



CABINET

DATE:	Friday, 17 March 2023
TIME:	10.30 am
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor N Stock OBE	- Leader of the Council
Councillor C Guglielmi	- Deputy Leader of the Council; Portfolio Holder for Corporate Finance & Governance
Councillor J Bray	- Portfolio Holder for Planning
Councillor P Honeywood	- Portfolio Holder for Housing
Councillor L McWilliams	- Portfolio Holder for Partnerships
Councillor M Newton	- Portfolio Holder for Business & Economic Growth
Councillor A Porter	- Portfolio Holder for Leisure & Tourism
Councillor M Talbot	- Portfolio Holder for Environment & Public Space

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DATE OF PUBLICATION: THURSDAY, 9 MARCH 2023

AGENDA

1 Apologies for Absence

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

2 Minutes of the Last Meeting (Pages 1 - 22)

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 17 February 2023.

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 Leader of the Council

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

5 Announcements by Cabinet Members

The Cabinet is asked to note any announcements made by Members of the Cabinet.

6 Matters Referred to the Cabinet by the Council

There are no items referred to the Cabinet by the Council on this occasion.

7 Matters Referred to the Cabinet by a Committee

There are no items referred to the Cabinet by a Committee on this occasion.

8 Leader of the Council's Items

There are no items submitted by the Leader of the Council on this occasion.

9 Cabinet Members' Items - Report of the Planning Portfolio Holder - A.1- Ardleigh Neighbourhood Plan – Proposal for Public Consultation (Pages 23 - 300)

To seek the Cabinet's agreement for Officers to carry out a six-week public consultation on Ardleigh Parish Council's new Neighbourhood Plan, as part of the statutory plan-making process.

10 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.2 - The Shared Procurement Partnership (Pages 301 - 328)

To update Cabinet on the successes of the joint working arrangements with Tendring District Council and Essex County Council for the delivery of procurement functions and to seek approval to explore a wider procurement partnership at a strategic level, to maximise existing opportunities through closer partnership working other Councils.

11 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.3 - Financial Performance Report - In Year Performance against the Budget at the end of Quarter 3 2022/23 and Long Term Financial Forecast Update (Pages 329 - 370)

To provide an overview of the Council's financial position against the budget, as at the end of December 2022, and to update the long term forecast.

12 Cabinet Members' Items - Report of the Corporate Finance and Governance Portfolio Holder - A.4 - Timetable of Meetings: 2023/2024 Municipal Year (Pages 371 - 380)

To enable Cabinet to consider the timetable of meetings for the 2023/2024 Municipal Year.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is provisionally due to be held on Friday 23 June 2023.

Information for Visitors

COMMITTEE ROOM
FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 17TH FEBRUARY, 2023 AT 10.30 AM
COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15
1SE**

Present: Councillors Neil Stock OBE (Leader of the Council)(Chairman), Carlo Guglielmi (Deputy Leader; Portfolio Holder for Corporate Finance & Governance), Jeff Bray (Portfolio Holder for Planning), Paul Honeywood (Portfolio Holder for Housing), Lynda McWilliams (Portfolio Holder for Partnerships), Mary Newton (Portfolio Holder for Business & Economic Growth), Alex Porter (Portfolio Holder for Leisure & Tourism) and Michael Talbot (Portfolio Holder for Environment & Public Space)

Group Leaders Present by Invitation:

Councillors Terry Allen (Leader of the Tendring First Group), Jayne Chapman BEM (Leader of the Independent Group), Gary Scott (Leader of the Liberal Democrats Group) and Mark Stephenson (Leader of the Tendring Independents Group)

Also Present: Councillors Andy Baker, Mike Bush, Paul Clifton and Gina Placey

In Attendance: Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Director (Planning)), Michael Carran (Assistant Director (Economic Growth & Leisure)), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), Sam Wright (Systems Support Manager)(except items 123 - 127) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

111. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors I J Henderson (Leader of the Labour Group) and C P Winfield (Leader of the Holland-on-Sea Group).

112. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 27 January 2023, be approved as a correct record and be signed by the Chairman.

113. DECLARATIONS OF INTEREST

Councillor Baker declared a Personal Interest in relation to Agenda Item 6 (Green Space Development Petition) insofar as he knew the petitioner.

Later on in the meeting, as mentioned under Minutes 118 and 119 below, and in relation to Agenda Items 10 and 16 (both related to the Council's emerging Beach Hut Strategy):-

Councillor Allen declared a Personal Interest in that he was the Mayor of Frinton and Walton Town Council and that the Town Council owned two beach huts that it rented out exclusively to residents residing within the Parish.

Councillor Chapman BEM declared a Personal Interest insofar as her family held a licence for a beach hut in Brightlingsea.

114. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

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

115. ANNOUNCEMENTS BY CABINET MEMBERS

There were no announcements by Cabinet Members on this occasion.

116. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - PETITION: GREEN SPACE DEVELOPMENT

Earlier on in the meeting, as reported under Minute 113 above, Councillor Baker had declared a Personal Interest in relation to this matter insofar as he knew the petitioner.

Members were reminded that an e-petition had been submitted by Caroline Saye, as lead petitioner, on 15 November 2022. That petition had been signed by 432 persons and stated:-

“We the undersigned petition the council to take no further action in respect of exploring the potential for development /disposal for each of the 69 proposed areas of land reported to Cabinet on 15 July 2022 until such time as a public meeting or meetings have been held to provide all residents with the ability to express their views.”

Asset management was an executive function and therefore the Cabinet was the appropriate body to consider this matter.

In accordance with the Council’s adopted Scheme for Dealing with Petitions the receipt of this Petition had been reported, for Members’ information, to the meeting of the Full Council held on 24 January 2023. This matter had now been investigated and a report prepared and presented to the Cabinet on the basis that the Petition contained between 30 and 500 signatures.

Having discussed the petition it would be for Cabinet to decide what action, if any, would be taken.

Cabinet was made aware of the Assistant Director (Building and Public Realm)’s assessment and advice as follows:-

“Following a motion put to the full Council in November 2020 by Councillor Placey the Cabinet requested a review of Council owned assets that could be used for the construction of new Council homes or used or released in return for capital receipts in order to support Council priorities.

As part of that exercise a total of 69 sites were identified, with three already pending action after earlier decisions.

A report for Cabinet consideration was prepared identifying the sites and inviting determination of in respect of which of them to commence the property dealing

procedure. Three previously identified sites were identified for priority disposal action, two of the then identified sites were identified for action.

On 15 July 2022 Cabinet agreed the identified priority actions and decided to progress with the property dealing procedure in relation to all of the identified sites.

Officers have begun to progress the identified priority actions, as resources permit, but no detailed assessment of any of the other sites has yet been undertaken.

On 4 November 2022 Cabinet considered a report outlining the Council's financial outlook including a number of housing and property investment requirements that could not be funded.

It is likely that looking forward it will be increasingly necessary to practice asset management in order to deliver property and other obligations and aspirations.

Section 123 of the Local Government Act 1972 provides that any proposal for disposal of open space must be advertised in the local press and representations taken into account. Any planning application will necessitate statutory and neighbour consultation and due consideration to any responses. Both of these would happen at a later stage in the property dealing process. Cabinet may wish to note the petition, thank the petitioner and request that these views and others are taken into account as the property dealing procedure unfolds, subject to available resources."

Cabinet also had before it the following comment submitted by the Portfolio Holder for Corporate Finance and Governance:-

"These 69 sites have been identified as part of a process to review potential development or other options throughout the District. They should not be considered in isolation or outside of that process. No decision has been taken to build on or dispose of any land. This process was begun following questions raised at the full Council and has consumed considerable time and effort to get to this stage. Given the Council's financial position and aspirations for housing and public space improvement the Authority must look towards careful use and rationalisation of its properties in order to reduce costs, avoid clinging to unproductive space and facilitate investment in services and facilities.

I recommend that Cabinet notes the petition, thanks the petitioner and requests that these views and others are taken into account as and when the property dealing procedure unfolds, subject to available resources."

The lead petitioner, Caroline Saye, had been invited to attend the meeting to present the petition to Cabinet on behalf of the petitioners. However, she had informed Officers that she was unable to attend the meeting as she was out of the country on holiday.

Having duly considered the Petition together with the information provided in the report:-

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

RESOLVED that Cabinet notes the petition, thanks the petitioner and requests that these views and others are taken into account as and when the property dealing procedure unfolds, subject to available resources.

117. **MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.2 - PETITION: RE-INSTATEMENT OF TOILETS ON MIDDLE PROMENADE, BELOW CONNAUGHT GARDENS EAST, CLACTON-ON-SEA**

Cabinet was reminded that an e-petition had been submitted by Colin Underwood, as lead petitioner, on 18 November 2022. That petition had been signed by 41 persons and stated:-

“We the undersigned petition the council to re-instate public toilets in the vicinity of the demolished toilets on the middle promenade below Connaught Gardens East”.

Asset management (including the provision of public conveniences) was an executive function and therefore the Cabinet was the appropriate body to consider this matter.

In accordance with the Council’s adopted Scheme for Dealing with Petitions the receipt of this Petition had been reported, for Members’ information, to the meeting of the Full Council held on 24 January 2023. This matter had now been investigated and a report prepared and presented to the Cabinet on the basis that the Petition contained between 30 and 500 signatures.

Having discussed the petition it would be for Cabinet to decide what action, if any, would be taken.

Cabinet was made aware of the Assistant Director (Building and Public Realm)’s assessment and advice as follows:-

“The former public conveniences at this location were closed and demolished around twenty years ago in the light of structural issues and low usage. The East Clacton and Holland-on-Sea seafront remains served by five public conveniences. Around 700m to the West of the proposed location Public Conveniences opposite St Albans Road and around 500m to the East of the location Public Conveniences at Lyndhurst Road remain operational.

The success of the Holland-on-Sea beach recharging has led to increased visitor numbers in the area. And there is a case for increased provision of facilities to match that.

On 4 November 2022 Cabinet considered a report outlining the Council’s financial outlook including a number of housing and property investment requirements that could not be funded. It is likely that looking forward it will be increasingly necessary to practice asset management in order to deliver property and other obligations and aspirations.

The construction of a significant new public convenience on a shoreline site is likely to be substantially costly and may be hard to prioritise against other investment needs in the prevailing financial landscape.

The Council’s Public Conveniences Strategy was adopted in 2017 with a direction of reducing the number of conveniences in order to focus resources on the most necessary locations. The strategy does not envisage the creation of new public conveniences in Holland on Sea It would be most appropriate to consider any proposals for increased or reprioritised facilities within the context of a review of that strategy.”

Cabinet also had before it the following comment submitted by the Portfolio Holder:-

“Although I note, and welcome, the increased visitor usage of the excellent new beaches at Holland on Sea. The Council is in an increasingly worrying financial position and a desire to increase facilities and services, as desirable as that is, cannot sit comfortably among the tough choices that lie ahead.

Reconsidering lavatory provision throughout the towns and coast of the District can only fairly be achieved within the context of an overall review of the strategy. Such a strategy review can take account of the developing financial issues that we face and should follow consideration and resolution of those issues.

I would like to thank the petitioners for their views and consideration, and I acknowledge the increased visitor numbers in the area but believe that we cannot, at present, commit the organisation to the construction of new facilities. I believe that a review of this and other strategies should be carried out at a future juncture once the approach to the Council’s financial position can be brought into clear focus.”

The lead petitioner, Colin Underwood, attended the meeting and presented the petition to Cabinet on behalf of the petitioners.

Having duly considered the Petition together with the information provided in the report:-

It was moved by Councillor Talbot, seconded by Councillor Porter and:-

RESOLVED that Cabinet notes the petition, thanks the petitioner but that no action be taken at this present time to comply with the request as it is not possible to commit the Council to the construction of new public toilet facilities. However, Cabinet supports the suggestion that a review of this request could be carried out at a future juncture once the approach to the Council’s financial position can be brought into a clearer focus.

118. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.5 - SCRUTINY OF THE COUNCIL'S PROPOSALS TO REVIEW THE BEACH HUT STRATEGY

Councillor Allen declared a Personal Interest in that he was the Mayor of Frinton and Walton Town Council and that the Town Council owned two beach huts that it rented out exclusively to residents residing within the Parish.

Councillor Chapman BEM declared a Personal Interest insofar as her family held a licence for a beach hut in Brightlingsea.

Cabinet considered the recommendations submitted to it by the Resources and Services Overview & Scrutiny Committee following that Committee’s scrutiny of the Beach Huts Task & Finish Working Group’s report on its review of the Council’s proposals to renew the beach hut strategy at its meeting held on 1 February 2023.

That Committee had recommended -

“That Cabinet takes into account, prior to its consideration of the draft Beach Hut Strategy, that -

-
- a) *the Committee recommends that future charges for lease agreements are set at a fair and reasonable level. This is relevant for both commercial and mainstream leases. This should also be appropriate for any new Beach Huts made available for purchase or lease in the future;*
 - b) *it is recommended that terms and conditions included in lease agreements are fair and equitable and in consultation with Beach Hut owners;*
 - c) *the Committee recommends that appropriate resources are put in place for administration involved in implementing the strategy. That consideration be given to the subsequent cost to the Council of processing leases and that subsequent costs are reported back to the Committee;*
 - d) *the Committee recommends that bright colours and vibrant designs be included in the revised design specification for Beach Huts, when this is produced following adoption;*
 - e) *the Committee recommends that there is acknowledgement of the differences in seafront locations along the Tendring District and their respective unique features, such as cliff slopes and how they impact Beach Hut design for the emerging specification review;*
 - f) *noting the point above, it is recommended that certain limited Beach Hut adaptations in parts of the District be included in the future specification for reasons of access, e.g. appropriate access steps on cliff slopes. This should be considered on a location-by-location basis;*
 - g) *it is recommended that a map be attached to the emerging strategy to clearly define which land is owned by Tendring District Council;*
 - h) *it is recommended that no Beach Hut designs should be permitted that are contrary to current or future legislation;*
 - i) *to ensure high standards are maintained on Beach Huts and their use, it is recommended that adequate resources should be in place for appropriate enforcement action;*
 - j) *the Committee recommends that a reasonable timescale for adaptations to be removed which fall outside of the revised specification, is agreed. The timescale recommended is a period up to two years;*
 - k) *the Committee recommends that the Council continues to support those without access or ability to use digital platforms so that they are still able to deal with a member of staff. As such, sufficient resources should remain in place; and*
 - l) *the new Beach Hut Strategy returns to the Resources and Services Overview and Scrutiny Committee for review in 12 months' time."*

Having duly considered the recommendations submitted to Cabinet by the Resources & Services Overview and Scrutiny Committee:-

It was moved by Councillor Porter, seconded by Councillor Stock OBE and:-

RESOLVED that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that it be further noted that the response of the Leisure and Tourism Portfolio Holder thereto will be considered as part of the Cabinet's deliberations on the related report of the Leisure and Tourism Portfolio Holder (A.10), which will be considered later on in the meeting.

119. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE & TOURISM PORTFOLIO HOLDER - A.10 - TENDRING BEACH HUT STRATEGY REVISITED - FOLLOWING CONSULTATION

Councillor Allen declared a Personal Interest in that he was the Mayor of Frinton and Walton Town Council and that the Town Council owned two beach huts that it rented out exclusively to residents residing within the Parish.

Councillor Chapman BEM declared a Personal Interest insofar as her family held a licence for a beach hut in Brightlingsea.

Cabinet considered a report of the Leisure and Tourism Portfolio Holder (A.10), which sought its approval for the adoption of the Beach Hut Strategy following stakeholder consultation and for the implementation of the subsequent work strands.

Members recalled that the Council had adopted the current Beach Hut Strategy in 2013. This revision of the existing strategy aimed to update a number of issues relating to beach huts, to ensure beach hut conditions were adhered to, and appropriate resources were considered to monitor the service.

Following a 'pre consultation' process which had engaged 2,673 stakeholders, Cabinet had considered a draft revised Beach Hut Strategy in November 2022 and had then instructed Officers to carry out a further consultation exercise, to allow stakeholder comments on the proposals.

It was reported that the proposals set out in the draft strategy were aimed at improving the beach hut service going forward, in terms of improvements to seafront aesthetics, ensuring a regulated service for rentals and improved governance. The key strands which had been the subject of the public consultation were as follows:-

- *Implementing Commercial Agreements for those wishing to rent*
- *Limiting Beach Hut Agreements to one per household*
- *A review of the Beach Hut design specification*
- *Addressing Beach Hut Adaptations*
- *Resourcing additional enforcement*
- *A move towards a digitalised service*
- *Building new beach huts*
- *A move from licence agreements to leases*

Cabinet was informed that the consultation had been completed by 1507 stakeholders and that their views and comments had been taken into consideration in the production of this final draft. Key points for Cabinet's consideration arising from the consultation were as follows:

- The majority of consultees either strongly disagreed or disagreed with the proposal to implement commercial agreements for those wishing to rent. Following an evaluation of the comments received, those responses could be divided into two sections:-
 - i. *Those who were concerned about the number of users renting huts were excessive and led to disturbance; and*
 - ii. *Those who felt they should be able to rent under the existing agreements.*
- The majority of consultees either strongly disagreed or disagreed with the proposal to limit beach hut agreements to one per household. It was noted however, that of Tendring residents completing the consultation, a majority were actually in favour of this action.
- The majority of consultees either strongly disagreed or disagreed with the proposal to move from licences to leases. After evaluating the comments received, it was clear that a large proportion of the consultees and their respective Beach Hut Associations, felt they could not agree to this proposal, without knowledge of the price increase and what the proposed agreements would entail. The Cabinet report accompanying the draft strategy in November 2022, had been clear that the fees would increase, but that this would be determined by an independent evaluation if Cabinet agreed to the principal of that proposal.
- With regards to the other proposals, the majority of stakeholders either strongly agreed or agreed with the Council's position.

Having taken into account the outcome of the second round of consultation responses, Cabinet noted there were proposed changes to the Strategy as detailed within the Portfolio Holder's report.

Cabinet was aware that a Task and Finish Group under the Resources and Services Overview and Scrutiny Committee had been initiated in relation to the Council's Emerging Beach Hut Strategy Review, which had met with Officers, Beach Hut Associations and the Portfolio Holder for Leisure and Tourism. They had also met with a group of Beach Hut licence holders who had been renting their huts out to visitors. A separate report had been produced (see Report A.5 considered above) on behalf of the Task and Finish Group, for the Resources and Services Overview & Scrutiny Committee ("the Committee").

The Portfolio Holder for Leisure and Tourism recorded his thanks to the Task & Finish Group and the Committee for their work on this strategy review and had considered their recommendations. His responses were:-

- a) The Committee recommends that future charges for lease agreements are set at a fair and reasonable level. This is relevant for both commercial and mainstream leases. This should also be appropriate for any new Beach Huts made available for purchase or lease in the future.

Portfolio Holder Response:

An independent valuation of prospective lease charges was commissioned, to ensure Cabinet could fully consider the recommendation for the change in Beach Hut agreements. Although this is only an indicative cost at this stage (the valuation will be

considered closer to implementation), it is hoped this provides reassurance that future charges would be set at a fair and reasonable level. Furthermore, the Committee should be reassured that agreement of a future non-commercial lease and related charges would be agreed by the Portfolio Holder through an Executive Decision. This will be subject to the Council's Call in Procedure rules. The setting of charges and respective heads of terms for a Commercial Lease are being agreed through this report. Research from other Local Authorities demonstrates that the doubling of appropriate charges for commercial agreements is fair and appropriate.

- b) It is recommended that terms and conditions included in lease agreements are fair and equitable and in consultation with Beach Hut owners.

Portfolio Holder Response:

The Committee are directed to the response provided for the recommendation above.

