the Environment Agency, Natural England, Historic England and Essex County Council, were generally supportive of the modifications – with just a few minor wording suggestions. Alresford Parish Council raised concerns about ongoing minerals development, and Brightlingsea Town Council made some suggestions for changes to the Brightlingsea local map. Comments were received about the Hartley Gardens, Rouses Farm, and Oakwood Park allocations on the edge of Clacton – comprising suggestions and constructive feedback from landowners, developers, the Forestry Commission and the Bridleways Association. A small number of local residents raised objections, particularly relating to changes to the settlement boundary at Little Bromley and the simplification of the gypsy and traveller policy. And there were also some site-specific comments, from the owners of Southcliffe Trailer Park in Walton and the owners of land near the Hangings in Dovercourt – both about the designation of their sites in the Plan.

All representations received during the consultation were forwarded to the Inspectors, who took them into account in coming to their final recommendations on legal compliance and soundness of the Section 2 Plan and the modifications that will need to be made to the Plan before the Council can proceed to its formal adoption.

Inspectors' Final Report under Section 20 of the 2004 Act

Following the Inspectors' consideration and assessment of all the comments received, the Council received their final report on 24th November 2021 entitled 'Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2' which is attached, in full, as Appendix 1 to this report.

The non-technical summary from the Inspectors' report provides a clear overview of his conclusions and is therefore replicated below:

This report concludes that the Tendring District Local Plan 2013-2033 and Beyond provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. Tendring District Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearing sessions, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases,

A.2 APPENDIX 1

we have amended their detailed wording and added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Revisions to housing and employment sites allocations to update the Plan in light of changes since submission and to reflect updated evidence on site capacity;*
- Modifications to reflect changes in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 relating to Class E;*
- Rewording policies to ensure they are positively prepared;*
- Adding or deleting explanatory text to guide development;*
- Setting a new monitoring regime to include objectives, targets and key indicators;*
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.*

Essentially the Inspectors have concluded that, subject to the incorporation of their final set of Main Modifications (which are attached as Appendix 2 to this report), the Section 2 Plan will meet the required tests which enable it to proceed to formal adoption. The recommended Main Modifications are mostly unchanged from those published for consultation with the exception of a number of minor 'adjustments' which are explained in his report.

Legal compliance

The main body of the report reiterates the Inspectors' conclusion that the Plan meets with the various legal and procedural requirements including the Equalities Act, the legal Duty to Cooperate, Sustainability Appraisal, Habitats Regulation Assessment, Climate Change obligations and compliance with the Statements of Community Involvement.

Soundness

The report then contains the Inspectors' detailed conclusions on the soundness of the Plan, focusing on eight main issues:

Issue 1 - Is the spatial strategy and distribution of development set out in the Plan based on robust evidence and is it justified and effective?

The Inspectors found that, subject to Main Modifications, the Plan's overall spatial strategy provides a pragmatic and soundly based development strategy for Tendring over the Plan period. Main modifications in this section add clarity to the Council's vision, (emphasising the importance of climate change adaption and mitigation and the importance of heritage features) and improves the effectiveness and clarity of policy wording and supporting text regarding the settlement hierarchy, neighbourhood plans, and the design and practical requirements of new developments.

In modifications MM3.1 and MM3.5 the plural "Garden communities" has been corrected to singular.

A.2 APPENDIX 1

Modification MM5.8, which relates to the considerate constructors' scheme, has been shortened slightly to ensure that it relates solely to planning matters. The criterion now reads:

“during the construction phase, developers must comply with a ‘considerate constructors’ scheme’ which employs reasonable measures and techniques to minimise and mitigate impacts and disturbance to neighbours and the existing wider community and any damage to public and private property.”

Officers consider that this revised wording fulfils the intention of the Council, which was to ensure that developers minimise disturbance to neighbours and repair any damage to public realm resulting from construction activities.

Issue 2 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in relation to its provision for housing?

The Inspectors found that the Plan provides an adequate supply of housing land for the Plan period – demonstrating that we can deliver our housing requirement until 2033 without having to allocate further sites. In fact, they confirm that the Plan makes provision for the whole plan period comfortably in excess of the need identified in the Section 1 Plan. Main Modifications here update the tables and figures to account for changes since the Plan was submitted in 2017, and there are no changes to the modifications as they were presented to Committee and consulted on earlier this year.

Issue 3 – Are the housing allocations positively prepared, justified and effective?

The Inspectors confirmed that, subject to modifications, the allocations for housing development in the Plan are justified, effective and consistent with national policy. There are a number of modifications to the policy wording, which are consistent with those the Committee considered in the summer, before the public consultation, with the following minor exceptions:

- MM43.2, MM43.3 and MM43.4 have all been amended to allow either a Supplementary Planning Document (SPD) or a comprehensive masterplan to guide development at the Hartley Gardens Site (SAMU2). The previous version of the modification only referred to and SPD. This change gives the Council greater flexibility in its approach.
- MM46.1 and MM46.2 required bridleway infrastructure and a multi-user bridge be provided at South of Thorpe Road, Weeley (SAMU5). However, the legal agreement already in place for this development only requires a pedestrian bridge – so these modifications have been deleted.

Issue 4 – Does the plan set out a soundly based strategy for the local economy and are the employment allocations positively prepared, justified and effective?

The Inspectors report considers employment land, employment allocations, tourism, retail and town centre uses, and other employment related matters in some detail. There are a number of Main Modifications to the wording of these policies, which are all unchanged from the modifications considered by the Committee and were part of the public consultation in the summer. Concerns were raised by the owners of Southcliffe Trailer Park, in Waton,

A.2 APPENDIX 1

about its designation as a safeguarded holiday park – and the Inspectors have indicated in paragraph 95 of their final report, that this designation can be removed. They conclude that the Plan provides a soundly based strategy for the local economy and an adequate supply of employment land.

Issue 5 – Does the Plan set out a soundly based strategy to provide healthy communities and living places which is justified, effective and consistent with national policy?

In considering Chapter 5 of the Plan, Healthy Places, the Inspectors found that the Main Modifications the Committee considered earlier this year are sufficient to conclude that the Plan sets out a soundly based strategy for providing healthy communities and living places – and there are no further changes to the Modifications required.

Issue 6 – Does the Plan set out a soundly based strategy to protect the natural and built environment and to address, mitigate and adapt to climate change?

The Inspectors considered the policies under the Protected Places chapter of the Plan, and concluded that with a number of modifications the Plan sets out a soundly based strategy to protect the natural and built environment and to address, mitigate and adapt to climate change.

Two minor changes were made to the modifications that were brought to committee and then consulted on in the summer:

- MM33.1, which relates to RAMS, has been shortened slightly to improve clarity; and,
- MM37.1, which looks at large-scale renewable energy sites, says that “the Council may prepare a further Development Planning Document (DPD)”, rather than a Supplementary Planning Document (SPD), which is a more appropriate policy document to support the delivery of such a scheme – given that it might require land to be specifically allocated for a particular renewable energy use.

Issue 7 – Does the Plan make adequate provision for infrastructure including community facilities and transport and would development be viable having regard to infrastructure and policy requirements?

The Inspectors found that the Council’s Infrastructure Delivery Plan Review makes a comprehensive assessment of infrastructure requirements for new development sites, and that the Plan reflects these. Subject to two modifications (regarding national guidance in relation to viability, and the Council’s position in regard to introducing the Community Infrastructure Levy) the Plan makes adequate provision for infrastructure including community facilities and transport, and the requirements of the Plan are viable and deliverable.

Issue 8 – Are the arrangements for monitoring and delivery robust?

In advance of the hearing sessions, the Council suggested a new framework of objectives, targets and indicators for use in future monitoring – and the Inspectors found that this modification was necessary for clarity and effectiveness. They found that our new arrangements for monitoring and delivery are robust.

A.2 APPENDIX 1

Paragraphs 151 and 152 set out the Inspectors' overall conclusion and recommendation, which are replicated as follows (emphasis added):

151. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

152. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Tendring District Local Plan Part 2 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Recommended Main Modifications

The Inspectors' recommended Main Modifications to the Section 2 Local Plan are set out in full in Appendix 2 to this report and are, in the majority, unchanged from those published for consultation. The Inspectors have, however, made a number of adjustments to some of the modifications in response to comments received. The adjustments, outlined above, are all minor in nature and do not require any further consultation.

The 'modified' version of the Section 2 Plan is attached as Appendix 3 to this report and incorporates the Inspectors' final Main Modifications, the minor Additional Modifications made at the Council's discretion, and the modifications to the Local Plan maps.

A 'tracked changes' version of the new Local Plan highlighting the modifications has been produced ([link](#)), for information and for those readers who are interested in seeing how each of the modifications compares to the original content of the Local Plan.

Adoption

The Council now has confirmation from the Inspectors that the modified version of the Section 2 Plan is sound and can therefore proceed to adoption. Adoption of the Section 2 Local Plan will represent a major milestone for Tendring District Council as the new plan will supersede, in full, the previous outdated Local Plan of 2007 and will ensure the Council has a fully up-to-date Local Plan in place to guide development up to 2033.

Adoption of the modified Section 2 Local Plan will required a decision of Full Council, and the Planning Policy and Local Plan Committee is invited to recommend this to Full Council at its scheduled meeting on 25th January 2022.

APPENDICES

Appendix 1 – Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (24 November 2021).

A.2 APPENDIX 1

Appendix 2 – Tendring District Local Plan 2013-2033 and Beyond Section 2 – Schedule of Recommended Main Modifications (24 November 2021).

Appendix 3 – The modified Tendring District Local Plan 2013-2033 and Beyond Section 2, including links to Local Maps.

BACKGROUND DOCUMENTS

[Link to Policies Maps \(page size A1\):](#)

[Policies Map - Key](#)

[Policies Map - West Tendring District](#)

[Policies Map - South East Tendring District](#)

[Policies Map - North East Tendring District](#)

[Policies Map - Tendring District](#)

[Tracked Changes version of the Local Plan showing Modifications](#)

[Link to representations set out in full](#)

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Report to Tendring District Council

by Anne Jordan BA(Hons) MRTPI and Jameson Bridgwater Dip TP MRTPI

Inspectors appointed by the Secretary of State

Date 24 November 2021

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Tendring District Local Plan 2013-2033 and Beyond Section 2

The Plan was submitted for examination on 9 October 2017

The examination hearing sessions were held between 23 February and 4 March 2021

File Ref: PINS P1560/429/5

Contents

Abbreviations used in this report	page 3
Non-Technical Summary	page 4
Introduction	page 5
Context of the Plan	page 6
Public Sector Equality Duty	page 7
Assessment of Duty to Co-operate	page 7
Assessment of Other Aspects of Legal Compliance	page 8
Assessment of Soundness	page 8
Issue 1 - Is the spatial strategy and distribution of development set out in the Plan based on robust evidence and is it justified and effective?	page 9
Issue 2 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in relation to its provision for housing?	page 12
Issue 3 –Are the housing allocations positively prepared, justified and effective ?	page 14
Issue 4 – Does the plan set out a soundly based strategy for the local economy and are the employment allocations positively prepared, justified and effective?	page 18
Issue 5 – Does the Plan set out a soundly based strategy to provide healthy communities and living places which is justified, effective and consistent with national policy?	page 23
Issue 6 – Does the Plan set out a soundly based strategy to protect the natural and built environment and to address, mitigate and adapt to climate change?	page 26
Issue 7 – Does the Plan make adequate provision for infrastructure including community facilities and transport and would development be viable having regard to infrastructure and policy requirements?	page 29
Issue 8 – Are the arrangements for monitoring and delivery robust?	page 31
Overall Conclusion and Recommendation	page 31
Schedule of Main Modifications	Appendix

Abbreviations used in this report

The Act	The Listed Buildings and Conservation Areas Act 1990
AONB	Area of Outstanding Natural Beauty
AMR	Annual Monitoring Report
CIL	Community Infrastructure Levy
DPD	Development Plan Document
DtC	Duty to Cooperate
EA	Environment Agency
ELR	Employment Land Review
EPOA	Essex Planning Officers' Association
EVS	Economic Viability Statement
EVSA	Economic Viability Statement Addendum
GC	Tendring Colchester Borders Garden Community
GTAA	Gypsy and Traveller Accommodation Assessment
HE	Historic England
NE	Natural England
HIA	Health Impact Assessment
HMOs	Houses in Multiple Occupation
HRA	Habitat Regulation Assessment
IDPR	Infrastructure Delivery Plan Review
MM	Main Modification
MSA	Medium Site Allocations
Part 1 plan	North Essex Authorities' Shared Strategic Section 1 Plan
PHE	Public Health England
PPTS	Planning Policy for Traveller Sites
RTCUS	Retail and Town Centre Uses Study(RTCUS)
RAMs	Essex Coast Recreational disturbance Avoidance and Mitigation Strategy
SA	Sustainability Appraisal
SAE	Strategic Allocations Employment
SAH	Strategic Allocation Housing
SAMU	Strategic Allocation Mixed Use
SGGR	Strategic Green Gaps Review
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
SUDs	Sustainable Urban Drainage Systems
UCO	Use Classes Order

Non-Technical Summary

This report concludes that the Tendring District Local Plan 2013-2033 and Beyond provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. Tendring District Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearing sessions, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases, we have amended their detailed wording and added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Revisions to housing and employment sites allocations to update the Plan in light of changes since submission and to reflect updated evidence on site capacity;
- Modifications to reflect changes in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 relating to Class E;
- Rewording policies to ensure they are positively prepared;
- Adding or deleting explanatory text to guide development;
- Setting a new monitoring regime to include objectives, targets and key indicators;
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Tendring District Local Plan Part 2 in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019 and July 2021. It includes a transitional arrangement in paragraph 220 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound and legally compliant plan. The Tendring District Local Plan 2013-2033 and Beyond, submitted in October 2017, is the basis for our examination. It is the same document as was published for consultation in June 2017.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound, and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1.1**, **MM2.1** etc, and are set out in full in the Appendix.
5. Following the examination hearing sessions, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light, we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alter the content of the MMs as published for consultation or undermines the participatory processes and sustainability appraisal and habitats regulations assessment that has been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Tendring District Local Plan Policies Map as set out in documents ref CD1.2, CD1.3, CD1.4, CD1.5 and CD1.6.
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
8. These further changes to the policies map were published for consultation alongside the MMs in the Schedule of Proposed Map Modifications.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Tendring District Local Plan Policies Map and the further changes published alongside the MMs in the Schedule of Proposed Map Modifications.

Context of the Plan

10. The Tendring Local Plan Part 2 is intended to replace the Tendring District Local Plan 2007. It will form part of the development plan for the area along with the North Essex Authorities' Shared Strategic Section 1 Plan (Part 1 plan) which is a joint strategic plan for the North Essex Authorities, prepared with Colchester and Braintree Councils, and adopted by Tendring District Council in January 2021. The Part 2 plan was submitted for examination alongside the Part 1 plan and seeks to implement the strategic aims of the Part 1 plan in respect of the amount and location of development in the District.
11. Tendring is a coastal district with the Stour Estuary to the north bordering Suffolk and the Colne Estuary to the west bordering Colchester. The district has a large rural heartland which includes parts of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty. Clacton-on-Sea and Harwich form the largest settlements. Harwich International Port is a multi-purpose freight and passenger port. Clacton-on-Sea is a popular tourist destination along with the smaller settlements of Frinton and Walton-on-the-Naze. The district includes large areas of undeveloped coastline and the international importance of the district for coastal and marine ecology is recognised in the designation of 10 Sites of Scientific Interest, as well as Special Areas of Conservation, Special Protection Areas, Ramsar Sites and a Marine Conservation Zone.

Public Sector Equality Duty

12. We have had due regard to the aims expressed in S149 of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
13. We have considered several matters during the examination including accommodation for Gypsies and Travellers, provision for care homes and independent assisted living and for those who need accessible and adaptable housing. In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic. There is also no compelling evidence that the Tendring District Local Plan as a whole would bear disproportionately or negatively on them or others in this category.

Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. The Council has engaged with adjoining local planning authorities, Essex County Council and prescribed bodies on all relevant strategic matters from an early stage in plan preparation as documented in the Council's "Duty to Cooperate Record of cooperation"[CD4.2]. The plan was submitted for examination alongside the Part 1 plan which is a joint strategic plan for the North Essex Authorities, prepared with Colchester and Braintree Councils. It is evident that the Council has developed a strong working relationship with Braintree and Colchester Councils (the North Essex Authorities) arising from the extensive cross boundary work on the Section 1 Local Plan and also as relates to the progression of the three Section 2 Plans. The district also shares a border with Babergh Mid Suffolk District Council.
16. The DtC was assessed by the Inspector examining the part 1 plan and was found to have been met. The strategic, cross-boundary matters addressed included assessments of need for housing, Gypsy and Traveller accommodation and employment land; strategic infrastructure, including improvements to the trunk and local road networks and the railway network, education, healthcare and broadband provision; and the environmental and other cross-boundary impacts of the Plan's proposals.
17. There are no cross-boundary issues with neighbouring authorities and other relevant organisations, which have not already been considered at the Section 1 examination. The Council has continued to engage with these bodies since the submission of the plan and has updated the part 2 plan to reflect this, in particular Essex County Council in relation to the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS), the Environment Agency (EA), Historic England (HE) and Natural England (NE).

18. Accordingly, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Other Aspects of Legal Compliance

19. The Plan has been prepared in accordance with the Council's Local Development Scheme.
20. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
21. The Council carried out a Sustainability Appraisal of the Plan and prepared a report of the findings of the appraisal. The report was published along with the Plan and other submission documents under regulation 19. The appraisal was updated in June 2021 to assess the MMs and is adequate.
22. The Habitats Regulations Appropriate Assessment Screening Report (May 2017) and subsequent updates concluded that the Plan is likely to have a significant effect on European sites, alone or in combination with other plans or projects. A full HRA including Appropriate Assessment was undertaken to accompany the submitted Plan which concluded that subject to policy measures incorporated in the Plan, together with appropriate mitigation, there would be no significant adverse effects on the integrity of the European national site network, either alone or in combination. The HRA of the MMs reaches the same overall conclusion.
23. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
24. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These are covered in Issue 6 of the report.
25. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

26. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing sessions, we have identified 8 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Is the spatial strategy and distribution of development set out in the Plan based on robust evidence and is it justified and effective?

Spatial Strategy and Achieving a Sustainable Pattern of Development

27. The Vision and Objectives (Chapter 2) sets out the social, economic and environmental priorities to deliver sustainable development within the District. They seek to provide homes and jobs to meet future needs, as identified in the Part 1 plan, in part through the Tendring Colchester Borders Garden Community (GC). The Plan also seeks to capitalise on the District's coastal location as a centre for tourism and international freight and transport. It identifies the need to protect the environmental quality of the area and the natural, historical and built environment and for new development to adapt to and mitigate against climate change. These social, environmental and economic priorities for delivering sustainable development in the District are in line with the NPPF. To add clarity to the Council's vision statement and therefore in the interests of effectiveness, **MM1.1** recognises the importance of climate change adaptation and mitigation for a coastal district such as Tendring and **MM1.2** emphasises the importance of heritage features as an asset to the district's seaside towns.
28. The Sustainable Places chapter contains 3 overarching policies which seek to provide a sustainable pattern of development in the District. Policy SPL1 sets out a hierarchy of settlements in the District within which growth in the District will be managed. Policy SPL2 seeks to define the extent of these settlements with settlement boundaries. The hierarchy prioritises locations with access to the strategic road network and public transport and which have the potential to offer the widest range of services. Policy SPL3 deals with sustainable design.
29. Strategic Urban Settlements are the largest settlements in the District and are identified in the Sustainability Appraisal (SA), Strategic Housing Land Availability Assessment (SHLAA) and the Local Plan Settlement Hierarchy document as having the greatest range of infrastructure and facilities, and the greatest potential for public transport, walking and cycling. The settlements of Clacton-on-Sea and Harwich and Dovercourt fall within this category as due to their size and established infrastructure they provide the greatest potential for delivering sustainable growth. The proposed Garden Community (GC), which was allocated within the Part 1 North Essex Plan and which straddles Tendring and Colchester, is also included in this category as it provides significant potential for longer term growth, beyond the plan period. For this reason, the Plan at the point of adoption, allocates 1,185 homes within the plan period in Clacton, 348 in Harwich and Dovercourt and 1,000 within the GC.
30. The settlements of Frinton Walton and Kirby Cross; Manningtree Lawford and Mistley; and Brightlingsea are identified in the hierarchy as "Smaller Urban Settlements". This recognises that such settlements have some existing infrastructure and facilities and can accommodate some growth over the plan period. In addition to a number of recent permissions which

have been built out, the plan at the point of adoption allocates a further 40 houses within these settlements.

31. The seven villages of Alresford, Elmstead Market, Great Bentley, Little Clacton, St Osyth, Thorpe-le-Soken and Weeley are classified as Rural Service Centres. Due to the more limited range of shops, jobs and services within these settlements, they are identified as providing only a modest proportion of the proposed development within the Plan. The Plan at the point of adoption allocates 304 dwellings within these settlements which includes an outstanding permission for 280 Houses at Weeley.
32. A number of smaller rural villages are also identified within the hierarchy. These have a limited range of services and due to the extent to which residents are likely to be reliant on the private car to access employment and services they are identified for only small-scale development. The Plan does not therefore allocate sites within these villages although settlement boundaries have been drawn to allow for some limited growth in the interests of sustaining existing local services. We are satisfied that the settlement boundaries robustly reflect the nature of the settlements identified.
33. This approach, of locating growth in and around existing urban areas and limiting development in less accessible settlements is supported by the (SHLAA) and the (SA) and is consistent with the overarching aim of the NPPF to provide sustainable development.
34. However, whilst the Plan sets out a clear hierarchy, which is consistent with how sites have been allocated for development, it provides limited guidance on how future proposals for development should be considered. **MM3.2** and **MM3.3** within the supporting text explain how such proposals will be considered within Smaller Urban Settlements and Rural Service Centres. These changes are necessary for effectiveness.
35. The approach taken to development outside settlement boundaries in the supporting text is unduly restrictive as it precludes any development outside settlement development boundaries and so conflicts with national policy in the NPPF. **MM4.1B** within policy SPL2 and **MM4.2** which delete part of the supporting text address this, by making clear that such development should be consistent with the settlement hierarchy outlined in SPL1. These changes are necessary for clarity and effectiveness.
36. The plan is also ambiguous as to the status of the GC. The GC forms part of the adopted plan Part 1 and, as we will return to in Matter 2 below, will make a significant contribution to the longer term housing needs of the district. The GC will be the subject of a Development Plan Document (DPD) and no planning permission will be granted until the DPD has been adopted. At this point in time, the GC does not have a settlement boundary as it is defined as a broad location in the adopted Part 1 plan. To reflect this **MM3.1**, **MM3.5**, **MM4.1A** and **MM4.1C** distinguish between the existing strategic urban settlements of Clacton and Harwich and the proposed GC and are necessary for clarity and effectiveness.

37. The plan recognises that additional sites could come forward within villages through Neighbourhood Plans. However, this approach is not adequately explained. **MM2.1**, **MM3.4** and **MM3.6** make changes within the explanatory text which set out the basic conditions under which a Neighbourhood Plan can be brought forward and identify the policies within the plan which the Neighbourhood Plan must conform with. This is necessary for clarity and effectiveness.
38. Policy SPL3 contains design principles against which planning applications for development will be considered. The policy covers a number of aspects of design but has a number of omissions and is ambiguous in parts. As drafted the policy does not provide clear direction to the decision maker. To ensure that the policy takes into account local characteristics, **MM5.1** adds criteria within Part A of the policy to highlight the importance of local landscape character. **MM5.2** seeks to encourage the use of locally occurring hedge species within landscaping schemes and boundary treatments.
39. Part B deals with practical requirements. Part B (a) fails to reflect the potential for mitigation to resolve highway impacts and is inconsistent with national policy. **MM5.3** amends the policy to resolve this matter. As drafted Part B(d), in relation to the impact of climate change could become out of date. **MM5.4** amends the policy to ensure the requirement to minimise the production of greenhouse gases is aligned to the Building Regulation requirements. **MM5.5** qualifies that the requirement for private amenity space in Part B(f) must be adequate and removes the need for waste separation facilities from the policy as this is not a local waste collection requirement. **MM5.6** amends the wording of Part B(g) to remove ambiguity as to the requirement to integrate Sustainable Urban Drainage Systems (SUDS) into new development. Within Part B there is a requirement to comply with Part M of the Building regulations. However, for effectiveness, it would more logically sit within policy LP3 of the plan, **MM5.7** therefore deletes it from this policy.
40. Part C of the policy relates to Impacts and Compatibility. In order to ensure that disturbance to neighbours is minimised and damage during construction is repaired, **MM5.8** includes an additional criterion for developers to comply with the considerate constructors' scheme. However, the policy as modified goes further than is necessary and, in any case, is covered by other legislation. We have therefore amended the MM to ensure the policy relates solely to planning matters. The policy also requires developers to consider climate change adaption measures as part of new development. This requirement is imprecise. **MM5.9** requires that such measures be incorporated as part of new development and clarifies that the reference to low carbon relates to energy production.
41. The modifications to policy SPL3 are necessary for clarity and for the policy to be effective.

Conclusion

42. Subject to the MMs identified above the Plan's overall spatial strategy provides a pragmatic and soundly based development strategy for Tendring over the Plan period.

Issue 2 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in relation to its provision for housing?

43. The Part 1 plan sets out a minimum housing requirement for the 2013-2033 plan period of 11,000 dwellings with an annualised housing target of 550 dwellings a year. Since the Plan was submitted in 2017 a significant proportion of the allocated sites within the Plan are already under construction or have obtained permission. Others, for the reasons set out below, have been deleted from the Plan. Furthermore, a number of unallocated sites have been granted permission and some of these have been developed.
44. **MM9.2** updates Table LP1 setting out the residual housing requirement for the plan period taking into account completions since the base date with a total requirement of 7,362. **MM9.3** updates Table LP2 to reflect the changes in the housing land supply position between April 2017 and April 2020 and shows the deletion of sites from the Local Plan, as set out below in Matter 3. This will be supported by a detailed trajectory for individual sites published in the AMR. **MM9.4** to policy LP1 sets out these figures by supply source and **MM9.1** amends the supporting text. These changes are factual updates necessary for effectiveness.
45. The NPPF also requires local planning authorities to be able to identify a supply of deliverable housing land for at least five years, including an appropriate buffer. The Plan, as updated by the main modifications, credibly demonstrates a housing supply of 12,545, comfortably in excess of the housing target for the plan period. A very large proportion of these homes, 9,578, have also either already been completed, or have the benefit of planning permission. The SHLAA and the various housing topic papers submitted to the examination provide robust evidence on the likely time period for completions across the plan period. This includes large allocations at Hartley Gardens and Oakwood Park, as well as long-term strategic development at the GC. The additional supply will provide flexibility, recognising that delivery may be slower than predicted on some sites, whilst still ensuring that the District provides the homes it needs.
46. Table LP1 sets out net completions since 2013. After poor rates of delivery in 2013-2015 the District has delivered far in excess of the annual requirement since 2016. The 2020 Housing Delivery Test for Tendring also indicates that a higher buffer is not necessary. Therefore, we consider an appropriate buffer to be 5%.
47. The five-year requirement figure for Tendring at April 2021 is consequently **3,110** dwellings (11,000 multiplied by 5/20; plus 212 (shortfall); multiplied by a buffer of 1.05 (i.e., 5%)).

48. The Housing Trajectory in the SHLAA identifies as “contributions from large site commitments” a total of 3,364 dwellings which are expected to be delivered between 1st April 2020 and 31st March 2025. We have had regard to evidence from the Council and developers as to their intentions on sites, progress in submitting planning applications, possible constraints to delivery, likely start dates and realistic build out rates.
49. Although the plan was examined under the transitional arrangements, we have considered the deliverability of sites against the provisions of the 2019 NPPF since that will govern the calculation following plan adoption. Some of the sites are not supported by sufficient evidence to demonstrate that there is a realistic prospect that housing will be delivered within 5 years. Some sites have been delayed by issues relating to the S106, others are in outline form only with no indication of a reserved matters application coming forward to support delivery within the indicated timescale. Consequently, adopting a cautious approach, we consider that only around **3100** are deliverable within that 5 year period.
50. The trajectory does not include any dwellings on sites of less than 10 dwellings. Instead, these are included as “small sites and windfalls”. Appendix 2 of the SHLAA analyses the contribution from small sites versus dwelling completions on small sites between 2001 and 2020 and shows an average of around 180 completions a year. The Council’s estimate of **680** dwellings from this source over the next 5 years is therefore a very cautious one, even accounting for an anticipated reduction in the availability of small sites within the plan period.
51. We have set out our conclusions on the deliverability of allocated sites in Matter 3 below. The Council is not relying on any allocated site without permission to deliver homes within the next five years. In the context of a local plan examination, it is not necessary for us to identify a precise housing supply figure. Nonetheless, the 3,100 + 680 comfortably exceeds the 5YHL requirement figure of 3,110, even accounting for potential delays in delivery. As such, we are satisfied that there are sites sufficient to provide a 5-year supply of housing land upon adoption of the Plan. Furthermore, the Plan makes provision for the whole plan period comfortably in excess of the that identified in the Part 1 plan.
52. Information as to housing completions for April 2020-April 2021 was not available during the examination. The implications of the Covid 19 pandemic were raised during the hearing. Whilst there is likely to have been some reduction in delivery during lockdown, a very large proportion of the sites within the five-year supply are sites that are already under construction and so may have been delayed, but not “lost” from the supply. In addition, permissions that may have otherwise expired during that period will have remained valid until May 2021 due to automatic extensions.
53. Given the very comfortable buffer available, and the potential for supply from allocations within the middle of the remaining plan period, we see no reason to conclude that the healthy land supply situation the Council has demonstrated will significantly alter when the figures for completions for 2020/2021 become available.

Conclusion

54. In conclusion, subject to the modifications above, the plan provides for an adequate supply of housing land for the plan period.

Issue 3 – Are the housing allocations positively prepared, justified and effective?

55. The allocations are split into Strategic Allocation Mixed Use Sites (SAMU), Strategic Allocation Housing (SAH) and Medium Site Allocations (MSA). In line with the settlement hierarchy set out in Policy SP1 the majority of development is centred around the Strategic Urban Settlements of Clacton and Harwich and Dovercourt. Site specific requirements are set out within each policy for the strategic allocations. When considered alongside the other policies in the Plan, this will ensure that such matters are effectively addressed when development proposals come forward.

EDME Maltings Mistley (SAMU1)

56. The EDME Maltings site SAMU1 is made up of land on both sides of the High Street in Mistley. The northern parcel comprises the site of the Thorn Quay Warehouse and the southern section comprises an operational site for EDME Ltd, which is currently still in use. The policy allocates the site for 150 dwellings. However, since submission Thorn Quay Warehouse has received planning permission for 45 dwellings and works have commenced on site. Plans to relocate the existing occupier of the site to alternative premises within the District are well advanced and support the redevelopment of the site for mixed use development during the plan period.
57. However, there are constraints to redevelopment for mixed use due to the complex nature of this brownfield site, which includes a number of heritage assets. Whilst these would not preclude redevelopment, the policy as drafted is over-prescriptive in referring to housing numbers and a minimum amount of employment land. Due to the complex nature of the brownfield site and the need to provide a viable use consistent with the conservation of the heritage assets, it is more appropriate that a future detailed scheme determines the exact level of housing and employment floorspace at the site. The policy also omits to refer to the need to make financial contributions to healthcare. **MM42.1, MM42.2, MM42.3, MM42.4B** and **MM42.4C** update the policy and figure SAMU1 and removes Thorn Quay Warehouse from the site and reference to the village green within it, in order to reflect its on-going development. **MM42.4C** also requires financial contributions to health-care provision. **MM42.4A** removes specific numbers relating to the breakdown of uses within the site.
58. These MMs are necessary to ensure clarity and effectiveness. As it is not possible to ascribe with any accuracy a potential dwelling yield from the site, or a time period for delivery, the southern section of the site should also be removed from the housing trajectory.

Hartley Gardens Clacton (SAMU2)

59. The Hartley Gardens Site is consistent with policy SP1 as it lies close to services and existing infrastructure in Clacton. The area can reasonably provide 1,700 homes in total, to come forward towards the end of the plan period and beyond. The site includes land to the south east that is being developed as Brook Park West. This land is no longer critical for the redevelopment of the wider Harley Gardens site and its inclusion within the allocation is therefore no longer necessary. Furthermore, since the submission of the Plan the Council has carried out further work in relation to the capacity of the site (Hartley Gardens Topic Paper) which indicates that in order to achieve an appropriate level of landscape and environmental protection, including appropriate levels of biodiversity net gain, additional land, to the north and west is necessary as part of the site. **MM43.1** removes the Brook Park West development from the site and includes an additional area to the north west within the site allocation. This is necessary to ensure that the Plan has been positively prepared and in the interests of effectiveness.
60. The evidence confirms that it is likely that the majority of development on site will occur beyond the plan period and **MM43.4A** clarifies that the site will achieve the phased delivery of 1,700 dwellings.
61. In order to ensure the holistic development of the site, the policy requires a master planned approach which reflects the extent of the site and scale of development proposed beyond the plan period. Whilst it has been the Council's intention to address this through an SPD, a masterplan, prepared for approval by the Council, could also address this matter. To provide certainty and ensure a whole site approach to future development **MM43.2**, **MM43.3**, **MM43.4I**, **MM43.4J**, **MM43.4K** and **MM43.4L** amend the policy and supporting text to require an SPD or masterplan and also outline the factors that will influence it. We have altered the advertised modifications to include references to a masterplan. Subject to this change, the modifications, which ensures that the plan is effective and positively prepared, are justified.
62. The policy requires the provision of affordable housing but is not sufficiently clear as to the type or amount required. In order to be effective, **MM43.4A** provides clarity in this regard in line with the other policies in the Plan. To reflect the findings of the Employment Land Review (ELR), which identifies that the District has a reduced need for employment land over the plan period, **MM43.4B** reduces the likely employment requirement on the site, whilst still allowing for the possibility to deliver some additional employment land, if economic conditions support it, to ensure that the Plan is positively prepared.
63. To reflect the latest available evidence in relation to education needs and for effectiveness, **MM43.4C** sets out the likely educational requirements for the site. To reflect new evidence in relation to the ecological importance of land adjoining the site, and to be consistent with national policy **MM43.5F** requires at least 10% biodiversity net gain, in line with the most up to date national guidance and is necessary for the policy to be effective.

64. The policy also sets out a number of requirements in relation to health, transport, green infrastructure and utilities infrastructure. However, these requirements are overly prescriptive. **MM43.4D, MM43.4E, MM43.4G MM43.4H**, provides flexibility in how they might be delivered and is necessary for the policy to be effective.

Oakwood Park Clacton (SAMU3)

65. Based on discussions at the hearing it was demonstrated that the site has capacity to provide 900 dwellings rather than the 750 identified, to come forward throughout the plan period and beyond. **MM44.1, MM44.2A and MM44.2B** update the policy and supporting text to reflect this. The policy is also over-prescriptive in terms of land take requirements for the various uses, which could constrain delivery and **MM44.2C** provides flexibility in how these might be delivered. **MM44.2I** clarifies the status of part of the site as land with planning permission. A bridleway runs through the site. **MM44.2J** ensures that the character of this route is taken into consideration in the master planning of the site. Furthermore, the site is adjoined to the east by land which is excluded from the allocation but included within the proposed settlement development boundary. The Council acknowledge that it could form a longer-term phase of further development post 2033, depending on the progress and success of the allocated site. **MM44.2D** ensures that the master planning of the allocation site takes this potential into account, so such land is not prevented from future development. These changes are necessary for clarity and to ensure the policy is effective.

Rouses Farm, Jaywick Lane, Clacton (SAMU4)

66. The evidence contained in the Strategic Housing Land Availability Assessment (SHLAA) demonstrates that the site has capacity for 950 dwellings which can come forward throughout the plan period. **MM45.1** updates the policy to reflect this and amends the education requirements to reflect the higher site capacity. The policy is also over-prescriptive in relation to requirements for healthcare and the modification provides flexibility on how this will be delivered. This modification is necessary for clarity and effectiveness.

South of Thorpe Road, Weeley (SAMU5)

67. The site is subject to an outline planning permission for 280 houses. The Council have proposed the policy be modified to ensure that the railway bridge to the south is a multi-user bridge, that is capable of being accessed and used by pedestrians, cyclists and equestrians. However, we are advised that the legal agreement serving the development requires only a pedestrian bridge and as such these modifications would serve no purpose. **MM46.1** and **MM46.2** are therefore not required for soundness.

The Strategic Allocation Housing sites

68. Land at Greenfield Farm Dovercourt (SAH1) has been granted consent for 42 dwellings. The remainder of the site has significant access and deliverability constraints and is no longer considered to be developable.

Land at Robinson Road Brightlingsea (SAH3) has permission for 115 dwellings and is under construction. Consequently, the requirements of policies SAH1 and SAH3 are now out of date and the specific allocations in the Plan are no longer required. **MM47.1, MM47.2** and **MM41.1** which delete the allocations are necessary for effectiveness.

69. Land at Low Road Dovercourt (SAH2) is a large edge of settlement site with capacity for around 300 dwellings. It has no identified environmental constraints or issues that would constrain delivery. The SHLAA anticipates delivery over an eight year period, starting towards the end of 2023. We consider this to be a reasonable assumption given the size of the site and the slower rate of build out in the north of the District.

The Medium Sized Allocations

70. Table LP2 includes 13 MSA sites. MSA3 - Orchards Works Clacton has already been developed. There is also limited evidence to support the deliverability of MSA2 - Cotswold Road, Clacton, MSA5 - Station Gateway Clacton, MSA7 - Mayflower Primary School, Dovercourt, MSA9 - Old Town Hall Site, Walton and MSA10 - Southcliffe Trailer Park, Walton and the Council have indicated that they no longer consider these suitable for allocation as housing sites.
71. In relation to MSA12 - Land at the Farm Kirby Road, the site appears to be highly constrained by a number of mature trees on the site and a building, referred to as "an historic farm building" in the SHLAA, located in the centre of the site. Taking into account the size of the site and likely constraints we find no compelling evidence that the site is suitable for development of the extent put forward and should not be relied upon as part of the housing supply calculations.
72. All of these sites lie within the urban area and whilst all may potentially be suitable for housing, in the absence of substantive evidence to demonstrate their likely delivery within the plan period the allocation of these sites for housing is unsound.
73. The Council seek removal of MSA4 - Land rear of 522-524 St. John's Road Clacton and MSA14 - Montana Roundabout Little Clacton as they now benefit from planning permission. We note that only parts of these sites are covered by permissions. The SHLAA identifies both sites as having potential impediments to delivery, at least in part. Therefore, whilst we note that if the permissions lapse then the sites would be lost from the housing supply, site specific allocations for these sites would not meet the tests of soundness.
74. **MM9.1, MM9.2, MM9.3** and **MM9.4** update the supporting text, tables and policy LP1 to remove these sites as allocations and are necessary for effectiveness.
75. In relation to the remaining MSA sites, MSA1 is the Council Offices site at Thorpe Road, Weeley. The site has no overriding environmental constraints and is based on the reasonable assumption of capacity for 24 dwellings.

Redevelopment would require the relocation of Council services and so would not be available until the middle of the remaining plan period.

76. MSA6 is Land off Waterworks Drive in Clacton. The site has capacity for 90 dwellings and lies within a residential area. It is identified as requiring remediation and site clearance and is currently occupied by the water company. Although the site was previously allocated in the 2007 plan it remains a developable site which is likely to be deliverable within the middle of the remaining plan period.
77. MSA8 is at Land adjoining Harwich and Parkeston Football Club, Dovercourt and is shown in the plan with a capacity of 89 dwellings. The site is partly occupied by the football club who have indicated that they no longer intend to relocate. This reduces the capacity of the site to around 48 dwellings. The site has no other overriding environmental constraints and is likely to become available for development towards the middle of the plan period.
78. MSA11 is Land at Station Yard Walton. The site is in an accessible location close to the station and the estimated capacity of 40 dwellings reflects the site's town centre location. The SHLAA indicates that there are no irresolvable issues which would impede development, although the multiple ownership of the site indicates that development towards the middle of the remaining plan period.
79. These sites will together increase the range of developable sites within the housing supply. However, the plan document provides no details of these sites other than their inclusion within the list of Local Plan Housing Allocations. **MM48.1** which identifies the sites, is therefore necessary for clarity and effectiveness.

Conclusion

80. In conclusion, subject to the above-mentioned modifications, the allocations for housing development in the Plan are justified, effective and consistent with national policy.

Issue 4 – Does the plan set out a soundly based strategy for the local economy and are the employment allocations positively prepared, justified and effective?

Employment Land

81. The Part 1 plan sets out that in order to meet the requirement for employment uses, and to maintain appropriate flexibility in provision to meet the needs of different sectors, the Part 2 Plan should allocate between 12 and 20 hectares of employment land for the Plan period. The ELR provides a robust assessment of the employment land available. It indicates that the existing range of operational employment sites across the District continue to play an important role in meeting the needs of existing businesses and most should continue to be protected. These are to be shown on the policies map.

82. The NPPF states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Policies PP6 and PP7 safeguard existing employment sites for B1, B2 and B8 uses but as submitted the criteria for assessing their change of use within it are overly onerous as they require no overall loss of employment land. **MM23.2** and **MM23.1B** to policy PP6 and **MM24.1** to policy PP7 address this and set out how proposals for development on safeguarded employment sites for uses other than B2 or B8 will be treated, including ensuring no incompatibility with existing land uses. These changes are necessary for clarity and for consistency with national policy.
83. To respond to the changes to the Use Classes Order (UCO) and for effectiveness, references to Class B1 within policies PP6 and PP7 is replaced with Class E(g) in **MM23.1A**. **MM24.1** also replaces policy PP7 with an updated version which reflects the changes outlined above to SAE allocations, reflects recent changes to the UCO and includes recent permissions. It also provides criteria against which proposals for alternative uses will be considered. These changes are necessary for clarity and effectiveness.
84. As submitted, Policy PP7 allocates 6 hectares of employment land within the GC, with a further 4-24 hectares earmarked for potential future growth beyond the plan period. However, the GC is to be the subject of its own DPD and it would not be appropriate to identify a site within the GC at this stage. To be effective and to ensure the Plan has been positively prepared, **MM24.1** therefore ensures that the replacement policy refers to additional employment land within the GC without a specific allocation.
85. As revised, policy PP7 allocates around 12 hectares more employment land than that set out in the higher growth scenario in the part 1 Plan. However, given the relatively low levels of provision set out, and the fact that the allocations in policy PP7 are almost all subject to extant planning permissions, we are satisfied that the allocations are soundly based and will provide some choice and flexibility in provision which may assist economic growth.
86. Furthermore, we are satisfied that the modifications to policies PP6 and PP7 provide sound criteria to consider applications for changes of use from employment uses where appropriate.

Employment Allocations

87. SAE1 relates to use of land at Carless Refinery. The land is allocated specifically for the expansion of the refinery use, and is not general employment land, but this is not clear from the policy. Furthermore, as worded the policy does not take account of the proximity of internationally important wildlife sites or the recently extended Suffolk Coast and Heaths Area of Outstanding Natural Beauty. **MM49.1**, which amends the policy to reflect these matters, is necessary for clarity and effectiveness.
88. SAE2 relates to land south of Long Road, Mistley. The allocation includes 2 hectares of land for employment use within a mixed-use scheme. The

scheme has outstanding planning permission, and the site is included within the employment allocations in policy PP7. Furthermore, the criteria within the policy are replicated within other policies in the plan. As the allocation is not necessary **MM49.2** deletes the policy, map and supporting text in the interests of effectiveness.

89. SAE3 relates to land at Lanswood Park, Elmstead Market. The allocation includes 1.2 hectares of land for employment use. However, the site has already been largely built out and the allocation is therefore no longer necessary. **MM49.3** deletes the policy and supporting text in the interests of effectiveness.
90. SAE4 relates to the Mercedes Site at Bathside Bay. The allocation includes 7.4 hectares of land for employment use. However, the site has already been developed and the allocation is therefore no longer necessary. **MM49.4** deletes the policy and supporting text in the interests of effectiveness.
91. SAE5 relates to development at Mistley Port and SAE 6 relates to development at Mistley Marine. Both seek to protect the sites for port-related development. However, the requirements of the policies are duplicated within other policies within the Plan. The policies therefore serve no purpose and are unnecessary. **MM49.5** and **MM49.6** delete the policies and supporting text in the interests of clarity and effectiveness.
92. SAE7 relates to Stanton Europark, a mixed use development which includes 3.3 hectares of employment land. The site is included within the employment allocations in policy PP7. Furthermore, the criteria within the policy are replicated within other policies in the plan. **MM49.7** deletes the policy and supporting text in the interests of effectiveness.

Tourism

93. The promotion of tourism and the retention of existing tourist accommodation is an important part of the economic development strategy for the District. Policy PP9 seeks to protect the supply of existing tourist accommodation in hotels and guesthouses. However, as drafted the policy is overly restrictive as it prevents any re-use of such accommodation under any circumstances. **MM25.1** rectifies this by ensuring the policy is positively worded.
94. The District has a large number of camping and touring caravan sites as well as holiday parks which accommodate predominantly static caravans. These are often in environmentally sensitive areas. Policies PP10 and PP11 both set out the need to take biodiversity into account in the determination of such proposals but lack precision and clarity. **MM26.1** to PP10 and **MM27.4** to PP11 rectify this by making clear the need to address the likely requirements of Appropriate Assessment prior to the submission of applications.
95. The Plan seeks to safeguard many of the District's better served holiday parks as "safeguarded parks". The submitted Holiday and Residential Park Impact Assessment provides robust evidence as to the importance of these

parks to the local economy and with the exception of Southcliffe Trailer Park, which does not merit long term protection, we find justification for the safeguarding of the parks shown on the modified policies map.

96. In recent years holiday parks have also come under increasing pressure to accommodate permanent residential occupation. At the hearing sessions the Council advised that such proposals could have implications for the tourist economy and raised concerns regarding the standard of living conditions and services and facilities for existing and future occupants. Furthermore, in coastal locations occupation during winter months may have implications for flood risk. As drafted policy PP11 and the supporting text does not adequately explain this and is also over-prescriptive in relation to design matters. **MM27.1, MM27.2, MM27.3** and **MM27.5** amend the policy and supporting text to provide clarification, setting out criteria against which future proposal will be assessed. These modifications are necessary for effectiveness.

Retail and Town Centre Uses

97. Since the publication of the Plan the Council commissioned a "Town Centre and Retail Study" which was carried out in 2020. This found that the forecasted an increase during the plan period in turnover for convenience goods shopping could be accommodated within town centres either by expanding existing stores, utilising vacant property or, where appropriate, new development. The study forecasted a negligible increase in comparison retail. For clarity and effectiveness **MM18.1, MM18.2, MM18.3, MM18.4** and **MM18.5** to the supporting text and **MM18.6** to policy PP1 update the Plan in the light of this new evidence within the latest Retail and Town Centre Uses Study (RTCUS) 2020.
98. Policy PP2 sets out the retail hierarchy for the district. However, the supporting text does not include a full definition of town centres. **MM19.1** clarifies that out-of-centre retail parks are not town centres for the purposes of the local plan. **MM19.2** also more accurately reflects recent national policy in relation to main town centre uses and deletes an error in the text relating to the protection of retail parks as employment land. These changes are necessary for the Plan to be consistent with national policy.
99. To ensure that the Plan is effective **MM20.1** updates policy PP3 – village and neighbourhood centres to include the proposed development of the new neighbourhood centres at Oakwood Park, Rouses Farm and Hartley Gardens.
100. In order to ensure the effects of new retail development on town centres are properly understood, Policy PP4 sets thresholds for retail impact assessments for town centres. The thresholds are based on evidence provided in the 2016 Retail Study. Since then, the RTCUS advises that to respond to changes in the retail market, the impact threshold for Clacton and Frinton should be lowered from 929 sq.m floorspace in Frinton and Clacton and 250 sq.m in other settlements to 350sq.m and 250 sq.m respectively. However, whilst we recognise that Clacton in particular is vulnerable to competition from out of centre retail, following the detailed discussion at the hearings, we find that it has not been adequately

demonstrated that the likely impacts of trade diversion would justify a lowering of the impact threshold for these larger settlements.

101. Notwithstanding this, the policy does not accurately reflect current national policy. **MM21.1** and **MM22.6** update the supporting text to remove reference to office development and update the Plan on the timescale over which a retail impact assessment should be based. The policy sets different thresholds for different town centres and is ambiguous in relation to how these will be applied. It also fails to advise on how retail applications will be assessed. **MM21.2** makes clear that the thresholds relate to the nearest town centre, and provides criteria against which such applications will be considered. These modifications are necessary in order for the policy to be effective.
102. Policy PP5 seeks to direct new retail development towards existing town centres. However, it does not reflect revised national policy in the NPPF in relation to primary and secondary frontages or the introduction of Use Class E. **MM22.1, MM22.2, MM22.3, MM22.4** and **MM22.5** update the supporting text. **MM22.7** updates the policy and, in order to be effective, provides criteria for considering residential schemes within the town centre. These changes are necessary for clarity and to provide consistency with national policy.

Other Employment Related Matters.

103. Policy PP12 sets out a strategy for improving education and skills in Tendring. The policy includes reference to the University of Essex but does not make clear that the expansion of the university will take place as part of the GC development. **MM28.1** makes this change in order that policy PP12 can be effective.
104. Policy PP13 relates to the rural economy. For clarity and effectiveness **MM29.1** and **MM23.3** move the criteria by which rural diversification schemes will be judged from within policy PP6 to within policy PP13.
105. Policy PP14 identifies priority areas for regeneration. The policy states that the Council will support proposals for new development which are consistent with achieving its regeneration aims. However, the policy and supporting text does not specify what the regeneration aims for the identified regeneration areas are. **MM30.2, MM30.3, MM30.4, MM30.5** and **MM30.6** set out these aims in detail and are necessary for clarity and effectiveness. The policy also omits Thorpe-le-Soken from the list of conservation areas at risk. **MM30.1** rectifies this error and updates the policy to refer to "heritage" assets, in the interests of effectiveness.

Conclusion

106. In conclusion, subject to the modifications above, the Plan provides a soundly based strategy for the local economy and an adequate supply of employment land.

Issue 5 – Does the plan set out a soundly based strategy to provide healthy communities and living places which is justified, effective and consistent with national policy?

Healthy Places

107. The Healthy Places chapter of the Plan contains 5 policies which aim to ensure that opportunities exist for residents to make healthier life choices and to address health inequalities in the district.
108. Policy HP1 relates to improving health and wellbeing. At the hearing sessions we were provided with new evidence relating to the delivery of digital health infrastructure and its importance in delivering future health care in the district. **MM6.1** updates the supporting text of the Plan to reflect this and is necessary to ensure the Plan is positively prepared. The policy requires a Health Impact Assessment (HIA) on all development delivering 50 or more dwellings. However, this threshold falls short of the most up to date guidance from the Essex Planning Officers Group (EPOA) and Public Health England (PHE). The policy also fails to recognise that different proposals will be likely to have different impacts dependent upon local context. **MM6.2** and **MM6.3** amend the supporting text and the policy to include non-residential development over 1,000 square metres and all development in Use Class C2 in line with EPOA guidance and provide flexibility as to the detail or complexity of the HIA in appropriate cases.
109. Policy HP2 seeks to ensure that communities are supported by an appropriate range of community facilities. The supporting text provides a list of the sort of facilities the policy seeks to protect and provide. However, the list is overly restrictive in the range of facilities it refers to. **MM7.1** amends the text to ensure that such facilities are not unnecessarily limited to the examples set out in the Plan and is necessary for clarity and effectiveness.
110. Policy HP4 relates to "safeguarded local greenspace". This seeks to protect a range of open spaces and includes formal parks and gardens, amenity greenspaces including play areas, allotments, cemeteries and outdoor playing pitches. In some cases, land within private ownership has been designated because it provides natural and semi-natural greenspace or lies within or adjoining a wider parcel of land which does so. These spaces are shown on the policies map.
111. During the examination the spaces that are subject to this designation were reviewed with some sites being found to have been developed, or of insufficient quality to be safeguarded. Subject to the removal of these sites from the designation we are satisfied that the methodology for including the remaining spaces is sufficiently rigorous to justify protection under the terms of the policy. However, the terminology used could be confused with "Local Green Space" as defined in the NPPF, which sets a much higher bar for protection. **MM8.2** which renames the policy "safeguarded open space" is therefore necessary for clarity. **MM8.1** to the supporting text also provides clarification that Local Green Spaces, as set out in the NPPF, can be designated through the neighbourhood planning process and is necessary to ensure the Plan is positively prepared.

112. Policy HP5 provides a set of standards for the provision of open space and sports and recreation facilities in the district. However, the policy is overly complex and does not provide clear guidance to developers as to what the open space requirements for a proposal are likely to be. **MM8.3** redrafts the policy and sets out parameters within which open space provision should be provided, including where recreational disturbance to internationally important wildlife sites has been identified. It also sets out the Council's intention to prepare an SPD. Furthermore, it provides flexibility in setting out that in some circumstances financial contributions may be an appropriate alternative. These changes are necessary for the policy to be effective.

Living Places

113. The Living Places chapter provides 11 policies which relate to housing supply, housing choice, housing density and standards, housing layout, affordable and council housing, rural exceptions sites, self-build and custom homes, backland residential development, traveller sites, care and independent assisted living, and HMOs and bedsits. The policies seek to provide new homes in the district to meet a growing and aging population and to deliver high quality sustainable communities.

114. Policy LP3 relates to housing density and standards. The policy has a number of omissions and does not provide clear direction for the decision maker. **MM11.1** sets out that the "Technical Housing Standards - nationally described space standard" apply to new development which is justified in order to ensure an appropriate standard of residential development in the district. **MM11.2** includes within the policy the need to have regard to the context of development and the opportunity to enhance the character of the area. For completeness, **MM11.3** includes reference to public rights of way. As the requirement to meet Part M of the Building Regulations in relation to accessible and adaptable housing relates specifically to housing standards **MM11.4** moves this requirement from policy SPL3. These changes are necessary for clarity and effectiveness.

115. Policy LP4 relates to housing layout. The policy has a number of omissions, does not provide clear direction for the decision maker and duplicates other policies in the Plan. To address this **MM12.1A** and **MM12.1C** set out clearer expectations about the safety and surveillance of open space and public and private spaces within new developments. **MM12.1B** sets out the need to consider SUDs from the outset of master-planning. **MM12.1D** and **MM12.1E** set out clearer expectations in relation to highway layouts and parking. **MM12.1F** includes design criteria aimed at achieving a high standard of architecture. **MM12.1G**, **MM12.1H** and **MM12.1I** remove criteria which are contained in policy LP3. **MM12.1J** includes guidance on the requirement for private amenity space. **MM12.2** includes reference to other forthcoming site specific documents which will provide guidance in relation to the layout of new development. These changes are necessary to ensure the Plan is positively prepared.

116. Policy LP5 relates to affordable and council housing. The Economic Viability Statement (EVS) and the Economic Viability Statement Addendum (EVSA) provide robust evidence that 30% affordable housing can be supported,

subject to some flexibility over density or mix for build to rent schemes. We are therefore satisfied that the threshold set is a reasonable one. At the hearing sessions we heard evidence as to the historically weak rate of delivery of affordable housing and the high level of need in the district. In light of this, **MM13.1** to the supporting text and **MM13.3D** and **MM13.3G**, to the policy, which seek to maximise delivery of affordable housing on site, are therefore necessary in to ensure the Plan is positively prepared and to make the policy effective.

117. In addition, **MM13.2** to the supporting text is necessary to ensure that local identified housing need is met and to provide clarity on circumstances where an exemption to the 10% affordable home ownership might apply. The requirement for an affordable housing statement is unnecessary and is removed by **MM13.3H**. To provide sufficient direction to the decision maker, **MM13.3F** specifies that the Strategic Housing Market Assessment (SHMA) will be used in addition to the housing needs register in considering the appropriate size and type of affordable housing to be provided within a development. For effectiveness, **MM13.2E** clarifies that there should be no material difference to the appearance or quality between affordable or open market housing.
118. Finally, for clarity and to ensure a consistent approach throughout the Plan, **MM13.3A**, **MM13.3B**, **MM13.3C** and **MM13.3E** remove the reference in the policy to council housing. To reflect the changes to policy LP5 **MM10.1** deletes the reference to council housing from policy LP2 housing choice, and **MM14.1**, **MM14.2** and **MM14.3** delete these references from policy LP6 – rural exceptions sites. All these changes are necessary to make the policies effective.
119. Policy LP6 relates to rural exceptions sites. For clarity **MM14.1** corrects a drafting error in how the settlement hierarchy is referred to. To be consistent with recent national policy and for effectiveness, **MM14.4** includes additional criteria in relation to biodiversity, geodiversity and the historic environment against which such proposals will be assessed.
120. Policy LP7 relates to self-build and custom build homes. As drafted the policy is imprecise and is inconsistent with other policies in the plan. For clarity **MM15.1** quantifies the scale of development which would be acceptable under the policy and sets out more clearly the material considerations that would be relevant to such development. These changes are necessary for the policy to be effective.
121. Policy LP9 relates to traveller sites. The Gypsy and Traveller Accommodation Assessment (GTAA) identifies a future need, to 2033, of 1 pitch to meet the needs of Gypsies and Travellers that do meet the 2015 definition, 2 pitches for those whose status is unknown and 3 pitches for those not meeting the 2015 definition. The GTAA confirms that there is no need for plots for Travelling Showpeople and that the need for any transit provision should be kept under review. We are satisfied that the assessment has been carried out using a robust methodology and that the assessment is up to date.

122. During the examination we were provided with evidence to demonstrate that the number of existing pitches in the District is 19 and that there are outstanding permissions for 6 further pitches. Further provision is also expected to come forward in the longer term at the GC. There is therefore no identified need for the District to allocate further sites for Gypsies and Travellers. **MM16.1**, **MM16.2** and **MM16.3A** update the policy to reflect the more recent evidence of supply and revises the policy title to include Gypsies.
123. In line with the Planning Policy for Traveller Sites (PPTS) the policy contains criteria to assess applications for new sites that may come forward. However, some of the criteria are overly prescriptive and inconsistent with similar criteria applied to applications for the settled community. **MM16.3B-F**, which remedy this, are therefore necessary to ensure that the plan is positively prepared and effective.
124. Policy LP10 relates to care and independent living. The District is a popular location for retirement and has an aging population, which the policy seeks to respond to. However, in relation to proposals for new facilities outside the settlement boundary the policy lacks detail in how such proposals will be assessed. **MM17.1**, which sets these out, is necessary for clarity and effectiveness.

Conclusion

125. In conclusion, subject to the modifications above, the Plan sets out a soundly based strategy to provide healthy communities and living places.

Issue 6 – Does the Plan set out a soundly based strategy to protect the natural and built environment and to address, mitigate and adapt to climate change?

126. The Protected Places chapter of the Plan contains 15 policies relating to development and flood risk, the coastal protection belt, the rural landscape, biodiversity and geodiversity, water conservation, drainage and sewerage, strategic green gaps, archaeology, conservation areas, listed buildings and renewable energy generation. It also contains site specific policies for The Avenues Area of Special Character in Frinton, The Gardens Area of Special Character in Clacton, Ardleigh Reservoir, and Safeguarding sites in Thorpe-Le-Soken and Great Oakley. The policies seek to protect the quality of the district's special natural and built environment.
127. Policy PPL1 relates to development and flood risk. However, the policy does not reflect the latest national guidance in the PPG and has some minor drafting errors. To update the policy and supporting text **MM31.1** and **MM31.2** amend the supporting text to provide guidance in respect of the provision of emergency refuge during flood events and the provision of buffer strips. **MM31.3A**, **MM31.3B**, **MM31.3C** and **MM31.3E** amend the policy to better reflect national guidance in the PPG in respect of evacuation, minimum floor levels, floodplain storage and the application of exceptions tests. **MM31.3D** recognises the potential of blue infrastructure

to mitigate potential flood risk. These amendments are necessary to ensure consistency with national policy and thus effectiveness.

128. Policy PPL3 relates to the rural landscape. The policy has a number of omissions which reduce effectiveness. Since the plan was submitted for examination the Suffolk Coasts and Heath AONB Extension has been confirmed. To reflect this **MM32.1** updates the supporting text and **MM32.3** updates the policy. For completeness **MM32.2** includes an additional criterion in relation to the historic environment. These changes are necessary for clarity and thus effectiveness.
129. Policy PPL4 relates to biodiversity and geodiversity. The policy has a number of omissions which reduce its effectiveness. Since the submission of the Plan for examination the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS strategy document) has been adopted. This seeks to ensure that in combination impacts from recreation disturbance are mitigated. **MM33.1** updates the supporting text to reflect this. It also provides necessary additional detail regarding the need for HRA and **MM33.2** updates the policy in this regard. **MM33.3** and **MM33.4** update the policy to reflect the latest national policy in the revised NPPF requiring a net gain in biodiversity. These modifications are necessary to ensure consistency with national policy and to therefore ensure effectiveness.
130. Policy PPL5 relates to water conservation, drainage and sewerage. The policy does not include guidance on when SUDS techniques may be inappropriate and as drafted is imprecise. In the interests of clarity and effectiveness **MM34.1** provides additional guidance in the supporting text in relation to the implementation of SUDs. **MM34.2** includes a requirement that water efficiency measures are implemented as part of new development. It also clarifies the need for adequate sewerage provision to serve development. These changes are necessary to make the policy effective.
131. Policy PPL6 relates to strategic green gaps. The Strategic Green Gaps Review (SGGR) provides a robust assessment of the existing green gaps and, along with the evidence submitted by the Council to the examination, provides a comprehensive analysis of reasons for their retention and proposed alteration, as shown on the policies map. However, the policy and supporting text is unclear as to the reasons for designation and what the policy seeks to achieve. **MM35.1**, **MM35.2** and **MM35.3** provide clarification within the supporting text and simplify the wording of the policy. These changes are necessary in order for the policy to be effective.

Heritage Assets

132. Policies PPL7, PPL8 and PPL9 all deal with the historic environment. A number of aspects of the policies are inconsistent with national policy. **MM36.1**, updates the supporting text to these policies and makes clear that they will be considered alongside the guidance on heritage assets in the NPPF.
133. PPL7 relates to archaeology. The policy does not adequately address the approach to non-designated heritage assets. Nor does it set out clearly its

approach to assessing heritage assets of archaeological importance or scheduled monuments at risk. **MM36.2, MM36.3A, MM36.3B** and **MM36.3C** address these matters and are necessary for the policy to be effective.

134. Policy PPL8 relates to conservation areas. The policy does not accurately reflect the statutory duty in the Act or national policy in relation to the setting of heritage assets and has omissions in relation to trees, the need to make an informed assessment of significance, conservation areas at risk, registered parks and gardens, conservation area management plans and the designation of new conservation areas. **MM36.4A, MM36.4B, MM36.4C, MM36.4D, MM36.4E** and **MM36.4F** address these matters and are necessary for clarity and effectiveness.

135. Policy PPL9 relates to listed buildings. The policy does not reflect national policy in the NPPF in relation to how the significance of these heritage assets is identified and how harm to these assets is assessed. The policy also omits to address how listed buildings at risk will be treated. **MM36.5A, MM36.5B, MM36.5C** and **MM36.5D** address these matters and are necessary for the policy to be effective.

Renewable Energy Generation

136. Policy PPL10 relates to renewable energy generation. Whilst the aims of the policy are clear, it lacks sufficient detail on how this should be achieved. It also omits to refer to energy efficiency measures, and so does not effectively plan for new development in ways which reduce greenhouse gas emissions as set out in the NPPF. To reflect this, and to be consistent with the Council's aspiration within the Plan's vision and objectives for all new development to account for, adapt to and mitigate against climate change, **MM37.5A** adds clarity to the policy and includes "energy efficiency measures" within the title to reflect the inclusion of this matter within the policy, thereby ensuring it is effective.

137. **MM37.2** and **MM37.3** provide guidance on how renewable energy generation and mitigation can be achieved in new developments. **MM37.4** sets out that the Council may produce an SPD to complement the policy should this be necessary. **MM37.5B** and **MM37.5C** sets out how proposals should demonstrate how such measures have been incorporated and ensures they are implemented. **MM37.5D** makes clear that the policy does not replace requirements under the building regulations. All these changes are necessary to ensure that the Plan is positively prepared and for the policy to be effective.

138. In relation to wind energy, national policy in the Written Ministerial Statement of June 2015 sets out that when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan. The Plan does not identify suitable areas for large scale energy generation. **MM37.1** to the supporting text makes clear the Council's intention to produce an SPD to provide more guidance on how large scale renewable energy generation could be

achieved in the district. In order to identify specific areas suitable for such uses the document would need to take the form of a DPD that has been formally adopted. We have therefore altered the advertised modification to reflect this. Subject to this change, the modification, which ensures that the plan is positively prepared, is justified.

Other Area Specific Policies

139. Policy PPL11 relates to The Avenues Area of Special Character, Frinton-on-Sea. The area covered by the policy falls within the Frinton and Walton Conservation Area. The policy does not reflect the wording of the Act, is inconsistent with national policy in the NPPF and does not provide sufficient direction for the decision maker. In order for the policy to be effective **MM38.1** clarifies the qualities and characteristics which are important to the area and modifies the wording to reflect the statutory wording in the Act.

140. Policy PPL13 relates to the Ardleigh Reservoir Catchment Area. The policy omits to establish the operational importance of the reservoir itself. **MM39.1** which provides clarity in this regard is therefore necessary for the policy to be effective.

Conclusion

141. In conclusion, subject to the modifications above, the Plan sets out a soundly based strategy to protect the natural and built environment and to address, mitigate and adapt to climate change.

Issue 7 - Does the Plan make adequate provision for infrastructure including community facilities and transport and would development be viable having regard to infrastructure and policy requirements?

Connected Places

142. The connected places chapter of the Plan contains 3 policies aimed at ensuring that everyone working in, living in or visiting Tendring is able to travel and communicate effectively. Policy CP2 relates to improving the transport network. However, the policy does not reflect national policy in relation to how highways impacts are to be considered and does not take into account the updated position in respect of the A120/A133 and the rapid transport system serving the GC. **MM40.1** updates the supporting text and makes minor changes to assist with readability. **MM40.2A** updates the policy with regards to the transport requirements to support the GC. **MM40.2B** makes changes to the wording to ensure it is positively worded and consistent with the NPPF. These changes are necessary to ensure that the Plan is positively prepared and to ensure effectiveness.

Infrastructure

143. The delivering infrastructure chapter of the Plan contains a single policy entitled infrastructure delivery and impact mitigation. The Plan is supported by the Infrastructure Delivery Plan Review (IDPR) which identifies the likely infrastructure needs for development including a detailed assessment of the SAMU sites. This identifies no significant issues in providing the required infrastructure to these sites.
144. The provision of water to the SAMU sites will require major and local reinforcements to the existing network to which Anglian Water have raised no concerns. Heath care provision at Hartley Gardens and Oakwood Park will require expansion of existing facilities, which is reflected in the individual policies. The link road at Hartley Gardens is identified as a potential risk to delivery. The modified policy no longer prescribes how connectivity is to be achieved through the site which will be developed through the forthcoming DPD or masterplan. The timescale for delivery on the site reflects this and the viability assessment takes adequate account of construction costs of a link road should it be required.
145. We are therefore satisfied that the IDPR makes a comprehensive assessment of infrastructure requirements and that the Plan reflects these. Policy DI1 relates specifically to infrastructure delivery and impact mitigation. However, the policy as drafted is unclear as to the approach to developer profit or return. **MM50.1** amends the policy to better reflect national guidance within the PPG in relation to viability. **MM50.2** updates the policy to reflect the Council's position in regard to the introduction of CIL. These amendments are necessary for clarity and effectiveness.

Viability

146. The Plan has been informed by the EVS as updated, which was prepared in accordance with the guidance in the NPPF and the PPG relevant to this examination. It provides a comprehensive and robust assessment of Plan viability based on the type and scale of development envisaged over the plan period. It also takes adequate account of the policy requirements of the Plan including for affordable housing, housing choice, accessible and adaptable housing, infrastructure costs and an allowance for S106 contributions that would be sought under Policy DI1.
147. The range of site typologies tested across the different market areas is reasonable. This included sensitivity testing on 300-unit case studies, for 3 value areas, and 3 of the SAMU sites allocated in the Plan, taking adequate account of potential additional infrastructure and/or remedial works.

Conclusion

148. In conclusion, subject to the modifications above, the Plan makes adequate provision for infrastructure including community facilities and transport and the requirements of the Plan are viable and deliverable.

Issue 8 - Are the arrangements for monitoring and delivery robust?

149. Chapter 11 of the Plan deals with monitoring and review. It sets out that the Annual Monitoring Report (AMR) will be the main mechanism for assessing the Plan's performance and effect. The Plan does not include any objectives, indicators or targets for use in future monitoring. Although the NPPF does not specifically require a plan to include these details, the absence of detail within the Plan is nonetheless likely to be an impediment to effectively assessing the Plan's performance. **MM51.2** includes a clearer framework of objectives, targets and indicators for use in future monitoring and is necessary for clarity and thus effectiveness.

Conclusion

150. Subject to the proposed MM, the arrangements for monitoring and delivery are robust.

Overall Conclusion and Recommendation

151. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

152. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Tendring District Local Plan Part 2 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Anne Jordan and Jameson Bridgwater

INSPECTORS

This report is accompanied by an Appendix containing the Main Modifications.

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Main Modifications – Chapter 1: Introduction

No 'Main Modifications' to Chapter 1: Introduction proposed. See separate schedule of 'Additional Modifications'.

See next page for Main Modifications to Chapter 2: Vision and Objectives.

Main Modifications – Chapter 2: Vision and Objectives

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1.1	75	2.1: Vision for Tendring District	<p><i>Insertion of a new third paragraph into the vision for Tendring District.</i></p> <p>....opportunity for a good start in life.</p> <p><u>Tendring District's coastal area places economic, social and environmental considerations at the forefront of climate change and therefore there will be a need to place adaptation and mitigation against climate change at the centre of sustainable development.</u></p>
MM1.2	75	2.1: Vision for Tendring District	<p><i>Insertion of additional wording into the first sentence of the second paragraph of the 'Seaside Towns' section of the vision for Tendring District.</i></p> <p>Clacton will have <u>preserved and enhanced its heritage features and</u> still maintained its tourism roots, building a thriving local tourism industry but as well as attracting holiday maters, the town will provide a range of activities and attractions that our older residents can enjoy with their children and grandchildren at the weekends and during the school holidays, and a strong evening economy where people from the town and surrounding areas will come for fun and relaxing evenings and colleagues in some of the town's new and trendy restaurants, nightclubs and entertainment venues. In Jaywick Sands.....</p>

Chapter 3: Sustainable Places – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM2.1	88	New paragraphs 3.2, 3.2.1, 3.2.2 and 3.2.3	<p><i>Insertion of new section of supporting text in relation to Neighbourhood Planning and Strategic Policies.</i></p> <p><u>3.2 Neighbourhood Planning</u></p> <p><u>3.2.1 The 2011 Localism Act introduced the concept of ‘Neighbourhood Planning’. Under this Act, Town or Parish Councils or other ‘qualifying bodies’ can prepare Neighbourhood Plans to supplement the policies and proposals in this Local Plan to influence future growth in their local area. Neighbourhood Plans can be used to allow additional development that meets locally identified requirements. The basic conditions for any Neighbourhood Plans are that they must:</u></p> <ul style="list-style-type: none"> • <u>have appropriate regard to national policy;</u> • <u>contribute to the achievement of sustainable development;</u> • <u>be in general conformity with strategic policies in the Local Plan; and</u> • <u>be compatible with legal obligations, including habitats and human rights requirements.</u> <p><u>3.2.2 In addition to the Strategic Policies within Section 1 of the Plan, the main ‘Strategic Policies’ within Section 2 of this Local Plan that Neighbourhood Plans must be in accordance with are:</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> • <u>Policy SPL 1 MANAGING GROWTH</u> • <u>Policy SPL 2 SETTLEMENT DEVELOPMENT BOUNDARIES</u> • <u>Policy LP 1 HOUSING SUPPLY</u> • <u>Policy LP 2 HOUSING CHOICE</u> • <u>Policy LP 5 AFFORDABLE AND COUNCIL HOUSING</u> • <u>Policy LP 6 RURAL EXCEPTION SITES</u> • <u>Policy PP 5 TOWN CENTRE USES</u> • <u>Policy PP 6 EMPLOYMENT SITES</u> • <u>Policy PP 13 THE RURAL ECONOMY</u> • <u>Policy PPL 1 DEVELOPMENT AND FLOOD RISK</u> • <u>Policy PPL 2 COASTAL PROTECTION BELT</u> • <u>Policy PPL4 BIODIVERSITY AND GEODIVERSITY</u> • <u>Policy PPL 5 WATER CONSERVATION, DRAINAGE AND SEWERAGE</u> <p><u>3.2.3 Upon adoption, neighbourhood plans will become a statutory plan, sitting alongside the Local Plan as part of the suite of documents that will guide development. The Council will advise and assist Town or Parish Councils and other qualifying bodies in the preparation of Neighbourhood Plans as and when appropriate.</u></p> <p><i>As a consequence of this insertion, current section 3.2 and relevant paragraphs would be renumbered 3.3, 3.3.1 etc, in the final version of the Local Plan.</i></p>
MM3.1	88	3.2.1.1	<i>Modification to the supporting text to reflect the main modification to Policy SPL1.</i>

Ref	Page	Policy/ Paragraph	Main Modification
			3.2.1.1 Strategic Urban Settlements <u>and Garden Community</u> :
MM3.2	89	3.2.1.2.3	<p><i>Insertion of additional wording at the end of paragraph 3.2.1.2.3.</i></p> <p>3.2.1.2.3 In applying a sustainable, fair and proportionate approach to the distribution of housing growth, the Smaller Urban Settlements will accommodate the second largest proportion of the District's increase in housing stock over the plan period. <u>Development will be of scale that is proportionate having regard to the existing size and character of each settlement; their range of jobs, shops, services and facilities; and any physical, environmental or infrastructure constraints.</u></p>
MM3.3	89 90	3.2.1.3.1	<p><i>Insertion of additional wording into paragraph 3.2.1.3.1.</i></p> <p>3.2.1.3.1 For Tendring District, seven villages are classed as 'Rural Service Centres': Alresford, Elmstead Market, Great Bentley, Little Clacton, St. Osyth, Thorpe-le-Soken and Weeley. For these settlements, the Local Plan identifies opportunities for smaller-scale growth. Some of these villages will accommodate a modest increase in housing stock, where appropriate, within the plan period. Proposed housing allocations are a level <u>Developments will be of scale that is proportionate fair, achievable and sustainable for each of the settlements concerned having regard to the existing size and character of each settlement; their more limited range of jobs, shops, services and facilities; and any physical, environmental or infrastructure constraints.</u> These <u>developments</u> will make a meaningful contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District.</p>

Ref	Page	Policy/ Paragraph	Main Modification
MM3.4	90	3.2.2	<p><i>Deletion of the reference to Neighbourhood Development Plans in heading 3.2.2 to reflect the proposed insertion of a new section 3.2 above.</i></p> <p>3.2.2 Existing Permissions and Neighbourhood Development Plans</p>
MM3.5	91	<p>Policy SPL1: Managing Growth</p> <p>Tier 1 'Strategic Urban Settlements'</p>	<p><i>A change in the name of the tier 1 category of settlements in the Policies SPL1 settlement hierarchy.</i></p> <p>Strategic Urban Settlements <u>and Garden Community</u>:</p> <ul style="list-style-type: none"> • Clacton-on-Sea (comprising, Central Clacton, Jaywick Sands, West Clacton, Great Clacton (North), East Clacton and Holland-on-Sea) • Harwich and Dovercourt (including Parkeston and part of Ramsey) • The Tendring Colchester Borders Garden Community
MM3.6	91	3.2.2.2	<p><i>Deletion of paragraph 3.2.2.2 to reflect the proposed insertion of a new section 3.2 above.</i></p> <p>3.2.2.2 If Town or Parish Councils wish to supplement the policies and proposals in this Local Plan to identify specific sites in their villages that could be developed they have the option of preparing their own Neighbourhood Plan. Neighbourhood Plans can also be used to allow additional development and ensure that any new development meets additional locally specific requirements.</p>

Ref	Page	Policy/ Paragraph	Main Modification
MM4.1	92 93	Policy SPL2: Settlement Development Boundaries	<p><i>Insertion of additional text into the wording of Policy SPL2.</i></p> <p>To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed below <u>in Policy SPL1 (with the exception of the Tendring Colchester Borders Garden Community) [A]</u> is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.</p> <p>Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the <u>pattern and scales of growth promoted through</u> the Settlement Hierarchy <u>in Policy SPL1 [B]</u> and any other relevant policies in this plan.</p> <p>An exemption to this policy is provided through the Rural Exception Site Policy LP6.</p> <p><u>The Tendring Colchester Borders Garden Community will be the subject a separate Development Plan Document (DPD) containing its own policies designed to guide the location of development in the broad location identified on Diagram 10.2 in Section 1 of the Local Plan and Map B.7 .[C]</u></p>
MM4.2	93	3.2.3.2	<p><i>Deletion from the Local Plan of paragraph 3.2.3.2.</i></p> <p>3.2.3.2 Within the plan period new residential development in these settlements identified in Policy SPL1 will be limited to small infill sites within Settlement Development Boundaries which will support the overall housing growth for the District.</p>
MM5.1	93		

Ref	Page	Policy/ Paragraph	Main Modification
		Policy SPL3: Sustainable Design Part A: Design, Criterion c.	<i>Insertion of additional wording into Part A, criterion c. of Policy SPL3 in relation to local landscape character.</i> c. the development respects or enhances <u>local landscape character</u> , views, skylines, landmarks, existing street patterns, open spaces and other locally important features;
MM5.2	93	Policy SPL3: Sustainable Design Part A: Design, Criterion d.	<i>Modified wording in Part A, criterion d. of Policy SPL3 in relation to boundary treatments.</i> d. boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Council will encourage the use of locally distinctive materials <u>and/or locally occurring and characteristic hedge species</u> in boundary treatments.
MM5.3	94	Policy SPL3: Sustainable Design Part B: Design, Criterion a.	<i>Modified wording in Part B, criterion a. of Policy SPL3 in relation to highways and traffic impacts.</i> a. access to the site is practicable and the highway network will, <u>following any required mitigation</u> , be able to safely accommodate the additional traffic the proposal will generate and not lead to an unacceptable increase in congestion <u>severe traffic impact</u> ;
MM5.4	94	Policy SPL3: Sustainable Design	<i>Modified wording in Part B, criterion d. of Policy SPL3 in relation to greenhouse gases and climate change.</i>

Ref	Page	Policy/ Paragraph	Main Modification
		Part B: Practical Requirements, Criterion d.	d. the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the current Building Regulations <u>prevailing at the time and policies and requirements</u> in this plan;
MM5.5	94	Policy SPL3: Sustainable Design Part B: Practical Requirements, Criterion f.	<i>Deletion of wording from Part B, criterion f. of Policy SPL3 in relation waste separation.</i> f. provision is made for <u>adequate</u> private amenity space, waste storage, separation and recycling facilities, vehicles and cycle parking; and
MM5.6	94	Policy SPL3: Sustainable Design Part B: Practical Requirements, Criterion g.	<i>Deletion of wording from Part B, criterion g. of Policy SPL3 in relation to sustainable drainage.</i> g. the development reduces flood risk and opportunities are taken to <u>integrates</u> sustainable drainage within the development, creating amenity and enhancing biodiversity.