- c) The Committee recommends that appropriate resources are put in place for administration involved in implementing the strategy. They asked for consideration be given to the subsequent cost to the Council of processing leases and that subsequent costs are reported back to this Committee.

Portfolio Holder Response:

The Committee should note that there are no financial commitments to the Council, as a result of this report. Any future additional resources will be subject to a separate report and decision. As such, they will be subject to due process, which can be reported back to the Resources and Services Overview and Scrutiny Committee.

- d) The Committee recommends that bright colours and vibrant designs be included in the revised design specification for Beach Huts, when this is produced following adoption.

Portfolio Holder Response:

The Committee should note that one of the key strands of the strategy, is to revise the current specification. It should also be noted that bright colours are referred to in the draft strategy, as below:

'The proposed revised and improved specification will provide the framework for improved aesthetics of Beach Huts. This will also ensure huts are more vibrant and visually impactful, through a move towards brighter and starker colours.'

As such, the Portfolio Holder is in agreement with this positive move to improve seafront aesthetics.

- e) The Committee recommends that there is acknowledgement of the differences in seafront locations along the Tendring District and their respective unique features, such as cliff slopes and how they impact Beach Hut design for the emerging specification review.

Portfolio Holder Response:

The points raised by the Committee are noted and will be considered in producing the revised design specification.

- f) Noting the point above, it is recommended that certain limited Beach Hut adaptations in parts of the District were included in the future specification for reasons of access, e.g. appropriate access steps on cliff slopes. This should be considered on a location-by-location basis.

Portfolio Holder Response:

The points raised by the Committee are noted and will be considered in producing the revised design specification.

- g) It is recommended that a map was attached to the emerging strategy to clearly define which land was owned by Tendring District Council.

Portfolio Holder Response:

The points raised by the Committee are noted and if approved by Cabinet, a map defining the land owned by the Council will be produced for publishing on the website.

- h) It is recommended that no Beach Hut designs should be permitted that are contrary to current or legislation.

Portfolio Holder Response:

The points raised by the Committee are noted and any statutory requirements will be addressed in production of the Beach Hut agreements.

- i) To ensure high standards were maintained on Beach Huts and their use, it is recommended that adequate resources should be in place for appropriate enforcement action.

Portfolio Holder Response:

As referred to in a previous response, there are no additional financial commitments to this strategy and as such, no additional resources are funded through this report. The Committee's point is noted and as referred to in this report, any future proposed resources would be funded through a standalone business case under a separate decision.

- j) The Committee recommends that a reasonable timescale for adaptations to be removed which fall outside of the revised specification, is agreed. The timescale recommended is a period up to two years.

Portfolio Holder Response:

Once the revised design specification is complete, the Council will work with Beach Hut owners to ensure timely removal of any unauthorised adaptations. The timescales involved will be proportionate to the type of adaptation involved, the degree of complexity and any appropriate additional circumstances. The period of 'up to two

years' recommended by the Committee is noted, but each situation will be based on a case by case basis.

- k) The Committee recommends that the Council continues to support those without access or ability to use digital platforms are still able to deal with a member of staff. As such, sufficient resources should remain in place.

Portfolio Holder Response:

The points raised by the Committee are noted and appropriate resources will remain in place to support those customers without access to digital platforms.

Finally, the Committee's comment that the 'New Beach Hut Strategy returns to the Resources and Services Overview and Scrutiny Committee for review in 12 months' time' are noted.

In order to allow the Beach Hut Strategy to be adopted and Officers to implement the actions and principles included within:-

It was moved by Councillor Porter, seconded by Councillor P B Honeywood and:-

RESOLVED that Cabinet –

- (a) notes the outcome of the public consultation undertaken on the draft Beach Hut Strategy, as set out in the Portfolio Holder's report;
- (b) notes the outcome of the Task and Finish Review Working Group undertaken on behalf of the Resources and Services Overview and Scrutiny Committee and their recommendations received as considered earlier in the meeting;
- (c) in relation to (a) and (b) above, notes the changes made to the draft strategy as a result of the consultation exercise, including the process for issuing commercial beach hut leases (following the first round of consultation) and the consideration of a 'buffer period' in restricting future agreements to one per household;
- (d) notes the proposed changes to the revised draft Beach Hut Strategy, and approves the same for adoption;
- (e) delegates the approval of a revised Beach Hut design specification to the Assistant Director (Building & Public Realm), in consultation with the Portfolio Holder for Leisure and Tourism;
- (f) agrees the Heads of Terms for a new commercial lease (Appendix C) and delegates authorisation for the final lease agreement to the Corporate Director (Operations & Delivery), in consultation with the Portfolio Holder for Leisure and Tourism and the Head of Legal Services;
- (g) delegates agreement of an approved criteria, upon which applications for commercial licences can be made, to the Assistant Director (Building & Public Realm), in consultation with the Portfolio Holder for Leisure and Tourism;
- (h) agrees to set fees and charges for commercial leases at twice the value (double) of the comparative standard annual charge;

- (i) agrees to the overall principle of changing from licence agreements to leases from 1 April 2024, for a term of less than 7 years and based on the market valuation for the relevant location, recognising the increased administration and costs to all parties on leases for longer than 7 years with the respective fees and charges and detailed lease terms to be agreed by the Portfolio Holder for Leisure and Tourism; and
- (j) agrees that operational implementation of (i) above will be authorised by the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for Leisure and Tourism and the Head of Legal Services, reflecting the resources required.

120. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.3 - CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN FOR BRIGHTLINGSEA HALL & ALL SAINTS CHURCH

Cabinet was informed that the Planning Policy & Local Plan Committee (“the Committee”), at its meeting held on 23 January 2023 (Minute 32 referred), had considered a comprehensive report (and appendix) of the Director (Planning) which had reported to it the Brightlingsea Hall and All Saints Church Conservation Area Appraisal and Management Plan that had been prepared for the Council by Essex Place Services. That report had also sought the Committee’s recommendation to Cabinet that they be approved for public consultation purposes.

The Committee’s decision at its meeting held on 23 January 2023 had been as follows:-

“RESOLVED that the Planning Policy and Local Plan Committee:

- a) *endorses the new Conservation Area Appraisal and Management Plan for Brightlingsea Hall and All Saints Church (Appendix 1 to item A.4 of the Report of the Director (Planning));*
- b) *recommends to Cabinet that the above document be published for consultation with the public and other interested parties; and*
- c) *notes that Conservation Area Appraisal and Management Plans for the District’s remaining Conservation Areas will be brought before the Committee in due course and before the new financial year.”*

Cabinet had before it the following comment submitted by the Portfolio Holder for Planning:-

“I thank the Planning Policy and Local Plan Committee for its consideration of this latest Conservation Area Character Appraisal and Management Plan and I sincerely welcome, once again, its recommendation to Cabinet that this be published for public consultation. Reviewing all of the District’s Conservation Areas is one of the key actions in the Council’s Heritage Strategy and the progress so far has been very good. Ensuring we have an up-to-date appraisal for each and every Conservation Area will enable residents, developers, planners and our Planning Committee to understand the key characteristics that make each area special and which need to be preserved and enhanced when making planning applications and determining them. They will also

enable us to reconsider the boundaries of each area and determine whether any Article 4 Directions are needed to provide an extra level of protection and control.”

Having duly considered the recommendation submitted to it by the Planning Policy & Local Plan Committee:-

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

RESOLVED that the new Conservation Area Appraisal and Management Plan for Brightlingsea Hall & All Saints Church, Brightlingsea be approved for consultation with the public and other interested parties.

121. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.4 - JAYWICK SANDS DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT

Cabinet was informed that the Planning Policy & Local Plan Committee (“the Committee”), at its meeting held on 23 January 2023 (Minute 31 referred), had considered a comprehensive report (and appendices) of the Director (Planning) which had reported to it the Jaywick Sands Design Guide Supplementary Planning Document (SPD). That report had also sought the Committee’s recommendation to Cabinet that the SPD be formally adopted.

The Committee’s decision at its meeting held on 23 January 2023 had been as follows:-

“RESOLVED that the Planning Policy and Local Plan Committee –

- a) *endorses the Jaywick Sands Design Guide Supplementary Planning Document (SPD) with the Officers’ recommended alterations; and*
- b) *recommends to Cabinet that the SPD (forming Appendix 1 to item A.3 of the Report of the Director (Planning)) be adopted, subject to the fourth bullet point of guidance “2A: Landscape character and visual impact” being amended to read as follows:-*

*“Visual separation between Tudor Estate and Village/Brooklands & Gardens should **must** be maintained.”*

- c) *further recommends to Cabinet that the Director (Planning) be authorised to make any necessary minor, or consequential, amendments to the SPD before the final adopted version is published.”*

Cabinet had before it the following comment submitted by the Portfolio Holder for Planning:-

“I thank the Planning Policy and Local Plan Committee for its consideration and constructive comments on the Jaywick Sands Design Guide which has progressed through the mandatory planning process of public consultation and can now be formally adopted as a Supplementary Planning Document. For many years property owners, developers and our Planning Officers have needed to grapple with the dilemma of trying to work out what form of development might help to regenerate the area and improve the lives of residents whilst addressing flood risk and safety concerns and achieving an appropriate form of development that avoids overlooking and other design problems.

This guidance will supplement our Local Plan and provide a helpful and practical template for how to redevelop existing properties and vacant plots, either on a one-for-one-basis or across a number of plots.”

Having duly considered the recommendations submitted to it by the Planning Policy & Local Plan Committee:-

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

RESOLVED that –

- (a) the Jaywick Sands Design Guide Supplementary Planning Document (SPD) (Appendix 1) be formally adopted, subject to the fourth bullet point of guidance “2A: Landscape character and visual impact” being amended to read as follows:-

“Visual separation between Tudor Estate and Village/Brooklands & Gardens must be maintained.”

- (b) the Director (Planning) be authorised to make any necessary minor, or consequential, amendments to the SPD before the final adopted version is published.

122. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.6 - SCRUTINY OF CYBER SECURITY FOR THE COUNCIL

Cabinet considered the recommendations submitted to it by the Resources and Services Overview & Scrutiny Committee following that Committee’s scrutiny of the Cyber Security Task and Finish Working Group’s report on its review of the cyber security risks, defences and mitigations the Council had in place, at its meeting held on 1 February 2023.

That Committee had recommended –

“That Cabinet –

- a) *requests, that as soon as is possible, the Human Resources and Council Tax Committee with appropriate officers looks at the salaries being offered for the advertised and unfilled senior IT posts, including cyber security senior technical positions;*
- b) *endorses that by 31 March 2023 a Portfolio Holder Cyber Security Working Group be established to periodically review the Council’s cyber security performance against the Cyber Assessment Framework (CAF) and/or emerging mandatory security improvements and requirements;*
- c) *requests that by 31 July 2023 the Council’s Information Retention Policy be reviewed/ revised with due regard to UK Data Protection Act 2018 data ‘minimisation’ ‘accuracy’ and ‘storage limitation’ and applied throughout the organisation;*

-
- d) *requests that by 31 May 2023 individual (non-generic) account access technologies be costed for accessing TDC terminals in locations such as leisure centres where numerous users sharing a terminal due to a retail environment operational need;*
 - e) *requests that, commencing no later than May 2023 following the election of the new Council, Cyber Security and Information Governance training for all Members after every election and for staff in their inductions be introduced with periodic refresher training for both which will be made mandatory;*
 - f) *requests the Council's Monitoring Officer to review existing Member guidance and explore Member training opportunities as to what constitutes party political activities in the context of using a TDC email account;*
 - g) *endorses that as soon as possible the new Cyber Incident Response Plan (CIRP) be adopted.*

That Cabinet recommends to Full Council that –

- h) *post-May 2023 local elections under the newly elected Council that Members' practice of auto-forwarding of emails be ceased;*
- i) *subject to the associated funding of £8,000 being identified, that the preferred Option 2 i.e. the provision of a standard council-managed mobile Smartphone in addition to a council-managed laptop be provided to those Members that want one to access emails and to be contactable when mobile; or*
- j) *as an alternative to i above, that should it not prove possible to fund the Smartphone costs centrally, then each Member requesting a standard council-managed mobile Smartphone be asked to fund the cost from their Allowances (circa two hundred pounds per annum)."*

Cabinet had before it the following comments submitted by the Portfolio Holder for Corporate Finance & Governance:-

"I would like to thank the Committee for the work it has undertaken in setting up the task and finish group chaired by Councillor Clifton, who looked at the various aspects and complexities of cyber security in a relatively short period of time.

In respect of the recommendations a) to g), they reflect a pragmatic and reasonable approach to supporting the Council's cyber security arrangements, so I am therefore supportive of taking the various activities forward in 2023/24.

Recommendations h) to j) of the Resources and Services Overview and Scrutiny Committee will be presented for consideration at Full Council on 2 March 2023.

In respect of recommendation h), this reflects the position I have mentioned on a number of occasions over recent months. I appreciate the frustration that many Members have previously expressed, but I believe that the risk of continuing with the forwarding of emails to personal emails account is too great for various reasons, not least because of UK Data Protection legislation compliance, but also recognising freedom of information issues that have been highlighted by the ICO. Not only that, but the world of cyber security will keep evolving and there will be adverse consequences if

we continued with current practices. We therefore need to remain alert to both current and future risks.

Furthermore, if a breach was to take place the Council would be potentially liable to hefty fines by the ICO.

I note that the following 4 options relating to how Members can access their Tendring District Council emails that were considered by the task and finish group:

- 1. Use of council managed laptops only*
- 2. All members be provided with a Council managed smart phone*
- 3. Introduce a 'Bring Your Own Device' Service Framework*
- 4. A Member web 'portal' app*

Whilst acknowledging the Committee's practical recommendation of the provision of Council managed smartphones, in striking a pragmatic balance along with recognising how Members are increasingly reliant upon flexible access to their emails to effectively undertake their role as a Councillor, I would be supportive of exploring Option 4 above in more detail as a possible alternative. Although the provision of a mobile phone would provide a practical solution, I understand the frustration of some members where they are juggling more than one email account to reflect their 'political' roles with that of a being a ward Councillor along with trying to undertaking that role efficiently. The responsibilities of Portfolio Holders giving direction and making decisions within their individual areas has also been taken into account.

In recognition of the above, I am therefore proposing that Officers also explore in more detail the option of a Members' 'portal' as a flexible way for Members' to continue to use their own devices to access their Tendring District email account.

Following the Council's consideration of the associated report at their meeting on 22 November 2022, the following resolution was agreed:

'the implementation of any and all changes required be planned for no later than 1st April 2023 in readiness for the commencement of the new Council, following the elections in 2023 and that the new Councillors be given the training'.

My proposed approach will have an impact on the above, which is addressed in my recommendations."

Having duly considered the recommendations submitted to Cabinet by the Resources & Services Overview and Scrutiny Committee, together with the response of the Portfolio Holder thereto:-

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

RESOLVED that –

- a) the Resources and Services Overview and Scrutiny Committee be thanked for the work they have undertaken and specifically the Members who participated in the associated task and finish group, chaired by Councillor Clifton;

- b) the Committee's recommendations a) to g) are agreed and Officers be requested to undertake the associated activities as soon as practicable in 2023/24 in consultation with the Portfolio Holder for Corporate Finance and Governance;
- c) in respect of the Committee's recommendations h) to i), it is recommended to Full Council that:
 - i) although it is recognised that the provision of mobile phones would provide a practical solution to enable Members to access their Tending email accounts, Officers be requested to also explore the alternative option of a Members 'portal' before a final decision can be considered;
 - ii) subject to ci) above, a further report be presented to Cabinet as early as practicable in 2023/24 that sets out the outcome from the proposed review of the Members' portal' option and recommendations are presented back to a future meeting of Full Council;
 - iii) subject to ci) and cii) above, Full Council continues to acknowledge that the ongoing risk to the Council, in acting as Data Controller, could potentially be in breach of the Data Protection Act 2018 remains, whilst the auto-forwarding of Councillor emails practice continues; and
 - (iv) whilst the work in ci) and cii) is ongoing, all Members elected in May 2023 are advised of this and the Council's Information Governance requirements through their induction programme.

123. LEADER OF THE COUNCIL'S ITEMS

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

124. CABINET MEMBERS' ITEMS - REPORT OF THE BUSINESS & ECONOMIC GROWTH PORTFOLIO HOLDER - A.7 - OPERATIONAL CONSIDERATIONS FOR THE SUNSPOT (JAYWICK SANDS COVERED MARKET AND MANAGED WORKSPACE)

Cabinet considered a report of the Business & Economic Growth Portfolio Holder (A.7) which:-

- (i) sought its agreement that the operational management of the Sunspot was no longer outsourced longer term to a third party but delivered by the Council in-house;
- (ii) advises it that the project's external partners would provide on a short term, interim advice and support to the Council for a fee; and
- (iii) updated it on progress with the construction phase (Jaywick Sands Covered Market and Managed Workspace).

Cabinet recalled that, their meeting held in May 2021, it had approved the development of a Covered Market and Managed Workspace facility at Jaywick Sands. Cabinet had subsequently determined in October 2021 to outsource management of the building, with a direct award to the Colchester Business Enterprise Agency (Colbea) by means of a service contract and licence with a value of £90,000 in year one. However, after a

change of management at Colbea, the organisation had subsequently informed the Council that they were no longer in a position to take on the licence agreement, which might have been driven by the financial risk associated with the building. Those risks would therefore remain with this Council. Colbea did however remain content to enter into a service contract for a period of 7 months. In order to increase their capacity to deliver at pace however, Colbea would partner with HAT projects for additional support. Colbea had also offered a further service once the 7 months activation period had ended, which would consist of drawing on their specialist expertise in this area to manage staff within the building, until such a time as Council staff were fully trained and self-sufficient.

Members were advised that, as a result of this change in position, it was recommended by the Portfolio Holder to bring the operation of the building in house, to be run by staff directly employed by the Council. Colbea currently held the contract to provide the Council's Business Support Service and were committed to provide the support needed to any future tenants in the Sunspot.

It was reported that the activities associated with this in-house approach would be undertaken within the General Fund, with the costs charged to the HRA via existing internal processes. Direct property related transactions such as maintenance and rental income would be accounted for within the Council's HRA. Based on this approach, the financial risks associated with bringing the operation of the building in-house would fall to the HRA. The shorter to medium term impact was set out within the Portfolio Holder's report and in the longer term the operation and management of the units would be considered as part of the HRA Business Plan.

It was considered that there were three key options available to refocus Colbea's service contract:-

- a. ***In-house only***: Council staff activate and run the building: £80,000 net
- b. ***Outsource activation*** of the centre from February 2023: Colbea contracted to develop policies, procedures, training and market the building ahead of opening in the summer; £150,000 or
- c. ***(Recommended) Outsource activation and offer short term ongoing management support*** for the operation of the centre for 7 months, with the option to continue with a reduced support service after the 7 months had expired, to ensure the council had the required expertise to deliver. £170,000 net.

The Portfolio Holder's recommendation was that Cabinet allocated an additional £80,000 to the year one operational budget, and in year 2 an additional £40,000 out of the reserve set aside to support the project.

Members were informed that the above approach would therefore require an associated reduction in the revenue contribution to the HRA Capital Programme. This inherently increased the construction cost risk but based on the project update set out elsewhere in the Portfolio Holder's report and the additional funding recently secured, this was expected to be successfully managed during the on-going delivery phase of the capital works.

Cabinet was made aware that the construction costs of the building, which was scheduled to complete in the summer of 2023 had risen and the project had been delayed due to significant ground contamination. Additional funding towards the

development had been secured externally from SELEP in December 2022 and ECC in January 2023 and allocated internally.