Ref	Page	Policy/ Paragraph	Main Modification
MM5.7	94	Policy SPL3: Sustainable Design Part B: Practical Requirements, *	<i>Deletion from Policy SPL3 the section about compliance with Part M of the Building Regulations for equivalent wording to be inserted instead into Policy LP3: Housing Design and Standards (Chapter 5).</i> * On housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M (4) 2 'adaptable and accessible' standard. For affordable homes, 10% should be to Building Regulations Part M (4) 2 and 5% should be to Part M (4) 3 'wheelchair user' standards (Ref. Tendring District Housing Viability Assessment 12 May 2017).
MM5.8	95	Policy SPL3: Sustainable Design Part C: Impacts and Compatibility, New criterion e.	<i>Insertion of a new criterion e. into Policy SPL3 requiring compliance with a considerate constructors' scheme.</i> a. <u>during the construction phase, developers must comply with a 'considerate constructors' scheme' which employs reasonable measures and techniques to minimise and mitigate impacts and disturbance to neighbours and the existing wider community and any damage to public and private property.</u>
MM5.9	95	Policy SPL3: Sustainable Design	<i>Modifications to the wording of the third paragraph from the end of the policy in respect of climate change adaption measures.</i> The <u>All new development (including changes of use), should incorporate</u> has considered climate change adaptation measures and technology from the outset including reduction of emissions,

Ref	Page	Policy/ Paragraph	Main Modification
		Third paragraph from the end of the policy.	renewable and low carbon <u>energy production</u> , passive design, and through green infrastructure techniques, where appropriate.

Main Modifications – Chapter 4: Healthy Places

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM6.1	98	New paragraph 4.1.10	<p><i>Insertion of a new paragraph of supporting text to ensure the Local Plan better reflects the NHS' current objectives around primary health provision.</i></p> <p><u>4.1.10 Primary care is adopting a Digital First approach to primary care investment. An agreed Integrated Care System Road map for Suffolk and North East Essex was introduced in 2019, many of the initiatives were brought forward as a result of the response to Covid 19 and have already proven successful. GP practices, care homes and community service providers have been using telephone/video consultations, smartphone applications to enable patients to request prescriptions and appointments. Practices within Primary Care networks will enable digital first options to improve fast access to primary care, reducing waiting and travelling time for patients, services will include outpatient follow up appointments and medication reviews. Consequently, the need for high speed broadband access and flexibility in terms of the provision of digital health infrastructure to any new housing development is crucial in order to ensure the success of the Digital First approach.</u></p> <p><i>Subsequent paragraphs of supporting text (4.1.10 to 4.1.12) will be re-numbered as appropriate as a consequence of this inclusion.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM6.2	98	4.1.10	<p><i>Re-numbering of paragraph 4.1.10 as a consequence of the above insertion of new supporting text and additional wording to reflect the Main Modification to Policy HP1 in respect of the requirement for Health Impact Assessments (HIA).</i></p> <p><u>4.1.11 Most development has a potential impact upon the health services and facilities in the District but good design can help to promote healthy living. These impacts and opportunities need to be assessed to ensure that adequate health and services are provided for the community as a whole. Local authorities across Essex are in agreement that applications for residential developments over 50 dwellings, all development in Use Class C2 (Residential Institutions) and non-residential developments involving the creation of 1,000 square metres or more floor space should be accompanied by a 'Health Impact Assessment'. A screening process will take place to determine the extent and detail/complexity of HIA required based on the type of development proposed and whether evidence demonstrates the development impacts can be expected to be significant on sensitive receptors.</u></p>
MM6.3	98	Policy HP1: Improving Health and Wellbeing. Criterion e	<p><i>Insertion of wording into criterion e. of Policy HP1 requiring Health Impact Assessments to accompany applications for all development in Use Class C2 and larger non-residential developments.</i></p> <p>e. requiring a Health Impact Assessment on all residential developments delivering 50 or more dwellings, <u>all development in Use Class C2 (Residential Institutions) and all non-residential developments delivering 1,000 square metres or more gross internal floor space.</u> The HIA should be</p>

Ref	Page	Policy/ Paragraph	Main Modification
			carried out in accordance with the advice and best practice published by Public Health England and locally through the Essex Planning Officers Association;
MM7.1	99	4.2.1	<p><i>Insertion of additional wording into paragraph 4.2.1 in respect of community facilities.</i></p> <p>4.2.1 Community facilities (sometimes referred to as Community assets) provide for health and wellbeing, recreational and leisure and education and culture. They <u>can include, for example,</u> community halls, libraries, museums, arts venues, post offices, public houses, places of worship, sports halls, health and fitness facilities, <u>and swimming pools and other facilities of community value.</u> They are <u>a</u> key part of sustainable communities and contribute to their self-reliance.</p>
MM8.1	104	4.4.4	<p><i>Insertion of additional wording to paragraph 4.4.4.</i></p> <p>4.4.4 The above typologies are protected by Policy HP4 and are shown on the Policies <u>and Local Maps</u> collectively as <u>Safeguarded Local Green Open Space.</u> <u>The Neighbourhood Planning process allows Town and Parish Councils or other nominated bodies to identify open spaces of particular local value as 'Local Green Space' which are afforded an additional level of protection, ruling out new development other than in very special circumstances.</u> <u>In line with the requirements of the National Planning Policy Framework, this additional level of protection can only be applied to green spaces where they are in reasonably close proximity to the community they serve, are demonstrably special to the local community and hold a particular significance and are local in character, rather than an extensive tract of land.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM8.2	105	<p>Policy HP4: Safeguarded Local Greenspace</p> <p>Policy title and first paragraph.</p>	<p><i>Changing the title of Policy HP4 from ‘Safeguarded Local Greenspace’ to ‘Safeguarded Open Space’ and amending the reference within the first paragraph of the policy and on the key to the Policies Maps and Local Maps accordingly.</i></p> <p>Policy HP 4</p> <p>Safeguarded <u>Open Space</u> Local Greenspace</p> <p>Development that would result in the loss of the whole or part of areas designated as Safeguarded <u>Open Space</u> Local Greenspaces, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:</p>
MM8.3	106	<p>Policy HP5: Open Space, Sports and Recreational Facilities</p>	<p><i>Deletion of the current Policy HP5 in its entirety and replacement with a simplified version to be worded as follows.</i></p> <p><u>Policy HP5</u></p> <p><u>Open Space, Sports and Recreational Facilities</u></p> <p><u>The Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update.</u></p> <p><u>In line with policy HP3, new development must be designed to include, protect and enhance the green infrastructure network and the Council will prepare and adopt a new Supplementary Planning Document (SPD) which will update and replace previous guidance on how this will be achieved and how the following requirements will be implemented.</u></p> <p><u>All new residential developments of 11 or more dwellings on sites of 1.5 hectares and above will be expected to provide a minimum 10% of the gross site area as open space laid out to meet the Council's specifications having regard to the Council's Open Spaces Strategy and the requirements of any SPD. No single area of useable open space will be less than 0.15 hectares in size. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.</u></p> <p><u>If new development would be better served by existing or proposed open spaces within an accessible distance (having regard to the standards set out in the Open Spaces Strategy or any future update), a financial contribution in lieu of on-site provision may be sought through a s106 legal agreement or an appropriate alternative mechanism towards any necessary improvement or expansion of existing, or the delivery of new, open spaces and/or sports facilities.</u></p> <p><u>Where residential developments have the potential to give rise to adverse impacts on internationally important habitat sites (Ramsar, SPA and SAC) through increased recreational disturbance, the Council may require, as part of any mitigation programme, the provision of larger areas of high quality natural and semi-natural open space to absorb day-to-day recreational activities such as routine dog walking to reduce the frequency of visits made to nearby designated sites. In order to serve this function, such an open space must be of a suitable size and include circular walks of sufficient length for daily dog walking, dogs-off-lead areas and waste bins.</u></p>

Main Modifications – Chapter 5: Living Places

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Page 115

Ref	Page	Policy/ Paragraph	Main Modification								
MM9.1	113	5.1.10	<p><i>Modifications to update housing figures to reflect a rolled forward April 2020 base date.</i></p> <p>5.1.10 The Council assesses annual housing completions against the annualised housing target of 550 homes each year. As of March 2017 <u>April 2020</u>, four <u>seven</u> years of completions data is available. Table LP1 identifies housing completions of 1,374 <u>3,638</u> between 2013/14 and 2016/17 <u>2019/20</u>. This leaves a requirement for the Local Plan to establish a supply of at least 9,626 <u>7,362</u> homes. ‘At least’ is an important factor because the housing strategy is more sound if it provides some flexibility for choice and range in its supply to accommodate external factors such as the market failure of <u>a</u> particular developer which could slower overall completion rates.</p>								
MM9.2	113 114	Table LP1: Housing Requirement for the period 1/4/13 – 31/3/33	<p><i>Updates to the figures in Table LP1 to reflect net housing completions from 2017/18, 2018/19 and 2019/20.</i></p> <p>See overleaf.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">A – Annual Net Dwellings Required – Reported Years from Base Date</th> </tr> </thead> <tbody> <tr> <td>2013/14 to 2032/33</td> <td style="text-align: center;">550 x 20</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Total</td> <td style="text-align: center;">11,000</td> </tr> </tbody> </table>	A – Annual Net Dwellings Required – Reported Years from Base Date		2013/14 to 2032/33	550 x 20			Total	11,000
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			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">B – Net Completions – Reported Years from Base Date</td> </tr> <tr> <td style="width: 70%;">2013/14</td> <td style="text-align: right;">204</td> </tr> <tr> <td>2014/15</td> <td style="text-align: right;">267</td> </tr> <tr> <td>2015/16</td> <td style="text-align: right;">245</td> </tr> <tr> <td>2016/17</td> <td style="text-align: right;">658</td> </tr> <tr> <td><u>2017/18</u></td> <td style="text-align: right;"><u>565</u></td> </tr> <tr> <td><u>2018/19</u></td> <td style="text-align: right;"><u>915</u></td> </tr> <tr> <td><u>2019/20</u></td> <td style="text-align: right;"><u>784</u></td> </tr> <tr> <td>Total</td> <td style="text-align: right;"><u>1,374 3,638</u></td> </tr> <tr> <td colspan="2" style="text-align: center;">C – Shortfall – Reported Years from Base Date</td> </tr> <tr> <td>Total</td> <td style="text-align: right;"><u>826 212</u></td> </tr> <tr> <td colspan="2" style="text-align: center;">D – Net dwellings from Base Date still required</td> </tr> <tr> <td>Total</td> <td style="text-align: right;"><u>9,626 7,362</u></td> </tr> </table> <p>Table LP2 makes provision for the homes required as established through the OAN. The supply consists of large sites (10 or more homes) with planning permission or a resolution to grant planning permission, an allowance for small sites (of 9 or fewer homes) based on past trends and sites for 10 or more homes allocated in the Local Plan. Policy HP4 applies to MSA8.</p>	B – Net Completions – Reported Years from Base Date		2013/14	204	2014/15	267	2015/16	245	2016/17	658	<u>2017/18</u>	<u>565</u>	<u>2018/19</u>	<u>915</u>	<u>2019/20</u>	<u>784</u>	Total	<u>1,374 3,638</u>	C – Shortfall – Reported Years from Base Date		Total	<u>826 212</u>	D – Net dwellings from Base Date still required		Total	<u>9,626 7,362</u>
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MM9.3	114 115	Table LP2: Local Plan																											

Ref	Page	Policy/ Paragraph	Main Modification				
	116	Housing Allocations	<i>Updates to the information in Table LP2 to reflect the changes in the housing land supply position between April 2017 and April 2020, updates to the Council's housing trajectory and the proposed deletion of certain site allocations from the Local Plan.</i>				
Site	Total housing numbers	<u>2018/19</u> <u>2020/20</u> to <u>2022/23</u> <u>2024/25</u>	<u>2023/24</u> <u>2025/26</u> to <u>2027/28</u> <u>2029/30</u>	<u>2028/29</u> <u>2030/31</u> to <u>2032/33</u>	And Beyond	Reference	
<u>Non-allocated Sites of 10 or more Homes with Planning Permission (with/without s106)</u>	4,796 4,932	3,933 3,124	746 1,312	400 244	17 252		
<u>Sites of 9 or less homes/windfall</u>	1,399 1,260	864 680	361 419	174 161	0		
<u>EDME Maltings</u>	150	0	0	150	0	SAMU1	
<u>Hartley Gardens Village, Clacton</u>	1,700	0	300 60	300 150	1,100 1,490	SAMU2	
<u>Oakwood Park, Clacton</u>	750 900	0	300 195	300 240	250 465	SAMU3	
<u>Rouses Farm, Clacton</u>	850 950	0 90	300 270	300 180	250 410	SAMU4	
<u>Land South of Council Offices, Weeley</u>	280	0 60	200 150	80 70	0	SAMU5	
<u>Greenfield Farm</u>	164	0	100	64	0	SAH1	
<u>Land West of Low Road, Dovercourt</u>	300	0 90	100 210	100 0	100 0	SAH2	
<u>Robinson Road</u>	100	0	100	0	0	SAH3	
<u>Tendring Colchester Borders Garden Community</u>	3,500-4,500	0	500 625	750 375	2,250- 3,250 2,500- 3,500	SP7	
<u>Land at Weeley Council Offices</u>	24	0	0 24	24 0	0	MSA1	
<u>Land off Cotswold Road</u>	12	0	12	0	0	MSA2	
<u>Orchard Works site rear of London Road</u>	20	0	20	0	0	MSA3	

Ref	Page	Policy/ Paragraph	Main Modification								
Land rear of 522-524 St. Johns Road	43		0	43	0	0	MSA4				
Station Gateway development	60		0	0	60	0	MSA5				
Former Tendring 100 Waterworks Site, Clacton	90		0	90	0	0	MSA6				
Mayflower Primary School	15		0	15	0	0	MSA7				
Land at adjoining Harwich and Parkeston Football club, Dovercourt	89 48		0	0 48	89 0	0	MSA8				
Old Town Hall site	15		0	15	0	0	MSA9				
Southcliffe Trailer Park	15		0	15	0	0	MSA10				
Station Yard/Avon Works, Walton	40		0	40	0	0	MSA11				
Land at the Farm, Kirby Road	47		0	0	47	0	MSA12				
Montana Roundabout	35		0	35	0	0	MSA14				
TOTALS	14,494- 15,494 14,024- 15,024		4,797 <u>4,044</u>	3,339 <u>3,443</u>	2,491 <u>1,420</u>	3867- 4,867 <u>5117-</u> <u>6117</u>					
Total in Plan Period	10,627 <u>8,907</u>										
MM9.4	117	Policy LP1: Housing Supply	<p><i>Updates to the figures in Policy LP1 to reflect the modified data in Tables LP1 and LP2.</i></p> <p>The Council will work with the development industry and other partners to deliver a minimum new homes increase of 11,000 (net) between 1 April 2013 and 31 March 2033 to support economic growth and meet objectively assessed requirements for future housing in the District. This supply of new homes will be delivered from the following sources:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 75%;">Supply Source to March 2033</th> <th>Totals</th> </tr> </thead> <tbody> <tr> <td>Net Dwelling Completions 2013-2017 2013-2020</td> <td>1,374 3,638</td> </tr> </tbody> </table>					Supply Source to March 2033	Totals	Net Dwelling Completions 2013-2017 2013-2020	1,374 3,638
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MM10.1	119	Policy LP2: Housing Choice	<p><i>Deletion of the reference to Council Housing from the second paragraph of Policy LP2 to reflect the proposed modifications to Policy LP5.</i></p> <p>On developments of 11 or more dwellings, the Council will expect to see a mix of dwelling size, type and tenure that broadly reflects the housing need identified in the latest Strategic Housing Market Assessment unless there are specific housing mix requirements for a particular site, as set out in site-specific policies in this Local Plan, or genuine physical or economic viability reasons why this mix cannot be achieved. The Council will also require a proportion of the new properties to be provided in the form of Council Housing or affordable housing in line with the requirements in Policy LP5.</p>														
MM11.1	119	Policy LP3: Housing Density and Standards Criterion b.	<p>New wording for criterion b. of Policy LP3 to refer specifically to the government's technical housing standards.</p> <p>b. national minimum internal floor space standards <u>the need for residential development to comply with the government's latest 'Technical housing standards - nationally described space standard'</u>;</p>														

Ref	Page	Policy/ Paragraph	Main Modification
MM11.2	119	Policy LP3: Housing Density and Standards Criterion d.	<i>Revised wording to criterion d. of Policy LP3 in respect of reflecting and enhancing local character.</i> d. the <u>context and</u> character of development (and where appropriate <u>the opportunity</u> to enhance that character) in the immediate area;
MM11.3	119	Policy LP3: Housing Density and Standards Criterion f.	<i>Inclusion of additional wording in criterion f. of Policy LP3 to refer to public rights of way.</i> f. on-site infrastructure requirements that will need to be incorporated into the layout of the development (including green infrastructure, highways and footpaths built to adoptable standards, <u>public rights of way</u> and any community facilities).
MM11.4	119	Policy LP3: Housing Density and Standards New paragraph on Part M of the Building Regulations.	<i>Inclusion of an additional paragraph at the end of Policy LP3 on the requirements to meet Part M of the Building Regulations in respect of adaptable and accessible housing – moved to Policy LP3 from Policy SPL3.</i> <u>On housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M4(2) ‘adaptable and accessible’ standard. For affordable homes, 10% should be to Building Regulations Part M4(2) and 5% should be to Part M4(3) ‘wheelchair-user’ standards (Ref. Tendring District Housing Viability Assessment 12 May 2-017).</u>

Ref	Page	Policy/ Paragraph	Main Modification
MM12.1	121	Policy LP4: Housing Layout Criteria a. to h.	<p><i>Modifications to the first section of Policy LP4 and criteria a. to h. which include deletions, new inclusions and revised wording.</i></p> <p>To ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential and mixed-use developments in the Tendring District will be expected to:</p> <ol style="list-style-type: none"> a. promote health and wellbeing by incorporating and maximising the use of green infrastructure, verges, trees and other vegetation. Proposals for residential development on sites of 1.5 hectares and above are required to provide at least 10% of the gross site area as public open space (unless there are more specific open space requirements set out in policies relating to the site in question); b. <u>locate new public open space where it can be conveniently and safely accessed by all members of the community, especially children by walking and cycling; and ensuring it is directly overlooked on all sides and not located to the rear of properties; [A]</u> c. <u>consider surface water management from the outset of site layout and masterplanning. All surface water should be managed by means of Sustainable Urban Drainage System (Suds) unless there is an exceptional case not to do so; [B]</u> d. minimise the opportunities for crime and anti-social behaviour by ensuring good <u>natural surveillance of both public and private spaces from buildings and the streets, providing clear definition between public and private spaces and convenient access for emergency services; [C]</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>e. <u>ensure that the overall highway network is legible, permeable, with all roads connected wherever possible and fit for purpose by all road users; [D]</u></p> <p>f. ensure internal road layouts can safely and comfortably accommodate emergency services, waste collection services, buses (where necessary) and other large vehicles;</p> <p>g. <u>accommodate residential parking provision for residents on-plot, either at the front or side of dwellings with sufficient provision of on-street parking for use by visitors and delivery vehicles; minimise the need for and reduce the resulting visual and safety implications of on-street parking by ensuring dwellings have sufficient off-street parking space to accommodate the likely number of vehicles; [E]</u></p> <p>h. <u>deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place; [F]</u></p> <p>i. aside from town centres respect the character of Tendring District by delivering housing development at densities more in keeping with the semi-rural nature of parts of the District <u>be of a density that reflects the factors set out in Policy LP3; [G]</u></p> <p>j. respect the historical and settlement hierarchy character of Tendring District by delivering housing development at densities in keeping with the urban nature of parts of the District including the town centres; [H]</p> <p>k. ensure dwellings meet minimum standards of internal space [I]</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>j. <u>provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area; and [J]</u></p> <p>k. meet all other requirements of the Local Plan.</p>
MM12.2	121	<p>Policy LP4: Housing Layout</p> <p>Final paragraph.</p>	<p><i>Addition of wording to the final paragraph of Policy LP4 to include reference to master plans, neighbourhood plans, the proposed supplementary planning document of Jaywick Sands and other relevant documents that would be material to the layout of new development.</i></p> <p>In determining planning applications, the Council will also refer to the guidance provided in the Essex Design Guide for Residential & Mixed-Use Developments, 'Building for Life' and the 'Manual for Streets' and as superseded; <u>as well as adopted Master Plans, Place Plans, Neighbourhood Plans or Village Design Statements. For new residential development in Jaywick Sands, the Council will also have regard to the Supplementary Planning Document (SPD) being prepared to guide new development in that area.</u></p>
MM13.1	122	<p>New paragraph 5.5.3</p>	<p><i>Inclusion of an additional paragraph 5.5.3 in the supporting text in relation to cases where 30% affordable housing required through LP5 is not considered economically viable.</i></p> <p><u>5.5.3 Policy LP5 below requires that for development proposed outside of the Tendring Colchester Borders Garden Community, involving the creation of 11 or more (net) homes, 30% of new dwellings (including conversions) will be made available to Tendring District Council or a nominated partner (which could include a registered housing provider or a trust) to acquire for use as affordable housing. A lesser amount of affordable housing than required by Policy LP5 will only be considered where robust evidence is provided to demonstrate that the development would not be economically</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>viable as a result of the affordable housing requirement. Such evidence will be independently tested, at the applicant's cost, as necessary.</u>
MM13.2	122	New paragraph 5.5.4	<p><i>Inclusion of an additional paragraph 5.5.4 in the supporting text to reflect new requirements of national planning policy around affordable home ownership.</i></p> <p><u>5.5.4 Changes to the National Planning Policy Framework (NPPF) in 2019 introduced a requirement for at least 10% of dwellings on major developments involving housing to be made available for 'affordable home ownership' (a specific category of affordable housing which allows people to purchase property at a discounted price) unless it would exceed the level of affordable housing required in the area or would significantly prejudice a Council's ability to meet the identified affordable housing needs of specific groups. In determining planning applications and in negotiating the right mix of affordable housing the Council will consider, on a case-by-case basis, the applicability and impact of the 10% affordable home ownership requirement, having regard to the latest information on affordable housing need contained within its Strategic Housing Market Assessment (SHMA) and its housing needs register.</u></p>
MM13.3	122	Policy LP5: Affordable and Council Housing	<p><i>Modifications to Policy LP5 to remove specific references to 'Council Housing', to delete the third, penultimate and final paragraph in respect of alternative approaches to affordable housing delivery and affordable housing statements and to include reference to the Strategic Housing Market Assessment (SHMA).</i></p> <p>AFFORDABLE AND COUNCIL HOUSING [A]</p> <p>To promote a mix of housing tenure in the District and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new affordable and council housing. [B]</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>For development proposals outside of the Tendring Colchester Borders Garden Community, involving the creation of 11 or more (net) homes, the Council will expect 30% of new dwellings, (including conversions) to be made available to Tendring District Council or its nominated partner(s) to acquire at a proportionate discounted value for use as affordable or council housing. [C]</p> <p>As an alternative, the Council will accept a minimum 10% of new dwellings, (including conversions) to be made available to Tendring District Council or its nominated partner(s) to acquire at a proportionate discounted value for use as council housing alongside a financial contribution towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement. [D]</p> <p>To avoid an over-concentration of <u>affordable council housing</u> in one location, no single group of <u>affordable housing council houses</u> will exceed ten dwellings and to ensure positive integration between the residents of <u>affordable council housing</u> and market housing, there should be no noticeable <u>material</u> difference in the appearance or quality between dwellings to be sold on the open market and those to be acquired and managed by the Council or its nominated partner(s). [E]</p> <p>The size and type of <u>affordable council housing</u> will be specified by the Council on a case-by-case basis having regard to the latest <u>Strategic Housing Market Assessment (SHMA)</u> and housing needs register and will be the subject of negotiation between the Council and the developer or applicant. [F]</p> <p>Proposals that involve the provision of alternative forms of affordable housing will be accepted as long as they offer equal or greater benefit to the community in providing affordable housing, in perpetuity, for local people. [G]</p> <p>All planning applications that include residential development of 11 or more net dwellings must include an affordable housing statement. [H]</p>

Ref	Page	Policy/ Paragraph	Main Modification
MM14.1	124	Policy LP6: Rural Exception Sites First paragraph.	<p><i>Removal of the reference to 'Council Housing' from first paragraph of Policy LP6 to be consistent with the approach in Policy LP5 and correction of the term 'spatial hierarchy' to 'settlement hierarchy'.</i></p> <p>Council Housing and other forms of a Affordable housing may be permitted on sites adjoining the Settlement Development Boundaries of a 'Rural Service Centres, or 'Smaller Rural Settlement', as defined by the spatial <u>settlement</u> hierarchy, as an exception to normal settlement policy to meet a specific identified local need that cannot be otherwise met.</p>
MM14.2	124	Policy LP6: Rural Exception Sites Fourth paragraph.	<p><i>Removal of the reference to 'Council Housing' from the fourth paragraph of Policy LP6 to be consistent with the approach in Policy LP5.</i></p> <p>The proposal must include detailed and up-to-date evidence of local need for council/affordable housing within the Parish, proven to the satisfaction of the District Council. The detail of any planning application should show that the number of council/affordable homes will not exceed the number, size and tenure genuinely required to meet the identified local housing need.</p>
MM14.3	124	Policy LP6: Rural Exception Sites Criteria a. and c.	<p><i>Removal of the reference to 'Council Housing' from criteria a. and c. of Policy LP6 to be consistent with the approach in Policy LP5.</i></p> <p>a. ensure that all the council/affordable homes within the scheme remain exclusively for local need through control of occupation during the lifetime of the development and that the low-cost benefits of the housing provision pass on to subsequent occupants meeting the criteria of local need;</p>

Ref	Page	Policy/ Paragraph	Main Modification
			c. provide that where a vacated council/affordable home in the scheme cannot be filled by persons in local need within the Parish, that the home is made available over within Tendring District on the same basis of need to secure its occupation.
MM14.4	124	Policy LP6: Rural Exception Sites Final paragraph.	<p><i>Additional wording included within the final paragraph of Policy LP6 to include reference to biodiversity, geodiversity and the historic environment.</i></p> <p>The proposal shall have no significant material adverse impact on <u>biodiversity and geodiversity (including designated sites)</u>, landscape <u>(including designated landscapes)</u>, the <u>historic environment</u>, residential amenity, highway safety, or the form and character of the settlement to which it adjoins.</p>
MM15.1	126	Policy LP7: Self-Build and Custom Built Homes Second paragraph criteria a. to c. and new final paragraph.	<p><i>Additions and deletions from the second paragraph and criteria a. to c. of Policy LP7 and inclusion of a new final paragraph in relation to proposals for Self-Build and Custom Built Homes outside of settlement development boundaries.</i></p> <p>The Council will also consider, on their merits, proposals for <u>small developments of new Self-Build and Custom-Built Homes on land outside of, but within a reasonable proximity to, settlement development boundaries, not involving the replacement of an existing dwelling</u>, where they will still support a sustainable pattern of growth in the District <u>and are brought forward by individuals or associates of individuals who will occupy those homes</u>. Such <u>All new dwellings on such developments must either:</u></p> <p>a. be located on a site safely accessible on foot within 600 metres of the edge of the settlement development boundary of one <u>of</u> the District's 'strategic urban settlements', or 'smaller urban settlements';</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>b. be located on a site safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or</p> <p>c. involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use.</p> <p><u>The proposal shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in this Local Plan.</u></p>
MM16.1	129	5.9.3	<p><i>Updates to paragraph 5.9.3 to reflect the latest evidence of need and supply of gypsy and traveller pitches.</i></p> <p><u>5.9.3 The new requirements are set out in the table below. The GTAA for all local planning authorities in Essex follows a consistent approach and was commissioned jointly by the Councils working in partnership in line with the legal duty to cooperate. The GTAA was updated in 2018. In 2018 there were 11 permanent gypsy and traveller pitches in Tendring and planning permissions in place to deliver a further 11 permanent pitches and 1 temporary pitch. The GTAA for Tendring identifies a future need up to 2033 for 1 additional pitch for households meeting the new definition for a gypsy or traveller, 3 pitches for households not meeting the definition and 2 pitches for households where it is unclear whether or not the definition is met. There are therefore sufficient planning permissions in place without the need to specifically allocate any land for additional gypsy and traveller pitches in this Local Plan. Longer-term provision for gypsy and travellers is however proposed as part of the Colchester Tendring Garden Community and details will be set out in the separate Development Plan Document (DPD) for that area. The GTAA identifies no There is no identified need for plots for travelling showpeople in Tendring.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM16.2	129	5.9.4	<p><i>Replacement of the wording in paragraph 5.9.4 with new wording that reflects the requirements of national planning policy for gypsies and travellers.</i></p> <p>5.9.4 Of the twelve pitches identified in the 2015 GTAA, three pitches are no longer with travellers or are vacant, of the remaining nine only one interview was accepted and one unauthorised encampment which met the planning definition presented. The pitch requirement for the known need is two pitches and the requirement proxy for the unknown need (due to interviews not being accepted) is presented as also two pitches, giving a requirement of four pitches over the Plan period. Added to this is the need to provide for non-travelling gypsies and travellers that are known to not meet the planning definition of three pitches. <u>Planning Policy for Traveller Sites (2015) says that where there is no identified need for additional gypsy and traveller pitches, Councils should have criteria-based policies in their Local Plan to provide a basis for decisions in case applications nevertheless come forward. Such policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community. Any applications for the creation of new gypsy and traveller sites or additional pitches will be judged against the criteria of Policy LP9 below and any other relevant policies in this Local Plan.</u></p>
MM16.3	129	Policy LP9: Traveller Sites	<p><i>Modifications to Policy LP9 to revise the policy title, delete the first five paragraphs and Table 5.1, include a new introductory paragraph and amend criteria a. to h.</i></p> <p><u>GYPSY AND TRAVELLER SITES</u></p> <p><u>The projected future need for five gypsy and traveller pitches in Tendring up to 2033 as identified in the Gypsy and Traveller Accommodation Assessment (GTAA) can be met in full through sites that have already obtained planning permission and therefore this Local Plan does not allocate any specific sites for this purpose. It is proposed that further longer-term provision will be met as part of</u></p>

Ref	Page	Policy/ Paragraph	Main Modification																
			<p><u>the Colchester Tendring Borders Garden Community. There is no current or future need for any plots for travelling showpeople in Tendring and therefore no land is allocated for this purpose.</u></p> <p>Evidence contained in the Essex Gypsy and Traveller Accommodation Assessment (April 2017) identifies a projected need for two additional pitches in Tendring over the GTAA period to 2033 for Gypsy and Traveller households that meet the planning definition; a need for three additional pitches for Gypsy and Traveller households who do not meet the planning definition — if the potential need from 90% of unknown households is added to this the total need for non-travelling households could rise to five additional pitches. A breakdown of where this need should be addressed is set out in the table below.</p> <p>Table 5.1</p> <table border="1" data-bbox="683 775 2078 1225"> <thead> <tr> <th data-bbox="683 775 1061 999">Additional need for Gypsy and Traveller households broken down by potential delivery method Site Status</th> <th data-bbox="1061 775 1413 999">Gypsy and Traveller Local Plan Policy</th> <th data-bbox="1413 775 1765 999">SHMA Housing Policy</th> <th data-bbox="1765 775 2078 999">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="683 999 1061 1074">Meet Planning Definition (+10% Unknown)</td> <td data-bbox="1061 999 1413 1074">2</td> <td data-bbox="1413 999 1765 1074">0</td> <td data-bbox="1765 999 2078 1074">2</td> </tr> <tr> <td data-bbox="683 1074 1061 1187">Not meeting Planning Definition (+90% Unknown)</td> <td data-bbox="1061 1074 1413 1187">0</td> <td data-bbox="1413 1074 1765 1187">5</td> <td data-bbox="1765 1074 2078 1187">5</td> </tr> <tr> <td data-bbox="683 1187 1061 1225">Total</td> <td data-bbox="1061 1187 1413 1225">2</td> <td data-bbox="1413 1187 1765 1225">5</td> <td data-bbox="1765 1187 2078 1225">7</td> </tr> </tbody> </table> <p>Since the GTAA report was published, planning permission for five additional pitches to the south of Woodfield Bungalow, owned by a family of the households that do not meet the planning definition has been granted planning permission. The GTAA stated that if this site receives</p>	Additional need for Gypsy and Traveller households broken down by potential delivery method Site Status	Gypsy and Traveller Local Plan Policy	SHMA Housing Policy	Total	Meet Planning Definition (+10% Unknown)	2	0	2	Not meeting Planning Definition (+90% Unknown)	0	5	5	Total	2	5	7
Additional need for Gypsy and Traveller households broken down by potential delivery method Site Status	Gypsy and Traveller Local Plan Policy	SHMA Housing Policy	Total																
Meet Planning Definition (+10% Unknown)	2	0	2																
Not meeting Planning Definition (+90% Unknown)	0	5	5																
Total	2	5	7																

Ref	Page	Policy/ Paragraph	Main Modification
			<p>planning permission, the pitches may be used to meet the need for three additional pitches arising from households living on existing pitches adjacent to Woodfield Bungalow.</p> <p>The GTAA also found that any need arising from unknown households — all of which could come from small family sites — could be met through intensification of existing sites.</p> <p>Transit Provision: It is recommended that the situation relating to levels of unauthorised encampments should be continually monitored whilst any potential changes associated with Planning Policy for Traveller Sites (2015) develop.</p> <p>Travelling Showpeople: There were no Travelling Showpeople identified in Tendring so there is no current or future need for additional plots.</p> <p>In terms of un-met need when considering any proposals for additional traveller sites or pitches, the Council will consult the latest evidence of need contained in the most recent Gypsy and Traveller Accommodation Assessment and will only approve planning permission for proposals that can demonstrate, with evidence, a genuine need for the proposed level of provision. The Council will consider proposals [A]</p> <p><u>Any proposals for additional pitches to meet the needs of gypsies and travellers will be considered against criteria a) to h) below alongside other requirements in the Local Plan:</u></p> <ol style="list-style-type: none"> a. sites must avoid any adverse impacts on any internationally, nationally or locally designated protected areas and must avoid areas prone to flooding; b. sites must have reasonable access to key facilities (normally 1.5 miles/2.4km on foot or 15 miles/24km by public transport to including primary schools, doctors' surgeries, and convenience shops, 2 miles/3.2km on foot or 20 miles/32km by public transport to secondary schools and major employment sites); [B]

Ref	Page	Policy/ Paragraph	Main Modification
			<p>c. sites should, where possible, utilise previously developed land and recognise the scale of nearby communities; [C]</p> <p>d. sites must not exceed ten pitches in size and must make a minimum allowance of 250 square metres per pitch including <u>include suitable</u> circulation and amenity space and a maximum of 350 square metres. Sites should normally be 3 miles/4.8km apart with scope for smaller sites to be closer than this; [D]</p> <p>e. sites must comprise flat well drained ground and achieve safe access for large vehicles from the local road network and access to utilities; and</p> <p>f. sites must be safe for children, achieve aesthetic compatibility with the surroundings, with scope for visual and acoustic screening to protect the amenity of nearby residents; and not impact on high grade utilised agricultural land; [E]</p> <p>g. sites must be of a high quality design and landscaping, providing a good standard of residential amenity for their occupiers.; and</p> <p>h. sites must be linked to mains services. [F]</p>
MM17.1	132 133	Policy LP10: Care, Independent Assisted Living	<p><i>Modifications to the fourth paragraph of Policy LP10 in relation to proposals for care homes and extra care housing outside of settlement development boundaries.</i></p> <p>All new care homes and extra care housing must <u>pay particular attention to landscape character if located outside of settlement development boundaries and</u> offer a high quality, safe, secure and attractive environment for their residents and provide sufficient external space to accommodate the normal recreation and other needs of residents, visitors or employees. <u>Proposals shall have no</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
		Fourth paragraph	<u>significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in this Local Plan.</u>

Main Modifications – Chapter 6: Prosperous Places

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM18.1	139	6.1.2.1	<p><i>Replacement wording for paragraph 6.1.2.1 to reflect the findings of the latest and more and up to date Retail and Town Centre Uses Study in respect of convenience goods shopping.</i></p> <p>6.1.2.1 The WYG Retail Study (2017) estimates that within Tendring District, the available convenience goods expenditure at 2015 was £276m, which is forecast to increase by £306.6m by 2032. The study assessed the retail capacity of the area and concluded that, with Brook Park West gaining consent, there is no demonstrable requirement to proactively plan for new convenience floorspace in the District (beyond that already consented) up to 2032. However, this position should be regularly monitored. In terms of capacity the report advises that no additional convenience need exist for Clacton, Frinton-on-Sea, Brightlingsea and Walton-on-the-Naze. For Harwich and Dovercourt 750-1,420 sq.m exists for a small convenience store. For Manningtree capacity exists for 40-70 sq.m of convenience space, suitable for a small convenience store. The quantitative assessment in LSH Retail and Town Centre Uses Study (2020) estimates that turnover for convenience goods sales in the district could increase from around £348.5million in 2020 to around £390.6million by 2033, potentially generating capacity for around 2,347 sq.m of additional convenience goods in the plan period – the equivalent of an additional foodstore. However, these findings need to be assessed against market demand and, in 2020, there was limited commercial appetite amongst mainstream grocers to establish</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>new stores, with demand for new store openings mostly confined to the discount food market. However, most of the major foodstore operators are already represented in the district. The assessment notes that opportunities to enhance Clacton's convenience retail offer are likely to be limited to improving existing foodstore provision but that, if market conditions support it, any new provision should be directed to Clacton Town Centre as a priority, in line with the sequential approach and to support the Council's objectives for rejuvenation of that centre.</u></p>
MM18.2	139	6.1.3.1	<p><i>Replacement wording for paragraph 6.1.3.1 to reflect the findings of the latest and more and up to date Retail and Town Centre Uses Study in respect of comparison goods shopping.</i></p> <p><u>6.1.3.1 The WYG Retail Study Update (2017) sets out the need for additional comparison retail floorspace for Tendring District. The quantitative potential capacity for new comparison goods floorspace in the District is between 4110 sq.m net and 6850 sq.m net by 2032. The LSH Retail and Town Centre Uses Study (2020) estimates that turnover for comparison goods sales in the district could increase from around £291.6million to around 441.3million by 2033, however taking into account the emergence and success of on-line retailers in meeting comparison goods demands, the capacity for increasing physical comparison goods floorspace is likely to be much lower than for convenience goods. With a predicted increase in capacity of around 54sq.m by 2033, the need for additional comparison goods floorspace in the district is likely to be negligible and easily accommodated within either existing vacant town centre units or retail schemes that already benefit from planning permission.</u></p>
MM18.3	139	6.1.3.2	<p><i>Deletion of paragraph 6.1.3.2.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
			6.1.3.2 In accordance with the 'town centre first' principles in the NPPF, Tendring District's defined town centres (Clacton, Frinton, Harwich and Dovercourt, Brightlingsea, Manningtree and Walton) should be the preferred locations (subject to any sequential sites being available and suitable) for any further comparison goods floorspace. This will ensure the enhancement of the town centres and promotes their vitality and viability.
MM18.4	140	6.1.3.3	<p><i>Replacement wording for paragraph 6.1.3.3 to reflect the findings of the latest and more and up to date Retail and Town Centre Uses Study in respect of the health of Clacton Town Centre.</i></p> <p>6.1.3.3 The WYG retail study highlights that Clacton town centre is a generally healthy centre, which performs a vital role for the residents of the District and wider sub-region. Retailer representation in the town centre is strong, with 14 out of 30 major multiple national retailers being represented in the centre. <u>The LSH Retail Study highlights that Clacton is a vital and viable centre, but could become vulnerable as a result of the economic impact of Covid-19. Nonetheless, the Study identified Clacton as an important shopping and service centre for the district. Goad's survey data from March 2019 shows that there were 88 national multiples in the town centre, of which 51 were retailers. Council initiatives, alongside private investment in recent years, have seen considerable improvements to the built environment, which is beneficial to the town centre's visitor experience. The Council is also working with partners on a programme of measures to rejuvenate Clacton Town Centre.</u></p>
MM18.5	140	6.1.3.4	<i>Deletion of paragraph 6.1.3.4.</i>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>A town-by-town analysis indicates that there is not a quantitative need for additional comparison floorspace in Clacton (assuming Brook Park West is delivered) or Walton-on-the-Naze (if Aldi is delivered). For Harwich and Dovercourt capacity exists for between 1,770 sq.m and 2,950 sq.m. For Manningtree and Brightlingsea there is limited capacity for growth. For Frinton-on-Sea there is capacity for between 850 sq.m and 1,410 sq.m net comparison goods floorspace.</p>
MM18.6	140	<p>Policy PP1: New Retail Development</p> <p>Second and third paragraphs.</p>	<p><i>Deletion of the second and third paragraphs of Policy PP1 and leaving commentary on updated convenience and comparison floorspace requirement in the supporting text (see paragraphs 6.1.2.1 and 6.1.3.1).</i></p> <p>The Council's Retail and Town Centre Uses Study Update (2017) indicates that there is no quantitative need for additional convenience floorspace in Clacton, Frinton-on-Sea, Brightlingsea or Walton-on-the-Naze. With limited capacity for Manningtree (40 sq.m – 70 sq.m) and Harwich and Dovercourt (750sq.m – 1,420 sq.m)</p> <p>For comparison retail, the update study indicates that there is no quantitative need for additional retail capacity for Clacton or Walton-on-the-Naze. For Harwich and Dovercourt the update indicates capacity of between 1,770 sq.m and 2,950 sq.m and for Frinton-on-Sea capacity of between 850 sq.m and 1,410 sq.m. For Manningtree and Brightlingsea the update indicates there is limited capacity for growth.</p>
MM19.1	141	6.2.5	<p><i>Addition of wording to the end of paragraph 6.2.5.</i></p> <p>6.2.5 'Area defined on the local authority's policy map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town</p>

Ref	Page	Policy/ Paragraph	Main Modification
			centres, District centres and local centres but exclude small parades of shops of purely neighbourhood significance. <u>Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres</u> '.
MM19.2	142	6.2.16	<p><i>Replacement of text at the end of paragraph 6.2.16 to better reflect current national planning policy.</i></p> <p>6.2.16 As well as the defined centres listed in Policy PP2, the District also contains a number of large modern retail parks or stand-alone supermarkets/retail outlets that located in out-of-town centre (or edge-of-town centre) locations that often fulfil a need for bulky-goods retail that cannot be accommodated in town centres. The national planning policy is <u>for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.</u> to avoid developments of this nature in the future unless it can be demonstrated that they will bring positive economic growth and not impact negatively on the vitality or viability of nearby centres. However, these existing retail parks will be shown as 'employment land' on the Policies Map and protected against redevelopment for non-employment uses (particularly housing) in recognition of the local employment they provide.</p>
MM20.1	144	Policy PP3: Village and	<i>Modifications to the list of existing and proposed neighbourhood centres in Policy PP3 to include Hartley Gardens and to correct references to 'Garden Suburbs'.</i>

Ref	Page	Policy/ Paragraph	Main Modification
		<p>Neighbourhood Centres</p> <p>Section listing existing and proposed neighbourhood centres.</p>	<p>Existing and Proposed Neighbourhood Centres</p> <ul style="list-style-type: none"> • Bluehouse Avenue, Clacton • Bockings Elm, Clacton • Broadway, Jaywick Sands • Burrs Road, Clacton • Cambridge Road, Clacton • Coopers Lane, Clacton • Coppins Road, Clacton • Gravel Hill Way, Harwich • Junction of Tamarisk Way/Broadway, Jaywick • Thorpe Road, Kirby Cross • Tudor Parade, Marlowe Road, Jaywick Sands • Woodlands Close, Clacton • Upper Dovercourt • Frinton Road, Holland-on-Sea • Waterside, Brightlingsea • Neighbourhood centre at St Johns Road, Clacton • New neighbourhood centre proposed for Oakwood <u>Park Development, Clacton Garden Suburb</u> • New neighbourhood centre proposed for Rouses Farm <u>Development, Clacton Garden Suburb</u> • <u>New neighbourhood centre proposed for Hartley Gardens Development, Clacton</u>
MM21.1	145	6.3.4 & 6.3.5	<p><i>Amendments to supporting text to better reflect current national planning policy.</i></p> <p>6.3.4 Paragraph 26 of the NPPF states that:</p> <p>6.3.5 <i>When assessing applications for retail, leisure and office <u>retail and leisure</u> development outside of town centres, which are not in accordance with an up-to-date Local plan, local planning authorities should require an impact assessment if the development is over a</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><i>proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m <u>of gross floorspace</u>)'. This should include assessment of:</i></p> <ul style="list-style-type: none"> • the impact of the proposal of existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and • the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider <u>retail catchment (as applicable to the scale and nature of the scheme)</u>.-area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
MM21.2	145	Policy PP4: Local Impact Threshold	<p><i>Inclusion of the word 'nearest' within the first paragraph of Policy PP4 and inclusion of a new paragraph at the end of the policy.</i></p> <p>Applications for retail, leisure and office development outside of a centre as defined on the Policies Map, which are not in accordance with the Local Plan, will require an impact assessment if the development is over the following floorspace thresholds in the <u>nearest</u> defined Town Centre:</p> <ol style="list-style-type: none"> a. Clacton - 929 sq.m gross floorspace b. Frinton-on-Sea - 929 sq.m gross floorspace c. Dovercourt - 250 sq.m gross floorspace d. Walton-on-the-Naze - 250 sq.m gross floorspace e. Brightlingsea - 250 sq.m gross floorspace f. Manningtree - 250 sq.m gross floorspace g. Harwich - 250 sq.m gross floorspace

Ref	Page	Policy/ Paragraph	Main Modification
			<u>In determining planning applications, the Council will consider quantitative and qualitative impacts of the development on town centre vitality and viability, measures aimed at mitigating and minimising impacts and opportunities to claw back trade lost to other town centres both within and outside of the district.</u>
MM22.1	146	6.4.3	<p><i>Amendments to supporting text to better reflect current national planning policy.</i></p> <p>6.4.3 The NPPF states that local authorities should define areas within their town centres as primary shopping areas. These areas comprise the parts of the town centre where retail development is concentrated. It is the primary shopping areas of the town centres which are the preferred location for new retail development. According to the NPPF, the primary shopping area should contain the primary shopping frontages and secondary shopping frontages which are adjacent, and closely related to, the primary shopping frontages.</p>
MM22.2	146	6.4.4	<p><i>Amendments to supporting text to better reflect current national planning policy.</i></p> <p>6.4.4 Paragraph 23 of The NPPF states that the planning authorities should define the extent of the town centres and primary shopping areas, based on clear definition of primary and secondary frontages, and set policies that make clear which uses will be permitted in such locations.</p>
MM22.3	146	New paragraph 6.4.5	<i>Insertion of a new paragraph of supporting text that reflects changes to the Use Classes Order in 2020.</i>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>6.4.5 Use Class E, which came into effect in September 2020, incorporates not only those uses which the NPPF defines as 'Main town centre uses', but also certain other uses such as medical services and some industrial. Changes between uses within this class will not be subject to a planning application, which will promote further diversification of town centres.</u></p>
MM22.4	146	6.4.1.1	<p><i>Modification to supporting text to reflect the proposed removal of primary and secondary shopping frontages from the Local Plan to better reflect current national planning policy.</i></p> <p>6.4.1.1 The Primary Shopping Areas shown on the Policies Maps and Local Maps are the defined areas where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontages).</p>
MM22.5	147	6.4.2 6.4.2.1 6.4.3 6.4.3.1 6.4.3.2	<p><i>Deletion of supporting text to reflect the proposed removal of primary and secondary shopping frontages from the Local Plan to better reflect current national planning policy.</i></p> <p>6.4.2 Primary Shopping Frontage:</p> <p>6.4.2.1 Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. To promote a busy and attractive town centre new retail opportunities will be concentrated within the Primary frontage, providing a focus for activity and preventing key uses from being dispersed throughout the centre.</p> <p>6.4.3 Secondary Shopping Frontage:</p> <p>6.4.3.1 Secondary frontages provide greater opportunities for a diverse use such as restaurants and cafés, cinemas and offices. This supports independent and convenience</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>retailers and non-retail uses. These uses form an important complementary function and by allowing a higher proportion of non-retail uses and promotes diverse uses.</p> <p>6.4.3.2 The WYG Retail Study (2016) reviewed the uses in the town centres and recommended the shopping frontages. The Primary Shopping Area (PSA) and the town centre boundary are identified on the Policies Map.</p>
MM22.6	147	6.4.3.4	<p><i>Modifications to paragraph 6.4.3.4 in respect of impact assessments.</i></p> <p>6.4.3.4 In exceptional cases where the Council agrees that retail, leisure or office development outside of a defined centre could be justified, applications may need to be accompanied by an 'impact statement <u>assessment</u>', which, in accordance with the National Planning Policy Framework, must include an assessment of:</p> <ul style="list-style-type: none"> • the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and • the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the defined centres and wider <u>retail catchment (as applicable to the scale and nature of the scheme)</u> area, up to five years from the time the application is made. For major schemes where the full impact will not be realised within five years, the impact should also be assessed up to ten years from the time the application is made.
MM22.7	148		

Ref	Page	Policy/ Paragraph	Main Modification
		<p>Policy PP 5: Town Centre Uses.</p>	<p><i>Replacement of Policy PP5 wording with new wording to better reflect current national planning policy, changes to the Use Classes Order and a more flexible approach to town centre uses.</i></p> <p>The Town centre Boundary and the Primary and Secondary Shopping Frontages are defined on the Policy Maps.</p> <p>Within the Primary Shopping Area, proposals for development will be permitted where they:</p> <ul style="list-style-type: none"> a. are for main town centre uses, as defined in the NPPF; or b. will promote the vitality and viability of the centre, including proposals for residential development; or c. will involve the conversion or re-use of upper floors; and/or d. deliver high quality active ground floor frontages; and e. within the Primary Shopping Frontages A1 uses (shops) comprise at least 70% of the shopping frontages; and f. within the Secondary Shopping Frontages main town centre uses remain dominant; and g. any change of use will be considered against the aims of this policy. <p><u>Within Town Centre boundaries (as shown on the Policies Maps and Local Maps), proposals for development or change of use for 'main town centre uses' (as defined in Policy PP2 and the National Planning Policy Framework) as well as residential development will be permitted where they comply with other relevant policies in this Local Plan and support the vitality and viability of the town centre.</u></p> <p><u>Within the 'Primary Shopping Area', the use of ground floor shop units will be restricted to uses within Use Class E (Commercial, business and service uses). Applications for</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>residential development will be supported on upper floors above shop units where they provide an adequate level of parking and amenity space that takes into account access to shops, services and facilities, public transport provision and proximity to public open space.</u></p>
MM23.1	151 152	<p>Policy PP6: Employment Sites</p> <p>First paragraph and proposed new second paragraph.</p>	<p><i>Modifications to the first paragraph of Policy PP6 and insertion of a new second paragraph to better reflect changes in the use Classes Order and to indicate that protected employment sites will be shown on the Policies and Local Maps.</i></p> <p>The Council will seek to protect existing employment sites, as set out in the Council's current Employment Land Review shown on the relevant Policies Maps and Local Maps. <u>These Sites within use classes will be safeguarded for B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) will be safeguarded for these purposes and uses that are classified as sui generis if they are akin to employment type uses and also where appropriate A1 (Retail). Employment sites falling within Use Class E(g) will be retained and will continue to provide for the employment needs of the district. [A]</u></p> <p><u>Proposals for employment uses falling outside of use classes B2, B8 or other established activities (such as retail, offices, other town centre uses or other 'sui generis' uses) on protected employment sites will be considered on their merits and against other relevant policies within the Local Plan. [B]</u></p>
MM23.2	151 152	<p>Policy PP6: Employment Sites</p>	<p><i>Simplification of the criteria that would apply when determining planning applications for non-employment uses on protected employment sites.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
		<p>Middle section dealing with proposals for non-employment uses.</p>	<p>Proposals for non-employment uses on these sites will only be considered acceptable <u>permitted if they clearly demonstrate that the alternative use(s):</u></p> <ul style="list-style-type: none"> <u>a. it can be demonstrated that the land or premises have become inherently unsuitable for any form of employment use and there is clear and robust evidence of appropriate marketing with registered commercial agents at a reasonable price to demonstrate no realistic prospect for continued employment use; or</u> <u>b. the alternative use will either facilitate or result in wider economic regeneration benefits that outweigh the loss of employment land or premises on the protected site for existing or potential employment use; or</u> <u>c. The alternative use will ease or resolve demonstrable longstanding and otherwise irresolvable harmful conflicts between land uses.</u> <p><u>If criteria a) b) or c) are met, the proposal must not have an adverse impact on the operation of any remaining businesses on the protected site and must not give rise to any incompatibility between land uses.</u></p> <ul style="list-style-type: none"> a. Will not have an adverse impact on the primary employment use(s) in the locality; b. Will not reduce the overall supply and quality of employment land and premises within the locality; c. Will deliver economic regeneration benefits to the site and/or area; d. Will resolve existing conflicts between land uses;

Ref	Page	Policy/ Paragraph	Main Modification
			<p>e. Involve a vacant building for which there is clear and robust evidence of prolonged marketing, with registered commercial agents at a reasonable price, to demonstrate that there is no realistic prospect for continued employment use.</p> <p>Proposals for retail and town centre uses on these sites will also be subject to the requirements of Policies PP1 — PP5 (inclusive) of this Local Plan.</p>
MM23.3	151 152	<p>Policy PP6: Employment Sites</p> <p>Final section dealing with proposals for farm and other land based diversification schemes.</p>	<p><i>Deletion of this section from Policy PP6 and instead including such requirements in a modified version of Policy PP13: The Rural Economy.</i></p> <p>The Council will permit sustainable development proposals for farm and other land based diversification schemes that benefit the rural area. Proposals for re-use or redevelopment of rural buildings for employment purposes will be considered against the following criteria unless the economic benefits outweigh these criteria:</p> <ul style="list-style-type: none"> a. the building is structurally sound and capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction; b. the proposed use (including any proposed alteration or extensions to the building), its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance as a rural building or adversely affect the rural setting of the building in the locality; c. the proposed use would not create significant levels of traffic, particularly lorries, on rural roads (proposals for employment uses will be required to provide a sustainability

Ref	Page	Policy/ Paragraph	Main Modification
			<p>assessment which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);</p> <p>d. proposals which would create a significant number of jobs should be readily accessible by public transport;</p> <p>e. it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area; and</p> <p>f. early years and childcare provision.</p>
MM24.1	153 154	Policy PP7: Employment Allocations	<p><i>Deletion of the current Policy PP7 in its entirety and replacement with a version that better reflects the updated position in respect of available employment land and the proposed changes to Policy PP6.</i></p> <p><u>Policy PP7</u></p> <p><u>EMPLOYMENT ALLOCATIONS</u></p> <p><u>32ha of land is allocated for new development in use classes B2 (General Industry) and B8 (storage and Distribution) to support a diversity of employment opportunities, the majority of which has already obtained planning permission. The allocated sites are listed in Table 6.1 below and are identified on the Policies Maps and relevant Local Maps.</u></p> <p style="text-align: center;"><u>Table 6.1</u></p>

Ref	Page	Policy/ Paragraph	Main Modification	
			<u>Name of Site</u>	<u>Local Plan Allocation (ha)</u>
			<u>Extension to Gorse Lane Industrial Estate, Telford Road, Clacton</u>	<u>6.8ha</u>
			<u>Land at Stanton Europark, Parkeston</u>	<u>3.3ha</u>
			<u>Land at Harwich Valley, East of Pond Hall Farm, Dovercourt</u>	<u>6.3ha (as part of a wider mixed use development)</u>
			<u>Land off Clacton Road/Dead Lane, Mistley</u>	<u>2ha</u>
			<u>Crown Business Centre, Old Ipswich Road, Ardleigh/Colchester</u>	<u>2.3ha</u>
			<u>Land south west of Horsley Cross</u>	<u>11.2ha</u>
			<u>Total Employment Land Area</u>	<u>31.9ha</u>
			<p><u>N.B Some sites have permission in part for B1 use, now Class E(g).</u></p> <p><u>On these sites, proposals for development in use classes B2 and B8 will be supported. Proposals for employment uses falling outside of use classes B2 or B8 (such as retail, offices, other town centre uses or other 'sui generis' uses) will be considered against other relevant policies within the Local Plan.</u></p>	

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>Applications for alternative non-employment uses will only be considered if it can be demonstrated that there is no reasonable prospect of a site being used for the allocated employment use. Such applications will be treated having regard to market signals and the relative need for different land uses to support sustainable local communities.</u></p> <p><u>Proposals for new employment-related development on land outside of these allocations will be considered having regard to their potential to support economic growth in the district and the requirements of other policies in this Local Plan.</u></p> <p><u>Additional employment land will also be identified as part of the mix of uses proposed at the Colchester Tendring Borders Garden Community within the separate Development Plan Document (DPD) for that area.</u></p>
MM25.1	157	Policy PP9: Hotels and Guesthouses Final paragraph.	<p><i>Modifications to the text in the final paragraph of Policy PP9 to adopt more positive wording.</i></p> <p>Within defined centres and along the seafront within the District's coastal towns, the Council will <u>seek to retain the accommodation provided within</u> refuse proposals for the change of use or redevelopment of existing hotels and guesthouses to alternative uses, either in part or in whole. Outside of these areas, the change of use or redevelopment of existing hotels and guesthouses to alternative uses will only be permitted if the applicant can demonstrate that the current use is no longer economically viable.</p>
MM26.1	158	Policy PP10: Camping and	

Ref	Page	Policy/ Paragraph	Main Modification
		Touring Caravan Sites First paragraph.	<p><i>Modifications to the first section of Policy PP10 to correct the reference to Policy PP11 and re-casting the third bullet-point as a freestanding paragraph with modifications to the wording.</i></p> <p>Outside of holiday parks (considered under Policy PP10 <u>PP11</u> in this Local Plan) and subject to consideration against other Local Plan policies, if the necessary tests are met in regard to any known flood risk, the Council will support proposals for:</p> <ul style="list-style-type: none"> • new camping and/or touring caravan/ motorhome sites; <u>and</u> • extensions to existing camping and/or touring caravan/motorhome sites; and <p>aApplications will only be permitted where they are in accordance with <u>the</u> Biodiversity Policy <u>PPL4</u> in this Local Plan. <u>Prior to submission of proposals for new or extended sites in the vicinity of designated sites (which should be taken to mean holiday parks within 2km of such sites), applicants should seek the advice of</u> have the potential to impact on them and should therefore be subject to consultation with Natural England, on a site-by-site basis and as to the likely requirements for <u>a</u>Appropriate <u>a</u>Assessment against <u>and</u> the tests of the Habitats Regulations.</p>
MM27.1	159	6.7.5	<p><i>Insertion of additional wording at the end of paragraph 6.7.5 in relation to flood risk, impacts on wildlife and provision of park homes.</i></p> <p>.....the Council will restrict the holiday occupancy period and; where sites are located in an area vulnerable to flooding, the period of restricted occupancy will be expected to take place during the winter months when there is a greater likelihood of higher tides and severe</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>weather. <u>The length of occupancy period set will take 'into account the site's location and the character and merits of the proposal such as the degree of flood risk, its relationship to an existing site (e.g. if it is a proposed extension), proposals for flood risk mitigation, design, the quality of accommodation provided and emergency planning. Change of use to permanent residential and extended periods of holiday occupation can also impact on protected wildlife sites, which are often located close to existing holiday parks. Where parks are proposed to be expanded to increase their level of provision, an element of park home provision to support the overall viability of the park might be considered so long as an appropriate mix is maintained which ensures the focus is firmly on tourism uses, rather than residential uses, and other policy requirements around flood risk, quality, infrastructure provision and sustainability are met.</u></p>
MM27.2	160	Policy PP11: Holiday Parks Second paragraph.	<p><i>Addition of criteria within Policy PP11 that would apply in the consideration of planning applications for redevelopment or change of use to residential on non-safeguarded holiday parks.</i></p> <p>On 'other sites' that are operating as holiday parks but are not specifically shown as safeguarded sites or allocated for an alternative use, proposals for redevelopment, <u>including the change of use of caravans and chalets to permanent residential dwellings</u>, will only be considered favourably if the applicant can demonstrate <u>all of the following</u>:</p> <ul style="list-style-type: none"> • that the current use is no longer economically viable or that the economic benefits of the proposed development would outweigh the loss of the existing operation, having regard to other policies in this Local Plan.; • <u>the proposals will not materially harm the provision of tourist accommodation in the district;</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> • <u>for residential proposals, the new development will provide acceptable living conditions; and</u> • <u>the development will not cause material harm (including cumulatively) to local services and facilities, flooding, and wildlife.</u>
MM27.3	160	<p>Policy PP11: Holiday Parks</p> <p>Third paragraph and associated bullet-points.</p>	<p><i>Deletion of the third bullet-point in respect of proposals for new holiday parks and modification to the first paragraph to refer to the mix of renting and touring capacity.</i></p> <p>Subject to consideration against other relevant Local Plan policies, if necessary tests are met in regard to any known flood risk, the Council will support proposals for:</p> <ul style="list-style-type: none"> • the extension of safeguarded sites or other existing sites onto adjoining land provided that the development would result in improvement to the overall layout, amenity, appearance, <u>mix of renting and touring capacity</u> and quality of the accommodation over the whole site; <u>and</u> • improvements to the range and quality of attractions and facilities at safeguarded sites and other sites; <u>and</u> • proposals for new holiday parks that comprise well designed timber chalets set on plinths with pitched roofs, ideally located within a wooded or undulating landscape setting that incorporates water features and indoor and outdoor leisure facilities that would be appropriate in a countryside location.