In order to:-

- (1) allow the building to open in a timely and efficient manner, giving businesses and the community confidence in the Sunspot and builds a strong reputation with the wider District;
- (2) ensure the Council retained control on this important project and contributed positively towards the ongoing regeneration of Jaywick Sands; and
- (3) commission Colbea and HAT Projects for a short-term period to provide interim management and operational support and establish a process for continued success of the building embedded in the operational culture and as such, contributing towards long term sustainability.

It was moved by Councillor Newton, seconded by Councillor P B Honeywood and:-

RESOLVED that Cabinet:

- a) approves that the operational management of the Sunspot (Jaywick Workspace) is now not outsourced, longer term to a third party but delivered by the Council in-house;
- b) approves reliance on the previous exemption to the Council's Procurement Procedure Rules to proceed with a contract with Colbea together with HAT projects to provide interim management and operational support to the Council for a period of 7 months;
- c) delegates authority to the Corporate Director (Place & Economy), in consultation with the Portfolio Holders for Housing and Business and Economic Growth, to agree the final terms of the contract;
- d) approves an allocation of an additional £80,000 to the year one operational budget and in year 2 an additional £40,000 that is to be met from a corresponding reduction in the current revenue contribution to the HRA Capital Programme in 2022/23.
- e) agrees that the operation of the in-house management of the Sunspot be accounted for in the General Fund, with corresponding recharges made to the HRA, as appropriate and all related property transactions including management, maintenance and rental payments being accounted for in the HRA; and
- f) authorises the Council's Section 151 Officer to undertake the necessary changes to the budget to reflect the approach set out in (e) above within the financial parameters set out within the Portfolio Holder's report and its appendices.

125. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.8 - PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION (COUNCIL PROCEDURE RULES)

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.8), which requested it to approve the recommended changes to the Constitution

(Council Procedure Rules) for referral onto Full Council following a further review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for that purpose.

It was reported that the proposals covered a number of amendments to the Council Procedure Rules 11, 12 and 14, in order to ensure the Council's Constitution remains effective, efficient and consistent at an operational level. The key changes to each of those Rules were highlighted within the body of the Portfolio Holder's report.

Cabinet recalled that, at its meeting held on 16 December 2022 (Minute 83 referred), it had considered the outcome of the annual review of the Council's Constitution that had been undertaken by the Review of the Constitution Portfolio Holder Working Party. At that meeting Cabinet had deferred consideration of the proposed changes to Council Procedure Rules (CPR) 12 and 14 pending their re-consideration by the Review of the Constitution Portfolio Holder Working Party (CRWP).

Accordingly, the CRWP had met on 23 January 2023 to further discuss those proposed changes to CPRs 12 and 14. In addition, the CRWP had considered, at the request of Councillor Baker, a matter pertaining to CPR11.2 as well as the outcome of the recent consultation exercise with Members on the procedure for the Planning Committee's site visits.

With the permission of the Leader of the Council, Councillor Baker addressed the Cabinet in relation to the issue of Planning Committee Site Visits.

Having considered the outcome of the further review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party and the Portfolio Holder's recommendations arising therefrom, and in order to enable those recommendations to be submitted to the Full Council for approval and adoption:-

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

RESOLVED that Cabinet –

- (a) RECOMMENDS TO COUNCIL that the Council's Constitution be amended to reflect the proposed changes as set out in the Appendix attached hereto this report;
- (b) further RECOMMENDS TO COUNCIL that the implementation of the new Council Procedure Rule 12 be reviewed after six months' operation;
- (c) supports the proposal that the Planning Committee continues its current practice of undertaking a site visit in respect of all planning applications that are submitted to it for its consideration and requests Full Council to do likewise;
- (d) requests the Monitoring Officer to amend the Council's procedure for Planning Committee Site Visits, as set out in the Members' Planning Code and Protocol (in Part 6 of the Constitution) to appropriately reflect the matters raised by the Review of the Constitution Portfolio Holder Working Party; and
- (e) further requests the Monitoring Officer to submit the Site Visit Procedure, as amended, to Full Council for its approval and adoption, following consultation, as

appropriate and necessary, with the Planning Committee and the Standards Committee.

126. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.9 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2023/24 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.9), which sought its approval of the Annual Capital and Treasury Strategy for 2023/24 (including Prudential And Treasury Indicators) for submission to Council on 2 March 2023.

Members were reminded that the Local Government Act 2003 and supporting regulations required the Council to set out its treasury strategy for borrowing, and to prepare an Annual Investment Strategy (as required by Investment Guidance subsequent to the Act) that set out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments, "having regard" to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice. Revised editions of both documents had been issued in December 2021, which would come into force in 2023/24.

It was reported that the Capital Strategy continued to be combined with the Treasury Strategy into one document, which was required to be updated / approved annually. The proposed Annual Capital and Treasury Strategy for 2023/24 was set out in Appendix A to the Portfolio Holder's report and it reflected the various changes set out in the latest Codes mentioned above.

Cabinet was made aware that the Capital Strategy element of the combined document covered the various elements surrounding capital investment decisions and the key criteria that investment decisions should be considered against.

Members were also informed that the Treasury Strategy element of the combined document covered the various elements that satisfied the requirements of the various codes that governed the borrowing and investment activities of the Council and had been prepared in the light of advice received from the Council's Treasury advisors and it reflected the latest codes and guidance.

Cabinet noted that the Prudential and Treasury indicators were included as an Annexe to the combined strategy and were therefore included within the aforementioned Appendix A.

Members were advised that, under the Prudential Code, the Council had freedom over capital expenditure as long as it was prudent, affordable and sustainable. The Prudential Indicators either measured the expected activity or introduced limits upon the activity and reflected the underlying capital appraisal systems and enabled the Council to demonstrate that it was complying with the requirements of the Prudential Code. The Council's investments would be undertaken in accordance with its Treasury Management Practices. Those had been expanded to include use of non-specified investment in property to yield both rental income and capital gains from 2016/17. The new Codes required clear separation of commercial investments from treasury

investments. As the Council only had one such investment, which would be clearly identified within the Strategy and the TMPs, a separate suite of Investment Management Practices was not proposed to be produced.

As was always the case, other 'quality' investment opportunities would always be explored during the year in consultation with the Council's external advisors to maximise returns on investments within a continuing and overall risk-averse approach.

In line with the delegation set out within the Council's Constitution, the Portfolio Holder for Corporate Finance and Governance would agree the Strategy for submitting to the Resources and Services Overview and Scrutiny Committee as part of the required consultation process. However to accommodate the current programme of meetings and continuing work pressures, which included those associated with the external audit of the Council's Statement of Accounts for 2020/21, a revised reporting timescale was proposed.

It was therefore now proposed to seek Cabinet's agreement to the Strategy via this report for recommending to Full Council on 2 March 2023. The associated consultation exercise with the Resources and Services Overview and Scrutiny Committee would then be undertaken as early as practicable in 2023/24.

The above reflected a pragmatic approach to ensure that the Strategy could be approved ahead of the financial year it related to, which was a key requirement within the associated Code of Practice. However, it was also recognised that if the Resources and Services Overview and Scrutiny Committee had any comments / recommendations, they could be reported back to Cabinet / Full Council at a later date in the year when potential in-year revisions to the Strategy could be considered.

In order to ensure that a Capital and Treasury Strategy for 2023/24 was approved by 1 April 2023:-

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

RESOLVED that Cabinet –

- a) agrees the Annual Capital and Treasury Strategy for 2023/24 (including Prudential And Treasury Indicators) and that it be submitted to Council for approval; and
- b) undertakes the necessary consultation with the Resources and Services Overview and Scrutiny Committee as early as practicable in 2023/24.

127. MANAGEMENT TEAM ITEMS

There were no Management Team items submitted for Cabinet's consideration on this occasion.

The Meeting was declared closed at 11.51 am

Chairman

CABINET

17 MARCH 2023

REPORT OF THE PLANNING PORTFOLIO HOLDER

A.1 – ARDLEIGH NEIGHBOURHOOD PLAN – PROPOSAL FOR PUBLIC CONSULTATION

(Report prepared by William Fuller)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Cabinet's agreement for Officers to carry out six week public consultation on Ardleigh Parish Council's new Neighbourhood Plan, as part of the statutory plan-making process.

EXECUTIVE SUMMARY

Key Points:

- Ardleigh Parish Council has submitted the final version of its Neighbourhood Plan Tending District Council. The Neighbourhood Plan has been prepared by the Parish Council having regard to technical evidence, feedback from community engagement activities and the ongoing advice of Tending District Council Officers.
- As part of the statutory plan-making process, the Neighbourhood Plan must be published for six-weeks formal consultation and thereafter undergo an independent examination and a local referendum before it can be formally adopted by the District Council.
- In adoption, the Neighbourhood Plan (with any changes required as a result of the consultation and examination process) will form part of the 'Development Plan' alongside the Tending District Local Plan and will be a material consideration in the determination of planning applications.
- The documents submitted by Ardleigh Parish Council include the Neighbourhood Plan itself, a consultation document, a 'Basic Condition Statement' and a number of other supporting documents including a Habitat Regulation Assessment (HRA) and a Strategic Environmental Assessment (SEA).
- Because of the timing of both District Council and Town/Parish Council elections on 4th May 2023 and restrictions on consultation activity in the pre-election period beginning 13th March 2023, the six-week consultation will have to take place following the elections.

The decisions involved in the process of making a Neighbourhood Development Plan are largely technical or administrative in nature, however certain decisions for example the decision to hold a referendum or ultimately the decision to make the Neighbourhood Plan and bring into force could be key decisions and as such should include member involvement.

RECOMMENDATION

That Cabinet:

- a) **notes the contents of the submitted documentation at Appendix 1 (The Neighbourhood Development Plan), Appendix 2 (Ardleigh Consultation Statement) and Appendix 3 (Ardleigh Basic Condition Statement); and**
- b) **authorises the Director of Planning to carry out a six week public consultation on the Plan and other related documents, in accordance with Regulation 16 of the Neighbourhood Planning Regulations 2012, following the District and Town/Parish Council elections in May 2023.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Neighbourhood Plans will support the Corporate Plan 2020-24 (aligned with the core themes of Tendring4Growth and Community Leadership) through delivery of interventions aimed at:

- Delivering High Quality Services
- Community Leadership Through Partnerships
- Building Sustainable Communities for the Future
- Strong Finances and Governance
- A Growing and Inclusive Economy

The progression of this Neighbourhood Plan will also contribute to the 2022/23 Highlight Priority Actions, in particular in delivering the north Essex Garden Community.

Neighbourhood Plans should supplement and support the policies and proposals in the District Local Plan whilst enabling the communities to achieve their own objectives and aspirations.

RESOURCES AND RISK

The Ardleigh Neighbourhood Plan has been prepared by Ardleigh Parish Council. The responsibilities for resourcing this project have, to date, sat principally with the Parish Council as the 'qualifying body'. However, the District Council has statutory duties in regards to the preparation of

the Local Plan and Neighbourhood Plans and these will be discharged by the Planning Team and any additional expenses funded through the Local Plan budget.

A Neighbourhood Plan, once formally adopted, carries the same legal status as a District Local Plan (and other documents that form part of the statutory 'Development Plan') and therefore becomes a material consideration in the determination of planning applications. Applications for planning permission would therefore be determined in accordance with the development plan (including any Neighbourhood Plan), unless material considerations indicate otherwise

It is important that Neighbourhood Plans support and supplement the policies and proposals in the District Local Plan. To ensure this, Officers have worked constructively with the Parish Council in an advisory capacity in the preparation of its Neighbourhood Plan.

LEGAL

The ability for a Town or Parish Council to produce a Neighbourhood Plan is contained within the Localism Act 2011. The Town and Country Planning Act 1990 ("the Act") and the Neighbourhood Planning (General) Regulations 2012 (as amended) provide the statutory process as to how a Neighbourhood Development Plan will be developed and implemented. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, contain statutory timescales by which decisions relating to Neighbourhood Planning have to be made.

Neighbourhood Plans give communities the opportunity to set planning policies as Neighbourhood Development Plans which will form part of the development plan of a local authority once implemented and will sit alongside the Local Plan. The District Council's responsibility as Local Planning Authority is largely technical in nature, for example advising on conformity with the Development Plan and checking that Plans have followed correct procedures. Once made, a Local Planning Authority must consider a Neighbourhood Development Plan when deciding applications for planning permission, along with any other material consideration.

Decisions in relation to the making of Neighbourhood Development Plans are an executive function, that is because Neighbourhood Development Plans are not Development Plan Documents as defined in regulation 5 of the Town and Country Planning (Local Planning) England Regulations 2012 and as such do not come within the list of plans and strategies listed in Column 1 of the table to Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, which would require Council approval or adoption.

Ardleigh Parish Council is at Regulation 15. This stage. This regulation states:

15.—(1) Where a qualifying body submits a plan proposal to the local planning authority, it must include—

- (a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
- (b) a consultation statement;*
- (c) the proposed neighbourhood development plan; and*

(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

(2) In this regulation “consultation statement” means a document which—

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) explains how they were consulted;
- (c) summarises the main issues and concerns raised by the persons consulted; and
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

And then Regulation 16 states:

16. As soon as possible after receiving a plan proposal which includes each of the documents referred to in regulation 15(1), a local planning authority must—

(a) publicise the following on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area—

- (i) details of the plan proposal;
 - (ii) details of where and when the plan proposal may be inspected;
 - (iii) details of how to make representations;
 - (iv) a statement that any representations may include a request to be notified of the local planning authority’s decision under regulation 19 in relation to the neighbourhood development plan; and
 - (v) the date by which those representations must be received, being not less than 6 weeks from the date on which the plan proposal is first publicised; and
- (b) notify any consultation body which is referred to in the consultation statement submitted in accordance with regulation 15, that the plan proposal has been received.

OTHER IMPLICATIONS

Area or Ward affected: Ardleigh Parishes

Consultation/Public Engagement: See Supporting Information section below.

PART 3 – SUPPORTING INFORMATION

Ardleigh Neighbourhood Plan Submission Documentation

Ardleigh Parish Council is at an advanced stage of Neighbourhood Plan preparation. The Parish have completed the preparation stage of plan making and have submitted their Plan along with background evidence documentation to the District Council so that we may formally consult upon the Plan. This stage is akin to the ‘submission draft’ stage of Local Plan preparation.

Seven documents have been submitted to the Council, these are:

1. Ardleigh Neighbourhood Plan
2. Basic Condition Statement

3. Consultation Statement with a number of appendices
4. Ardleigh Village Design Statement
5. Ardleigh Community Engagement Report
6. Local Green Spaces Assessment
7. HRA and SEA Scoping Opinion Place Services

Out of these, it is only the Plan, the Consultation Statement and the Basic condition statement that are being consulted upon.

The Neighbourhood Plan

The Plan itself (Appendix 1) has previously been the subject of public consultation hosted by the Parish Council. At that stage (Regulation 14) the District Council also made comments on the emerging Plan.

The District Council had a number of concerns at that stage around the draft Plan's compatibility with the Adopted Development Plan, in particular how Policies in the draft plan would relate to the Garden Community and emerging Development Plan Document.

As a result of the previous public consultation the Plan has had a number of amendments made to it. It was considered that these amendments address the District Council's previous comments.

The Forward to the Plan provides a succinct vision for the area when it states:

The Plan sets objectives on key identified themes such as transport, community, the built and historic environment, local green spaces, housing and the general approach to development, including landscape features and design quality of physical structures. It builds on current and future planned activity in the Local Plan and says what the Parish Council and its partners will work towards.

The overwhelming view of the community, who responded to public consultation, is that the Parish of Ardleigh should above all else retain its rural characteristics in relation to the visual quality of its buildings, open spaces, trees, hedges, footpaths and bridleways. The people of the Parish of Ardleigh also feel strongly that their sense of community should be protected and nurtured across the whole Parish, including the village centre, Ardleigh Heath, Burnt Heath, John de Bois Hill, Fox Street, Plains Farm, Crockleford Heath and other outlying areas.

The vision is for the people of Ardleigh to continue to develop its sense of community, retain its rural feel and to enjoy and protect the countryside around them: allowing for strictly controlled housing development and employment growth to maintain a vibrant community.

The Plan also contains six planning Policies, these are:

Policy GDP - General Approach to Development

Policy CFP - Community Facilities

Policy HP - Housing

Policy EP - Natural, Built & Historic Environment

Policy LGP - Local Green Spaces

Policy TP - Transport & Parking

The Consultation Statement

This document provides details of who has been consulted at the previous stage, what they said and how the Plan has changed because of those comments.

The Basic Condition Statement

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy

- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach (NPPG - Paragraph: 074 Reference ID: 41-074-20140306 Revision date: 06 03 2014).

The development plan for Tendring District Council is currently made up of:

- Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1;
- Tendring District Local Plan 2013-2033 and Beyond: Section 2;
- Essex Minerals Local Plan; and
- Essex and Southend-on-Sea Waste Local Plan. ^[1]_{SEP}

The most relevant of these Local Plan documents - Sections 1 and 2 of the Tendring District Local Plan - were only very recently adopted. Ardleigh's Neighbourhood Plan has been prepared paying close and considered regard to the strategic policies of these documents.

Other Consultation Material

As well as the above, Officers also intend on consulting on the associated Habitats Regulations Assessment and Strategic Environmental Assessment.

The Consultation

The regulations require that a consultation is held for no less than six weeks. Officers consider that a six week period would give interested parties enough time to digest the Plan.

It is of course worth noting that this will now take place after the elections in May as there was insufficient time before them to hold a full six week consultation before the Pre-Election Period started on 13 March 2023. In this way, it is likely that the public consultation for the Harden Community Development Plan Document will take place at broadly the same time of this Neighbourhood Plan.

APPENDICES

- Appendix 1 – Ardleigh Reg 16 Neighbourhood Plan
- Appendix 2 – Ardleigh Consultation Statement
- Appendix 3 – Ardleigh Basic Condition Statement

BACKGROUND PAPERS

None

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Ardleigh Neighbourhood Plan 2020 - 2033



Prepared by Ardleigh Parish Council

December 2022

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Appendices

- Appendix A: Proposals maps
- Appendix B: List of Neighbourhood Plan policies
- Appendix C: Copy of first consultation questionnaire “your chance to have your say”
- Appendix D: Copy of second consultation questionnaire “have your say”.

Annexes

- Annex 1: Local Green Spaces Assessment
- Annex 2: Village Design Statement (VDS).

Additional supporting documents

- Basic Conditions Statement
- Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment (HRA) Screening Report
- Ardleigh Community Engagement Report.

For the purposes of this Neighbourhood Plan, the terms “appendix” and “annex” are used as follows:

Appendix - a document or report included at the end of the plan because it is too large for the main body of the plan but needs to be included to provide clarity or understanding.

Annex - a standalone document or report that supports the plan and its policies but that can also be read and used in its own right.

Foreword

Ardleigh comes from two Anglo Saxon words - Ard (High) and Ley (Pasture). Archaeological finds show that the area has been settled since Neolithic times (4,000 to 2,000BC) and it has had continuous settlement ever since. It is also reputed to be one of the largest parishes by area in the Country. The centre of the medieval village of Ardleigh is approximately five miles (8 km) from the City of Colchester and about four and half miles (7.2 km) from Manningtree. As well as the main settlement of the village of Ardleigh, smaller hamlets make up the Parish as a whole.

There is a diverse mix of housing throughout the Parish from small modern estates to historic buildings and farmhouses more than 70 of which are listed buildings. Land surrounding the village and hamlets is predominantly given to agriculture and horticulture, with an industrial area mainly situated along the Old Ipswich Road/A12. Ardleigh is in the district of Tendring and the parliamentary constituency of Harwich and North Essex. The Parish has its own Parish Council.

The Neighbourhood Plan has been created by the Parish Council and local residents following extensive consultation. The process began in early 2020 when the Neighbourhood Plan area was formally designated by Tendring District Council. The Ardleigh Neighbourhood Plan Working and Steering Groups then met a total of 75 times between June 2020 and December 2022 to develop the Plan and ensure that the appropriate steps were taken and guidance followed.