Ref	Page	Policy/ Paragraph	Main Modification
MM27.4	160	Policy PP11: Holiday Parks Fifth paragraph.	<p><i>Deletion of current fifth paragraph of Policy PP11 in respect of loss of holiday accommodation to residential and insertion of new paragraph that deals with the potential impacts of development on biodiversity and the requirements of the Habitat Regulations.</i></p> <p>....away from flood risk areas.</p> <p><u>Applications will only be permitted where they are in accordance with the Biodiversity Policy PPL4 in this Local Plan. Prior to submission of proposals for new or extended sites in the vicinity of designated sites (which should be taken to mean holiday parks within 2km of such sites), applicants should seek the advice of Natural England as to the likely requirements for Appropriate Assessment and the tests of the Habitats Regulations. The change of use of caravans and chalets from holiday accommodation to permanent residential dwellings will not be permitted as this could lead to a loss of valuable tourist accommodation, poor living conditions, unmanageable impact on the provision of local services and facilities and/or, in some areas, increase the risk of flooding to people or property or disturbance to internationally important wildlife sites at certain times of the year.</u></p>
MM27.5	160	Policy PP11: Holiday Parks Final paragraph.	<p><i>Modification to the wording of the final paragraph of Policy PP11.</i></p> <p>To avoid such consequences by ensuring <u>ensure</u> that new caravan and chalet developments are not used for permanent residential dwellings, the Council will impose holiday occupancy conditions and limit use to certain periods of the year.</p>

Ref	Page	Policy/ Paragraph	Main Modification
MM28.1	162	Policy PP12: Improving Education and Skills First paragraph.	<p><i>Insertion of wording about the proposed expansion at the University of Essex.</i></p> <p>To improve education and employment prospects for Tendring District's residents, the Council will work with its partners including the University of Essex, Colchester Institute, local schools and academies, and Essex County Council as the education authority and other educational establishments, to deliver new and improved facilities for early years, primary, secondary, further and higher education. The Council will support proposals that will result in new, expanded or improved education facilities and facilities for vocational training, particularly in the growing care and assisted living and renewable energy sectors. <u>This will include expansion of the University as part of the Garden Community development.</u></p>
MM29.1	163	Policy PP13: The Rural Economy New second section.	<p><i>Insertion of a new section at the end of Policy PP13 which incorporates wording proposed to be deleted and moved from Policy PP6.</i></p> <p>d. buildings that are essential to support agriculture, aquaculture, horticulture and forestry; and farm diversification schemes.</p> <p><u>The Council will permit sustainable development proposals for farm and other land based diversification schemes that benefit the rural area. Proposals for re-use or redevelopment of rural buildings for employment purposes will be considered against the following criteria unless the economic benefits outweigh these criteria:</u></p> <p>e. <u>the building is structurally sound and capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction;</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>f. <u>the proposed use (including any proposed alteration or extensions to the building), its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance as a rural building or adversely affect the rural setting of the building in the locality;</u></p> <p>g. <u>the proposed use would not create significant levels of traffic, particularly lorries, on rural roads (proposals for employment uses will be required to provide a sustainability assessment which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);</u></p> <p>h. <u>proposals which would create a significant number of jobs should be readily accessible by public transport; and</u></p> <p>i. <u>it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area.</u></p>
MM30.1	164	Policy PP14: Priority Areas for Regeneration Third paragraph.	<p><i>Modifications to third paragraph of Policy PP14.</i></p> <p>As well as this this, the Council will seek to: preserve or enhance the <u>heritage historic</u> assets of these areas, including the at risk conservation areas. The at risk conservation areas are: Clacton Seafront, Dovercourt, St Osyth, <u>Thorpe-le-Soken</u> and Thorpe-le-Soken Station and Maltings.</p>
MM30.2	164	New paragraphs	<p><i>Insertion of new sections of supporting text outlining the aims for regeneration in the five priority areas, starting with Clacton Town Centre and Seafront.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
		6.10.2 and 6.10.3 (to follow Policy PP14)	<p><u>6.10.2 The Current progress of the Priority Areas for Regeneration are as follows:-</u></p> <p><u>6.10.3 Clacton Town Centre and Seafront: The Council has been working with local businesses and other stakeholders to develop a vision and action plan for rejuvenating Clacton Town Centre and Seafront in the face of declining footfall, shop closures and issues with social-economic deprivation. The positive vision for Clacton in 2030 (the 'Love Clacton' vision) is for it to become a well-loved, year-round destination positively promoting the town's seaside heritage, the beaches and famous attractions. The Council and its partners are seeking to deliver short-term improvements in the town centre around transport and the public realm to support local businesses and improve footfall whilst developing a longer-term spatial plan for development of new homes, more modern business space, community facilities, improved transport access and space for arts and entertainment which will guide planning decisions to attract private investment and government funding. The Council's objectives for Clacton Town Centre and the Seafront are to:</u></p> <ul style="list-style-type: none"> • <u>Make the town centre a destination associated with fun and enjoyment where people are just as likely to go to meet socially and be entertained, as for shopping;</u> • <u>Turn the town centre into an all-weather shopping and leisure destination where, come rain or shine, there are things to enjoy and reasons to visit, and to stay longer;</u> • <u>Make the town centre vibrant - concentrating activity in its central core and increasing the resident population through quality housing above shops and in side streets;</u> • <u>Make sure the town centre works in seamless harmony with the town's beaches and seaside attractions with activity and trade in both areas extending into the evenings;</u> • <u>Actively promote the 'Love Clacton' brand both physically throughout the town centre and through a variety of digital and other communication channels;</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> • <u>Positively promote the town’s unique history and seaside heritage through its branding, public realm, architecture, events and activities – to set it apart from other places;</u> • <u>Make the town centre a place that people can get to easily and conveniently by all forms of transport and prepare it for the predicted rise in the ownership of electric cars;</u> • <u>Make the town centre safe, easy and convenient to navigate for pedestrians of all ages and physical abilities and improve connectivity to surrounding assets;</u> • <u>Make the town centre a place that is tidy, welcoming and safe and a place with excellent customer service that residents and businesses are proud of;</u> • <u>Bring the town centre into the digital age to enable people to work remotely and access online and app-based services and information; and</u> • <u>Make the town centre a hub for education, public services, community activities and clubs and manage the transition from a retail destination to a more varied and mixed offer.</u>
MM30.3	164	New paragraphs 6.10.4, 6.10.5, 6.10.6 & 6.10.7	<p><i>Insertion of supporting text in respect of the Jaywick Sands Priority Area for Regeneration.</i></p> <p><u>6.10.4 Jaywick Sands: Jaywick Sands was originally built as a seaside resort for Londoners in the 1930’s with small chalets built on private un-adopted roads; this being a classic example of plot land development. Over time, many of the holiday homes were converted to permanent dwellings, partly as a result of people moving from bombed out homes in the Second World War. As they were never intended as permanent homes, many being of wooden construction, the housing does not meet building regulation requirements and the</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>infrastructure is substandard. While Jaywick Sands suffers from considerable social and economic problems, it also has a core of longstanding residents with a strong sense of community who are extremely keen to see improvements to the area.</u> <u>The Council's objectives are to:</u></p> <ul style="list-style-type: none"> • <u>Transform housing quality and the built environment;</u> • <u>Ensure long term flood resilience;</u> • <u>Create greater connectivity to neighbouring areas;</u> • <u>Attract commerce & new economic opportunities; and</u> • <u>Improve people's life chances, access to public services & health & wellbeing.</u> <p><u>6.10.5 In order to achieve this, the Council in collaboration with the Coastal Communities Team, is producing the Jaywick Sands Place Plan. This will provide a development framework for the physical regeneration of Jaywick Sands facilitating the provision of new flood resilient homes built to modern building standards which will provide a high standard of accommodation for existing residents as well as providing land for employment opportunities and recreation and amenity areas. Public consultation will be key to its production and the Council recognise that only with the support of the local community will the proposals be deliverable. The Council will also produce a design SPD to guide replacement dwellings and small infill development.</u></p> <p><u>6.10.6 As part of the work for the Place Plan and additional work undertaken by Essex County Council, a requirement was identified for employment opportunities and retail to meet the needs of local residents. This resulted in a £2.12 million project to create a 9,500 square-foot covered market, commercial space and new public realm improvements. Plans for the</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>market, 13 affordable business units, community garden and hard landscaping on the seafront at Jaywick Sands received £1.972m from the South East Local Enterprise Partnership (SELEP) from the Getting Building Fund (GBF) in November 2020.</u></p> <p><u>6.10.7 A second scheme involves improved cycling links between Jaywick Sands and Clacton. This will also involve the launch of a community bike scheme to loan bicycles to residents providing an affordable means of travel to work or college. This project received £2.3m from the GBF, and will be supported with £100,000 from the Sport England Local Delivery Pilot.</u></p>
MM30.4	164	New paragraphs 6.10.8, 6.10.9 and 6.10.10.	<p><i>Insertion of supporting text in respect of the Harwich Old Town Priority Area for Regeneration.</i></p> <p><u>6.10.8 Harwich Old Town: The Economic Development Strategy seeks to balance the evolution of Harwich as a port with the ongoing evolution of the visitor economy in the town and surrounding area. Aims for regeneration of Old Harwich include:</u></p> <ul style="list-style-type: none"> • <u>Maximising the opportunity offered by ‘Freeport’ status and the proposals for expansion at Harwich International Port and Bathside Bay;</u> • <u>Preserve and enhance the Conservation Area and heritage assets within it with public realm improvements and appropriate redevelopments of under-utilised and unsympathetic sites and premises close to the waterfront;</u> • <u>Promote the town’s history and association with the Mayflower voyages as a means of increasing tourist activity, footfall and economic activity;</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> • <u>Deliver residential and commercial opportunities to support economic growth in the old town area; and</u> • <u>Support opportunities to improve water-based recreation facilities in the area;</u> <p><u>6.10.9 Freeport East was announced on the 3 March 2021 by the Chancellor of the Exchequer, in his budget speech. Freeport East offers a unique opportunity to build a truly global trade hub at the same time as accelerating opportunities in green energy and helping level-up the economy.</u></p> <p><u>6.10.10 The Old Town within Harwich was the subject of a master planning approach which sought to provide a long term plan for the regeneration of Harwich. In line with this, a grant scheme has also been introduced by the Council offering funds to independent businesses in Harwich and Dovercourt to refurbish. Match-funding is available to businesses in the two town centres looking to enhance or improve their premises under the Harwich and Dovercourt Bay Business Grant Scheme. The grants can be used, for example, to redecorate the exterior of the building, new signage, lighting and window repairs. The scheme is targeted at Harwich and Dovercourt, improving the visitor attraction as part of the 400th anniversary of the sailing of The Mayflower, the Harwich ship which carried the Pilgrims to America in 1620.</u></p>
MM30.5	164	New paragraphs 6.10.11 & 6.10.12	<p><i>Insertion of supporting text in respect of Dovercourt Town Centre and adjoining areas Area for Regeneration.</i></p> <p><u>6.10.11 Dovercourt Town Centre and adjoining areas: The Dovercourt Town Centre Masterplan seeks to improve the economic performance and vitality of the town by creating a more appealing environment, with the focus on vacant, derelict and rundown sites. The vision for Dovercourt is that it will be a thriving town with an attractive High Street, a range of</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>shops and cafes and regular street markets: a town which is proud of its heritage but also able to respond to new opportunities. A town with a high quality public realm and open spaces, stunning beaches and good connections - an attractive place to live, work, shop and visit.</u></p> <p><u>6.10.12 The masterplan sets out a town centre strategy that identifies a number proposals and initiatives for the regeneration of Dovercourt Town Centre. An example of such is the redevelopment of the Starlings site located on Dovercourt High Street. The project will provide new public space, public toilets and a surface car park with 51 car parking spaces, including four for disabled use and four for electric vehicle charging.</u></p>
MM30.6	164	New paragraphs 6.10.13 & 6.10.14	<p><i>Insertion of supporting text in respect of Walton on the Naze Area for Regeneration.</i></p> <p><u>6.10.13 Walton-on-the Naze: Walton-on-the Naze, like many seaside towns has suffered from social and economic decline; issues which the Council will continue to address through the following objectives for its regeneration which seeks to:</u></p> <ul style="list-style-type: none"> • <u>Build a strong all year round economy - diversifying and extending the local economy to create new business and employment opportunities;</u> • <u>Create a unique destination which maximises its environmental and heritage assets - realising the largely untapped potential of Walton, presented by its natural environment and heritage, to create a destination unlike any other in the region;</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> • <u>Make Walton a place where people will choose to live and realise their potential - a town with a good range of housing, retail, community and leisure facilities which will attract people of all ages and encourage them to stay; and</u> • <u>Ensure a sustainable future for Walton - maintaining a balance between economic growth and environmental management.</u> <p><u>6.10.14 The Walton-on-the-Naze Regeneration Framework proposes a series of key projects that will help to deliver these objectives in Walton including proposals for tourist attractions, new housing, new commercial development, new leisure facilities, improvements to sea defences, new parking and opportunities for environmental enhancements and better pedestrian and cycle networks. Some of the projects, including the redevelopment of the former Martello Caravan Park and the creation of Crag Walk have already been implemented.</u></p>

Main Modifications – Chapter 7: Protected Places

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM31.1	166	New paragraph 7.1.4	<p><i>Insertion of new paragraph of supporting text in relation to emergency flood plans and refuge.</i></p> <p><u>7.1.4 Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of a FRA and will need to be agreed with TDC. Refuge should ideally be located 300mm above the 0.1% (1 in 1000) annual probability event flood level including allowances for climate change. This supporting text gives an opportunity to set out your requirements for evacuation and refuge.</u></p>
MM31.2	166	New paragraph 7.1.5	<p><i>Insertion of new paragraph of supporting text in relation to fluvial flooding and watercourses.</i></p> <p><u>7.1.5 New development proposals should: - retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river will require an environmental permit from the Environment Agency. - retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA).</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM31.3	166	Policy PPL1: Development and Flood Risk	<p><i>Modifications to policy wording of Policy PPL1 to better reflect the requirements of national planning policy and Environment Agency advice.</i></p> <p>All development proposals should include appropriate measures to respond to the risk of flooding on and/or off site, and wWithin the Flood Zone (which includes Flood Zones 2 and 3, as defined by the Environment Agency) shown on the Policies Map and Local Maps, or elsewhere involving sites of 1ha or more, <u>development proposals</u> must be accompanied by a Flood Risk Assessment. New development in areas of high flood risk must be designed to be resilient in the event of a flood and ensure that, in the case of new residential development, that there are no bedrooms at ground floor level and that a means of escape is possible from first floor level. <u>Where development is classified as “more vulnerable” the Flood Risk Assessment (FRA) should demonstrate that there will be no internal flooding in the event of a “design event flood”. The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level. [A]</u></p> <p><u>All development classified as “More Vulnerable” or “Highly Vulnerable” within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change. [B]</u></p> <p><u>All new development within Flood Zones 2 and 3 must not result in a net loss of flood storage capacity, unless there is compensation on site or, if not possible, adjacent off site capacity. Where possible opportunities should be sought to achieve an increase in floodplain storage. [C]</u></p> <p>All major development proposals should consider the potential for new <u>Blue and Green Infrastructure</u> to help mitigate potential flood risk and include such Infrastructure, where appropriate. [D]</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Proposals must have regard, as necessary, to the following tests:</p> <p>The Sequential Test</p> <p>All development proposals will be considered against the National Planning Policy Framework's 'Sequential Test', to direct development towards sites at the lowest risk of flooding, unless they involve land specifically allocated for development on the Policies Maps or Local Maps.</p> <p>The Exception Test</p> <p>Where new development cannot be located in an area of lower flood risk and is otherwise sustainable, the Exception Test will be applied in accordance with the National Planning Policy Framework <u>so that it is safe and meets wider sustainability needs.</u> [E]</p>
MM32.1	168	7.3.4	<p><i>Modification to paragraph 7.3.4 to reflect the confirmation of the Suffolk Coast and Heaths AONB extension.</i></p> <p>7.3.4 Despite its attractive character, only a small part <u>Parts of the District to the north is</u> currently a <u>are</u> designated as <u>are</u> Areas of Outstanding Natural Beauty (AONB) – The Dedham Vale and the recently extended Suffolk Coast and Heaths – and which are <u>therefore subject to special landscape protection. The southern shore of the Stour Estuary is recognised locally for its landscape qualities and the Council supports its inclusion within the proposed extension to the Suffolk Coast and Heaths AONB. Until such time as that AONB is extended, development proposals in the area defined on the Policies Maps will be subject to particular scrutiny</u> <u>On 7th July 2020 the Secretary of State confirmed the designation of three extensions to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SC&H AONB). The three new boundary extensions will increase the size of the existing AONB by approximately 38 sq. km or 9.5%. The areas now confirmed as forming part of the SC&H AONB are:</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> • <u>the Stour Estuary including the estuary itself, northern estuary valley slopes at Brantham and the majority of the southern estuary valley slopes in Essex;</u> • <u>the Freston Brook Valley, a tributary of the Orwell Estuary which extends inland from the existing AONB boundary westwards and includes surrounding plateau woodlands; and,</u> • <u>the Samford Valley, a tributary of the Stour Estuary, which extends further inland from the existing AONB boundary at Stutton Bridge and includes some areas of neighbouring Shotley Peninsula Plateau.</u> <p><u>The newly extended AONB can be seen as a single designation on the proposals maps within this Local Plan.</u></p>
MM32.2	169	Policy PPL3: The Rural Landscape Criterion f.	<p><i>Inclusion of reference to designated and non-designated heritage assets and historic landscapes in criterion f. of Policy PPL3.</i></p> <p>f. <u>designated and non-designated heritage assets and historic landscapes including</u> registered parks and gardens.</p>
MM32.3	169	Policy PPL3: The Rural Landscape Second paragraph.	<p><i>Modification of policy wording to reflect the confirmation of the Suffolk Coast and Heaths AONB extension.</i></p> <p>Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale <u>and Suffolk Coast and Heaths AONBs</u>, and <u>its their settings</u>, and the setting of the Suffolk Coast and Heaths AONB, including any relevant AONB Management Plan objectives. New development which would impact upon the proposed extension to the Suffolk Coast and Heaths AONB, or its setting, should have specific regard to any special landscape qualities of the area</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>affected. Elsewhere, development proposals should have regard to the Natural England Character Area profiles for the Greater Thames Estuary (No.81) and the Northern Thames Basin (No.111) and the Council's Landscape Character Assessments, as relevant, and should protect and reinforce identified positive landscape qualities.</p>
MM33.1	170	7.4.3	<p><i>Modification of paragraph 7.4.3 to provide more detail on the need for Habitats Regulation Assessment and the role of the Essex Coast RAMS.</i></p> <p>It is necessary to apply the 'precautionary principle' to new development, as a matter of law, and assess new projects or plans for any impacts upon any of the above sites – both alone and in combination. <u>Proposals and plans with the potential to have a significant impact upon such sites will need to be supported by a Habitats Regulation Assessment (HRA) to provide the information necessary for the decision makers to establish the likelihood and nature of impacts before a decision is taken. If significant impacts are identified, An an 'Appropriate Assessment' may will be necessary to assess whether the proposals would adversely affect the integrity of a site, having regard to its conservation objectives. The Council will only grant planning permission where there would be no adverse effects on biodiversity (including any mitigation), unless there is consider to be an overriding public interest (such as the port expansion at Bathside Bay, Harwich) – in which case a compensatory habitat must be provided. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Strategy Document was adopted in 2019. The Essex Coast RAMS aims to deliver the mitigation necessary to avoid adverse effects on integrity from the in-combination impacts of residential development in Essex. The Essex Coast RAMS identifies a detailed programme of strategic avoidance and mitigation measures which are to be funded by developer contributions from all residential development within the Zones of Influence.</u></p>
MM33.2	171	Policy PPL4: Biodiversity	<p><i>Splitting the first paragraph of Policy PPL4 and insertion of a new paragraph which deals with the need for Habitats Regulation Assessment and refers to the Essex Coast RAMS.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
		and Geodiversity First paragraph.	<p>Sites designated for their international, European and national importance to nature conservation: including Ramsar sites; Special Protection Areas (SPAs); Special Areas of Conservation (SACs); Marine Conservation Zones (MCZs); Natural Nature Reserves (NNRs); and Sites of Special Scientific Interest (SSSIs) will be protected from development likely to have an adverse effect on their integrity.</p> <p><u>Where proposals for development are likely to significant impact upon International and European sites, applications must be supported by a Habitats Regulation Assessment (HRA) to provide sufficient information to the Council to establish the likelihood and nature of impacts before a decision can be made. If necessary, this may need to be followed by a more detailed 'Appropriate Assessment' of the impacts. An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been completed in compliance with the habitats Directive and Habitats Regulations. Contributions will be secured from residential development, within the Zones of Influence, towards mitigation measures identified in RAMS.</u></p> <p>As minimum, there should be no significant impact upon any protected species, including European Protected Species and schemes should consider (and include provision, as may be relevant for) the preservation, restoration or re-creation of priority habitats, ecological networks and the protection and recovery of protected <u>priority</u> species populations. Proposals for new development....</p>
MM33.3	170	7.4.6	<p><i>Modification to paragraph 7.4.6 to refer to the need for biodiversity net gain in line with latest Natural England advice.</i></p> <p>7.4.6 All areas designated for their value to biodiversity and/or geodiversity are shown on the Policies Map. A site does not have to be designated, however, to have importance to nature</p>

Ref	Page	Policy/ Paragraph	Main Modification
			conservation. All new development proposals should have regard to a 'mitigation hierarchy' approach, which requires consideration to be given: firstly, to avoiding environmental harm; then mitigating for any adverse impacts; and then, as a last resort; compensating for residual impacts alongside the need to seek environmental enhancement wherever possible <u>and a 'net gain' in biodiversity in line with latest Natural England advice</u> . The need to consider alternative options.....
MM33.4	171	Policy PPL4: Biodiversity and Geodiversity Third paragraph.	<p><i>Modification to third paragraph of Policy PPL4 to refer to the new national requirements to achieve a net gain in biodiversity.</i></p> <p>Proposals for new development should be supported by an appropriate ecological assessment. Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation or, as a last resort, compensation measures are included, to ensure no net loss, and preferably a net gain; in biodiversity.</p>
MM34.1	172	New paragraph 7.5.4	<p><i>Insertion of new paragraph of supporting text in relation to groundwater quality and groundwater protection.</i></p> <p><u>7.5.4 SuDS techniques may not be appropriate in circumstances where infiltration may cause a hazard to groundwater quality, such as groundwater source protection zones, on known contaminated land and on sites with a shallow water table. The Environment Agency's Source Protection Zone maps should be checked to ensure there is no risk to groundwater quality. Surface water treatment will be required before infiltration to groundwater is permitted. A risk assessment should be undertaken when using Infiltration components in areas of contaminated land.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM34.2	172	Policy PPL5: Water Conservation, Drainage and Sewerage Second and third paragraphs.	<p><i>Modification to wording in the second paragraph in respect of the provision of sewage disposal, and additional wording to the third paragraph to secure the implementation of measures aimed at conserving water.</i></p> <p>Proposals for development must demonstrate that adequate provision exists, or can be made available <u>provided in time</u>, [A] for sewage disposal to a public sewer and water recycling centre (sewage treatment works).</p> <p>Applicants should explain their approach to water conservation, including the potential for the re-use of 'greywater' and rainwater 'capture and use' within their development, to help maintain the supply of drinking water. <u>The Council will require such measures to be implemented in all new development.</u> [B]</p>
MM35.1	173	7.6.1	<p><i>Replacement wording for paragraph 7.6.1 in respect of Strategic Green Gaps and their purpose.</i></p> <p>7.6.1 Strategic Green Gaps have been identified in this Local Plan in specific locations between certain settlements or neighbourhoods. The primary purpose of this designation is to maintain an appropriate degree of physical separation between nearby settlements or neighbourhoods. <u>Strategic Green Gaps have been identified in this local plan in specific locations between settlements. The Strategic Green Gaps are valued for the role they will play in preventing the coalescence of settlements and retaining the distinct identity of settlements. The areas identified have the following characteristics</u></p> <ul style="list-style-type: none"> • <u>The open and undeveloped character of the land;</u> • <u>They form a visual break between settlements;</u> • <u>Their boundaries follow physical features on the ground; and/or</u> • <u>Only land required to secure the objectives of the Strategic Green Gaps has been included.</u>

Ref	Page	Policy/ Paragraph	Main Modification
MM35.2	173	7.6.2	<p><i>Deletion of paragraph 7.6.2 in respect of Strategic Green Gaps.</i></p> <p>7.6.2 Within Strategic Green Gaps, the Council will only permit development which would preserve the appropriate separation of settlements or neighbourhoods. Proposals for new development should consider how the long-term protection of these areas can be strengthened through the introduction of Green infrastructure, including recreational open space, wildlife areas and improved access to the countryside via new footpaths, cyclepaths or bridleways.</p>
MM35.3	173	Policy PPL6: Strategic Green Gaps	<p><i>Replacement wording for Policy PPL6 on Strategic Green Gaps.</i></p> <p><u>The Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements.</u></p> <p>Within Strategic Green Gaps as shown on the Policies Maps and Local Maps the Council will not permit any development which would result in the joining of settlements or neighbourhoods, or which would erode their separate identities by virtue of their closer proximity. Planning Permission may be granted where:</p> <ul style="list-style-type: none"> a. The applicant can demonstrate there is a functional need for the development to be in that specific location and that it cannot be delivered on an alternative piece of land outside of the Strategic Green Gap; b. The development would not compromise the open setting between settlements or neighbourhoods; and

Ref	Page	Policy/ Paragraph	Main Modification
			c. The development would involve the creation of green infrastructure which would support the continuing function of the Strategic Green Gap
MM36.1	175	New paragraph 7.7.7	<p><i>Insertion of new paragraph of supporting text explaining how the National Planning Policy Framework (NPPF) will be applied alongside policies in the Local Plan.</i></p> <p><u>7.7.7 The National Planning Policy Framework sets out government policy for conserving and enhancing the historic environment. The following policies PPL7, PPL8 and PPL9 will be applied alongside and having regard to the specific requirements of the Framework in respect of development affecting designated and non-designated heritage assets including Archaeology, Conservation Areas and Listed Buildings.</u></p>
MM36.2	175	New paragraph 7.7.8	<p><i>Insertion of new paragraph of supporting text in relation to non-designated heritage assets and the preparation of a 'local list'.</i></p> <p><u>7.7.8 Within Tendring District there is a wealth of historic structures, landscapes and other features which are not formally designated as heritage assets on the national list prepared by Historic England. The Council does however recognise their local historic significance. These kinds of 'non-designated' heritage assets can be 'locally listed' by the Council. The Council has therefore commenced work on a 'local list' which will identify and protect these assets of local importance. The Council will work with community groups, landowners and Historic England to prepare a local list for the district.</u></p>
MM36.3	175 176	Policy PPL7: Archaeology	<i>Modifications and additions to Policy PPL7 aimed at improving consistency with national planning policy and Historic England advice.</i>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Proposals for <u>Any</u> new development which would affect, or might affect, <u>designated or non-designated</u> archaeological remains will only be <u>considered permitted</u> where accompanied by an appropriate desk-based assessment. Where identified as necessary within that desk-based assessment, a written scheme of investigation including excavation, recording or protection and deposition of archaeological records in a public archive will be required to be submitted to, and approved by, the Local Planning Authority. [A]</p> <p><u>Proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused. Proposals will be treated favourably where they:</u></p> <ul style="list-style-type: none"> <u>a. are explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting); and</u> <u>b. are of a scale, design and use materials and finishes that respect the heritage asset. [B]</u> <p><u>Within the District the Council keeps a record of scheduled monuments at risk of degradation. The Council will support proposals that protect and enhance heritage assets at risk. [C]</u></p>
MM36.4	176	Policy PPL8: Conservation Areas	<p><i>Modifications and additions to Policy PPL8 aimed at improving consistency with national planning policy and Historic England advice.</i></p> <p>New development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>a. scale and design, particularly in relation to neighbouring buildings and spaces;</p> <p>b. materials and finishes, including boundary treatments appropriate to the context;</p> <p>c. hard and soft landscaping;</p> <p>d. the importance of spaces <u>and trees</u> to <u>the</u> character <u>and</u> <u>or</u> appearance; [A] and</p> <p>e. any important views into, out of, or within the Conservation Area.</p> <p><u>Proposals should be explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting). [B]</u></p> <p>Proposals for new development involving demolition within a designated Conservation Area must demonstrate why they would be acceptable, particularly in terms of the preservation and enhancement of any significance and impact upon the Conservation Area.</p> <p><u>Where a proposal will cause harm to a Conservation Area, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused. [C]</u></p> <p><u>Within the District the Council keeps a record of conservation areas that are at risk of degradation. The Council will support proposals that protect and enhance the conservation areas at risk. [D]</u></p> <p><u>Development should conserve or enhance the significance of the registered parks and gardens (noting that significance may be harmed by development within the setting of an asset). [E]</u></p> <p><u>In collaboration with community groups and other interested parties, the Council will consider and support the designation of new Conservation Areas in line with the relevant criteria as set out within the NPPF and legislation. New Conservation Area Management Plans will be prepared in addition to updates to the existing Conservation Area Character Appraisals. [F]</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM36.5	178	Policy PPL9: Listed Buildings	<p><i>Modifications and additions to Policy PPL9 aimed at improving consistency with national planning policy and Historic England advice.</i></p> <p>Proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance, and fabric, and: <u>Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused. Proposals will be treated favourably where they:</u> [A]</p> <ul style="list-style-type: none"> a. are explained and justified through an informed assessment and understanding of the significance of the heritage asset and <u>(including any contribution made to that significance by its setting);</u> [B] and b. are of a scale, design and use materials and finishes that respect the <u>significance of the listed building and (including any contribution made to that significance by its setting).</u> [C] <p><u>Within the District the Council keeps a record of listed structures and buildings that are at risk of degradation. The Council will support proposals that bring heritage assets into viable use.</u> [D]</p>
MM37.1	177	7.10.2	<p><i>Addition of wording to the end of supporting paragraph 7.10.2</i></p> <p>....Subsequent changes in government policy, both in respect of planning and subsidies for renewables, mean that applications for new large-scale renewable energy schemes might not come forward in this Local Plan period. However it remains necessary to plan for renewable energy generation, in order to meet national climate-change commitments <u>and to this end the</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>Council may prepare a further development planning document (DPD) identifying how such development can be supported.</u>
MM37.2	177	New paragraph 7.10.3	<p><i>Insertion of a new paragraph supporting text in support of the modified Policy PPL10 detailing some of the Council's expectations around energy efficiency and renewable energy generation in new development aimed at tackling climate change.</i></p> <p><u>7.10.3 In 2019, the Council declared a climate emergency, committing it to the preparation of an action plan with the aim of making its own activities carbon neutral by 2030 and acting as a community leader to encourage communities and developers to reduce carbon emissions and tackling climate change. Policy PPL10 below requires proposals for new development to consider the potential for a range of renewable energy solutions and for proposals for residential development in particular to be accompanied by a 'Renewable Energy Generation Plan' (REPG) setting out measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy. The REGP must demonstrate how different measures have been considered and incorporated which could and should include:</u></p> <ul style="list-style-type: none"> ➤ <u>Triple Glazing;</u> ➤ <u>Solar Roof Panels or Solar Tiles;</u> ➤ <u>Air Source Heating Systems;</u> ➤ <u>Ground Source Heating Systems;</u> ➤ <u>Super Insulation (walls and loft void);</u> ➤ <u>Rainwater Capture Systems;</u> ➤ <u>Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through an appropriate communal facility);</u> ➤ <u>Superfast Broadband and a flexible space within each home to enable home working and a reduction in the need to travel;</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> ➤ <u>Mechanical Heat Recovery Ventilation;</u> ➤ <u>Solar Thermal Systems;</u> ➤ <u>Solar and Battery Storage Systems; and (where appropriate); and</u> ➤ <u>Any other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy.</u>
MM37.3	177	New paragraph 7.10.4	<p><i>Insertion of a second new paragraph supporting text in support of the modified Policy PPL10 providing some guidance in respect of the use of Solar Panels.</i></p> <p><u>7.10.4 The Council is particularly supportive of the use of Solar Panels and will expect them to be incorporated into new development wherever possible and practicable. To maximise the effectiveness of Solar Panels, buildings should be planned and orientated to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered. Dormer Windows, hipped roofs and corner tower elements should be confined to the northern side of pitched roofs.</u></p>
MM37.4	177	New paragraph 7.10.5	<p><i>Insertion of a third new paragraph supporting text introducing the possibility that the Council will produce a Supplementary Planning Document (SPD) to assist in the implementation of the modified Policy PPL10.</i></p> <p><u>7.10.5 Given the importance of tackling climate change and promoting renewable energy and energy efficiency measures and the rapid speed in which technology is evolving and improving, the Council may provide further guidance in the form of a Supplementary Planning Document (SPD) to assist in the implementation of Policy PPL10, which can be updated as necessary to future changes in approach.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM37.5	177	Policy PPL10: Renewable Energy Generation	<p><u>Renewable Energy Generation and Energy Efficiency Measures</u></p> <p>Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated.</p> <p>All proposals for new development <u>proposals</u> should consider the potential for a range of <u>demonstrate how renewable energy generation solutions</u> appropriate to the <u>building(s)</u>, site and its location <u>have been included in the scheme and for new buildings, and should include renewable energy installations, and be designed to facilitate the retro-fitting of renewable energy installations.</u> [A]</p> <p><u>For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REPG) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.</u> [B]</p> <p><u>Planning permission will only be granted where the applicant can demonstrate that all reasonable renewable energy and energy efficiency measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered.</u> [C]</p> <p><u>Nothing in this policy diminishes or replaces the requirements of Energy Performance Certificates (EPC) and Standard Assessment Procedures (SAP) for constructed buildings and compliance with the relevant building regulations.</u> [D]</p>
	178		

Ref	Page	Policy/ Paragraph	Main Modification
MM38.1		Policy PPL11: The Avenues Area of Special Character, Frinton-on- Sea	<p><i>Modifications to Policy PPL11 setting out the expectations for new development in the Avenues Area of Special Character.</i></p> <p>Within 'The Avenues' area of Frinton-on-Sea, new development must <u>preserve or enhance</u> have particular regard to the special character and appearance of the area Conservation Area. <u>Proposals must respect the special character and appearance of the area, including the scale, aspect and design of adjoining buildings and the density of existing development.</u> To ensure this special character is safeguarded new development shall <u>must</u>:</p> <ol style="list-style-type: none"> a. Conform to the existing density <u>spacious residential character</u> of development and not appear cramped or incongruous in the street scene; b. Not include any flats; and c. Not include any uses other than Use Class C3 'Dwelling Houses'.
MM39.1	179	Policy PPL13: Ardleigh Reservoir Catchment Area	<p><i>Insertion of a new first paragraph into Policy PPL13 giving support to proposals related to the role, function and operation of Ardleigh Reservoir.</i></p> <p><u>The Council will support proposals which involve the role, function and operation of Ardleigh Reservoir, its Treatment Works and associated networks subject to consideration against other policies in this Local Plan.</u></p> <p>Ardleigh Reservoir is surrounded by a catchment area</p>

Main Modifications – Chapter 8: Connected Places

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM40.1	187	8.2.4	<p><i>Modifications and additions to paragraph 8.2.4.</i></p> <p>Major growth areas in West Tendring/East Colchester and Clacton will require new strategic highway and <u>public transport</u> infrastructure which will not only serve the development areas themselves but also provide for two major new roads to ensure that traffic is able to move through and between settlements efficiently, thereby preventing <u>helping to ease</u> traffic congestion which would that otherwise would occur. [A]</p> <p>These two new roads will be between the A120 and A133 <u>A strategic link road between the A120 and A133 and Rapid Transit System will be required to support the Tendring Colchester Borders Garden Community. Strategic access improvements will be required in Clacton to connect the A133 to the western area of the town improving accessibility and circulation around the town and supporting further planned growth. at west Clacton between the A133 and B1027. The agreed route and specification of this connection/s (including for public transport and active travel) will be subject to further transport planning and assessment with Essex County Council and its planning and delivery detailed in future plans. at west Clacton between the A133 and B1027.</u> [B]</p>
MM40.2	187	Policy CP2:	<p><i>Deletion of the second and third bullet-points in Policy CP2 and replacement with new wording.</i></p>

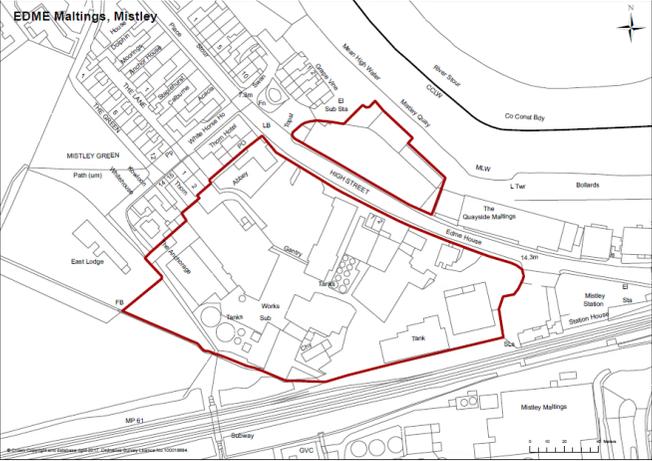
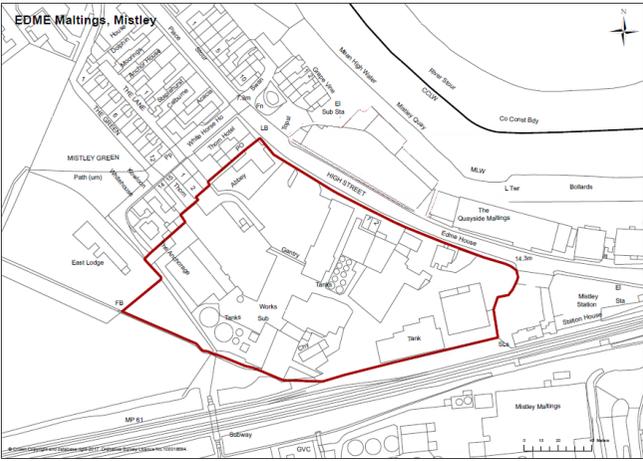
Ref	Page	Policy/ Paragraph	Main Modification
		Improving the Transport Network	<ul style="list-style-type: none"> • Proposals for new development which contribute to the provision of a safe and efficient transport network that offers a range of sustainable transport choices will be supported. Major development proposals should include measures to prioritise cycle and pedestrian movements, including access to public transport. • Major growth areas at the Tendring Colchester Borders Garden Community (Tendring and Colchester Borders) and at Clacton will require provision of new and/or improved road infrastructure in order to fully serve the new growth areas and to avoid causing traffic congestion in the existing adjacent settlements. Strategic link roads will be required between the A120 and A133 and between the A133 and B1027, respectively in addition to improvements for non-motorised travel. The Tendring Colchester Borders Garden Community will require a strategic link road between the A120 and A133 and a Rapid Transit System to support the new Garden Community. These infrastructure works have secured funding from the Housing Infrastructure Fund and are currently subject to further and more detailed planning and delivery. Further transport assessment work will be undertaken by Essex County Council (the highway authority) and Tendring District Council to identify the optimal route, specification and design of access improvements (including public transport and active travel) to Clacton from the A133 to the western side of the town. This will improve existing accessibility and support new growth areas and future development. [A] • Proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development Tendring District Local Plan - Publication Draft Final 187 Connected Places 8 made acceptable by specific mitigation measures which are guaranteed to be implemented. Proposals will be not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. [B]

Chapter 9: Delivering Places – Main Modifications

The modifications below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

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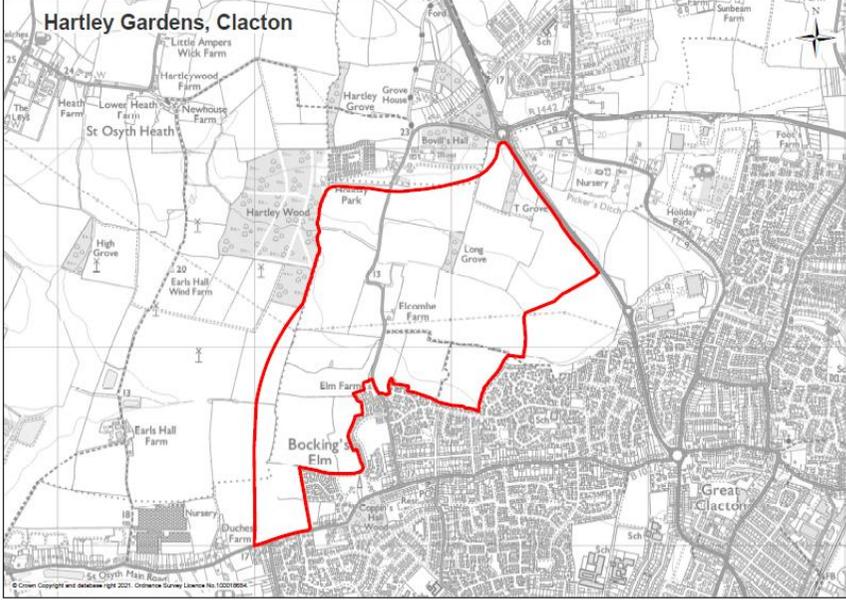
Ref	Page	Policy/ Paragraph	Main Modification
MM41.1	191	Introductory section of Chapter 9: Delivering Places	<p><i>Revision to the bullet point description of ‘Strategic Allocation Housing’ (SAH) sites.</i></p> <ul style="list-style-type: none"> • Strategic Allocation Housing: Sites that are expected to principally deliver between 100-300 homes. These are listed as Policies SAH1 – 3 <u>See Policy SAH2;</u>
MM42.1	192	Map SAMU1	<p><i>Removal of the Thorn Quay Warehouse site north of the High Street from the SAMU1 allocation as shown on Figure SAMU1.</i></p> <p><i>See overleaf.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
<p>Current:</p> 			<p>Proposed:</p> 
MM42.2	192	9.1.2	<p><i>Deletion of paragraph 9.1.2.</i></p> <p>9.1.2 The site is split over two plots: the smaller plot to the north of the High Street fronting on to the River Stour and the larger plot to the south of the High Street.</p>
MM42.3	192	9.1.3	<p><i>Additions to and deletions from paragraph 9.1.3.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>9.1.3 <u>The Council is working with EDME Maltings to help it relocate to more suitable premises within the Tendring District that meet the modern-day requirements of the business.</u> EDME Maltings The current site is expected to become vacant and available for redevelopment during the Plan period. A mixed-use scheme is appropriate for the site to the south of the High Street. This will include a residential element containing a mix of dwelling types; and an employment element providing an equal level of employment to that already in existence on site, ancillary recreation and leisure facilities.</p>
MM42.4	193 194	Policy SAMU1: Development at EDME Maltings, Mistley	<p><i>Modifications to the wording of Policy SAMU1.</i></p> <p>Land to the north and south of High Street, Mistley (EDME Maltings), shown on the Map SAMU1, is allocated for a residential led mixed-use development <u>including, employment, recreation and leisure uses.</u> as follows:</p> <ul style="list-style-type: none"> a. at least 150 new homes of a mixed size and type to include affordable housing as per the Council's requirements; b. at least 0.13 hectares of land for employment; c. recreation and leisure uses, subject to market demand; [A] <p>Proposals must accord with the following:</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>da.</u> assessment of any impact on nature conservation, including on the Stour and Orwell Estuaries SPA and Ramsar site, should be undertaken. Development will only be permitted where a project level assessment has demonstrated in accordance with the Habitat Regulations, that any proposal will not adversely affect the integrity of the Stour and Orwell Estuaries SPA and Ramsar site, either alone or in-combination. If significant effects are considered likely, an appropriate mitigation strategy should be submitted or compensatory habitat provided;</p> <p><u>eb.</u> the principal point of vehicular access to both the northern and southern plots will be via the existing accesses off High Street (with improvements where necessary and/or appropriate); [B]</p> <p><u>fc.</u> capacity and/or safety enhancements to the local highway network where necessary;</p> <p><u>gd.</u> where necessary, enhancements to public transport, cycle, pedestrian, and bridleway infrastructure. In particular, enhancement of the Essex Way must be delivered;</p> <p><u>he.</u> views across the Stour Estuary must be maintained;</p> <p><u>if.</u> delivery of opportunities for the protection and enhancement of the historic environment (having particular regard to the maritime heritage of the area);</p> <p><u>ig.</u> protection of the adjoining nature conservation interests, biodiversity and landscape quality during construction work and thereafter;</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>kh. financial contributions to primary and secondary education provision as required by the Local Education Authority either through the Community Infrastructure Levy or Section 106 Planning Obligations;</p> <p>li. regards must be given to ensure public accessibility to the registered Village Green. <u>financial contributions to healthcare provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations. [C]</u></p>
MM43.1	194	Map SAMU2	<p><i>Replacement of existing map to show the Hartley Gardens allocation with a revised boundary for which a Supplementary Planning Document (SPD) is proposed to be prepared.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
			
MM43.2	194 195	New paragraph.	<p><i>Insertion of a new paragraph 9.2.1 which will require the re-numbering of subsequent paragraphs.</i></p> <p><u>9.2.1 Hartley Gardens is the largest proposed area for mixed use development in the Local Plan. It is anticipated that housing delivery on the site will not commence until years 2025-2030 of the plan period. The Council wishes to deliver a sustainable urban extension on the site that is planned and delivered through a master-planned approach to be set out in a site specific Hartley Gardens Supplementary Planning Document (SPD) or a comprehensive masterplan, prepared for approval by the Council. This will ensure a comprehensive and co-ordinated approach that identifies the land use, design,</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>environmental and infrastructure requirements for the site and will be used to inform, assess and determine planning applications and co-ordinate a comprehensive, integrated and sustainable development and a high quality well designed place. The greenfield site comprises c. 80 hectares of arable land on the north west edge of Clacton. The land is predominantly open arable farmland. There is an area of ancient woodland (Hartley Woods) to the north west of the site and areas of woodland, hedges and trees within the site with both ecological and landscape value. Pickers Ditch is a notable site feature which runs along the south of the site and has been enhanced as a green infrastructure corridor through the Brook Park West development. The development of Hartley Gardens will need to both expand and integrate this green corridor. There are a number of footpaths that extend into the site and are used by local walkers. In terms of heritage assets Bovills Hall contains grade II listed buildings and archaeological remains to the direct north of the site, Bluehouse Farm a Grade II listed building is located to the south of the site and the Grade II listed farms or former farmhouses of Earls Hall Lodge and Duchess Farmhouse are to the south and west of the site.</u></p>
MM43.3	194 195	9.2.1	<p><i>Renumbering paragraph 9.2.1 as 9.2.2 to reflect the insertion of a new paragraph 9.2.1 as above, with subsequent paragraphs to be re-numbered accordingly.</i></p> <p>9.2.2 Policy SAMU2 below sets out specific requirements for this development site <u>including the matters to be addressed through the Hartley Gardens SPD or masterplan.</u> The overall vision for this location is to deliver a high quality comprehensively planned new sustainable neighbourhood to include 1,700 homes and supporting physical, social and green infrastructure. Although it is anticipated only 800-1,000 <u>Not all of these homes will</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>be delivered within this Plan period <u>and it is expected that the majority of development will take place after 2033</u>. Any planning applications for development <u>should be consistent with Policy SAMU2 and other requirements set out in the SPD or masterplan</u>. will be expected to comply with, and assist in the delivery of the delivery of these concepts and requirements along with other relevant policies in the Local Plan. <u>The SPD or masterplan will deal with the whole site and its integration with its surrounding communities, wider countryside and the town centre. Policy SAMU2 allows for the potential for some development to come forward in advance of the preparation and adoption of the SPD or comprehensive masterplan where applications conform with the wider master-planned approach and would not prejudice to the overall delivery of the Hartley Gardens development.</u> The Council will work with relevant landowners, developers and other partners, in consultation with the local community, to ensure that the development is delivered in a way that brings <u>the supporting economic, social and environmental benefits</u> to the community and the wider district.</p>
MM43.4	195 196	Policy SAMU2: Development at Hartley Gardens, Clacton	<p><i>Various modifications to Policy SAMU2.</i></p> <p>Land north of Bockings Elm and west of A133 shown on the Map SAMU2, <u>is allocated for long-term mixed use development as follows for the phased and comprehensive delivery of the following:</u></p> <p>a. 800-1,000 <u>approximately 1,700</u> new homes of mixed sizes and types <u>to meet evidenced local housing need within the Council's most up to date Strategic Housing Market Assessment and to include 30% affordable housing as set out in Policy LP5 as per the Council's requirements up to 2033; [A]</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>b. at least <u>up to</u> 7 hectares of land for employment; [B]</p> <p>c. 2.1 hectares of land for a new <u>two-form entry</u> primary school with co-located 56 place early years and childcare facility, <u>1.3 hectares of land for a second 56 place stand-alone early years and childcare nursery (D1 use) and/or financial contributions towards primary school and secondary school provision</u> as required by the Local Education Authority <u>based on evidenced need</u> through Section 106 Planning Obligations; [C]</p> <p>d. <u>New facilities and/or financial contributions to support new health provision based on evidenced need</u>; [D]</p> <p>de. <u>1 hectare of public open space Green infrastructure which should provide a multi-functional and connected network, including amenity green space, parks, allotments and natural and semi natural green space (meeting the standards set out in Policy HP5) and providing for attractive green walking and cycling routes</u>; [E]</p> <p>f. <u>To deliver at least 10% biodiversity net gain</u>; [F]</p> <p>g. <u>A sustainable movement network, including principal points of highway access, a hierarchy of streets, facilitating public transport and prioritising the connection of walking and cycling routes within the site and beyond</u>; and [G]</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>h. The provision of sufficient utility infrastructure working with the relevant infrastructure providers to ensure that such provision is achieved in a timely manner.</u> [H]</p> <p><u>The development will follow a comprehensively master-planned approach to be set out in a site-specific Supplementary Planning Document (SPD) or comprehensive masterplan, which has been prepared for approval by the Council. The purpose of the SPD or masterplan will be as follows:</u></p> <ul style="list-style-type: none"> i. <u>provide further detail on the geographical extent and boundary of the allocation, ensuring a defensible and sensitive boundary to the open countryside beyond;</u> ii. <u>provide the means to inform, assess and determine planning applications and secure comprehensive, co-ordinated and integrated sustainable development; and</u> iii. <u>facilitate and support the co-ordination and timely delivery of the green, social and physical infrastructure necessary to facilitate growth in this location.</u> <p><u>The above requirements aim to ensure the comprehensive and co-ordinated development of the site, to ensure the masterplanning principles below are addressed and to provide a clear delivery plan to ensure the right infrastructure is funded and delivered at the right place and at the right time. [I]</u></p> <p><u>In addition, development in advance of the Hartley Gardens SPD or masterplan may be permitted provided that:</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> • <u>There would be no conflict or prejudice to the delivery of the wider Hartley Gardens development (including its infrastructure requirements) and would not undermine the integrated and co-ordinated approach to the wider development;</u> • <u>The development demonstrably conforms to the policy requirements and principles of Policy SAMU 2 Hartley Gardens;</u> • <u>The proposal can demonstrate that it would not compromise the delivery of a site wide highway infrastructure strategy, or the delivery of sustainable modes of transport within the scheme and that the residual impacts upon the transport network will not be severe. [J]</u> <p><u>Masterplanning Principles</u></p> <p><u>Proposals must The Hartley Gardens SPD or masterplan will provide further guidance to meet the following principles and all development proposals should accord with these:</u></p> <ul style="list-style-type: none"> i) <u>create a series of permeable and legible well defined streets which prioritise cycle and pedestrian routes which link into the existing built up area and local facilities (e.g. retail and schools);</u> j) <u>identify off site highway works required to support new development, their phasing and funding;</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>k) identify public transport measures to ensure sufficient access to the site by bus, rail, walking and cycling routes within the site with strong and positive linkages to the existing network;</u></p> <p><u>l) create a high quality built and natural environment that respects the built and landscape character and context of the local area and which reflects the guidance in the National Design Guide and the Essex Design Guide;</u></p> <p><u>m) incorporate in the design of new development measures to minimise the contribution to climate change and to ensure new development is resilient and adaptable to the effects of climate change;</u></p> <p><u>n) create a connected multi-functional green infrastructure network which protects and enhances existing site features of landscape and ecological value and any veteran trees, hedgerows and other important landscape features and important habitats;</u></p> <p><u>o) ensure no net loss of biodiversity, and to deliver a 10% net gain as well as securing positive benefits to biodiversity through the restoration, enhancement and creation of appropriate semi-natural habitats within and through the site to maintain, restore and create functional ecological networks;</u></p> <p><u>p) establish a sustainable drainage system across the site that integrates with the green infrastructure network and utilises where practicable existing watercourses (e.g. Hartley Brook and Pickers Ditch), ponds, ditches and any greenways associated with retained hedgerows and maximised habitat value;</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>q) <u>create a landscape structure that retains and utilises existing landscape features (such as hedgerows, trees, Hartley Brook and Pickers Ditch) and uses new planting and landscaping to sensitively integrate new built development and provide an attractive green setting;</u></p> <p>r) <u>use structural planting and the location, orientation and design of new buildings to maintain the landscape setting and separate identity of Little Clacton and to carefully screen and sensitively integrate new infrastructure and buildings from the open countryside to the west to minimise any visual impact;</u></p> <p>s) <u>identify opportunities to preserve and enhance the setting and significance of heritage assets, including at Bovills Hall, Earls Hall and Dutchess Farmhouse and Bluehouse Farm;</u></p> <p>k) where an archaeological evaluation (trial trenching where necessary) identifies surviving archaeological deposits, an appropriate mitigation strategy for preservation in situ or by excavation should be submitted;</p> <p>u) <u>demonstrate that no internationally designated sites would be adversely affected by the development either alone or in combination with other proposals as per the requirements of Policy PPL4 and future proposals will need to demonstrate no adverse impact on water quality as per the requirements of Policy PPL5; and</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>v) demonstrate how a phased approach to development can deliver the required infrastructure in a coordinated and timely manner and to create an integrated and sustainable community. [K]</u></p> <p>e. Inclusion of a master planned approach which addresses the opportunities for development post 2033;</p> <p>f. inclusion of a new link road between the A133 and B1027 along the north western boundary of the site. The principal points of access must be from the new link road. To provide a strategic site wide movement</p> <p>g. Capacity and/or safety enhancements to the local highway network where necessary</p> <p>h. where necessary, enhancements to public transport, cycle, pedestrian and bridleway infrastructure</p> <p>h. inclusion of appropriate flood risk mitigation measures and SUDs</p> <p>j. The design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures;</p> <p>l. due regard should be given to the setting and significance of other heritage assets</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>m. incorporation of upgrades to both treatment infrastructure, network, water and drainage strategy to serve the new development;</p> <p>n. financial contributions to early years and childcare, primary and secondary education provision as required by the Local Education Authority through Section 106 Planning Obligations;</p> <p>o. financial contributions towards other community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations. [L]</p>
MM44.1	197	9.3.1	<p><i>Factual update to the information in paragraph 9.3.1.</i></p> <p>9.3.1 Policy SAMU3 below sets out specific requirements for the extension of a committed development site at Oakwood Park (15/01781/OUT) <u>which is under construction for 250 homes</u>. This extended mixed use development includes <u>a further 900 750 homes</u>, of which <u>500 around half</u> are expected to be delivered within this Plan period <u>to 2033</u>.</p>
MM44.2	198 199	Policy SAMU3: Development at Oakwood Park, Clacton	<p><i>Various modifications to Policy SAMU3..</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Land north of Clacton-on-Sea, between Holland Road and the Oakwood Business Park (Oakwood Park, Clacton), shown on the Map SAMU3, is allocated for a mix of residential development, community facilities and public open space as follows:</p> <p>a. 21.1 hectares of new homes of mixed sizes and types to include affordable housing as per the Council's requirements; [A]</p> <p>ba. at least 500 approximately 900 new homes to be delivered during the plan period to 2033 of mixed sizes and type to include affordable housing and around 180 dwellings which address a specific requirement for accommodation designed for to address the needs of older residents; [B]</p> <p>eb. <u>approximately 3.3</u> hectares of public open space;</p> <p>ec. <u>approximately 2.1</u> hectares of land for a new <u>two-form entry</u> primary school with co-located 56 place early years and childcare facility (D1 use) as required by the Local Education Authority through Section 106 Planning Obligations;</p> <p>ed. <u>approximately 2.04</u> hectares of land for care and extra care facilities;</p> <p>fe. approximately 1.93 <u>2</u> hectares of land for a local <u>neighbourhood</u> centre <u>to include local shops, services and community facilities;</u> and</p> <p>gf. <u>approximately 1.0</u> hectares of land for health care facilities; [C]</p> <p>Proposals must accord with the following:</p>

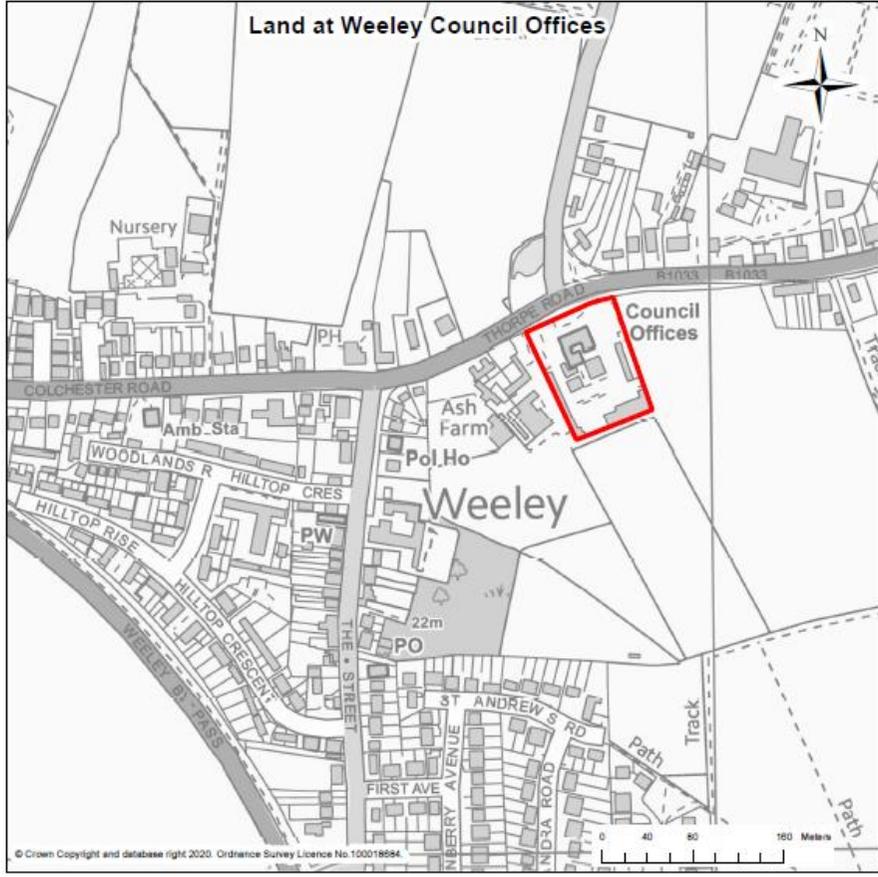
Ref	Page	Policy/ Paragraph	Main Modification
			<p>hg. inclusion of development at urban to suburban densities (average of 30 dph) and include a master planned approach which addresses the opportunities for further development post-2033 <u>and does not preclude any future development on adjoining land.</u> [D]</p> <p>ih. the principal point of vehicular access should be off Thorpe Road through the commitment <u>approved housing development on land</u> to the west utilising the recently constructed roundabout and only if necessary a secondary access off Holland Road to the north; [I]</p> <p>ji. capacity and/or safety enhancements to the local highway network where necessary;</p> <p>kj. where necessary, enhancements to public transport, cycle, pedestrian, and bridleway infrastructure;</p> <p>lk. delivery of opportunities for the protection and enhancement of the historic environment and features and settings including the built and archaeological environment <u>as well as the rural character of the bridleway running through the centre of the site;</u> [J]</p> <p>m. where an archaeological evaluation (trial trenching where necessary) identifies surviving archaeological deposits, an appropriate mitigation strategy for preservation in situ or by excavation should be submitted;</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>m</u>. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures to deliver links with the existing landscape and access features. As part of this, appropriate landscaping treatment along the northern and eastern fringes of the site is required to minimise visual impacts;</p> <p><u>n</u>. financial contributions to early years and childcare, primary and secondary education provision, as required by the Local Education Authority primarily through Section 106 Planning Obligations or the Community Infrastructure Levy;</p> <p><u>o</u>. Early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development;</p> <p><u>p</u>. Financial contributions towards community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.</p>
MM45.1	201 202	Policy SAMU4: Development at Rouses Farm, Jaywick Lane, Clacton	<p><i>Updates to criteria a., b. and d. in Policy SAMU4.</i></p> <p>Land at Rouses Farm, west of Jaywick Lane and south of St. John's Road, Clacton-on-Sea, as defined on Map SAMU4, is allocated for a mix of residential development, community facilities and public open space as follows:</p>

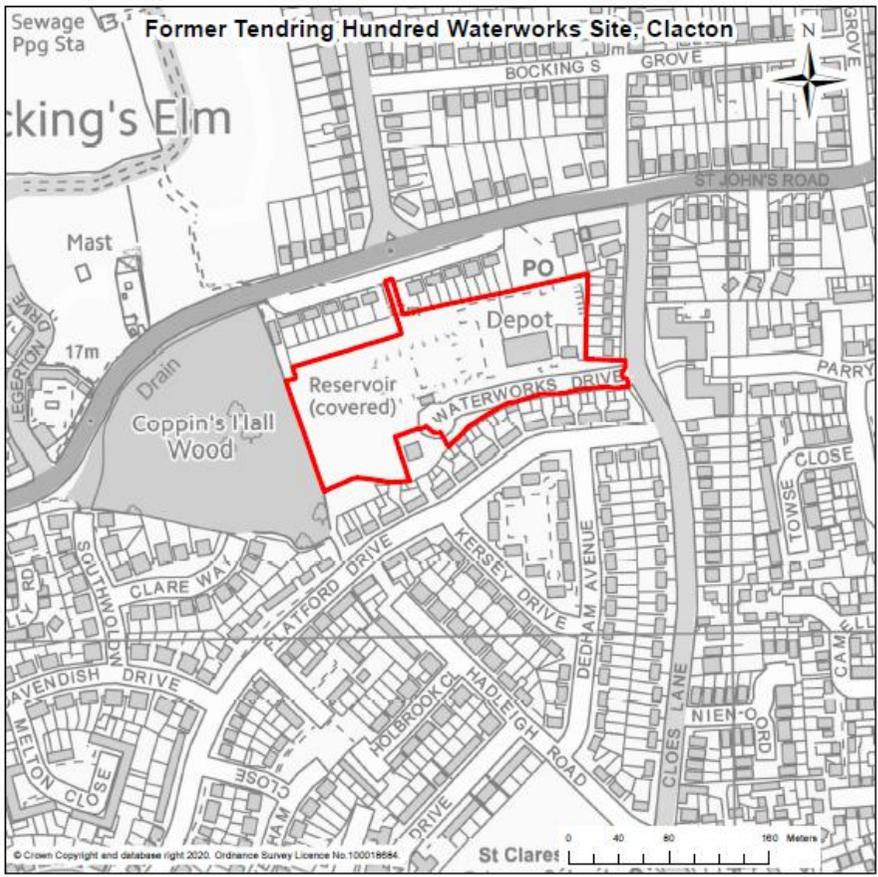
Ref	Page	Policy/ Paragraph	Main Modification
		Criteria a. to e.	<p>a. at least 850 <u>up to 950</u> new homes of mixed sizes and types to include affordable housing as per the Council's requirements up to 2033 and features to support a range of housing sizes and types to reflect the needs of the area requirements;</p> <p>b. a new <u>two-form entry</u> primary school with co-located 56 place early years and childcare facility (D1 use) on 2.1 hectares of land as required by the Local Education Authority through Section 106 Planning Obligations;</p> <p>c. a new neighbourhood centre;</p> <p>d. a site for a new healthcare facility to meet the primary healthcare <u>infrastructure or a financial contribution towards the delivery of healthcare capacity to meet the needs</u> of the growing population in West Clacton;</p> <p>e. a minimum of 5 hectares of public open space;</p>
MM47.1	206 207 208	Policy SAH1: Development at Greenfield Farm, Dovercourt	<i>Policy SAH1, Map SAH1 and supporting paragraphs 9.6 and 9.61-9.63 to be deleted in their entirety from the Local Plan.</i>
MM47.2	211		

Ref	Page	Policy/ Paragraph	Main Modification
	212 213	Policy SAH3: Development Robinson Road, Brightlingsea	<i>Policy SAH3, Map SAH3 and supporting paragraphs 9.8 and 9.61-9.63 to be deleted in their entirety from the Local Plan.</i>
MM48.1	213	New section on Medium Site Allocations (MSA Sites) to follow Policy SAH2	<p>Insertion of <i>maps showing the boundaries of the Medium Site Allocations which, following modifications will be:</i></p> <ul style="list-style-type: none"> • <i>MSA1: Land at Weeley Council Offices;</i> • <i>MSA6: Former Tendring 100 Waterworks Site, Clacton;</i> • <i>MSA8: Land adjoining Harwich and Parkeston Football club, Dovercourt</i> • <i>MSA11: Station Yard/Avon Works, Walton</i> <p><u>Medium Site Allocations</u></p> <p><u>The following maps identify the boundaries of the Medium Site Allocations (MSA).</u></p> <p><i>See proposed maps overleaf.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
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Map MSA1: Land at Weeley Council Offices



Map MSA6: Former Tendring Hundred Waterworks Site, Clacton

Ref	Page	Policy/ Paragraph	Main Modification
MM49.1	214	Policy SAE1: Carless Extension, Harwich	<p><u>Land west of Carless Refinery Extension</u>, shown on the Map SAE1, is proposed for 4.5 ha of employment use as an extension to the west of the existing refinery. [A]</p> <p>Proposals must accord with the following:</p> <p>a. assessment of any impact on nature conservation, including on the Stour and Orwell Estuaries SPA and Ramsar site, <u>and the recently extended Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB)</u> [B] should be undertaken. Development will only be permitted where a project level assessment has demonstrated in accordance with the Habitat Regulations, that any proposal will not adversely affect the integrity of the Stour and Orwell Estuaries SPA and Ramsar site, either alone or in combination. If significant effects are considered likely, an appropriate mitigation strategy should be submitted;</p> <p>b. assessment of any impact on the landscape character should be undertaken and where impacts are identified, mitigation measures should be submitted including structural landscaping at the southern boundary;</p> <p>c. the proposed development must not compromise the safeguarded mineral transshipment site located in the vicinity; Early engagement with the Minerals Planning Authority is therefore encouraged; <u>and</u></p> <p><u>d. that there would be no material adverse impacts on the adjacent wildlife sites.</u> [C]</p>

Ref	Page	Policy/ Paragraph	Main Modification
MM49.2	215 216	Policy SAE2: Land South of Long Road, Mistley	<i>Policy SAE2, Map SAE2 and supporting paragraphs 9.10 and 9.10.1 to be deleted in their entirety from the Local Plan.</i>
MM49.3	217 218	Policy SAE3: Lanswood Park, Elmstead Market	<i>Policy SAE3, Map SAE3 and supporting paragraphs 9.11, 9.11.1 and 9.11.2 to be deleted in their entirety from the Local Plan.</i>
MM49.4	219 220	Policy SAE4: Mercedes Site, Bathside Bay	<i>Policy SAE4, Map SAE4 and supporting paragraphs 9.12, 9.12.1 and 9.12.2 to be deleted in their entirety from the Local Plan.</i>
MM49.5	221 222 223	Policy SAE5: Development at Mistley Port	<i>Policy SAE5, Map SAE5 and supporting paragraphs 9.13, 9.13.1, 9.13.2, 9.13.3, 9.13.4 and 9.13.5 to be deleted in their entirety from the Local Plan.</i>
MM49.6	223 224	Policy SAE6: Development at Mistley Marine	<i>Policy SAE6 and Map SAE6 to be deleted in their entirety from the Local Plan.</i>

Ref	Page	Policy/ Paragraph	Main Modification
MM49.7	224 225 226	Policy SAE7: Stanton Europark	<i>Policy SAE7, Map SAE7 and supporting paragraphs 9.14, 9.14.1, 9.14.2, 9.14.3 and 9.14.4 to be deleted in their entirety from the Local Plan</i>

Main Modifications – Chapter 10: Delivering Infrastructure

The modifications below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM50.1	232	Policy D11: Infrastructure Delivery and Impact Mitigation Second paragraph, criterion b.	<i>Modification to criterion b.</i> b. a fully transparent, open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum <u>appropriate</u> level of developer return profit <u>and land owner receipt necessary for the development to go ahead, having regard to Planning Practice Guidance and noting that this will be lower for any affordable portion of the development,</u>
MM50.2	232	Policy D11: Infrastructure Delivery and Impact Mitigation	<i>Insertion of new final paragraph with reference to Community Infrastructure Levy (CIL).</i> ... viability improves prior to completion of the development. <u>The Council may consider introducing a Community Infrastructure Levy (CIL) and may implement such for areas and/or development types where a viable charging schedule would best mitigate</u>

Ref	Page	Policy/ Paragraph	Main Modification
		New final paragraph.	<u>the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL. For the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied. Exemplar types of infrastructure are provided in the glossary appended to this plan.</u>

Main Modifications Chapter 11: Monitoring and Review

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM51.2	235	11.0.6	<p><i>Replacement of existing paragraph 11.06.6 with a new paragraph and a table.</i></p> <p>11.0.06 The critical areas of the plan to be monitored and reviewed will include:</p> <ul style="list-style-type: none"> • Housing completions by type, location and availability of land for housing in the future; • The completion of serviced employment floorspace, creation of jobs and availability of land for future employment use; • The delivery of floorspace to support retail, community and healthcare land use; • The protection, enhancement and creation of assets in the natural environment; and • The delivery of infrastructure projects and provision of financial contribution towards such schemes. <p><i>See proposed wording overleaf.</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
<p><u>11.0.6 The objectives of the local plan will be monitored as follows:</u></p>			
<u>Policy Area</u>		<u>Local Plan Objectives/Targets</u>	<u>Key Indicators</u>
<u>Housing Delivery (Living Places)</u>		<ul style="list-style-type: none"> <u>To provide new dwellings within Tendring District up to 2033 of sufficient variety in terms of sites, size, types, tenure and affordability to meet the needs of a growing and ageing population.</u> <u>To deliver high quality sustainable new communities.</u> 	<u>Housing completions by type, location and availability of land for housing in the Future.</u>
<u>Employment/Commercial (Prosperous Places / Sustainable Places)</u>		<ul style="list-style-type: none"> <u>To provide for the development of employment land on a variety of sites to support a diversity of employment opportunities and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth up to the period of 2033.</u> 	<u>The completion of serviced employment floorspace, creation of jobs and availability of land for future employment use.</u>
<u>Retail Development (Prosperous Places)</u>		<ul style="list-style-type: none"> <u>To promote the vitality and viability of the town centres through the promotion of retail and other related uses, exploiting the benefit of enhanced growth of the towns whilst</u> 	<u>Updated assessments of retail floorspace capacity.</u>

Ref	Page	Policy/ Paragraph	Main Modification
		<p><u>retaining the best and valued aspects of their existing character.</u></p>	
		<p><u>Infrastructure Provision (Connected Places / Sustainable Places)</u></p>	<ul style="list-style-type: none"> • <u>To make efficient use of existing transport infrastructure and ensure sustainable transport opportunities are promoted in all new development. Where additional capacity is required in the form of new or upgraded transport infrastructure, to ensure this is provided as necessary in connection with new development.</u> • <u>To enable provision of upgraded broadband infrastructure and services.</u> • <u>To ensure that new growth brings opportunities to enhance existing services, facilities and infrastructure for the benefit of existing and new communities.</u> • <u>To ensure that flood defence infrastructure is considered so that future developments take into consideration the impacts of climate change.</u> • <u>To ensure there is adequate capacity in the foul water sewerage infrastructure.</u> <p><u>Key infrastructure projects delivered.</u></p> <p><u>The delivery of infrastructure projects and spending of financial contribution towards such schemes.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
	<u>Education and Health (Healthy Places / Prosperous Places)</u>	<ul style="list-style-type: none"> • <u>To improve and provide good quality educational opportunities and prospects for Tendring's residents as part of sustainable community strategy. This includes practical vocational training and apprenticeships.</u> • <u>To work with partners in the National Health Service, local health organisations, Essex County Council and local community groups to ensure adequate provision of healthcare facilities to support growing communities.</u> • <u>To work with Public Health to promote and encourage healthy lifestyles through developments and planning to ensure that the people of Tendring have opportunities to be as healthy as able.</u> 	<u>The delivery of community and health facilities and spending of contributions secured through planning obligations.</u>
	<u>Sustainability (Healthy Places / Sustainable Places)</u>	<ul style="list-style-type: none"> • <u>To locate development within Tendring District where it will provide the opportunity for people to satisfy their day-to-day needs for employment, shopping, education, and other services locally or in locations which minimise the need to travel and where there are modes of transport available in addition to the use of car.</u> 	<u>Monitor modal splits and self-containment via Census and take-up of Travel Plans.</u>

Ref	Page	Policy/ Paragraph	Main Modification
		<p><u>The Historic Environment (Protected Places / Sustainable Places)</u></p>	<ul style="list-style-type: none"> • <u>To conserve and enhance Tendring District's historic environment, including: heritage; respecting historic buildings and their settings; heritage assets; landscapes; links; and views.</u> <p><u>The delivery of projects and proposals set out within the Councils adopted Heritage Strategy 2020 (as amended).</u></p>
		<p><u>Biodiversity (Protected Places)</u></p>	<ul style="list-style-type: none"> • <u>To provide a network of interconnected multi-functional natural green and blue spaces which secures a net gain in biodiversity and geodiversity; promotes healthy lifestyles; and enhances the quality of the natural and built environment.</u> <p><u>The delivery of projects contained within the Essex RAMS SPD.</u></p> <p><u>Monitor facilities secured through planning obligations.</u></p>
		<p><u>Water and Climate Change (Protected Places)</u></p>	<ul style="list-style-type: none"> • <u>To reduce the risk of flooding (all types) by securing the appropriate location and design of new development (including SuDs), having regard to the likely impact of climate change.</u> <p><u>Number of major developments incorporating water management schemes.</u></p> <p><u>Number of developments approved contrary to advice from Environment Agency.</u></p>
		<p><u>Tourism Promotion (Prosperous Places / Protected Places)</u></p>	<ul style="list-style-type: none"> • <u>To work with partners to provide an enhanced environment for tourism and the maritime sector and its associated services.</u> <p><u>Regularly updated assessment of the Holiday Parks study.</u></p> <p><u>Delivery of the aims of the Tourism Strategy.</u></p>

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Tendring
District Council



LOCAL PLAN SECTION TWO

2013 – 2033 AND BEYOND

DECEMBER 2021

FINAL DRAFT INCORPORATING FINAL MODIFICATIONS

1 Foreword

1.1 Page saved as Foreword from a member of the Council. TBC.

SECTION 2

1.	INTRODUCTION	11
	1.1 Welcome to Tendring	11
	1.2 Our Local Plan	12
	1.3 Context	13
	1.3.1 National Planning Policy Framework (NPPF)	13
	1.3.2 South East Local Enterprise Partnership (SELEP)	13
	1.3.3 Haven Gateway Partnership	14
	1.3.4 Essex County Council	14
	1.3.5 Working in Partnership	15
	1.3.6 Tendring District Council Strategies	15
	1.3.7 The Plans of Neighbouring Authorities	16
	1.3.8 Other Necessary Assessments	16
2.	VISION AND OBJECTIVES	18
	2.1 Vision for Tendring District	18
	2.2 Objectives for the Plan	20
	2.2.1 Living Places	21
	2.2.2 Prosperous Places / Sustainable Places	21
	2.2.3 Prosperous Places	21
	2.2.4 Connected Places / Sustainable Places	22
	2.2.5 Healthy Places / Prosperous Places	22
	2.2.6 Healthy Places / Sustainable Places	23
	2.2.7 Protected Places / Sustainable Places	23
	2.2.8 Protected Places	23
	2.2.9 Protected Places	24
	2.2.10 Prosperous Places / Protected Places	24

3.	SUSTAINABLE PLACES	25
	3.1 Spatial Portrait	25
	3.1.1 General Characteristics	25
	3.1.2 Economy	25
	3.1.3 Social Characteristics	27
	3.1.4 Ecological Characteristics	28
	3.1.5 Heritage Characteristics	30
	3.1.6 Socio-Environmental Characteristics	30
	3.2 Neighbourhood Planning	31
	3.3 Spatial Strategy	32
	3.3.1 Settlement Hierarchy	32
	3.3.2 Existing Permissions:	34
	3.3.3 Settlement Development Boundaries	36
	3.3.4 Sustainable Design	37
4.	HEALTHY PLACES	40
	4.1 Improving Health and Wellbeing	40
	4.2 Community Facilities	44
	4.2.1 Retention, Improvement and New Community Facilities Provision	44
	4.2.2 Assets of Community Value	44
	4.3 Green Infrastructure	45
	4.4 Open Space, Sports and Recreation Facilities	48
5.	LIVING PLACES	52
	5.1 Housing Supply	52
	5.2 Housing Choice	59
	5.3 Housing Density	61
	5.4 Housing Layout	62
	5.5 Affordable Housing	64
	5.6 Rural Exception Sites	66
	5.7 Self-Build and Custom-Built Homes	69
	5.8 Backland Residential Development	70

5.9 Gypsy and Traveller Sites	72
5.10 Care and Assisted Living	73
5.11 HMO and Bedsits	76
6. PROSPEROUS PLACES	79
6.1 Delivering Retail	80
6.1.1 Additional Retail Floorspace Provision	81
6.1.2 Convenience Shopping	81
6.1.3 Comparison Shopping	81
6.2 Retail Hierarchy	82
6.3 Local Impact Threshold	86
6.4 Town Centre Uses	88
6.4.1 Primary Shopping Area	88
6.5 Delivering Economic Prosperity	90
6.5.1 Protecting Existing Employment Sites	92
6.5.2 New Employment Sites Allocations	93
6.6 Tourism, Leisure and Hotel Development	95
6.6.1 Tourism	95
6.6.2 Hotels and Guesthouses	97
6.6.3 Holiday Parks, Camping and Caravanning	98
6.6.4 Camping and Caravanning	98
6.7 Holiday Parks	99
6.8 Improving Education and Skills	102
6.9 Rural Economy	104
6.10 Priority Areas for Regeneration	105
7. PROTECTED PLACES	111
7.1 Development and Flood Risk	111
7.2 Coastal Protection	113
7.3 The Rural Landscape	114
7.4 Biodiversity and Geodiversity	116

7.5 Water Conservation, Drainage and Sewerage	119
7.6 Strategic Green Gaps	120
7.7 The Historic Environment	122
7.8 Buildings and Archaeology	124
7.9 Renewable Energy Generation and Energy Efficiency Measures	126
7.10 The Avenues Area of Special Character, Frinton-on-Sea	128
7.11 The Gardens Area of Special Character, Clacton-on-Sea	129
7.12 Ardleigh Reservoir Catchment Area	129
7.13 Safeguarding of Civil Technical Sites, North East of Little Clacton / South of Thorpe-le-Soken	130
7.14 Safeguarding of Hazardous Operations Site, Bramble Island	130
8. CONNECTED PLACES	132
8.1 Sustainable Transport and Accessibility	133
8.2 Improving the Transport Network	135
8.3 Improving the Telecommunications Network	137
9. DELIVERING PLACES	140
9.1 EDME Maltings, Mistley	141
9.2 Hartley Gardens, Clacton	143
9.3 Oakwood Park, Clacton	148
9.4 Rouses Farm, Clacton	151
9.5 South of Thorpe Road, Weeley	154
9.6 Low Road, Dovercourt	157

	9.7 Medium Site Allocations	159
	9.7.1 MSA1 Land at Weeley Offices	160
	9.7.2 MSA6 Former Tendring Hundred Waterworks Site, Clacton	161
	9.7.3 MSA8 Land adjoining Harwich & Parkeston Football Club, Dovercourt.	162
	9.7.4 MSA11 Station Yard / Avon Works, Walton.	163
	9.8 Carless Extension, Harwich	164
10.	DELIVERING INFRASTRUCTURE	166
	10.1 Implementation	166
	10.2 Design Briefs	172
11.	MONITORING AND REVIEW	173
12.	POLICIES MAPS	178
	APPENDICES	
A.	GLOSSARY OF TERMS	179
B.	LOCAL MAPS	188
C.	LOCAL WILDLIFE SITES AND ANCIENT WOODLAND	189
D.	HERITAGE ASSETS	197

POLICIES

Policy SPL 1 MANAGING GROWTH	35
Policy SPL 2 SETTLEMENT DEVELOPMENT BOUNDARIES	37
Policy SPL 3 SUSTAINABLE DESIGN	38
Policy HP 1 IMPROVING HEALTH AND WELLBEING	43
Policy HP 2 COMMUNITY FACILITIES	45
Policy HP 3 GREEN INFRASTRUCTURE	47
Policy HP 4 SAFEGUARDED OPEN SPACE	49
Policy HP 5 OPEN SPACE, SPORTS AND RECREATION FACILITIES	51
Policy LP 1 HOUSING SUPPLY	58
Policy LP 2 HOUSING CHOICE	60
Policy LP 3 HOUSING DENSITY AND STANDARDS	61
Policy LP 4 HOUSING LAYOUT	63
Policy LP 5 AFFORDABLE HOUSING	66
Policy LP 6 RURAL EXCEPTION SITES	68
Policy LP 7 SELF-BUILD AND CUSTOM-BUILT HOMES	70
Policy LP 8 BACKLAND RESIDENTIAL DEVELOPMENT	71
Policy LP 9 GYPSY AND TRAVELLER SITES	73
Policy LP 10 CARE, INDEPENDENT ASSISTED LIVING	75
Policy LP 11 HMO AND BEDSITS	77
Policy PP 1 NEW RETAIL DEVELOPMENT	82
Policy PP 2 RETAIL HIERARCHY	84
Policy PP 3 VILLAGE AND NEIGHBOURHOOD CENTRES	85

Policy PP 4 LOCAL IMPACT THRESHOLD	87
Policy PP 5 TOWN CENTRE USES	89
Policy PP 6 EMPLOYMENT SITES	93
Policy PP 7 EMPLOYMENT ALLOCATIONS	94
Policy PP 8 TOURISM	96
Policy PP 9 HOTELS AND GUESTHOUSES	98
Policy PP 10 CAMPING AND TOURING CARAVAN SITES	99
Policy PP 11 HOLIDAY PARKS	101
Policy PP 12 IMPROVING EDUCATION AND SKILLS	103
Policy PP 13 THE RURAL ECONOMY	104
Policy PP 14 PRIORITY AREAS FOR REGENERATION	106
Policy PPL 1 DEVELOPMENT AND FLOOD RISK	112
Policy PPL 2 COASTAL PROTECTION BELT	114
Policy PPL 3 THE RURAL LANDSCAPE	115
Policy PPL 4 BIODIVERSITY AND GEODIVERSITY	118
Policy PPL 5 WATER CONSERVATION, DRAINAGE AND SEWERAGE	120
Policy PPL 6 STRATEGIC GREEN GAPS	121
Policy PPL 7 ARCHAEOLOGY	124
Policy PPL 8 CONSERVATION AREAS	124
Policy PPL 9 LISTED BUILDINGS	125
Policy PPL 10 RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES	127
Policy PPL 11 THE AVENUES AREA OF SPECIAL CHARACTER, FRINTON-ON-SEA	128

Policy PPL 12 THE GARDENS AREA OF SPECIAL CHARACTER, CLACTON-ON-SEA	129
Policy PPL 13 ARDLEIGH RESERVOIR CATCHMENT AREA	130
Policy PPL 14 SAFEGUARDING OF CIVIL TECHNICAL SITE, NORTH EAST OF LITTLE CLACTON/SOUTH OF THORPE-LE-SOKEN	130
Policy PPL 15 SAFEGUARDING OF HAZARDOUS SUBSTANCE SITE, SOUTH EAST OF GREAT OAKLEY/SOUTH WEST OF HARWICH	131
Policy CP 1 SUSTAINABLE TRANSPORT AND ACCESSIBILITY	135
Policy CP 2 IMPROVING THE TRANSPORT NETWORK	137
Policy CP 3 IMPROVING THE TELECOMMUNICATIONS NETWORK	138
Policy SAMU1 DEVELOPMENT AT EDME MALTINGS, MISTLEY	142
Policy SAMU2 DEVELOPMENT AT HARTLEY GARDENS, CLACTON	145
Policy SAMU3 DEVELOPMENT AT OAKWOOD PARK, CLACTON	149
Policy SAMU4 DEVELOPMENT AT ROUSES FARM, JAYWICK LANE, CLACTON	152
Policy SAMU5 DEVELOPMENT SOUTH OF THORPE ROAD, WEELEY	155
Policy SAH2 DEVELOPMENT LOW ROAD, DOVERCOURT	158
Policy SAE1 CARLESS EXTENSION, HARWICH	165
Policy DI1 INFRASTRUCTURE DELIVERY AND IMPACT MITIGATION	171

MAPS

Map 1 Tendring District and Boundary	12
--------------------------------------	----

TABLES

Table LP1: Housing Requirement for the period 1/4/13 – 31/3/33	55
--	----

Table LP2 – Local Plan Housing Allocations	56
--	----

Table 10.1 Implementation	167
---------------------------	-----

Table C.1 - Local Wildlife Sites	189
----------------------------------	-----

Table C.2 - Ancient Woodland Inventory	194
--	-----

Table D.1 - Conservation Areas	197
--------------------------------	-----

Table D.2 - Protected Lanes	198
-----------------------------	-----

Table D.3 - Historic Parks and Gardens	199
--	-----

Table D.4 - Scheduled Monuments	199
---------------------------------	-----

OBJECTIVES

Objective 1	21
-------------	----

Objective 2	21
-------------	----

Objective 3	21
-------------	----

Objective 4	22
-------------	----

Objective 5	22
-------------	----

Objective 6	23
-------------	----

Objective 7	23
-------------	----

Objective 8	23
-------------	----

Objective 9	24
-------------	----

Objective 10	24
--------------	----

1 Introduction

1.1 Welcome to Tendring

- 1.1.1** Welcome to the Tendring District Local Plan. Tendring District is located in the north-eastern corner of the county of Essex, bordering Suffolk and approximately 70 miles from London. Tendring is a coastal District containing a number of individual seaside and riverside towns and a large rural heartland. Tendring District is a peninsula bordered by the Stour Estuary to the north, the North Sea to the south and east and the Colne estuary to the south-west. The western edge of our District borders Colchester.
- 1.1.2** The largest urban area within our District is Clacton-on-Sea. Tendring District is also home to the International Port of Harwich, the coastal towns of Frinton-on-Sea and Walton-on-the-Naze, the historic port town of Brightlingsea and Manningtree, a town which borders Suffolk, the Stour Estuary and the Dedham Vale Area of Outstanding Natural Beauty. Our rural heartlands contain many distinctive villages and hamlets of varying size.
- 1.1.3** Our District has a diverse range of assets including its attractive landscapes, coastline, areas of nature conservation, maritime heritage, a wealth of heritage assets and both local and internationally important ports. Alongside some thriving settlements and successful businesses there are also some major challenges including unemployment, coastal erosion and the need to provide space for future developments, to meet the employment and housing needs of current and future generations.