The Plan sets objectives on key identified themes such as transport, community, the built and historic environment, local green spaces, housing and the general approach to development, including landscape features and design quality of physical structures. It builds on current and future planned activity in the Local Plan and says what the Parish Council and its partners will work towards.

The overwhelming view of the community, who responded to public consultation, is that the Parish of Ardleigh should above all else retain its rural characteristics in relation to the visual quality of its buildings, open spaces, trees, hedges, footpaths and bridleways. The people of the Parish of Ardleigh also feel strongly that their sense of community should be protected and nurtured across the whole Parish, including the village centre, Ardleigh Heath, Burnt Heath, John de Bois Hill, Fox Street, Plains Farm, Crockleford Heath and other outlying areas.

The vision is for the people of Ardleigh to continue to develop its sense of community, retain its rural feel and to enjoy and protect the countryside around them: allowing for strictly controlled housing development and employment growth to maintain a vibrant community.

Thanks go to all of those in the community who have contributed to the production of this Neighbourhood Plan.

December 2022

1. Introduction

- 1.1. Welcome to the Ardleigh Neighbourhood Plan 2020-2033. This plan will deliver our vision for the Parish of Ardleigh over the plan period.
- 1.2. Once made, a Neighbourhood Plan forms part of the Development Plan for the defined Neighbourhood Area. Neighbourhood Plans were introduced by the Localism Act 2011 and allow communities to shape development in their area.
- 1.3. Neighbourhood Plans help with the determination of planning applications in the Neighbourhood Area, setting out where development will go and what it will look like.
- 1.4. This Neighbourhood Plan is for the rural Parish of Ardleigh in the district of Tendring. Ardleigh lies in open countryside between the urban centres of Colchester and Manningtree.
- 1.5. The purpose of this plan is to allow Ardleigh to grow appropriately and organically, whilst protecting its best features for future generations.
- 1.6. In order to produce this plan, the Working Group undertook a survey of views throughout the Parish, commissioned a number of expert studies to produce the evidence base and instructed a local planning consultancy (Planning Direct) to assist with the technical drafting, working closely with the Parish Council and the District Council throughout.
- 1.7. Once adopted, we expect that all planning decisions in Ardleigh will be made in accordance with this Neighbourhood Plan, unless it is in conflict with an up-to-date Local Plan or material planning considerations indicate otherwise.

2. Neighbourhood Plan Area

- 2.1. This Neighbourhood Plan concerns the Parish of Ardleigh. On 08/06/2020, Tendring District Council formally designated the whole Parish as a Neighbourhood Plan Area.
- 2.2. The diagram below provides the Neighbourhood Plan Area within which this Neighbourhood Plan applies.



Fig 1. Neighbourhood Plan Area [blue line]

3. What is a Neighbourhood Plan and why do we need one?

- 3.1. Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Communities can shape development in their areas through the production of Neighbourhood Development Plans (often referred to simply as Neighbourhood Plans), Neighbourhood Development Orders and Community Right to Build Orders.
- 3.2. Once approved, Neighbourhood Plans become part of the Development Plan and the policies contained within them must be used in the determination of planning applications.
- 3.3. Policies in Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. However, they may change more detailed policies (or add further detailed policies) where appropriate to the designated Neighbourhood Plan area.
- 3.4. Fundamentally, Neighbourhood Plans cannot block development already included in the Local Plan. What they can do is shape where that development will go and what it will look like.
- 3.5. A Neighbourhood Plan is developed by a Neighbourhood Forum or a Parish/ Town Council. In this case, Ardleigh Parish Council has worked with specialist consultants to develop the Neighbourhood Plan.
- 3.6. Before a Neighbourhood Plan can be adopted, it must be independently examined to ensure that it meets the basic conditions. It must then be put to a public referendum of all of the registered electors within the Neighbourhood Plan Area.
- 3.7. Only a draft Neighbourhood Plan that meets each of the basic conditions can be put to a referendum and be “made” (in other words, adopted). The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A Planning and Compulsory Purchase Act 2004.
- 3.8. The basic conditions are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan;
- The making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- The Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and
- Prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with in connection with the proposal for the order.

4. Planning policy context

4.1. The Development Plan for Ardleigh is currently made up of:

- Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1;
- Tendring District Local Plan 2013-2033 and Beyond: Section 2;
- Essex Minerals Local Plan; and
- Essex and Southend-on-Sea Waste Local Plan.

Section 1

4.2. Section 1 of the 2013-2033 Local Plan was jointly prepared by Braintree, Colchester, Essex and Tendring Councils (known collectively as the North Essex authorities) and covers broad strategic matters. It was adopted on 26/01/2021.

4.3. Section 1 of the Local Plan takes bold steps to provide for the housing, employment and social needs of existing and future residents up to and beyond the plan period. A key focus of this part of the Plan is the creation of a new garden community.

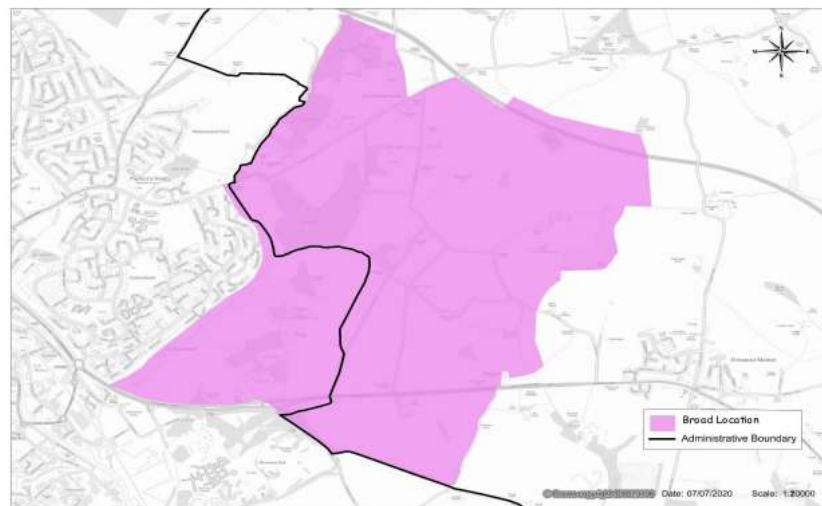


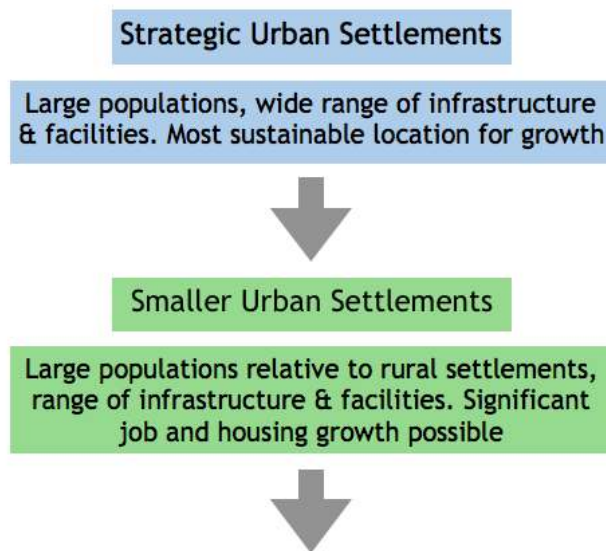
Fig. 2. Broad location of the proposed Tendring/Colchester Garden Community

- 4.4. This is the Tendring/Colchester Borders Garden Community which is intended to deliver 2,500 homes and 7 hectares of employment land over the plan period (and 7,000 - 9,000 homes and 25 hectares of employment land in total). The new community is proposed to be sited on the Tendring/Colchester border, extending into the southernmost portion of Ardleigh Parish where the small historic hamlet of Crockleford Heath¹ is located.
- 4.5. The initial design and delivery of the Tendring/Colchester Borders Garden Community - including its nature, form, boundaries and exact housing numbers - will be the subject of a Strategic Growth Development Plan Document (DPD), prepared jointly by Colchester and Tendring Councils. Following delivery, new sites in the Ardleigh Parish area of the Tendring/Colchester Borders Garden Community will be expected to comply with the development plan in force at that time, including any relevant Neighbourhood Plan policies.
- 4.6. The Tendring/Colchester Borders Garden Community DPD, currently in draft form, was subject to public consultation between March and April of 2022. The draft DPD includes the identification of an “Area of Special Character” at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character.
- 4.7. At the time of writing, the partner councils were in the process of reviewing the consultation responses and evidence base and making amendments to the draft DPD, with a final version anticipated for further public consultation in late 2022 - early 2023. Formal adoption of the DPD is on track to take place in 2023.
- 4.8. Ardleigh Parish Council intends to work closely and proactively with the partner councils to progress the design and development of the Garden Community. However, this major project is still in its earliest phases and is not anticipated to start delivering new homes in Ardleigh Parish until after the current Local and Neighbourhood Plan period (to 2033) has expired.

¹ Also referred to by locals as simply Crockleford

Section 2

- 4.9. Section 2 of the 2013-2033 Local Plan contains policies relating solely to Tendring District. It was adopted on 25/01/2022. Section 2 allocates the homes and jobs required for the plan period outside of the garden community. It also contains place-shaping policies. These policies steer and guide development to ensure that Tendring's natural and built assets are enhanced and protected, its communities are well connected both by broadband and travel choices, and new development is designed to promote healthy living, adaptability of homes and safety from flood risk.
- 4.10. Section 2 of the Local Plan also sets out the settlement hierarchy for Tendring District, as illustrated by the below diagram.



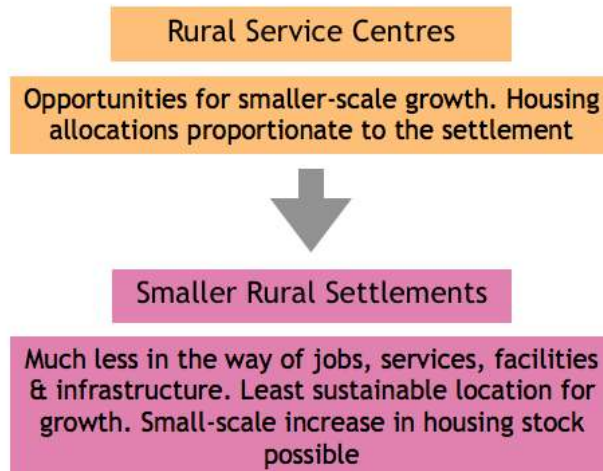


Fig. 3. Section 2 settlement hierarchy

Local Plan Strategy for Ardleigh

- 4.11. Ardleigh village is defined as a Smaller Rural Settlement. It sits at the lowest tier of the settlement hierarchy, where development is anticipated to be modest in both scope and scale.
- 4.12. The village is provided with defined Settlement Development Boundaries and, unless directly provided for by a Local Plan policy², most new development in the Parish is expected to be contained within these limits (policy SPL 2).
- 4.13. For planning purposes, those areas of the Parish lying outside of Ardleigh village’s Settlement Development Boundaries are defined as countryside. There is no presumption in favour of development in these areas. However, policy PP 13 sets out a number of specific circumstances where, in the interest of supporting growth in the rural economy, planning permission may be granted in the countryside.
- 4.14. Over the plan period, housing growth in Ardleigh is expected to be limited to small-scale “infill” developments of 10 houses or fewer to be located within the defined Settlement Development Boundaries (Sections 3.3.1.4, 3.3.2 & 3.3.3).

² For example, policies PP 13 and LP 6

- 4.15. The Plan also provides a strategy for Rural Exception Sites³ (policy LP 6). These will be permitted on sites adjoining Ardleigh's defined Settlement Boundaries provided:
- i. Sufficient evidence is provided of a shortage of council/affordable housing within the Parish; and
 - ii. The scheme is supported by Ardleigh Parish Council.
- 4.16. The Plan also provides a flexible policy for self-build houses. These schemes may be permitted in the countryside subject to meeting specific criteria (policy LP 7).
- 4.17. The development of new care homes and extra care housing is also promoted by the Plan. In Ardleigh, these should be contained within the Settlement Development Boundaries (policy LP 10).
- 4.18. Retail growth in Ardleigh is expected to be limited to small-scale developments intended to serve the day-to-day needs of the local community only (policy PP 3).
- 4.19. In terms of employment growth, the Plan encourages sustainable development proposals for farm and other land-based diversification schemes that would benefit the rural area (policy PP 6). Further support for rural-based enterprises is provided by local policy PP 13.
- 4.20. Tourism-related proposals of the right kind are also strongly encouraged, including the provision of appropriate outdoor recreational facilities that would strengthen the function and protection of the undeveloped countryside (policy PP 8).
- 4.21. In terms of visitor accommodation, any growth in hotels or guesthouses should be limited to established sites or to ancillary accommodation at appropriate venues such as public houses (upper floors), residential health and beauty facilities and function/conference centres (policy PP 9). New or extended camping and touring caravan sites are also encouraged but will be subject to holiday occupancy restrictions (policy PP 10).

³ *Rural Exception Sites are defined at the national level as "small sites used for affordable housing in perpetuity where sites would not normally be used for housing"*

4.22. The policies of this Neighbourhood Plan are intended to support and complement the general spatial strategy outlined above. Where relevant, they will also provide expansions upon the development plan's (non-strategic) development management policies that are specific to the Parish.

5. Background to the Parish

- 5.1. The Parish lies within the Ardleigh & Little Bromley Ward, part of the District of Tendring situated within the County of Essex.
- 5.2. Ardleigh is a small rural Parish which comprises largely of good quality agricultural land, supported by dispersed farmsteads. The main point of settlement is the historic nucleated village of Ardleigh which lies at the heart of the Parish. Other smaller hamlets, including Ardleigh Heath, Burnt Heath and Crockleford Heath intersperse the wider rural area. It is believed that the Parish has been settled in excess of 3000 years.
- 5.3. The 2011 Census recorded 849 households and 2058 usual residents throughout the Parish⁴.
- 5.4. Ardleigh village is defined as a smaller rural settlement in the Local Plan. It comprises a nucleated village which has grown around the crossroads of Station Road, Dedham Road, Colchester Road and Harwich Road. These key arterial routes extend throughout and beyond the Parish, connecting Ardleigh to various lower and higher-level settlements including Colchester, Manningtree and Brightlingsea.
- 5.5. The Parish lies in very close proximity of the historic city of Colchester⁵, being directly adjoined to the defined town settlement boundary in places. The heart of Ardleigh village lies approximately 7km, or a 12-minute drive, from the city centre.
- 5.6. Since 1981, a substantial proportion of Ardleigh village has been formally designated as a Conservation Area. Significantly, the Parish also contains the remains of a later Bronze Age urnfield cemetery which was designated a Scheduled Ancient Monument in 1976 (list entry no. 1002146).
- 5.7. Ardleigh Reservoir lies to the south-west of Ardleigh village and covers an

⁴ Unless otherwise stated, all statistics in this document are derived from 2011 census data.

⁵ Colchester was awarded city status in May 2022 to mark the Queen's Platinum Jubilee.

expansive 48.5 hectares. The reservoir supplies over 14 million litres of drinking water every day to 133,000 customers in the Colchester area. It also supports various recreational activities.

Socio-economic profile

- 5.8. The rural Parish is sparsely populated, with a density (number of persons per hectare) of 1 by contrast to 4.1 for the district, 4 for the county and 4.1 for the country as a whole.
- 5.9. As indicated by the below charts, the age profile of the Parish is more closely in line with findings for the county and the country than with the age structure of its host district.
- 5.10. Significantly, the Parish contains proportionately fewer very old persons (85+) than the national population which is rather unusual for a small rural locality such as this. It may be the case that the Parish's close proximity to the urban centre of Colchester has supported more younger residents to remain than is the norm.

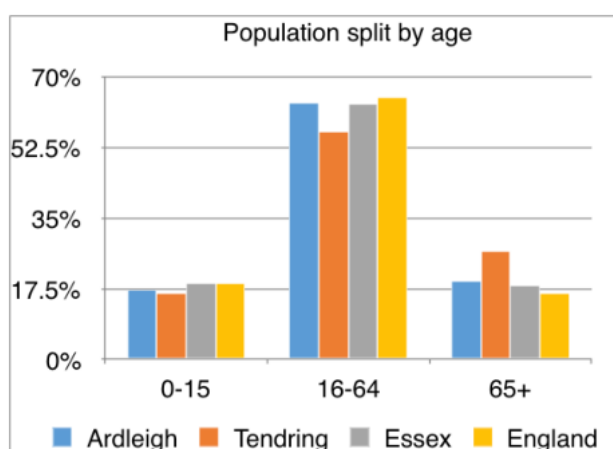


Fig. 4.

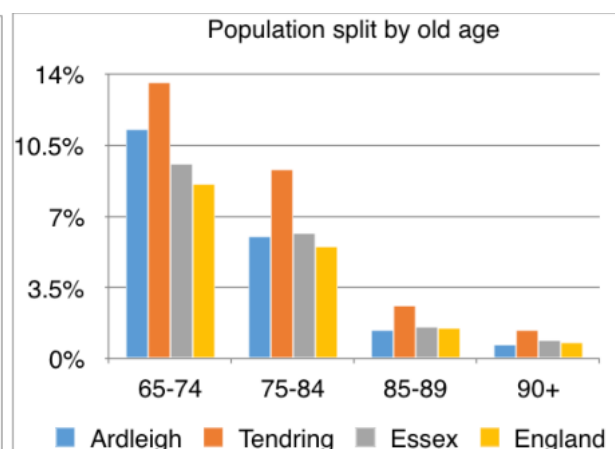


Fig. 5.

- 5.11. The vast majority of Ardleigh's residents are self-reported as of white British origin (95%). This indicates the Parish to be very slightly more ethnically diverse than its host district, where 95.4% of residents are self-reported as of white British origin. As is usual in more sparsely populated rural areas, Ardleigh contains considerably less ethnic diversity than the country as a whole (where 79.8% of the population self-reports to be of white British origin).
- 5.12. Approximately 69.1% of Ardleigh's working age (16-74) population is

economically active⁶, compared to 61.7% for the district, 71.1% for the county and 69.9% for the country as a whole. The below chart provides a break down of economically active residents by activity. As indicated, Ardleigh contains a statistically significant number of self-employed workers and proportionately fewer short-term unemployed residents than the district, county or country as a whole.

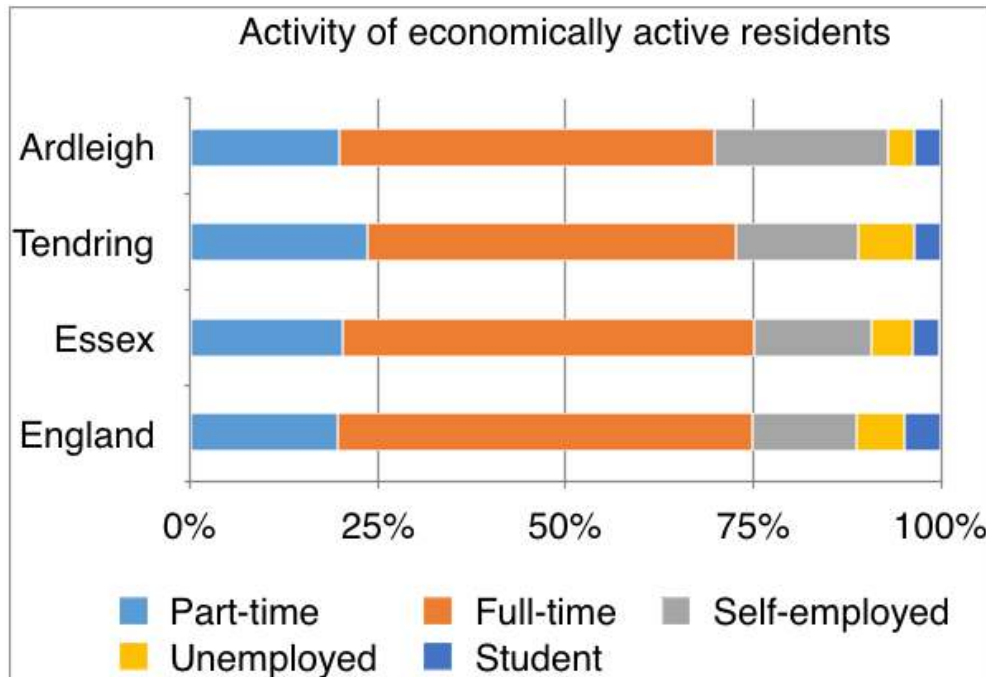


Fig. 6.

5.13. Following from the above, approximately 30.9% of Ardleigh’s population is economically inactive⁷, compared to 38.3% for the district, 28.9% for the county and 30.1% for the country as a whole. The below chart provides a break down of economically inactive residents by activity. As indicated, Ardleigh contains proportionately fewer retired residents than its host district, although this remains above the county and national findings.

⁶ “economically active” is a term used in the 2011 Census to refer to those persons either in employment or unemployed but available and actively seeking work.

⁷ “economically inactive” is a term used in the 2011 Census to refer to those persons not in employment or actively seeking and available for work due to being retired, looking after home or family, long-term sick or disabled, students or other reasons.

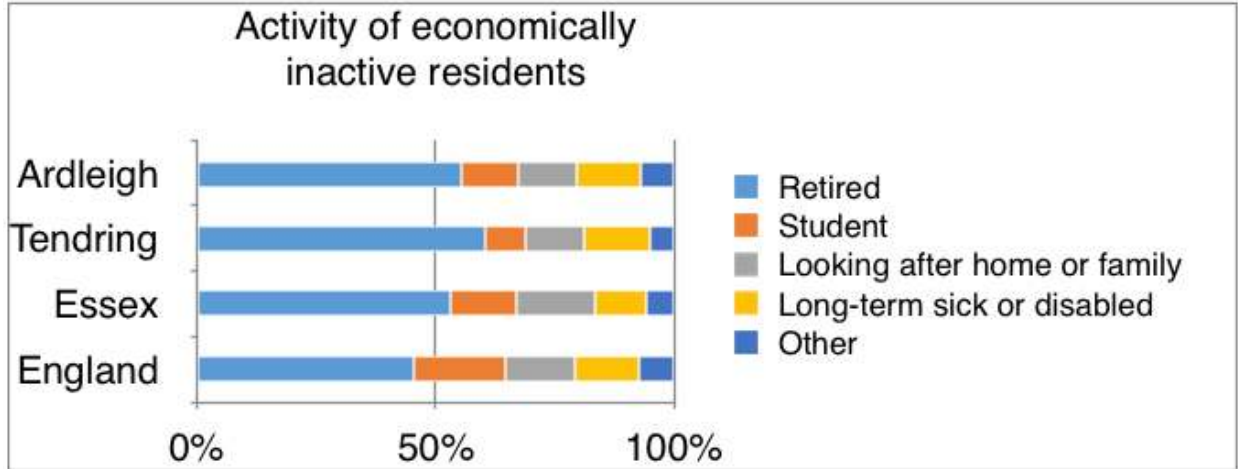


Fig. 7.

- 5.14. The Parish of Ardleigh is predominantly occupied by agricultural land uses and this is reflected in the statistically significant proportion of working residents employed in the industries of agriculture, forestry and fishing.
- 5.15. Ardleigh also contains a statistically significant proportion of working residents employed in administrative, professional, scientific and technical industries.
- 5.16. Compared to findings for the host district, Ardleigh contains proportionately fewer residents employed in the industries of wholesale, retail, vehicle repair, health care or social work. This is indicated by the below chart which provides a break down of the main industries in which the working residents of Ardleigh are employed⁸.

⁸ For the purposes of this chart, only industries employing more than 4% of the total working population of Ardleigh have been individually noted. All other industries are grouped into the “other” category.

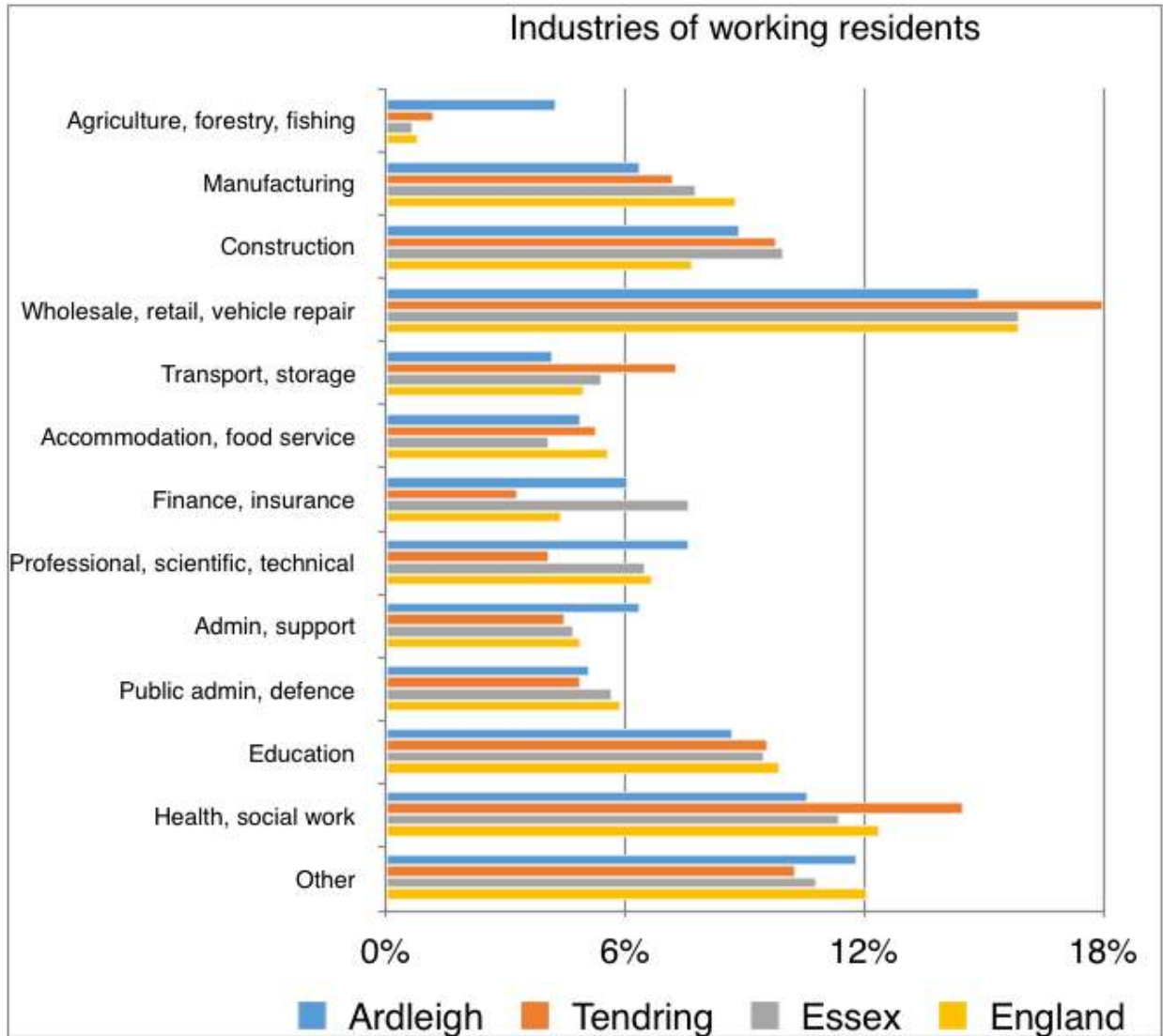


Fig. 8.

5.17. At 35.3% of its total working population, Ardleigh also contains a very significant number of residents employed in directorial, managerial, senior or other professional roles. This compares especially favourably to findings for the host district, where only 21.6% of the total working population occupies such high level roles.

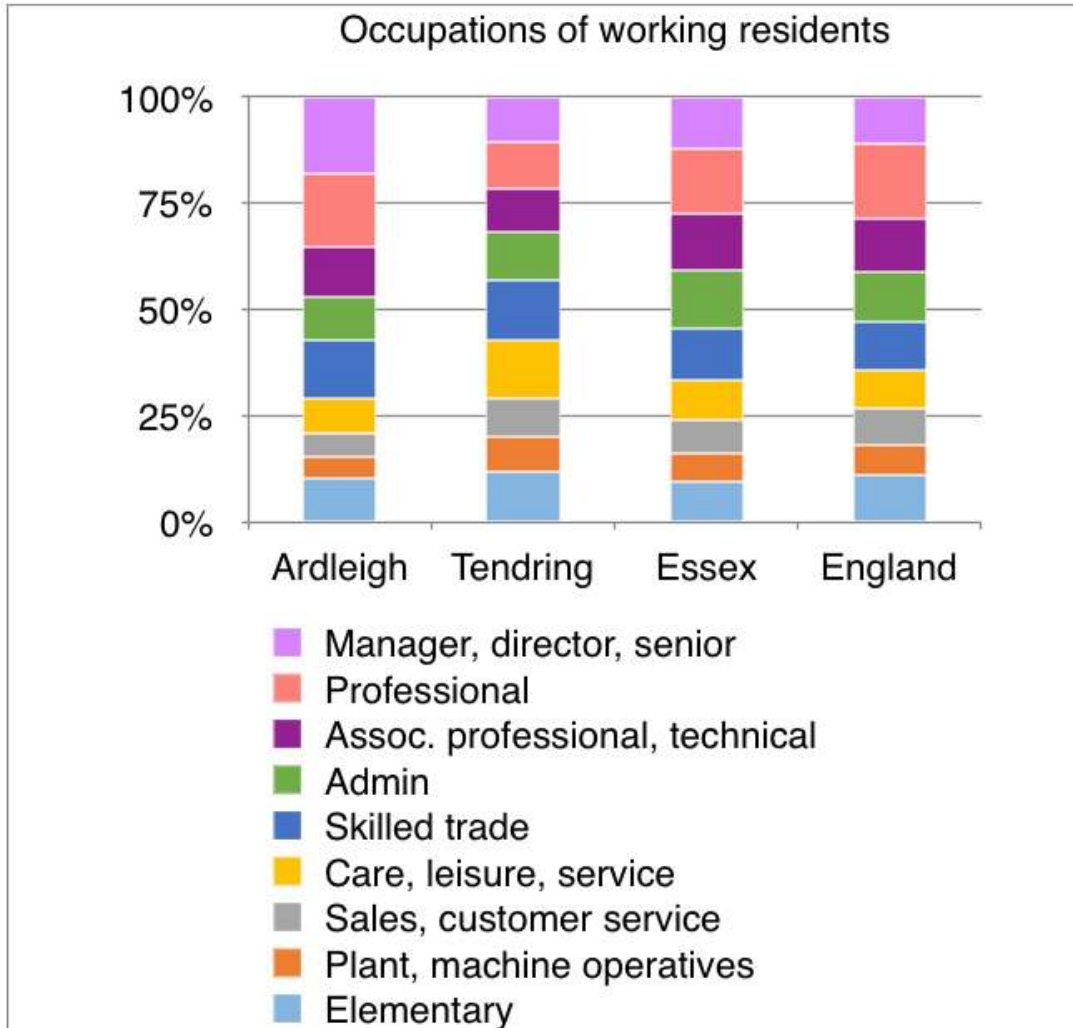
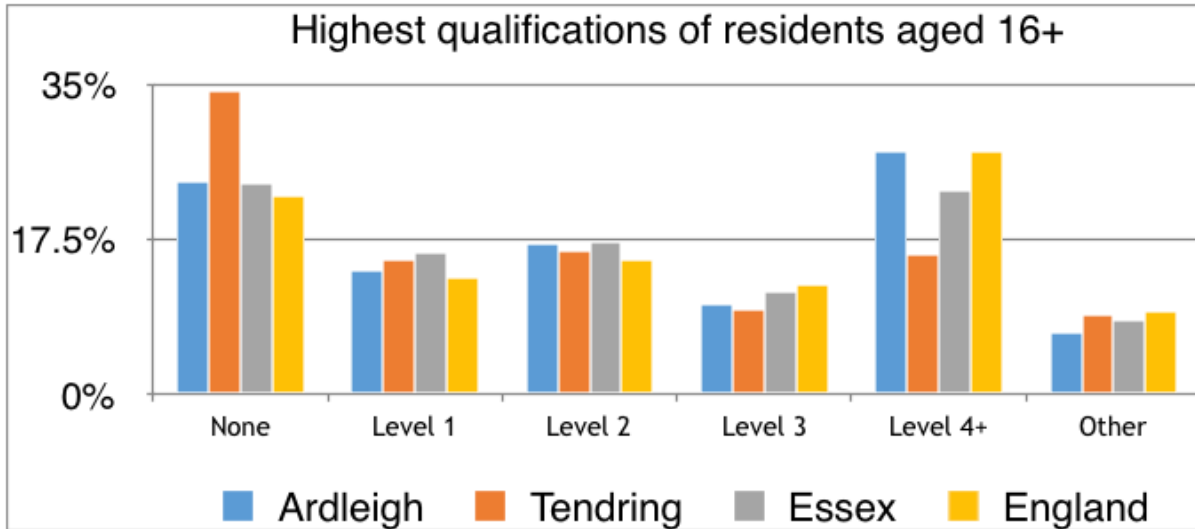


Fig. 9.

5.18. Ardleigh’s residents are also relatively well-educated, especially compared to district-wide trends. Indeed, only 24% of Ardleigh’s adult residents are without any qualification, compared to 34.3% of Tendring’s total adult population. Similarly, 27.4% of Ardleigh’s adult population is educated to degree-level or above, compared to only 15.9% for Tendring as a whole. As indicated by the below chart, the residents of Ardleigh’s qualification levels are more closely in line with findings for the county and the country than its host district.



Qualification Levels
 None = no academic or professional qualifications
 Level 1 = 1-4 GCSEs or equivalent (any grades)
 Level 2 = 5+ GCSEs or equivalent (grades A*-C)
 Level 3 = 4+ AS Levels/2+ A Levels or equivalent
 Level 4+ = Degree level or above (e.g. BA, BSc)
 Other = Vocational, work-related, foreign, apprenticeships

Fig. 10.

- 5.19. The health of Ardleigh’s residents is generally very good, particularly compared to findings for its host district. This may be explained, at least in part, by Ardleigh village’s well-located GP Surgery in the context of a rural district where many of the smaller rural communities are somewhat remote from vital health services.
- 5.20. As indicated by the below chart, approximately 81.9% of Ardleigh’s residents report their health to be either “good” or “very good”, compared to just 74.2% throughout Tendring. This finding is largely in keeping with the national figure, with 81.4% of England’s total population reporting to be in either “good” or “very good” health.
- 5.21. Similarly, only 3.7% of Ardleigh’s population report their health to be either “bad” or “very bad”, compared to 7.6% throughout Tendring and 5.4% throughout England.

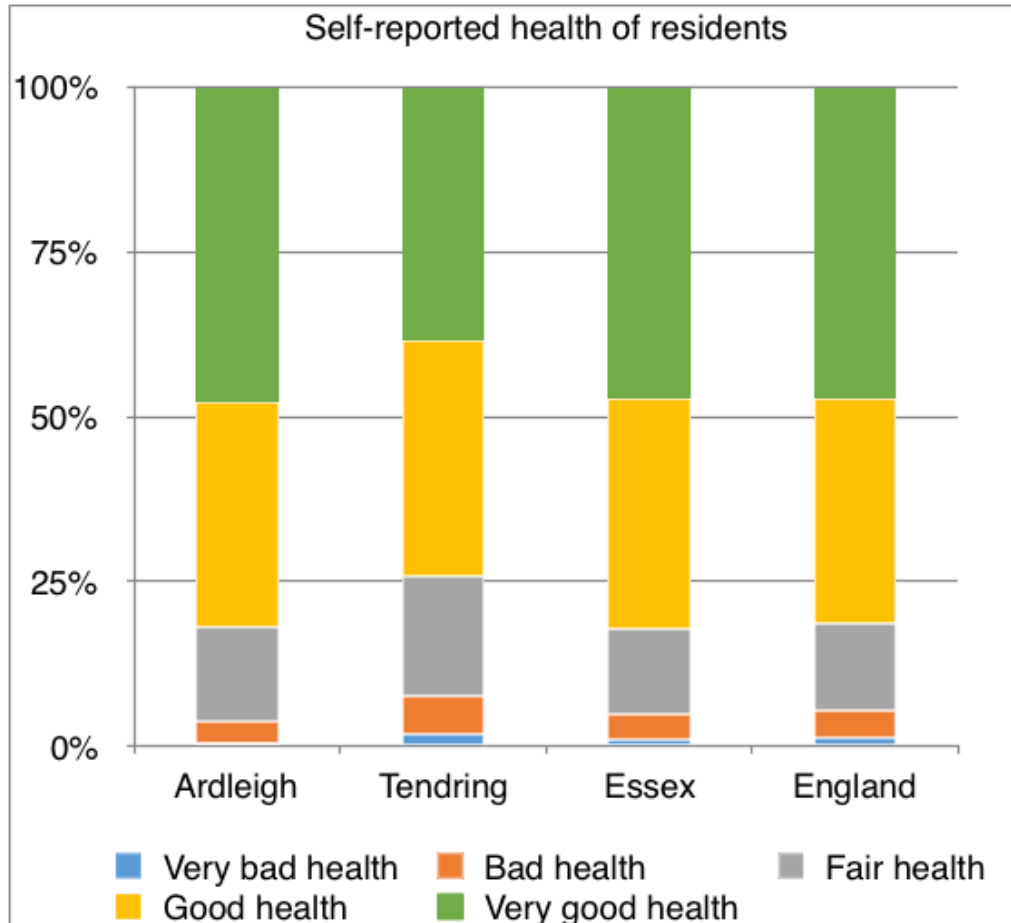


Fig.11.

5.22. Taken together, the above statistics paint a picture of a Parish that has:

- a low population density;
- a fairly well-balanced age profile;
- limited ethnic diversity;
- typical levels of employment;
- a notable agricultural economy; and
- a well-educated and healthy population.

Housing profile

- 5.23. The 2011 census recorded 849 households and 2058 usual residents in the Parish⁹.
- 5.24. The average household size of the Parish stands at 2.5 persons which is only very slightly greater than the averages for the district (2.2), county and country (both at 2.4).
- 5.25. There are high levels of home ownership throughout the Parish. 80.9% of all Ardleigh's households own their homes, with approximately 54% of these owned outright and 46% owned with a mortgage (or loan). This compares very favourably to statistics for the county and the country where, respectively, 71.3% and 63% of all households own their homes. It also exceeds levels of home ownership throughout Tendring (at 73.7%).