Map 1 Tendring District and Boundary



1.2 Our Local Plan

- 1.2.1** Our Local Plan will be the statutory development plan for Tendring District up to 2033. The National Planning Policy Framework (NPPF) requires all Local Planning Authorities in England and Wales to prepare a Local Plan and ensure it is kept up to date. Without an up-to-date plan, the Council would have limited power to influence the scale, location and quality of new development in the District, making it difficult to bring about the positive changes that the area needs and difficult to resist inappropriate development proposals that will have a detrimental effect on our area.
- 1.2.2** Section 1 of the Local Plan has been produced in partnership with Braintree, Chelmsford, Colchester and Essex Councils. It contains the context and policies for the strategic matters that are common across our combined Housing Market Area.
- 1.2.3** Section 2 of the Local Plan identifies some of the main characteristics of our District and the challenges we face; it also sets out the vision of this Plan to be achieved by 2033. To address these challenges and deliver the vision, the Plan identifies 'strategic priorities' for achieving sustainable development and planning for economic growth, meeting the social needs of a growing population and protecting the places that make Tendring District an attractive place to live, work and visit.

- 1.2.4** Together Sections 1 and 2 of the Local Plan set out: the key development projects that will deliver new jobs, housing and community facilities; specific sites that will be both promoted for and protected from development; the new infrastructure that will be needed to support future growth; and planning policies that the Council will use when determining planning applications. The Local Plan also provides the broad framework of policies and proposals to which individual communities can, if they wish, add further detail and more local requirements by preparing their own 'Neighbourhood Plans'.

1.3 Context

- 1.3.1** The Local Plan needs to be consistent with a wide range of other policies, guidance, strategies and plans produced not only by this Council but also by central government, neighbouring authorities and other public bodies. Through the Localism Act there is a legal 'Duty to Cooperate' with other organisations and neighbouring authorities in the preparation of Local Plans. The following section identifies other policies, guidance, strategies and plans that informed the content of this Local Plan along with the key national and local partnerships that will be involved in delivering positive changes in the area over the plan period.

1.3.1 National Planning Policy Framework (NPPF)

- 1.3.1.1** The National Planning Policy Framework was formally introduced by the government on 27th March 2012. The Council must ensure that the Local Plan is consistent with its objectives, principles and policies. The framework advocates a 'presumption in favour of sustainable development' which requires local authorities, in their Local Plans, to positively seek opportunities to meet the development needs in their area and meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. The National Planning Policy Framework is also a 'material consideration' in determining planning applications alongside the policies in the Local Plan.

1.3.2 South East Local Enterprise Partnership (SELEP)

- 1.3.2.1** Our District forms part of the South East Local Enterprise Partnership (SELEP) which comprises Kent, Essex and East Sussex. Local Enterprise Partnerships are designed to offer local areas the opportunity to take control of their future economic development as part of the government's drive to promote local decision making. As a partnership between local authorities and business, the Enterprise Partnership plays a central role in determining local economic priorities and undertaking activities to drive economic growth. Tendring District Council works alongside other local authorities and businesses in the partnership to identify barriers to local economic growth, to stimulate a prosperous economic future for our District.

1.3.3 Haven Gateway Partnership

- 1.3.3.1** Our District forms part of the ‘Haven Gateway’ sub-region which is recognised as an area of strategic importance as a gateway to Europe and the rest of the world via the ports of Harwich and Felixstowe. The Haven Gateway is recognised as an area where significant growth in new jobs and housing is expected to take place in the future and where funding is allocated for new infrastructure to support regeneration and facilitate these high levels of growth. This Local Plan reflects the District’s important role within the Haven Gateway and helps deliver the sub-regional objectives of the Haven Gateway Partnership.

1.3.4 Essex County Council

- 1.3.4.1** Essex County Council is the Local Highway Authority, with a responsibility to manage and maintain the highway network, and the Local Transport Authority, with transport planning responsibilities for the administrative area of Essex. The Essex Local Transport Plan (2011) contains the Essex Transport Strategy (2011) and sets out the 15 year vision to improve travel in the county and underlines the importance of the transport network in achieving sustainable, long term economic growth and enriching the life of residents. It is supplemented by delivery strategies for public transport, highways, cycling and public rights of way. Essex County Council is also the Local Education Authority and Lead Local Flood Authority.

Essex Minerals Local Plan

- 1.3.4.2** Essex County Council is the minerals planning authority for the District and is responsible for preparing planning policies and assessing applications for mineral development. The Essex Minerals Local Plan (2014) forms part of the statutory Development Plan and should be read alongside the Tendring Local Plan. The role of the Minerals Local Plan is to identify sites for the extraction of sufficient quantities of mineral within Essex to facilitate development over the Plan period.
- 1.3.4.3** There are active quarry sites in the District as well as currently unworked sand and gravel deposits which are subject to a Minerals Safeguarding Policy within the Essex Minerals Local Plan 2014. Policy S8 requires the minerals planning authority – Essex County Council - to be consulted on development proposals covering 5 hectares or more within the sand and gravel Minerals Safeguarding Area. The Minerals Safeguarding Areas within Tendring District are shown on the Policies Map. Regard should be had to the requirements of the Minerals Local Plan where a development falls within a Minerals Safeguarding Area.
- 1.3.4.4** The Minerals Local Plan also designates Mineral Consultation Areas at a distance of 250m around active quarries, mineral infrastructure and mineral deposits permitted for extraction. Essex County Council must be consulted on all non-mineral related development within these areas.

Essex and Southend-on-Sea Waste Local Plan

1.3.4.5 Essex County Council is the waste planning authority for the District, and is responsible for preparing planning policies and assessing applications for waste management development. The Essex and Southend-on-Sea Waste Local Plan (2017) is part of the statutory Development Plan which should be read alongside the Tendring Local Plan. It sets out where and how waste management developments can occur, and is the planning policy against which waste management development planning applications are assessed.

1.3.4.6 The Essex and Southend-on-Sea Waste Local Plan allocates new waste development at Slough Farm, Ardleigh; Morses Lane, Brightlingsea; Sunnymead, Elmstead; and Heath Farms, northwest of Alresford. The Waste Local Plan also identifies Areas of Search to meet the need for additional small scale waste management facilities. These Areas of Search are existing industrial estates within the District, and are located away from residential and other uses sensitive to amenity impacts such as schools, retail, leisure and office development. The Waste Local Plan would seek to focus any new proposals for waste management facilities, which support local housing and economic growth, within these Areas of Search. One is proposed for Tendring, at Martell's Farm Industrial Area. The Waste Local Plan also designates Waste Consultation Areas at a distance of 250m around permitted waste management facilities and 400m around water recycling centres. Essex County Council must be consulted on all non-waste related development within these areas.

1.3.5 Working in Partnership

1.3.5.1 Whilst the Council's Planning Department has overseen the preparation of the Local Plan, it is far more than just a planning document. It is of high importance to all services within the Council and many of the partners that we work with. The Local Plan can inform and be informed by the strategies of different organisations because working in partnership will ultimately produce the best results on the ground. The legal 'Duty to Cooperate' places an onus on Councils to demonstrate that Local Plans have been prepared in partnership with other bodies.

1.3.6 Tendring District Council Strategies

1.3.6.1 Tendring District Corporate Plan – The Council's corporate plan sets out the Council's vision and priorities for the future as an organisation. It is important to ensure that the objectives of the Local Plan and Corporate Plan are aligned.

1.3.6.2 Other Council Strategies – Other than the Corporate Plan, the Council also has a variety of other plans and strategies that the Local Plan reflects and, where possible, supports. Relevant plans and strategies include:

- Community Safety Delivery Plan;
- Housing Strategy;
- Economic Development Strategy;

- Empty Homes Strategy; and
- Tourism Strategy.

1.3.7 The Plans of Neighbouring Authorities

1.3.7.1 The Council also needs to recognise the strategies of neighbouring authorities through the legal duty to cooperate on planning issues of cross-border or strategic significance. Tendring's adjoining neighbours are Colchester Borough Council and Babergh District Council. However, its strategic area is defined by its 'Housing Market Area' and this includes Braintree, Colchester and Chelmsford Council areas. Section 1 of this Local Plan sets out the strategic elements of this Local Plan and is common to all four Housing Market Area authorities. Babergh is not part of Tendring's Housing Market Area but still has an important relationship with Tendring.

1.3.7.2 The Babergh District lies to the north of both Tendring District and Colchester Borough and in the County of Suffolk. At the time of writing, Babergh District Council had adopted a new Core Strategy for the area (as the first part of a new Local Plan) with proposals for the period up to 2031 aimed at delivering around 9,700 jobs and just under 6,000 new homes. The majority of growth is focussed on the towns of Sudbury, Hadleigh and the western fringes of Ipswich. However, Brantham is on the boundary with Tendring District and the settlement has a strong relationship for services and facilities with Manningtree. Any new housing, retail, or employment in Brantham would have implications for the Tendring District. Likewise, proposals in this Local Plan for development in Manningtree, Lawford and Mistleley will have implications for Brantham. Tendring District Council and Babergh District Council will work together, through the duty to cooperate, to ensure that these developments bring positive outcomes to the local economy, deliver any necessary infrastructure improvements and achieve good quality design.

1.3.7.3 Both Tendring and Babergh Districts also have a joint interest in the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) which has been extended to cover southern parts of the Stour Estuary.

1.3.8 Other Necessary Assessments

1.3.8.1 The Council has a statutory requirement to carry out a number of assessments, in accordance with European and national legislation to ensure that the implications of policies and proposals in the Local Plan have been fully understood. Such assessments include:

- **Sustainability Appraisal (SA):** This helps to ensure that Local Plans and other planning documents have a sound understanding of the environmental, social and economic characteristics and priorities of the area. The Sustainability Appraisal for this version of the draft Local Plan has been consulted upon.
- **Strategic Environmental Assessment (SEA):** The SEA is required by a European Directive to assess the environmental effects of policies and proposals in Local Plans. The SEA is incorporated in to the SA in English law.

- **Habitats Regulation Assessment (HRA):** An HRA is a requirement of the European Habitats Directive and for Tendring District is necessary to assess the impact of Local Plan's policies and proposals on our three sites of international importance for wildlife – Hamford Water, the Colne Estuary and the Stour Estuary. An HRA has been prepared for the Publication version of the Local Plan.
- **Equality Impact Assessment (EqIA):** An Equality Impact Assessment is designed to ensure that plan makers think carefully about the likely impacts of their plans on different groups of society to ensure that people are not being discriminated against and the needs of all the population are being addressed. An EqiA has been prepared for the Publication version of the Local Plan.

2 Vision and Objectives

- 2.0.1** Having considered the unique characteristics of the District and the challenges that it faces, this chapter sets out the Section 2 vision and objectives for the District. These underpin many of the policies and proposals in this Local Plan that the Council will work with partners to implement between now and 2033 and it reflects the Council's own corporate priorities.

2.1 Vision for Tendring District

VISION

In 2033, Tendring District will be a vibrant, healthy and attractive place to live, work and visit. It will have a thriving, resilient and prosperous economy that promotes sustainable economic growth, making sustainable use of its natural and historic environments, maritime connections and popularity as a visitor destination.

Tendring District's residents will have the opportunity to enjoy a safe and healthy quality of life in communities that offer a range of high quality new housing which meet local needs, job opportunities and other important services and facilities, including improved retail provision. They will be able to enjoy a variety of landscapes including a tidy coast, the open countryside with its elements of natural beauty, a wealth of wildlife areas where biodiversity has been conserved and enhanced and a diverse range of attractive historic settlements, landscapes and assets, and an integrated network of protected wildlife-rich areas which are conserved and enhanced. The District will be home to people of all ages and abilities, providing a range of activities, attractions and facilities that will appeal to the active retired, the young and residents of working age. The District will also provide for the specialist needs of all people ensuring, in particular, that children and young people have the knowledge and skills to secure the opportunity for a good start in life.

Tendring District's coastal area places economic, social and environmental considerations at the forefront of climate change and therefore there will be a need to place adaptation and mitigation against climate change at the centre of sustainable development.

Seaside Towns

Clacton-on-Sea will have established itself as the place everyone wants to live. With the rejuvenation of the town's attractive and safe beaches (including the coastal protection scheme between Holland Haven and Clacton), high quality shops, restaurants and cafes in the town centre, creation of new country parks and the construction of hundreds of new high quality, spacious and much sought after houses, bungalows and retirement complexes, the economy will have seen a significant resurgence with new job opportunities in the retail, leisure, hospitality and health sectors.

Clacton will have preserved and enhanced its heritage features and still maintained its tourism roots, building a thriving local tourism industry but as well as attracting holiday makers, the town will provide a range of activities and attractions that our older residents can enjoy with their children and grandchildren at the weekends and during the school holidays, and a strong evening economy where people from the town and surrounding areas will come for a fun and relaxing evening with their friends and colleagues in some of the town's new and trendy restaurants, nightclubs and entertainment venues. In Jaywick Sands, regeneration projects will continue to raise the standard of living in this part of Clacton. Jaywick Sands will have seen, through the provision of a deliverable development framework, a sustainable community with associated economic, community and employment opportunities.

The town will also have new training facilities with a centre of excellence for health and assisted living.

Frinton-on-Sea and Walton-on-the-Naze will enjoy year-round prosperity whilst retaining their very distinctive individual characteristics. Walton will have seen the biggest change with an injection of new housing, holiday accommodation, shops and leisure attractions bringing vitality to the town centre and core visitor areas, with new medical facilities serving the resident population. Frinton will have also seen some new homes and improvements to public spaces whilst continuing to offer a unique and non-commercialised shopping and leisure experience to its residents and its visitors. Both settlements will have succeeded in preserving and enhancing their special historic character.

Harwich and the A120 Corridor

The Harwich area will experience an economic resurgence with a number of major employers operating in the area with developments including Stanton Europark, Harwich Valley and Carless making the most of the A120. As a result, the housing market will have picked up and a number of housing developments will have taken place. The Old Town of Harwich will offer new leisure activities and a number of visitor attractions associated with its maritime history, including the Mayflower. Dovercourt Town Centre and seafront will have also improved its offer of a year round shopping and leisure experience. These benefits will have taken place whilst continuing to preserve and enhance the town's maritime heritage through careful consideration of its associated buildings, structures and coastal landscapes.

Tendring Colchester Borders Garden Community

Neighbouring Colchester will have been the focus for significant growth in jobs and housing and will have a thriving economy that will benefit Tendring District's residents, many of whom commute into the town each day for work. A new community will be developed to the east of Colchester, developed on garden community principles, with necessary infrastructure and facilities provided and high quality of built and urban design. With major investment in rapid transit services to the town centre, pedestrian and cycle connections and a new link road between the A120 and A133, the management of traffic congestion will have improved, and provision of upgraded broadband infrastructure and services.

The University of Essex will be one of the leading research and development facilities in the country and, as a result, businesses will have moved to the area to benefit from its expertise and improved transport links. The new garden suburb crossing the Colchester Borough and Tendring District boundary will be a much sought-after place to live.

Rural Heartland

In the District's substantial rural heartland, the smaller towns of Manningtree, Lawford, Mistley and Brightlingsea, along with some of the larger villages, will have seen some modest levels of new housing and employment development to support local shops and services, address local issues, provide for local needs and facilitate investment by local businesses in job opportunities.

In some of the District's more remote villages, hamlets and other rural communities a flexible approach to small-scale housing development has helped keep those communities vibrant. Improvements to the telecommunications network and internet broadband services have given these areas a new lease of life with more people able to work, shop and learn from the comfort of their own home.

Any new development will need to obtain the following outcomes:

- 1. Creating the right balance of jobs, housing and infrastructure;*
- 2. Ensuring that development is sustainable in terms of location, use and form;*
- 3. Balancing the development needs of the District with the protection and enhancement of the natural, historic and built environment;*
- 4. Excellent services and facilities easily accessed by local communities and businesses;*
- 5. More walkable places and an excellent choice of ways to travel;*
- 6. Vibrant, well connected town and productive countryside;*
- 7. Avoid, then mitigate and, as a last resort, compensate for adverse impacts of development on the built, historic and natural environment and capitalising on these features;*
- 8. Stronger, more self-reliant town and countryside with thriving centres;*
- 9. Enhanced quality of life for all residents;*
- 10. Working with partners and residents to develop a place where people really matter;*
- 11. All new developments should account for, adapt to and mitigate against climate change.*

2.2 Objectives for the Plan

2.2.1 Section 2 of the Local Plan provides the housing and employment allocations outside of the Garden Community. It also provides the vision, objectives and development management policies for the plan as a whole.

2.2.2 A number of sub-objectives have been identified to underpin the purpose of the Local Plan policies in Section 2. These are as follows:

2.2.1 Living Places

- **Housing Delivery**

2.2.1.1 The Local Plan's strategic objectives for Housing Delivery are:

Objective 1

- *To provide new dwellings within Tendring District up to 2033 of sufficient variety in terms of location of sites, size, types, tenure and affordability to meet the needs of a growing and ageing population in full.*
- *To deliver high quality sustainable new communities.*

2.2.2 Prosperous Places / Sustainable Places

- **Employment/Commercial**

2.2.2.1 The Local Plan's strategic objective for Employment delivery is:

Objective 2

- *To create the conditions for economic growth and employment opportunities across a range of economic sectors including established business sectors and those sectors projected to grow in the future such as renewable energy and care and assisted living.*
- *To provide for the development of employment land on a variety of sites to support a diversity of employment opportunities and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth up to the period of 2033.*

2.2.3 Prosperous Places

- **Retail Development**

2.2.3.1 The Local Plan's strategic objective for Retail Development is:

Objective 3

- *To promote the vitality and viability of the town centres through the promotion of retail and other related uses, exploiting the benefit of enhanced growth of the towns whilst retaining the best and valued aspects of their existing character, as well as responding*

appropriately to changes in the way people enjoy shopping and other leisure activities, and competition for trade arising from other centres, both within and outside of the district.

2.2.4 Connected Places / Sustainable Places

- **Infrastructure Provision**

2.2.4.1 The Local Plan's strategic objectives for infrastructure provision are:

Objective 4

- *To make efficient use of existing transport infrastructure and ensure sustainable transport opportunities are promoted in all new development. Where additional capacity is required in the form of new or upgraded transport infrastructure, to ensure this is provided as necessary in connection with new development.*
- *To enable provision of upgraded broadband infrastructure and services.*
- *To ensure that new growth brings opportunities to enhance existing services, facilities and infrastructure for the benefit of existing and new communities.*
- *To ensure that flood defence infrastructure is considered so that future developments take into consideration the impacts of climate change.*
- *To ensure there is adequate capacity in the foul water sewerage infrastructure.*

2.2.5 Healthy Places / Prosperous Places

- **Education and Health**

2.2.5.1 The Local Plan's strategic objectives for Education and Healthcare are:

Objective 5

- *To improve and provide good quality educational opportunities and prospects for Tendring's residents as part of sustainable community strategy. This includes practical vocational training and apprenticeships.*
- *To work with partners in the National Health Service, local health organisations, Essex County Council and local community groups to ensure adequate provision of healthcare facilities to support growing communities.*
- *To work with Public Health to promote and encourage healthy lifestyles through developments and planning to ensure that the people of Tendring have opportunities to be as healthy as possible.*

2.2.6 Healthy Places / Sustainable Places

- **Sustainability**

2.2.6.1 The Local Plan's strategic objective for Sustainability is:

Objective 6

- *To locate development within Tendring District where it will provide the opportunity for people to satisfy their needs for employment, shopping, education, and other services locally or in locations which minimise the need to travel and where there are modes of transport available in addition to the use of the car.*

2.2.7 Protected Places / Sustainable Places

- **The Historic Environment**

2.2.7.1 The Local Plan's strategic objective for the Historic Environment is:

Objective 7

- *To conserve and enhance Tendring District's historic environment, including: heritage; respecting historic buildings and their settings; heritage assets; landscapes; links; and views.*

2.2.8 Protected Places

- **Biodiversity**

2.2.8.1 The Local Plan's strategic objective for Biodiversity is:

Objective 8

- *To provide a network of interconnected multi-functional natural green and blue spaces which secures a net gain in biodiversity and geodiversity; promotes healthy lifestyles; and enhances the quality of the natural and built environment.*

2.2.9 Protected Places

- **Water and Climate Change**

2.2.9.1 The Local Plan's strategic objective for Water and Climate Change is:

Objective 9

- *To reduce the risk of flooding (all types) by securing the appropriate location and design of new development (including SuDs), having regard to the likely impact of climate change.*

2.2.10 Prosperous Places / Protected Places

- **Tourism Promotion**

2.2.10.1 The Local Plan's strategic objective for Tourism is:

Objective 10

- *To work with partners to provide an enhanced environment for tourism and the maritime sector and its associated services.*

3 Sustainable Places

3.0.1 The Local Plan's strategic objective for Sustainability is "To locate development within Tendring District where it will provide the opportunity for people to satisfy their needs for employment, shopping, education, and other services locally or in locations which minimise the need to travel and where there are modes of transport available in addition to the use of the car."

3.1 Spatial Portrait

3.1.1 General Characteristics

3.1.1.1 Within our District, the 2011 Census puts the population at approximately 138,100 with an average density of 4.1 people per hectare. The most recent figures (2019) estimate the population of the District at approximately 146,000, an increase of 5.7% on the 2011 Census figures. The predominant ethnic group is White British with a high percentage of the population describing themselves as such. The ethnic minority population was lower than the estimates for both the East of England and Essex.

3.1.1.2 Our District is projected to grow by 14.4% (from 2011 Census numbers) to approximately 158,000 by the end of the plan period. Recent decades have seen a trend towards an ageing population in the District and this is projected to continue in the future. The percentage of over 65s in Tendring District is higher than both the East of England and Essex percentages. The number of people over age 65 years is projected to increase by more than a third within the plan period. In contrast, the proportion of the population aged under 5 years is projected to remain the same in that period. Between 2014 and 2024 the total population of the District is predicted to increase from 139,500 to 149,700, this represents an increase of 7% or 10,200 more people. The percentage of over 65s in Tendring District is higher than both the England and Essex percentages. The number of people over 65 is expected to increase from 40,600 to 47,500 - an increase of 17% (6,900) representing almost a third of the total population in the district. Recent decades have seen a trend towards an ageing population in the District, these figures are representative of that.

3.1.1.3 Based on the 2011 Census, there were 62,105 households in the Tendring District, the majority of which were within privately owned housing. Average household size in the district was 2.2 people, slightly lower than the national, regional and county averages. The average property price in March 2020 in Tendring District was £217,526; this is noticeably lower than average prices for England and Essex.

3.1.2 Economy

3.1.2.1 Tendring District is connected to a network of major roads via the A120, A133 and A137, which provide routes to Chelmsford, London, the M25, London Stansted Airport and the Port of Felixstowe.

- 3.1.2.2** Transportation provision in the District includes 14 railway stations with connections to Colchester, Ipswich and further afield. The average journey time between Clacton-on-Sea and London Liverpool Street is 1 hour 26 minutes and the journey time from Manningtree to London is just over 1 hour.
- 3.1.2.3** There are numerous bus routes throughout the District including frequent inter-urban routes linking villages to the larger urban areas of the district and the large town of Colchester in the adjoining borough. The dispersed geography of the District means that there is a reliance on the use of private cars.
- 3.1.2.4** The District includes Harwich International Port which has developed into a highly efficient, multi-purpose freight and passenger port handling bulk and container ships as well as roll-on, roll-off ferries and cruise ships. The port also supports the off-shore renewables industry providing support facilities for the installations at London Array, Gunfleet Sands, Greater Gabbard, and most recently the Galloper Wind Farm off the Suffolk coast. The latter has a state-of-the-art purpose-built operations & maintenance facility within the Port.
- 3.1.2.5** The sector employing the most people in Tendring, according to the Economic Development Strategy (2013), was health which accounted for approximately 17% of jobs, followed by retail and education. The sector employing the most people in Tendring, according to the Economic Strategy (2019), was Health & Care which accounted for over 6,500 jobs.
- 3.1.2.6** The Cultural, Visitor and Tourism sector encompasses a range of activities which play an important role in the District's economy. This sector is worth more than £353 million per annum to the economy and is estimated to provide 7,900 jobs across Tendring District. The majority of jobs and businesses in this sector are located in and around Clacton. Figures from the Economic Strategy 2019 show that tourism employment has grown by 35% over the last five years. This has in part, been driven by the actions promoted in the Tendring Tourism Strategy 2010-16. Wider investment into the sector, including Brook Park West (£75m investment), the major investment at Clacton Pier (£4m), and the Water Park at Clacton Pavilion (£1m) will help to make Tendring a more attractive place for tourists to visit.
- 3.1.2.7** The quantitative projection for new retail floorspace in the Tendring District to 2032, as identified in the Retail Study Update 2017, indicates that there is no quantitative need for additional retail floorspace across the District. The Retail and Town Centre Uses Study (2020) forecasts an increase in turnover for convenience goods shopping in Tendring that could potentially generate enough floorspace capacity for an additional food store, subject to market demand.
- 3.1.2.8** The Study also identifies that there is no capacity for new convenience goods floorspace in the District. A town-by-town analysis indicates a quantitative need for additional convenience floorspace in Manningtree and Harwich/Dovercourt, but not in Frinton-on-Sea, Brightlingsea, Walton-on-the-Naze, or Clacton. In relation to

comparison retail there is a potential increase in turnover which, taking into account internet shopping, is only expected to generate a negligible increase in floorspace capacity.

- 3.1.2.9** In relation to comparison goods floorspace requirement, there is a potential capacity for new comparison goods floorspace. A town-by-town analysis indicates that there is a quantitative need for modest additional comparison floorspace in all town centres except in Clacton, Harwich/Dovercourt and Walton-on-the-Naze. The Study indicates that additional floorspace in the town centres would improve market share, sustain vitality and viability and attract visitors. In both cases the need for additional floorspace can be accommodated within existing centres, which is consistent with national policy and will promote the vitality and viability of the district's town centres.
- 3.1.2.10** Internet shopping has become a major competitor to town centre shopping, a trend accelerated by COVID-19, with three quarters of all adults in the UK buying goods or services on-line. Increases in on-line shopping choice will mean traditional retailers and service providers will need to compete not only in price and range but also in service and expertise. Town centres will need to provide an attractive, mixed-use shopping experience to retain and increase their share of consumer spending.
- 3.1.2.11** Model based unemployment figures for the District during the period January 2015 – December 2015 show that the unemployment rate was 5.3% which is higher than that for the East of England. Model based unemployment figures for the District during the period April 2019 – March 2020 show that the unemployment rate was 5.4% which is higher than that for the East of England. These figures are based on a proportion of the District's economically active population.
- 3.1.2.12** At the time of writing there were more than 130 Care Homes in Tendring District, with 9.1 care homes per 10,000 population. This is the highest concentration of care homes in the UK. The care sector is the second highest employer in the District. With the population of over 65s projected to rise by more than a third during the plan period, consideration will need to be given to the needs of an ageing population to encourage independent living. Figures from the Economic Strategy 2019 show the broad Health and Care sector is a significant employer within the District with over 6,500 jobs. 3,000 of these are within the Care and Assisted Living sub-sector, the vast majority of which are in care homes. Tendring has a higher concentration of care homes than any other district in the UK, the district is home to one in five of all the care homes in Essex.

3.1.3 Social Characteristics

- 3.1.3.1** In 2018 there were 1,314 births in the Tendring District. Recent figures show life expectancy in the District has been estimated as 78 years for men and 82 years for women, this is slightly lower than the estimates for England and Essex.
- 3.1.3.2** As at September 2020 there are 39 Primary Schools and 6 Secondary Schools in the District. In addition there are 2 Special Schools for children ages 5 – 16

- 3.1.3.3** The Essex School Organisation Service's Ten Year Plan 2020-29, published in January 2020, sets out the requirement, supply and demand for places in mainstream primary and secondary schools and is updated annually.
- 3.1.3.4** In January 2020 there were 10,480 mainstream primary school pupils and 7,987 secondary school pupils, including 742 in sixth forms.
- 3.1.3.5** Primary school numbers published on the Essex County Council website in support of the 10 Year Plan, predict a rise in demand for mainstream places from the 10,469 pupils recorded on roll at January 2019 to 11,648 by the 2029/30 academic year. This forecast is consistent across the district and takes account of new housing set out in Tendring Council's housing trajectory, as available at the end of March 2019.
- 3.1.3.6** Corresponding secondary school numbers also published on the Essex County Council website, predict a rise in demand from the 7,918 pupils (including sixth form) to 10,254. Again, increased demand is expected across the district. The sharpest rise in demand is expected to be in the Clacton area.
- 3.1.3.7** The District rates relatively highly on the Index of Multiple Deprivation and Jaywick Sands ranks first within England. It is estimated that almost a fifth of people in the District live in seriously deprived neighbourhoods. This estimation is higher than that of the neighbouring Colchester Borough and Babergh District. The rate of households assessed as homeless in Tendring District is 1.93 per 1,000 in the period January – March 2020. Households assessed as threatened with homelessness within the District is 1.04 per 1000, lower than both the regional and national figures.
- 3.1.3.8** Crime data taken from the Essex Police Performance Summary to July 2020 publication regarding the number of offences recorded by the Police, for the year July 2019 to 2020 shows that all recorded crime in the Tendring District had fallen by just over 4%.
- 3.1.3.9** Tendring's community has access to a wide range of Council-run services including three leisure centres with swimming pools, sports centres, recreation grounds, country parks and the Princes Theatre, with an 820 seat auditorium which hosts local events as well as attracting national and international entertainers. The Council also provides Careline, a subscription service which supports independent living.

3.1.4 Ecological Characteristics

- 3.1.4.1** The District has large areas of unspoilt open countryside and a wealth of attractive natural and historic landscapes including areas of importance to nature conservation, particularly around our coast and estuaries. The District also contains many buildings of historic and architectural importance, many of which are within designated conservation areas. These assets are key to the District's attractiveness and its tourism economy but, at the same time, are sensitive to the development pressures stemming from new jobs and homes needed to meet local demands and address the social and economic issues facing the District.

- 3.1.4.2** In the north west of the District is the Dedham Vale Area of Outstanding Natural Beauty (AONB), designated for conservation due to its significant landscape value. Made famous by the paintings of Constable and Gainsborough, its traditional grasslands, wildflower meadows and hedgerows provide an opportunity for both residents and visitors to enjoy the peace and beauty of what are among some of England's most precious and vulnerable landscapes. The Suffolk Coast and Heaths AONB has also been extended to cover parts of Tendring on the south side of the Stour Estuary. The District also has the Orwell and Stour Estuaries which are designated as a Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). The Colne Estuary is designated as Essex Estuaries Special Area of Conservation (SAC) as well as SPA, Ramsar, and SSSI. The Hamford Water area is designated as SPA and SAC. The above sites are all key for the natural environment in regards to protection of habitats of migratory animals, endangered birds, scarce plants and invertebrates as well as the conservation of wetlands.
- 3.1.4.3** The Naze at Walton, the most easterly peninsular in Essex, is a stunning and increasingly rare example of natural and wild coastline of geological and biological importance which benefits both visitors and wildlife alike. It is an important site for migrating and nesting birds including many rarities, with harbour porpoises out to sea, grey seals in the backwaters and a whole host of species to be found on the beaches and in the mud pools. The 70 foot (21m) high cliffs, are an internationally important SSSI. These cliffs are made up of London Clay, Red Crag and Thames sands and contain many fossils, such as shark's teeth, shells and wood, which can frequently be found on the beaches. The Naze is rich in history and is dominated by the Naze Tower, built in 1720 by Trinity House to mark the premonitory to shipping approaching Harwich Harbour. The Tower is now open to the public during the summer months and provides a gallery for the display of works by local artists and craftspeople and boasts a 360 degree view of the surrounding land and seascapes from its viewing platform.
- 3.1.4.4** The District has a rich geodiversity which is varied and largely irreplaceable. There are 10 sites of Special Scientific Interest (SSSIs) in the District, notified specifically for their geological value.
- 3.1.4.5** The countryside in the District is one of its key assets both in terms of tourism and the living environment for our residents. The Council, working with the Essex Wildlife Trust, has identified over 100 Local Wildlife Sites (LoWS) in the Tendring District including meadowland, grasslands, churchyards and ancient woodlands. LoWS are areas of land with significant wildlife value which provide important wildlife refuges and a green infrastructure network and, although these sites are not protected by law, they are worthy of nature conservation and are protected by planning policy.
- 3.1.4.6** With over 37 miles (60 Km) of coastline, the District contains a number of areas at high risk from tidal flooding and coastal erosion. There is risk of fluvial flooding or surface water flooding elsewhere in the District. The Essex and South Suffolk Shoreline Management Plan (SMP), prepared in partnership between the

Environment Agency, Essex County Council and District Councils, is a strategy for managing flooding and coastal erosion over the next 100 years, in three time periods. The main aims of the SMP are to protect all dwellings and key infrastructure against flooding and erosion, to sustain the quality of the natural and historic environment and to allow natural shoreline evolution where possible to take place.

- 3.1.4.7** The 'Hold the Line' strategy, maintaining the existing defence line, can be seen in the Coastal Protection Scheme between Clacton and Holland-on-Sea. In 2014 the Clacton to Holland-on-Sea Coastal Protection Scheme was implemented to provide protection to more than 3,000 homes and commercial premises which would otherwise be at serious risk from erosion by the sea during the next 100 years.

3.1.5 Heritage Characteristics

- 3.1.5.1** Our District has more than 960 Listed Buildings. The District also benefits from 27 Scheduled Monuments which include above and below ground features, 4 Registered Historic Parks and Gardens as designated by Historic England and 9 Protected Lanes, preserved for their historic indication of ancient road patterns in the District. The District also contains 20 Conservation Areas.
- 3.1.5.2** The historic centres of Harwich, Manningtree, Mistley and St Osyth contain many impressive and unique historic buildings and monuments. Within these areas there is a greater likelihood of archaeological remains due to their complex history and development of their communities over many centuries. These centres are sensitive to development in much the same way as is the ecology of an environmentally important area. Outside of these designated areas, the district's largely rural character and long history of occupation results in many areas of high archaeological importance as well as a range of listed buildings, conservation areas and scheduled monuments.
- 3.1.5.3** Some of the more notable heritage assets within our District include the St Osyth Priory Gatehouse (Scheduled Monument, Grade I listed building) an important example of monastic building of the Augustinian order whose façade has one of the best preserved examples of knapped flint and stone flushwork in East Anglia. The impressive 18th Century Mistley Towers (Scheduled Monument Grade I Listed building), the remains of a church designed by Robert Adam. The Harwich Redoubt (Scheduled Monument Grade II* Listed building) a circular fort which supported 10 gun embrasures, completed in 1810 to defend the harbour against invasion during the Napoleonic War. These are just a few examples of the heritage assets within the District.

3.1.6 Socio-Environmental Characteristics

- 3.1.6.1** Tendring District's potable drinking water comes from Ardleigh Reservoir. The reservoir covers 120 acres and, as well as providing the District with drinking water, is also used for recreational activities including sailing and fishing.

- 3.1.6.2** In 2011/12 the Council's total Carbon Dioxide emission was 3,032 tonnes, the most recent figures indicate that in 2018/19 those emissions have risen to 4,553 tonnes although the rise may be attributable to changes in assessment and reporting methodologies. The Council is in the process of setting out an Action Plan to become net zero carbon by 2030.
- 3.1.6.3** Increase in development and use of renewable energy has seen the installation of both off and onshore wind farms in the District. The Dong Energy Gunfleet Sands 48 turbine offshore Wind Farm has the capacity to provide approximately 100,000 homes with 'clean electricity' in the years to come making a considerable reduction in Carbon Dioxide emissions. Its sister operation, Galloper Offshore Wind Farm, became fully operational in March 2018. Galloper is maintained from the Operations & Maintenance facility at Harwich International Port. Galloper alone generates enough energy to power up to 380,000 average UK households per year. The 5 turbine on-shore Wind Farm at Earls Hall has the capacity to generate 'clean electricity' for approximately 6,300 homes and will reduce Carbon Dioxide emissions by 15,000 tonnes per year. Approval was granted for Solar Farms in Wix and Bradfield, these have been delivered, which together will have the capacity to generate 'clean electricity' for approximately 3,409 homes.

3.2 Neighbourhood Planning

3.2.1 The 2011 Localism Act introduced the concept of 'Neighbourhood Planning'. Under this Act, Town or Parish Councils or other 'qualifying bodies' can prepare Neighbourhood Plans to supplement the policies and proposals in this Local Plan to influence future growth in their local area. Neighbourhood Plans can be used to allow additional development that meets locally identified requirements. The basic conditions for any Neighbourhood Plans are that they must:

- have appropriate regard to national policy;
- contribute to the achievement of sustainable development;
- be in general conformity with strategic policies in the Local Plan; and
- be compatible with legal obligations, including habitats and human rights requirements.

3.2.2 In addition to the Strategic Policies within Section 1 of the Plan, the main 'Strategic Policies' within Section 2 of this Local Plan that Neighbourhood Plans must be in accordance with are:

- Policy SPL 1 MANAGING GROWTH
- Policy SPL 2 SETTLEMENT DEVELOPMENT BOUNDARIES
- Policy LP 1 HOUSING SUPPLY
- Policy LP 2 HOUSING CHOICE
- Policy LP 5 AFFORDABLE HOUSING
- Policy LP 6 RURAL EXCEPTION SITES
- Policy PP 5 TOWN CENTRE USES

- Policy PP 6 EMPLOYMENT SITES
- Policy PP 13 THE RURAL ECONOMY
- Policy PPL 1 DEVELOPMENT AND FLOOD RISK
- Policy PPL 2 COASTAL PROTECTION BELT
- Policy PPL 4 BIODIVERSITY AND GEODIVERSITY
- Policy PPL 5 WATER CONSERVATION, DRAINAGE AND SEWERAGE

3.2.3 Upon adoption, neighbourhood plans will become a statutory plan, sitting alongside the Local Plan as part of the suite of documents that will guide development. The Council will advise and assist Town or Parish Councils and other qualifying bodies in the preparation of Neighbourhood Plans as and when appropriate.

3.3 Spatial Strategy

3.3.1 Growth needs to be carefully managed so as not to lead to unsustainable developments in remote and poorly accessible locations. The settlement hierarchy prioritises locations with access to the strategic road network, public transport and which have the potential to offer the widest range of services. All settlements which may experience growth have a development settlement boundary. Those without a settlement development boundary are considered to be part of the countryside.

3.3.1 Settlement Hierarchy

3.3.1.1 Strategic Urban Settlements and Garden Community

3.3.1.1.1 'Strategic Urban settlements' have the larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth. These settlements provide better opportunities for the use of public transport, walking and cycling to get from place to place and, because they have established town centres, employment areas and infrastructure, they provide locations where, with the right action, it is possible to create a significant number of additional new jobs and deliver sustainable housing growth on a larger scale.

3.3.1.1.2 For Tendring District, the settlements that fall within this category are of Clacton-on-Sea, Harwich and Dovercourt and the Tendring Colchester Borders Garden Community. Outside of our District, Colchester is also considered to be a Strategic Urban Settlement for the purposes of the Settlement Hierarchy.

3.3.1.1.3 To deliver economic growth in each of these areas, this Local Plan contains proposals for new employment sites, investment in town centres and improvements to the infrastructure.

3.3.1.1.4 In applying a sustainable, fair and proportionate approach to the distribution of housing growth, the Strategic Urban Settlements will accommodate the largest proportion of the District's increase in housing stock over the plan period.

3.3.1.1.5 The proposed strategic housing and mixed use sites in Clacton and the Tendring Colchester Borders Garden Community are also areas where longer-term growth is likely to be considered beyond the current plan period.

3.3.1.2 Smaller Urban Settlements:

3.3.1.2.1 Smaller Urban Settlements have large populations relative to rural settlements and benefit from a range of existing infrastructure and facilities. These settlements provide a range of opportunities for the use of public transport, walking and cycling and because they have established town centres, employment areas and infrastructure, they provide locations where, with the right action, it is possible to create a significant number of additional new jobs and deliver sustainable housing growth on a large scale.

3.3.1.2.2 For Tendring District, the settlements that fall within this category are Frinton, Walton and Kirby Cross; Manningtree, Lawford and Mistley; and Brightlingsea

3.3.1.2.3 In applying a sustainable, fair and proportionate approach to the distribution of housing growth, the Smaller Urban Settlements will accommodate the second largest proportion of the District's increase in housing stock over the plan period. Development will be of scale that is proportionate having regard to the existing size and character of each settlement; their range of jobs, shops, services and facilities; and any physical, environmental or infrastructure constraints.

3.3.1.3 Rural Service Centres:

3.3.1.3.1 For Tendring District, seven villages are classed as 'Rural Service Centres' Alresford, Elmstead Market, Great Bentley, Little Clacton, St. Osyth, Thorpe-le-Soken and Weeley. For these settlements, the Local Plan identifies opportunities for smaller-scale growth. Some of these villages will accommodate a modest increase in housing stock, where appropriate, within the plan period. Developments will be of a scale that is proportionate, achievable and sustainable for each of the settlements concerned having regard to the existing size and character of each settlement; their more limited range of jobs, shops, services and facilities; and any physical, environmental or infrastructure constraints. These developments will make a meaningful contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District.

3.3.1.3.2 If at any time during the plan period, there is an identified local need for affordable housing in any of these villages that cannot be fully addressed through the proposed housing growth in this Local Plan, the option of delivering additional housing through the 'rural exceptions policy' is available to Parish Councils working with landowners, the District Council and/or another affordable housing provider.

3.3.1.4 Smaller Rural Settlements:

- 3.3.1.4.1** Other smaller villages within Tendring District's rural heartland have much less in the way of job opportunities, local services, facilities and other infrastructure. Residents of these smaller villages are often reliant on neighbouring towns and villages for work, shopping and other services and frequently need to travel distances either by public transport (if it is available) or, more often than not, by private car.
- 3.3.1.4.2** Because of this, these smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. However, these villages are still under pressure to grow and some small-scale development which is sympathetic to the rural and often historic character of the settlement might help younger people to continue to live in the area, keep local shops and services viable and help bring balance to an ageing population. Particular attention must be given to school travel and any expansion of existing rural schools.
- 3.3.1.4.3** Each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of the villages and thus enabling them to be considered for small-scale residential 'infill' developments: provided that it does not detrimentally impact the historic and natural environment.
- 3.3.1.4.4** Developments which exceed 10 dwellings in size will not be permitted unless there is local support from the Town or Parish Council, an approved Neighbourhood Plan that advocates additional growth or an identified local need for affordable housing that could be addressed through a 'rural exception site'.

3.3.2 Existing Permissions:

- 3.3.2.1** To achieve a sustainable increase in housing stock for each of Tendring District's settlements up to 2033, a high level of new homes have gained planning permission or will have been completed on sites between 1 April 2013 to 31 March 2020. The remaining requirement will be delivered on sites that are specifically allocated for housing development, supplemented by other suitable sites within the Settlement Development Boundaries in this Local Plan. The allocated sites either lie within the established built-up area of the settlement or involve undeveloped land on the edge of the settlement. Alongside the planned developments, it is likely that a number of currently unidentified 'windfall' sites will obtain planning permission for housing in accordance with the policies in this Local Plan during the plan period.

Policy SPL 1

MANAGING GROWTH

Settlement Hierarchy

Strategic Urban Settlements and Garden Community:

- *Clacton-on-Sea (comprising Central Clacton, Jaywick Sands, West Clacton, Great Clacton (North), East Clacton and Holland-on-Sea)*
- *Harwich and Dovercourt (including Parkeston and part of Ramsey)*
- *The Tendring Colchester Borders Garden Community*

Smaller Urban Settlements

- *Frinton, Walton and Kirby Cross*
- *Manningtree, Lawford and Mistley*
- *Brightlingsea*

Rural Service Centres

- *Alresford*
- *Elmstead Market*
- *Great Bentley*
- *Little Clacton*
- *St. Osyth*
- *Thorpe-le-Soken*
- *Weeley*

Smaller Rural Settlements:

- *Ardleigh*
- *Beaumont-Cum-Moze*
- *Bradfield*
- *Frating*
- *Great Bromley*
- *Great Holland*
- *Great Oakley*
- *Kirby-le-Soken*
- *Little Bentley*
- *Little Bromley*
- *Little Oakley*
- *Ramsey Village*
- *Tendring*
- *Thorpe Station and Thorpe Maltings*

- *Thorrington*
- *Weeley Heath*
- *Wix*
- *Wrabness*

This Policy contributes towards achieving Objectives 1 and 6 of this Local Plan.

3.3.3 Settlement Development Boundaries

- 3.3.3.1** To achieve a sustainable increase in housing stock, a significant number of new homes will come forward on sites which at April 2020 already had extant planning permission for new housing. The remaining requirement will be delivered on sites that are specifically allocated for housing or mixed-use development, supplemented by other suitable sites within the Settlement Development Boundaries in this Local Plan. Alongside the planned developments, it is likely that a number of currently unidentified 'windfall' sites will obtain planning permission for housing in accordance with the policies in this Local Plan during the plan period. In general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside. However, there are certain forms of development that can and sometimes need to take place in these areas, some of which can bring about positive outcomes for the rural economy.

Policy SPL 2

SETTLEMENT DEVELOPMENT BOUNDARIES

To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 (with the exception of the Tendring Colchester Borders Garden Community) is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.

An exemption to this policy is provided through the Rural Exception Site Policy LP6.

The Tendring Colchester Borders Garden Community will be the subject a separate Development Plan Document (DPD) containing its own policies designed to guide the location of development in the broad location identified on Diagram 10.2 in Section 1 of the Local Plan and Map B.7

This Policy contributes towards achieving Objectives 1 and 6 of this Local Plan.

3.3.4 Sustainable Design

- 3.3.4.1** Policy SPL3 contains the design criteria against which every planning application for development will be considered. Part A of the policy provides the local planning criteria for ensuring development is well designed and relates well to its surroundings. Part B ensures that practical requirements have been addressed and Part C ensures that any potential impacts on surrounding uses and/or the local environment are identified and measures are put in place to ensure any adverse impacts are minimised.

Policy SPL 3

SUSTAINABLE DESIGN

Part A: Design. All new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met:

- a. new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness;
- b. the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials;
- c. the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features;
- d. the design and layout of the development maintains or enhances important existing site features of landscape, ecological, heritage or amenity value; and
- e. boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings. The Council will encourage the use of locally distinctive materials and/or locally occurring and characteristic hedge species.

Part B: Practical Requirements. New development (including changes of use) must meet practical requirements. The following criteria must be met:

- a. access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact;
- b. the design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments;
- c. the development incorporates or provides measures to minimise opportunities for crime and anti-social behaviour;
- d. the applicant/developer can demonstrate how the proposal will minimise the production of greenhouse gases and impact on climate change as per the Building Regulations prevailing at the time and policies and requirements in this plan;
- e. buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents;
- f. provision is made for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking; and

g. the development reduces flood risk and integrates sustainable drainage within the development, creating amenity and enhancing biodiversity.

Part C: Impacts and Compatibility. *New development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts. The following criteria must be met:*

a. the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties;

b. the development, including any additional road traffic arising, will not have unacceptable levels of pollution on: air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance;

c. the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use; and

d. all new development should have regard to the most up to date adopted Essex Mineral Local Plan; and

e. during the construction phase, developers must comply with a ‘considerate constructors’ scheme’ which employs reasonable measures and techniques to minimise and mitigate impacts and disturbance to neighbours and the existing wider community and any damage to public and private property.

All new development (including changes of use), should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and through green infrastructure techniques, where appropriate.

When considering new development, applicants and developers should avoid adverse impacts upon the environment. Where this is not possible, mitigation measures should be put forward. As a last resort, compensate for adverse environmental impacts.

Any measures necessary to meet the above requirements are to be established by the applicant/developer.

This Policy contributes towards achieving Objectives 6, 7 and 8 of this Local Plan.

4 Healthy Places

4.1 Improving Health and Wellbeing

4.1 The Local Plan's strategic objectives for Healthcare Needs are "To work with partners in the National Health Service, local health organisations and local community groups to ensure adequate provision of healthcare facilities to support growing communities."

4.1.1 Good health and wellbeing means that wherever possible people are free of illness or disability and they have a positive physical, social and mental state. The Council wants people in Tendring District to have healthier, happier and longer lives with less inequality. Health and Wellbeing has been a priority for a number of years to the partners in Tendring District.

4.1.2 Tendring District has a higher than average proportion of older and disabled people and, for many, the provision of health services is an essential part of everyday life. For our residents, being able to access primary health care is one of the biggest concerns for the future with many people worried that more housing developments and an increasing population could have significant impact upon over-stretched health services.

4.1.3 The Essex Joint Strategic Needs Assessment (JSNA, 2016) stated that in Tendring District:

- 68.3% of adults are classified as overweight or obese compared to the national average of 64.6%.
- 2,980 people aged over 65 are thought to have dementia. This figure is estimated to rise to 3,995 by 2025. The rising number of people with dementia will impact on future housing stock where consideration needs to be given to the availability of supported and sheltered housing and care homes.

4.1.4 In 2014, Tendring District had 29 GP surgeries located in Ardleigh, Alresford, Brightlingsea, Clacton, Frinton, Great Bentley, Great Oakley, Harwich, Lawford, Manningtree, Thorpe-le-Soken and Walton.

4.1.5 However, in recent years, resources particularly in the Clacton, Frinton and Walton areas have become stretched by the growing ageing population alongside difficulties in recruiting GPs and other medical professionals. Applicants for planning permission may be required to contribute towards the provision of new or improved health care facilities. The need for such facilities and the type of provision will be determined by the Health Care Commissioners and providers.

- 4.1.6** Through the proposals in this Local Plan, the Clacton, Frinton and Walton areas are expected to accommodate more than 3,000 new homes between them and the vision is to promote active retirement and the provision of care and assisted living. It will therefore be essential to ensure that current deficiencies in primary health care provision are addressed in partnership with Healthcare Commissioners.
- 4.1.7** The Council will work with its Health Sector partners to deliver new and improved facilities.
- 4.1.8** For secondary health care, the District hospitals at Clacton and Harwich provide a range of services including cardiology, diabetic medicine, minor injuries, podiatry, physiotherapy and urology but for other services many residents have to travel to Colchester General Hospital which, itself, is under pressure from a growing population. In recognition of Tendring District's ageing population and the levels of housing development proposed for the Clacton area, of which a large proportion will cater for older people wishing to retire, the Council is also working with the NHS to explore the opportunities to increase and improve care closer to home services in the area, particularly those services of importance to an ageing population.
- 4.1.9** Primary care is adopting a Digital First approach to primary care investment. An agreed Integrated Care System Road map for Suffolk and North East Essex was introduced in 2019, many of the initiatives were brought forward as a result of the response to Covid 19 and have already proven successful. GP practices, care homes and community service providers have been using telephone/video consultations, smartphone applications to enable patients to request prescriptions and appointments. Practices within Primary Care networks will enable digital first options to improve fast access to primary care, reducing waiting and travelling time for patients, services will include outpatient follow up appointments and medication reviews. Consequently, the need for high speed broadband access and flexibility in terms of the provision of digital health infrastructure to any new housing development is crucial in order to ensure the success of the Digital First approach.
- 4.1.10** Most development has a potential impact upon the health services and facilities in the District but good design can help to promote healthy living. These impacts and opportunities need to be assessed to ensure that adequate health and services are provided for the community as a whole. Local authorities across Essex are in agreement that applications for residential developments over 50 dwellings, all development in Use Class C2 (Residential Institutions) and non-residential developments involving the creation of 1,000 square metres or more floor space should be accompanied by a 'Health Impact Assessment' (HIA). A screening process will take place to determine the extent and detail/complexity of HIA required based on the type of development proposed and whether evidence demonstrates the development impacts can be expected to be significant on sensitive receptors.

- 4.1.11** This Local Plan has a vital role to play in ensuring that the opportunities exist for people to be able to make healthier life choices and addressing health inequalities across the District. Resilient local health policies will create and support vibrant, sustainable and healthy communities. By promoting and facilitating healthy living and creating an environment which offers opportunities for healthy choices.
- 4.1.12** The National Planning Policy Framework (paragraphs 69-70) acknowledges that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It is imperative to ensure that the design of the built environment and new development does not increase health inequalities and make it harder for people to live healthy lives.

Policy HP 1

IMPROVING HEALTH AND WELLBEING

The Council will work to improve the health and wellbeing of residents in Tendring by:

- a. working in partnership with the NHS and Public Health to ensure that our residents can access high quality primary and secondary health care services and that new and improved services are put in place, where appropriate, to serve the growing population;*
- b. supporting the NHS (including local GP Surgeries) and Public Health to deliver a service which meets the needs of residents in Tendring District;*
- c. working with stakeholders on projects that provide better service integration, locating services where access can be improved, particularly for vulnerable groups and communities;*
- d. encouraging healthier communities through targeting of unhealthy lifestyles such as smoking and those which cause obesity as identified in the Joint Strategic Needs Assessment. The Council will work in collaboration with partners, including Public Health, to avoid a concentration of fast food takeaways, where the number of outlets would be likely to harm public health objectives, particularly in deprived communities; local areas of poor health and near schools;*
- e. requiring a Health Impact Assessment (HIA) on all development sites delivering 50 or more dwellings, all development in Use Class C2 (Residential Institutions) and all non-residential developments delivering 1,000 square metres or more gross internal floor space. The HIA should be carried out in accordance with the advice and best practice published by Public Health England and locally through the Essex Planning Officers Association;*
- f. seeking mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision; and*
- g. ensuring increased contact with nature and access to the District's open spaces and offering opportunities for physical activities through the Haven Gateway Green Infrastructure and Open Space Strategies.*

This Policy contributes towards achieving Objectives 5 and 6 of this Local Plan.

4.2 Community Facilities

- 4.2.1** Community facilities (sometimes referred to as Community assets) provide for health and wellbeing, recreational and leisure and education and culture. They can include for example, community halls, libraries, museums, arts venues, post offices, public houses, places of worship, sports halls, health and fitness facilities, swimming pools and other facilities of community value. They are a key part of sustainable communities and contribute to their self-reliance.
- 4.2.2** It is important that local communities are supported by a range of community facilities as they provide local employment opportunities, are a focal point for community life and can help reduce the need for people to travel long distances for essential goods and services.

4.2.1 Retention, Improvement and New Community Facilities Provision

- 4.2.1.1** The loss of community facilities can have a substantial impact on people's quality of life, wellbeing and overall viability of the local area. With the growing number of older people in Tendring District, access to locally based facilities will become increasingly important to ensure sustainable communities.
- 4.2.1.2** The Council will expect new development to retain, and where possible, improve existing local community facilities. It is important that these are integrated into the design of new development where possible.
- 4.2.1.3** For existing community facilities, the Council will work with its partners to secure future improvements and will protect them against redevelopments for alternative uses, particularly housing. Public houses, in particular, perform a useful social role in rural communities and are a source of local employment. They frequently occupy historic buildings and make a significant contribution to the character of the locality.
- 4.2.1.4** The viability of community facilities is an important consideration for a sustained local area. Planning applications that would result to the loss of community facilities should be accompanied by marketing information to show why existing use is not viable and information to show why the facilities are no longer needed by the community it serves or that the facility is being suitably relocated to meet local needs.

4.2.2 Assets of Community Value

- 4.2.2.1** Part 5 Chapter 3 of the Localism Act 2011(Act) provides for a scheme called 'assets of community value'. This requires District and unitary councils to maintain a list of 'community assets'. It has also become known as the 'community right to bid'.
- 4.2.2.2** Under the Act and through the Community Rights to Challenge and Build, parish councils, voluntary groups, neighbourhood forums, and other community organisations can consider the opportunity to develop or establish new community facilities. Local groups have the right to nominate a building or land for listing by the Council as an Asset of Community Value.

4.2.2.3 The National Planning Policy Framework (NPPF) paragraph 70 states that planning policies and decisions should:

- guide against unnecessary loss of valued community facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and
- ensure that established community facilities and services are able to develop and modernise in a way that is sustainable, and are retained for the benefit of the community.

Policy HP 2

COMMUNITY FACILITIES

The Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. New development should support and enhance community facilities where appropriate by:

a. providing on site, where necessary, or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth and where possible, encourage co-location.

The loss or change of use of existing community or cultural facilities will be resisted unless:

b. replacement facilities are provided on site, or within the vicinity, which meet the need of the local population, or necessary services can be delivered from other facilities without leading to, or increasing, any shortfall in provision; or

c. it has been demonstrated that there is no longer a community need for the facility or demand for another community use on site.

This Policy contributes towards achieving Objectives 4, 5 and 6 of this Local Plan.

4.3 Green Infrastructure

4.3.1 The National Planning Policy Framework states that Green Infrastructure (GI) is a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. It includes 'blue infrastructure' comprising watercourses and wetlands, which provides a range of ecosystem services.

4.3.2 Ecosystem services are the benefits that the natural environment provides to humans, including the production of clean water and many raw materials used for economic activities and cultural benefits such as aesthetic value and recreational opportunities.

- 4.3.3** A good green infrastructure network provides opportunities to enhance tourism in the Tendring District, while ensuring that its most sensitive assets are protected. As well as the obvious benefits to the natural environment, such measures can also provide an economic boost by helping to attract more visitors and improve residents' health and wellbeing by creating a more attractive environment for people to actively use. The network should be made as accessible as possible to all users.
- 4.3.4** The National Planning Policy Framework (NPPF) requires planning to encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for recreation, wildlife, carbon storage and food production).
- 4.3.5** Throughout our District, there are a number of existing areas of green infrastructure falling into the various different categories which are important to the character of our towns, villages and rural areas and provide valuable space for formal and informal recreational activities in our communities. Areas of existing green infrastructure, including open space, sports and recreational facilities, will be protected from development, are shown on the Policies Map.
- 4.3.6** Development on these sites will only be allowed where it will result in an equivalent or larger area of green infrastructure of equal or better quality being provided in a location that will benefit more residents.
- 4.3.7** The Haven Gateway Green Infrastructure Study (2008) and the Open Space, Sport and Recreation study (2017) identified Tendring District as an area deficient in green infrastructure. The Council will work with its partners to resolve existing deficiencies and, where appropriate, secure developer contributions towards Green Infrastructure both as an integral part of major developments and through financial contributions to ensure that deficiencies are not exacerbated by future population growth.
- 4.3.8** The provision of high quality accessible green infrastructure is seen as increasingly important to regeneration and creating places that are based upon local distinctiveness. Quality environments also attract quality investment in terms of housing, jobs, skills and visiting attractions.
- 4.3.9** The Council's Open Spaces Strategy (2017) identified the nature of any existing surpluses and deficiencies and provides size and quality standards for the provision of future open spaces and green infrastructure in the District. This is reflected in the Policies HP3, HP4 and HP5 of this Local Plan.
- 4.3.10** Investment in Green Infrastructure for Tendring will help to tackle existing deficiencies of accessible green space, and help provide and protect wildlife corridors, open space and accessible land.

Policy HP 3

GREEN INFRASTRUCTURE

Green Infrastructure will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access.

All new development must be designed to include and protect and enhance existing Green Infrastructure in the local area, as appropriate.

Green Infrastructure as identified on the Policy Map, will be protected, managed and where necessary enhanced by:

- a. managing development to secure a net gain in green infrastructure;*
- b. supporting investment priority projects set out in the Green Infrastructure Delivery Plan;*
- c. not permitting development that compromises the integrity of the overall Green Infrastructure networks;*
- d. investing in enhancement and restoration where opportunities exist; and*
- e. using developer contributions to facilitate improvements to their quality and accessibility.*

The Council will work with all sectors and interest groups to help deliver Green Infrastructure projects. Developers should use the guiding principles set out in the Green Infrastructure Delivery Plan to influence all development proposals from an early stage in the design process. Any new Green Infrastructure proposed must be accompanied by a plan for the long-term sustainable maintenance and management of these assets, as well as phasing plans to demonstrate how they are to be delivered. New Green Infrastructure should incorporate semi-natural habitats and provide net gains in biodiversity wherever possible. The long-term management of assets should include biodiversity recording/monitoring to verify/ensure the ecological integrity of GI networks. Green Infrastructure should, where appropriate, include access for the widest range of user groups.

This Policy contributes towards achieving Objectives 6 and 8 of this Local Plan.

4.4 Open Space, Sports and Recreation Facilities

4.4.1 The National Planning Policy Framework (Annex 2) defines open space as ‘all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and act as a visual amenity’.

4.4.2 The Council’s Open Space Strategy (2017), prepared by Knight, Kavanagh and Page Ltd, identified the following typologies of open spaces across the District:

- parks and gardens;
- natural and semi-natural greenspaces; and
- amenity greenspace.

4.4.3 Amenity space including:

- provision for children and young people;
- allotments;
- cemeteries/churchyards; and
- Playing pitches and Outdoor Sports Facilities.

4.4.4 The above typologies are protected by Policy HP4 and are shown on the Policies and Local Maps collectively as Safeguarded Open Space. The Neighbourhood Planning process allows Town and Parish Councils or other nominated bodies to identify open spaces of particular local value as ‘Local Green Space’ which are afforded an additional level of protection, ruling out new development other than in very special circumstances. In line with the requirements of the National Planning Policy Framework, this additional level of protection can only be applied to green spaces where they are in reasonably close proximity to the community they serve, are demonstrably special to the local community and hold a particular significance and are local in character, rather than an extensive tract of land.

4.4.5 Open Spaces in towns and rural areas are essential in improving public health, well-being and quality of life. Attractive, safe and accessible parks and green spaces contribute positively to social, economic and environmental benefits and promote sustainable communities. Major new housing and mixed-use developments should include new and improved access to schools, to enable children to walk or cycle from their homes.

4.4.6 Well-used and maintained open spaces make considerable contribution to the quality of life of residents and visitors and promote sustainable communities. Each type of open space has various benefits, for example parks for recreation and play and social events, children’s play and playing pitches for formal sports events and allotments for growing produce.

- 4.4.7** It is important to provide a balance between different types of open space in order to meet local needs. For example, not all residents living in every area will have a demand for open space in the form of playing pitches or allotments. In some areas there will be a specific local demand for 'green corridors' such as nature walk or bridleways.
- 4.4.8** The National Planning Policy Framework, Planning Policy Guidance and the North Essex Strategic Plan, Section 1 of this Local Plan provide a context for the protection of existing open space. The NPPF (paragraph 74) suggests that existing open space, sports and recreational buildings and land, including playing fields should be protected unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity, quality and in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Policy HP 4

SAFEGUARDED OPEN SPACE

Development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space, as defined on the Policies Map and Local Maps will not be permitted unless the following criteria are met:

- a. the site is replaced by the provision of new site at least equal in quality and size and accessible to the community, which the existing site serves;*
- b. it is demonstrated that there is no longer a demand for the existing site;*
- c. the site is not appropriate for other open space functions; and*
- d. the development of the site would not result in the loss of an area important to visual amenity.*

Land is also allocated for the future expansion of the Weeley Crematorium, the Burrs Road Cemetery (Clacton), Dovercourt Cemetery and the Kirby Cross Cemetery as shown on the various Policies Maps and Local Maps for these areas. New cemeteries and other burial places may be permitted on existing private land providing that relevant Local Plan policies are satisfied.

- 4.4.9** Locally based open space standards have been developed in the Tendring Open Spaces Strategy, and proposals for new residential development should contribute to the provision and/or enhancement of open space in areas where there is a deficiency in provision, or poor quality of, open spaces. This provision could be either on or off-site depending on the scale and nature of development and the level and quality of existing facilities in the local area.
- 4.4.10** This Local Plan, requires that open space provision should be included as part of all residential developments involving sites of 1.5 hectares in size or greater, and should comprise at least 10% of the gross site area and that no single area of usable open space should be less than 0.15 hectares.

Policy HP 5

OPEN SPACE, SPORTS AND RECREATION FACILITIES

The Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update.

In line with policy HP3, new development must be designed to include, protect and enhance the green infrastructure network and the Council will prepare and adopt a new Supplementary Planning Document (SPD) which will update and replace previous guidance on how this will be achieved and how the following requirements will be implemented.

All new residential developments of 11 or more dwellings on sites of 1.5 hectares and above will be expected to provide a minimum 10% of the gross site area as open space laid out to meet the Council's specifications having regard to the Council's Open Spaces Strategy and the requirements of any SPD. No single area of useable open space will be less than 0.15 hectares in size. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.

If new development would be better served by existing or proposed open spaces within an accessible distance (having regard to the standards set out in the Open Spaces Strategy or any future update), a financial contribution in lieu of on-site provision may be sought through a s106 legal agreement or an appropriate alternative mechanism towards any necessary improvement or expansion of existing, or the delivery of new, open spaces and/or sports facilities.

Where residential developments have the potential to give rise to adverse impacts on internationally important habitat sites (Ramsar, SPA and SAC) through increased recreational disturbance, the Council may require, as part of any mitigation programme, the provision of larger areas of high quality natural and semi-natural open space to absorb day-to-day recreational activities such as routine dog walking to reduce the frequency of visits made to nearby designated sites. In order to serve this function, such an open space must be of a suitable size and include circular walks of sufficient length for daily dog walking, dogs-off-lead areas and waste bins.

5 Living Places

5.0.1 The Local Plan's strategic objectives for Housing Delivery are "To provide new dwellings within Tendring District up to 2033 of sufficient variety in terms of sites, size, types, tenure and affordability to meet the needs of a growing and ageing population" and "To deliver high quality sustainable new communities".

5.1 Housing Supply

5.1.1 One of the government's main objectives, as set out in the National Planning Policy Framework, is to significantly increase the delivery of new housing to ensure that everyone will have the opportunity to live in high quality, well-designed homes, in a community where they want to live. To achieve this objective, all local planning authorities, including Tendring District Council, must plan for increased house building, looking to meet the full requirements for market and affordable housing as determined by the Council, using local objectively prepared assessments.

5.1.2 To determine how many new homes are likely to be needed in the future, the Council worked in partnership with Colchester Borough Council, Braintree District Council and Chelmsford City Council to commission an 'Objectively Assessed Housing Needs Study'. The 2015 study determined that the combined authority area was the correct geography to undertake 'strategic market housing area assessment'. The study took its baseline from 2013/14, effectively re-setting Tendring's housing needs – moving away from the East of England Plan housing targets, which were superseded by the NPPF, to the new locally derived housing needs targets.

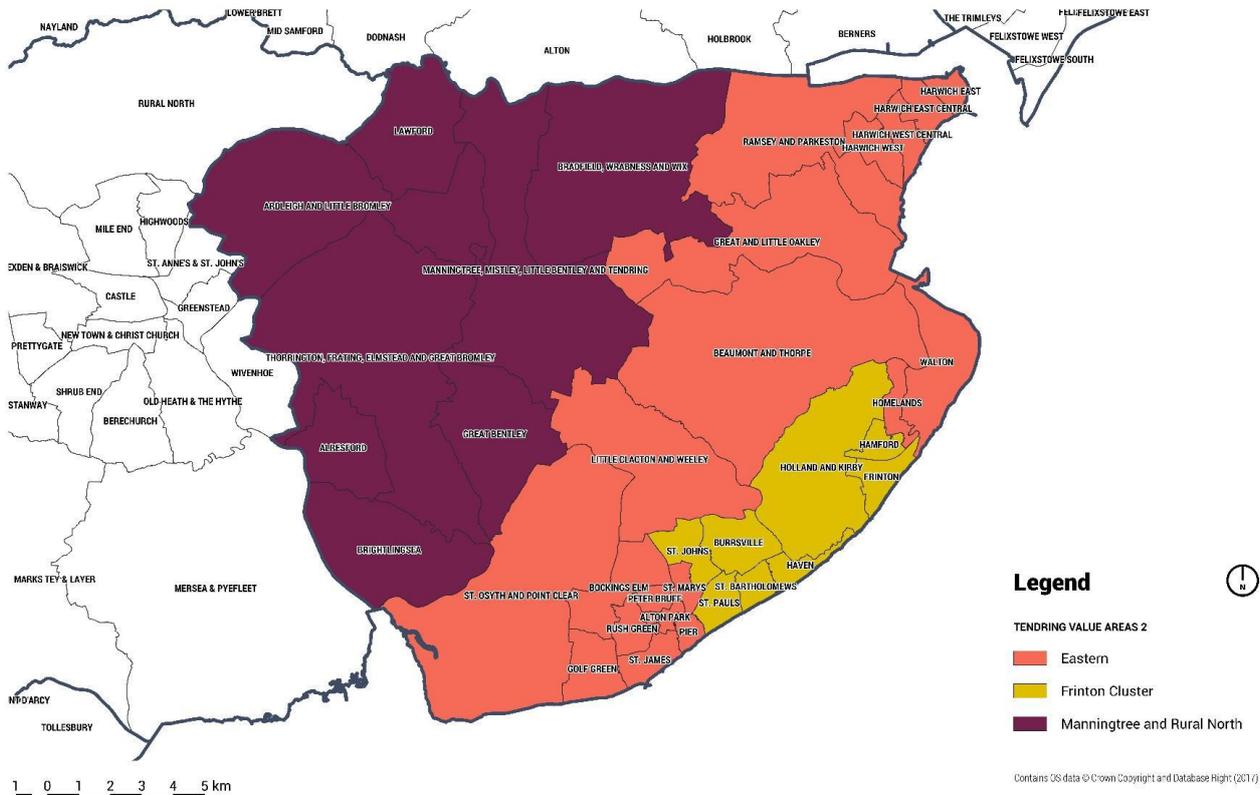
5.1.3 Since 2015, various iterations of this study have been produced reflecting amended advice from government, new employment and affordable housing needs data and assessment of the 'un-attributable population change' in the census. Overall, the 2015 study, as updated in 2016, looked at a series of data including population and household projections, migration patterns, economic projections and affordable housing needs. The assessments concluded that the total objectively assessed need for housing in Tendring District would be 550 homes each year and recommended an OAN of 550 be taken as the annual housing completions target. The housing requirement of 550 homes a year is set out in Policy SP3 in Section 1 of the Local Plan which was formally adopted by the Council in 2021 following the independent examination and confirmation from the Planning Inspector that the figure is based on sound evidence.

5.1.4 The affordable housing study, published in 2015 found that up to 151 homes each year would meet Tendring's affordable housing need; against the OAN this equates to approximately 27% of the 550 homes. The Planning Inspector for the Section 1 Local Plan also considered the need for affordable housing including projections contained within the Council's 2015 Strategic Housing Market Assessment (SHMA) and other evidence on affordability. He determined that the need for affordable housing in Tendring was likely to fall within the range of 151 to 278 homes a year depending on the assumptions made about the proportion of household income it

would be reasonable to spend on housing. Tendring’s Local Plan viability study finds that affordable housing could be achieved across the whole district on sites of 10 or more homes. However, it also finds that there are some viability issues in the eastern area of the District and certain sites in this area may not be able to meet all policy requirements. It would therefore seem reasonable to set the affordable housing target at 30% for sites of 11 homes or more. This will enable those sites that are viable to achieve 30% and those sites that are only viable at less than 30% to make a reasonable contribution to the achievement of the overall affordable housing need. Therefore, 30% will be taken as the baseline for viability testing of individual planning applications. When undertaking viability assessment the Tendring District Council - Local Plan Part 2 Viability Study (June 2017 , as updated in 2019) should be read as a whole because there is differentiation for certain types of homes, such as flats. The viability assessment for the Tendring Colchester Borders Garden Community also provides for a target of 30% affordable housing. The zones of viability are illustrated below by ward.