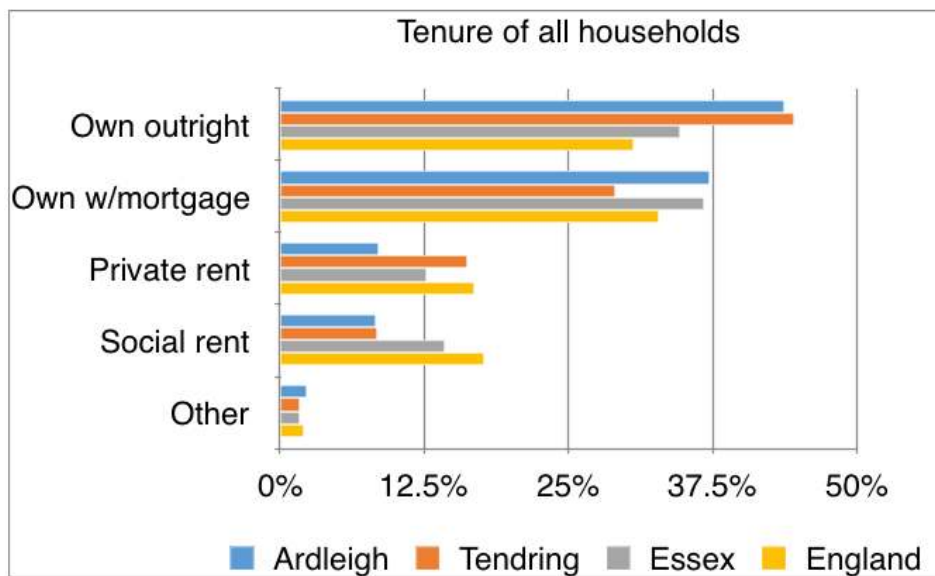


Fig.12.

- 5.26. As is fairly usual in rural areas, only a small proportion of Ardleigh's housing stock is rented (16.8%). The number of socially-rented properties in Ardleigh (at

⁹ In April 2020, Tendring District Council estimated that there were approximately 1000 dwellings in the Parish (taking account of recent development), with a further 230 dwellings expected on sites with planning permission. This suggests a rather significant increase in housing stock since 2011

8.3% of its total stock) is closely aligned with the figure for the district (at 8.4%), however there are substantially fewer privately-rented properties in Ardleigh (at 8.5% of its total stock) than are found throughout Tendring as a whole (at 16.2%).

5.27. Ardleigh’s housing stock is very much dominated by detached property types, these comprising a significant 57% of its total provision. Compared to findings for the district, county and the country as a whole, Ardleigh contains relatively few flats, maisonettes and terraced homes.

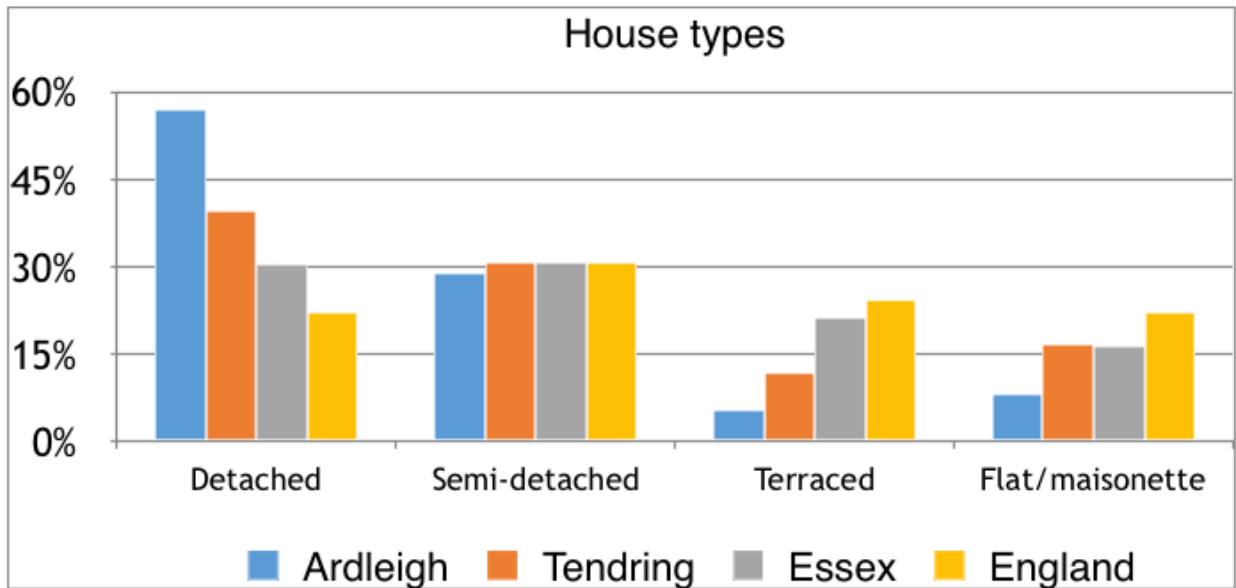


Fig. 13.

5.28. In terms of household composition, the vast majority of all Ardleigh’s households are occupied by single families (70.2%). This stands in relative contrast to the numbers of single family households found throughout the district (62%), the county (66%) and the country as a whole (61.8%).

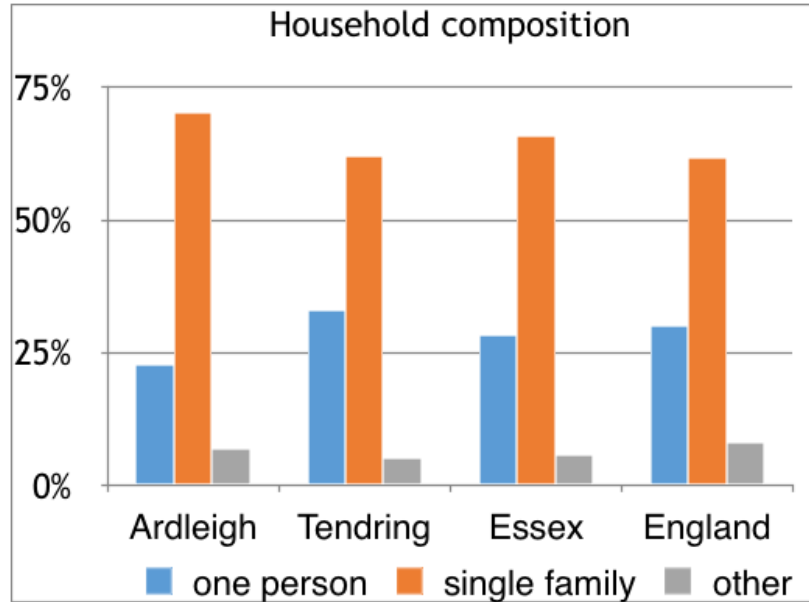


Fig.14.

5.29. Ardleigh contains a fair range of local services and facilities for a Parish of its size. Its residents nonetheless remain largely dependent on private car use for access to main shopping, employment and educational facilities. This is reflected in the Parish's high levels of car (and van) ownership, as indicated by the below chart.

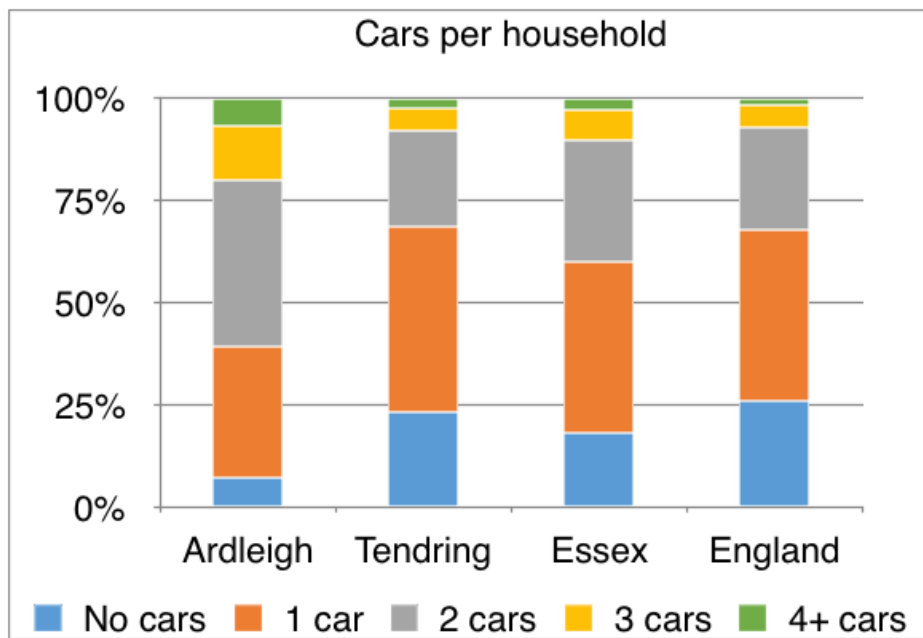


Fig.15.

5.30. Taken together, the above statistics suggest that Ardleigh's population is composed mainly of families that own their detached homes and have 1 or more cars.

Landscape & Natural Environment

- 5.31. The Parish of Ardleigh stands on a flat gravel plain in open countryside. It comprises predominantly of agricultural land and retains a distinctly pastoral character and quality in spite of its close proximity to the urban centre of Colchester.
- 5.32. Dedham Vale AONB is located immediately to the north of the Parish, just outside of its confines.
- 5.33. Part of the A120, a major regional trunk road, passes through the southern portion of the Parish, close to its boundary with Colchester City. This presents a marked urban intrusion into an otherwise rural landscape.
- 5.34. The nucleated Ardleigh village provides the main point of settlement at the heart of the Parish, with other smaller hamlets and farmsteads dispersed throughout.
- 5.35. Here, the landscape character is truly emblematic of the host National Character Area (NCA), Suffolk Coast and Heaths. Indeed, the 2015 NCA Profile found that:

“The majority of the character area is sparsely settled with small isolated, nucleated medieval hamlets and villages complementing a scatter of isolated farmsteads, traditional barns and cottages throughout the rural area.”

- 5.36. Ardleigh is one such nucleated medieval village, tucked into an otherwise rural landscape where it is complemented by scatterings of isolated farmsteads, barns and cottages.
- 5.37. A valley system lies to the west and south of Ardleigh village but is barely perceptible, with one of the valleys being largely filled by Ardleigh Reservoir.
- 5.38. Ardleigh Reservoir is a notable landscape feature, spanning almost 50 total hectares to the south-west of Ardleigh village. The reservoir was created in the 1970s and supplies the area with potable drinking water as well as supporting various recreational activities.



Fig. 16. Ardleigh Reservoir from Wick Lane

Glyn Baker / Ardleigh Reservoir from Wick Lane / [CC BY-SA 2.0](#)

- 5.39. There are two Sites of Special Scientific Interest¹⁰ (SSSIs) in Ardleigh.
- 5.40. The first is Ardleigh Gravel Pit which sits just south of the village and is split over 2 units, occupying 1.22 total hectares. This site is considered to be of major geological importance, with deposits exposed here being of international significance. Ardleigh Gravel Pit is classified as being in “favourable condition”¹¹ by Natural England.

¹⁰SSSIs are areas designated for special protection by Natural England due to their features of special interest, including their wildlife, geology and/or landform.

¹¹ Natural England’s objective is to achieve “favourable condition” status for all SSSIs. This means the habitats and features of the site are in a healthy state and being conserved by appropriate management.

5.41. The second is Bullock Wood, an ancient woodland¹² which straddles the Parish's boundary with Colchester. Only a small part of this 23.3 hectare SSSI is located in Ardleigh. This site is noted to contain a wide range of trees, including a number of nationally rare species. Bullock Wood benefits from "favourable condition" status.

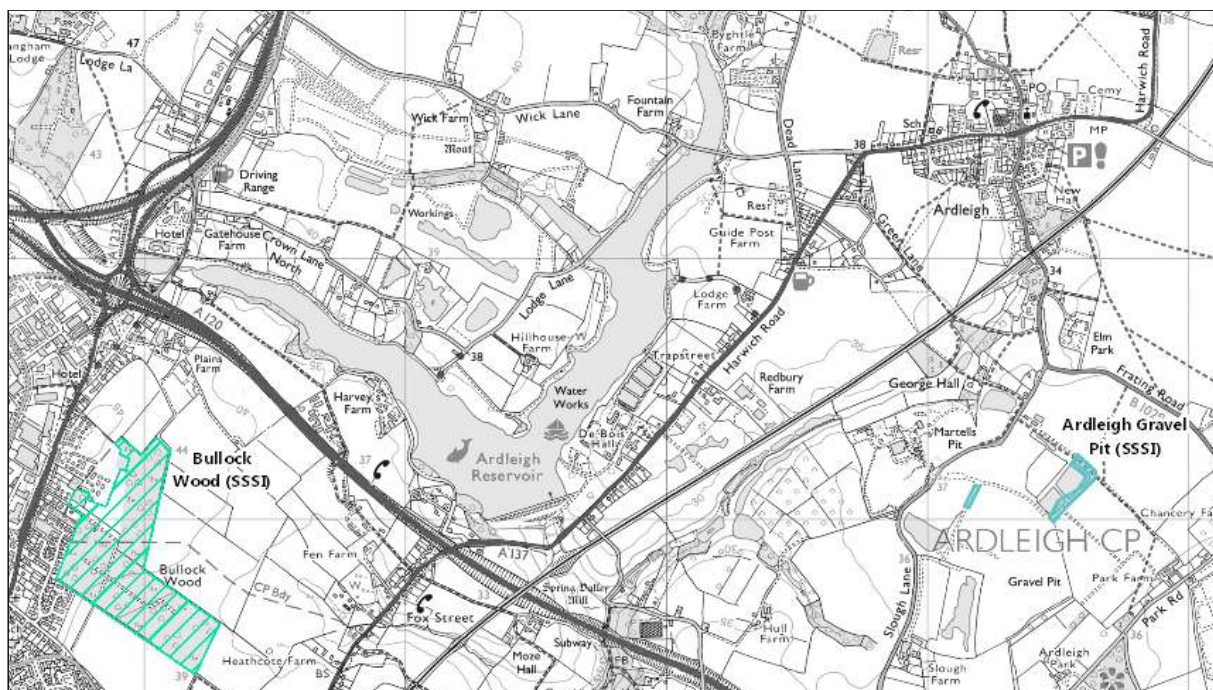


Fig. 17. The two SSSIs in the south of the Parish: Bullock Wood & Ardleigh Gravel Pit

5.42. In conjunction with Essex Wildlife Trust, the District Council has identified over 100 Local Wildlife Sites¹³ (LoWS) in Tendring, 11 of which are in the Parish of Ardleigh.

¹² Ancient Woodlands are 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 are thereby afforded special protection. Ancient Woodland is a form of Irreplaceable Habitat.

¹³ LoWS are areas of land with significant wildlife value which provide important wildlife refuges and a green infrastructure network. They are worthy of nature conservation and protected by the Local Plan.

Local Wildlife Sites			
<u>Code</u>	<u>Site Name</u>	<u>Area (ha)</u>	<u>Grid Ref.</u>
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 043254
Te9	Manor House Meadow, Ardleigh	1.6	TM 052288
Te10	Springhead Corner Meadow, Ardleigh	2	TM 053286
*Protected Verges			
Local Wildlife Sites: Ancient Woodlands			
<u>Name</u>		<u>Grid Ref.</u>	
Churn Wood, Ardleigh		TM 036258	
Walls Wood, Ardleigh		TM 038274	

Table 1.

5.43. The Local Plan also identifies a number of Safeguarded Open Spaces¹⁴ throughout Ardleigh and affords these additional protection against development (see local policy HP 4).

5.44. Safeguarded Open Spaces designated in the Local Plan include Ardleigh's:

- The Ardleigh Recreation Ground;
- Millennium Green;
- churchyard;
- allotments; and

¹⁴ *Safeguarded Open Spaces comprise of local green and open spaces (including parks, churchyards, allotments and playing pitches) which make a considerable contribution to the quality of life of residents and visitors and which promote sustainable communities.*

- cemetery.

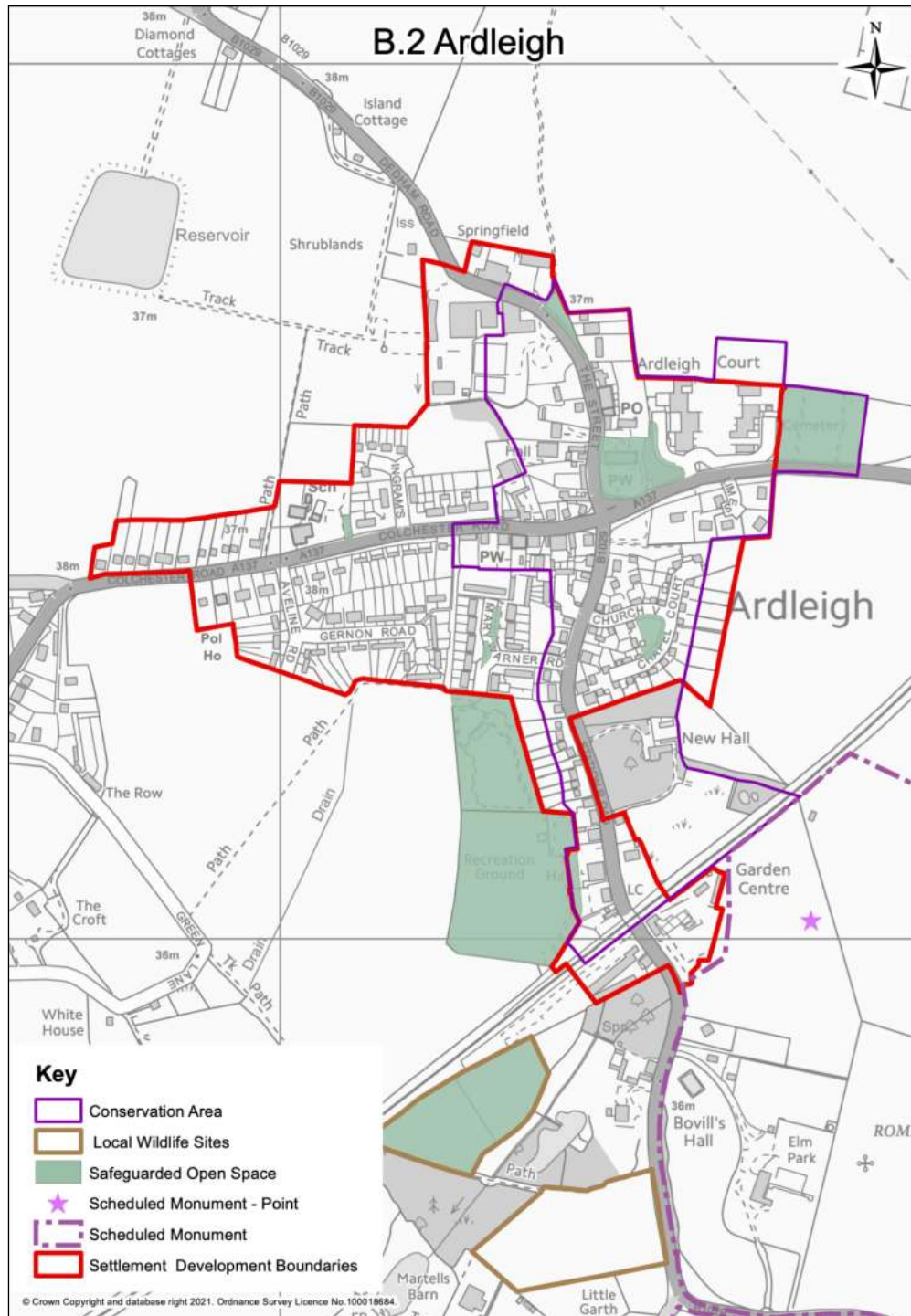


Fig. 18. Ardleigh's Safeguarded Open Spaces in green (Local Plan)

5.45. Additional Local Green Spaces are identified in this Neighbourhood Plan.

History & Conservation

- 5.46. A defining feature of Ardleigh is its rich historical and archaeological character.
- 5.47. It is believed that the Parish has been settled in excess of 3000 years. Ardleigh appeared in the 1086 Domesday Book, with its population of 38 households placing it in the largest 20% of all settlements recorded at this time.
- 5.48. The Parish currently boasts 75 listed buildings, of which one is a Scheduled Ancient Monument, two are Grade II* listed, and the remainder Grade II listed.
- 5.49. There is a notably high concentration of Grade II listed buildings at the historic core of Ardleigh village along Colchester Road and The Street.
- 5.50. The Grade II* listed St Mary's Church, parts of which date to the 14th century, is also prominently located here.