Map - Tendring Value Areas 2

TENDRING - Value Areas 2



5.1.5

As noted above, April 2013 is taken as the baseline for the Local Plan’s housing strategy, the end date of this Local Plan is March 2033, although some site allocations will continue to deliver beyond 2033. This end date is chosen to provide a 15 year plan following the expected submission of this Local Plan in 2017/18. 15 years

allows for three Local Plan housing supply periods as suggested by the National Planning Policy Framework. The sooner the housing supply needs to be completed the more certain of delivery the Council should be in setting out its housing strategy.

- 5.1.6** Council's are required to provide a five years supply of deliverable housing. Here 'deliverable' means sites should be available, offer a suitable location for development, be viable and have a realistic prospect that housing will be delivered within five years. The National Planning Policy Framework set out that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years. Tendring's first five year housing strategy relies on sites with planning permission for 10 or more dwellings, plus an allowance for smaller sites (9 or fewer homes) based on past delivery trends.
- 5.1.7** For years 6-10 the Council has identified a supply of specific, developable sites and broad locations for growth. These are made up of the broad allocation for a garden community in Section 1 of this Local Plan and site specific allocations in Chapter 9 of Section 2 of the Local Plan. In addition, an allowance for small sites of 9 or fewer homes based on past delivery trends is also included for years 6-10.
- 5.1.8** For years 11-15 the Council has identified a supply of specific, developable sites and broad locations for growth, some of which continue to deliver onwards from year 10 of the Local Plan and few of which continue to deliver beyond year 15 of the Local Plan.
- 5.1.9** The twenty-year time frame of the Local Plan from baseline in April 2013 to completion in March 2033 provides for the objectively assessed need requirement for 11,000 homes (550 homes x 20 years).
- 5.1.10** The Council assesses annual housing completions against the annualised housing target of 550 homes each year. As of April 2020, seven years of completions data is available. Table LP1 identifies housing completions of 3,638 between 2013/14 and 2019/20. This leaves a requirement for the Local Plan to establish a supply of at least 7,362 homes. 'At least' is an important factor because the housing strategy is more sound if it provides some flexibility for choice and range in its supply to accommodate external factors such as the market failure of a particular developer which could slow overall completion rates.

Table LP1: Housing Requirement for the period 1/4/13 – 31/3/33

A – Annual Net Dwellings Required - Reported Years from Base Date	
2013/14 to 2032/33	550 x 20
Total	11,000
B – Net Completions - Reported Years from Base Date	
2013/14	204
2014/15	267
2015/16	245
2016/17	658
2017/18	565
2018/19	915
2019/20	784
Total	3,638
C - Shortfall - Reported Years from Base Date	
Total	212
D – Net dwellings from Base Date still required	
Total	7,362

Table LP2 makes provision for the homes required as established through the OAN. The supply consists of large sites (10 or more homes) with planning permission or a resolution to grant planning permission, an allowance for small sites (of 9 or fewer homes) based on past trends and sites for 10 or more homes allocated in the Local Plan.

Table LP2 – Local Plan Housing Allocations

Site	Total housing numbers	2020/21 to 2024/25	2025/26 to 2029/30	2030/31 to 2032/33	And Beyond	Reference
Non-allocated sites of 10 or more Homes with Planning Permission	4,932	3,124	1,312	244	252	
Sites of 9 or less homes / windfall	1,260	680	419	161	0	
Hartley Gardens, Clacton	1700	0	60	150	1,490	SAMU2
Oakwood Park, Clacton	900	0	195	240	465	SAMU3
Rouses Farm, Clacton	950	90	270	180	410	SAMU4
Land South of Council Offices, Weeley	280	60	150	70	0	SAMU5
Land West of Low Road, Dovercourt	300	90	210	0	0	SAH2
Tendring Colchester Borders Garden Community	3,500-4,500	0	625	375	2500 - 3500	SP7

Site	Total housing numbers	2020/21 to 2024/25	2025/26 to 2029/30	2030/31 to 2032/33	And Beyond	Reference
Land at Weeley Council Offices	24	0	24	0	0	MSA1
Former Tendring 100 Waterworks Site, Clacton	90	0	90	0	0	MSA6
Land adjoining Harwich and Parkeston Football Club, Dovercourt	48	0	48	0	0	MSA8
Station Yard / Avon Works, Walton	40	0	40	0	0	MSA11
TOTALS	14,024 - 15,0244	4,044	3,443	1,420	5,117 - 6,117	
Total in Plan Period	8,907					

Policy LP 1

HOUSING SUPPLY

The Council will work with the development industry and other partners to deliver a minimum new homes increase of 11,000 (net) between 1 April 2013 and 31 March 2033 to support economic growth and meet objectively assessed requirements for future housing in the District. This supply of new homes will be delivered from the following sources:

Supply Source to March 2033	Totals
<i>Net Dwelling Completions 2013 - 2020</i>	3,638
<i>Non-allocated Large Sites with Planning Consents</i>	4,680
<i>Small Sites with Planning Consents (with Trend Based Completions)</i>	1,260
<i>Strategic Allocations - Mixed Use (SAMU Policies)</i>	1,465
<i>Strategic Allocations – Housing (SAH Policies)</i>	300
<i>Medium Sized Allocations (MSA Policies)</i>	202
<i>Tendring Colchester Borders Garden Community</i>	1,000
Totals	12,545

This Policy contributes towards achieving Objectives 1 and 6 of this Local Plan.

- 5.1.11** The supply of housing throughout the Local Plan period will be supplemented by proposals for rural exception schemes and bringing back into use some of the long-term empty properties in the District through the Council's Empty Homes Strategy. The broad areas allocated for housing and mixed-use development in this Local Plan are shown on the relevant Policies Map Insets and supported by locality-based maps in the appendices of this document.
- 5.1.12** In accordance with the National Planning Policy Framework, the Council will monitor the delivery of new housing on an annual basis and publish the results in its Authorities Monitoring Report. The Council will seek to ensure that, in any one year, there is sufficient land available to deliver a minimum of the next 5-years' worth of new housing plus the appropriate buffer to allow flexibility in the market for land, taking into account any under-provision or over-provision from the previous year(s).

5.2 Housing Choice

- 5.2.1** As well as planning for a significant increase in housing development, the National Planning Policy Framework requires Councils to plan for a mix of new housing based on current and future demographic trends, market trends and different groups within the community. Paragraphs 22 – 29 of the Housing and Economic Development Needs Assessments section of the national Planning Practice Guidance details how affordable housing need should be calculated. It defines affordable housing need as the *'number of households and projected households who lack their own housing or live in unsuitable housing and who cannot afford to meet their housing needs in the market.'*
- 5.2.2** The assessment consists of four broad stages to calculate affordable housing need:
- an assessment of the current gross unmet need for affordable housing;
 - an assessment of the newly arising need for housing;
 - an assessment of the current affordable housing supply;
 - an assessment of future affordable housing supply.
- 5.2.3** Within each of the four stages, there are a number of detailed calculations many of which themselves have a number of components. The Strategic Housing Market Assessment Update 2015 estimate the net annual affordable housing need in Tendring at 160 homes each year.
- 5.2.4** The update suggests there is likely to be a demand for a range of dwelling size, type and tenure over the plan period. It is estimated that around 71% of the need for new housing up to 2033 will be for 'market housing' available to buy or rent at open market values and around 27% of the need for housing will be for 'affordable housing' made available by the Council or other registered providers at lower than market prices to meet the needs of people and families with lower incomes that cannot afford to buy or rent property on the open market.
- 5.2.5** The tenure profile from the update, suggests there will be a need for 67.1% of all homes to be owner occupied, 22% private rented, 0.4% shared ownership and 10.5% social/affordable rented. To meet this tenure distribution the proportion of tenure completions would be 47.7% owner occupied, 30.8% private rented, 2.1% shared ownership and 19.5% social/affordable rent.
- 5.2.6** In terms of dwelling size, for owner occupied, the share required for the new housing stock is 10.3% one bedroom, 31.5% two bedroom, 33.3% three bedroom and 24.8% four or more bedrooms. For private rented, the change required is 6.8% one bedroom, 19.4% two bedroom, 52.7% three bedroom and 21.1% four plus bedrooms.

Policy LP 2

HOUSING CHOICE

The Council will work with the development industry and housing providers to deliver a mix of dwelling types, sizes and tenure within the housing growth proposed for the District which reflects the Council's overarching vision for growth in Tendring District and the evidence of housing need contained in its latest Strategic Housing Market Assessment (SHMA), which will be the subject of periodic review.

On developments of 11 or more dwellings, the Council will expect to see a mix of dwelling size, type and tenure that broadly reflects the housing need identified in the latest Strategic Housing Market Assessment unless there are specific housing mix requirements for a particular site, as set out in site-specific policies in this Local Plan, or genuine physical or economic viability reasons why this mix cannot be achieved. The Council will also require a proportion of the new properties to be provided in the form of affordable housing in line with the requirements in Policy LP5.

The Council will support the development of bungalows, retirement complexes, extra care housing, independent living, starter homes, self-build and other forms of residential accommodation aimed at meeting the future needs of older and disabled residents as well as family housing. Support will also be given to innovative development proposals subject to consideration of other Local Plan policies.

This Policy contributes towards achieving Objectives 1 and 6 of this Local Plan.

5.3 Housing Density

- 5.3.1** It is important that the density of housing development promotes: a good quality of life for its residents; reflects accessibility to local services within the location; the need for appropriate levels of internal floor space and external private amenity space; the required mix of housing type and size; and the character of development in the immediate area. Higher densities are appropriate in town centres to support retail, public transport, walking and cycling and minimising greenfield development.

Policy LP 3

HOUSING DENSITY AND STANDARDS

New residential and mixed-use development (including conversions and changes of use) must achieve an appropriate housing density that has regard to the following factors:

- a. accessibility to local services;*
- b. the need for residential development to comply with the government's latest 'Technical housing standards - nationally described space standard';*
- c. the required mix of housing;*
- d. the context and character of development (and the opportunity to enhance that character) in the immediate area;*
- e. for the edge of greenfield sites, the need for an appropriate transition between built development and the open countryside; and*
- f. on-site infrastructure requirements that will need to be incorporated into the layout of the development (including green infrastructure, highways and footpaths built to adoptable standards, public rights of way and any community facilities).*

On housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M4(2) 'adaptable and accessible' standard. For affordable homes, 10% should be to Building Regulations Part M4(2) and 5% should be to Part M4(3) 'wheelchair-user' standards (Ref. Tendring District Housing Viability Assessment 12 May 2017).

This Policy contributes towards achieving Objectives 1 and 6 of this Local Plan.

5.4 Housing Layout

- 5.4.1** The National Planning Policy Framework states that the supply of new homes can sometimes best be achieved through planning for larger scale developments that follow the principles of 'Garden Cities'. Section 1 of this Local Plan sets out the specific requirements for the Tendring Colchester Borders Garden Community.
- 5.4.2** Due to the lack of available brownfield land, the Council has no choice but to promote the expansion of towns and villages onto greenfield land to deliver the District's future housing requirements. Rather than the high-density housing estates that have dominated housing provision over the last forty years which are characterised by cul-de-sacs, narrow highways and an increasing over-dominance of on-street car parking, this Council wants to embrace the principles of the Garden City movement as a means of bringing about social and economic improvements in the District. The Council will therefore only support large scale housing developments if they are well designed, integrated with the existing environment and contribute positively towards the 'sense of place'.
- 5.4.3** Examples of residential areas in the Tendring District that display these characteristics are the Avenues area of Frinton-on-Sea, the Gardens area of Clacton-on-Sea and inter-war developments in Tewkesbury, Thornbury and Severn Roads, Douglas Road, Vicarage Gardens, Clacton; and the majority of Holland-on-Sea.

Policy LP 4

HOUSING LAYOUT

To ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential and mixed-use developments in the Tendring District will be expected to:

- a. promote health and wellbeing by incorporating and maximising the use of green infrastructure, verges, trees and other vegetation. Proposals for residential development on sites of 1.5 hectares and above are required to provide at least 10% of the gross site area as public, open space (unless there are more specific open space requirements set out in policies relating to the site in question);*
- b. locate new public open space where it can be conveniently and safely accessed by all members of the community, especially children by walking and cycling; and ensuring it is directly overlooked on all sides and not located to the rear of properties;*
- c. consider surface water management from the outset of site layout and masterplanning. All surface water should be managed by means of Sustainable Urban Drainage System (Suds) unless there is an exceptional case not to do so;*
- d. minimise the opportunities for crime and anti-social behaviour by ensuring good natural surveillance of both public and private spaces from buildings and the streets, providing clear definition between public and private spaces and convenient access for emergency services*
- e. ensure that the overall highway network is legible, permeable, with all roads connected wherever possible and fit for purpose by all road users;*
- f. ensure internal road layouts can safely and comfortably accommodate emergency services, waste collection services, buses (where necessary) and other large vehicles;*
- g. accommodate residential parking provision for residents on-plot, either at the front or side of dwellings with sufficient provision of on-street parking for use by visitors and delivery vehicles;*
- h. deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place;*
- i. be of a density that reflects the factors set out in Policy LP3;*

- j. provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area; and*
- k. meet all other requirements of the Local Plan.*

To ensure new developments meet these requirements and other requirements of policies in this Local Plan, the Council will sometimes work with landowners, developers and other partners, particularly on larger schemes, to prepare master plans or development briefs prior to the submission of planning applications.

In determining planning applications, the Council will also refer to the guidance provided in the Essex Design Guide for Residential & Mixed-Use Developments, 'Building for Life' and the 'Manual for Streets' and as superseded; as well as adopted Master Plans, Place Plans, Neighbourhood Plans or Village Design Statements. For new residential development in Jaywick Sands, the Council will also have regard to the Supplementary Planning Document (SPD) being prepared to guide new development in that area.

This Policy contributes towards achieving Objectives 1, 5 and 6 of this Local Plan.

5.5 Affordable Housing

5.5.1 The Council's Strategic Housing Market Assessment suggests that over the plan period there will be demand for new 'affordable housing' in our District to cater for people and families with low incomes who cannot afford to buy or rent property on the open market. Extensive public consultation with our residents suggests that the concept of affordable housing is supported, especially to give younger people a fair chance to live and work in the area. However, there is a concern that if this housing is not properly managed and there are no strict controls on who can and cannot qualify, it could encourage people from outside of Tendring to move to the area for affordable accommodation, placing people with long-standing local connections at a disadvantage.

5.5.2 To tackle this issue, the Council has carefully reviewed its policies on who can and cannot qualify for affordable housing to give priority to those people who have lived, and ideally worked, in the District for at least three years. The Council will still have a statutory duty to meet the needs of people from outside the District if they have a particular urgent need for housing, but in the majority of cases local people will be given priority. The Council also proposes to deliver affordable housing in the form of 'Council Housing', managed and maintained directly by Tendring District Council, to ensure that these rules are properly enforced. Specialist affordable/market homes such as starter homes and key worker homes will be delivered as market or affordable homes as appropriate.

- 5.5.3** Policy LP5 below requires that for development proposed outside of the Tendring Colchester Borders Garden Community, involving the creation of 11 or more (net) homes, 30% of new dwellings (including conversions) will be made available to Tendring District Council or a nominated partner (which could include a registered housing provider or a trust) to acquire for use as affordable housing. A lesser amount of affordable housing than required by Policy LP5 will only be considered where robust evidence is provided to demonstrate that the development would not be economically viable as a result of the affordable housing requirement. Such evidence will be independently tested, at the applicant's cost, as necessary.
- 5.5.4** Changes to the National Planning Policy Framework (NPPF) in 2019 introduced a requirement for at least 10% of dwellings on major developments involving housing to be made available for 'affordable home ownership' (a specific category of affordable housing which allows people to purchase property at a discounted price) unless it would exceed the level of affordable housing required in the area or would significantly prejudice a Council's ability to meet the identified affordable housing needs of specific groups. In determining planning applications and in negotiating the right mix of affordable housing the Council will consider, on a case-by-case basis, the applicability and impact of the 10% affordable home ownership requirement, having regard to the latest information on affordable housing need contained within its Strategic Housing Market Assessment (SHMA) and its housing needs register.

Policy LP 5

AFFORDABLE HOUSING

To promote a mix of housing tenure in the District and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new affordable housing.

For development proposals outside of the Tendring Colchester Borders Garden Community, involving the creation of 11 or more (net) homes, the Council will expect 30% of new dwellings, (including conversions) to be made available to Tendring District Council (subject to viability testing) or its nominated partner(s) to acquire at a proportionate discounted value for use as affordable housing.

To avoid an over-concentration of affordable housing in one location, no single group of affordable housing will exceed ten dwellings and to ensure positive integration between the residents of affordable housing and market housing, there should be no material difference in the appearance or quality between dwellings to be sold on the open market and those to be acquired and managed by the Council or its nominated partner(s).

The size and type of affordable housing will be specified by the Council on a case-by-case basis having regard to the latest Strategic Housing Market Assessment (SHMA) and housing needs register and will be the subject of negotiation between the Council and the developer or applicant.

This Policy contributes towards achieving Objective 1 of this Local Plan.

5.6 Rural Exception Sites

- 5.6.1** To enable the delivery of affordable housing in rural areas, the Rural Exception Scheme allows small developments on a site which abuts or is well-related to the Settlement Development Boundary of a 'Rural Service Centre' or 'Smaller Rural Settlement' as defined by the spatial hierarchy. These can come forward as an exception to normal settlement policy. Such schemes are intended to meet the housing needs of local people unable to afford accommodation in the villages where they live or have close local family or employment ties. The rural exception policy will be particularly useful in delivering additional housing in rural settlements where only limited growth is proposed and where the affordable housing is not likely to be otherwise delivered. Where Parishes have identified a need for local housing in an area, it can still be difficult to encourage landowners to sell their land below open market residential values. To address this, there is a provision for a maximum of one open market home in three homes on sites put forward by the Parish Council or through the Community Right to Build.

- 5.6.2** In considering planning applications for affordable local needs housing, the Council must be provided with evidence to show a scheme meets a demonstrated local need. Such evidence should define the local client group requiring housing and their specific housing requirements.
- 5.6.3** In addition, information detailing the number, size and tenure of dwellings proposed (e.g. rental units or shared ownership) will be required. Otherwise the exceptional need for a proposal, in particular whether it meets or contributes to the identified local need, cannot be established. In such circumstances, a detailed planning application will normally be needed.
- 5.6.4** It is essential to demonstrate that the proposed housing realistically meets or contributes to the identified local need and will be exclusively reserved and managed in perpetuity as affordable housing for the long-term benefit of the local community. Therefore, arrangements which will secure this must be in place before planning permission is granted and when the rental values or selling prices are accurately predicted. These would normally take the form of voluntary planning obligations and covenants offered by the agency involved in managing the scheme and agreed by the landowner, the developer and the Council. Management of the scheme by Tendring District Council or an alternative housing association, charitable trust or similar organisation will generally offer the required assurances. Restricting the occupation of property to people falling within the identified categories of local need will ensure that units remain affordable.

Policy LP 6

RURAL EXCEPTION SITES

Affordable housing may be permitted on sites adjoining the Settlement Development Boundaries of a 'Rural Service Centre' or 'Smaller Rural Settlement', as defined by the settlement hierarchy, as an exception to normal settlement policy to meet a specific identified local need that cannot be otherwise met.

To justify this form of development, applicants must demonstrate a shortage of affordable housing, where provision would offer long term security of tenure to existing residents within the relevant Parish needing separate accommodation in the area and other persons with strong local connections within the Parish in terms of employment or longstanding family, or previous residence links and who require accommodation in the area.

Proposals will need the support of the relevant Parish or Town Council and be expected to meet all of the following criteria:

Evidence of Local Need

The proposal must include detailed and up-to-date evidence of local need for affordable housing within the Parish, proven to the satisfaction of the District Council. The detail of any planning application should show that the number of affordable homes will not exceed the number, size and tenure genuinely required to meet the identified local housing need.

The Content of Schemes

A proposal shall cater primarily for local needs. However, to assist with the economic viability of the overall development and provide an incentive to landowners to release their land, a maximum of one in three dwellings in the overall development can be provided for sale or rent on the open market.

Secure Arrangements

Secure arrangements must be in place, before the granting of planning permission, that:

- a. ensure that all the affordable homes within the scheme remain exclusively for local need through control of occupation during the lifetime of the development and that the low-cost benefits of the housing provision pass on to subsequent occupants meeting the criteria of local need;*
- b. ensure that the necessary long-term management of the scheme is permanently secured; and*
- c. provide that where a vacated affordable home in the scheme cannot be filled by persons in local need within the Parish, that the home is made available over within Tendring District on the same basis of need to secure its occupation.*

Location and Environmental Considerations

The proposal shall have no significant material adverse impact on biodiversity and geodiversity (including designated sites), landscape (including designated landscapes), the historic environment, residential amenity, highway safety, or the form and character of the settlement to which it adjoins.

This Policy contributes towards achieving Objective 1 of this Local Plan.

5.7 Self-Build and Custom-Built Homes

- 5.7.1** The National Planning Policy Framework requires Councils to plan for a mix of housing based on the needs of different groups in the community which includes people wishing to build their own homes as a Self-Build or Custom-Built home. The majority of the new homes that will be built in Tendring up to 2033 will be on sites specifically allocated for development which tend to be acquired by volume house builders and local developers who will aim to deliver new housing to meet the needs of the mass market. However this leaves few opportunities for the construction of individual properties of bespoke and innovative architectural design, larger more spacious properties for the higher end of the market and self-build 'grand designs' for people wanting to build a home to live in themselves.
- 5.7.2** The strategic priorities of this Local Plan focus heavily on the need to deliver economic growth, tackle unemployment and deprivation and improve the long-term prospects of future generations. Alongside measures to attract businesses, rejuvenate town centres and create more jobs, the Council's Economic Development Strategy suggests that delivering the right mix of housing is critical to the future of the District's economy. By enabling opportunities to deliver self-build homes within the overall mix of new housing over the plan period, the District can go some way in providing attractive high-quality properties that local people can aspire to live in and stay close to their family. The opportunities to build such properties could also help to encourage high-earners and people with entrepreneurial spirit to live in the District who will have disposable income to spend in the local economy and who have the potential to invest in local business opportunities.
- 5.7.3** Paragraph 55 of the National Planning Policy Framework requires Councils to avoid new isolated homes in the countryside unless there are special circumstances which, amongst others, can include the "exceptional quality or innovative nature of the design of the dwelling". Policy LP7 therefore sets out the circumstances under which aspirational or self-build homes could be built outside of settlement development boundaries but within a reasonable proximity of the District's more sustainable urban settlements and rural service centres.

Policy LP 7

SELF-BUILD AND CUSTOM-BUILT HOMES

The Council will encourage the provision of opportunities for constructing Self-Build and Custom-Built Homes as part of the mix of housing on large residential developments and the one-for-one replacement of an existing dwelling, of any size, in the countryside outside of settlement development boundaries with a single unit of Self-Build Housing, unless the impacts of development would conflict with other policy requirements in this Local Plan.

The Council will also consider, on their merits, proposals for small developments of new Self-Build and Custom-Built Homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes. All new dwellings on such developments must either:

- a. be safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements', or 'smaller urban settlements'.*
- b. be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or*
- c. involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use.*

The proposal shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in this Local Plan.

This Policy contributes towards achieving Objective 1 of this Local Plan.

5.8 Backland Residential Development

5.8.1 "Backland" developments are, for the purposes of Policy LP8 below, defined as the proposed erection of one or more dwelling houses on a parcel of land:

- which lies generally behind the line of existing frontage development;
- has little or no frontage to existing public highway; and
- which would constitute piecemeal development in that it does not form part of a large area allocated for development.

- 5.8.2** Typical sites include the back gardens of existing dwellings, “tandem” development sites of the kind found in Jaywick Sands, smallholdings, yards, or small vacant sites. On these sites, it will often be difficult to achieve the design requirements of this Local Plan due to a combination of location, restricted access and intensity of residential use in the vicinity.
- 5.8.3** The main problems that can arise as a result of backland development include: undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents’ amenities. Development behind an established building line can also appear incongruous, particularly isolated dwellings. To avoid these problems, backland development requires particularly thorough planning, and Policy LP8 provides specific criteria that the Council will apply in such proposals.
- 5.8.4** There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.
- 5.8.5** “Tandem” development consists of a dwelling or dwellings immediately behind an existing residential frontage which are served by a shared access. It is generally unsatisfactory because of the difficulties of access to the dwelling at the rear and the disturbance and lack of privacy suffered by the residents of the dwelling in front.

Policy LP 8

BACKLAND RESIDENTIAL DEVELOPMENT

Proposals for the residential development of “backland” sites must comply with the following criteria:

- a. where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;*
- b. a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;*

- c. *the proposal must avoid “tandem” development using a shared access;*
- d. *the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;*
- e. *the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting;*
and
- f. *the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.*

This Policy contributes towards achieving Objective 1 of this Local Plan.

5.9 Gypsy and Traveller Sites

- 5.9.1** Government guidance sets out the approach Local Authorities should take when making provision for Gypsy and Travellers. It requires Local Authorities to make their own assessment of need, develop fair and effective strategies to meet need through the identification of land for sites, to plan for sites over a reasonable timescale, to increase the number of traveller sites in appropriate locations in order to address under provision and maintain an appropriate level of supply.
- 5.9.2** In August 2015 a new definition of Gypsy and Traveller was introduced into the Planning Policy for Traveller Sites (2015). This meant that the Council’s existing evidence base needed to be updated to reflect the new definition. This new study looked at the new definition and only those households that fall within the planning definition now need to be formally assessed as part of the Gypsy and Traveller Accommodation Assessment (GTAA) process.
- 5.9.3** The GTAA for all local planning authorities in Essex follows a consistent approach and was commissioned jointly by the Councils working in partnership in line with the legal duty to cooperate. The GTAA was updated in 2018. In 2018 there were 11 permanent gypsy and traveller pitches in Tendring and planning permissions in place to deliver a further 11 permanent pitches and 1 temporary pitch. The GTAA for Tendring identifies a future need up to 2033 for 1 additional pitch for households meeting the new definition for a gypsy or traveller, 3 pitches for households not meeting the definition and 2 pitches for households where it is unclear whether or not the definition is met. There are therefore sufficient planning permissions in place without the need to specifically allocate any land for additional gypsy and traveller pitches in this Local Plan. Longer-term provision for gypsy and travellers is however proposed as part of the Colchester Tendring Garden Community and details will be set out in the separate Development Plan Document (DPD) for that area. The GTAA identifies no need for plots for travelling showpeople in Tendring.

- 5.9.4** Planning Policy for Traveller Sites (2015) says that where there is no identified need for additional gypsy and traveller pitches, Councils should have criteria-based policies in their Local Plan to provide a basis for decisions in case applications nevertheless come forward. Such policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community. Any applications for the creation of new gypsy and traveller sites or additional pitches will be judged against the criteria of Policy LP9 below and any other relevant policies in this Local Plan.

Policy LP 9

GYPSY AND TRAVELLER SITES

The projected future need for five gypsy and traveller pitches in Tendring up to 2033 as identified in the Gypsy and Traveller Accommodation Assessment (GTAA) can be met in full through sites that have already obtained planning permission and therefore this Local Plan does not allocate any specific sites for this purpose. It is proposed that further longer-term provision will be met as part of the Colchester Tendring Borders Garden Community. There is no current or future need for any plots for travelling showpeople in Tendring and therefore no land is allocated for this purpose.

Any proposals for additional pitches to meet the needs of gypsies and travellers will be considered against criteria a) to e) below alongside other requirements in the Local Plan:

- a. *sites must avoid any adverse impacts on any internationally, nationally or locally designated protected areas and must avoid areas prone to flooding;*
- b. *sites must have reasonable access to key facilities including schools, doctors' surgeries, convenience shops, and employment sites;*
- c. *sites must include suitable circulation and amenity space;*
- d. *sites must comprise well drained ground and achieve safe access for large vehicles from the local road network and access to utilities; and*
- e. *sites must be of a high quality design and landscaping, providing a good standard of residential amenity for their occupiers.*

This Policy contributes towards achieving Objective 1 of this Local Plan.

5.10 Care and Assisted Living

- 5.10.1** Demographic projections suggest that by the end of the plan period in 2033, around 60% of our residents could be over the age of 65 and we know that our District is already a very popular area for retirement, particularly in our coastal towns of Clacton and Frinton, with much of the demand for new housing driven by the migration of older people from other parts of the country. Generally, thanks to advancements in

medical care and healthier lifestyles, people are living longer and the Council is actively promoting the District's leisure offer to the 'active retired' who make a valuable contribution toward our local economy.

- 5.10.2** The Local Plan encourages development of care, independent and assisted living homes in appropriate locations. This will ensure future generations of older and disabled residents get the highest quality of care and future generations of working age residents can access a range of job opportunities in a diverse and growing sector of the economy. As well as jobs for care assistants, growth in this sector will generate job opportunities for medical professionals, caterers and managers as well as jobs in supply chain industries dealing with matters such as maintenance, gardening, specialist training, security and construction. Consideration of staffing capacity/availability must be considered by applicants prior to submission of planning applications.
- 5.10.3** Residential institutions have the potential to accommodate a significant number of residents, employ substantial numbers of staff and receive visits from friends and family. Therefore, they are best located in accessible locations, ideally within the settlement development boundaries of the District's more Sustainable Urban Settlements and Rural Service Centres. As opposed to the Smaller Rural Settlements or remote countryside locations where there tend to be fewer local services and facilities, limited access to public transport and where the introduction of such development can often have a detrimental impact on the rural character of that community.
- 5.10.4** However, the Council does recognise that it is often difficult to find areas of land large enough to accommodate larger, high quality care homes set within open grounds with gardens, landscapes and trees – which, for the quality of life for residents, is very important. Therefore, the policy encourages the development of care homes and extra-care housing within the larger residential and mixed-use allocations across the District.
- 5.10.5** Secure Residential Institutions, which come under use class C2a, can include secure hospitals, detention centres and prisons. These institutions also have the potential to employ significant numbers of people but in some instances can have a detrimental impact on their immediate surroundings in terms of noise and disturbance. A more remote location may therefore be appropriate and proposals for these kinds of institutions will be considered on their own merits subject to meeting the requirements of other policies in this document and demonstrating a local need.

Policy LP 10

CARE, INDEPENDENT ASSISTED LIVING

To meet the care needs of our future generations and generate growth in the care, independent and assisted living sector in line with the Economic Development Strategy, the Council will support the construction of high quality care homes and extra-care housing in sustainable locations. The Council will also work with the NHS, Essex County Council, care providers, educational establishments and businesses to promote technological advancements in the provision of care, improvements in training and qualifications for care professionals and support growth in the 'supply chain' industries related to care and assisted living.

The Council will support the provision of care homes and extra care housing within settlement development boundaries and, in particular, within the mix of accommodation for the residential and mixed-use developments across the District.

The Council will also consider, on their merits, proposals for the development of new (including change of use to) care homes (Use Class C2) on land outside of settlement development boundaries where they will still support a sustainable pattern of growth in the District. Such developments must either:

- a. be located on a site safely accessible on foot within 800 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements', 'smaller urban settlements' or 'strategic rural service centres'; or*
- b. be located on a site safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'.*

All new care homes and extra care housing must pay particular attention to landscape character if located outside of settlement development boundaries and offer a high quality, safe, secure and attractive environment for their residents and provide sufficient external space to accommodate the normal recreation and other needs of residents, visitors or employees. Proposals shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in this Local Plan.

Proposals for the development of new (including change of use to) secure residential institutions (Use Class C2A) will be considered on their own merits against other policy requirements of this Local Plan.

Development that would result in the loss of all, or part, of an existing care home will not be permitted unless the applicants can demonstrate, with evidence, that the site or premises are no longer economically viable. The approach used to demonstrate that the

requirements of this policy have been met may vary from site to site and so must be agreed between the Council and the applicant in advance of any planning application being submitted.

Where planning permission is granted, use rights under the provision of the latest Use Classes Order may be withdrawn where there is evidence to suggest that another use within the same or different Use Class would be inappropriate.

This Policy contributes towards achieving Objective 1 of this Local Plan.

5.11 HMO and Bedsits

- 5.11.1** An HMO (House in Multiple Occupation) is a house occupied by three or more unrelated individuals as their only or main residence where they have individual lockable bedrooms, but where basic amenities such as a kitchen or bathroom are shared. HMOs with between three and six bedrooms fall under Class C4 of the Use Classes Order. HMOs with seven or more bedrooms are classed as 'sui generis'. Each individual bedroom within an HMO is classed as a 'tenancy unit'.
- 5.11.2** Bedsits are dwelling houses that consist of a single room containing living accommodation and dedicated, but often basic, cooking and washing facilities (such as a cooker, microwave oven and sink) but sometimes bathroom and toilet facilities are shared by a number of bedsit occupiers. Bedsits form part of Use Class C3.
- 5.11.3** The creation of HMOs and bedsits, in the majority of cases, require planning permission in line with national planning regulations. The conversion of a 'dwelling house' (Use Class C3) to an HMO in Use Class C4 can take place without the need for planning permission except in locations where the Local Authority has made an 'Article 4 Direction' to remove this permitted change. Tendring District Council has made an Article 4 Direction removing this permitted change in all parts of the District. Therefore any proposal involving the creation of an HMO or bedsits in the Tendring District will require planning permission.
- 5.11.4** The Council is concerned about the impact that an increasing number of HMOs and bedsits, both new-build proposals and the conversion of existing properties, will have on the health of residents, the economy of the District and the physical character of our towns and villages. An increasing number of large residential properties, hotels and guesthouses in central parts of our seaside towns are being lost to HMOs and bedsits, which will result in the permanent loss of valuable visitor accommodation, essential to the tourism economy, and poor living conditions and resultant health problems for tenants.
- 5.11.5** Furthermore, the concentration of low-cost accommodation within town centre areas can result in a high proportion of people with personal, financial or health issues moving into the area (often from outside of the District) and being concentrated

together in one area, placing undue pressure on the public services within those areas (such as doctors' surgeries); detracting from the public perception of the area (which is all important for the purposes of attracting visitors, tourists and investors to spend money in the local economy); and, in turn, making the owners of houses, hotels and guesthouses within the area consider converting their premises into HMOs and bedsits, for rental income, rather than retaining them in their existing use.

- 5.11.6** This trend is not sustainable for the long-term health and prosperity of the District and the economy of our town centres and tourist areas. Therefore Policy LP11 below is designed to ensure that any proposal for HMOs or bedsits does not result in an unhealthy concentration of such accommodation in any one particular area and to ensure that any HMOs or bedsits that are permitted will meet minimum standards of room size, facilities, design and layout to ensure that occupiers can enjoy decent living standards and to minimise any detrimental impacts on the physical appearance of the area. The space standards set out in the policy are based on the minimum space standards prescribed in Section 326 of the Housing Act 1985.

Policy LP 11

HMO AND BEDSITS

All proposals involving the creation of Houses in Multiple Occupation (HMOs) or bedsits (including new-build, subdivisions and conversions) will require planning permission and will only be permitted within defined town centres where all of the following criteria are met:

- a. within a 100 metre radius of the property or site in question (drawn as a circle from the centre of the property or site), the total number of existing and proposed HMO tenancy units and bedsits, as a proportion of all residential accommodation (tenancy units plus bedsits and dwelling houses that are not HMOs), would not exceed 10%;*
- b. the proposed tenancy units have a minimum internal floor area of 12 square metres and bedsits have a minimum internal floor area of 16 square metres;*
- c. each individual tenancy unit or bedsit has direct physical access to communal facilities without the need to rely on access via another tenancy unit or bedsit;*
- d. no more than six tenancy units or bedsits will be served by a single indoor communal facility such as a living room, dining room or kitchen;*
- e. a minimum of 1 off-street car parking space per tenancy unit or bedsit is provided and each parking space must be capable of being used independently of one another;*
- f. all residents of the HMO or block of bedsits have access to adequate space for the storage of waste and recycling bins which will be provided within the curtilage of the block;*

g. all external alterations to existing buildings are in keeping with the character of the building and the wider area; and

h. an area of communal open space is provided that has sufficient space and facilities for drying clothes.

This Policy contributes towards achieving Objective 1 of this Local Plan.

6 Prosperous Places

- 6.0.1** The Local Plan's strategic objective for Employment/Commercial is "To provide for the development of employment land on a variety of sites to support a diversity of employment opportunities and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth up to the period of 2033."
- 6.0.2** Promoting balanced economic growth is one of the key elements of delivering sustainable development. This Local Plan aims to make Tendring District more self-reliant by achieving a sustainable balance between jobs, retail development, tourism, leisure, hotel and guesthouse development and associated facilities and to improve education and skills for our District's residents. Balancing growth will ensure that our natural and built environment, especially our countryside, are preserved and protected against unsustainable growth.
- 6.0.3** The National Planning Policy Framework requires local planning authorities to adopt a positive approach toward development proposals that will contribute toward building a strong, responsive and competitive economy in their area and to ensure that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. From undertaking extensive consultation with residents and businesses within the Tendring District, it is clear that delivering a strong economy that provides more jobs for local people is a high priority in our area but that the pursuit of economic growth must also sit comfortably alongside other objectives, such as protecting and enhancing the environment and planning positively to meet the social needs of our local communities.
- 6.0.4** The Economic Development Strategy was adopted by the Council in November 2013 and it sets out the following five key objectives:
- **Objective 1: Support Tendring's growth locations**
Prioritising economic development projects in Harwich, Clacton and the west of the District (toward Colchester) as these are the areas with the greatest potential for economic growth and where the case for government assistance and funding will be the strongest.
 - **Objective 2: Target growth sectors**
Promote sectors of the economy with the greatest potential for significant growth and job creation which, for Tendring District, are Offshore Renewable Energy and Care and Assisted Living.
 - **Objective 3: Ensure residents have skills and information to participate**
Working with businesses and educational establishments to provide the training and work experience our residents need to address skills shortages and therefore achieve a diverse and highly skilled local workforce to fulfil the demands of new businesses looking to locate in our area.

- **Objective 4: Support modernisation, diversification and growth within the business base**
Building a stronger relationship between the Council and the District's existing business base, including the delivery of improved broadband infrastructure and supporting businesses to expand and diversify.
- **Objective 5: Facilitate population growth where this supports economic objectives**
Building more homes in the right locations, which will increase the population and boost the demand for goods and services and unlock new employment opportunities.

6.1 Delivering Retail

- 6.1.1** The Local Plan's strategic objective for Retail Development is "To promote the vitality and viability of the town centres, exploiting the benefit of enhanced growth of the town whilst retaining the best and valued aspects of its existing character."
- 6.1.2** The National Planning Policy Framework (NPPF) promotes planning policies that help create the conditions in which businesses can invest, expand and indicates that significant weight should be placed on the need to support economic growth through the planning system.
- 6.1.3** The NPPF requires local planning authorities to support the role that town centres play at the heart of their communities and pursue policies to promote their viability and vitality. In addition, local planning authorities are expected to allocate a range of suitable sites in town centres to meet the scale and type of anticipated needs for retail uses. Ensuring town centres are recognised and protected and sufficient land can be brought forward to meet the retail needs of the District is a crucial element of this Local Plan.
- 6.1.4** References in the Local Plan to "town centres" or "centres" apply to town centres, District centres and local centres but exclude small parades of shops of purely neighbourhood significance.
- 6.1.5** Town centres act as key locations for a diverse range of uses such as retail, leisure, commercial, office, tourism, cultural activities, community facilities and also provide an important, sustainable location for housing.
- 6.1.6** Retail is split into comparison and convenience shopping. Convenience shops provide for the everyday essential items including milk and newspapers, food and drinks and confectionery. These shops are usually close to people's homes so people can make many visits during the week. Comparison shops provide items not purchased on a frequent basis such as clothing, footwear or household items.
- 6.1.7** The Town Centre First principle requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The NPPF sets out that when assessing large applications for retail, leisure and office development outside of town centres, which

are not in accordance with an up-to-date Local Plan, local authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.

6.1.8 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the town centre, it should be refused. Local planning authorities are required to ensure that sequential test and impact test have been properly applied, and that the "town centre first" approach has been followed. This does not mean that out-of-centre development is necessarily inappropriate.

6.1.9 Tendring District Council commissioned WYG Planning and Environment (WYG) to undertake a Retail Study in 2016, to serve as local evidence to support the Local Plan Policies. An updated retail study was undertaken in 2020 by Lambert Smith Hampton (LSH).

6.1.1 Additional Retail Floorspace Provision

6.1.1.1 The National Planning Policy Framework (NPPF), requires that local planning authorities (LPA's) should allocate a range of suitable sites to meet the scale and type of town centre uses needed in town centres and that it is important that the need for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Town centre boundaries should be kept under review where necessary.

6.1.2 Convenience Shopping

6.1.2.1 The quantitative assessment in LSH Retail and Town Centre Uses Study (2020) estimates that turnover for convenience goods sales in the district could increase from around £348.5million in 2020 to around £390.6million by 2033, potentially generating capacity for around 2,347 sq.m of additional convenience goods in the plan period – the equivalent of an additional foodstore. However, these findings need to be assessed against market demand and, in 2020, there was limited commercial appetite amongst mainstream grocers to establish new stores, with demand for new store openings mostly confined to the discount food market. However, most of the major foodstore operators are already represented in the district. The assessment notes that opportunities to enhance Clacton's convenience retail offer are likely to be limited to improving existing foodstore provision but that, if market conditions support it, any new provision should be directed to Clacton Town Centre as a priority, in line with the sequential approach and to support the Council's objectives for rejuvenation of that centre.

6.1.3 Comparison Shopping

6.1.3.1 The LSH Retail and Town Centre Uses Study (2020) estimates that turnover for comparison goods sales in the district could increase from around £291.6million to around 441.3million by 2033, however taking into account the emergence and success of on-line retailers in meeting comparison goods demands, the capacity for

increasing physical comparison goods floorspace is likely to be much lower than for convenience goods. With a predicted increase in capacity of around 54sq.m by 2033, the need for additional comparison goods floorspace in the district is likely to be negligible and easily accommodated within either existing vacant town centre units or retail schemes that already benefit from planning permission.

- 6.1.3.2** The LSH Retail Study highlights that Clacton is a vital and viable centre, but could become vulnerable as a result of the economic impact of Covid-19. Nonetheless, the Study identified Clacton as an important shopping and service centre for the district. Goad's survey data from March 2019 shows that there were 88 national multiples in the town centre, of which 51 were retailers. Council initiatives, alongside private investment in recent years, have seen considerable improvements to the built environment, which is beneficial to the town centre's visitor experience. The Council is also working with partners on a programme of measures to rejuvenate Clacton Town Centre.

Policy PP 1

NEW RETAIL DEVELOPMENT

Retail development will be encouraged and permitted in the retail policy area of the town centres as defined on the Policies Map. This will be the main focus for new additional retail floorspace for the town centres, maintaining the District's current hierarchy and market share between centres.

Retail development will be encouraged on a scale appropriate to the needs of the area served by these centres. Development will be subject to local planning, traffic and environmental considerations and the needs of people who live in or near the areas affected.

This Policy contributes towards achieving Objectives 3, 6 and 9 of this Local Plan.

6.2 Retail Hierarchy

- 6.2.1** With the introduction of the National Planning Policy Framework (NPPF), there is now a need to take fresh look at how the delivery of retail is managed in the District.
- 6.2.2** The NPPF requires planning policies to define a network and hierarchy of centres that promotes their long-term vitality and viability. It states that, planning policies should support the role that town centres play at the heart of their communities vitality by taking a positive approach to their growth, management and adaptation.

- 6.2.3** The NPPF continues the government's commitment to place a high level of importance on the 'town centre first' approach to the delivery of retail, leisure, office, tourism and business development (collectively known as 'town centre uses').
- 6.2.4** The NPPF (Annex 2) defines the town centre as follows:
- 6.2.5** 'Area defined on the local authority's policy map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres'.
- 6.2.6** The District centres will usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.
- 6.2.7** Local centres include a range of small shops of a local nature, serving a small catchment. This might include, amongst other shops, a small supermarket, newsagent, a sub-post office and pharmacy. Other facilities could include a hot-food takeaway and launderette. In rural areas large villages may perform the role of a local centre.
- 6.2.8** Small parades of shops of purely neighbourhood significance are not regarded as centres for the purposes of this policy statement.
- 6.2.9** In order to plan positively to promote the vitality and viability of the town centres, the Council has identified a local retail hierarchy for the District that sets out the role and function of centres. The presumption would be that any proposals for a main town use would only be permitted if firstly every effort had been made to locate it in the defined centres as a preference (following the application of the 'sequential test').
- 6.2.10** Our town, District, village and neighbourhood centres provide a significant proportion of the District's local employment and business activity and offer a range of services, facilities and activities that meet the needs of both local residents and people that visit the area. These centres lie at the heart of our communities and are often the historic core of our towns, villages and neighbourhoods and the home to many attractive and historic spaces, buildings and other features.
- 6.2.11** The nature of retail is changing, with the emergence of on-line shopping along with the popularity and convenience of large superstores. The Council wishes to promote the vitality and viability of these centres and accepts that with changes in shopping habits, they will need to move with the times to remain a focus for economic activity and community life.

- 6.2.12** Therefore, our centres will need to change too by becoming more diverse in their offer, embracing more leisure-based activities such as: eating and drinking; promoting the evening economy; utilising the internet as a promotional tool rather than seeing it as a threat to business; providing safe and attractive environments that people are more inclined to visit through choice, rather than convenience; and being easily accessible by a range of transport types.
- 6.2.13** The Council and local businesses both have an important role to play in bringing about this change.
- 6.2.14** The Draft Policy PRO5, Local Plan Pre-Submission Document (2012) identified Clacton as a 'major town centre' and Frinton, Harwich, Dovercourt, Brightlingsea, Manningtree and Walton as 'designated town centres'. Underneath these are 'District centres', 'village centres', and existing and 'proposed neighbourhood centres'.
- 6.2.15** The WYG Retail Study (2016) recommends that Clacton should continue to be classified as a major town centre and the following retail areas are classified as a town centres: Dovercourt, Walton-on-the-Naze, Frinton-on-Sea, Brightlingsea and Manningtree. This study classified Harwich as a District centre due to its level of retail provision and role it plays within the network of centres. The health check shows that Harwich has a total of 3,810 sq.m retail and leisure floorspace and has a disjointed centre with a high level of non-town centre uses at ground-floor level.
- 6.2.16** As well as the defined centres listed in Policy PP2, the District also contains a number of large modern retail parks or stand-alone supermarkets/retail outlets that are located in out-of-town centre (or edge-of-town centre) locations that often fulfil a need for bulky-goods retail that cannot be accommodated in town centres. The national planning policy is for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Policy PP 2

RETAIL HIERARCHY

The following centres, as defined on the Policies Map, provide the key locations that can be resilient to future economic changes and which should be considered as part of a sequential test for proposed main town centres.

Retail development should take place at a scale appropriate to the size and function of the centre within which it is to be located. To guide this approach, the following retail hierarchy is defined:

Major Town Centre

- Clacton

Town Centres

- Dovercourt
- Walton-on-the-Naze
- Frinton-on-Sea
- Brightlingsea
- Manningtree

District Centres

- Harwich
- Old Road, Clacton
- The Triangle, Frinton-on-Sea
- Great Clacton
- Frinton Road, Holland-on-Sea

These centres will be the focus for 'town centre uses' which include retail, leisure, commercial, office, tourism and cultural, community and residential development. The Council will promote a mix of appropriate town centre uses within these defined centres with 'active street frontages' at ground floor level. Proposals must be properly related in their scale and nature having regard to the above hierarchy.

This Policy contributes towards achieving Objectives 3, 6 and 9 of this Local Plan.

- 6.2.17** There are other small parades of shops across the towns and rural areas that are purely of neighbourhood significance but do not meet the definition of a centre. However, they contribute to the function of the local communities. The NPPF requires local planning authorities to plan positively for the provision of community facilities such as local shops and guard against the unnecessary loss of valued facilities and services. It is therefore appropriate to include an additional policy to protect and enhance these local facilities.

Policy PP 3**VILLAGE AND NEIGHBOURHOOD CENTRES**

Small-scale retail development to serve the day-to-day needs of village and local neighbourhoods will be normally permitted. Where express planning permission is required, proposals for change of use from retail within a neighbourhood shopping parade or a village with limited shopping provision will not be permitted unless retail use is either:

- *no longer viable;*
- *no longer needed by the community it serves; or*
- *is to be relocated, to provide an equivalent or improved facility.*

The Council will work with its partners, including local businesses, to protect and enhance the following village and local neighbourhood centres and any proposed village and neighbourhood centres as defined on the Policies Map.

Village Centres

- *Alresford Village Centre*
- *Elmstead Market Village Centre*
- *Great Bentley Village Centre*
- *Little Clacton Village Centre*
- *St. Osyth Village Centre*
- *Thorpe-le-Soken Village Centre*

Existing and Proposed Neighbourhood Centres

- *Bluehouse Avenue, Clacton*
- *Bockings Elm, Clacton*
- *Broadway, Jaywick Sands*
- *Burrs Road, Clacton*
- *Cambridge Road, Clacton*
- *Coopers Lane, Clacton*
- *Coppins Road, Clacton*
- *Gravel Hill Way, Harwich*
- *Junction of Tamarisk Way/Broadway, Jaywick Sands*
- *Thorpe Road, Kirby Cross*
- *Tudor Parade, Marlowe Road, Jaywick Sands*
- *Woodlands Close, Clacton*
- *Upper Dovercourt*
- *Frinton Road, Holland-on-Sea*
- *Waterside, Brightlingsea*
- *Neighbourhood centre at St. John's Road, Clacton*
- *New neighbourhood centre proposed for Oakwood Park Development, Clacton*
- *New neighbourhood centre proposed for Rouses Farm Development, Clacton*
- *New neighbourhood centre proposed for Hartley Gardens Development, Clacton*

This Policy contributes towards achieving Objectives 3 and 6 of this Local Plan.

6.3 Local Impact Threshold

6.3.1 In accordance with national planning policy, it is appropriate to identify locally set thresholds for the scale of edge-of-centre and out-of-centre retail, office and leisure development which should be subject to the assessment of the impact criteria set out by paragraph 26 of the NPPF.

6.3.2 For the purposes of this policy, an 'edge-of-centre' location means:

- for retail development, a site within 300 metres of a 'primary shopping area' with good pedestrian connections to that primary shopping area;
- for office development, a site within 500 metres of a railway station;

- for other town centre uses, a site within 300 metres of a defined town, district, village or neighbourhood centre.

6.3.3 An 'out of centre' location means a site that is not within a defined town, district, village or neighbourhood centre and not an edge-of-centre location, but that does fall within the Settlement Development Boundary of the settlement in question.

6.3.4 The NPPF states that:

6.3.5 *'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m of gross floorspace)'. This should include assessment of:*

- the impact of the proposal of existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).

6.3.6 Where an application is likely to have significant adverse impact it should be refused.

6.3.7 The WYG Retail Study (2016) assessed the need for a local impact threshold and recommended that 'a blanket approach' would not be appropriate across all centres. The study advised that policy should advocate a tiered approach with different thresholds based upon the location, role and function of the centre. For example a small convenience store would clearly have more impact on a local centre than the town centre. The study recommends that the thresholds should not only apply to new floorspace, but also to changes of use and variations of conditions to remove or amend restrictions on how units operate in practice.

Policy PP 4

LOCAL IMPACT THRESHOLD

Applications for retail, leisure and office development outside of a centre as defined on the Policies Map, which are not in accordance with the Local Plan, will require an impact assessment if the development is over the following floorspace thresholds in the nearest defined Town Centre:

- Clacton - 929 sq.m gross floorspace*
- Frinton-on-Sea - 929 sq.m gross floorspace*
- Dovercourt - 250 sq.m gross floorspace*
- Walton-on-the-Naze - 250 sq.m gross floorspace*

- e. *Brightlingsea - 250 sq.m gross floorspace*
- f. *Manningtree - 250 sq.m gross floorspace*
- g. *Harwich - 250 sq.m gross floorspace*

In determining planning applications, the Council will consider quantitative and qualitative impacts of the development on town centre vitality and viability, measures aimed at mitigating and minimising impacts and opportunities to claw back trade lost to other town centres both within and outside of the district.

This Policy contributes towards achieving Objectives 3 and 6 of this Local Plan.

6.4 Town Centre Uses

- 6.4.1** The National Planning Policy Framework (NPPF) requires that planning policy should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Therefore, it is vital that the future needs of the District's town centres are addressed through the Local Plan.
- 6.4.2** With regard to the location for new retail, leisure and other town centre development (as defined in the NPPF), the Council will adopt the 'sequential approach' as set out in the NPPF. This states that for retail development the first preference should be for town, district or local centre sites, where suitable sites are available, followed by edge-of-centre sites, and only then out-of-centre sites. With regard to edge-of-centre and out-of-centre, a preference should be given to accessible sites which are well connected to the town centre.
- 6.4.3** The NPPF states that local authorities should define areas within their town centres as primary shopping areas. These areas comprise the parts of the town centre where retail development is concentrated. It is the primary shopping areas of the town centres which are the preferred location for new retail development.
- 6.4.4** The NPPF states that the planning authorities should define the extent of the town centres and primary shopping areas, and set policies that make clear which uses will be permitted in such locations.
- 6.4.5** Use Class E, which came into effect in September 2020, incorporates not only those uses which the NPPF defines as 'Main town centre uses', but also certain other uses such as medical services and some industrial. Changes between uses within this class will not be subject to a planning application, which will promote further diversification of town centres.

6.4.1 Primary Shopping Area

- 6.4.1.1** The Primary Shopping Areas shown on the Policies Maps and Local Maps are the defined areas where retail development is concentrated.

- 6.4.1.2** Identification of the PSA and town centre boundary is necessary as these form the basis for the application of the sequential test for applications for town centre uses. The NPPF defines the edge of centre for retail purposes as a location that is well connected and up to 300m from the PSA. For all other main town centre uses (leisure, entertainment, arts, culture and tourism) this is a location within 300 metres of the defined town, centre boundary and for office development a site within 500 meters of a public transport interchange.
- 6.4.1.3** In exceptional cases where the Council agrees that retail, leisure or office development outside of a defined centre could be justified, applications may need to be accompanied by an 'impact assessment' which, in accordance with the National Planning Policy Framework, must include an assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the defined centres and wider retail catchment (as applicable to the scale and nature of the scheme).

Policy PP 5

TOWN CENTRE USES

Within Town Centre boundaries (as shown on the Policies Maps and Local Maps), proposals for development or change of use for 'main town centre uses' (as defined in Policy PP2 and the National Planning Policy Framework) as well as residential development will be permitted where they comply with other relevant policies in this Local Plan and support the vitality and viability of the town centre.

Within the 'Primary Shopping Area', the use of ground floor shop units will be restricted to uses within Use Class E (commercial, business and service uses). Applications for residential development will be supported on upper floors above shop units where they provide an adequate level of parking and amenity space that takes into account access to shops, services and facilities, public transport provision and proximity to public open space.

This Policy contributes towards achieving Objectives 3 and 6 of this Local Plan.

6.5 Delivering Economic Prosperity

- 6.5.1** Tendring District has a diverse economy with local employment across a range of activities including our ports; on our industrial estates; in our town centres and retail parks; in our schools; hospitals, surgeries and care homes; in our hotels, guesthouses and holiday parks; on our farms and even in our homes, with many of our residents being self-employed or working in small businesses.
- 6.5.2** The District is well connected to a network of major roads via the A120, A133 and A137, which provide routes to Chelmsford, London, the M25, Stansted Airport and the Port of Felixstowe. Transportation provision in the District includes 14 railway stations with connections to Colchester, Chelmsford, Ipswich, Norwich, Stratford and London.
- 6.5.3** Tendring District's economy is closely linked to the maritime industry, although it has a diverse economy with local employment across a range of activities. However, like many coastal areas, residents in some parts of the District choose or have to commute out of the area for work, especially to neighbouring Colchester. So creating new and better-paid jobs for existing and future generations of residents is, and will continue to be, one of the Council's top priorities.
- 6.5.4** A key requirement of this Local Plan is to provide for appropriate sustainable employment opportunities for residents in Tendring and to support the growth of local businesses and attract investment in the District.
- 6.5.5** Policy SP3 of the Section 1 Local Plan sets out the strategic framework for delivering new employment across the District. It sets out strategic principles to underpin economic growth across North Essex as follows:
- a. *Sufficient land will be identified to support the achievement of the minimum jobs numbers, recognising the importance of key sectors to be identified by each local authority;*
 - b. *Priority will be given to the use of previously-developed land in appropriate locations as well as, where it meets sustainable principles, the expansion of existing employment locations;*
 - c. *Existing and allocated employment sites will be safeguarded for employment use unless it can be demonstrated that there is no reasonable prospects of the site being used for that purpose;*
 - d. *Town and City centres are the appropriate locations for new office development; and*
 - e. *Employment development will be a key component of the new garden communities identified in Policy SP4. The scale and mix of employment uses will be determined through development frameworks and masterplans for each new community.*

- 6.5.6** The primary objective of this Local Plan is to support and diversify the economy while maintaining a broad balance between homes and jobs in order to achieve self-reliance. The Section 1 Local Plan provides a strategic policy framework for achieving this. It seeks to ensure that sufficient high quality sites are identified to support the delivery of job targets; gives priority to the enhancement of existing employment sites and regeneration of previously developed land; safeguarding existing and committed sites; supports initiatives which promote skills and training and safeguards and enhances tourism and cultural assets of the District.
- 6.5.7** Essex County Council has undertaken a 'Grow on Space Feasibility Study' to explore the need for employment 'Grow-On Space' within the county. Such flexible employment space, between 100 – 300 sqm in scale, is required to enable flexible premises for businesses to move on from incubation/enterprise centres/start-up spaces, and free up these units for other start-ups. The Essex Economic Commission also identified an inadequate supply of flexible tenures (eg. Grow-on Space), which is holding back successful businesses that want to expand and grow. Tendring District Council will consider which interventions are the most appropriate and viable to ensure the provision of flexible local employment space (by tenure) in the plan area.
- 6.5.8** The Aspinall Verdi Employment Land Review (2016) highlights that there is the need to promote Tendring District as a vibrant place to live, work and visit, and to promote the area to support sustainable economic growth. Key opportunity sectors in the District include Offshore Wind and Care and Assisted Living. Other sectors, including agri-tech, composite, engineering, manufacturing, hospitality and retail all have the potential to contribute to growth in jobs across the District.
- 6.5.9** The Aspinall Verdi Employment Land Review (2016) sets out a total employment land requirement of 20ha to be delivered across Tendring District. Employment development is best located in combination with existing or proposed housing growth to promote a sustainable pattern of development and access by sustainable transport modes. Existing employment sites will be safeguarded and additional employment land will be required in a number of sustainable urban and rural locations.
- 6.5.10** The Aspinall Verdi Employment Study suggests that the Tendring Colchester Borders Garden Community scores well given its communication linkages and proximity to Colchester. The study states that due to the closeness of West Tendring to Essex University, this area could provide a competitive advantage and deliver medium to long-term employment opportunities for Tendring District.
- 6.5.11** Weeley also scores well given that it forms part of a relatively large settlement with good communication linkages and the presence of uses such as the hotel and service area. Similarly, the Oakwood allocation in Clacton benefits from the already functioning and popular Gorse Lane Industrial Estate, which itself has extant planning permission to expand. The Hartley Gardens site scores highly due to its location directly off the A133 and its ability to provide further employment land to the edge of Clacton.

6.5.12 The Council will ensure that the right amount and type of employment land is available in locations that balance the demands of the market with the capacity of infrastructure and the need to protect, and where possible enhance the environment. This includes policies within this Local Plan on:

- Safeguarding existing and committed employment sites, including Royal Mail sorting and delivery offices, which are of the right quality and suitably located in relation to infrastructure. This will include safeguarding employment land allocations for a range of uses in support of a balanced economy;
- Providing for additional sites in sustainable locations to meet the business needs of the growing District;
- Supporting the enhancement of skills in the local workforce through improved opportunities for education and training to provide a more dynamic and flexible labour market;
- Promoting the provision of infrastructure and services needed to provide a competitive business environment, including support and electronic communications infrastructure notably enhanced broadband provision; and
- Promoting the diversification of the rural economy, in particular by supporting the retention and development of local services and community facilities in villages; supporting farm diversification including the conversion of existing farm buildings and infrastructure for employment and other commercial developments such as tourism.

6.5.1 Protecting Existing Employment Sites

6.5.1.1 In order to maintain an adequate level of employment land to meet the needs of the local economy, the Council wants to protect defined employment areas from uses which would be better located in other areas of the District. The Council does not wish to inhibit the ability of existing firms to expand. It will be supportive of the redevelopment of sites which would lead to an improvement in the quality of employment floorspace suited to modern day needs.

6.5.1.2 Policy SP3 of the North Essex Strategic Plan (Section 1 of this Plan), recognises the valuable role of locally important existing employment areas and establishes the need to protect them from loss to alternative uses. The identification of locally important existing employment sites has arisen through joint work with the Council's Economic Development and Regeneration team.

Policy PP 6

EMPLOYMENT SITES

The Council will seek to protect existing employment sites, as shown on the relevant Policies Maps and Local Maps. Sites within use classes B2 and B8 will be safeguarded for these purposes. Employment sites falling within Use Class E(g) will be retained and will continue to provide for the employment needs of the district.

Proposals for employment uses falling outside of use classes B2, B8 or other established activities (such as retail, offices, other town centre uses or other 'sui generis' uses) on protected employment sites will be considered on their merits and against other relevant policies within the Local Plan.

Proposals for non-employment uses on these sites will only be permitted if:

- a. it can be demonstrated that the land or premises have become inherently unsuitable for any form of employment use and there is clear and robust evidence of appropriate marketing with registered commercial agents at a reasonable price to demonstrate no realistic prospect for continued employment use; or*
- b. the alternative use will either facilitate or result in wider economic regeneration benefits that outweigh the loss of employment land or premises on the protected site for existing or potential employment use; or*
- c. The alternative use will ease or resolve demonstrable longstanding and otherwise irresolvable harmful conflicts between land uses.*

If criteria a) b) or c) are met, the proposal must not have an adverse impact on the operation of any remaining businesses on the protected site and must not give rise to any incompatibility between land uses.

This Policy contributes towards achieving Objectives 2, 4 and 6 of this Local Plan.

6.5.2 New Employment Sites Allocations

- 6.5.2.1** Only a certain proportion of jobs are located in employment areas and fall within the B use classes: B1 business; B2 general industrial; B8 storage and distribution; and uses that are classified as sui generis if they are akin to employment type uses which accord with the caveats set out in Policy PP6. The rest of the jobs in the local economy consist of 'services' such as: retail, health, education and leisure, amongst others. Therefore, when making provision for jobs in Policy PP7 only jobs falling into the B use classes (and appropriate sui generis uses) will be acceptable unless the site allocation policies for Policy PP7, in Chapter 9 - Delivering Places state otherwise.

Policy PP 7

EMPLOYMENT ALLOCATIONS

32ha of land is allocated for new development in use classes B2 (General Industry) and B8 (storage and Distribution) to support a diversity of employment opportunities, the majority of which has already obtained planning permission. The allocated sites are listed in Table 6.1 below and are identified on the Policies Maps and relevant Local Maps.

Table 6.1

Table 6.1

Name of Site	Local Plan Allocation (ha)
Extension to Gorse Lane Industrial Estate, Telford Road, Clacton	6.8ha
Land at Stanton Europark, Parkeston	3.3ha
Land at Harwich Valley, East of Pond Hall Farm, Dovercourt	6.3ha (as part of a wider mixed use development)
Land off Clacton Road/Dead Lane, Mistley	2ha
Crown Business Centre, Old Ipswich Road, Ardleigh/Colchester	2.3ha
Land south west of Horsley Cross	11.2ha
Total Employment Land Area	31.9ha

N.B Some sites have permission in part for B1 use, now Class E(g).

On these sites, proposals for development in use classes B2 and B8 will be supported. Proposals for employment uses falling outside of use classes B2 or B8 (such as retail, offices, other town centre uses or other 'sui generis' uses) will be considered against other relevant policies within the Local Plan.

Applications for alternative non-employment uses will only be considered if it can be demonstrated that there is no reasonable prospect of a site being used for the allocated employment use. Such applications will be treated having regard to market signals and the relative need for different land uses to support sustainable local communities.

Proposals for new employment-related development on land outside of these allocations will be considered having regard to their potential to support economic growth in the district and the requirements of other policies in this Local Plan.

Additional employment land will also be identified as part of the mix of uses proposed at the Colchester Tendring Borders Garden Community within the separate Development Plan Document (DPD) for that area.

This Policy contributes towards achieving Objectives 2, 4 and 6 of this Local Plan.

6.6 Tourism, Leisure and Hotel Development

6.6.1 The Local Plan's strategic objective for Tourism Promotion is "To work with partners to provide an enhanced environment for tourism and the maritime sector and its associated services."

6.6.1 Tourism

6.6.1.1 Tourism is worth more than £276 million to Tendring District. Many of our District's jobs are related in some way to tourism, whether that is directly in hotels, caravan and chalet parks and tourist attractions or indirectly in shops, cafés and restaurants. A significant proportion of new jobs in our District could come from tourism if the right action is taken by providing an appropriate range of tourist attractions and holiday accommodation. With that in mind, the Council's Tourism Strategy identifies the following four core objectives to develop tourism in Tendring District:

- increase the amount of money visitors spend in the District;
- extend the length of time visitors stay in the District;
- attract higher spending visitors; and
- improve the perception of the District as a tourism destination.

6.6.1.2 To achieve these objectives, the Tourism Strategy sets out five priorities for action:

Priority 1: Marketing, Public Relations and E-tourism – working with businesses to make the best use of marketing and advertising, the internet, tourist information points and possible events and exhibitions to attract visitors.

Priority 2: Thematic Product Development – building on the strengths of our District to develop a series of 'themed products' such as history and heritage, food and drink, family fun, countryside and nature, and myths and folklore.

Priority 3: Visitor Economy and Experience – developing new and exciting products that will appeal to existing and new visitor markets including marinas, heritage attractions, up-market hotel and self-catering accommodation and interactive visitor facilities, along with improved public spaces, lighting and signage.

Priority 4: Responsible Tourism – making positive use of Tendring District’s unique environmental assets like its countryside, coast and wildlife areas to promote activities like walking, cycling, sailing and bird watching.

Priority 5: Business Support and Community Engagement – working in partnership with businesses and other organisations to deliver projects to support growth in the Tendring District tourism industry.

6.6.1.3 This Local Plan has an important role to play in facilitating the kinds of development that will contribute positively toward economic growth in the tourism sector. The Council’s approach to the development of tourism and visitors’ attraction is in line with Priorities 3 and 4 set out above. Whilst the Council is keen to promote the area as a tourist destination by making best use of its assets, it is important to ensure that such assets are not exploited and potentially harmed or lost altogether. The relevant policies in this Local Plan will help to ensure that growth in the tourism industry in Tendring District is carried out in a sustainable manner that respects the wider environment and protects it for future generations to enjoy.

6.6.1.4 Another important aspect of promoting Tendring District’s tourism economy will be to ensure that the District offers a range of visitor accommodation in different locations that will appeal to different people’s tastes, budgets and interests. As the nature of tourism has changed so much over the years, Tendring District cannot rely purely on the provision of traditional holiday accommodation provided at seaside holiday parks, hotels, guesthouses and bed & breakfasts. Increasingly people will visit Tendring District for short weekend breaks, to visit friends and family, to attend weddings and other family functions or even for business purposes. Policies PP8-PP11 set out the Council’s approach to the creation, improvement and the protection of potential loss of different types of visitor accommodation.

Policy PP 8

TOURISM

To attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, subject to other relevant policies in the Local Plan. In particular, the Council will support appropriate proposals for:

- *new and improved attractions and leisure activities at the District’s pleasure piers, amusement parks and holiday parks;*

- *a major new tourist attraction with good access to the A133 or A120;*
- *marinas, boat harbours, yacht havens and other facilities associated with boating and sailing;*
- *educational field centres or facilities associated with renewable energy, nature conservation, heritage, coastal protection, maritime activities and/or the enjoyment of the countryside and coast;*
- *conference facilities for business and educational purposes or to be used for functions such as weddings and other celebratory events;*
- *the provision of leisure and tourism facilities as part of farm diversification schemes;*
- *high quality restaurants, cafes and other appropriate commercial outlets on the seafront within the District's coastal towns; and*
- *outdoor recreational activities that would strengthen the function and protection of the undeveloped countryside.*

To maintain and deliver a range of accommodation that meets the varying needs, demands and expectations of potential visitors to the Tendring District, proposals that involve the creation, improvement or potential loss of visitor accommodation will be assessed based on policies set out in this Local Plan.

This Policy contributes towards achieving Objective 10 of this Local Plan.

6.6.2 Hotels and Guesthouses

- 6.6.2.1** Hotels and guesthouses provide accommodation to visitors who come to the area for a variety of reasons including holidays, weekend trips, business, visiting friends and family or attending family events or other functions. There had been a steady decline in the number of hotels and guesthouses in the District, many of which were either converted or redeveloped for residential use or care. However, to bring about growth in the District's tourism economy, a diverse range of visitor accommodation is essential and Policy PP9 below sets out the Council's approach to protecting hotels and guesthouses from being lost to alternative uses and supporting the provision of new and improved facilities.

Policy PP 9

HOTELS AND GUESTHOUSES

The Council will support proposals for:

- *new hotels and guesthouses within defined centres (as listed in Policy PP2) and along the seafront within the District's coastal towns or on allocated mixed-use development sites where such accommodation is proposed as part of the mix of uses;*
- *visitor accommodation to be provided in the upper floors of public houses, at residential health and beauty facilities, educational field centres and function/conference venues; and*
- *proposals to improve guest facilities or increase the number of rooms at existing hotels and guesthouses.*

Within defined centres and along the seafront within the District's coastal towns, the Council will seek to retain the accommodation provided within existing hotels and guesthouses. Outside of these areas, the change of use or redevelopment of existing hotels and guesthouses to alternative uses will only be permitted if the applicant can demonstrate that the current use is no longer economically viable.

This Policy contributes towards achieving Objective 10 of this Local Plan.

6.6.3 Holiday Parks, Camping and Caravanning

6.6.4 Camping and Caravanning

- 6.6.4.1** Although the Tendring District has a lot of static caravan sites, there is limited provision of sites for camping and touring caravans/motorhomes. Supporting the establishment of new camping and caravanning sites and encouraging the provision of camping and caravanning pitches at existing holiday parks will help to diversify the range of accommodation available to visitors to the area which, in turn, will support growth in the economy.

Policy PP 10

CAMPING AND TOURING CARAVAN SITES

Outside of holiday parks (considered under Policy PP11 in this Local Plan) and subject to consideration against other relevant Local Plan policies, if the necessary tests are met in regard to any known flood risk, the Council will support proposals for:

- *new camping and / or touring caravan/motorhome sites; and*
- *extensions to existing camping and/or touring caravan/motorhome sites.*

Applications will only be permitted where they are in accordance with the Biodiversity Policy PPL4 in this Local Plan. Prior to submission of proposals for new or extended sites in the vicinity of designated sites (which should be taken to mean holiday parks within 2 km of such sites) applicants should seek the advice of Natural England as to the likely requirements for Appropriate Assessment and the tests of the Habitats Regulations.

Proposals for the use of land as a camping and/or touring caravan/motorhome site (which may incorporate recreational vehicles) must include an electricity hook-up point for each touring caravan/motorhome and facilities for potable water, toilets, showers, washing and waste water disposal. The Council will support proposals for ancillary recreational facilities subject to consideration under other relevant policies in this Local Plan.

To ensure that any tents and/or touring caravans/motorhomes are not used as permanent dwellings, camping and touring caravan/motorhome sites will be subject to holiday occupancy conditions and their use limited to certain periods of the year.

6.7 Holiday Parks

6.7.1 Holiday Parks play a very important role in the District's tourism economy but in promoting a diverse range of visitor accommodation, the Council recognises that trends are changing along with the aspirations and demands of caravan and chalet owners.

6.7.2 The Council has reviewed the District's stock of holiday parks and has identified a number of 'safeguarded sites' on the Policies Maps that play a significant role in supporting the local tourism economy and that will therefore be protected from redevelopment for alternative uses. Not all of the District's parks are shown as safeguarded sites because the Council recognises that changing economic conditions and tourism trends could have a negative effect on some of the smaller sites being able to remain viable and, in some cases, redevelopment for an alternative use might be more beneficial to the local economy.

- 6.7.3** One trend that is having a significant impact on some of the District's caravan parks is that modern static caravans are becoming increasingly large, luxurious and technologically advanced. The modern caravan owner also demands better standards of layout and spaciousness. Many of the District's safeguarded and other existing sites either have pitches that are too small to accommodate these modern caravans or layouts that are too dense to take the larger vans and achieve reasonable areas of space between them. For this reason, the Council will support proposals for both safeguarded and any other existing sites to extend onto adjoining undeveloped land outside of defined Settlement Development Boundaries as long as it ensures that the overall layout, amenity, appearance and quality of accommodation will be improved for the entire site (both the existing site and the area proposed for expansion) as part of a comprehensive programme. The Council will have regard to other policies in the Local Plan to ensure the impacts of development are minimised and/or mitigated and may use planning conditions or legal agreements to ensure that the extension of a site is carried out alongside comprehensive improvements to the overall site layout.
- 6.7.4** As Tendring District is already home to a high number of static caravan parks and the Council is anxious to promote a diverse range of visitor accommodation, the Council will not support any proposals to establish new static caravan parks in the District. The Council will however support proposals for new high quality holiday villages comprising well designed timber chalets set on plinths and with pitched roofs, located preferably in a predominantly wooded and undulating landscape setting with water features with high quality leisure facilities and activities. There is also potential to upgrade existing holiday parks to improve their quality and their facilities and/or to provide similar or alternative accommodation typologies such as chalets or cabins. 'Centerparcs' at Elveden Forest in Suffolk provides a good indication of the type of facility and the level of quality that the Council wants to establish in Tendring District.
- 6.7.5** The loss of holiday accommodation to permanent residential use displaces accommodation intended for tourism use, which has a knock-on effect on the District's economy. The Council will therefore use planning conditions/legal agreements to ensure that this does not occur and in order for a site to comply with its licence, the site owner/operator will be expected to share the responsibility of managing and enforcing this requirement. Additionally, because holiday accommodation is often unsuitable for permanent occupation and located in areas that often lack the necessary and appropriate infrastructure and services for longer occupation, the Council will restrict the holiday occupancy period and; where sites are located in an area vulnerable to flooding, the period of restricted occupancy will be expected to take place during the winter months when there is a greater likelihood of higher tides and severe weather. The length of occupancy period set will take into account the site's location and the character and merits of the proposal such as the degree of flood risk, its relationship to an existing site (e.g. if it is a proposed extension), proposals for flood risk mitigation, design, the quality of accommodation provided and emergency planning. Change of use to permanent residential and extended

periods of holiday occupation can also impact on protected wildlife sites, which are often located close to existing holiday parks. Where parks are proposed to be expanded to increase their level of provision, an element of park home provision to support the overall viability of the park might be considered so long as an appropriate mix is maintained which ensures the focus is firmly on tourism uses, rather than residential uses, and other policy requirements around flood risk, quality, infrastructure provision and sustainability are met.

Policy PP 11

HOLIDAY PARKS

Some of the District's holiday parks are shown as 'safeguarded sites' on the Policies Map. These sites will be protected against redevelopment for alternative uses either in part or in whole.

On 'other sites' that are operating as holiday parks but are not specifically shown as safeguarded sites or allocated for an alternative use, proposals for redevelopment, including the change of use of caravans and chalets to permanent residential dwellings, will only be considered favourably if the applicant can demonstrate all of the following:

- *the current use is no longer economically viable or that the economic benefits of the proposed development would outweigh the loss of the existing operation, having regard to other policies in this Local Plan;*
- *the proposals will not materially harm the provision of tourist accommodation in the district;*
- *for residential proposals, the new development will provide acceptable living conditions; and*
- *the development will not cause material harm (including cumulatively) to local services and facilities, flooding, and wildlife.*

Subject to consideration against other relevant Local Plan policies, if necessary tests are met in regard to any known flood risk, the Council will support proposals for:

- *the extension of safeguarded sites or other existing sites onto adjoining land provided that the development would result in improvements to the overall layout, amenity, appearance, mix of renting and touring capacity and quality of accommodation over the whole site; and*
- *improvements to the range and quality of attractions and facilities at safeguarded sites and other sites;*

Proposals for new static caravan/chalet parks will only be permitted where it can be demonstrated by the applicant how the proposal would help strengthen and diversify the District's tourist economy or that they are being specifically created for the relocation of an existing site away from flood risk areas.

Applications will only be permitted where they are in accordance with the Biodiversity Policy PPL4 in this Local Plan. Prior to submission of proposals for new or extended sites in the vicinity of designated sites (which should be taken to mean holiday parks within 2km of such sites), applicants should seek the advice of Natural England as to the likely requirements for Appropriate Assessment and the tests of the Habitats Regulations.

To ensure that new caravan and chalet developments are not used for permanent residential dwellings, the Council will impose holiday occupancy conditions and limit use to certain periods of the year.

This Policy contributes towards achieving Objective 10 of this Local Plan.

6.8 Improving Education and Skills

- 6.8.1** The Local Plan's strategic objectives for Education are "To improve and provide good quality educational opportunities and prospects for Tendring's residents as part of sustainable community strategy. This includes practical vocational training and apprenticeship".
- 6.8.2** The skills base of the District's residents is another factor that is critical to economic growth and future prosperity. The number of young people who reach adulthood with few, or no, qualifications or skills is a real concern for the Council because it can lead to unemployment and other social problems which could have the effect of discouraging business investment. The Council will therefore continue to work in partnership with local schools, colleges and Essex County Council as the Local Education Authority to ensure that the educational needs of Tendring's growing population are met and that all Tendring's youngsters have the opportunity to realise their full potential.
- 6.8.3** Apart from ensuring that the planned growth in housing development is supported by investment in either building new or creating capacity in our primary and secondary schools through the planning system, the Council is very conscious that the environment in which young people are brought up will have a major bearing on their aspirations for the future and their willingness to work hard and achieve a good education. The proposals in this plan to deliver high-quality aspirational housing, embrace the digital revolution, improve transport and create jobs all form part of an overall strategy which, over time, will improve the educational and employment prospects of future generations.
- 6.8.4** Alongside primary and secondary education, the Council supports investment in sixth-form, adult education and training centre facilities and the planned growth of Essex University, which is close to the Tendring border with Colchester. In addition, the emergence of digital technology and renewable energy technology is expected

to yield significant job opportunities in the coming years, so the Council will work with education providers and the industries involved to set up vocational training courses and will support appropriate proposals for dedicated training facilities.

- 6.8.5** Existing educational facilities will be protected from potential loss through the Community Facilities Policy of this Local Plan and support will be given to proposals that will result in improved facilities, including proposals to expand existing facilities or create new facilities. Given the importance of education to the future prosperity of our District and the limited public funding available to deliver necessary improvements, the Council will also consider proposals for the redevelopment of existing educational facilities or ancillary land for housing or other appropriate uses where that development will fund the delivery of new and/or improved facilities within a reasonable proximity to the original facility. The Council may consider using legal agreements to ensure that the new or improved facilities are delivered alongside any redevelopment proposal.
- 6.8.6** Alongside the development and improvement of educational facilities, the Council is keen that any development projects provide employment and training prospects for local people. To do this, the Council will require applicants for residential and non-residential development to sign an Employment and Skills Charter/Local Labour Agreement which would require developers to recruit and train Tendring residents as an integral part of the construction process, as well as for longer term opportunities (including apprenticeships) resulting from the operation of the development. Developers will also be required to work with small and medium size businesses and the Council will use planning conditions (or legal agreements) to ensure that, as far as is possible and practical, local people are employed.

Policy PP 12

IMPROVING EDUCATION AND SKILLS

To improve education and employment prospects for Tendring District's residents, the Council will work with its partners including Essex University, Colchester Institute, local schools and academies, and Essex County Council as the education authority and other educational establishments, to deliver new and improved facilities for early years, primary, secondary, further and higher education. The Council will support proposals that will result in new, expanded or improved education facilities and facilities for vocational training, particularly in the growing care and assisted living and renewable energy sectors. This will include expansion of the University as part of the Garden Community development.

Planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions (potentially through the Community Infrastructure Levy) towards off-site improvements. Essex County Council

as the local education authority will be a key consultee in this regard. Where appropriate, the Council will also consider the use of legal agreements to secure any necessary improvements in education provision arising as a result of development.

Proposals involving the redevelopment of educational facilities for alternative uses will be considered against Policy HP 2: Community Facilities of this Local Plan.

In granting planning permission for residential and non-residential developments, the Council will use Employment and Skills Charters/Local Labour Agreements to ensure that, as far as is possible and practicable, local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels to reach and prioritise local people.

This Policy contributes towards achieving Objective 5 of this Local Plan.

6.9 Rural Economy

- 6.9.1** Whilst the thrust of both local and national policy is to direct new jobs to existing built up areas and centres of employment, it is recognised that the District's rural areas and open countryside also make an important contribution to the overall economy of the District and so the Council should seek to achieve sustainable economic growth of its rural economy. Agriculture, in particular, which generally requires a countryside location, remains a source of local employment and continues to play an important role in the local economy and so the Council will continue to support proposals for agricultural-related development (where permission is required) provided adverse impacts on the environment are kept to a minimum.
- 6.9.2** It is also acknowledged that the District's rural areas and countryside are used for certain activities that need to take place in these areas, some of which can bring about positive outcomes for the rural economy and so the Council will support proposals for appropriate development in the countryside that would help strengthen the rural economy, subject to meeting other policies in this Local Plan and national planning policy.

Policy PP 13

THE RURAL ECONOMY

To support growth in the rural economy, the Council may grant planning permission for the following types of development in the countryside outside of defined Settlement Development Boundaries, subject to detailed consideration, including against other policy requirements in this Local Plan:

- a. *Where appropriate to the historic environment, conversion or re-use of rural buildings in the countryside to employment, leisure or tourism use;*
- b. *business and domestic equine related activities;*
- c. *agricultural and key workers' dwellings; and*
- d. *buildings that are essential to support agricultural, aquaculture, horticulture and forestry; and farm diversification schemes.*

The Council will permit sustainable development proposals for farm and other land based diversification schemes that benefit the rural area. Proposals for re-use or redevelopment of rural buildings for employment purposes will be considered against the following criteria unless the economic benefits outweigh these criteria:

- e. *the building is structurally sound and capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction;*
- f. *the proposed use (including any proposed alteration or extensions to the building), its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance as a rural building or adversely affect the rural setting of the building in the locality;*
- g. *the proposed use would not create significant levels of traffic, particularly lorries, on rural roads (proposals for employment uses will be required to provide a sustainability assessment which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);*
- h. *proposals which would create a significant number of jobs should be readily accessible by public transport; and*
- i. *it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area.*

This Policy contributes towards achieving Objectives 2, 6, 8 and 10 of this Local Plan.

6.10 Priority Areas for Regeneration

- 6.10.1** Certain parts of the District require focused attention in order to improve the quality of life, the economy and the physical environment, to make these better places to live, work and visit. The Council has identified five 'Priority Areas for Regeneration' which will be a focus for new initiatives. It will work with its partners to help deliver key improvements in those areas.

Policy PP 14

PRIORITY AREAS FOR REGENERATION

The following areas are identified on the Policies Maps and Local Maps as ‘Priority Areas for Regeneration’:

- *Clacton Town Centre and Seafront*
- *‘Brooklands’, ‘Grasslands’ and ‘the Village’ areas of Jaywick Sands*
- *Harwich Old Town*
- *Dovercourt Town Centre and adjoining areas*
- *Walton-on-the-Naze*

These areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure.

As well as this, the Council will seek to: preserve or enhance the heritage assets of these areas, including the at risk conservation areas. The at risk conservation areas are: Clacton Seafront, Dovercourt, St Osyth, Thorpe-le-Soken and Thorpe-le-Soken Station and Maltings.

The Council will support proposals for new development which are consistent with achieving its regeneration aims.

6.10.2 The Current progress of the Priority Areas for Regeneration are as follows:-

6.10.3 Clacton Town Centre and Seafront: The Council has been working with local businesses and other stakeholders to develop a vision and action plan for rejuvenating Clacton Town Centre and Seafront in the face of declining footfall, shop closures and issues with social-economic deprivation. The positive vision for Clacton in 2030 (the ‘Love Clacton’ vision) is for it to become a well-loved, year-round destination positively promoting the town’s seaside heritage, the beaches and famous attractions. The Council and its partners are seeking to deliver short-term improvements in the town centre around transport and the public realm to support local businesses and improve footfall whilst developing a longer-term spatial plan for development of new homes, more modern business space, community facilities, improved transport access and space for arts and entertainment which will guide planning decisions to attract private investment and government funding. The Council’s objectives for Clacton Town Centre and the Seafront are to:

- Make the town centre a destination associated with fun and enjoyment where people are just as likely to go to meet socially and be entertained, as for shopping;

- Turn the town centre into an all-weather shopping and leisure destination where, come rain or shine, there are things to enjoy and reasons to visit, and to stay longer;
- Make the town centre vibrant - concentrating activity in its central core and increasing the resident population through quality housing above shops and in side streets;
- Make sure the town centre works in seamless harmony with the town's beaches and seaside attractions with activity and trade in both areas extending into the evenings;
- Actively promote the 'Love Clacton' brand both physically throughout the town centre and through a variety of digital and other communication channels;
- Positively promote the town's unique history and seaside heritage through its branding, public realm, architecture, events and activities – to set it apart from other places;
- Make the town centre a place that people can get to easily and conveniently by all forms of transport and prepare it for the predicted rise in the ownership of electric cars;
- Make the town centre safe, easy and convenient to navigate for pedestrians of all ages and physical abilities and improve connectivity to surrounding assets;
- Bring the town centre into the digital age to enable people to work remotely and access online and app-based services and information; and
- Make the town centre a hub for education, public services, community activities and clubs and manage the transition from a retail destination to a more varied and mixed offer.

6.10.4 Jaywick Sands: Jaywick Sands was originally built as a seaside resort for Londoners in the 1930's with small chalets built on private un-adopted roads; this being a classic example of plot land development. Over time, many of the holiday homes were converted to permanent dwellings, partly as a result of people moving from bombed out homes in the Second World War. As they were never intended as permanent homes, many being of wooden construction, the housing does not meet building regulation requirements and the infrastructure is substandard. While Jaywick Sands suffers from considerable social and economic problems, it also has a core of longstanding residents with a strong sense of community who are extremely keen to see improvements to the area. The Council's objectives are to:

- Transform housing quality and the built environment;
- Ensure long term flood resilience;

- Create greater connectivity to neighbouring areas;
- Attract commerce & new economic opportunities; and
- improve people's life chances, access to public services & health & wellbeing

6.10.5 In order to achieve this, the Council in collaboration with the Coastal Communities Team, is producing the Jaywick Sands Place Plan. This will provide a development framework for the physical regeneration of Jaywick Sands facilitating the provision of new flood resilient homes built to modern building standards which will provide a high standard of accommodation for existing residents as well as providing land for employment opportunities and recreation and amenity areas. Public consultation will be key to its production and the Council recognise that only with the support of the local community will the proposals be deliverable. The Council will also produce a design SPD to guide replacement dwellings and small infill development.

6.10.6 As part of the work for the Place Plan and additional work undertaken by Essex County Council, a requirement was identified for employment opportunities and retail to meet the needs of local residents. This resulted in a £2.12 million project to create a 9,500 square-foot covered market, commercial space and new public realm improvements. Plans for the market, 13 affordable business units, community garden and hard landscaping on the seafront at Jaywick Sands received £1.972m from the South East Local Enterprise Partnership (SELEP) and the Getting Building Fund (GBF) in November 2020.

6.10.7 A second scheme involves improved cycling links between Jaywick Sands and Clacton. This will also involve the launch of a community bike scheme to loan bicycles to residents providing an affordable means of travel to work or college. This project received £2.3m from the GBF, and will be supported with £100,000 from the Sport England Local Delivery Pilot.

6.10.8 Harwich Old Town: The Economic Development Strategy seeks to balance the evolution of Harwich as a port with the ongoing evolution of the visitor economy in the town and surrounding area. Aims for regeneration of Old Harwich include:

- Maximising the opportunity offered by 'Freeport' status and the proposals for expansion at Harwich International Port and Bathside Bay;
- Preserve and enhance the Conservation Area and heritage assets within it with public realm improvements and appropriate redevelopments of under-utilised and unsympathetic sites and premises close to the waterfront;
- Promote the town's history and association with the Mayflower voyages as a means of increasing tourist activity, footfall and economic activity;

- Deliver residential and commercial opportunities to support economic growth in the old town area; and
- Support opportunities to improve water-based recreation facilities in the area.

6.10.9 Freeport East was announced on the 3 March 2021 by the Chancellor of the Exchequer, in his budget speech. Freeport East offers a unique opportunity to build a truly global trade hub at the same time as accelerating opportunities in green energy and helping level-up the economy.

6.10.10 The Old Town within Harwich was the subject of a master planning approach which sought to provide a long term plan for the regeneration of Harwich. In line with this, a grant scheme has also been introduced by the Council offering funds to independent businesses in Harwich and Dovercourt to refurbish. Match-funding is available to businesses in the two town centres looking to enhance or improve their premises under the Harwich and Dovercourt Bay Business Grant Scheme. The grants can be used, for example, to redecorate the exterior of the building, new signage, lighting and window repairs. The scheme is targeted at Harwich and Dovercourt, improving the visitor attraction as part of the 400th anniversary of the sailing of The Mayflower, the Harwich ship which carried the Pilgrims to America in 1620.

6.10.11 Dovercourt Town Centre and adjoining areas: The Dovercourt Town Centre Masterplan seeks to improve the economic performance and vitality of the town by creating a more appealing environment, with the focus on vacant, derelict and rundown sites. The vision for Dovercourt is that it will be a thriving town with an attractive High Street, a range of shops and cafes and regular street markets: a town which is proud of its heritage but also able to respond to new opportunities. A town with a high quality public realm and open spaces, stunning beaches and good connections - an attractive place to live, work, shop and visit.

6.10.12 The masterplan sets out a town centre strategy that identifies a number proposals and initiatives for the regeneration of Dovercourt Town Centre. An example of such is the redevelopment of the Starlings site located on Dovercourt High Street. The project will provide new public space, public toilets and a surface car park with 51 car parking spaces, including four for disabled use and four for electric vehicle charging.

6.10.13 Walton-on-the Naze: Walton-on-the Naze, like many seaside towns has suffered from social and economic decline; issues which the Council will continue to address through the following objectives for its regeneration which seeks to:

- Build a strong all year round economy - diversifying and extending the local economy to create new business and employment opportunities;

- Create a unique destination which maximises its environmental and heritage assets - realising the largely untapped potential of Walton, presented by its natural environment and heritage, to create a destination unlike any other in the region;
- Make Walton a place where people will choose to live and realise their potential - a town with a good range of housing, retail, community and leisure facilities which will attract people of all ages and encourage them to stay; and
- Ensure a sustainable future for Walton - maintaining a balance between economic growth and environmental management.

6.10.14 The Walton-on-the-Naze Regeneration Framework proposes a series of key projects that will help to deliver these objectives in Walton including proposals for tourist attractions, new housing, new commercial development, new leisure facilities, improvements to sea defences, new parking and opportunities for environmental enhancements and better pedestrian and cycle networks. Some of the projects, including the redevelopment of the former Martello Caravan Park and the creation of Crag Walk have already been implemented.

7 Protected Places

7.0.1 It is very important to protect the quality of the District's most special natural and built environments. There are many reasons for this, including the international importance and vulnerability of its extensive coastal and estuarine areas and the historic quality of its numerous designated conservation areas and listed buildings. Protecting the quality of both the natural and built environments is necessary to ensure that the Council meets its legal obligations in those regards and that the District is a safe and attractive place to live, work and visit, thereby helping to underpin the local economy and attract inward investment seeking a quality environment. To ensure that new development is sustainable, it is essential that proposals have regard to, amongst other things, the need to avoid causing harm to sensitive areas and that it takes the opportunities available to enhance the quality of places.

7.0.2 In order to deliver a positive future for the District's environment, the policies in this chapter will focus upon:

- minimising the risk to human life and property from flooding and coastal erosion, taking into account the likely effects of climate change;
- protecting and enhancing the District's biodiversity, countryside and its coastal assets;
- expanding the District's network of Green Infrastructure, to encourage a net gain for nature, achieve sustainable drainage and deliver green corridors and open spaces to improve the quality of the natural environment;
- conserving natural resources through the promotion of low-carbon energy and water-efficiency in new development and local renewable energy; and
- preserving the District's historic assets.

7.1 Development and Flood Risk

7.1.1 The Local Plan's strategic objective for Water and Climate Change is "To reduce the risk of flooding by securing the appropriate location and design of new development, having regard to the likely impact of climate change."

7.1.2 As a peninsula, Tendring District has coastal and estuarine water on three sides. With over 37miles/60km of coastline, many parts of the District are at risk of tidal flooding, including some very built-up areas. The National Planning Policy Framework makes it clear that inappropriate development in areas at risk of flooding should be avoided. New development should be directed away from areas at highest risk of flooding, but where such development is necessary it should be made safe – without increasing flood risk elsewhere. The policies and proposals in this Local Plan have therefore been informed by the national planning policy requirements, the findings of the Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.

- 7.1.3** The areas of the District considered to be at greatest risk of flooding according to the Environment Agency's flood risk maps are shown within a 'Flood Zone' on the Policies Maps and Local Maps. This information should be used only as a guide, as areas at risk may change during the Local Plan period. The Environment Agency Flood Risk Maps should always be used for the latest flood risk information and to distinguish between Flood Zones 2 and 3. The government's 'Technical Guidance to the National Planning Policy Framework' provides more detail on how the 'Sequential Test' should be applied to new development proposals. The Council will work with the Environment Agency to consider how existing development and proposed new development, in flood risk areas, including in Jaywick Sands, can be made more flood-resilient and sustainable.
- 7.1.4** Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of a FRA and will need to be agreed with TDC. Refuge should ideally be located 300mm above the 0.1% (1 in 1000) annual probability event flood level including allowances for climate change.
- 7.1.5** New development proposals should: - retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river will require an environmental permit from the Environment Agency. - retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA).

Policy PPL 1

DEVELOPMENT AND FLOOD RISK

All development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. Within the Flood Zone (which includes Flood Zones 2 and 3, as defined by the Environment Agency) shown on the Policies Map and Local Maps, or elsewhere involving sites of 1ha or more, development proposals must be accompanied by a Flood Risk Assessment. Where development is classified as "more vulnerable" the Flood Risk Assessment (FRA) should demonstrate that there will be no internal flooding in the event of a "design event flood". The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level.

All development classified as "More Vulnerable" or "Highly Vulnerable" within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.

All new development within Flood Zones 2 and 3 must not result in a net loss of flood storage capacity, unless there is compensation on site or, if not possible, adjacent off site capacity. Where possible opportunities should be sought to achieve an increase in floodplain storage.

All major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate.

All development proposals will be considered against the National Planning Policy Framework's 'Sequential Test', to direct development toward sites at the lowest risk of flooding, unless they involve land specifically allocated for development on the Policies Maps or Local Maps.

Where new development cannot be located in an area of lower flood risk and is otherwise sustainable, the Exception Test will be applied in accordance with the National Planning Policy Framework so that it is safe and meets wider sustainability needs.

This Policy contributes towards achieving Objective 9 of this Local Plan.

7.2 Coastal Protection

- 7.2.1** The National Planning Policy Framework states that local planning authorities should avoid inappropriate development in vulnerable areas. Tendring District contains areas which are under threat from coastal erosion and, although the Coastal Protection Belt (as shown on the Policies Maps and Local Maps) in this Local Plan was originally intended to protect landscape character, it now serves a further purpose in regard to helping ensure that any new development which does not need to be located within that area is directed to more sustainable locations.
- 7.2.2** The undeveloped coast of Tendring District has an important role in terms of quality of life for residents and visitors, not only in terms of visual amenity but in terms of access to the natural environment. Natural England is working on its proposals for the England Coast Path in Essex, with a view to improving access to the District's coastline early in the Plan period and the Council will support suitable proposals which will encourage coastal access.
- 7.2.3** In considering proposals for new development affecting the coast, the Council will have regard to the latest Shoreline Management Plan to assess their compatibility. National Planning Practice Guidance provides guidance on what sort of development is appropriate in a Coastal Change Management Area. This guidance is considered to have relevance to development proposals within the Tendring Coastal Protection Belt.

Policy PPL 2

COASTAL PROTECTION BELT

Within the Coastal Protection Belt, as shown on the Policies Maps and Local Maps, the Council will:

- a. protect the open character of the undeveloped coastline and refuse planning permission for development which does not have a compelling functional or operational requirement to be located there; and*
- b. where development does have a compelling functional or operational requirement to be there, its design should respond appropriately to the landscape and historic character of its context and applicants will be required to demonstrate that any development proposals will be safe over their planned lifetime.*

The Council will take an 'adaptive approach' to coastal protection, where required, having regard to an assessment of the impact of coastal change and consideration of any applicable Shoreline Management Plan.

This Policy contributes towards achieving Objective 7 of this Local Plan.

7.3 The Rural Landscape

- 7.3.1** In order to promote sustainable development, in considering where to select sites for new development in this Local Plan, the Council has taken particular care to assess the value of the landscape and, where practical, allocate sites with the lowest sensitivity, thereby helping to protect valued landscapes and the best and most versatile agricultural land.
- 7.3.2** The Landscape Character Assessment (2001) identified 30 areas with different landscape characteristics and highlighted key sensitivities which need to be considered when assessing development proposals in the rural area. Proposals within the rural landscape should have regard to the Landscape Character Assessment (and any subsequent updates) and protect and re-inforce historic landscape features and important characteristics identified within it.
- 7.3.3** As a largely rural area, Tendring District's countryside is one of its main assets and maintaining an attractive rural environment is important to the quality of life experienced by both residents and visitors. It can also be an important consideration for the location of some businesses and help to expand the tourist economy and related services.

7.3.4 Parts of the District to the north are designated as Areas of Outstanding Natural Beauty (AONB) – The Dedham Vale and the recently extended Suffolk Coast and Heaths which are therefore subject to special landscape protection. On 7th July 2020 the Secretary of State confirmed the designation of three extensions to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SC&H AONB). The three new boundary extensions will increase the size of the existing AONB by approximately 38 sq. km or 9.5%. The areas now confirmed as forming part of the SC&H AONB are:

- the Stour Estuary including the estuary itself, northern estuary valley slopes at Brantham and the majority of the southern estuary valley slopes in Essex;
- the Freston Brook Valley, a tributary of the Orwell Estuary which extends inland from the existing AONB boundary westwards and includes surrounding plateau woodlands; and,
- the Samford Valley, a tributary of the Stour Estuary, which extends further inland from the existing AONB boundary at Stutton Bridge and includes some areas of neighbouring Shotley Peninsula Plateau

The newly extended AONB can be seen as a single designation on the proposals maps within this Local Plan.

7.3.5 Tendring has four Registered Parks and Gardens (see Appendix D) lie within the rural area and are particularly sensitive to change. Planning proposals which might affect them and any other Registered Park and Garden that is designated during the plan period should therefore have regard to their history and the reason for inclusion on the Historic England Register.

Policy PPL 3

THE RURAL LANDSCAPE

The Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to:

- a. *estuaries, rivers and undeveloped coast;*
- b. *skylines and prominent views including ridge-tops and plateau edges;*
- c. *traditional buildings and settlement settings;*
- d. *native hedgerows, trees and woodlands;*

- e. *protected lanes, other rural lanes, bridleways and footpaths; and*
- f. *designated and non-designated heritage assets and historic landscapes including registered parks and gardens.*

Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale and Suffolk Coast and Heaths AONBs, and their settings, including any relevant AONB Management Plan objectives. Elsewhere, development proposals should have regard to the Natural England Character Area profiles for the Greater Thames Estuary (No.81) and the Northern Thames Basin (No.111) and the Council's Landscape Character Assessments, as relevant, and should protect and reinforce identified positive landscape qualities.

New development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.

This Policy contributes towards achieving Objectives 7 and 8 of this Local Plan.

7.4 Biodiversity and Geodiversity

7.4.1 Tendring District includes a wide range of habitats, including (in part) the Stour, Orwell and Colne Estuaries and Hamford Water which are recognised as wetlands of international importance for endangered and migrating birds. Hamford Water is a designated Special Area of Conservation for Fisher's Estuarine Moth. At the international level, the Ramsar Convention requires the conservation and wise use of wetlands, as a contribution towards achieving sustainable development. European legislation requires the establishment of Special Protection Areas (SPAs) for birds, under the Birds Directive, and Special Areas of Conservation (SACs) for other species and habitats, under the Habitats Directive. SPAs and SACs together form 'Natura 2000' sites, which themselves create a European-wide network. The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations') apply both in the terrestrial environment and territorial waters out to 12 nautical miles. Marine Protected Areas (MPA) exist offshore beyond 12 nautical miles. The Blackwater, Crouch, Roach and Colne Marine Conservation Zone includes the Clacton Cliffs and foreshore, a geological feature of international importance.

7.4.2 It is necessary to apply the 'precautionary principle' to new development, as a matter of law, and assess new projects or plans for any impacts upon any of the above sites – both alone and in combination. Proposals and plans with the potential to have a significant impact upon such sites will need to be supported by a Habitats Regulation Assessment (HRA) to provide the information necessary for the decision makers to establish the likelihood and nature of impacts before a decision is taken. If significant impacts are identified, an 'Appropriate Assessment' may be necessary to assess whether the proposals would adversely affect the integrity of a site, having

regard to its conservation objectives. The Council will only grant planning permission where there would be no adverse effects on biodiversity (including any mitigation), unless there is considered to be an overriding public interest (such as the port expansion at Bathside Bay, Harwich) – in which case a compensatory habitat must be provided. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Strategy Document was adopted in 2019. The Essex Coast RAMS aims to deliver the mitigation necessary to avoid adverse effects on integrity from the in-combination impacts of residential development in Essex. The Essex Coast RAMS identifies a detailed programme of strategic avoidance and mitigation measures which are to be funded by developer contributions from all residential development within the Zones of Influence.

- 7.4.3** Sites of Special Scientific Interest (SSSI) are protected under the Wildlife and Countryside Act 1981, as amended, and the Countryside and Rights of Way Act 2000 and are shown on the Policies Map.
- 7.4.4** The Colne Estuary and Hamford Water are designated as National Nature Reserves (NNR). At the local level, the Council has worked with the Essex Wildlife Trust to identify over 100 ‘Local Wildlife Sites’ (LoWS) within the District, along with ‘Special Roadside Verges’, managed by Essex County Council specifically to conserve rare plant species and support a wider variety of plants. This benefits local fauna, providing food and shelter and can help to create ‘wildlife corridors’, allowing species to move between different sites. LoWS are not protected by law but, being worthy of conservation, are protected by this Local Plan, along with irreplaceable habitats, including unimproved grasslands and veteran trees.
- 7.4.5** All areas designated for their value to biodiversity and/or geodiversity are shown on the Policies Maps. A site does not have to be designated, however, to have importance to nature conservation. All new development proposals should have regard to a ‘mitigation hierarchy’ approach, which requires consideration to be given: firstly, to avoiding environmental harm; then mitigating for any adverse impacts; and then, as a last resort; compensating for residual impacts alongside the need to seek environmental enhancement and a ‘net gain’ in biodiversity in line with latest Natural England advice. The need to consider alternative options, particularly options that are less damaging to the environment, is relevant to all these steps, as options can be either strategic or more detailed in nature. Where a proposed development might harm biodiversity on the site, an Ecological Appraisal will be required to be undertaken and the potential for harm should be considered and addressed in the application. Appraisals should be undertaken in accordance with nationally recognised guidance, by a suitably qualified ecologist.
- 7.4.6** Conservation work now considers whole landscapes as the way to conserve biodiversity, and the Council is working with Essex County Council, Essex Wildlife Trust and other partners on projects to benefit habitats and species across Essex. The Biodiversity Framework and Living Landscapes Project seek to improve the wider countryside for wildlife, rather than just concentrating on small nature reserves, and this will bring benefits for Priority Habitats and Priority Species.

Policy PPL 4

BIODIVERSITY AND GEODIVERSITY

Sites designated for their international, European and national importance to nature conservation: including Ramsar sites; Special Protection Areas (SPAs); Special Areas of Conservation (SACs); Marine Conservation Zones (MCZs); National Nature Reserves (NNRs); and Sites of Special Scientific Interest (SSSIs) will be protected from development likely to have an adverse effect on their integrity.

Where proposals for development are likely to significantly impact upon International and European sites, applications must be supported by a Habitats Regulation Assessment (HRA) to provide sufficient information to the Council to establish the likelihood and nature of impacts before a decision can be made. If necessary, this may need to be followed by a more detailed 'Appropriate Assessment' of the impacts. An Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been completed in compliance with the habitats Directive and Habitats Regulations. Contributions will be secured from residential development, within the Zones of Influence, towards mitigation measures identified in RAMS.

As a minimum, there should be no significant impacts upon any protected species, including European Protected Species and schemes should consider (and include provision, as may be relevant for) the preservation, restoration or re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. Proposals for new development should also have regard to any published local Recreational Disturbance Avoidance and Mitigation Strategies and include any measures which may be necessary to support the aims of the strategy, to help to mitigate any likely recreational impacts arising from the development. Proposals for enhancement of special interest and features will be supported, subject to other material planning considerations.

Sites designated for their local importance to nature conservation, including Local Wildlife Sites (LoWS), Ancient Woodlands Protected Verges and aged or veteran trees will be protected from development likely to have an adverse impact on such sites or features. Proposals for enhancement of special interest and features will be supported, subject to other material planning considerations.

Proposals for new development should be supported by an appropriate ecological assessment. Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation or, as a last resort, compensation measures are included, to ensure a net gain, in biodiversity.

Proposals for new infrastructure and major development should consider the potential for enhanced biodiversity, appropriate to the site and its location, including, where appropriate, within Green Infrastructure.

Any proposed development on sites which may support protected species will require a relevant survey(s), undertaken by a suitably qualified ecologist. If protected species are present, a suitable mitigation plan will be required prior to planning permission being granted.

This Policy contributes towards achieving Objective 8 of this Local Plan.

7.5 Water Conservation, Drainage and Sewerage

- 7.5.1** Although Tendring District has to manage issues of ‘excess’ water causing coastal erosion and flooding, it also experiences the lowest average level of annual rainfall in the country and therefore maintaining a supply of fresh water for drinking and the irrigation of crops is a high priority. It follows that the provision of an adequate water supply, and appropriate methods of disposal of water and sewage, are very important considerations when planning for growth and central to the need to deliver sustainable development. Changes in climate also can cause sudden and intense rainfall causing localised flooding which will be made worse if new development does take account of the need to lessen its impact.
- 7.5.2** Major new developments may require upgrades to existing sewage treatment works, known as Water Recycling Centres, which may be funded by Anglian Water. Such works will need to be planned and funded through Anglian Water’s 5-year business plans and approved by the regulator (OFWAT). The Council is committed to ensuring that critical infrastructure is delivered at the right time to support development on allocated sites, in particular at Hartley Gardens (Policy SAMU2) and Oakwood Park (Policy SAMU3) where reinforcements and additional infrastructure will be required.
- 7.5.3** The National Planning Policy Framework requires local planning authorities to mitigate and adapt to climate change, which includes having pro-active strategies in respect of water supply and demand. Development proposals should therefore include a plan to conserve water supplies by managing demand and ensure its appropriate disposal at all stages of development, including construction and after occupation, using Sustainable Drainage Systems (SuDS) where possible. SuDS are designed to replicate natural drainage systems, to drain surface water run-off, ideally as part of a Green Infrastructure network and can also have significant benefits for amenity and biodiversity.
- 7.5.4** SuDS techniques may not be appropriate in circumstances where infiltration may cause a hazard to groundwater quality, such as groundwater source protection zones, on known contaminated land and on sites with a shallow water table. The Environment Agency’s Source Protection Zone maps should be checked to ensure

there is no risk to groundwater quality. Surface water treatment will be required before infiltration to groundwater is permitted. A risk assessment should be undertaken when using Infiltration components in areas of contaminated land.

Policy PPL 5

WATER CONSERVATION, DRAINAGE AND SEWERAGE

All new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits. Applicants should explain and justify the reasons for not using SuDS if not included in their proposals, which should include water inputs and outputs designed to protect and, where possible, enhance the natural environment. New dwellings will be required to incorporate measures to achieve a water consumption rate of not more than 110 litres, per person, per day.

Proposals for development must demonstrate that adequate provision exists, or can be provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works).

Applicants should explain their approach to water conservation, including the potential for the re-use of 'greywater' and rainwater 'capture and use' within their development, to help maintain the supply of drinking water. The Council will require such measures to be implemented in all new development.

Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

Proposals for agricultural reservoirs may be permitted, subject to a detailed assessment against relevant policies in this Local Plan.

This Policy contributes towards achieving Objectives 8 and 9 of this Local Plan.

7.6 Strategic Green Gaps

7.6.1 Strategic Green Gaps have been identified in this local plan in specific locations between settlements. The Strategic Green Gaps are valued for the role they will play in preventing the coalescence of settlements and retaining the distinct identity of settlements. The areas identified have the following characteristics

- The open and undeveloped character of the land;

- They form a visual break between settlements;
- Their boundaries follow physical features on the ground floor; and/or
- Only land required to secure the objectives of the Strategic Green Gaps has been included

Policy PPL 6

STRATEGIC GREEN GAPS

The Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements.

This Policy contributes towards achieving Objectives 7 and 8 of this Local Plan.

7.7 The Historic Environment

- 7.7.1** The Local Plan's strategic objective for Cultural Heritage is "To conserve and enhance Tendring District's heritage, respecting historic buildings and their settings, links and views."
- 7.7.2** Tendring District has a truly rich and diverse history, reflected in archaeological deposits and features and much of its built heritage, which includes: the early planned development of the District's major town, Clacton-on-Sea, as a Victorian seaside holiday resort; the later select development of Frinton-on-Sea with its many examples of notable Arts and Crafts architecture and Modernist houses; the historic port of Harwich and town of Manningtree, England's smallest; or the District's most important single group of listed buildings at St Osyth's Priory and its Registered Historic Park and Garden.
- 7.7.3** The Council has specific legal duties to preserve and enhance the historic environment. Proposals affecting buildings listed for their special architectural or historic interest ('listed buildings') or designated Conservation Areas, or their settings, Scheduled Monuments, archaeology, or Registered Historic Parks and Gardens will therefore be subject to particular scrutiny. The setting of a heritage asset may include sites or areas a considerable distance away from the boundary of an application site and it is necessary, therefore, to consider the potential for development to have an effect upon the wider setting of a Conservation Area or listed building. Protection of the District's heritage assets is crucial to its cultural identity and the quality of life and can help to sustain its economic attraction for new investment by both residents and businesses. The Council will seek to reduce the number of heritage assets included in the Heritage at Risk Register and will consider designating additional heritage assets which are of local importance. The Council will seek to manage change within the Historic Environment by: requiring proposals to respond appropriately to the significance of any affected heritage assets; identifying where interventions within the Historic Environment would be beneficial to it; and by working with partners to secure sources of funding to aid delivery of enhancements to heritage assets.
- 7.7.4** The best way to ensure the future preservation of a listed building is often by ensuring an appropriate beneficial use of the heritage asset, which may be its original intended use. Sometimes an appropriate new use will be needed to ensure preservation and this might also present opportunities for the enhancement of significance of the heritage asset. Historic buildings may also evolve over time and sometimes it can be those distinct elements of change which are particularly valued. Although the preservation of unique historic assets is crucial to connect with the past and maintain a high quality environment there may be the opportunity for a high quality contemporary design solution in an historic context. It might, therefore, be appropriate in this Local Plan period to propose a development 'of its time' - much will depend on the expertise of the designer. However, the scope for a listed building to adapt

to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character, fabric, or appearance.

- 7.7.5** As with listed buildings, a contemporary design might, be appropriate in a Conservation Area. Such solutions can help to avoid pastiche or the potential 'confusion' of new and can misinform an understanding of place. However, particular skill is required of the designer to ensure that new development is appropriate to its site and setting. New development which would affect a Conservation Area should always pay regard to any relevant Conservation Area Character Appraisal and Conservation Area Management Plan. This includes proposals for new development within the District's four Registered Historic Parks and Gardens: Clacton Seafront (owned and managed by the Council); St Osyth Priory; Thorpe Hall and Beth Chatto Gardens all which (except Beth Chatto) are within Conservation Areas. The Council will review all designated Conservation Areas early in the plan period and consider whether any new areas should be designated. New Conservation Area Management Plans will be prepared in addition to updates to the existing Conservation Area Character Appraisals.
- 7.7.6** Some parts of the District are known for their particular importance to archaeology and the Council will protect those areas from harmful development. However, new development can provide an opportunity to discover, record and protect evidence of the District's history in the form of archaeological deposits. Where the archaeological record indicates the likely presence of deposits or features, the Council will be advised by Essex County Council and the developer will be required to carry out any necessary survey work, excavation and recording in that regard, before and/or after any planning permission is granted. New development may be required to respond to archaeological finds uncovered during the construction process.
- 7.7.7** The National Planning Policy Framework sets out government policy for conserving and enhancing the historic environment. The following policies PPL7, PPL8 and PPL9 will be applied alongside and having regard to the specific requirements of the Framework in respect of development affecting designated and non-designated heritage assets including Archaeology, Conservation Areas and Listed Buildings.
- 7.7.8** Within Tendring District there is a wealth of historic structures, landscapes and other features which are not formally designated as heritage assets on the national list prepared by Historic England. The Council does however recognise their local historic significance. These kinds of 'non-designated' heritage assets can be 'locally listed' by the Council. The Council has therefore commenced work on a 'local list' which will identify and protect these assets of local importance. The Council will work with community groups, landowners and Historic England to prepare a local list for the district.

7.8 Buildings and Archaeology

Policy PPL 7

ARCHAEOLOGY

Any new development which would affect, or might affect, designated or non-designated archaeological remains will only be considered where accompanied by an appropriate desk-based assessment. Where identified as necessary within that desk-based assessment, a written scheme of investigation including excavation, recording or protection and deposition of archaeological records in a public archive will be required to be submitted to, and approved by, the Local Planning Authority.

Proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused. Proposals will be treated favourably where they:

- a. are explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting); and*
- b. are of a scale, design and use materials and finishes that respect the heritage asset.*

Within the District the Council keeps a record of scheduled monuments at risk of degradation. The Council will support proposals that protect and enhance heritage assets at risk.

Proposals for new development which are not able to demonstrate that known or possible archaeological remains will be suitably protected from loss or harm, or have an appropriate level of recording, will not be permitted.

This Policy contributes towards achieving Objective 7 of this Local Plan.

Policy PPL 8

CONSERVATION AREAS

New development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:

- a. scale and design, particularly in relation to neighbouring buildings and spaces;*
- b. materials and finishes, including boundary treatments appropriate to the context;*

- c. *hard and soft landscaping;*
- d. *the importance of spaces and trees to the character or appearance; and*
- e. *any important views into, out of, or within the Conservation Area.*

Proposals should be explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting).

Proposals for new development involving demolition within a designated Conservation Area must demonstrate why they would be acceptable, particularly in terms of the preservation and enhancement of any significance and impact upon the Conservation Area.

Where a proposal will cause harm to a Conservation Area, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

Within the District the Council keeps a record of conservation areas that are at risk of degradation. The Council will support proposals that protect and enhance the conservation areas at risk.

Development should conserve or enhance the significance of the registered parks and gardens (noting that significance may be harmed by development within the setting of an asset).

In collaboration with community groups and other interested parties, the Council will consider and support the designation of new Conservation Areas in line with the relevant criteria as set out within the NPPF and legislation. New Conservation Area Management Plans will be prepared in addition to updates to the existing Conservation Area Character Appraisals.

This Policy contributes towards achieving Objective 7 of this Local Plan.

Policy PPL 9

LISTED BUILDINGS

Proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused. Proposals will be treated favourably where they:

- a. *are explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting); and*

- b. *are of a scale, design and use materials and finishes that respect the significance of the listed building (including any contribution made to that significance by its setting).*

Within the District the Council keeps a record of listed structures and buildings that are at risk of degradation. The Council will support proposals that bring heritage assets into viable use.

This Policy contributes towards achieving Objective 7 of this Local Plan.

7.9 Renewable Energy Generation and Energy Efficiency Measures

7.9.1 The National Planning Policy Framework requires local planning authorities to adopt proactive strategies to mitigate climate change and promote sustainable development. By effectively exploiting the free resources of wind and sun, in particular, renewable energy can reduce the demand for fossil fuels, which are a finite resource and release carbon into the atmosphere and accelerate global warming.

7.9.2 Tendring District supports renewable energy generation in terms of wind energy, solar energy and biomass installations. It currently has one wind farm comprising five large-scale wind turbines at Earls Hall Farm, west of Clacton, and a number of medium and small-scale turbines throughout the District. Several solar farms are concentrated in the northern part of the District, with smaller arrays adjacent to several farms. A significant biomass generator also exists at Elmstead. The Council has supported the offshore windfarm at Gunfleet Sands which required on-shore infrastructure. Subsequent changes in government policy, both in respect of planning and subsidies for renewables, mean that applications for new large-scale renewable energy schemes might not come forward in this Local Plan period. However, it remains necessary to plan for renewable energy generation, in order to meet national climate-change commitments and to this end the Council may prepare a further development planning document (DPD) identifying how such development can be supported.

7.9.3 In 2019, the Council declared a climate emergency, committing it to the preparation of an action plan with the aim of making its own activities carbon neutral by 2030 and acting as a community leader to encourage communities and developers to reduce carbon emissions and tackling climate change. Policy PPL10 below requires proposals for new development to consider the potential for a range of renewable energy solutions and for proposals for residential development in particular to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy. The REGP must demonstrate how different measures have been considered and incorporated which could and should include:

- Triple Glazing;

- Solar Roof Panels or Solar Tiles;
- Air Source Heating Systems;
- Ground Source Heating Systems; Super Insulation (walls and loft void)
- Rainwater Capture System;
- Electric Vehicle Rapid Charging Points (provided to an individual dwelling or through and appropriate communal facility);
- Superfast Broadband and a flexible space within each home to enable home working and a reduction in the need to travel;
- Mechanical Heat Recovery Ventilation
- Solar Thermal Systems;
- Solar and Battery Storage Systems; and where appropriate
- Any other newer or alternative technologies and measures aimed at maximising energy efficiency and the use of renewable energy.

7.9.4 The Council is particularly supportive of the use of Solar Panels and will expect them to be incorporated into new development wherever possible and practicable. To maximise the effectiveness of Solar Panels, buildings should be planned and orientated to have a strong southerly aspect and for the south side of pitched roofs to be rectilinear and uncluttered. Dormer Windows, hipped roofs and corner tower elements should be confined to the northern side of pitched roofs.

7.9.5 Given the importance of tackling climate change and promoting renewable energy and energy efficiency measures and the rapid speed in which technology is evolving and improving, the Council may provide further guidance in the form of a Supplementary Planning Document (SPD) to assist in the implementation of Policy PPL10, which can be updated as necessary to future changes in approach.

Policy PPL 10

RENEWABLE ENERGY GENERATION AND ENERGY EFFICIENCY MEASURES

Proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated.

All development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations.

For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

Planning permission will only be granted where the applicant can demonstrate that all reasonable renewable energy and energy efficiency measures have been fully considered and, where viable and appropriate, incorporated into the design, layout and construction. The Council will consider the use of planning conditions to ensure the measures are delivered.

Nothing in this policy diminishes or replaces the requirements of Energy Performance Certificates (EPC) and Standard Assessment Procedures (SAP) for constructed buildings and compliance with the relevant building regulations.

This Policy contributes towards achieving Objectives 6 and 9 of this Local Plan.

7.10 The Avenues Area of Special Character, Frinton-on-Sea

7.10.1 'The Avenues' to the west of Connaught Avenue shopping centre and north of the Esplanade, form a sedate residential area of outstanding Arcadian character, with wide, straight, tree and hedge lined avenues, grass verges and large, spacious detached houses set in mature gardens. This residential character forms an important quality of this part of the Frinton and Walton Conservation Area where new development affecting its character or appearance is subject to special scrutiny. If changes of use, subdivision to flats, or redevelopment for higher-density housing were to continue to occur, the area's outstanding character and the quiet enjoyment of residents in the locality would be eroded and therefore this Local Plan affords additional protection. 'The Avenues' was laid out originally with regular plots 50ft wide; as land was sold and developed some variations occurred but a minimum plot width of 15.24m remains highly characteristic of the area. Well-designed infill development might, exceptionally, be permitted on larger plots of at least 15.24m width, if the special character of the area would be safeguarded.

Policy PPL 11

THE AVENUES AREA OF SPECIAL CHARACTER, FRINTON-ON-SEA

Within 'The Avenues' area of Frinton-on-Sea, new development must preserve or enhance the special character and appearance of the Conservation Area. Proposals must respect the special character and appearance of the area, including the scale, aspect and design of adjoining buildings and the density of existing development. To ensure that this special character is safeguarded new development must:

- a. conform to the spacious residential character of development and not appear cramped or incongruous in the street scene;*
- b. not include any flats; and*
- c. not include any uses other than Use Class C3 'Dwelling Houses'.*

This Policy contributes towards achieving Objective 7 of this Local Plan.

7.11 The Gardens Area of Special Character, Clacton-on-Sea

- 7.11.1** 'The Gardens' area of the seafront in east Clacton was laid out in the 1920's and 1930's as a low-density area of high quality enhanced by long formal gardens which total 2.8 hectares. It is important that the Arcadian character of this area is preserved by ensuring that it remains an area of large detached houses on spacious plots in a well landscaped setting.

Policy PPL 12

THE GARDENS AREA OF SPECIAL CHARACTER, CLACTON-ON-SEA

Within "The Gardens" area of east Clacton, new development shall have particular regard to the special character and appearance of the area. To ensure that this special character is safeguarded, new development shall:

- a. conform generally to the existing building line;*
- b. be of two-storey scale;*
- c. conform to the existing density of development and not appear cramped or incongruous in the street scene;*
- d. not include any flats; and*
- e. be residential, or retain a residential appearance. Commercial uses, including private hotels, guesthouses and offices will not normally be considered appropriate.*

This Policy contributes towards achieving Objective 7 of this Local Plan.

7.12 Ardleigh Reservoir Catchment Area

- 7.12.1** Ardleigh Reservoir is located in open countryside, south west of Ardleigh village. It is important that new development in its vicinity does not harm water quality in the reservoir. The Policies Map shows a defined catchment area, within which new proposals may be subject to particular scrutiny in regard to the potential for water pollution to result.

Policy PPL 13

ARDLEIGH RESERVOIR CATCHMENT AREA

The Council will support proposals which involve the role, function and operation of Ardleigh Reservoir, its Treatment Works and associated networks subject to consideration against other policies in this Local Plan.

Ardleigh Reservoir is surrounded by a catchment area within which certain proposals for development will be subject to consultation with the operator of the site. This may result in restrictions being imposed or planning permission being refused if the development could materially affect the quality of water draining into the reservoir.

This Policy contributes towards achieving Objective 9 of this Local Plan.

7.13 Safeguarding of Civil Technical Sites, North East of Little Clacton / South of Thorpe-le-Soken

- 7.13.1** An important civil aviation navigation beacon and technical site is located in open countryside to the north east of Little Clacton and south of Thorpe-le-Soken. In order to fulfil its function, it is necessary to ensure that new development nearby does not interfere with it. The site and surrounding safeguarded area are shown on the Policies Map.

Policy PPL 14

SAFEGUARDING OF CIVIL TECHNICAL SITE, NORTH EAST OF LITTLE CLACTON/SOUTH OF THORPE-LE-SOKEN

The civil technical site located to the north east of Little Clacton and south of Thorpe-le-Soken is surrounded by a safeguarded area, within which certain proposals for development will be subject to consultation with the operator of the site. This may result in restrictions being imposed or planning permission being refused if the development could materially affect the proper functioning of the technical site.

This Policy contributes towards achieving Objective 7 of this Local Plan.

7.14 Safeguarding of Hazardous Operations Site, Bramble Island

- 7.14.1** An important hazardous substance site is located at Bramble Island to the south east of Great Oakley and south west of Harwich. In order to continue to fulfil its function, new development proposed at the site to facilitate its operation will be

supported in principle. New development proposals within the Health and Safety Executive (HSE) safeguarding zone shown on the Policies Map will be subject to scrutiny to ensure that no conflict would arise in relation to both public safety and the effective operation of the site.

Policy PPL 15

SAFEGUARDING OF HAZARDOUS SUBSTANCE SITE, SOUTH EAST OF GREAT OAKLEY/SOUTH WEST OF HARWICH

The hazardous substance site located at Bramble Island to the east of Great Oakley and south west of Harwich is surrounded by a safeguarded area, within which certain proposals for development will be subject to consultation with the operator of the site. This may result in restrictions being imposed or planning permission being refused, if safety issues arise or the development could materially affect the proper functioning of the hazardous substance site.

During the continued operation of Bramble Island as a high hazard site, planning permission within the area subject of the Health and Safety Executive licence will be granted where:

- a. the new development is required to ensure appropriate operation of the site;*
- b. development would not extend the area affected by the safeguarding zone;*
- c. it can be demonstrated that there would be no harmful effects upon the national, European and international environmental designations which exist; and*
- d. the proposal would comply with all other relevant national and local planning policies.*

This Policy contributes towards achieving Objective 7 of this Local Plan.

8 Connected Places

8.0.1 The Local Plan's strategic objectives for Infrastructure Provision are "To make efficient use of existing transport infrastructure and ensure sustainable transport opportunities are promoted in all new development. Where additional capacity is required in the form of new or upgraded transport infrastructure, to ensure this is provided alongside new development"; "To enable provision of upgraded broadband infrastructure and services" and "To ensure that new growth brings opportunities to enhance existing services, facilities and infrastructure for the benefit of existing and new communities".

8.0.2 The main growth objectives for this Local Plan period are to ensure delivery of new housing to meet demand and help to create new employment for the growing population. To help achieve these objectives, the policies in this chapter of the Local Plan focus upon tackling possible barriers to economic and housing growth caused by weaknesses in our transport and telecommunications networks. The policies are focused upon:

- protecting the main strategic roads in the District and improving these roads where the opportunity/need arises;
- supporting proposals which will enhance the strategic transport network;
- encouraging travel by sustainable modes of transport;
- promoting improved access to, and facilities for, public transport; and
- further developing the provision of higher speed broadband services.

8.0.3 In order to help support the principles of sustainable development, it is important to ensure that everyone living in, working in or visiting Tendring District is able to travel and communicate efficiently. Effective telecommunications can reduce the need to travel and thereby help to reduce congestion on the roads, making journeys more efficient and convenient. Where journeys are necessary, providing opportunities for alternative means of transport to the private car is an essential consideration for proposals for new development. Even small-scale developments can increase the likelihood of more car journeys being made unless provision is made within schemes to encourage alternatives.

8.0.4 Although most journeys are made by car, most are over relatively short distances (sometimes as part of a much longer journey) and could often be made by other, more sustainable, modes of transport. Therefore making good provision within the design of new developments to encourage walking, cycling and public transport use is crucial to achieving sustainable development. Such solutions can have wider public benefits, not only in terms of transportation choices but also for public health and safety, with increased physical activity, well-being and levels of use of public spaces.

8.0.5 New development can provide the opportunity to link places in a sustainable way and contribute to the development of a more efficient transport network. Equally important is to ensure that the existing transport network is protected from any proposed new development which would harm efficiency and safety.

8.1 Sustainable Transport and Accessibility

8.1.1 The National Planning Policy Framework promotes sustainable transport solutions. It states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice over how to travel. The Council will work with its partners, including Essex County Council, bus and train operators and the development industry, to improve accessibility, promote sustainable means of transport and reduce dependence upon private car transport.

8.1.2 To achieve sustainable communities, homes, jobs, services and facilities should, ideally, be accessible by a variety of different modes of transport, including: walking; cycling; and public transport – not just private cars. Locating development in accessible places gives people the option to use more sustainable modes of transport, which contribute less to global warming, and benefits those members of society who do not have access to a car. Additionally, there are public health and safety benefits to walking and cycling.

8.1.3 The Essex Transport Strategy (2011) is the Local Transport Plan (LTP) and includes Tendring District within the 'Haven Gateway'. It sets out the transport priorities for the area, which include 5 key outcomes to be achieved:

1. Provide connectivity for Essex communities and international gateways to support sustainable economic growth and regeneration;
2. Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology;
3. Improve safety on the transport network and enhance and promote a safe travelling environment;
4. Secure and maintain all transport assets to an appropriate standard and ensure that the network is available for use; and
5. Provide sustainable access and travel choice for Essex residents to help create sustainable communities. The Local Transport Plan (LTP) is supported by a suite of more specific documents including the Bus Strategy, the Cycling Strategy, the Sustainable Modes of Travel Strategy, and implementation plans that are also periodically updated by Essex County Council.

8.1.4 To reduce greenhouse gas emissions, the Council will support development which uses sustainable modes of transport. Whilst most journeys are made by road, Tendring District is served by 14 railway stations, providing a range of electrified

London main line and local branch line services, with regular services from Clacton, Walton and Harwich/Dovercourt to the Colchester railway stations and beyond. The railway is important as both a public transport mode which can provide a sustainable alternative to private car use for work and leisure purposes and an alternative to HGV use for freight transport to and from Harwich International Port.

- 8.1.5** The Council will support and encourage measures which will make rail use a more attractive and sustainable alternative to the use of private cars for both local journeys and longer commutes and to the use of HGVs for freight transportation. The Council will work with Network Rail to improve rail connectivity in the context of their Industrial Rail Strategy/Route Strategy. Specific infrastructure projects will be integrated into the Infrastructure Delivery Plan.
- 8.1.6** The main urban areas within the District are located along the coastal fringes and the area has a strong rural heartland where the main means of sustainable transport is by bus. Local buses running within and between settlements are crucial to providing access to jobs and services for many people in towns, villages and rural areas.
- 8.1.7** The Council will work with Essex County Council and bus operators to ensure coverage across the District, improve services and frequency and seek opportunities to improve bus-stop facilities and provide additional services to support new major development.
- 8.1.8** Cycling and walking should also be seen as transport modes in their own right and an integral part of the transport network. Increasing the options for travelling by those modes can benefit both the environment and public health, reducing pollution and increasing fitness levels. In this way, planning and transportation outcomes can help to support the wider health and wellbeing agenda. Many car journeys are over short-distances which could be travelled on foot or by cycle if these are attractive options, possibly as part of longer journeys.
- 8.1.9** Proposals for new development will be required to take account of the need to ensure accessibility, having regard to its location in relation to existing services and facilities, and by providing safe pedestrian and cycle connections to existing networks. As the Tendring District is mainly rural, reliance upon private cars will be inevitable to some extent within its remoter parts. However, the Council will require that measures for sustainable travel at all new developments are investigated and implemented where practicable.
- 8.1.10** As the Highway Authority for the area, Essex County Council is a consultee in regard to many planning applications. New developments will be required to be acceptable in terms of highway capacity, safety and convenience and to meet the requirements for access and parking which are contained in the latest version of the Essex County Council Development Management Policies, Travel Plan and Parking Standards, or equivalent amended or replacement policies or standards, or any overriding

policies in this Local Plan, along with relevant Essex Accessibility strategies and Design guides. To be sustainable, developments should also be accessible by public transport, cycling and walking.

- 8.1.11** Parking standards can support measures which promote sustainable transport choices and help to protect amenity. The Council will work with Essex County Council to ensure that local parking standards are fit for purpose and that its assessment of planning applications takes account of factors such as: the accessibility of development, the type, mix and use of development; the availability of and opportunities for public transport.

Policy CP 1

SUSTAINABLE TRANSPORT AND ACCESSIBILITY

Proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. Providing options for non-motorised vehicles is especially important for the large-scale developments at Clacton and the Tendring Colchester Borders Garden Community.

Planning applications for new major development likely to have significant transport implications will normally require a Transport Statement. If the proposal is likely to have significant transport implications or a Transport Assessment, the scope of which should be agreed in advance between the District Council and the applicant, in consultation with Essex County Council as the Highway Authority. In order to reduce dependence upon private car transport, improve the quality of life for local residents, facilitate business and improve the experience for visitors, all such applications should include proposals for walking and cycling routes and new or improved bus-stops/services. Where relevant, improvements to railway station passenger facilities should be included and greater connectivity between places and modes of transport demonstrated.

Travel Plans and Residential Travel Information Packs should be provided as appropriate and in accordance with Essex County Council published guidance.

The Essex Cycling Strategy will be used as a guide to ensure the provision of appropriate cycling infrastructure.

This Policy contributes towards achieving Objectives 4 and 6 of this Local Plan.

8.2 Improving the Transport Network

- 8.2.1** An efficient and effective strategic transport network is critical for achieving economic growth, supporting trade and attracting inward investment, and reducing carbon emissions to help to reduce increases in global warming. Conversely, a network

which is unsafe, slow or inconvenient can deter business investment and could harm the area's tourist economy, which attracts many thousands of visitors, particularly during the main summer holidays.

- 8.2.2** The Council will work with its partners, including Highways England, Essex County Council, bus and train operating companies, Network Rail and landowners, to safeguard and to explore opportunities to improve the District's strategic transport network. It will seek to make the transport network safer and more efficient, in order to: facilitate growth, trade and inward investment; help to improve the quality of life for local residents; and improve the experience for visitors to the District and will encourage improvements to the quality and frequency of rail and bus services and station facilities and their appearance.
- 8.2.3** The major roads forming part of the District's strategic transport network are the A120 and A133. Both routes include sections which require upgrading in order to improve safety and convenience and to function efficiently in the context of significant future housing growth. For the A133, between Colchester and Clacton, the Council will work with Essex County Council (the Highway Authority) to identify the nature and cost of improvements needed, seek sources of public funding and consider the use of the Community Infrastructure Levy (CIL) to secure contributions towards these works. An upgrade of the A120 is a requirement of the planned port expansion at Bathside Bay, Harwich although this is not expected to take place early in the plan period. The Council will work with Highways England and other partners to investigate ways of funding and delivering possible early improvements and will resist any development proposals in the vicinity of the A120 which could jeopardise its upgrading, widening or re-routing.
- 8.2.4** Major growth areas in West Tendring/East Colchester and Clacton will require new strategic highway and public transport infrastructure, which will not only serve the development areas themselves but also provide for two major new roads, to ensure that traffic is able to move through and between settlements efficiently, thereby helping to ease traffic congestion that otherwise would occur. A strategic link road between the A120 and A133 and Rapid Transit System will be required to support the Tendring Colchester Borders Garden Community. Strategic access improvements will be required in Clacton to connect the A133 to the western area of the town improving accessibility and circulation around the town and supporting further planned growth. The agreed route and specification of this connection/s (including for public transport and active travel) will be subject to further transport planning and assessment with Essex County Council and its planning and delivery detailed in future plans.
- 8.2.5** The Council will explore, in partnership with Essex County Council, Suffolk County Council, Babergh District Council and Network Rail, opportunities to improve the A137 and railway crossing/underpass at Manningtree Station. Any new developments likely to increase use of this route may be required to contribute towards such improvements.

Policy CP 2

IMPROVING THE TRANSPORT NETWORK

- *Proposals for new development which contribute to the provision of a safe and efficient transport network that offers a range of sustainable transport choices will be supported. Major development proposals should include measures to prioritise cycle and pedestrian movements, including access to public transport.*
- *The Tendring Colchester Borders Garden Community will require a strategic link road between the A120 and A133 and a Rapid Transit System to support the new Garden Community. These infrastructure works have secured funding from the Housing Infrastructure Fund and are currently subject to further and more detailed planning and delivery. Further transport assessment work will be undertaken by Essex County Council (the highway authority) and Tendring District Council to identify the optimal route, specification and design of access improvements (including public transport and active travel) to Clacton from the A133 to the western side of the town. This will improve existing accessibility and support new growth areas and future development.*
- *Proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.*

This Policy contributes towards achieving Objectives 4 and 6 of this Local Plan.

8.3 Improving the Telecommunications Network

- 8.3.1** The National Planning Policy Framework promotes the expansion of electronic communications networks, including both telecommunications and high speed broadband. Smarter use of such technologies can reduce the need to travel and thereby contribute to sustainability objectives.
- 8.3.2** In recent years, major improvements in computer and mobile phone technology and the growing use of the internet have radically changed the way business is carried out and how people shop, learn and socialise. This technology has become essential for businesses and a fundamental part of everyday life. In the future, it will make geographic location less of a consideration for some types of businesses and for areas like Tendring District. Where geography has been a disadvantage in attracting certain kinds of business in the past, embracing the digital revolution is one of the most positive things the District can do to make the area more viable as a place to do business, in offices, shops, factories and warehouses, or people's homes.
- 8.3.3** Ensuring that Tendring District's communications network achieves wide coverage and is fast and reliable is critical to achieving growth of the local economy; helping existing businesses to expand and new businesses to establish, whilst improving

access for residents to online shopping, services and information. The Council will work with the telecommunications industry to ensure that as many parts of the District as possible have access to the internet (particularly superfast broadband, wireless hotspots in public spaces and at least 4G mobile coverage) and to encourage the use of this technology (or superior new technology), not only for business but also Council and other public services, information and educational resources.

- 8.3.4** The District will see the evolution of digital provision in relation to Primary Care as a result of the 'Digital First' approach to primary care investment. Practices within Primary Care networks will enable digital first options to improve fast access to primary care, reducing waiting and travelling time for patients, services will include outpatient follow up appointments and medication reviews. Consequently, the need for high speed broadband access and flexibility in terms of the provision of digital health infrastructure to any new housing development is crucial in order to ensure the success of the Digital First approach.

Policy CP 3

IMPROVING THE TELECOMMUNICATIONS NETWORK

- *Proposals for new telecommunications infrastructure will be supported where they utilise existing masts, buildings and other structures and where the applicant can demonstrate that:*
 - a) *they will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and*
 - b) *the possibility of other planned development in the area interfering with broadcast and telecommunications has been considered and addressed.*
- *Proposals for new masts, buildings or other structures associated with the communications network will only be approved where the applicant, in addition to meeting criteria a) and b) above, can demonstrate that:*
 - c) *the development cannot, for practical or economic reasons, be incorporated into or onto existing masts, buildings and other structures; and*
 - d) *the development will be sympathetically designed, having regard to its appearance and impact upon local visual amenity and camouflaged if necessary.*
- *All new dwellings and non-residential buildings must be served by at least a 'superfast' broadband* (fibre optic) connection, installed on an open access basis and 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, unless the applicant can demonstrate that this would not be possible, practical or economically viable. In those cases, the Council may utilise Community*

Infrastructure Levy (CIL) funds, or seek a developer contribution, towards off-site works that would enable those properties access to superfast broadband, either via fibre optic cable or wireless technology in the future.

- *New development that may cause interference to the broadcast and telecommunications network will not be permitted unless the applicant can demonstrate how such interference will be mitigated, at the developer's cost.*

**As new versions of broadband - such as 'ultrafast' - become available, provision must be the best possible speed.*

This Policy contributes towards achieving Objective 4 of this Local Plan.

9 Delivering Places

The Local Plan's strategic objective for Employment/Commercial is:

“To provide for the development of employment land on a variety of sites to support a diversity of employment opportunities and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth up to the period of 2033.”

and for Housing is:

“To provide new dwellings within Tendring District up to 2033 of sufficient variety in terms of sites, size, types, tenure and affordability to meet the needs of a growing and ageing population.” and “To deliver high quality sustainable new communities.”

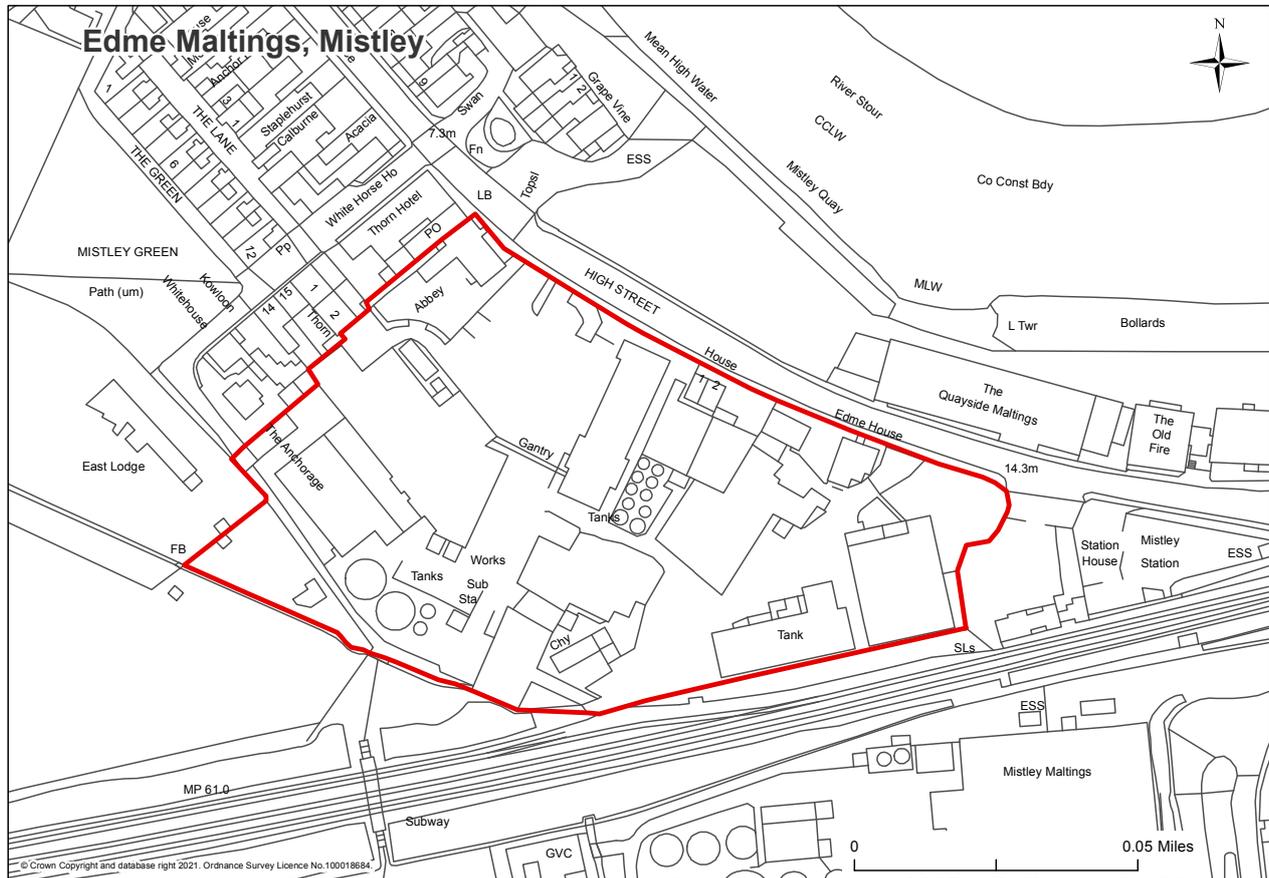
This chapter takes forward policies within Chapters 5 – Living Places and Chapter 6 – Prosperous Places, through site specific policies to achieve:

- Strategic Allocation Mixed Use Sites: Sites that are expected to accommodate homes, jobs and community assets. These are listed as Policies SAMU1 – 5;
- Strategic Allocation Housing: Sites that are expected to principally deliver between 100-300 homes. See Policy SAH2;
- Medium Site Allocations: Sites that are expected to principally deliver between 10 -100 homes; and
- Strategic Allocations for Employment: Sites expected to deliver jobs principally in the B category of the Use Class Order; namely office, light industrial, distribution and storage.

Note: Housing small sites of 9 or less are accommodated by windfall and current consent allowances in Chapter 5 and therefore do not have site specific policies.

9.1 EDME Maltings, Mistley

Map SAMU1 - EDME Maltings Mistley



- 9.1.1** Policy SAMU1 below sets out specific requirements for this development. Any planning application for development will be expected to comply with this policy, along with other relevant policies, in the Local Plan. The Council will work with relevant landowners, developers and other partners, in consultation with the local community, to ensure that the development is delivered in a way that brings economic, social and environmental benefit to the community and the wider district.
- 9.1.2** The Council is working with EDME Maltings to help it relocate to more suitable premises within the Tendring District that meet the modern-day requirements of the business. The current site is expected to become vacant and available for redevelopment during the Plan period.
- 9.1.3** Given the Conservation Area status of the site, the listed buildings and its central location in Mistley, emphasis must be placed on a high quality of design and the integration of any development with the existing character and appearance of the village.

- 9.1.4** A Transport Assessment must be submitted with any planning application to identify suitable means of access and, where necessary, appropriate highway capacity and/or safety enhancements; improvements to public transport services; infrastructure; cycle; pedestrian and bridleway infrastructure enhancements.

Policy SAMU1

DEVELOPMENT AT EDME MALTINGS, MISTLEY

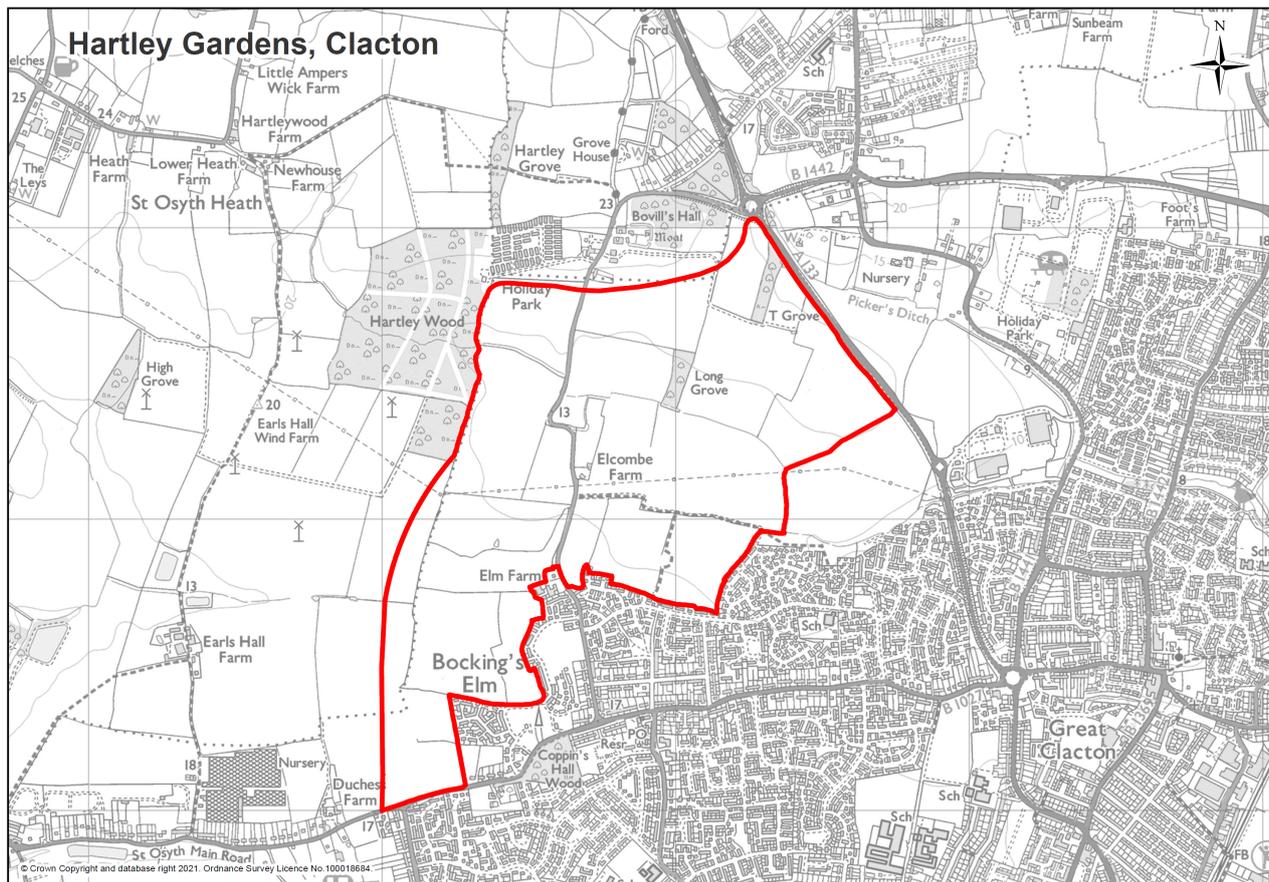
Land to the south of High Street, Mistley (EDME Maltings), shown on the Map SAMU1, is allocated for a residential led mixed-use development including, employment, recreation and leisure uses.