Fig. 19. The Grade II listed St Mary's Church*

- 5.51. In recognition of its clear heritage value, the heart of Ardleigh village has been a designated Conservation Area since 1981. The Conservation Area Appraisal adopted by the District Council in 2006 summarises the special interest of the Conservation Area as follows:

“Ardleigh is a small medieval village at an important road junction, and retains its fine church and sequences of attractive vernacular buildings. The well-treed approaches to the north and the east are essential to the character of the village and are also included in the Area. The village expanded southwards in the 19th century, resulting in further groups of distinctive buildings, which with their settings are also recognised by Area designation.”

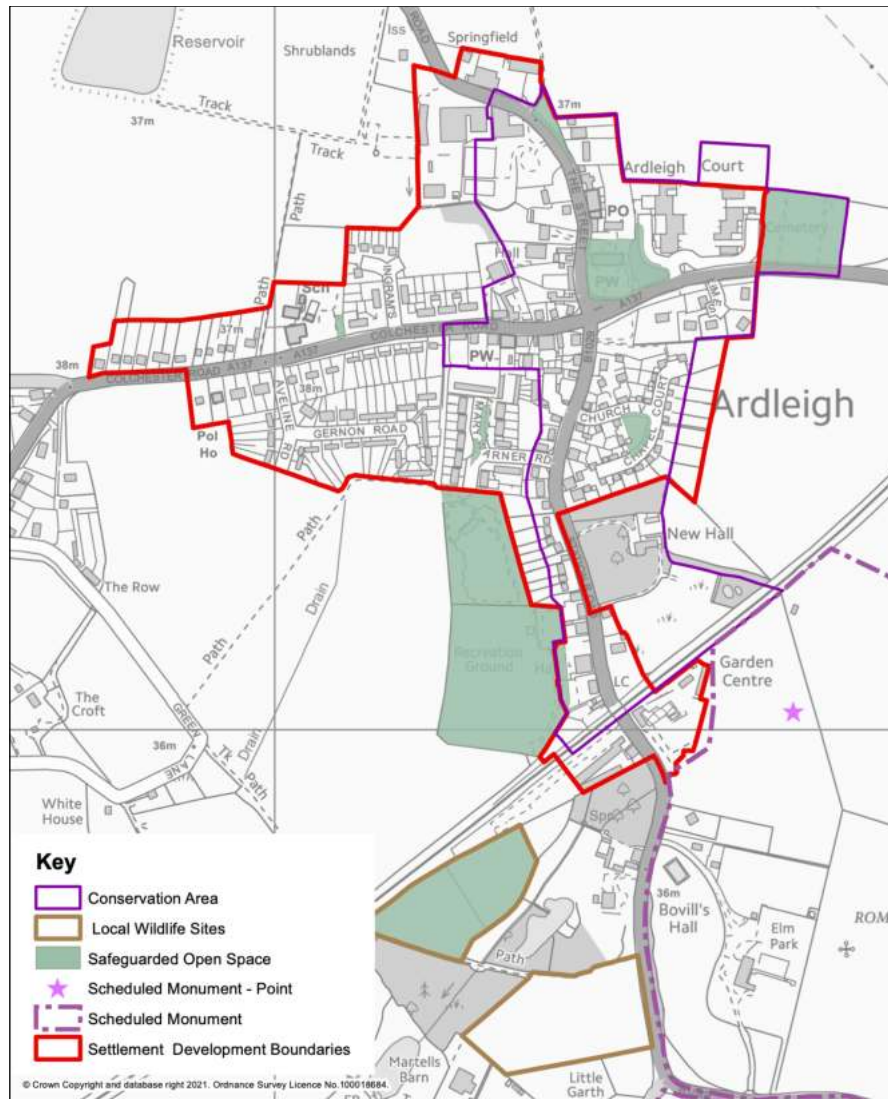


Fig. 20. Ardleigh Conservation Area in purple

Notable Assets

- 5.52. To the south of the Parish and just north of the A120 is the Grade II* listed Spring Valley Mill, a water mill which was later adapted to steam and now sits vacant. This late 18th century timber-framed and weatherboarded structure sits in a prominent position adjacent Spring Valley Lane, an historic route which is protected in its own right. The mill is the setting of Malcolm Saville's 1956 children's novel "Treasure at the Mill" and the filming location of its subsequent 1957 adaptation.
- 5.53. Spring Valley Mill is on Historic England's Heritage at Risk (HAR) Register. Its condition is "very bad" and it has priority B status; "B - immediate risk of further rapid deterioration or loss of fabric; solution agreed but not yet implemented". It is believed that some urgent repair works have already been carried out following the receipt of a Repair Grant for Heritage at Risk. However, as of 2021, the mill remained to be supported by temporary scaffolding.



Fig. 21. The Grade II listed Spring Valley Mill*

- 5.54. Ardleigh's only Scheduled Ancient Monument is the crop mark site just south of Ardleigh village which was first designated in 1976. This site contains a later bronze age cemetery comprising both barrows and urnfield. Fragments of urn

Services, facilities & infrastructure

5.57. The services and facilities in Ardleigh are relatively diverse for a Parish of its small size and rural nature.

Overview

5.58. Currently available at the heart of Ardleigh village is a post office, Primary School, GP surgery, two churches, takeaway, convenience store and public car park. Just south-west of the village, along Colchester Road, is a service station and public house.



Fig. 23. The Lion Inn, a Grade II listed public house at the heart of Ardleigh village, currently shut

5.59. The longstanding village pub permanently closed its doors during the COVID-19 pandemic and it is not yet known whether it will re-open in the future.

5.60. Ardleigh Parish also contains a number of more specialised services and facilities.

Employment

- 5.61. In terms of key employment sites, these are generally agricultural or industrial in nature and include a steel fabricator, plant & machinery hire shops, fruit & vegetable wholesalers, an industrial estate, a construction company, a horse breeder, a timber merchant, a sand & gravel supplier, a vineyard and various working farms.
- 5.62. There are several business parks, notably around the Old Ipswich Road area offering units for small and medium sized enterprises of various sorts.

Leisure & Community Facilities

- 5.63. Ardleigh's main recreational facility is Ardleigh Reservoir which hosts a fishery and a sailing club. Colchester Bowling Club is also located in close proximity. Ardleigh Fly Fishing Club operates from a private site at Hull Farm.



Fig. 24. Ardleigh Fly Fishing Club

- 5.64. Ardleigh's Village Hall is located towards the southernmost extremity of the village, adjacent to the Ardleigh Recreation Ground and Millennium Green. The recently refurbished Village Hall is fully accessible and available for public hire.
- 5.65. The recreation ground and green provides a cricket pitch, a children's play park and exercise equipment. It previously offered a football pitch and has potential to

be used for a wide range of sports and recreation. It is also home to Ardleigh Cricket Club.



Fig. 25. Children's play equipment

5.66. A mobile library visits Ardleigh village every three weeks.

Tourism

5.67. Ardleigh's dedicated tourism facilities are mostly in the form of accommodation. The Parish contains a small number of holiday lettings, B&Bs and a Caravan & Camping Park.

Transport

5.68. There are a number of bus stops located throughout Ardleigh village and some of the smaller hamlets. At the present time, buses are fairly regular and provide parishioners with access to Colchester, Manningtree, Harwich and elsewhere.



Fig. 26. Bus stop & shelter at the heart of Ardleigh village

- 5.69. Historically, the Parish was served by a dedicated railway station on the Great Eastern Main Line. The station was permanently closed in 1967 but the railway line remains a prominent landscape feature, bisecting Ardleigh village to the south.
- 5.70. The nearest train stations are now in Manningtree (approximately 4.2 km north-east of the Parish boundary) and Colchester North (approximately 3.6 km south-west of the Parish boundary).

New A120/A133 link road

- 5.71. Public consultation on a new link road for the A120/A133 closed in December 2019. The new link road is proposed to adjoin with a section of the A120 located within the south-easternmost extremity of Ardleigh Parish. The new road is proposed in order to reduce congestion, improve connectivity and facilitate planned housing and business growth in the area. In particular, it will form part of the Tendring/Colchester Borders Garden Community, creating access into and from it.

5.72. Planning permission for the new link road was granted by Essex County Council in November 2021 (ref. CC/TEN/31/21). It is anticipated that construction of the road will commence in 2022 and complete in 2024. The proposed location of the new link road is indicated on the below diagram.

5.73. The new link road is likely to improve parishioners' ease of access into the urban centre of Colchester but may also increase pressures for future development. It will be important to ensure that Colchester's urban sprawl remains reasonably well-contained and Ardleigh's rural character is safeguarded.

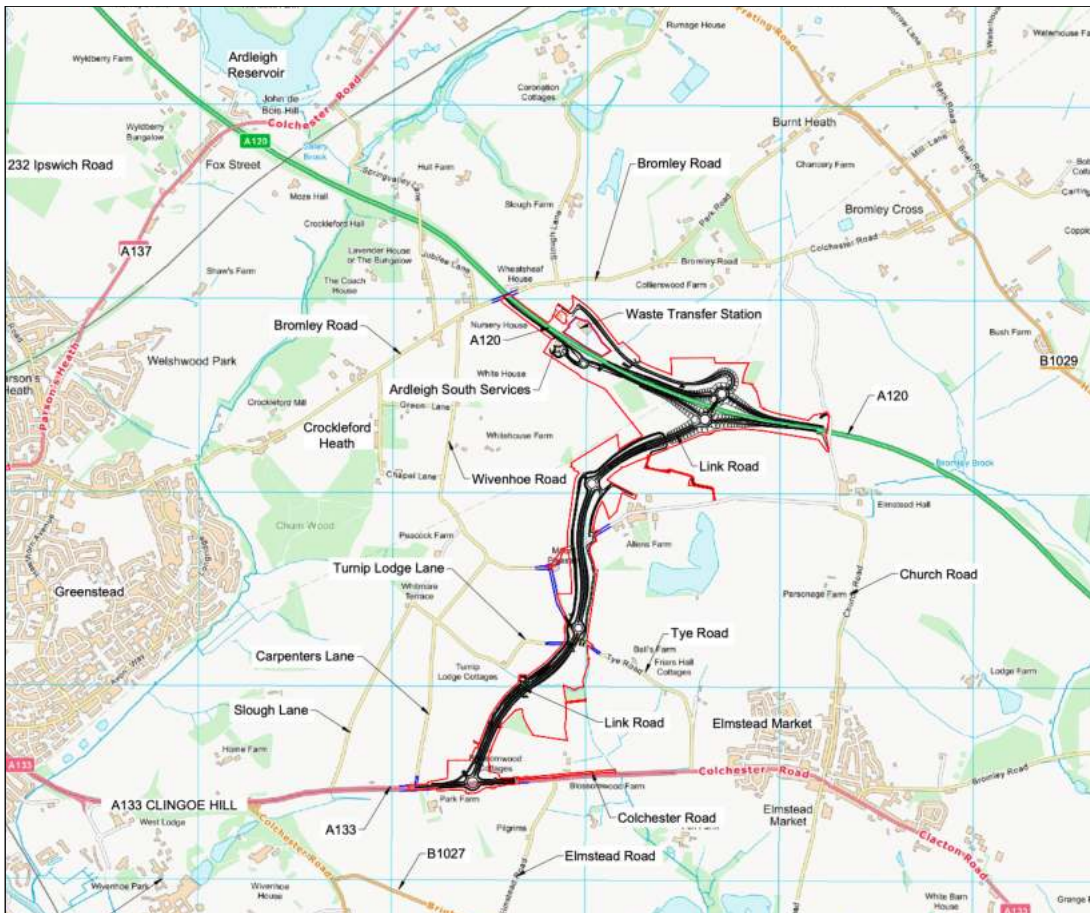


Fig. 27. Approved new link road & waste transfer station

6. Consultation & evidence base

6.1. National planning guidance requires that the local community is actively involved in the shaping of a Neighbourhood Plan, with their views relied upon to inform the purpose, direction and contents of the Neighbourhood Plan.

Summary

6.2. In 2020/21, local consultation took the form of two questionnaires:

1. a Strengths/Weaknesses/Opportunities/Threats (SWOT) Questionnaire called “Your Chance to Have Your Say” to establish the broad areas of concern and key opportunities for new development; and
2. a more detailed Consultation Questionnaire reflecting the results from the SWOT.

6.3. Due to the unprecedented circumstances of a global pandemic and associated Government imposed restrictions, consultation could not be conducted face-to-face. There was no opportunity for Village Hall events or visits to clubs and groups.

6.4. Instead, both consultations were carried out through online and hard copy questionnaires. These were distributed electronically via a dedicated page on Ardleigh Parish Council’s website and other social media sites.

6.5. Details of the consultation exercises (and updates) were also included in the Ardleigh Advertiser (Parish magazine) which is available online, with a hard copy also delivered to every household in the Parish.

6.6. Hard copies were also distributed to accessible community sites, such as the local shop, Post Office, garage, garden centres and Ardleigh Surgery. Every effort was made to be as inclusive as possible.

6.7. Both questionnaires were aimed at all age groups and suitable for both householders and businesses.

First steps

- 6.8. The Neighbourhood Planning Team is made up of a Steering Group (with a project management role) and a larger Working Group. Both were established in April 2020. The Chair of the Steering Group reported regularly to the Parish Council.
- 6.9. The Steering Group was made up of 3 Parish Councillors (one of whom acted in a secretarial role), plus the Parish Council Clerk. The Working Group was made up of 9 Parish Councillors, the Parish Council Clerk and 4 members of the public. The members of the public include one young person, two who have lived in the Parish for many years and another who recently moved to the village. Of the Parish Council members, two are new; one having become a Parish Councillor after joining the Working Group.
- 6.10. Both Groups were set up during April 2020 at which time a Terms of Reference (ToR) was agreed and sanctioned by the Parish Council as well as a project plan and a communications and engagement strategy.
- 6.11. All meetings were conducted via an online video conferencing service. A shared online database was created for all documents and a dedicated page was created on the Ardleigh Parish Council website to record progress and communicate with the local community.
- 6.12. Communication with the local community has been key throughout the plan preparation process. Articles have regularly been posted in the Ardleigh Advertiser, supplemented by other social media posts and updates on the Parish Council website.
- 6.13. Progress was regularly reported at the Parish Council's monthly meeting, with the Minutes published on their website and summarised within the Ardleigh Advertiser.

First 'SWOT' Questionnaire

- 6.14. The first questionnaire was entitled "Your Chance to Have Your Say" (see Appendix 1).

- 6.15. This consultation tool was developed and designed by the Working Group to gain insight into the key issues affecting the local community. It was intended to steer and inform a more detailed questionnaire.
- 6.16. It was also agreed, due to the pandemic restrictions, that it would be of benefit to engage with the local community as early as possible in order to better raise awareness of the Neighbourhood Plan.
- 6.17. The SWOT Questionnaire was available on the Parish Council's website, under the Neighbourhood Plan heading. It was also available in hard copies at the local Post Office, shops, garage and garden centres.
- 6.18. It was launched at the beginning of July 2020 and ran until the end of August 2020.
- 6.19. Posters designed to raise local awareness of the ongoing consultation exercise were placed on all of the Parish Notice Boards, including at the following locations:
- Village playing field
 - Village Hall
 - Village Centre
 - Village School
 - Coggleshall Road
 - Fox Street
 - Plains Farm
 - Burnt Heath
 - Crockleford Heath.
- 6.20. Posters were additionally displayed in the two garden centres, local shops, Spar petrol station, Post Office and Ardleigh Surgery. The Ardleigh Advertiser (Parish magazine) included information about the survey throughout the campaign.
- 6.21. A database of businesses and local community groups was also compiled using a variety of local directories (and local knowledge) and contacted by email.
- 6.22. 130 total responses to the SWOT Questionnaire were received and analysed by members of the Working Group. The results were published in the Ardleigh Advertiser and on various social media platforms.

6.28. The responses to the Consultation Questionnaire have been used to inform the Vision, Objectives and Policies of this Neighbourhood Plan.

Outcome of the consultation

6.29. It is the overwhelming view of the people who live and work in the Parish of Ardleigh that it should above all else retain its rural characteristics, including the visual quality of its buildings, open spaces, trees, hedges, footpaths and bridleways.

6.30. There is also a strong sense of community in Ardleigh which should be protected and nurtured throughout all parts of the Parish, including its outlying hamlets such as Crockleford Heath (which is impacted by the proposed Garden Community).

6.31. Local residents would like to see the community spirit of the Parish strengthened by encouraging the development of leisure, sport and other recreational facilities including, if possible, a community hub.

6.32. Local people have clearly stated that they feel the greatest threat to the rural characteristics and community spirit of the Parish is the overdevelopment of housing. It appears to be widely agreed amongst local residents that Ardleigh has taken “more than its fair share” of new housebuilding in recent years and should not be the focus of major/strategic housing growth.

6.33. This local opinion appears to be largely in line with the view taken by Tendring District Council and the housing strategy contained within their Local Plan¹⁶.

¹⁶ *Indeed, the Local Plan does not allocate any housing sites in Ardleigh or set any minimum housing figure for the Parish. The adopted housing strategy is such that Ardleigh could deliver 0 additional homes over the plan period and the District would still meet or exceed its minimum housing requirements.*

Furthermore, the District Council’s projections for small sites and windfall development (based on past trends for the whole District) assumes that a total of 122 new dwellings will be delivered throughout the Smaller Rural Settlements between 2021 and 2033. This equates to approximately 10 - 11 dwellings per year. Split equally amongst the 18 Smaller Rural Settlements, this equates to an approximate annual housing projection per Smaller Rural Settlement of just 0.5 - 1 dwelling(s).

6.34. The responses from the Consultation Questionnaire have been used to inform the Vision and Policies of this Neighbourhood Plan.

Evidence Base

6.35. To inform the preparation of this Neighbourhood Plan, the following documents have also been produced:

Annex 1: Local Green Spaces Assessment; and

Annex 2: Updated Village Design Statement (2021).

7. Vision

- 7.1. In 2033, the Parish of Ardleigh remains in possession of its distinctive rural character and qualities.
- 7.2. The village's longstanding nucleated format continues to be preserved, whilst the rest of the Parish continues to provide a complementary offering of scattered farmsteads, barns, cottages and other appropriate rural land-based development.
- 7.3. The agricultural economy continues to thrive and there has been no significant loss of best and most versatile agricultural land to non-compatible uses. Appropriate and well-located rural land-based businesses have been supported to expand and flourish.
- 7.4. Positive features of the built, natural and historic environment have been protected and, wherever possible, enhanced. Ideally, Spring Valley Mill no longer appears on the Heritage at Risk register.
- 7.5. Some small-scale housing development has taken place within the defined Settlement Development Boundaries. This has been built to a very high standard, showing due regard for the local vernacular, the surrounding built context and the contents of the Village Design Statement. Sustainable design and construction techniques abound.
- 7.6. Existing community facilities, including Safeguarded Local Greenspaces, have been retained and new leisure facilities intended to improve community cohesion and the health and wellness of residents have been introduced.
- 7.7. Where tourism, retail or employment-related development has taken place, it demonstrates due regard to the needs of residents and constraints of the Parish, including its landscape character and highways capacity.
- 7.8. Whilst efforts have been made to reduce the Parish's high levels of out-commuting for employment purposes (including support for home working proposals), efforts have equally been made to avoid any significant influx of in-commuting to Ardleigh.

7.9. Ardleigh remains a pleasant and tranquil place to live and work, providing a high standard of life to all of its residents.