Proposals must accord with the following:

- a. assessment of any impact on nature conservation, including on the Stour and Orwell Estuaries SPA and Ramsar site, should be undertaken. Development will only be permitted where a project level assessment has demonstrated in accordance with the Habitat Regulations, that any proposal will not adversely affect the integrity of the Stour and Orwell Estuaries SPA and Ramsar site, either alone or in-combination. If significant effects are considered likely, an appropriate mitigation strategy should be submitted or compensatory habitat provided;*
- b. the principal point of vehicular access will be via the existing accesses off High Street (with improvements where necessary and/or appropriate);*
- c. capacity and/or safety enhancements to the local highway network where necessary;*
- d. where necessary, enhancements to public transport, cycle, pedestrian, and bridleway infrastructure. In particular, enhancement of the Essex Way must be delivered;*
- e. views across the Stour Estuary must be maintained;*
- f. delivery of opportunities for the protection and enhancement of the historic environment (having particular regard to the maritime heritage of the area);*
- g. protection of the adjoining nature conservation interests, biodiversity and landscape quality during construction work and thereafter;*
- h. financial contributions to primary and secondary education provision as required by the Local Education Authority either through the Community Infrastructure Levy or Section 106 Planning Obligations;*
- i. financial contributions to healthcare provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.*

9.2 Hartley Gardens, Clacton

Map SAMU2 - Hartley Gardens, Clacton



- 9.2.1** Hartley Gardens is the largest proposed area for mixed use development in the Local Plan. It is anticipated that housing delivery on the site will not commence until years 2025-2030 of the plan period. The Council wishes to deliver a sustainable urban extension on the site that is planned and delivered through a master-planned approach to be set out in a site specific Hartley Gardens Supplementary Planning Document (SPD) or a comprehensive masterplan, prepared for approval by the Council. This will ensure a comprehensive and co-ordinated approach that identifies the land use, design, environmental and infrastructure requirements for the site and will be used to inform, assess and determine planning applications and co-ordinate a comprehensive, integrated and sustainable development and a high quality well designed place. The greenfield site comprises c. 80 hectares of arable land on the north west edge of Clacton. The land is predominantly open arable farmland. There is an area of ancient woodland (Hartley Woods) to the north west of the site and areas of woodland, hedges and trees within the site with both ecological and landscape value. Pickers Ditch is a notable site feature which runs along the south of the site and has been enhanced as a green infrastructure corridor through the

Brook Park West development. The development of Hartley Gardens will need to both expand and integrate this green corridor. There are a number of footpaths that extend into the site and are used by local walkers. In terms of heritage assets Bovills Hall contains grade II listed buildings and archaeological remains to the direct north of the site, Bluehouse Farm a Grade II listed building is located to the south of the site and the Grade II listed farms or former farmhouses of Earls Hall Lodge and Duchess Farmhouse are to the south and west of the site.

- 9.2.2** Policy SAMU2 below sets out specific requirements for this development site including the matters to be addressed through the Hartley Gardens SPD or masterplan. The overall vision for this location is to deliver a high quality comprehensively planned new sustainable neighbourhood to include 1,700 homes and supporting physical, social and green infrastructure. Not all of these homes will be delivered within this Plan period and it is expected that the majority of development will take place after 2033. Any planning applications for development should be consistent with Policy SAMU2 and other requirements set out in the SPD or masterplan. The SPD or masterplan will deal with the whole site and its integration with its surrounding communities, wider countryside and the town centre. Policy SAMU2 allows for the potential for some development to come forward in advance of the preparation and adoption of the SPD or comprehensive masterplan where applications conform with the wider master-planned approach and would not prejudice to the overall delivery of the Hartley Gardens development. The Council will work with relevant landowners, developers and other partners, in consultation with the local community, to ensure that the development is delivered in a way that brings the supporting economic, social and environmental benefits to the community and the wider district.
- 9.2.3** As there currently is insufficient capacity available in the wider area for the treatment of foul water, it is important that negotiations take place with Anglian Water at an early stage to ensure that sufficient capacity in the local foul water system is being created to accommodate the new development. In particular, this development must ensure increased capacity at the water recycling centres in Clacton or Jaywick to accommodate the additional growth.
- 9.2.4** A Transport Assessment must be submitted with any planning application to identify suitable means of access. Where necessary, appropriate highway capacity and/or safety enhancements; improvements to public transport services and infrastructure; cycle; pedestrian and bridleway infrastructure enhancements will be provided. The development will necessitate a new road to be constructed from the B1442/A133 roundabout to the B1027 (St Johns Road).
- 9.2.5** The Council will work with Network Rail, bus and train operators, Essex County Council and developers to explore opportunities to make improvements to Clacton-on-Sea train station; including improvements to facilities, frequency of services and the interchange between bus and rail transport.

Policy SAMU2

DEVELOPMENT AT HARTLEY GARDENS, CLACTON

Land north of Bockings Elm and west of A133 shown on the Map SAMU2, is allocated for long term mixed use development for the phased and comprehensive delivery of the following:

- a. approximately 1,700 new homes of mixed sizes and types to meet evidenced local housing need within the Council's most up to date Strategic Housing Market Assessment and to include 30% affordable housing as set out in Policy LP5 ;*
- b. up to 7 hectares of land for employment;*
- c. 2.1 hectares of land for a new two-form entry primary school with co-located 56 place early years and childcare facility, 1.3 hectares of land for a second 56 place stand-alone early years and childcare nursery and/or financial contributions towards primary school and secondary school provision as required by the Local Education Authority based on evidenced need;*
- d. New facilities and/or financial contributions to support new health provision based on evidenced need;*
- e. Green infrastructure which should provide a multi-functional and connected network, including amenity green space, parks, allotments and natural and semi natural green space (meeting the standards set out in Policy HP5) and providing for attractive green walking and cycling routes;*
- f. To deliver at least 10% biodiversity net gain;*
- g. A sustainable movement network, including principal points of highway access, a hierarchy of streets, facilitating public transport and prioritising the connection of walking and cycling routes within the site and beyond; and*
- h. The provision of sufficient utility infrastructure working with the relevant infrastructure providers to ensure that such provision is achieved in a timely manner.*

The development will follow a comprehensively master-planned approach to be set out in a site-specific Supplementary Planning Document (SPD) or comprehensive masterplan which has been prepared for approval by the Council. The purpose of the SPD or masterplan will be as follows:

- i. provide further detail on the geographical extent and boundary of the allocation, ensuring a defensible and sensitive boundary to the open countryside beyond;*
- ii. provide the means to inform, assess and determine planning applications and secure comprehensive, co-ordinated and integrated sustainable development; and*

- iii. *facilitate and support the co-ordination and timely delivery of the green, social and physical infrastructure necessary to facilitate growth in this location.*

The above requirements aim to ensure the comprehensive and co-ordinated development of the site, to ensure the masterplanning principles below are addressed and to provide a clear delivery plan to ensure the right infrastructure is funded and delivered at the right place and at the right time.

In addition, development in advance of the Hartley Gardens SPD or masterplan may be permitted provided that:

- *There would be no conflict or prejudice to the delivery of the wider Hartley Gardens development (including its infrastructure requirements) and would not undermine the integrated and co-ordinated approach to the wider development;*
- *The development demonstrably conforms to the policy requirements and principles of Policy SAMU2 Hartley Gardens;*
- *The proposal can demonstrate that it would not compromise the delivery of a site wide highway infrastructure strategy, or the delivery of sustainable modes of transport within the scheme and that the residual impacts upon the transport network will not be severe.*

Masterplanning Principles

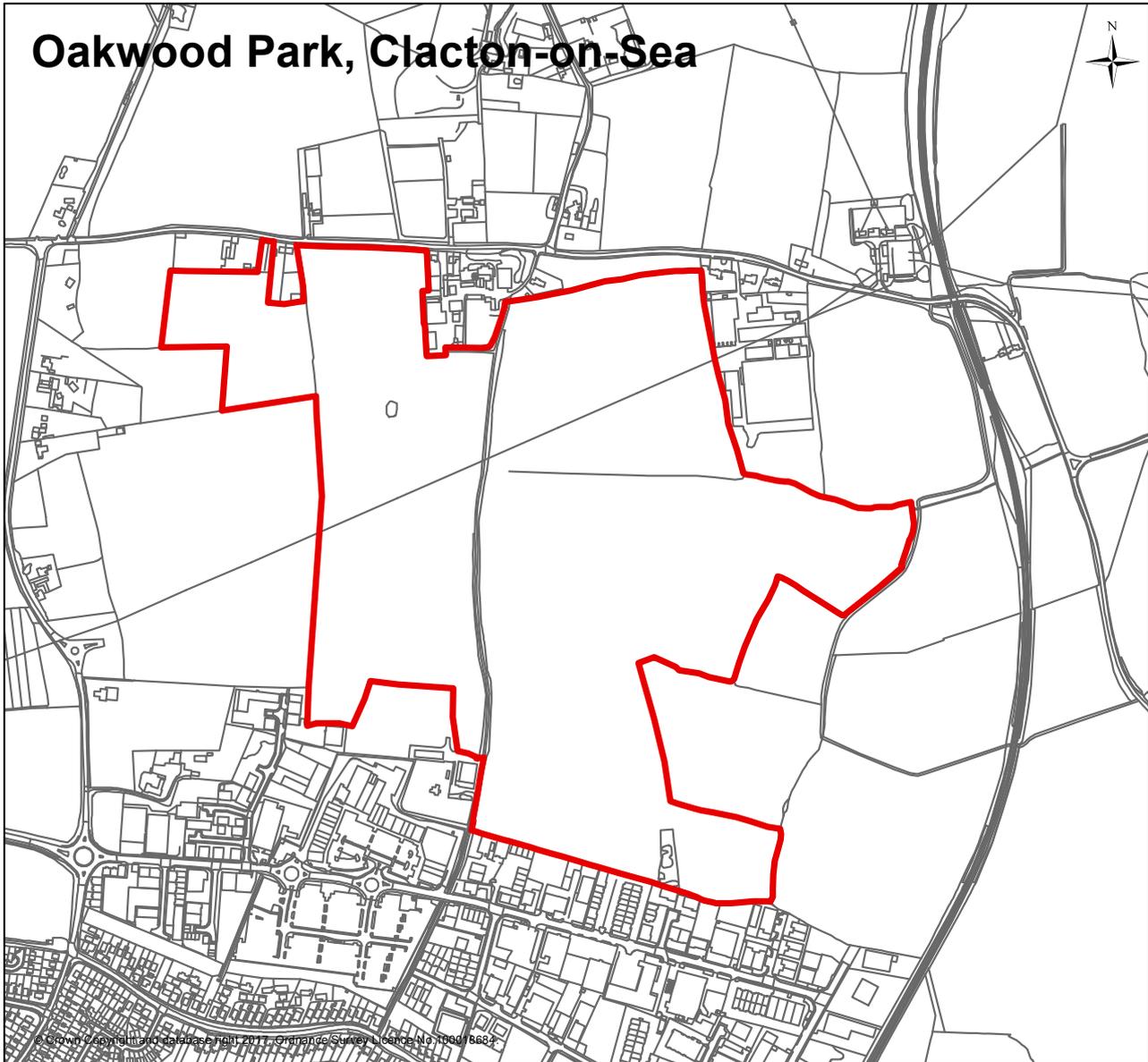
The Hartley Gardens SPD or masterplan will provide further guidance to meet the following principles and all development proposals should accord with these:

- i. *create a series of permeable and legible well defined streets which prioritise cycle and pedestrian routes which link into the existing built up area and local facilities (e.g. retail and schools);*
- j. *identify off site highway works required to support new development, their phasing and funding;*
- k. *identify public transport measures to ensure sufficient access to the site by bus, rail, walking and cycling routes within the site with strong and positive linkages to the existing network;*
- l. *create a high quality built and natural environment that respects the built and landscape character and context of the local area and which reflects the guidance in the National Design Guide and the Essex Design Guide;*
- m. *incorporate in the design of new development measures to minimise the contribution to climate change and to ensure new development is resilient and adaptable to the effects of climate change;*

- n. create a connected multi-functional green infrastructure network which protects and enhances existing site features of landscape and ecological value and any veteran trees, hedgerows and other important landscape features and important habitats;*
- o. ensure no net loss of biodiversity, and to deliver a 10% net gain as well as securing positive benefits to biodiversity through the restoration, enhancement and creation of appropriate semi-natural habitats within and through the site to maintain, restore and create functional ecological networks;*
- p. establish a sustainable drainage system across the site that integrates with the green infrastructure network and utilises where practicable existing watercourses (e.g. Hartley Brook and Pickers Ditch), ponds, ditches and any greenways associated with retained hedgerows and maximised habitat value;*
- q. create a landscape structure that retains and utilises existing landscape features (such as hedgerows, trees, Hartley Brook and Pickers Ditch) and uses new planting and landscaping to sensitively integrate new built development and provide an attractive green setting;*
- r. use structural planting and the location, orientation and design of new buildings to maintain the landscape setting and separate identity of Little Clacton and to carefully screen and sensitively integrate new infrastructure and buildings from the open countryside to the west to minimise any visual impact;*
- s. identify opportunities to preserve and enhance the setting and significance of heritage assets, including at Bovills Hall, Earls Hall and Dutchess Farmhouse and Bluehouse Farm;*
- t. where an archaeological evaluation (trial trenching where necessary) identifies surviving archaeological deposits, an appropriate mitigation strategy for preservation in situ or by excavation should be submitted;*
- u. demonstrate that no internationally designated sites would be adversely affected by the development either alone or in combination with other proposals as per the requirements of Policy PPL4 and future proposals will need to demonstrate no adverse impact on water quality as per the requirements of Policy PPL5; and*
- v. demonstrate how a phased approach to development can deliver the required infrastructure in a coordinated and timely manner and to create an integrated and sustainable community.*

9.3 Oakwood Park, Clacton

Map SAMU3 - Oakwood Park, Clacton



- 9.3.1** Policy SAMU3 below sets out specific requirements for the extension of a committed development site at Oakwood Park (15/01781/OUT) which is under construction for 250 homes. This extended mixed-use development includes a further 900 homes, of which around half are expected to be delivered within this Plan period to 2033.
- 9.3.2** Any planning applications for future development will be expected to comply with and assist in the delivery of this housing requirement along with other relevant policies in the Local Plan. The Council will work with relevant landowners, developers

and other partners, in consultation with the local community, to ensure that the development is delivered in a way that brings economic, social and environmental benefit to the community and the wider district.

- 9.3.3** A watercourse crosses the site which creates an opportunity to deliver a water feature within the site which could serve as a sustainable surface water management system, including an attenuation lagoon. As there will be insufficient future capacity available in the wider area for the treatment of foul water, it is important that engagement with Anglian Water takes place at an early stage to ensure that sufficient capacity in the local foul water system is created to accommodate the new development.
- 9.3.4** A Transport Assessment must be submitted with any planning application to identify suitable means of access with the firm preference being to utilise the recently built, high capacity, roundabout on Thorpe Road which serves the adjacent commitment to the west. Where necessary, appropriate highway capacity and/or safety enhancements; improvements to public transport services and infrastructure; cycle; pedestrian and bridleway infrastructure enhancements will be provided.

Policy SAMU3

DEVELOPMENT AT OAKWOOD PARK, CLACTON

Land north of Clacton-on-Sea, between Holland Road and the Oakwood Business Park (Oakwood Park, Clacton), shown on the Map SAMU3, is allocated for a mix of residential development, community facilities and public open space as follows:

- a. approximately 900 new homes of mixed sizes and type to include affordable housing and dwellings designed to address the needs of older residents;*
- b. approximately 3 hectares of public open space;*
- c. approximately 2.1 hectares of land for a new two-form entry primary school with co-located 56 place early years and childcare facility (D1 use) as required by the Local Education Authority through Section 106 Planning Obligations;*
- d. approximately 2 hectares of land for care and extra care facilities;*
- e. approximately 2 hectares of land for a neighbourhood centre to include local shops, services and community facilities; and*
- f. approximately 1.0 hectares of land for health care facilities;*

Proposals must accord with the following:

- g. inclusion of development at urban to suburban densities (average of 30 dph) and include a master planned approach which addresses the opportunities for further development post-2033 and does not preclude any future development on adjoining land.*

- h. the principal point of vehicular access should be off Thorpe Road through the approved housing development on land to the west utilising the recently constructed roundabout and only if necessary a secondary access off Holland Road to the north;*
- i. capacity and/or safety enhancements to the local highway network where necessary;*
- j. where necessary, enhancements to public transport, cycle, pedestrian, and bridleway infrastructure;*
- k. delivery of opportunities for the protection and enhancement of the historic environment features and settings including the built and archaeological environment as well as the rural character of the bridleway running through the centre of the site;*
- l. where an archaeological evaluation (trial trenching where necessary) identifies surviving archaeological deposits, an appropriate mitigation strategy for preservation in situ or by excavation should be submitted;*
- m. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures to deliver links with the existing landscape and access features. As part of this, appropriate landscaping treatment along the northern and eastern fringes of the site is required to minimise visual impacts;*
- n. financial contributions to early years and childcare, primary and secondary education provision, as required by the Local Education Authority primarily through Section 106 Planning Obligations or the Community Infrastructure Levy;*
- o. early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development;*
- p. financial contributions towards community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.*

9.4 Rouses Farm, Clacton

Map SAMU4 - Rouses Farm, Clacton



- 9.4.1** Policy SAMU4 below sets out specific requirements for this site. The western and north-western periphery of Clacton is relatively unaffected by significant physical and environmental constraints. As well as providing a mix of new housing, this development will provide land for a new primary school, a new primary health care centre and a significant area of new open space. The non-housing elements of the development will deliver a number of local jobs in the public and private sector, particularly in health and education. The overall increase in new households will help support growth in the wider economy including spending and investment in the town centre and other service-sector industries.
- 9.4.2** A Transport Assessment must be submitted with any planning application to identify suitable means of access. Where necessary, appropriate highway capacity and/or safety enhancements; improvements to public transport services and infrastructure; cycle; pedestrian and bridleway infrastructure enhancements will be provided.
- 9.4.3** Any planning applications for development will be expected to comply with, and assist in the delivery of these concepts and requirements along with other relevant policies in the Local Plan. The Council will work with relevant landowners, developers and other partners, in consultation with the local community, to ensure that the development is delivered in a way that brings economic, social and environmental benefit to the community and the wider district.
- 9.4.4** As there is currently insufficient capacity available in the wider area for the treatment of foul water, it is important that engagement with Anglian Water takes place at an early stage to ensure that sufficient capacity in the local foul water system is being created to accommodate the new development. In particular, it should be ensured that there is sufficient capacity at the water recycling centre in Jaywick to accommodate the additional growth.

Policy SAMU4

DEVELOPMENT AT ROUSES FARM, JAYWICK LANE, CLACTON

Land at Rouses Farm, west of Jaywick Lane and south of St. John's Road, Clacton-on-Sea, as defined on Map SAMU4, is allocated for a mix of residential development, community facilities and public open space as follows:

- a. up to 950 new homes of mixed sizes and types to include affordable housing as per the Council's requirements up to 2033 and features to support a range of housing sizes and types to reflect the needs of the area requirements;*
- b. a new two-form entry primary school with co-located 56 place early years and childcare facility (D1 use) on 2.1 hectares of land as required by the Local Education Authority through Section 106 Planning Obligations;*
- c. a new neighbourhood centre;*

d. infrastructure or a financial contribution towards the delivery of healthcare capacity to meet the needs of the growing population in West Clacton;

e. a minimum of 5 hectares of public open space;

Proposals must accord with the following:

f. inclusion of a master planned approach;

g. the principal points of vehicular access will be off St John's Road in the north and Jaywick Lane in the south;

h. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures to deliver links with the existing landscape and access features. As part of this, a minimum 20 metre landscaping buffer along the western edge of the site is required to minimise visual impacts;

i. the layout of the site is expected to include a new spine road with a carriageway width of 6.75 metres, linking St John's Road and Jaywick Lane, which is capable of accommodating buses and other large vehicles, enabling traffic calming measures or access restrictions to be implemented in Jaywick Lane which will benefit existing residents in that area;

j. where necessary and/or appropriate, incorporation of highway capacity, safety, public transport, cycle, pedestrian and bridleway service and/or infrastructure enhancements. A safe cycle path/footpath between the development and the Clacton Coastal Academy and new primary school is required;

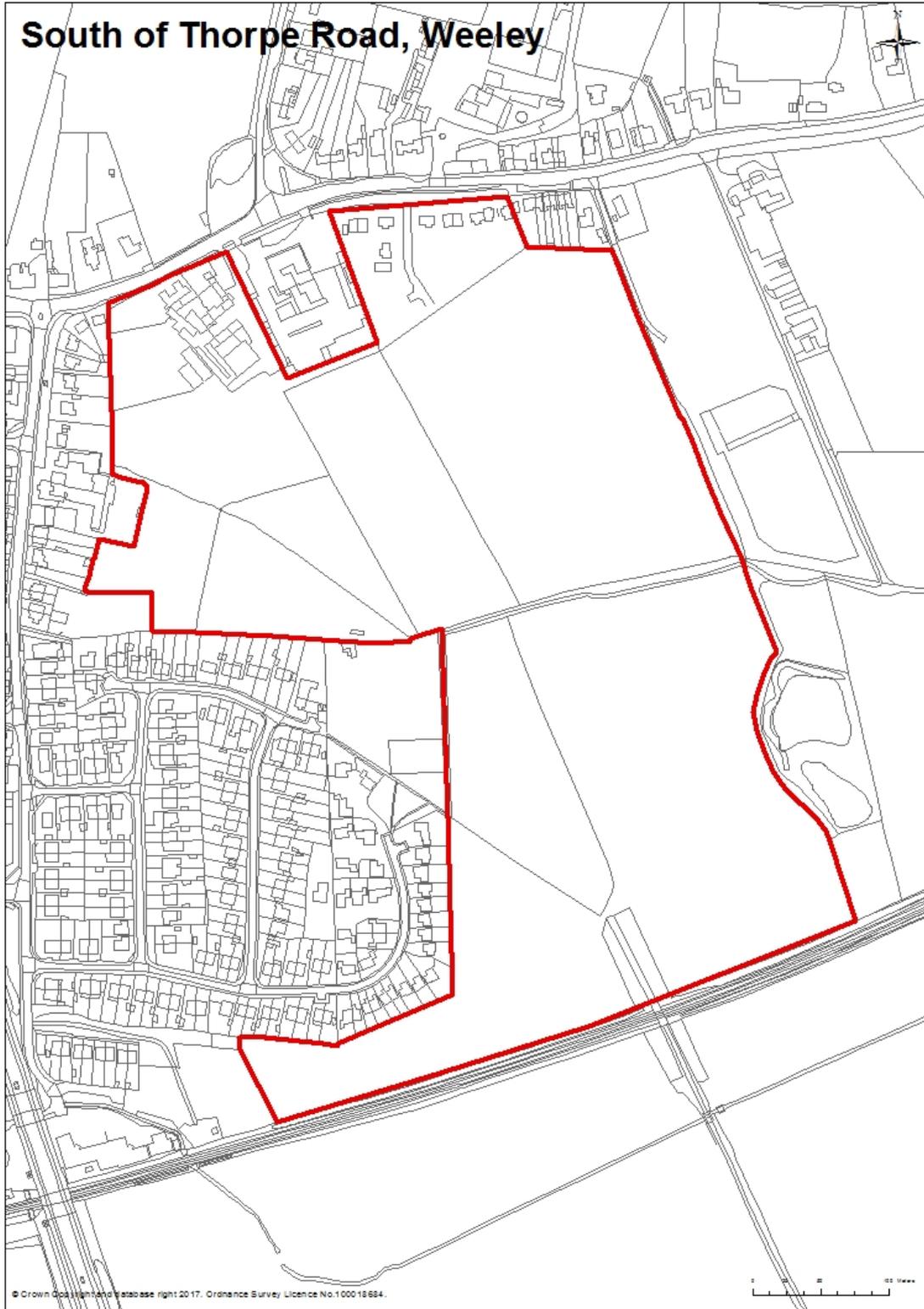
k. a financial contribution to early years and childcare and secondary education provision, as required by the Local Education Authority through Section 106 Planning Obligations;

l. delivery of opportunities for the protection and enhancement of the historic environment features and settings including the built and archaeological environment;

m. early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development.

9.5 South of Thorpe Road, Weeley

Map SAMU5 - South of Thorpe Road, Weeley



- 9.5.1** Policy SAMU5 below sets out specific requirements for this site. Any planning applications for development will be expected to comply with, and assist in the delivery of these concepts and requirements along with other relevant policies in the Local Plan. The Council will work with relevant landowners, developers and other partners, in consultation with the local community, to ensure that the development is delivered in a way that brings economic, social and environmental benefit to the community and the wider district.
- 9.5.2** A Transport Assessment must be submitted with any planning application to identify suitable means of access. Where necessary, appropriate highway capacity and/or safety enhancements; improvements to public transport services and infrastructure; cycle, pedestrian and bridleway infrastructure enhancements will be provided.
- 9.5.3** The Council will work with Network Rail, bus and train operators and developers to explore opportunities to make improvements at Weeley station. This will include improvements to facilities, frequency of services, the interchange between bus and rail transport and to support development around the railway station that would help to facilitate this.
- 9.5.4** In 2019 outline planning permission was granted for development in accordance with Policy SAMU5 (reference 19/00524/OUT). Before development commences, the Council will need to approve detailed plans but it is expected that development will commence in 2022/23 and will be completed in full by 2033.

Policy SAMU5

DEVELOPMENT SOUTH OF THORPE ROAD, WEELEY

Land south of Thorpe Road, Weeley, shown on the Map SAMU5, is allocated for mixed use development as follows:

- a. at least 280 new homes of a mixed size and type to include affordable housing as per the Council's requirements;*
- b. 1 hectare of land for employment (potentially utilising buildings at Ash Farm);*
- c. 1 hectare of public open space;*
- d. 2.1 hectares of land for a new primary school with co-located 56 place commensurate early years and childcare facility (D1 use) as required by the Local Education Authority through Section 106 Planning Obligations;*

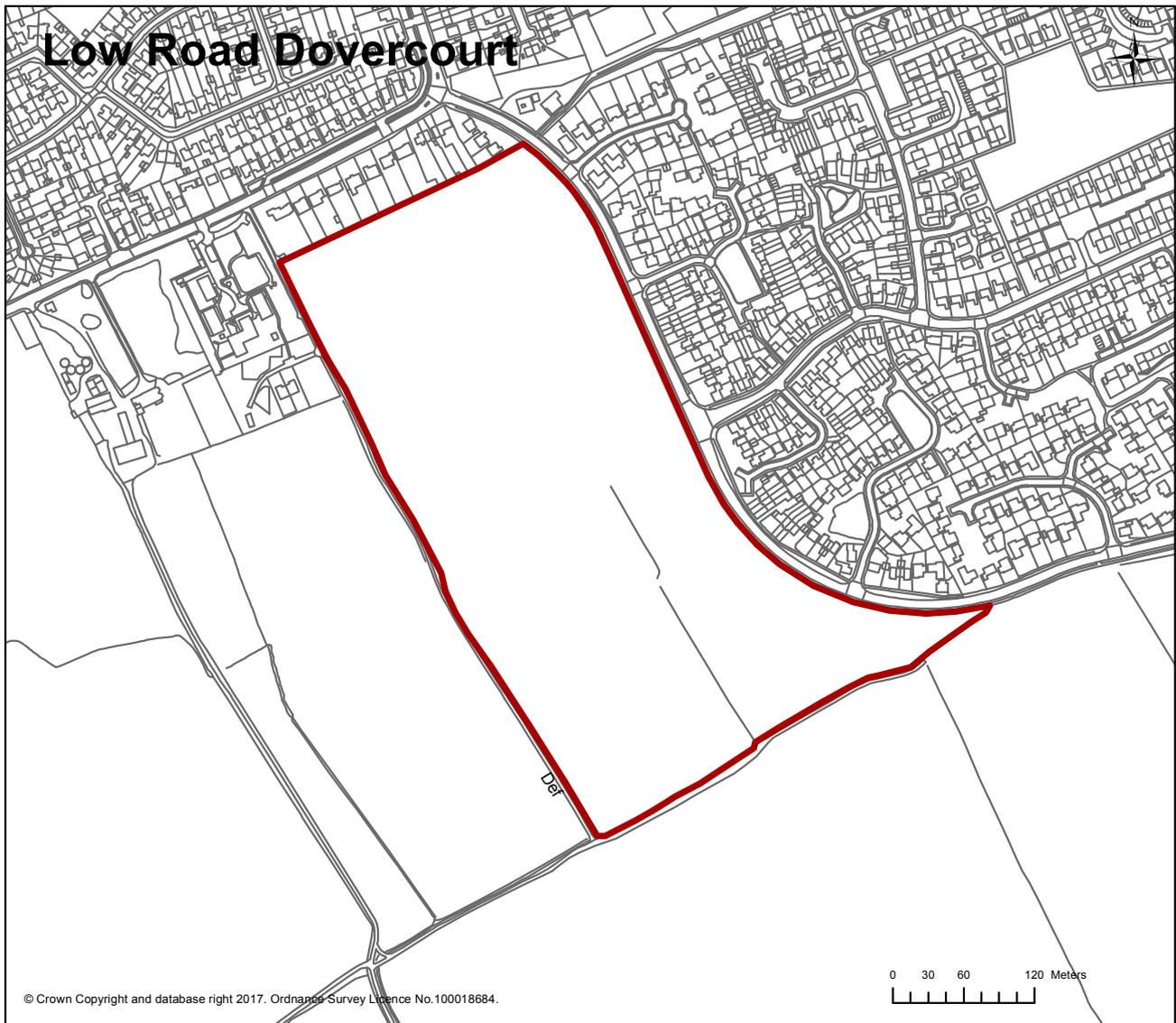
Proposals must accord with the following:

- e. the principal point of vehicular access will be off Thorpe Road;*
- f. capacity and/or safety enhancements to the local highway network where necessary;*

- g. where necessary, enhancements to public transport, cycle and pedestrian infrastructure;*
- h. provision of a pedestrian/cycle bridge over the railway line, as a replacement for the existing level crossing prior to the occupation of the one-hundredth dwelling;*
- i. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures;*
- j. delivery of opportunities for the protection and enhancement of the historic environment including the built and archaeological environment;*
- k. early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development;*
- l. a financial contribution to early years and childcare, primary and secondary education provision, as required by the Local Education Authority through Section 106 Planning Obligations;*
- m. financial contributions towards other community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.*

9.6 Low Road, Dovercourt

Map SAH2 - Low Road, Dovercourt



- 9.6.1** Policy SAH2 below sets out specific requirements for this development site. Any planning applications for development will be expected to comply with, and assist in the delivery of these concepts and requirements along with other relevant policies in the Local Plan. The Council will work with relevant landowners, developers and other partners, in consultation with the local community, to ensure that the development is delivered in a way that brings economic, social and environmental benefit to the community and the wider district.
- 9.6.2** A Transport Assessment must be submitted with any planning application to identify suitable means of access. Where necessary, appropriate highway capacity and/or safety enhancements; improvements to public transport services and infrastructure; cycle; pedestrian and bridleway infrastructure enhancements will be provided.

- 9.6.3** The Council will work with Network Rail, bus and train operators and developers to explore opportunities to make improvements at Dovercourt station. This will include improvements to facilities, frequency of services, the interchange between bus and rail transport and to support development around the railway station that would help to facilitate this.
- 9.6.4** In 2019 outline planning permission was granted for development in accordance with Policy SAH2 (reference 17/0218/OUT). Before development commences, the Council will need to approve detailed plans for the development but it is expected that development will commence in 2022/23 and will be completed in full by 2030.

Policy SAH2

DEVELOPMENT LOW ROAD, DOVERCOURT

Low Road, Dovercourt, shown on the Map SAH2, is allocated for housing development as follows:

- a. at least 300 new homes of a mixed size and type to include affordable housing as per the Council's requirements;*
- b. minimum of 5 hectares of public open space;*

Proposals must accord with the following:

- c. the principal point of vehicular access will be off Low Road;*
- d. capacity and/or safety enhancements to the local highway network where necessary;*
- e. where necessary, enhancements to public transport, cycle, pedestrian, and bridleway infrastructure*
- f. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures;*
- g. the development must also pay specific regard to the topography of the site;*
- h. the design and layout of the development incorporates or enhances important existing site features of ecological or amenity value. Where these features are identified, the applicant must avoid, then mitigate and, as a last resort compensate for adverse impacts upon these;*
- i. financial contribution to early years and childcare, primary and secondary education provision, as required by the Local Education Authority primarily through Section 106 Planning Obligations or the Community Infrastructure Levy;*

j. early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development;

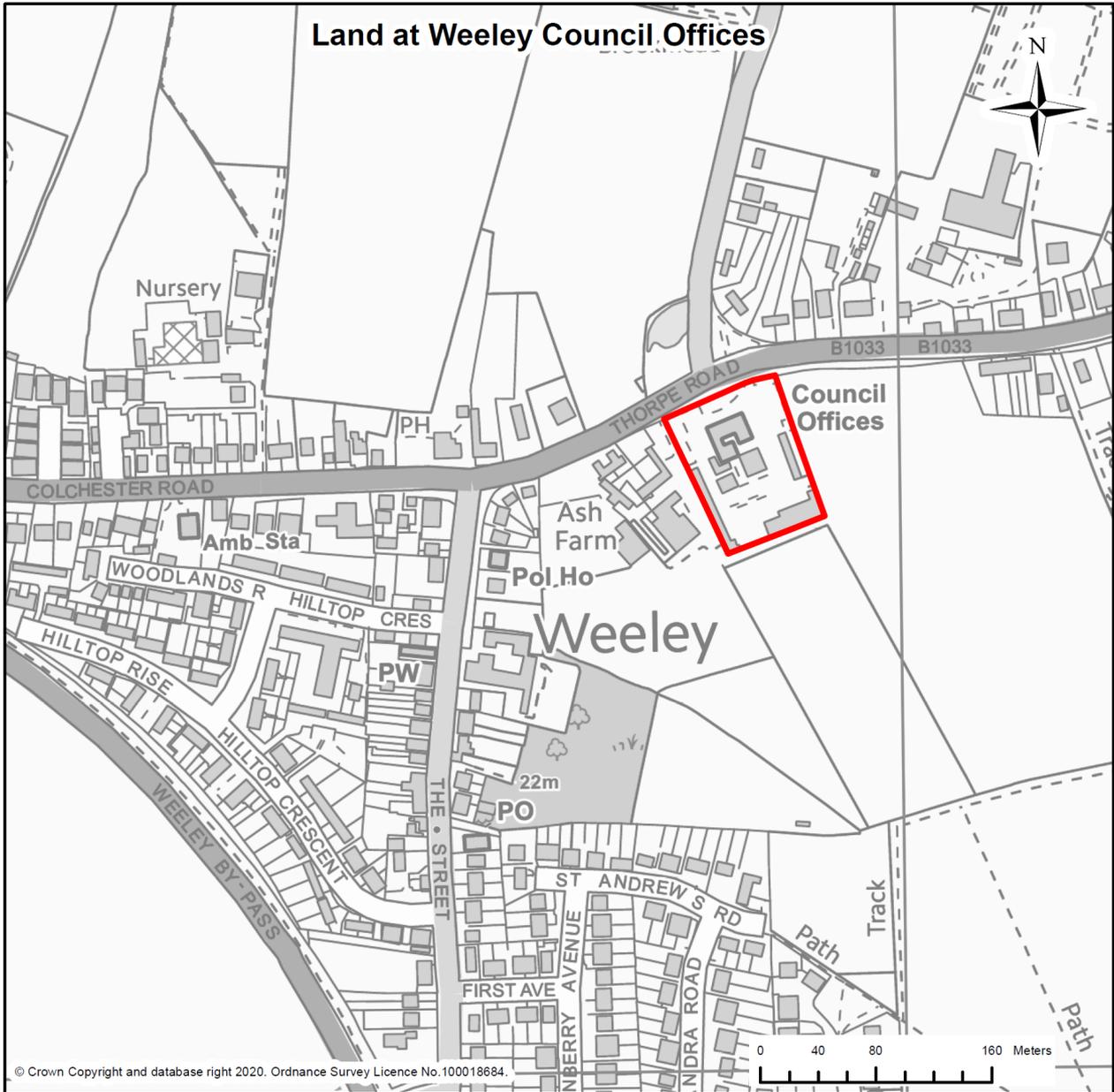
k. financial contributions towards other community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.

9.7 Medium Site Allocations

The following maps identify the boundaries of the Medium Site Allocations (MSA).

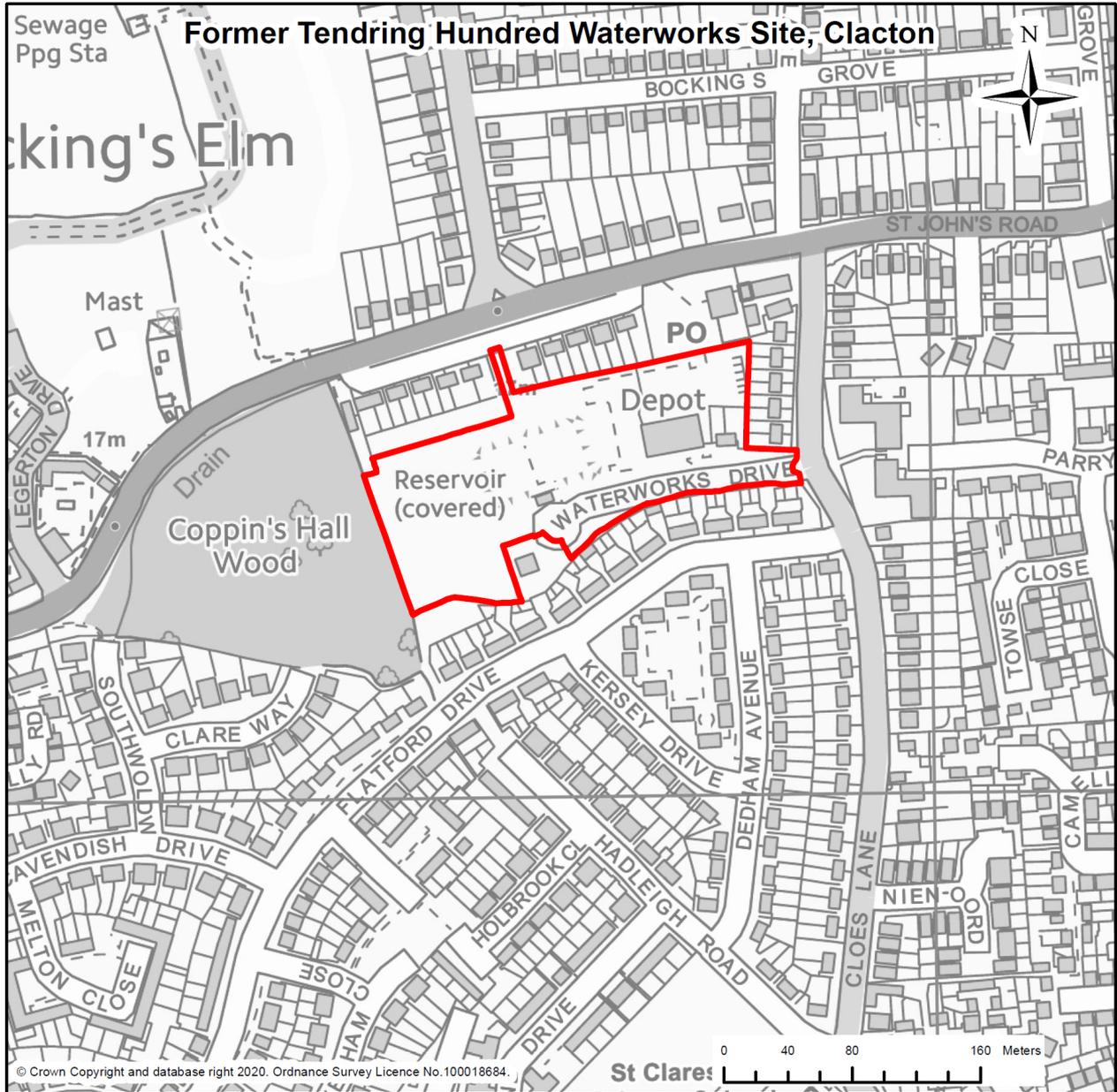
9.7.1 MSA1 Land at Weeley Offices

Map MSA1 - Land at Weeley Council Offices



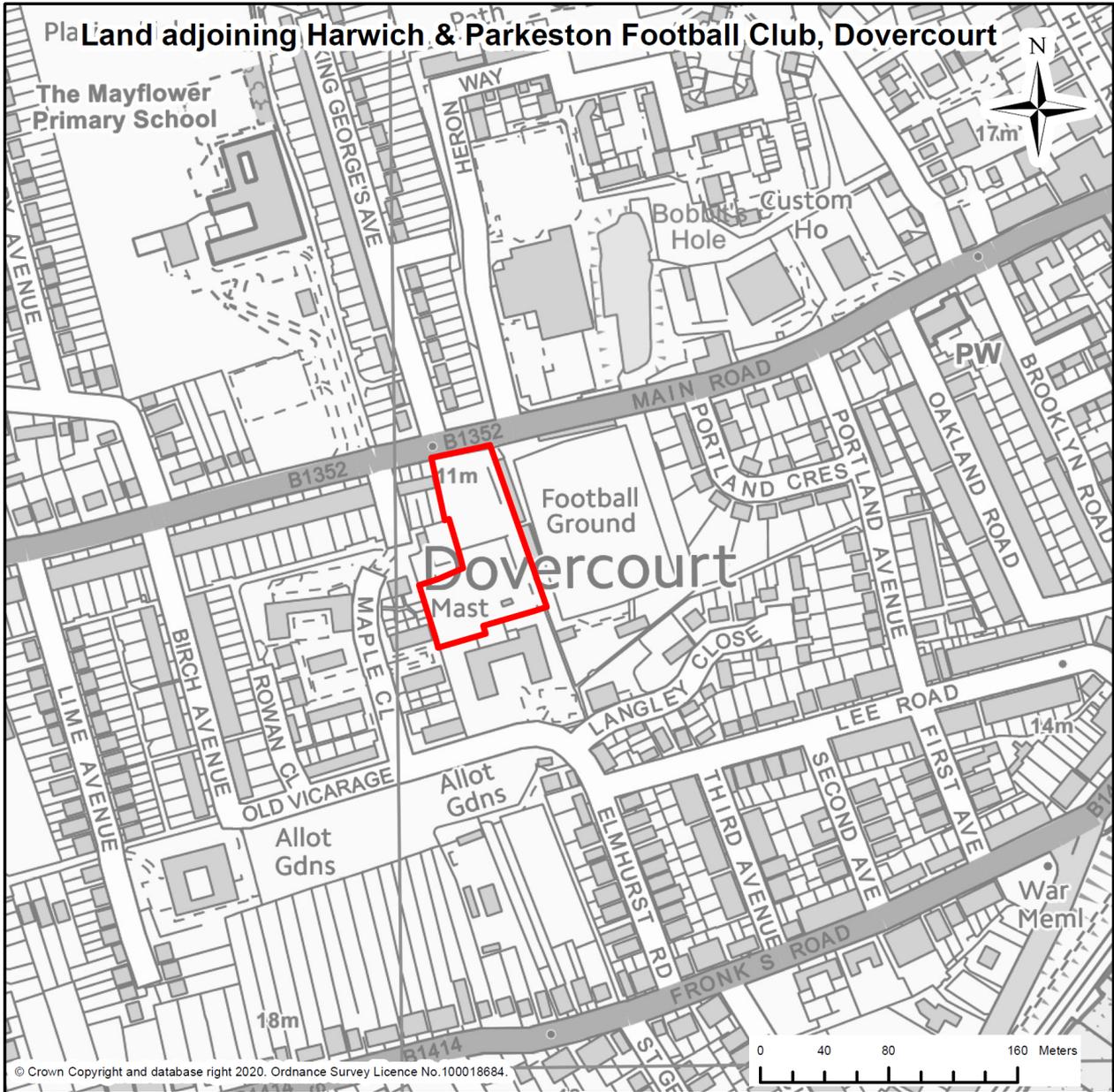
9.7.2 MSA6 Former Tending Hundred Waterworks Site, Clacton

Map MSA6 - Former Tending Hundred Waterworks Site, Clacton



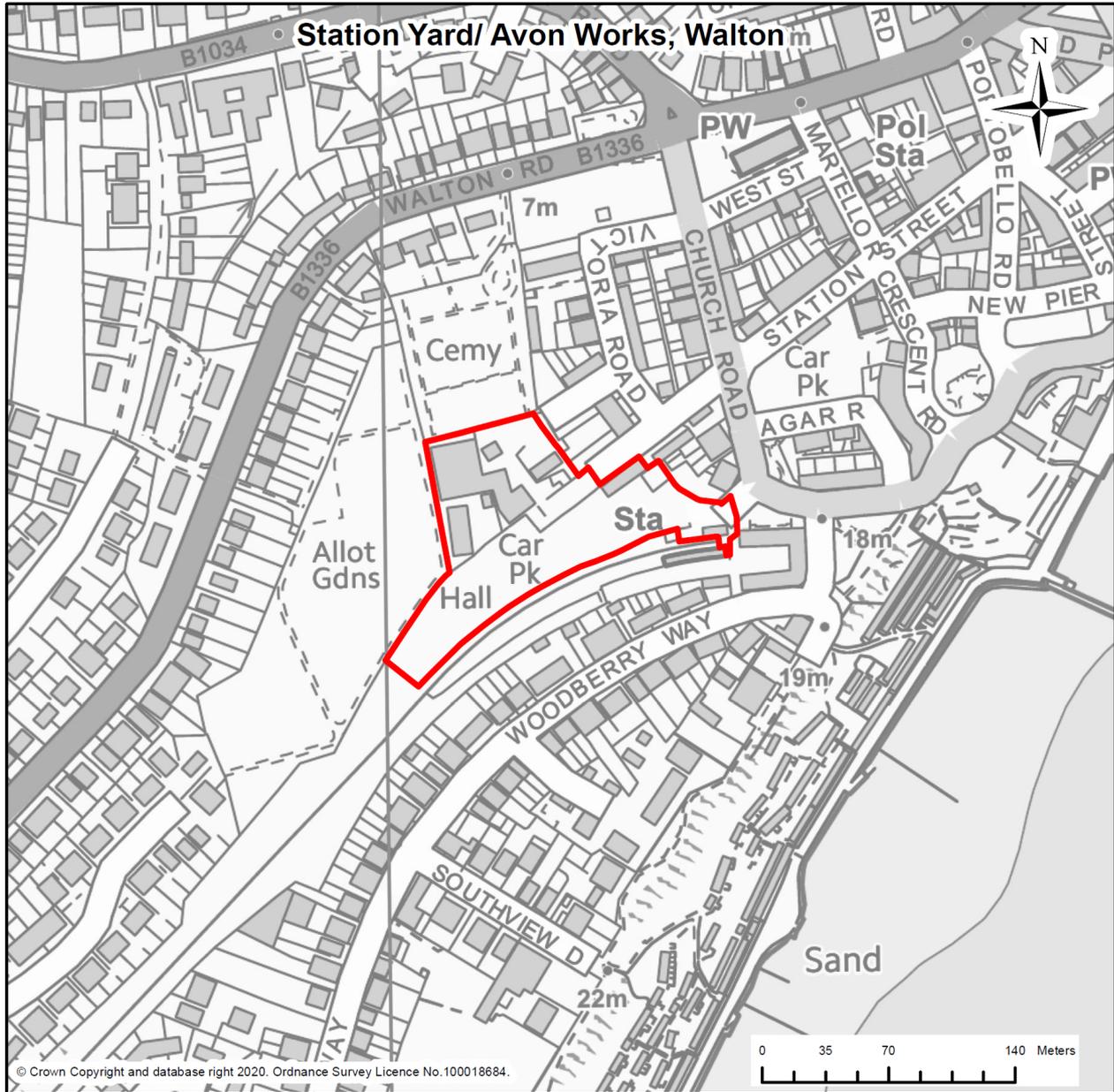
9.7.3 MSA8 Land adjoining Harwich & Parkeston Football Club, Dovercourt.

Map MSA8 - Land adjoining Harwich & Parkeston Football Club, Dovercourt



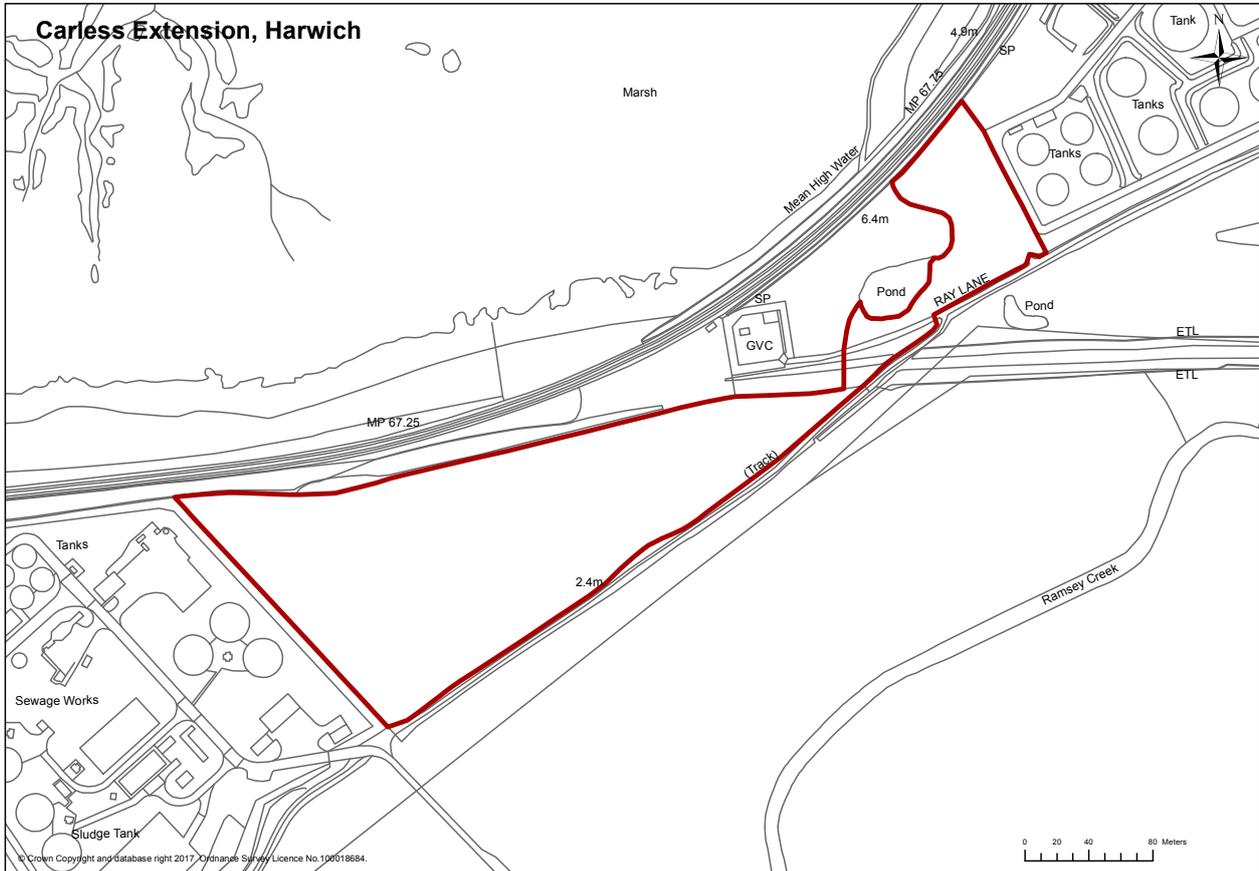
9.7.4 MSA11 Station Yard / Avon Works, Walton.

Map MSA11 - Station Yard / Avon Works, Walton



9.8 Carless Extension, Harwich

Map SAE1 - Carless Extension, Harwich



- 9.8.1** The Carless Refinery to the west of the village of Parkeston contains a range of large storage tanks to enable the mixing of solvents and other materials. The land incorporating the existing refinery is safeguarded for this continued use. In view of health and safety requirements relating to the operation of the refinery and the need for safeguarded areas around it, only a limited expansion will be possible between the northern boundary of the site and the railway line.
- 9.8.2** Owing to the varied nature of land ownership in the proposed area between Carless Refinery and National Rail, it will be necessary to engage with all parties in order to deliver the most suitable proposal.

Policy SAE1

CARLESS EXTENSION, HARWICH

Land west of Carless Refinery, shown on the Map SAE1, is proposed for an extension of the existing refinery.

Proposals must accord with the following:

- a. assessment of any impact on nature conservation, including on the Stour and Orwell Estuaries SPA and Ramsar site, and the recently extended Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) should be undertaken. Development will only be permitted where a project level assessment has demonstrated in accordance with the Habitat Regulations, that any proposal will not adversely affect the integrity of the Stour and Orwell Estuaries SPA and Ramsar site, either alone or in combination. If significant effects are considered likely, an appropriate mitigation strategy should be submitted;*
- b. assessment of any impact on the landscape character should be undertaken and where impacts are identified, mitigation measures should be submitted including structural landscaping at the southern boundary;*
- c. the proposed development must not compromise the safeguarded mineral transshipment site located in the vicinity. Early engagement with the Minerals Planning Authority is therefore encouraged; and*
- d. that there would be no material adverse impacts on the adjacent wildlife sites.*

10 Delivering Infrastructure

10.0.1 This chapter explains how the policies and proposals within this Local Plan will be implemented, how the Council will monitor their effectiveness in bringing positive changes to the District, how the Council may use its enforcement powers to deal with unauthorised development and how the Council may choose to review the Local Plan to respond to changes in the economy and deal with longer-term development requirements.

10.1 Implementation

10.1.1 This Local Plan will form the 'Development Plan' for the District against which all applications for new development will be judged. The Council will use the Local Plan in determining planning applications alongside the National Planning Policy Framework and will take into account any other material considerations.

10.1.2 The implementation of the policies and proposals detailed within this Local Plan will be achieved in a variety of ways. As the Local Planning Authority, Tendring District Council will play a key role. However, the Council will also work with a number of bodies to ensure the implementation of this plan in an integrated and efficient way.

10.1.3 The National Planning Policy Framework emphasises that plans must be deliverable. Local Planning Authorities need to demonstrate, within reason, that infrastructure is provided to support the delivery of the development planned. The infrastructure planning process seeks to:

- identify infrastructure needs and costs (including where possible phasing of development, funding sources and responsibilities for delivery);
- improve lines of communication between key delivery agencies and the Local Planning Authority, including identifying opportunities for integrated and more efficient service delivery and better use of assets;
- provide evidence for the setting of a Community Infrastructure Levy (CIL);
- be a 'live' document that will be used as a tool for helping to deliver infrastructure; and
- set out a process for policy monitoring and review.

10.1.4 In order to ensure that new development delivers sustainable communities, the facilities and service needs must be planned for and monitored. A document called the 'Tendring - Infrastructure Delivery Plan' sits alongside this Local Plan. It reviews Tendring's infrastructure needs for the plan period to 2033. Monitoring of the Local Plan is carried out (at least) annually, through the 'Tendring District – Authority Monitoring Report'.

10.1.5 The following organisations will be involved in the implementation of this Local Plan:

Table 10.1 Implementation

Organisation	Involvement in the Implementation of this Local Plan
<p>Tendring District Council</p> <p>Braintree, Chelmsford, Colchester, Essex and Tendring Councils</p>	<ul style="list-style-type: none"> • Determining planning applications in accordance with the Local Plan and any other material considerations. • Preparing and implementing Supplementary Planning Documents and design briefs. • Publishing of registers, schedules, leaflets etc. as appropriate and as resources permit. • Responding to suspected breaches in planning control, investigating alleged cases of unauthorised development and taking action where appropriate. • Liaising and co-operating with statutory undertakers, including Essex County Council as the Highways and Transport Authority and other appropriate agencies (including those listed below) to aid the integration of services and facilities and to ensure sustainable development. • Ensuring evidence across the Housing Market Area is up to date. • Facilitating growth through Local Delivery Vehicles as appropriate. • Preparing joint Development Plan Documents, Masterplans, Supplementary Planning documents as appropriate.
<p>Essex County Council (ECC)</p>	<ul style="list-style-type: none"> • Road and transport matters as the Highways and Transport Authority, including the provision of new facilities, on-street parking, road closures, highway safety and other traffic management. • Education and Social Services. • Minerals and waste management as the Minerals and Waste Planning Authority and the Waste Disposal Authority. • Liaising with TDC to aid the integration of services between the two authorities.

Organisation	Involvement in the Implementation of this Local Plan
	<ul style="list-style-type: none"> • Lead Local Flood Authority. • Lead advisors on Public Health.
Public utilities including: British Gas, electricity providers, British Telecommunications plc and Anglian Water	<ul style="list-style-type: none"> • Taking account of the proposals within this Plan in the provision of their services and facilities, which are essential to sustainable, well planned developments. • Liaising with TDC regarding their proposals.
Health authorities including the North East Essex Clinical Commissioning Group and any future health bodies	<ul style="list-style-type: none"> • The provision of health facilities in the District. • Liaising with TDC regarding the various proposals for new facilities in the District.
Environment Agency	<ul style="list-style-type: none"> • The protection and improvement of the environment. • Controlling pollution. • Implementing environmental legislation. • Regulating the environmental effects of industry. • Advice and guidance as statutory consultee to the local planning authority. • Advice and guidance in relation to drainage and flood protection implications of new development.
Highways England	<ul style="list-style-type: none"> • Improvements / new connections to the A120.
Network Rail	<ul style="list-style-type: none"> • Implementation of rail infrastructure. • Liaising with TDC regarding their proposals.
Conservation Organisations including Historic England, Natural England and others	<ul style="list-style-type: none"> • The protection and improvement of the historic / natural environment.

Organisation	Involvement in the Implementation of this Local Plan
	<ul style="list-style-type: none"> ● Implementing historic / natural environment legislation. ● Advice and guidance in relation to listed buildings, conservation areas and other heritage assets / environmental designations and other important habitats.
Town and Parish Councils	<ul style="list-style-type: none"> ● Providing and managing recreation and community facilities. ● Providing an important link between the local community and TDC.
The Private Sector	<ul style="list-style-type: none"> ● Majority of development carried out during the Local Plan period, including development of new residential properties, new employment and commercial development, and tourist and leisure facilities.

10.1.6 The Local Planning Authority appreciates that the delivery of new homes and jobs needs to be supported by necessary infrastructure, including a wide range of transport options, utilities, and community facilities. Throughout the consultation of this Local Plan, this issue has been of particular concern to our residents and businesses. The Local Planning Authority has commissioned an Infrastructure Delivery Plan (IDP), to inform the Local Plan, based on other evidence work; studies prepared for the Garden Communities; relevant, topic based national and local studies; and discussions with infrastructure providers. The IDP will sit alongside this Plan and provide specifics on the main items of infrastructure required for larger sites, when they are likely to be provided and who will pay for them. Additionally, the policies within Chapter 9 of this Plan highlight essential pieces of site specific infrastructure as relevant for certain sites.

The broad categories of necessary infrastructure covered in the IDP include:

- Water and drainage - water supply, waste water, flood risk management and resilience, and water quality.
- Energy - electricity, gas and renewable energy.
- Communications - broadband coverage and provision.
- Leisure and green infrastructure - sport, open space and community facilities.
- Education - early years and childcare, primary, secondary, further education, and higher education.

- Health - hospitals, health centres, GP surgeries, dentists, public health and preventative health care.
- Transport - highways, cycle and pedestrian facilities, rail, bus, park and ride, travel management and car parking.

- 10.1.7** Infrastructure and community facilities are mainly provided by partner agencies and service providers, such as water and energy provision by the utility companies; highways and social services by Essex County Council; education by a range of public and private sector providers; healthcare services and facilities by the North East Essex Clinical Commissioning Group and National Health Service England Midlands and East (NHSE) England. The IDP identifies the different investment and development time scales for these providers allowing us to work with them to help deliver a co-ordinated approach to new infrastructure delivery.
- 10.1.8** Telecommunications and digital infrastructure technologies are evolving rapidly, and proposals will need to enable sites to access high quality digital infrastructure including fibre and wireless services (5G and Long Term Evolution i.e. successor technologies) which are accessible from a range of providers.
- 10.1.9** Developers will be expected to contribute towards meeting appropriate infrastructure costs, having regard to overall consideration of viability. This will include contributions to both on-site costs and strategic off-site infrastructure costs. Contributions will be secured under S106 of the Town and Country Planning Act 1990 (as amended) and/or secured through a Community Infrastructure Levy (CIL) as appropriate. CIL will complement and not duplicate planning obligations. A CIL charging schedule linked to this Plan would stipulate a charge, per square metre of gross internal floorspace, for relevant classes of development. A proportion of CIL funds would be passed to Parish/Town councils.
- 10.1.10** In the event that essential infrastructure cannot be appropriately delivered to support new development despite best efforts to secure it, this policy will be used to restrict development from being commenced or, in certain cases, from being permitted, in the absence of proven infrastructure capacity. When infrastructure cannot be provided within, or is not appropriate to be located on, the development site itself, developers will be expected to make a contribution to the cost to provide what is necessary to support new development.
- 10.1.11** Policy DI1 below sets out generic infrastructure requirements for new development within the District.

Policy DI1

INFRASTRUCTURE DELIVERY AND IMPACT MITIGATION

All new development should be supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity, as is required, will prove sustainable over time both in physical and financial terms. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include (not exclusively):

- a. financial contributions towards new or expanded facilities and the maintenance thereof;*
- b. on-site construction of new provision;*
- c. off-site capacity improvement works; and/or*
- d. the provision of land.*

Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments. Developers and land owners must work positively with the Local Planning Authority, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with published policies and guidance. Exceptions to this policy will only be considered whereby:

- a. it is proven that the benefit of the development proceeding, without full mitigation, outweighs the collective harm;*
- b. a fully transparent, open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum appropriate level of developer return and land owner receipt necessary for the development to go ahead, having regard to Planning Practice Guidance and noting that this will be lower for any affordable portion of the development,*

- c. *full and thorough investigation has been undertaken to find innovative solutions to issues and all possible steps have been taken to minimise the residual level of unmitigated impacts; and*
- d. *obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.*

The Council may consider introducing a Community Infrastructure Levy (CIL) and may implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL. For the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied. Exemplar types of infrastructure are provided in the glossary appended to this plan.

This Policy contributes towards achieving Objective 4 and 5 of this Local Plan.

10.2 Design Briefs

- 10.2.1** Throughout this Local Plan there have been several references to the District Council's intentions to prepare design and development briefs or masterplans for particular sites allocated in this plan, often in partnership with the landowner/developer. These design and development briefs provide guidance to ensure developments meet the requirements of policies in the Local Plan and more detailed design and development requirements. These documents are very important components of the implementation process to ensure the correct kind of development occurs at key strategic allocations.
- 10.2.2** During the life of this Local Plan additional design and development briefs may be required to aid the implementation of the policies and proposals within this plan, along with the preparation of Supplementary Planning Documents (SPD) as and when required. These will all be prepared in accordance with the National Planning Policy Framework (along with any subsequent replacements or amendments) and will be subject to the necessary procedures prior for their adoption to be used alongside this Local Plan.

11 Monitoring and Review

- 11.0.1** Monitoring and review are key aspects of the planning system, with the emphasis on delivering sustainable development and self-reliant local communities. It will be necessary to monitor policies within the Local Plan to determine the extent to which they are, or are not working. This is an important process to establish whether part, or all, of the Local Plan will be reviewed in the future. They are crucial to the successful delivery of the spatial vision and spatial objectives and policies set out in the Tendring Local Plan.
- 11.0.2** Monitoring will be undertaken on an annual basis, with the result being published at the end of each calendar year in an annual monitoring review. The Local Plan is operating within a Local Development Scheme (LDS).
- 11.0.3** In accordance with the Planning and Compulsory Purchase Act 2004 (as amended), the Council produces an Annual Monitoring Report. This contains an assessment of Development Plan documents that are being prepared against the milestones set out in the Local Development Scheme, and the extent to which policies are being achieved and targets met.
- 11.0.4** The Authority Monitoring Report is the main mechanism for assessing the Local Plan performance and effect. If, as a result of monitoring, areas are identified where a policy is not working, or key targets are not being met, this may give rise to a review of the Local Plan. In addition, this Local Plan through the Annual Monitoring Plan will establish and monitor the implementation and impact of local planning policies in the District.
- 11.0.5** The Local Plan has been subject to sustainability appraisals designed to identify where policies and allocations could have significant effects. It is noted that no significant negative effects were identified. The overarching monitoring framework will be the basis for monitoring the policies in the Local Plan.
- 11.0.6** The objectives of the local plan will be monitored as follows:

Table 11.1

Policy Area	Local Plan Objectives/Targets	Key Indicators
Housing Delivery (Living Places)	<ul style="list-style-type: none"> To provide new dwellings within Tendring District up to 2033 of sufficient variety in terms of sites, size, types, 	Housing completions by type, location and availability of land for housing in the Future.

	<p>tenure and affordability to meet the needs of a growing and ageing population.</p> <ul style="list-style-type: none"> To deliver high quality sustainable new communities 	
Employment/Commercial (Prosperous Places / Sustainable Places)	<ul style="list-style-type: none"> To provide for the development of employment land on a variety of sites to support a diversity of employment opportunities and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth up to the period of 2033. 	The completion of serviced employment floorspace, creation of jobs and availability of land for future employment use.
Retail Development (Prosperous Places)	<ul style="list-style-type: none"> To promote the vitality and viability of the town centres through the promotion of retail and other related uses, exploiting the benefit of enhanced growth of the towns whilst retaining the best and valued aspects of their existing character. 	Updated assessments of retail floorspace capacity.
Infrastructure Provision (Connected Places / Sustainable Places)	<ul style="list-style-type: none"> To make efficient use of existing transport infrastructure and ensure sustainable transport opportunities are promoted in all new development. Where additional capacity is required in the form of new or upgraded transport infrastructure, to ensure this is provided as necessary in connection with new development. 	<p>Key infrastructure projects delivered.</p> <p>The delivery of infrastructure projects and spending of financial contribution towards such schemes.</p>

	<ul style="list-style-type: none"> • To enable provision of upgraded broadband infrastructure and services. • To ensure that new growth brings opportunities to enhance existing services, facilities and infrastructure for the benefit of existing and new communities. • To ensure that flood defence infrastructure is considered so that future developments take into consideration the impacts of climate change. • To ensure there is adequate capacity in the foul water sewerage infrastructure. 	
Education and Health (Healthy Places / Prosperous Places)	<ul style="list-style-type: none"> • To improve and provide good quality educational opportunities and prospects for Tendring's residents as part of sustainable community strategy. This includes practical vocational training and apprenticeships. • To work with partners in the National Health Service, local health organisations, Essex County Council and local community groups to ensure adequate provision of healthcare facilities to support growing communities. • To work with Public Health to promote and encourage healthy lifestyles through developments and planning to 	The delivery of community and health facilities and spending of contributions secured through planning obligations.

	ensure that the people of Tendring have opportunities to be as healthy as able.	
Sustainability (Healthy Places / Sustainable Places)	<ul style="list-style-type: none"> To locate development within Tendring District where it will provide the opportunity for people to satisfy their day-to-day needs for employment, shopping, education, and other services locally or in locations which minimise the need to travel and where there are modes of transport available in addition to the use of car. 	Monitor modal splits and self-containment via Census and take-up of Travel Plans.
The Historic Environment (Protected Places / Sustainable Places)	<ul style="list-style-type: none"> To conserve and enhance Tendring District's historic environment, including: heritage; respecting historic buildings and their settings; heritage assets; landscapes; links; and views. 	The delivery of projects and proposals set out within the Councils adopted Heritage Strategy 2020 (as amended).
Biodiversity (Protected Places)	<ul style="list-style-type: none"> To provide a network of interconnected multi-functional natural green and blue spaces which secures a net gain in biodiversity and geodiversity; promotes healthy lifestyles; and enhances the quality of the natural and built environment. 	<p>The delivery of projects contained within the Essex RAMS SPD.</p> <p>Monitor facilities secured through planning obligations.</p>
Water and Climate Change (Protected Places)	<ul style="list-style-type: none"> To reduce the risk of flooding (all types) by securing the appropriate location and design of new development (including SuDs), having regard to the likely impact of climate change. 	<p>Number of major developments incorporating water management schemes.</p> <p>Number of developments approved contrary to advice from Environment Agency.</p>

Tourism Promotion (Prosperous Places / Protected Places)	<ul style="list-style-type: none">• To work with partners to provide an enhanced environment for tourism and the maritime sector and its associated services	Regularly updated assessment of the Holiday Parks study. Delivery of the aims of the Tourism Strategy.
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12 Policies Maps

12.0.1 Please see below links to the Policies Maps; please note, the files sizes for the maps are very large therefore you will need to wait for the download to complete before viewing. A list of Local maps relating to specific settlements is available in Appendix B.

Policies Maps

12.0.2 [Policies Map - Key](#)

12.0.3 [Policies Map - West Tendring District](#)

12.0.4 [Policies Map - South East Tendring District](#)

12.0.5 [Policies Map - North East Tendring District](#)

12.0.6 [Policies Map - Tendring District](#)

A Glossary of Terms

This glossary of terms is only intended to provide a guide. It is not a statement of the law, nor does it make any claim to be an official definition.

Adoption: The process following consultation and examination by which the Council will finally make the Local Plan the statutory 'development plan' for the District.

Affordable Housing: Homes provided in perpetuity to meet the housing needs of people who cannot afford to buy or rent property on the open market. Affordable housing can include Council Housing, social rented accommodation, intermediate housing and shared-ownership.

Amenity: A positive component that contributes to the overall character of an area, e.g. open land, trees, historic buildings and the inter-relationship between all elements of the local environment.

Ancient Woodland: Areas of woodland identified by Natural England as having had continuous woodland cover since 1600 AD resulting in the survival of certain rare plants and animals and therefore afforded special protection.

Ancillary Use: A subsidiary use connected to the main use of a building or piece of land, e.g. storage space within a factory.

Area of Outstanding Natural Beauty (AONB): An Area of Outstanding Natural Beauty contains landscape of national importance as designated by the Government on advice from Natural England.

Article 4 Direction: A power available under the 1995 Town and Country Planning (General Permitted Development) Order allowing the Council to limit or remove permitted development rights of properties and land. Such a direction therefore requires planning permission to be obtained for certain works that would otherwise not require permission.

Avoidance: Action taken to avoid a possible impact by either relocating the works to an area that will not have an impact or timing them to avoid the impact i.e. outside of the bird breeding season, amphibian mating season, etc.

Backland Development: Development of land which lies generally behind the line of existing frontage development, has little or no frontage to a public highway and would constitute piecemeal development in that it does not form part of a large area allocated for development.

Best and Most Versatile Agricultural Land: The most flexible, productive and efficient agricultural land as graded by the Department of Environment, Farming and Rural Affairs (DEFRA) as being between 1 and 3a, with 1 being excellent and 3a being good.

Biodiversity: "Biodiversity is the variability among living organisms from all sources including, among other things, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes the diversity within species, between species and of ecosystems" (EU Convention on Biological Diversity Definition).

Biodiversity Offsetting: A standardised system – using conservation credits – to measure residual impacts of development and compensate by providing new wildlife habitat off-site.

Bridleway: A highway over which the public have a right of way on foot, bicycle and on horseback or leading a horse.

Coastal Protection Belt: An area originally defined within the Essex Coast Protection Subject Plan (1984) comprising the undeveloped rural areas of a coastline where there are greater controls over development to ensure the character of the open landscape is protected or enhanced.

Community Infrastructure Levy (CIL): A mechanism which enables local authorities to obtain financial contributions from landowners and developers undertaking new building projects toward be the provision of infrastructure.

Compensation: Measures provided to offset residual adverse impacts that remain after the application of mitigation. This can be the provision of an area of like-for-like habitat directly or providing financial contributions to achieve it.

Conditions: Clauses attached to a planning permission considered necessary, relevant, enforceable, precise and reasonable to enable development to proceed where it might otherwise be necessary to refuse permission.

Conservation Area: An area designated by the Council under the Planning (Listed Buildings and Conservation Areas) Act 1990 as possessing special architectural or historical interest. The Council is required to preserve or enhance the character and appearance of these areas.

Dwelling: A self-contained residential unit, occupied by either a person or group of people living together as a family, or by not more than six residents living together as a single household (including a household where care is provided for residents).

Enabling Development: Development promoted primarily as a way of saving an important Listed Building, registered garden or scheduled monument that is neglected, dilapidated, or otherwise perceived to be “at risk”. The term enabling development can also apply to development specifically designed to raise money to achieve other community benefits.

Environmental Impact Assessment: Process by which information about the likely environmental effects of certain projects is collected, assessed and taken into account by both the applicant, as part of a project design, and by the decision making body in deciding whether permission should be granted.

Evidence Base: The name given to the range of technical information including surveys, studies and consultation results that have been gathered to inform the preparation of the Local Plan.

Flood Risk Areas: Land that is at risk of tidal or fluvial flooding. Flood risk maps are produced by the Environment Agency which grade the level of risk in each area.

Flood Risk Assessment: Assessment required to accompany planning applications for development in areas of identified flood risk that both determines the level of risk and whether mitigation measures can address any flood risk problems that may be brought about by development.

Geodiversity: A range of rocks, minerals, fossils, soils and landforms.

Green Infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Greenfield Site: Land that is not considered to be previously developed (see definition of 'previously developed land').

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Infilling: Development of sites that have adjacent buildings – usually the redevelopment of a plot in an otherwise continuously built-up road frontage of buildings.

Important Hedgerow: A hedgerow meeting the criteria set out in the Hedgerow Regulations 1997.

Infrastructure: Any structure, building, system facility and/or provision required by an area for its social and/or economic function and/or well-being including (but not exclusively): footways, cycleways and highways; public transport; drainage and flood protection; waste recycling facilities; education and childcare; healthcare; sports, leisure and recreation facilities; community and social facilities; cultural facilities, including public art; emergency services; green infrastructure; open space; affordable housing; live/work units and lifetime homes; broadband; facilities for specific sections of the community such as youth or the elderly.

Institutional Uses: Uses that can include care homes, nursing homes and other non-custodial institutions.

Irreplaceable Habitats: Habitats which is it not possible to re-create, due to their age and/or condition and/or composition. Includes Ancient Woodland and Veteran Trees in Essex.

Landscaping: The treatment of land for the purposes of enhancing and protecting amenities, and including fencing, walls or other means of enclosure, the planting of trees, hedges, shrubs or grass, and the formation of gardens and courtyards.

Legally Protected Species: Those species protected under: The Protection of Badgers Act 1992 (as amended); the Wildlife and Countryside Act 1981 (as amended); or the Conservation of Habitats and Species Regulations 2010 (as amended).

Listed Building: A building designated by the Department of Culture, Media and Sport as being of special architectural or historic interest often on the advice of Historic England. There are three grades of listed building: I, II* and II.

Living Landscape: Living Landscapes are large landscape-scale areas of the countryside, such as river valleys, estuaries, forested ridges, and grass and heath mosaics, which form ecological networks. The networks allow wildlife to move through them and increase their resilience to threats such as climate change, floods, drought, sea-level rise and development pressure. There are 80 Living Landscapes within Essex.

Local Area for Play (LAP): This is small landscaped areas of open space designated for young children (under 6 years old) and their parents or carers for play activities and socialisation close to where they live. A LAP should be a safe, attractive and stimulating environment which will give young children the opportunity to play and interact with their peers away from their own back garden, thus encouraging the development of a range of social and educational skills.

Local Enterprise Partnership: A body, designated by the Secretary of State for Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local Equipped Area for Play (LEAP): is an unsupervised play area mainly for children of early school age (4-12 years) but with consideration for other ages. Unlike LAP, a LEAP is equipped with formal play equipment and it should provide a focal point for children when they are responsible enough to move away from the immediate control of parents.

Local Nature Reserve (LNR): A reserve declared and managed by a local authority under the National Parks and Access to the Countryside Act (1949). LNRs are usually declared on land which has some actual or potential wildlife interest in a local context, and which is well suited to public access and interpretation.

Local Planning Authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority apply to the District council, London borough council, county council, Broads Authority, National Park Authority and the Greater London Authority, to the extent appropriate to their responsibilities.

Local Plan: The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community.

Local Wildlife Site (LoWS): Non-statutory designation for a site of county-wide significance for wildlife or geology that is afforded special protection through the Local Plan.

Major proposal: A major development proposal as defined by Article 8(7) of The Town and Country Planning (General Development Procedure) Order 1995.

Material Consideration: A matter that should be taken into account in deciding on a planning application or on an appeal against a planning decision.

Mineral Safeguarding Area: An area designated by Minerals Planning Authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

Mitigation: Action taken to reduce the severity of adverse impacts. Mitigation can include minimising impacts by limiting the degree or magnitude of an action, or rectifying impacts by restoring, rehabilitating, or repairing the affected environment or reducing or eliminating impacts over time.

National Nature Reserve (NNR): Sites managed by English Nature or an approved body, established as reserves under the National Parks and Access to the Countryside Act (1949).

Neighbourhood Equipped Area for Play (NEAP): This will serve a substantial residential development and as such should cater for a wide range of children including those with special needs. Play equipment should be aimed primarily at those aged between 4 and 14 and should aim to stimulate physical, creative, intellectual, social and solitary play. Teenage provision should be in the form of kickabout/basketball areas, opportunities for wheeled play (skateboarding, roller-skating, etc.) and meeting areas.

Neighbourhood Plans: A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.

Objectively Assessed Needs: Objectively assessing and evidencing development needs for housing (both market and affordable); and economic development (which includes main town centre uses).

Occupancy Conditions: Conditions attached to a planning consent that restrict the occupation of a dwelling, or permanent holiday accommodation to either certain times of the year or to certain parties.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of Town: A location out of centre that is outside the existing built up area.

Permitted Development: Limited forms of development allowed without the need to make an application for planning permission, as granted under the terms of the Town and Country Planning (General Permitted Development) Order 2010.

Planning Obligations: Legal agreements between a planning authority and a developer, or offered unilaterally by a developer, ensuring that certain extra works related to a development are undertaken, usually through Section 106 of the Town and Country Planning Act (1990).

Pollution: Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.

Previously Developed Land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Priority Species and Habitat: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Policies Map: An obligatory component of a Local Plan showing the location of proposals and policy boundaries on an Ordnance Survey map.

Protected Lane: Lanes designated by the County Council as having particular historic value or making a significant contribution to the character of the countryside.

Protected Species: Plant and animal species protected under the Conservation (Natural Habitats and Conservation) Regulations 1994, the Wildlife and Countryside Act 1981 and subsequent amendments, or other species protected under legislation specific to them.

Private Amenity Space: Private outdoor sitting area attached to a residential dwelling that is not overlooked by adjacent or opposite living rooms or outdoor sitting areas.

Public Right of Way: A way where the public has a right to walk, and in some cases ride horses, bicycles, motorcycles, or drive motor vehicles.

Ramsar Site: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Regeneration: The re-use or redevelopment of decaying or run-down buildings or urban area to bring them new life and economic vitality.

Renewable and Low Carbon Energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Residential Amenity: The normal and reasonable satisfaction people expect from their local living environment.

Ribbon Development: A narrow band of development extending along one or both sides of a road.

Rural Diversification: Activities undertaken on surplus land and the utilisation of redundant and unused rural buildings to support farming incomes, including, for example, forestry, leisure and tourism.

Scheduled Monument: A historic or archaeological structure placed on a schedule compiled by the Department of Culture, Media and Sport for protection under the Ancient Monuments and Archaeological Areas Act 1979.

Sequential Approach: A process used to direct development toward the most appropriate locations before other areas are considered.

Settlement Development Boundary: Boundary shown on the Local Plan Policies Maps that shows the extent of defined towns and villages within which there is a presumption, in principle, in favour of development. Land outside of the Settlement Development Boundary is considered to be countryside.

Setting of a Heritage Asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Shoreline Management Plans: A plan providing a large-scale assessment of the risk to people and to the developed, historic and natural environment associated with coastal processes.

Significance (for Heritage Policy): The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Site of Special Scientific Interest (SSSI): Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Special Area of Conservation (SAC): Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitats and Conservation of Species Regulations 2010.

Special Protection Area (SPA): Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.

Stakeholder: A person or group with a direct interest, involvement or investment in something (i.e. the future of the local area). It could be a member of the public, a business, a government body or any other organisation.

Stepping Stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic Environmental Assessment (SEA): A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic Green Gaps: Areas of locally important strategic open land that protect the countryside between urban areas, and safeguard the separate identity, character and openness of settlements.

Supplementary Planning Document (SPD): Planning guidance that will supplement and support the implementation of policies contained in the Local Plan.

Sustainable Development: A widely used definition for sustainable development was drawn up by the World Commission on Environment and Development in 1987: 'Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'

Sustainability Appraisal (SA): An appraisal of the policies and proposals of development plans to measure their ability to deliver sustainable development.

Town Centre: Area defined on the Local Plan Policies Maps, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport Assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.

Travel Plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

Tree Preservation Order (TPO): Order made by a local planning authority that makes it an offence to cut, top, lop, uproot or wilfully damage or destroy a tree without that authority's permission.

Use Classes Order (UCO): The Town and Country Planning (Use Classes) Order update places different uses of land and buildings into various categories, planning permission not being required for changes of use within the same use class. Some uses do not have their own use class and therefore known as Sui Generis.

Veteran Tree: A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

B Local Maps

- [B.1 Arlesford](#)
- [B.2 Ardleigh](#)
- [B.3 Beaumont](#)
- [B.4 Bradfield](#)
- [B.5 Brightlingsea](#)
- [B.6 Clacton-on-Sea and Jaywick Sands](#)
- [B.7 Tendring Colchester Borders Garden Community](#)
- [B.8 Elmstead Market](#)
- [B.9 Frating](#)
- [B.10 Frinton, Walton, Kirby Cross and Gt Holland](#)
- [B.11 Great Bentley](#)
- [B.12 Great Bromley](#)
- [B.13 Great Holland](#)
- [B.14 Great Oakley](#)
- [B.15 Harwich and Dovercourt](#)
- [B.16 Kirby-le-Soken](#)
- [B.17 Little Bentley](#)
- [B.18 Little Bromley](#)
- [B.19 Little Clacton](#)
- [B.20 Little Oakley](#)
- [B.21 Manningtree, Mistley and Lawford](#)
- [B.22 Ramsey](#)
- [B.23 St Osyth](#)
- [B.24 Tendring](#)
- [B.25 Thorpe-le-Soken](#)
- [B.26 Thorpe Station and Thorpe Maltings](#)
- [B.27 Thorrington](#)
- [B.28 Weeley](#)
- [B.29 Weeley Heath](#)
- [B.30 Wix](#)
- [B.31 Wrabness](#)

C Local Wildlife Sites and Ancient Woodland

Table C.1 - Local Wildlife Sites

Code	Site Name	Area (ha)	Grid Ref.
Te1	Ardleigh Reservoir Wood, Ardleigh	2.1	TM 026287
Te2	Birch Wood, Ardleigh	0.7	TM 028303
Te3	Ardleigh Reservoir Grassland, Ardleigh	3.1	TM 032284
Te4	Churn Wood Meadow, Ardleigh	1.3	TM 033256
Te5	Churn Wood, Ardleigh	26.3	TM 036259
Te6	Wall's Wood, Ardleigh	14.3	TM 037271
Te7 *	Chapel Lane Verge, Ardleigh	0.03	TM 039263
Te8 *	Pyecats Corner Verges, Elmstead	0.3	TM 043254
Te9	Manor House Meadow, Ardleigh	1.6	TM 052288
Te10	Springhead Corner Meadow, Ardleigh	2	TM 053286
Te11	Alresford Grange, Alresford	5.2	TM 055207
Te12	Villa Farm Quarry, Alresford	25.8	TM 056217
Te13	Noah's Ark Pit, Brightlingsea	11.9	TM 060186
Te14	Alresford Lodge Pits, Alresford	43.4	TM 061204
Te15	Palegate Wood, Elmstead	5.8	TM 061235
Te16	St. Peter's Church, Alresford	0.4	TM 064206
Te17	Park Wood, Elmstead	1.4	TM 064230
Te18	Crestland Wood Meadow, Alresford	2.5	TM 067210
Te19	Oldhall Wood, Alresford	6.9	TM 068203
Te20	Money Wood, Elmstead	1.7	TM 068253
Te21	Crestland Wood, Alresford	14.1	TM 069208
Te22	Thicks Wood, Thorrington	12.3	TM 070189
Te23	Tenpenny Farm Wood, Alresford	1.4	TM 073215

C Local Wildlife Sites and Ancient Woodland

Code	Site Name	Area (ha)	Grid Ref.
Te24	Frating Hall/Captains Woods, Frating	14.5	TM 074228
Te25	Shir Burn Wood and Meadow, Lawford	8.6	TM 074312
Te26	Alresford Hall Woods, Alresford	34.8	TM 075200
Te27	Mill Wood, Great Bromley	4.5	TM 075248
Te28	Hockley Farm Wood, Frating	8.5	TM 077223
Te29	Wick's /Lodge Wood, Brightlingsea	8.4	TM 078177
Te30	Tenpenny Brook, Alresford	4.7	TM 079203
Te31	Thorrington Plantation, Thorrington	12.2	TM 080203
Te32	Church Road Wood, Frating	1.1	TM 081222
Te33	Manning Grove, Little Bromley	2.1	TM 081275
Te34	Judas Gap Marsh, Lawford	12.1	TM 081324
Te35	Mill Dam Meadow, Thorrington	1.6	TM 083196
Te36	Poplar Chase, Thorrington	19.8	TM 083210
Te37	Great Bromley Churchyard, Great Bromley	0.3	TM 083262
Te38	Thors Park Meadow, Thorrington	2.6	TM 085200
Te39	Rook Wood, Thorrington	3.6	TM 086190
Te40	Wignall Street Grassland, Lawford	2.5	TM 086310
Te41	Hockley Wood, Thorrington	14.8	TM 088213
Te42	Lawford Churchyard, Lawford	0.6	TM 089315
Te43	Thorrington Marshes, Thorrington	20.8	TM 091185
Te44	Little Bromley Churchyard, Little Bromley	0.3	TM 091278
Te45	Wignall Brook Grasslands, Lawford	14	TM 091314
Te46	East End Green, Brightlingsea	2	TM 097168
Te47	Robinson Road Ponds, Brightlingsea	2.7	TM 097173
Te48	Thorrington Hall Wood, Thorrington	48.5	TM 101192

Code	Site Name	Area (ha)	Grid Ref.
Te49 *	Frating Abbey Farm Road Verge, Thorrington	0.2	TM 103199
Te50	Bentley Brook, Great Bentley / Thorrington	39	TM 105208
Te51	Lower Farm Marshes, Brightlingsea	61.2	TM 106175
Te52	Hopping Bridge Marsh, Mistley	1.2	TM 111319
Te53	Little Bentley Hall Wood, Little Bentley	43.4	TM 113244
Te54	Flag Creek Marsh, St Osyth	5.6	TM 114170
Te55	Great Bentley Pumping Station, Great Bentley	3.5	TM 114222
Te56 *	Dead Lane Verge, St Osyth	0.1	TM 116183
Te57	St. Osyth Parkland, St Osyth	91.3	TM 118163
Te58	Furze Hills Complex, Mistley	20.2	TM 118311
Te59	High Barn Wood, Great Bentley	3.3	TM 123229
Te60	Reed Pond, St Osyth	1.5	TM 124150
Te61	Martin's Grove, St Osyth	5.2	TM 124186
Te62 *	Aingers Green Verges, Great Bentley	0.6	TM 125200
Te63	St. Osyth Cemetery, St Osyth	0.7	TM 127163
Te64	Shair Wood, Great Bentley	1.1	TM 129230
Te65	Milton Wood, St Osyth	6	TM 131190
Te66	Stockets Grove, St Osyth	2.4	TM 131198
Te67 *	Pump Hill Verges, St Osyth	0.6	TM 132160
Te68	Violet Grove, St Osyth	0.3	TM 136190
Te69	Simplebirch and Bowshots Wood, St Osyth	9.5	TM 138197
Te70	Pilcox Wood, Tendring	3.1	TM 138252
Te71	Jaywick Beach, Clacton	12.8	TM 139126
Te72	Oakhurst Wood, Weeley	7.5	TM 140205

C Local Wildlife Sites and Ancient Woodland

Code	Site Name	Area (ha)	Grid Ref.
Te73	High Grove, St Osyth	2.1	TM 141174
Te74 *	Goose Green Verge, Tendring	0.03	TM 141254
Te75	Gutteridge Wood, Weeley	5.2	TM 142210
Te76	Maldon Wood, St Osyth	13.8	TM 143196
Te77	Hillands Wood, Tendring	4.6	TM 143234
Te78	Jaywick Marshes, Clacton	59	TM 144134
Te79	Home Wood, Tendring	6.6	TM 149234
Te80	Hartley Wood, St Osyth	29.7	TM 151176
Te81	Tendring Grove, Tendring	4.9	TM 153243
Te82	Coppin's Hall Wood, Clacton	2.4	TM 155161
Te83 *	Weeley Bypass, Weeley/St Osyth/Lt Clacton	18.2	TM 156194
Te84	Island and Roger's Groves, Weeley	8.3	TM 158220
Te85	Stonehall Wood, Tendring	2.8	TM 158256
Te86	Simon's Wood, Tendring	3.6	TM 160239
Te87	Far Thorpe Green, Thorpe-le-Soken	2.8	TM 162226
Te88	Gravel Wood, Tendring	8.1	TM 162253
Te89	Killgrove Wood, Great Oakley	3.3	TM 163265
Te90	Wrabness Depot and Marsh, Wrabness	29.8	TM 163315
Te91	Dengewell Wood, Wix	4.2	TM 166276
Te92	Burcart's Meadow, Clacton	4.3	TM 167180
Te93	Lower Botany Farm, Weeley	4.4	TM 167208
Te94	Broadmeadow Wood, Great Oakley	3.7	TM 169263
Te95	Thorpe Green, Thorpe-le-Soken	1	TM 170231
Te96	Brakey Grove, Wrabness	6	TM 172313
Te97	Glebe Wood, Beaumont	3.4	TM 175258

Code	Site Name	Area (ha)	Grid Ref.
Te98	Upper Holland Brook, Lt Clacton/Gt Holland	42.8	TM 177212
Te99	St. Michael's Churchyard, Thorpe-le-Soken	1.6	TM 179222
Te100	Burrsville Park, Clacton	10.6	TM 180170
Te101	Wrabness Siding, Wrabness	0.2	TM 180315
Te102	West Grove, Wrabness	2.1	TM 180319
Te103	The Grove, Great Clacton	0.7	TM 183175
Te104	East Grove, Wrabness	1.5	TM 183318
Te105	Clacton Cemetery, Clacton	5	TM 184168
Te106 *	Beaumont Bridge Verge, Beaumont	0.01	TM 185237
Te107	Clacton North Cliff, Clacton	0.8	TM 187153
Te108	Beaumont Marsh, Beaumont	4.6	TM 188250
Te109	Great Holland Pits, Great Holland	13.4	TM 202192
Te110	Soils Wood, Great Oakley	3.2	TM 203286
Te111	Copperas Wood East, Ramsey and Parkeston	3	TM 206317
Te112	Whinny Grove, Ramsey and Parkeston	1.2	TM 215302
Te113	Michaelstowe Hall, Ramsey & Parkeston	7.8	TM 218306
Te114	Holland Hall Wood, Great Holland	5.3	TM 220195
Te115	Ramsey Ray, Ramsey and Parkeston	50	TM 232317
Te116	Dockfield Avenue Allotments, Harwich	2.2	TM 236312
Te117	Frinton Cliffs, Frinton	17.2	TM 242199
Te118	Pedlars Wood, Frinton	2.7	TM 244209
Te119	The Hangings, Harwich	6.7	TM 247317
Te120	Station Lane Grassland, Harwich	4.3	TM 250317
Te122	Barnes Spinney, Walton	1.3	TM 257226

C Local Wildlife Sites and Ancient Woodland

Code	Site Name	Area (ha)	Grid Ref.
Te123	Harwich Beach, Harwich	0.9	TM 262325
Te124	The Naze, Walton	16.4	TM 265237
Te125	Bentley Green (West), Great Bentley	1.3	TM 111220

* Protected Verges

Table C.2 - Ancient Woodland Inventory

Name	Grid Reference
Thick's Wood, Brightlingsea (LoWS)	071190
Wicks Wood, Brightlingsea (LoWS)	076175
Mill Wood, Alresford (LoWS)An	077199
Rook Wood, Thorrington (LoWS)	087191
Bullock Wood, Ardleigh (SSSI)	019279
Churn Wood, Ardleigh (LoWS)	036258
Walls Wood, Ardleigh (LoWS)	038274
Cockaynes Wood, Alresford (LoWS)	058218
Palegate Wood, Elmstead (LoWS)	062235
Park Wood, Elmstead (LoWS)	065231
Oldhall Wood, Alresford (LoWS)	068203
Money Wood, Elmstead (LoWS)	068252
Crestland Wood, Alresford (LoWS)	070209
Captains Wood, Frating (LoWS)	075228
Mill Wood, Great Bromley (LoWS)	075248
Boudge Hill Wood, Great Bromley	076258
Tenpenny Heath, Thorrington (LoWS)	081203
Hockley Wood, Frating (LoWS)	088213

Name	Grid Reference
Manning Grove, Great Bromley (LoWS)	088275
Thorrington Hall Wood, Thorrington (LoWS)	101194
Martins Grove, St Osyth (LoWS)	124187
Riddles Wood, St Osyth (SSSI)	129180
Milton Wood, St Osyth (LoWS)	132191
Stockets Grove, St Osyth (LoWS)	132198
Maldon Wood, St Osyth (LoWS)	142197
Hartley Wood, St Osyth (LoWS)	152176
Coppins Hall Wood, Clacton (LoWS)	156162
Alder Car, Great Bentley	102224
Chequers Wood, Little Bromley	104291
Thirty Acre Wood, Great Bentley	109233
Little Bentley Hall Wood, Little Bentley (LoWS)	114245
High Barn Wood, Tendring (LoWS)	124230
Shair Wood, Tendring (LoWS)	130230
Gutteridge Hall Wood, Weeley (LoWS)	142209
Hillands Wood, Tendring (LoWS)	143234
Home Wood, Tendring (LoWS)	149235
Tendring Grove, Tendring (LoWS)	153244
Island Grove, Weeley (LoWS)	155218
Rogers Grove, Weeley (LoWS)	158222
Stonehall Wood, Great Oakley (LoWS)	158256
Weeley Hall Wood, Weeley (SSSI, EWT)	160210
Simons Wood, Tendring (LoWS)	162253
Killgrove Wood, Great Oakley (LoWS)	162267

C Local Wildlife Sites and Ancient Woodland

Name	Grid Reference
Dengewell Wood, Great Oakley (LoWS)	167277
Broadmeadow Wood, Great Oakley (LoWS)	169263
Glebe Wood, Beaumont (LoWS)	175258
Mill Grove, Bradfield	140308
Brakey Grove, Wrabness (LoWS)	172313
West and East Grove, Wrabness (LoWS)	183319
Stour Wood, Wrabness (SSSI, WT, RSPB)	190314
Holland Hall Wood, Great Holland (LoWS)	221195
Copperas Wood, Ramsey (SSSI, EWT (pt))	203316

(Source: Natural England, February 1992, reviewed June 2012)

D Heritage Assets

Table D.1 - Conservation Areas

Location	Date of Designation	Additional Information
Ardleigh	23.03.1981	
Bradfield	21.09.1981	
Brightlingsea	30.06.1975	Extended 16.09.1985 and 14.09.1987
Brightlingsea Hall and All Saints Church	22.03.1993	
Clacton Seafront	04.12.2001	
Dovercourt	17.07.1986	Extended 16.07.1992 and 25.09.1995
Frinton and Walton	19.06.1982	Extended 20.11.1989
Great Bentley	02.10.1969	Amended 07.06.1982
Great Clacton	19.09.1983	
Great Holland	08.06.1981	Extended 21.11.1988
Great Oakley	02.11.1973	Amended 07.06.1982
Harwich	19.06.1969	Extended 08.02.1982, 14.07.1986 and 25.09.1995
Kirby-le-Soken	08.06.1981	Extended 08.06.1987
Lawford	23.03.1981	Extended 16.07.1990
Manningtree and Mistley	02.10.1969	Extended 23.03.1981, 06.06.1983, 18.12.1989, 11.07.1994 and 29.10.2010
Ramsey	21.09.1981	

Location	Date of Designation	Additional Information
St. Osyth	02.10.1969	Amended 07.06.1982, 21.11.1988 and extended 29.10.2010
Tendring	21.09.1981	Extended 16.11.1992
Thorpe-le-Soken	02.10.1969	Extended 21.11.1988
Thorpe-le-Soken Station and Maltings	26.03.1990	

The Conservation Areas at Frinton and Walton, Great Holland, Kirby-le-Soken, Manningtree and Mistley and St. Osyth are also the subject of ‘Conservation Area Management Plans’ (CAMP) which will be a material consideration in planning decisions. A CAMP is also proposed for Thorpe-le-Soken Station and Maltings and others may be introduced during the course of the plan period.

Note: Maps of the Conservation Area boundaries as they exist at the time of printing are shown on the Policies Maps and Local Maps. These boundaries are subject to change at any time during the lifetime of this Local Plan. Please contact the Council or check the Council’s website (www.tendringdc.gov.uk) for latest information about Conservation Areas.

Table D.2 - Protected Lanes

Parish	Name
Ardleigh	Lodge Lane/Crown Lane North Spring Valley Lane
Bradfield/Wix	Cansey Lane
Elmstead	Turnip Lodge Lane
Great Oakley	Pesthouse Lane Hill Road/Rectory Road, The Soils
Lawford	Church Hill
Little Bromley	Little Bromley Road

Note: Protected Lanes were designated by Essex County Council in 2015. They were adopted by Tendring District Council in 2015.

Table D.3 - Historic Parks and Gardens

Monument Title
Clacton Seafront Gardens (Grade II)
St. Osyth Priory (Grade II)
Thorpe Hall (Grade II)
Beth Chatto Gardens (Grade II)

(Source: Historic England)

Note: Further details of these, including maps of each area, can be found on the 'National Heritage List for England' on Historic England's website (www.historicengland.org.uk).

Table D.4 - Scheduled Monuments

Parish	Monument Title	Grid Reference
Alresford	Remains of St. Peter's Church	TM064206
Ardleigh	Crop mark site south of Ardleigh	TM057284
		TM058289
Beaumont	Beaumont Quay, Hamford Water	TM189240
Frinton & Walton	Martello Tower (K) and associated Battery south west of Walton Mere	TM250220
		TM251220
Clacton	Lion Point Decoy 810m south-east of Cockett Wick Farm	TM139133
Clacton	Remains of the Medieval Parish Church and Cemetery 70m north-east of the junction of Hall Close and Frinton road, Holland-on-sea	TM209167
Clacton	Martello Tower (F) on Marine Parade West	TM174143
Clacton	Martello Tower (E) 300m south-west of Junction of Marine parade West and Wash Lane	TM167137
Clacton	Martello Tower (D) on golf links west of town	TM162133
Clacton	Martello Tower (C) west of Lion Point	TM137128

D Heritage Assets

Parish	Monument Title	Grid Reference
Harwich	The Harwich Treadwheel Crane	TM262325
Harwich	The Harwich Redoubt	TM261321
Harwich	Napoleonic Coastal Battery at Bathside	TM258324
Harwich	Beacon Hill Fort	TM262317
Harwich	Dovercourt Lighthouses and Causeway	TM252308
Harwich	Harwich High Lighthouse	TM261324
Harwich	Harwich Low Lighthouse	TM262323
Lawford	Settlement site north north-east of Lawford House	TM086308
Lawford	Ring ditches south-west of Reed Island	TM086327
Lawford	Round Barrow west of Lawford Hall	TM081318
Little Oakley	Heavy Anti-Aircraft Gunsite 350m north of Little Oakley Hall	TM216288
Mistley	Mistley Towers	TM116319
Mistley	Site of Old St Mary's Church	TM128310
St Osyth	St Osyth Priory	TM120157
	(uninhabited portions and gatehouse)	TM120156
St Osyth	Martello Tower (A) and associated battery at Stone Point, Point Clear	TM083157
Thorpe-le-Soken	WWII Bombing Decoy HA2, Kirby-le-Soken	TM218239
Wix	WWII Bombing Decoy WRI Spinnels Farm	TM159302

(Source: [Historic England](#))

Note: Further details of these, including maps of each area, can be found on the 'National Heritage List for England' on Historic England's website (www.historicengland.org.uk).

COUNCIL

25 JANUARY 2022

REFERENCE FROM THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE

A.3 PAY POLICY STATEMENT 2022/23

(Report prepared by Katie Wilkins and Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT
To present the Pay Policy Statement for 2022/23.
EXECUTIVE SUMMARY
<p>The Localism Act 2011 Section 38 (1) requires the District Council to prepare a pay policy statement each year. The pay policy statement must articulate the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.</p> <p>The matters that must be included in the statutory Pay Policy Statement are as follows:</p> <ul style="list-style-type: none"> • A local authority's policy on the level and elements of remuneration for each Chief Officer. • A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition). • A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers. • A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency. <p>This statement will be published on the Council's website following each review and approval by Full Council.</p> <p>The Pay Policy Statement 2022/23 has been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. This framework is based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework aims to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.</p> <p>The Human Resources & Council Tax Committee considered the contents of the Pay Policy Statement 2022/23 at its meeting held on 5 January 2022 (Minute 80 refers) and resolved to recommend its approval to Full Council.</p>

In addition, the Human Resources & Council Tax Committee at that meeting held on 5 January 2022 (Minute 79 refers) considered a request from the Chief Executive to reduce his hours by 25% (with a consequential reduction in his salary of 25% which is £43,899.70 per annum) and resolved to recommend to Full Council that the Chief Executive's request be granted. However, the draft Pay Policy Statement 2022/23 now before Members has been drafted on the basis of the Chief Executive's current salary.

Therefore, it is Officers' recommendation to Council that, in the event that the Chief Executive's request to reduce his hours is approved by Full Council, the Assistant Director (Partnerships) be authorised to amend the Pay Policy Statement 2022/23 accordingly and to also re-publish it on the Council's website.

RECOMMENDATION(S)

(a) That, subject to recommendation (b) below, the Pay Policy Statement 2022/23, as set out in the Appendix to this report, be adopted; and

(b) That, in the event that the Chief Executive's request to reduce his hours by 25% (with a consequential reduction in his salary of 25% which is £43,899.70 per annum) is approved by Full Council, the Assistant Director (Partnerships) be authorised to amend the Pay Policy Statement 2022/23 accordingly and to also re-publish it on the Council's website.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's annual consideration and formal approval of a Pay Policy Statement is part of the Council's governance arrangements and provides transparency for the residents of Tendring.

FINANCE, OTHER RESOURCES AND RISK

The Council has a statutory and contractual obligation to adopt the NJC pay spine.

The last agreed inflationary pay award of 2.75% (*paid across the pay spine*) was awarded for 2020/21.

Agreement is yet to be reached between National Employers and National Unions, regarding the Pay Award for 2021/22. On 19 October 2021, the National Employers agreed by a majority to reaffirm their offer made to National Unions on 27 July 2021 as full and final.

LEGAL

The Council has an obligation to implement the NJC pay spine alongside the approval and publication of an annual Pay Policy Statement in accordance with the provisions of the Localism Act 2011 (Section 38).

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation / Public Engagement.

National Single Status and the NJC Job Evaluation Scheme have been adopted by the Council with locally agreed conventions. At the time of adoption these conventions were negotiated and agreed with local union officials, with agreement of pay subject to Equal Pay legislation.

PART 3 – SUPPORTING INFORMATION

PAY POLICY STATEMENT 2022/23 - BACKGROUND

The Conditions of Employment with Tendring District Council in the main conform to those established for local government generally by the NJC, commonly known as the ‘Green Book’. Agreements reached by the NJC are ‘collective agreements’ and if they are incorporated into employees’ contracts of employment, then the changes take effect automatically.

The Pay Policy for 2022/23 provides updated information on the Council’s pay spine and remuneration arrangements. There is limited change reported in the 2022/23 Statement as at the time of writing, the position regarding the pay award 2021/22 remains outstanding between National Employers and National Unions.

The Pay Policy 2022/23 also includes Gender Pay Gap Reporting figures, in line with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

A summary of the Council’s Gender Pay Gap figures is as follows:

Mean difference across Gender

The difference between the male and female mean hourly rate is £1.02. The male mean hourly rate is 7.7% higher than the female mean hourly rate.

Median difference across Gender

The difference between the male and female median hourly rate is £0.40. The female median hourly rate is 3.5% higher than the male median hourly rate.

Additional narrative regarding the authority’s reported Gender Pay Gap can be found in the Pay Policy Statement.

UNISON have been consulted on these proposals and have confirmed agreement as follows:-

“In my capacity as Unison Chairman, I have reviewed the Pay Policy 2022/23 and am happy for it to be adopted”.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

APPENDIX - PAY POLICY STATEMENT 2022/23

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Tendring District Council Pay and Reward Policy

2022/23



Introduction

Section 38(1) of the Localism Act 2011 requires local authorities to produce an annual pay policy statement. The provisions within the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however it emphasises the need to deliver value for money for local taxpayers.

This statement is approved by Full Council and published on the Council's website at the earliest opportunity.

Tendring District Council recognises in the context of managing public resources, remuneration at all levels needs to be of an adequate level in order to secure and retain high quality employees dedicated to the service of the public, whilst ensuring value for money to the public purse. The Council's vision includes the provision to adopt a reward strategy that is modern, sustainable, fair and transparent and rewards its workforce appropriately for their contribution to the Council.

The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015, published by the Department for Communities and Local Government in February 2015, and the Local Transparency Guidance issued on 30 November 2015 by the Local Government Association.

Part of the Code includes publishing information relating to senior officers remuneration within a local authority. A full list of senior remuneration and monthly salaries information across all pay bands is available and published on the Council's website www.tendringdc.gov.uk.

The Council's Statement of Accounts includes details of all Chief Officers pay.

The HR Committee has responsibility for the terms and conditions of service for all staff and ensures that remuneration is set within the wider pay context giving due consideration to the relationship between the highest and lowest paid in the organisation.

The matters that must be included in the statutory Pay Policy Statement are as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer (for Tendring District Council this comprises the Chief Executive, and Management Team for the authority, which includes the Monitoring Officer and the Section 151 Officer).
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.
- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

Purpose of the Statement

The Pay Policy Statement 2022/23 has been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. The framework aims to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.

Tendring District Council requires high calibre leaders within the organisation to deliver high quality public services, especially in difficult fiscal conditions. Taxpayers should be assured of value for money, with public resources not used inefficiently on excessive senior salaries. The primary aim of the Pay Policy is to set a framework to attract, retain and motivate staff to ensure the organisation can perform at its best. Research shows that individuals are attracted, retained and engaged by a range of both financial and non-financial rewards, so a coherent link between reward and the overall approach to people management leads to the best possible outcome.

Managing Remuneration

Tendring District Council has a fair, equitable and transparent approach to remuneration following equal pay legislation. This includes incremental progression based on length of service and more proactively on:

- Achieving annual performance levels;
- Development progression against defined frameworks (Career Progression for many posts).

Determination of Grade and Salary for Chief Officers and lowest paid Employees

The Council's pay policy is influenced by a number of factors which include market information, market forces and budgetary position. Pay ranges are revisited from time to time to ensure they remain appropriate when benchmarked against external independent appropriate compensation surveys, applicable to each role.

The Council has adopted the National Pay Grades, as set out by the National Joint Council (NJC), and is subject to the national negotiations regarding pay and conditions of service (*commonly known as the 'Green Book'*). Within the current pay structure there are 21 Pay Bands and 81 Incremental Pay Points.

Apprentices are not included as they have a contract for learning and training with the Council, rather than an employment contract and are paid according to the Government approved apprenticeship pay rates.

The values of the SCPs are updated by the national pay awards and the Council is notified of any changes by the National Joint Council for Local Government.

Employees who are new to the Council and Local Government are usually appointed at the first point of the salary banding, save for exceptional circumstances.

National Single Status and the NJC Job Evaluation Scheme have been adopted by the Council with locally agreed conventions, which at the time of adoption were

negotiated and agreed with local union officials. Training has been provided by the Regional Employers (EELGA) to ensure that there are a sufficient number of managers and union officials within the organisation who have the skills to implement and apply job evaluation within the Council. This Job Evaluation Scheme is recognised by employers and trade unions nationally and the scheme allows for robust measurement against set criteria resulting in fair and objective evaluations.

Chief Officers are not subject to the NJC Job Evaluation Scheme. Chief Officers pay is subject to benchmarking, with pay rates set to attract and retain key employees. The agreement of pay is subject to Equal Pay legislation.

As part of the Senior Management Review undertaken in 2020, it was agreed that Chief Officers would move away from incremental progression to career graded posts, whereby performance is assessed and reviewed annually according to the competency criteria within the job description and career grade. This process includes a panel evaluation process and moderation.

The highest paid employee is the Chief Executive who is on a salary scale of £112,000 to £135,076 per annum.

With effect from 1 April 2020, an allowance for the role of Deputy Chief Executive was introduced. This allowance is payable if/when the Chief Executive requires a Deputy Chief Executive to cover particular roles and functions in their absence. The current rate of this allowance is £3,000 per annum.

The allowances for the Statutory Officer roles (Monitoring Officer and Section 151 Officer) are index linked to the NJC inflationary awards.

Car mileage, motorcycle and bicycle payments for all employees are paid at the Inland Revenue Rate. This is currently £0.45/mile (for the first 10,000 miles, after which a rate of £0.25/mile is applicable) for car mileage, £0.24/mile for motorcycles, and £0.20/mile for bicycles.

Use of the Inland Revenue Rate enables the Council to have a fair and consistent rate of reimbursement for business mileage across the Council.

On official business, and to encourage Officers to car share on business journeys, the Council has also adopted the additional 5p per passenger per mile in accordance with Inland Revenue guidance.

Other allowances payable within the Council include the following:

- Committee Attendance
- Overtime Payments
- Standby Payments
- Disturbance Payments
- First Aider Payments

The Council introduced an updated Allowances Policy in April 2018 to recognise that the Council provides services to residents, sometimes requiring a response outside of standard working hours.

The principles of this policy are as follows:

- To ensure staff are paid in a consistent way throughout the organisation;
- To compensate staff providing a contractual out of hour's standby service to meet the Council's statutory duties;
- To ensure that payment structures are fair and sustainable for the future;
- The Council wants to be a responsible employer to meet the health and safety and well-being needs of staff by encouraging the use of TOIL for recovery from supporting service delivery outside of standard working hours.

Within Tendring District Council there are three distinct categories of service provision:

- 1) Services that have 24 hour, 7 day a week scheduled provision;
- 2) Services that are delivered predominantly during standard office hours, but also provide a standby service outside of these hours. Standby is used to address calls that require attention which cannot wait until standard opening hours;
- 3) Services delivered during standard office hours, occasionally needing to provide an extra response on an ad hoc basis.

In addition, the Council has a statutory requirement to maintain an Emergency Response service for the district. Officers who support this service are called First Call Officers.

Following consultation with UNISON, managers and employees, the following overtime arrangements were introduced from 1 April 2018:

- Staff up to SCP 43 (the top of Grade 11) can claim overtime. Overtime will only be paid if the time off is not an option for operational service delivery. Overtime must be authorised in advance by the relevant Corporate Director;
- Overtime will be paid at plain rate only for Category 2 and 3 services;
- Category 1 services may be paid enhanced rates of overtime for evenings, weekends and bank holidays for those staff having already worked 37 hours any one week.

The Council does not currently operate any bonus schemes.

With effect from 1 April 2020, the Council adjusted subsistence rates to mirror HMRC rates of reimbursement and to ensure alignment with mileage payments. Any payment is made on production of actual receipts and subsistence payments are only allowable when an Officer is working outside of the District.

The current rates of reimbursement are as follows:

Working outside of the District for more than 5 Hours - £5
Working outside of the District for more than 10 Hours - £10

Working outside of the District for more than 15 Hours, or if the travel is ongoing after 8pm - £25

In a personal capacity as (Deputy/Local/Acting) Returning Officer, the holder of the post of Chief Executive is separately remunerated in respect of his statutory duties at Parliamentary, European Parliamentary, Referendums, County, Police and Crime Commissioner and District and Parish Council Elections. Fees for conducting Parliamentary, European Parliamentary Elections, Police and Crime Commissioner Elections and National Referendum are determined by way of a Statutory Instrument. In respect of acting as Deputy Returning Officer at elections of County Councillors, reference is made to the Scale of Fees and Expenses payable at Elections of County Councillors determined by Essex County Council. The fee for undertaking the role of Returning Officer in respect of District and Parish Council Elections is by reference to the Scale of Fees and Expenses payable to the Returning Officer at elections of District and Parish Councillors.

The fees received by the holder of the post of Chief Executive in the last 12 months to end September 2021 (Q2) in respect of these duties was £11,354.85. These fees were payable in relation to the Police & Crime Commissioner and the Election of County Councillors Elections in 2021.

The Council is an admitted body of the Local Government Pension Scheme and the Pension Scheme for the Council is administered by Essex County Council.

Transparency within Tendring District Council

Existing legislation already requires the Council to publish statements regarding remuneration each year. The Council's Statement of Accounts includes a detailed analysis of the pay, benefits and pension entitlements for all Chief Officers within the Council. The Council will continue to publish this information on an annual basis and it is readily available to view on the Council's website www.tendringdc.gov.uk. This information also includes a structure of the Council's Senior Officers.

In 2021/22 the remuneration for the lowest paid member of staff within the Council was £17,842 (*based on £9.25 per hour*) per annum and the most senior officer within the Council was paid £135,945 per annum (*Statement of Accounts 2020/21 subject to Audit*). This is a multiple of 7.62, which is lower than half of the pay multiple detailed as the cap for Local Government pay as detailed in the Hutton Review of Fair Pay in the Public Sector.

The Council aims to keep this multiple under review to ensure that it is kept at an appropriate level. The current median pay for Chief Officers is £64,861 (this is based on full time equivalent annual salary, excluding election fees). The median pay for other staff other than Chief Officers is £24,012 per annum.

The Council publishes a monthly report of salaries paid, by pay band and the number of staff within each pay band on the Tendring District Council website - www.tendringdc.gov.uk.

Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017

Since 2018, the Council has been required to publish mandatory gender pay gap reporting in order to meet the requirements of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. The Council has a requirement to publish data including the following:

- The mean gender pay gap;
- The median gender pay gap;
- The mean bonus gender pay gap;
- The median bonus gender pay gap;
- The proportion of males and females receiving a bonus payment;
- The proportion of males and females in each quartile band.

Three of the above requirements will not be applicable, as the Council does not operate bonus schemes for Officers.

The challenge within Tendring District Council and across Great Britain is to eliminate any gender pay gap. If any gaps are determined, as the Council interprets data, an action plan will be prepared.

In preparation for the publication of the data in March 2022, the Council has been undertaking an analysis of gender pay data, which includes an analysis by gender across four pay quartiles. Results show the following:

Mean difference across Gender

The difference between the male and female mean hourly rate is £1.02. The male mean hourly rate is 7.7% higher than the female mean hourly rate.

Median difference across Gender

The difference between the male and female median hourly rate is £0.40. The female median hourly rate is 3.5% higher than the male median hourly rate.

At an organisational level, male employees make up 44% of our workforce, with female employees at 56%.

Reporting quartiles 3 & 4 (which comprises both our non-senior and senior management), are in keeping with the overall male/female ratio for the organisation and whilst reporting quartiles 1 & 2 show some variance, collectively they are in keeping with the overall gender balance within the organisation.

Our data shows there is no material disparity at each pay level within the organisation.

This information is published on the Council's website as well as a designated Government website.

Off-Payroll working in the Public Sector (IR35)

Due to the requirement for particular specialist skills or due to peaks in workloads, the Council occasionally engages the services of agency workers or consultants for short

term assignments. With effect from 1st April 2017, HMRC updated the requirements and regulations for off payroll workers within the public sector. From April 2017, individuals working through their own company in the public sector are no longer responsible for determining the application of intermediaries' legislation and paying the relevant tax and NICs. This responsibility was moved to the public sector employer.

The Council has undertaken and reviewed the current status of all workers with individual agencies and HMRC.

Severance Payments

The Council has adopted policies regarding severance payments. Full details can be found in the following;

- Organisational Change and Redundancy Policy;
- Flexible Retirement Policy.

In the case of the Organisational Change and Redundancy Policy the authority looks to ensure that the policy is workable, affordable and reasonable having regard to foreseeable costs.

For severance, all policies and payments are the same for the “lowest paid employee” and the Chief Officers of the Council.

Tendring District Council needs to ensure sufficient flexibility in order to respond to unforeseen circumstances and there maybe occasions when the Council has to take a pragmatic approach to severance. Any enhanced severance agreements will not be entered into without the advice of the External Auditor and will adhere to current legislation.

Other Rewards

The Council has both financial and non-financial rewards for staff; in order to reflect the different expectations and priorities of staff.

These other rewards include the following:

- Access to the Local Government Pension Scheme for all staff;
- Training support;
- Being tax efficient and at nil cost to the Council - Salary Sacrifice Schemes including a Car Purchase Scheme (*ultra low emission cars*) and a Cycle to Work Scheme;
- Health Schemes – the Council has been able to offer a number of Weight Management courses, quit smoking clubs and Health Checks for employees in partnership with ACE and PROVIDE and at nil cost to the Council;
- Occupational Health and a fully funded Employee Assistance Programme;
- Additional career development opportunities – secondments, special projects, flexible working and recognition through awards such as the Celebration of Success and STARS events.

- Free car parking;
- Flexi time scheme;
- Providing discounts at some local shops and cafes for employees;
- Additional days annual leave granted after 5 years of continuous service with Tendring District Council.

There are no rewards that only benefit Chief Officers within the Council.

Review of the Pay Policy Statement

The Localism Act stipulates that the Council's Pay Policy Statement should be kept under regular review on an annual basis. This includes a publication of the salaries of the most senior employees within the organisation compared to the lowest paid employees.

The Policy is approved by the Human Resources Committee and presented to Full Council.

The Human Resources Committee will take responsibility for the role of the Council's Remuneration Panel. In fulfilling this role the Committee will ensure that decisions will be based on the following:

- Supporting the achievement of the Council's aims;
- Taking account of wider public sector pay policy and good practice;
- Are proportionate, fair and equitable and support equal pay principles;
- Taking account of appropriate pay differentials;
- Attracting, retaining and motivating Officers of the right quality and talent;
- Taking account of the resources required in transitioning to any revised arrangements.

Other Policies

The Council has a number of policies that could have a financial benefit and should be read in conjunction with this Pay Policy Statement including the following:

- Allowances Policy;
- Organisational Change and Redundancy Policy;
- Market Forces Policy;
- Flexible Retirement Policy;
- Acting Up Policy;
- Relocation Policy;
- Long Service and Retirement Gifts Policy.

All of the above policies apply equally to all employees of Tendring District Council.

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COUNCIL

25 JANUARY 2021

REFERENCE FROM THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE

A.4 CHANGE TO THE TERMS AND CONDITIONS OF THE POST OF CHIEF EXECUTIVE (Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Council to consider a recommendation of the Human Resources & Council Tax Committee that the Terms and Conditions of the current Chief Executive post holder be changed by way of a reduction in the hours of employment from 37 to 27.75 hours per week (a reduction of 25%).

EXECUTIVE SUMMARY

The Human Resources & Council Tax Committee (“the Committee”), at its meeting held on 5 January 2022 (Minute 79 refers), considered a joint report of the Deputy Chief Executive and the Assistant Director (Partnerships) which had submitted a request from the current Chief Executive post holder that his hours of employment be reduced by 25%.

Having considered the Chief Executive’s request and its implications for this Council the Committee had:-

“RESOLVED that this Committee -

- (a) notes the request of the current Chief Executive to reduce his hours of employment from 37 hours to 27.75 hours;
- (b) supports the request, acknowledging the reduction of the Chief Executive’s availability and that additional cover will not be provided for the reduction in working hours; and
- (c) recommends to Full Council that:
 - (i) the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31st March 2022;
 - (ii) this change be reviewed after an initial period of six months operation and then at twelve month intervals following that; and
 - (iii) the post will remain at 37 hours on the Council’s establishment.”

A copy of the published joint report of the Deputy Chief Executive and the Assistant Director (Partnerships) to the meeting of the Human Resources & Council Tax Committee held on 5 January 2022, is attached as an appendix to this report.

RECOMMENDATIONS

That Council approves that:-

- (i) the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31st March 2022;**
- (ii) this change be reviewed after an initial period of six months operation and then at twelve month intervals following that; and**
- (iii) the post will remain at 37 hours on the Council's establishment.**

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Human Resources & Council Tax Committee held on 5 January 2022.

APPENDICES

Published Joint Report of the Deputy Chief Executive and the Assistant Director (Partnerships) for the meeting of the Human Resources & Council Tax Committee held on 5 January 2022.

A.4 APPENDIX

HUMAN RESOURCES & COUNCIL TAX COMMITTEE

5 JANUARY 2022

JOINT REPORT OF THE DEPUTY CHIEF EXECUTIVE AND THE ASSISTANT DIRECTOR (PARTNERSHIPS)

A.1 CHANGE TO THE TERMS AND CONDITIONS OF THE POST OF CHIEF EXECUTIVE

(Prepared by Carol Magnus, Anastasia Simpson and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Human Resources and Council Tax Committee to recommend a change in the Terms and Conditions of the current Chief Executive post holder by reducing the hours of employment from 37 to 27.75 hours per week (a reduction of 25%). Approval for this change has to be formally agreed by Full Council.

EXECUTIVE SUMMARY

The terms and conditions of employment for Chief Executives in local authorities are agreed nationally as part of the Joint Negotiating Committee for Local Authority Chief Executives. The terms of the current post of the Chief Executive at Tendring District Council have been in place since the appointment of the current post holder in 1st Dec 2010. In the intervening years the practices of the Council, in line with legislative changes and best practice, have developed to enable more flexible ways of working; this includes enabling staff to request reductions in hours and varied work patterns. The terms and conditions of employment for the post of Chief Executive are agreed by Council following the advice and recommendations of the Human Resources and Council Tax Committee. This report details a request to change one element of those terms; namely a reduction in the hours of employment by 25%. It should be noted that this change is being proposed, at the request of the current post holder.

A.4 APPENDIX

RECOMMENDATION(S)

It is recommended that the Human Resources and Council Tax Committee:-

- (a) notes the request of the current Chief Executive to reduce hours of employment from 37 to 27.75;**
- (b) supports the request, acknowledging the reduction of the Chief Executive's availability and that additional cover will not be provided for the reduction in working hours; and**
- (c) RECOMMENDS TO FULL COUNCIL that:**
 - (i) the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31st March 2022;**
 - (ii) this change be reviewed after an initial period of six months operation and then at twelve month intervals following that; and**
 - (iii) the post will remain at 37 hours on the Council's establishment.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

In line with legislative changes and best practice the Council has developed to enable more flexible ways of working; this includes enabling staff to request reductions in hours and varied work patterns. This request has been submitted in accordance with Council HR policies.

FINANCE, OTHER RESOURCES AND RISK

The proposed reduction in hours will result in a salary saving of £43,899.70 pa for the Council.

LEGAL & CONSTITUTIONAL POWERS

No significant legal implications have been identified. Any changes to working hours will be implemented in accordance with best practice and current employment law and the request has been made in accordance with the Council's HR Policies.

The terms and conditions of employment for the Chief Executive are approved by full Council upon the recommendations of the Human Resources and Council Tax Committee (Part 3.10).

The Report is to be considered in Part A and therefore, contains no personal information.

OTHER IMPLICATIONS

This change does reduce the availability and workload of the Chief Executive by 9.25 hours per week. Although the Chief Executive plans to work the reduced hours ensuring availability every day of the week (Monday – Friday).

A.4 APPENDIX

PART 3 – SUPPORTING INFORMATION

Reduction in hours

As previously stated, the terms and conditions of employment for the post of Chief Executive has been in place since 2010. The proposed reduction in hours falls within the organisation's practice and procedures for its employees. The special nature of the post of Chief Executive means that the terms and conditions are set by the Joint National Committee for Local Authority Chief Executives and locally agreed by Council, following the advice and recommendations of the Human Resources and Council Tax Committee.

The proposed reduction in hours is being made at the request of the Chief Executive under the flexible working policy; it also meets the requirements of the flexible retirement policy, if the Chief Executive chooses to exercise rights in accordance with this policy. This is however a personal choice, which falls outside of the remit of this report.

It is not intended that this request will require cover by the Council's senior management team or other resources, and by accepting the proposed change in hours, the Council will be agreeing to a Chief Executive on reduced hours. However, the post holder remains fully committed to Tendring District Council.

The reduction of hours will be spread across the full working week ensuring that the Chief Executive continues to be available to the organisation from Monday to Friday. Details of specific practical and operational arrangements will be agreed with the Leader prior to implementation.

Committee is asked to note that the Leader of the Council, Councillor Neil Stock OBE, has been consulted regarding this proposed change and advises that he fully supports the proposal. The Leader has asked for the following to be included within this report:-

“When Ian Davidson was appointed as Tendring's Chief Executive over a decade ago the Council was in a very sorry state; the Audit Commission had published a damning report that highlighted “issues of probity and perceptions of corruption” within the planning function; decision making was overly bureaucratic and intensely risk-averse, relations between members were overly antagonistic while dealings between members and officers were based on suspicion and mistrust. Fundamentally, the reputation of the Authority across the wider local government world was exceedingly poor.

Ian changed all that. Through his positivity, can-do spirit and tireless determination and enthusiasm Tendring District Council is now widely regarded as one of the best-run and the most ambitious local authorities in the country. We have all played our part in that incredible progress; all the members and officers who have been involved with the Council over the past ten years have done their bit to make it the outstanding local authority that we know today, but it is Ian who has led from the front, who has always demanded the best and who has been the inspiration for all our successes.

So, whilst an employer of the size and scale as Tendring District Council has a duty to consider any reasonable request that a member of staff may make to vary the terms and conditions of their employment, I am especially happy to support this request from our Chief Executive, as quite frankly I think it is the least we owe him. I would also like to

A.4 APPENDIX

acknowledge that as part of this request he has stated his continued commitment to the Council, and I would like simply to say thank you.”

CONCLUSION

The Human Resources and Council Tax Committee is asked to support the recommendations as previously stated. A report will then be submitted to Full Council to formally agree to the change in Terms and Conditions, at its meeting in January, should the Committee agree with the proposals contained herein.

APPENDICES

None.

COUNCIL

25 JANUARY 2022

REFERENCE FROM PLANNING POLICY & LOCAL PLAN COMMITTEE

A.5 MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - APPLICATION OF ARTICLE 4 DIRECTIONS IN THE DISTRICT OF TENDRING

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to consider the Planning Policy & Local Plan Committee's recommendation in relation to a motion submitted at the meeting of the Council held on 30 November 2021 by Councillor Alan Coley in relation to the application of Article 4 Directions.

EXECUTIVE SUMMARY

Further to Minute 31 of the meeting of the Planning Policy & Local Plan Committee ("the Committee") held on 11 January 2022 this report seeks to enable Council to consider the Committee's recommendation in relation to a motion submitted at the meeting of the Council held on 30 November 2021 by Councillor Alan Coley in relation to the application of Article 4 Directions in the District of Tendring.

At the meeting during the consideration of this matter the Chairman of the Committee (Councillor Turner) read out the following statement:-

"The making of an Article 4 Direction is only justified on a local basis to address locally specific problems and must be justified with evidence. It is not a one-size fits all 'blanket' solution to all general concerns about our national planning system. In the meantime this Committee's work continues with the review of our Conservation Areas (CAs) – we have 15 more to go. The review of CAs provides the perfect opportunity to consider the need for Article 4 Directions on an area-by-area basis. The Committee involves the Parishes and the Members effected as we review their CAs, by asking for their comments. At this stage relevant problems and solutions to local needs can be found. Further, where planning issues arise I am sure that with the Local Plan adopted, the NPPF and building regulations, there will be solutions."

Having considered Councillor Coley's motion and in order to enable this matter to be brought to a conclusion at this meeting of the Full Council, the Committee had decided to recommend to Full Council:-

"RESOLVED that -

- (a) Council be informed that this Committee does not support Councillor Coley's motion; and
- (b) this Committee further recommends instead to Cabinet and Council that a further report on this matter be prepared and brought back to the Planning Policy & Local Plan Committee and that such report focus firstly on the ward of Lawford, Manningtree

and Mistley.”

RECOMMENDATIONS

- (a) That Council does not support Councillor Alan Coley’s Motion; and**
- (b) That Council requests that a further report on this matter be prepared and brought back to the Planning Policy & Local Plan Committee and that such report focus firstly on the ward of Lawford, Manningtree and Mistley.**

PART 2 – SUPPORTING INFORMATION

BACKGROUND

At its meeting held on 30 November 2021 (Minute 90 refers) Council had before it a motion submitted by Councillor Coley pursuant to the provisions of Council Procedure Rule 12 in which he proposed that the Council requests the Cabinet to extend the application of Article 4 Directions in the District. That Motion was worded as follows:-

“In order to preserve Tendring’s uniqueness, heritage, amenity areas and the established areas of industrial and commercial activity:-

This Council requests its Cabinet to explore the option of applying for an Article 4 Direction in respect of appropriate Conservation Areas, Industrial Estates and Commercial and Retail Centres in the District of Tendring.”

At the meeting of the Council, Councillor Coley had formally moved the motion. Councillor G V Guglielmi had then formally seconded the motion.

Councillors Coley and Guglielmi had then each explained the purpose of the motion.

The Leader of the Council (Councillor Stock OBE) had then spoke to the Motion and explained that he felt that the Motion should appropriately be referred to the Planning Policy & Local Plan Committee for consideration and report as that Committee was best placed to advise Council and Cabinet on the best way forward.

The Chairman of the Council (Councillor Bray) had concurred with that view and had therefore decided that the motion would be referred to the Planning Policy & Local Plan Committee as the appropriate body on the grounds that it was best placed to advise Council and Cabinet on the best way forward.

The motion had thereupon stood referred to the Planning Policy & Local Plan Committee for its consideration in accordance with the provisions of Council Procedure Rules 12.5 and 12.6.

Councillor Coley’s motion had then been duly submitted to the meeting of that Committee held on 11 January 2022 (Minute 31 refers).

In accordance with Council Procedure Rule 12.6 (Referred Motions – Right of Mover to Attend Meeting), Councillor Coley had attended that meeting to answer any questions and/or points of clarification, if requested.

The Planning Policy & Local Plan Committee was also aware at that meeting that Council Procedure Rule 12.5 (Referral of Motions) stated that:-

“Where a motion has been referred in accordance with Rule 12.4 the Cabinet or any relevant Committee shall (subject to the provisions of Rule 12.6) be required to consider such motion and to advise the Council (by no later than the second Ordinary Meeting of the Council held following the date of Council’s referral) of their opinion and reason as to whether such motion should be supported in its original format.*

Prior to making its decision Cabinet or the relevant Committee may following consultation with Officers, require further information to be presented to them for consideration on the implications of the proposed motion. Such a report must be considered in a timely manner.

If the Cabinet or relevant Committee decides to advise the Council of its opinion that such motion in its original format should not be supported, the Cabinet or relevant Committee may, in addition, suggest to the Council that an amended motion be proposed.

Once Cabinet or any relevant Committee has considered the motion it will be referred back to Council with the recommendation. If an amended motion is proposed by Cabinet, or relevant Committee, when presented back to Council, the amended motion will be debated first, in accordance with Rule 16.5 and Rule 16.10 (b).”

* In this instance the relevant Full Council meeting is on 29 March 2022.

The Committee was also reminded that the making of Article 4 directions was an executive function and that, consequently, the Committee and full Council were limited in being able to make recommendations to Cabinet for consideration.

All decisions made by Tendring District Council must follow the general principles of decision making, as set out in Article 13 of the Council’s Constitution:

“13.02 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);*
- (b) Due consideration of all the relevant factors and options, taking into account the results of any consultation undertaken and the professional advice of Officers;*
- (c) Respect for human rights, and equality and diversity;*
- (d) A presumption in favour of openness;*
- (e) Clarity of aims and desired outcomes; and*
- (f) Transparency (i.e. explaining what options were considered and giving the reasons for that decision).*

In addition, decision-makers were required to follow the relevant procedure rules, as set out in Part 5 or Article 7, as appropriate when considering the matter.”

The full implications of the proposals referred to in Coley’s motion are unknown at this stage and would require further research before an informed decision could be made. Alternatively, any recommendation to proceed would be subject to the implications being fully considered by Cabinet prior to approvals, to ensure any action was taken in accordance with the Council’s Budget and Policy Framework.

CURRENT POSITION

Council is now requested to consider the motion as recommended by the Planning Policy & Local Plan Committee.

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Full Council held on 30 November 2021.

Published Minutes of the meeting of the Planning Policy & Local Plan Committee held on 11 January 2022.

APPENDICES

Reference from Council Report submitted to the meeting of the Planning Policy & Local Plan Committee held on 11 January 2022.

A.5 APPENDIX

PLANNING POLICY & LOCAL PLAN COMMITTEE

11 JANUARY 2022

REFERENCE FROM COUNCIL

A.2 MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - APPLICATION OF ARTICLE 4 DIRECTIONS IN THE DISTRICT OF TENDRING
(Report prepared by William Fuller and Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to the Planning Policy & Local Plan Committee a motion submitted at the meeting of the Council held on 30 November 2021.

EXECUTIVE SUMMARY

This report sets out a motion moved by Councillor Coley and seconded by Councillor G V Guglielmi to the meeting of the Council held on 30 November 2021 relating to the option of applying for an Article 4 Direction in respect of appropriate Conservation Areas, Industrial Estates and Commercial and Retail Centres in the District of Tendring and which was referred to this Committee by the Chairman of the Council for further consideration, in accordance with the provisions of Council Procedure Rule 12.4.

The motion expresses concern about the powers available to the Council's planning services in relation to preserving Conservation Areas, Industrial Estates and Commercial and Retail Centres in the District of Tendring. A fuller outline of the extent of these powers is set out in later sections of this report and including:

- What protection already exists under the General Permitted Development Order in these locations,
- What restrictions under Article 4 Directions the Council already hold,
- What powers the Council has in planning terms to restrict development further in these areas,
- The consequences of such restrictions.

RECOMMENDATION

That the Committee decides whether to recommend, or not, that the Council should support the motion in its original format.

If the Committee decides to advise the Council that in its opinion the motion should not be supported in its original format it may, in addition, suggest to Council that an amended motion be proposed.

A.5 APPENDIX

PART 2 – SUPPORTING INFORMATION

Rule 12.6 Referred Motion

In accordance with Council Procedure Rule 12.6 (Referred Motions – Right of Mover to Attend Meeting), Councillor Coley has been notified to attend the meeting to answer any questions and/or points of clarification, if requested.

LEGAL

Council Procedure Rule 12.5 (Referral of Motions) states that:-

“Where a motion has been referred in accordance with Rule 12.4 the Cabinet or any relevant Committee shall (subject to the provisions of Rule 12.6) be required to consider such motion and to advise the Council (by no later than the second Ordinary Meeting of the Council held following the date of Council’s referral) of their opinion and reason as to whether such motion should be supported in its original format.*

Prior to making its decision Cabinet or the relevant Committee may following consultation with Officers, require further information to be presented to them for consideration on the implications of the proposed motion. Such a report must be considered in a timely manner.

If the Cabinet or relevant Committee decides to advise the Council of its opinion that such motion in its original format should not be supported, the Cabinet or relevant Committee may, in addition, suggest to the Council that an amended motion be proposed.

Once Cabinet or any relevant Committee has considered the motion it will be referred back to Council with the recommendation. If an amended motion is proposed by Cabinet, or relevant Committee, when presented back to Council, the amended motion will be debated first, in accordance with Rule 16.5 and Rule 16.10 (b).”

* In this instance the relevant Full Council meeting is on 29 March 2022.

The making of Article 4 directions is an executive function and consequently, the Planning Policy and Local Plan Committee and full Council are limited in being able to make recommendations to Cabinet for consideration. All decisions made by Tendring District Council must follow the general principles of decision making, as set out in Article 13 of the Council’s Constitution:

13.02 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) Due consideration of all the relevant factors and options, taking into account the results of any consultation undertaken and the professional advice of Officers;
- (c) Respect for human rights, and equality and diversity;
- (d) A presumption in favour of openness;
- (e) Clarity of aims and desired outcomes; and
- (f) Transparency (i.e. explaining what options were considered and giving the reasons for that decision).

A.5 APPENDIX

In addition, decision-makers will follow the relevant procedure rules, as set out in Part 5 or Article 7, as appropriate when considering the matter.

The full implications of the proposals referred to in the motion are unknown at this stage and would require further research before an informed decision could be made. Alternatively, any recommendation to proceed would be subject to the implications being fully considered by Cabinet prior to approvals, to ensure any action was taken in accordance with the Council's Budget and Policy Framework.

RESOURCES AND RISK

Resources: TDC Officers are advising on the consequences of Article 4 and will invite (where appropriate) input of Essex County Council Place Services (in regards to Conservation Areas) under an existing service level agreement. If a decision is taken to explore further the option of imposing further Article 4 Directions with a view to making such Directions, there will be considerable resource implications in assessing the applicability, justification and necessary detail of Article 4 Directions in different areas of the District. There will also be the processes for formal consultation for the individual Directions and obtaining Secretary of State approval which will have administrative and legal costs.

Risks: Whilst it is possible that the implementation of further controls under Article 4 Directions within Conservation Areas could support the protection of Tendring's heritage, it should be noted that using such powers to control conversions to housing and other commercial uses could impact upon the Council's aspiration to deliver high quality housing and also has the potential to impact the economy of Tendring.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder

There are none.

Equality and Diversity

There are none.

Health Inequalities

There are none.

Consultation and Public Engagement

See separate section.

Carbon Neutrality

No adverse impact overall.

Area or Ward Affected

All Wards are potentially affected.

A.5 APPENDIX

BACKGROUND

At the meeting of the Council held on 30 November 2021 (Minute 90 refers), the following motion was moved by Councillor Coley and seconded by Councillor G V Guglielmi and, in accordance with Council Procedure Rule 12.4, stood referred to the Planning Policy & Local Plan Committee for further consideration:

“In order to preserve Tendring’s uniqueness, heritage, amenity areas and the established areas of industrial and commercial activity:-

This Council requests its Cabinet to explore the option of applying for an Article 4 Direction in respect of appropriate Conservation Areas, Industrial Estates and Commercial and Retail Centres in the District of Tendring.”

On further discussions with Councillor Coley, it has been determined that the key areas of concern revolve around the following issues:

- Inappropriate permitted changes of use of property to residential dwellings which can result in an incompatible mix of uses – particularly in predominantly commercial areas and above shops;
- Permitted changes of use to residential dwellings that provide substandard levels of private amenity space;
- The inability to secure financial contributions from permitted developments for infrastructure such as children’s play areas;
- Permitted changes in Conservation Areas that can impact on the character and setting of listed buildings; and
- Conversion and redevelopment of agricultural buildings to residential dwellings which have a negative impact on the countryside.

The General Permitted Development Order

Permitted development rights are a provision of the national planning system that automatically grants consent for certain building works and changes of use to be carried out without the need to apply for planning permission. Permitted development rights are subject to certain conditions, size thresholds and limitations to control impacts and to protect local amenity – but generally allow many types of development to take place without any control from the local authority.

The General Permitted Development Order (GPDO) covers a vast variety of land uses and sets out the permitted development rights that exist for each. For the purposes of this report, Officers have focussed on the permitted development rights most pertinent to the particular concerns identified by Councillor Coley.

Commercial Permitted Development

Part 7 of the General Permitted Development Order provides for non-residential (commercial) extensions and alterations. In very brief it allows, without the need for planning permission:

Commercial and business properties (Use Class E)

- Buildings can be extended by 50% or 100 square metres in floor area

A.5 APPENDIX

- Buildings can be extended up to, but no higher than 4 metres
- New development may not include the insertion or alteration of a shopfront

Industrial building or warehouse (Use class B1 and B8)

- No more than 200 square metres for a new building within a commercial site
- Extensions of no more than 50% or 1000 square metres in floor area
- Extensions of no more than 15 metres high

Restricted Permitted Development within Conservation Areas

Within Conservation Areas (and Areas of Outstanding Natural Beauty) the following additional restrictions apply:

Residential/householder development in Conservation Areas:

- No side extensions are permitted
- No cladding and pebbledash
- No dormers on front and rear (in all other cases front facing dormers are not permitted)
- No outbuilding to side
- Photovoltaic as far as practical out of sight
- Chimneys and vent pipes not permitted if they are on wall or roof fronts a highway and principle or side wall
- Satellite dishes and antenna not permitted mounted on chimney wall or roof slope fronting highway

Commercial and business development in Conservation Areas:

- Extensions limited to 25% of original building or 50 sq m (half the standard allowance); materials must be similar; and extensions not permitted if within 2m of any boundary.
- Click and collect not permitted.
- Modification of loading bays not permitted.
- Industrial and Warehouse new buildings 100 sq m (half standard allowance).
- Extensions 10% of original floorspace or 500 sq m (standard is 50% or 1000 sq m)
- Industrial and Warehouse buildings, extensions and alterations must use similar materials.
- Waste management facilities – no extensions, alterations or replacement plant or machinery permitted

From the above, it is clear to see that there are already a number of restrictions in place controlling development of a commercial or business use and further restrictions within Conservation Areas. However, concern has been raised about some of the development that has been allowed in Conservation Areas including the inappropriate changes of use of property to residential dwellings which can result in an incompatible mix of uses, particularly in predominantly commercial areas and above shops. Concerns have also

A.5 APPENDIX

been raised over changes of use to residential dwellings that provide substandard levels of private amenity space and those changes of agricultural buildings in the countryside which can negatively impact on the character of the area. The inability to secure financial contributions from permitted developments for infrastructure such as children's play areas was also of concern. As was changes in Conservation Areas that can impact on the character and setting of listed buildings.

Permitted Development Change of Use to Dwellings

The General Permitted Development Order also allows (in Part 3) the change of use from specific buildings and uses to residential dwellings without the need for planning permission, but subject to a simpler 'Prior Notification' process. from the following are permitted to change to residential dwellings:

- Small HMOs
- Retail and betting shops
- Amusement arcade and casino
- Offices
- Storage and distribution B1(c)
- Agricultural (see below)

Also within the GPDO (Part 20) there is an allowance for new dwellinghouses to be constructed above flats without planning permission. It is worth noting that all of these permitted changes have certain conditions, size thresholds and restrictions attached.

Subject to a number of conditions and restrictions, agricultural buildings and land within their curtilage may convert to a use falling within Class C3 of the Schedule to the Use Classes Order 1987 (dwelling houses). These conditions and restrictions are set out in Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

The right allows for a maximum number for the following types of houses:

- up to 3 larger homes, to be greater than 100 square metres in floor area, and within an overall floorspace of 465 square metres in total; or
- up to 5 smaller homes each no greater than 100 square metres; or
- Up to 5 homes comprising a mixture of larger and smaller homes, with neither exceeding the thresholds for each type of home.

The right requires that for larger homes each of the 3 homes has to be larger than 100 square metres in residential use and allows for up to 1 home of 465 square metres in residential use. For smaller homes the right requires that a home can have no more than 100 square metres of floor space in residential use. Development of dwelling houses other than those defined as "larger" or "smaller" is not allowed under Class Q. In calculating the number of new homes allowed under the right any existing homes within the established agricultural unit not granted permission under Class Q should be discounted.

Article 4 Directions

An 'Article 4 Direction' is a direction under article 4 of the General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw

A.5 APPENDIX

specified permitted development rights across a defined area. An article 4 direction cannot be used to restrict changes between uses in the same use class of the Use Classes Order, but it can restrict and require planning permission to be sought for certain types of development that would otherwise be permitted.

The National Planning Policy Framework advises that all article 4 directions should be applied in a measured and targeted way. They should be based on robust evidence, and apply to the smallest geographical area possible.

Provided that there is clear justification for both its purpose and extent, an article 4 direction can:

- remove specified permitted development rights related to operational development or change of use
- remove permitted development rights with temporary or permanent effect

Where an article 4 direction relates to a change from non-residential use to residential use, it should be limited to situations where an article 4 direction is necessary to avoid wholly unacceptable adverse impacts. In other cases, article 4 directions should be limited to situations where it is necessary to protect local amenity or the well-being of the area.

The potential harm that the article 4 direction is intended to address will need to be clearly identified and demonstrated, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:

- a wide area (eg those covering a large proportion of or the entire area of a local planning authority, National Park or Area of Outstanding National Beauty)
- an area extending beyond the essential core of a primary shopping area
- Agriculture and forestry development. Article 4 directions related to agriculture and forestry will need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty
- cases where prior approval powers are available to control permitted development
- the installation of microgeneration equipment

At present the Council has a number of Article 4 Directions in place throughout the District. These include:

- A number of roads in Mistley where rights have been withdrawn for windows, doors, rendering, painting and the erection of porches
- In Jaywick extensions and alterations to houses and alterations to the roof have been withdrawn
- And District-wide rights for the conversion to HMOs have been withdrawn.

Consequences for imposing further Article 4 Directions in the District

As can be seen above, the use of Article 4 Directions can only be used in very specific circumstances with strong justification. Taking each of the use cases in turn, Officers have the following considerations:

A.5 APPENDIX

Removing Permitted Development Rights for Conversion to Dwellings

The Government is clear that it intends to significantly boost the supply of new homes in the coming years. A key part of this is to allow changes of use without full planning permission for agricultural buildings and for certain uses (see above).

Officers consider that, to restrict conversion of agricultural outbuildings would require an Article 4 Direction to apply across a wide area (covering all land within the District) – which is unlikely to be supported by the Secretary of State. No serious threat to landscape character has been identified and the prior approval regime can control these impacts. Given that a large part of the District and the large part of the country is a rural area to which these permitted development rights apply and that the material harm caused by this form of development is generally low, Officers believe it would be unlikely that the Secretary of State would agree to a direction. For the reasons given above, your Officers do not consider that using Article 4 Directions to control this kind of development would be appropriate.

Similarly, for the other uses which can change to dwellings, no serious justification has been given as to the harm caused and where the specific locations are in the District. In both kinds of conversions, Officers would need more detail to recommend the use of an Article 4 Direction to Members.

This all being said, it is understood that these changes of use under permitted development are not very common in the District. But if Members would like, Officers are happy to look into how common this is and assess what kind of developments are being allowed through the Prior Notification route.

Restricting Permitted Development Rights in Conservation Areas

Within the adopted Heritage Strategy, one of the recommendations to preserve the heritage of the District is for Officers to investigate its powers using Article 4 Directions. Moreover, within the Conservation Area Management Plans taken to Planning Policy and Local Plan Committee in October, there were also recommendations for Officers to consider the use of Article 4 Directions, specifically to control the inversion of windows and doors and shopfront design.

Should Members wish, Officers could investigate stricter controls within Conservation Areas using Article 4 Directions. It is recommended that once each of the Conservation Area Appraisals returns from public consultation, Officers explore this in more detail. This approach is recommended as it is likely that the boundary of Conservation Areas will change and the boundary for any new Article 4 Direction should reflect the most up-to-date Conservation Area boundary.

Restricting Permitted Development Rights in Town Centres

Members will recall that a Committee report was brought before you recently which highlighted the Government's recent rethink of town centre uses. This involved the implementation of a new 'Class E' planning use class which brings together a number of traditionally town centre uses and also allows the permitted change of some of these uses to residential. The Government are attempting here to provide more flexibility to town centre uses. Officers consider that there is no strong justification to tighten these rights and in any event, this approach would not be supported by Government.

Further Considerations

A.5 APPENDIX

The above all points to a wider piece of work to examine how well the Article 4 Directions the Council already has in place are achieving their goals. Indeed, Government guidance requires that Local Planning Authorities monitor Article 4 Directions to make sure the original purpose of the Direction is being achieved. Should Members wish, Officers could look into this as well.

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Full Council held on 30 November 2021.

APPENDICES

None

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COUNCIL

25 JANUARY 2022

REPORT OF CHIEF EXECUTIVE

A.6 **CHANGES IN MEMBERSHIP OF COMMITTEES**

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to me, the following appointment has been duly made since the last ordinary meeting of the Council, namely:-

Resources and Services Overview & Scrutiny Committee

Councillor Amos has been appointed to serve in place of Councillor Land.

This item is submitted for **INFORMATION ONLY**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

25 JANUARY 2022

**BACKGROUND PAPERS LIST FOR
REPORT OF CHIEF EXECUTIVE**

A.6 CHANGES IN MEMBERSHIP OF COMMITTEES

Formal appointment dated 17 December 2021.

COUNCIL

25 JANUARY 2022

REPORT OF CHIEF EXECUTIVE

A.7 COUNCILLOR'S NON-ATTENDANCE AT MEETINGS

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

In accordance with Article 2.06 of the Council's Constitution to inform Council that Councillor Peter Cawthron has almost exceeded four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

EXECUTIVE SUMMARY

Council will be aware that it is a requirement under Article 2.06 of the Council's Constitution that if a Member exceeds four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee that shall be reported to the next Council meeting.

The last meeting which Councillor Cawthron attended was that of the Planning Committee held on 28 September 2021.

Therefore, in accordance with the said Article 2.06 I formally report that Councillor Peter Cawthron will have exceeded four months on 29 January 2022 without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the Council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee.

RECOMMENDATION(S)

That the contents of this report be **NOTED**.

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

25 JANUARY 2022

**BACKGROUND PAPERS LIST FOR
REPORTS OF CHIEF EXECUTIVE**

A.7 COUNCILLOR'S NON-ATTENDANCE AT MEETINGS

None.