7.10. The policies of this Neighbourhood Plan will ensure that the Vision is achieved.

8. Objectives

8.1. The objectives of this Neighbourhood Plan are simple:

- To achieve the Vision; and
- To achieve sustainable development in Ardleigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely:
 - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Neighbourhood Plan Policies



9. Policy GDP: General Approach to Development



Explanatory text

- 9.1. Once made, this Neighbourhood Plan will form part of the Development Plan for the Neighbourhood Plan Area. In accordance with national planning legislation, all applications for development within the Ardleigh Neighbourhood Plan Area must comply with both the Local Plan and the Neighbourhood Plan (and any other documents forming the Development Plan) unless material considerations indicate that a departure from one or more of their policies is justified.
- 9.2. Whilst the Neighbourhood Plan sets no target or allocations for development within the Neighbourhood Plan Area, it does recognise that there will be a small amount of new development within the settlement on a windfall basis (per paragraph 3.3.1.4.2 of the Local Plan Part 2).
- 9.3. A range of small scale new development can be accommodated on a limited basis in Ardleigh where it falls within the Settlement Development Boundaries and complies with all other relevant Neighbourhood Plan policies.
- 9.4. Outside Settlement Development Boundaries, opportunities for new development are more constrained. All parts of the Parish outside of the defined Settlement Development Boundaries comprise open countryside where national and local policies of restraint apply.
- 9.5. The Local Plan approach to development in the open countryside seeks to:
 - Encourage the sustainable growth and development of farm and other rural land based businesses, including the construction of essential new buildings and rural workers' dwellings (policies PP 6 & PP 13);
 - Support the re-use of redundant rural buildings for sustainable employment, leisure or tourism purposes (policies PP 6 & PP 13);
 - Support the provision of compatible outdoor recreational activities (policy PP 8);
 - Enable the provision of new or extended camping and caravan sites, provided there is no adverse effect on local biodiversity or geodiversity (policy PP 10); and
 - Allow for the delivery of a modest amount of specialist new homes only, namely:
 - Rural workers' dwellings (in accordance with policy PP 13);
 - Affordable housing on Rural Exception Sites (in accordance with policy LP 6); and

- Certain types of self-build and custom-built homes (in accordance with policy LP 7).
- 9.6. All of the above types of open countryside development permitted by the Local Plan are considered to be modest in scale and impact. Policy GDP provides additional support for similarly modest developments, provided specific criteria are met.
- 9.7. This Neighbourhood Plan does not seek to prevent or discourage any development that is permitted by the Local Plan.
- 9.8. Policy GDP reinforces the Local Plan approach to development within Ardleigh's Settlement Development Boundaries. It provides some additional flexibility outside of Settlement Development Boundaries in order to:
- support the retention, growth and new provision of a wide array of small businesses provided that these are compatible with their countryside settings; and
 - encourage the provision of replacement dwellings that would benefit local character and improve energy-efficiency/sustainability.

Policy GDP - General Approach to Development

1. Small scale development will be supported where:
 - a. The site is within Settlement Development Boundaries; and
 - b. The development is consistent with all other relevant Neighbourhood Plan policies.
2. With the exception of the Tendring/Colchester Borders Garden Community, new development outside of the Settlement Development Boundaries will not generally be permitted unless it is consistent with all other relevant Neighbourhood Plan policies and:

Housing development

- a. It is a Rural Exception Site in full accordance with local policy LP 6;
- b. It is a small development of Self/Custom-Build Homes in full accordance with local policy LP 7; or
- c. It is for the 1:1 replacement of an existing dwelling that would both enhance local character and improve the site's overall energy efficiency and/or sustainability.

All other development

- d. The proposal is modest in scale and impact; and
- e. It would provide necessary support for a new or existing business that is appropriate to the rural area; or
- f. It would directly provide for the conservation, enhancement or appropriate enjoyment of the countryside.

10. Policy CFP: Community Facilities



Explanatory text

10.1. The Local Plan seeks to retain and enhance community facilities including, where relevant, supporting their new provision. The loss of community facilities is generally only permissible where replacement facilities are provided in an appropriate location or there is evidence of a lack of community need for the existing facility or a different community facility on the same site. Developments are also expected to meet any need(s) for new or enhanced community facilities that arise from the delivery of the development (policy HP 2).

Community consultation

10.2. In response to the local consultation exercises, the local community has expressed a very strong desire to see the re-introduction of gym, swimming and tennis/squash/badminton facilities to the area.

10.3. The overwhelming local opinion is that the recent permanent loss of Ardleigh's well-located Squash and Leisure Club (previously a Safeguarded Local Greenspace and Asset of Community Value) to market housing in c. 2016 (application ref. 16/00878/FUL) - contrary to the Development Plan in place at that time - was unjustified and unfortunate.

10.4. Tendring District Council approved the loss of this community facility in spite of this being strongly objected by the following parties:

- The District Council's Regeneration Team;
- The District Council's Leisure Services Team;
- Sport England;
- England Squash;
- Ardleigh Parish Council;
- Ardleigh Hall Fall Outs Group; and
- around 69 individual members of the public.

10.5. The local community is consequently very keen to see the delivery of new similarly well-located leisure facilities that would appropriately mitigate for the unfortunate loss of the above highly valued community facility.

10.6. The introduction of other outdoor facilities and activities, such as walking/cycling routes, a BMX track, an enclosed dog walking space and easy access to

recycling facilities and new allotments, would also be welcomed by the community.

- 10.7. The Parish Council advises that The Ardleigh Recreation Ground recently contained a football pitch but this is no longer the case. The Parish Council would be keen to see this facility reinstated.
- 10.8. In addition, a significant number of local people wanted to see a 'community hub' of sorts introduced to Ardleigh, with perhaps another cafe, more restaurants and a greater variety of retail shops available too.
- 10.9. There was a feeling that young children were well catered for in relation to play areas, but that there were insufficient leisure/recreational facilities for older young people.
- 10.10. Overall, people were satisfied with the school and GP Surgery but some were concerned that both were under pressure from recent housing development.
- 10.11. This section of the Neighbourhood Plan seeks to provide clear encouragement for the retention and new development of community facilities in line with the expressed desires of the local community.
- 10.12. Further work would need to be done to explore options for the development of certain community facilities in the Parish, particularly in relation to a Community Hub and improved leisure/recreational facilities for young people.
- 10.13. It is known that there is currently a deficit of around 1.70 hectares of equipped play/open space in Ardleigh.
- 10.14. Based on statutory consultation responses to recent applications for new housing in Ardleigh¹⁷, it is also understood that:
 - Ardleigh's GP Surgery is overcapacity¹⁸; and

¹⁷ see, for example, the consultation response to refused application 20/00592/OUT (appeal reference APP/P1560/W/20/3260443) for up to 50 dwellings on Land North of Wick Lane

¹⁸ In June 2020, the NHS (North East Essex) reported that The Ardleigh Surgery (including its Branch The Dedham Surgery) has a "Spare Capacity (NIA m2)" of -207.29

- Ardleigh's Primary School is overcapacity¹⁹ and likely to remain at or close to capacity in the near future.

10.15. It is important that these community facilities can be retained for the benefit of current and future generations in Ardleigh. The local community is concerned that too much housing development is likely to lead to these highly valued local facilities being relocated away from Ardleigh, notwithstanding any financial contributions. This would be likely to have serious negative implications for all of the following:

- The general health and wellbeing of residents - reported in the most recent census to be very good;
- Community cohesion - with fewer opportunities for residents to meet and engage with one another;
- Children's socialisation - with the Primary School offering various extra-curricular activities which are especially valuable given the local play/open space deficit;
- The overall sustainability of Ardleigh - in spite of having both a GP Surgery and Primary School, Ardleigh sits at the lowest possible tier of the Settlement Hierarchy. Loss of the Primary School and GP Surgery could cause it to lose its settlement status entirely; and
- Community reliance on the private car - the GP Surgery and Primary School are located in safe and convenient walking distance of most village residents. If these facilities were relocated out of the Parish confines, it is highly likely that all residents of Ardleigh would be reliant on the private car to access them.

10.16. Safeguarded Local Greenspaces are subject to their own policy later in this Neighbourhood Plan.

10.17. This Neighbourhood Plan does not seek to prevent any development that is permitted or encouraged by the Local Plan.

10.18. Policy CFP reinforces the Local Plan approach to community facilities. It provides strong support for the new provision of certain community facilities for which

¹⁹ In January 2020, there were 113 pupils on roll, compared to an indicated capacity of 105 places

there is an established local need²⁰. All of these preferred facilities would make welcome contributions towards the Local Plan's ambitious goals to improve community health and wellbeing (policy HP 1).

10.19. The policy also provided necessary acknowledgement of the recent evidence concerning the total lack of capacity at Ardleigh's GP Surgery and Primary School. As a result of these vital facilities' evidenced lack of current capacity²¹, it is clear that any new housing development in Ardleigh of any size will need to make a proportionate contribution towards their expansion in line with part a. of local policy HP 2.

²⁰ *not precluding the delivery of other community facilities in Ardleigh, provided local need can be established*

²¹ *and in the absence of any more recent evidence to suggest new capacity has been found*

Policy CFP - Community Facilities

1. Applications for new or improved community facilities will be strongly supported where the proposal:
 - a. Provides a gym, swimming pool, squash/tennis/badminton courts and/or other similar exercise-related leisure facilities;
 - b. Provides on-site enhancement of the Village Hall that would develop its role as a Community Hub;
 - c. Concerns a small, independent local business with a clear community role or function (including a cafe, meeting room, small restaurant, small retail shop, pub, dog training facility/walking area etc.); or
 - d. Would make a welcome contribution towards redressing Ardleigh's equipped play/open space deficit (of 1.70 hectares at the time of writing).
2. New or improved community facilities should be designed to be accessible to all, including those with mobility restrictions. Preference will be shown for community facilities that are intended or able to meet the needs of young people.
3. Proposals that would cause the loss or closure of existing community facilities will be refused unless they are in full accordance with local policy HP 2. In order to meet this policy, it will generally be expected that:

- a. In relation to part b. of the policy, any existing community facility located within the Settlement Development Boundaries should be replaced by a facility also located within the Settlement Development Boundaries;
 - b. In relation to part c. of the policy, where the Parish Council and/or members of the local community provide reasonable evidence in response to a relevant planning application that regular community use is made of a facility and/or the facility meets a clear community need, this will be given substantial weight by the decision-maker.
4. All housing applications that would result in a net addition of housing must be accompanied by:
- a. Evidence that there is sufficient capacity at the GP Surgery and Primary School to meet the needs arising from the new household(s); or
 - b. A proportionate financial contribution towards the enhancement or new provision of appropriate medical and primary education facilities within the parish confines.
5. Development (including cumulatively) that would lead to the closure or relocation of Ardleigh's GP Surgery or Primary School outside of the parish confines will be resisted.

11. Policy HP: Housing



Explanatory text

- 11.1. In order to achieve a sustainable increase in housing stock over the plan period, the Local Plan anticipates delivery from the following key sources only:
- Existing permissions;
 - Housing site allocations; and
 - Other suitable sites within Settlement Development Boundaries (Section 3.3.2).
- 11.2. The Local Plan does not allocate any housing sites in Ardleigh or set any minimum housing figure for the Parish. The adopted housing strategy is such that Ardleigh could deliver 0 additional homes over the plan period and the District would still meet or exceed its minimum housing requirements.
- 11.3. Furthermore, the District Council's projections for small sites and windfall development (based on past trends for the whole District) assumes that a total of 122 new dwellings will be delivered throughout the Smaller Rural Settlements between 2021 and 2033. For argument's sake, this equates to only approximately 10 - 11 dwellings per year. Split equally amongst the 18 Smaller Rural Settlements, this equates to an approximate annual housing projection per Smaller Rural Settlement of just 0.5 - 1 dwelling(s).
- 11.4. Notwithstanding the above provisions, the Local Plan adopts a positive and proactive approach to the delivery of new housing in line with the national objective to significantly boost the housing land supply.
- 11.5. To this end, the Local Plan provides "in principle" support for all of the following types of new housing in Ardleigh:
- Developments of 10 or fewer infill dwellings located within the Settlement Development Boundaries of the village (see paragraphs 3.3.1.4.3 & 3.3.1.4.4);
 - Developments of affordable housing on sites physically adjoining the village's Settlement Development Boundaries provided the development meets an identified affordable housing need in Ardleigh that could not otherwise be met and is supported by the Parish Council; and
 - Developments of self-build and custom-built housing anywhere in the Parish if it comprises a 1:1 replacement of an existing dwelling OR it would redevelop vacant or redundant brownfield land that is evidenced to be unviable for employment use.

- 11.6. Ardleigh Parish Council is supportive of the District's ambition to exceed minimum housing requirements. However, this must be balanced against other important planning considerations, including the capacity of infrastructure/facilities and the retention of Ardleigh's built/landscape character and rural identity.
- 11.7. Ardleigh has already seen a considerable amount of housing growth in recent years, far in excess of previous Local Plan predictions. Since 2011, this modest and historic rural settlement has seen a c. 20% increase in its total housing stock. Prior to this, growth had occurred more gradually over many years.
- 11.8. The recent level of housing growth in Ardleigh is considered to be unsustainable. Many of the village's critical and highly valued services are currently unable to withstand any further material expansion of its housing stock²².
- 11.9. The Parish Council believes that better use can be made of existing residential plots to meet the changing/growing accommodation needs of local households, including the rise in multigenerational living. This approach is far preferred to the new residential development of previously green and open sites, especially in the rural areas. To this end, policy HP provides express support for the creation of ancillary residential accommodation (such as "granny annexes") throughout the Parish.
- 11.10. Although it is acknowledged that parts of the Parish lie in proximity of the more sustainable Colchester, there is legitimate concern that allowing housing growth in these areas will cause the rural Parish of Ardleigh and urban City of Colchester to coalesce. It is of vital importance that the sense of physical and functional separation between the City of Colchester and the rural Parish of Ardleigh is preserved throughout and beyond the current plan period. Great importance will be attached to this matter in the consideration of any relevant planning applications.
- 11.11. Additionally, the Tendring/Colchester Borders Garden Community (part of which is located in Ardleigh) is expected to deliver a very substantial number of new homes throughout and beyond the current plan period²³. No matter where these

²² For example, recent evidence shows that both the GP Surgery and the Primary School are oversubscribed and there is also a deficit of play/open space

²³ 2000 total homes up to 2033 and a further 5500 homes post 2033

new houses are delivered in Ardleigh, they will have considerable impacts on the Parish's rural character, infrastructure, sense of community and, of course, its overall housing stock.

Community consultation

- 11.12. The community consultation exercises underpinning the preparation of this Neighbourhood Plan have made it clear that an overwhelming majority of local residents strongly object to any further housing development taking place over the plan period.
- 11.13. Many expressed concern in response to the Consultation Questionnaire that recent housing development has threatened the community. Concerns were specifically raised about harm to the rural environment arising from developments taking place away from the village confines and about impacts on the school and GP surgery which were widely agreed to be at breaking point. This community view appears to be objectively supported by the available evidence.
- 11.14. There is clearly little community support for any form of housing development. However, in terms of size, 4+ bed dwellings were felt to be the least needed whilst 2 and 3-bed dwellings were the most needed, with 1-beds not far behind.
- 11.15. In terms of residential design, a small community preference was indicated for the inclusion of sustainable/eco-friendly design and construction techniques. Policy HP therefore provides support for housing schemes that achieve high levels of sustainability. This could include houses that achieve zero carbon status or meet the Living Building Challenge.
- 11.16. Also preferred were infill schemes²⁴ and designs that harmonise with the traditional architectural character of the area. There was clear consensus that if new residential development is to be allowed, it should only be within the Settlement Development Boundaries.
- 11.17. Whilst there was some limited local support for affordable housing in the Parish, any affordable housing needs are likely to be met in full by development already planned for and/or approved (such as the Tendring/Colchester Borders Garden Community). It is also the case that the existing number of socially-rented

²⁴ "infill" meaning small plots with development on both sides, usually forming part of an otherwise continually built-up road frontage of buildings

properties in Ardleigh is closely aligned with the figure for the district as a whole which includes the urban localities of Clacton, Harwich and Manningtree.

11.18. In the event that additional need arises, Local Plan policy LP 6 already provides scope for the delivery of suitable affordable housing schemes in the Parish over the plan period.

11.19. Where the Parish Council is satisfied that:

1. a Parish need for an affordable housing scheme put forward under policy LP 6 has been demonstrated (with evidence); and
2. the application complies with all other provisions of policy LP 6 and any other relevant development plan policies;

they will provide their formal support for the application, as required by policy LP 6.

11.20. Per the above discussion, there is currently no established need or local community support for any additional housebuilding in Ardleigh over and above that already permitted by the Local Plan.

11.21. This Neighbourhood Plan does not seek to prevent or discourage any development that is permitted by the Local Plan.

11.22. Policy HP reinforces the Local Plan approach to housing development within and without Ardleigh's Settlement Development Boundaries. It identifies a number of specific design features that applications for new housing in Ardleigh should seek to incorporate in order to increase their chances of approval. It also provides additional scope for the creation of ancillary residential accommodation throughout all parts of the Parish in order to better support local residents to meet their changing housing needs.

Policy HP - Housing

1. Housing development of any kind will be strictly resisted outside of the Settlement Development Boundaries unless it is in full compliance with policy GDP of this Neighbourhood Plan.
2. Housing development will be supported within the Settlement Development Boundaries where:
 - a. The proposal is for limited infilling* of no more than 10 dwellings.

*For the purposes of this policy, infilling means the development of a plot with buildings on both sides, usually a plot in an otherwise continuously built-up road frontage.

3. In all circumstances, housing applications that include the following features will be looked on more favourably than those that do not:
 - a. Sustainable design and construction features in excess of minimum policy requirements;
 - b. Accessibility features including level thresholds, wide doorways and ground floor bedrooms/bathrooms;
 - c. Measures to improve fire safety and resilience in excess of minimum policy requirements;
 - d. Smaller dwellings (1-3 beds); and
 - e. Affordable houses in excess of minimum policy requirements.

4. The creation of ancillary residential accommodation (e.g. granny annexes) within the curtilage of existing dwellings will be supported throughout the parish provided:
 - a. Evidence is supplied that the accommodation is required to provide necessary care and/or support to a member of the site's immediate family or household; and
 - b. A restrictive condition to prevent the future use of the ancillary accommodation as a separate or self-contained dwelling is applied to any grant of planning permission.
5. For developments that include the provision of affordable housing, it will generally be expected that affordable homes are interspersed throughout the market housing and are indistinguishable from the market housing in terms of their external appearance, design, standards and build quality.

12. Policy EP: Natural, Built & Historic Environment



Explanatory Text

- 12.1. At the highest level of planning, the achievement of “sustainable development” requires the protection and enhancement of the country’s natural, built and historic environments (paragraph 8 of the NPPF).
- 12.2. The Local Plan contains various detailed policies concerned with the conservation and enhancement of Tendring’s natural, built and historic environments, including:

Built

- Policy SPL 3 which expects all new development to make a positive contribution to the quality of the local environment and protect or enhance local character. In particular:
 - new buildings and building alterations should be well-designed and maintain or enhance local character;
 - development should relate well to its surroundings by way of its siting, height, scale, massing, form, design and materials;
 - Development should respect or enhance local landscape character, views, skylines, street patterns and open spaces;
 - Boundary treatments and hard/soft landscaping should be designed as an integral part of the development and use locally distinctive materials and local/native species;

Natural

- Policy PPL 3 which seeks to protect the rural landscape and to refuse permission for any development that would cause overriding harm to its character or appearance, including to its estuaries, rivers, skylines, traditional buildings, settlement settings, native hedgerows, trees and woodlands, rural lanes, footpaths/bridleways and heritage assets;
- Policy PPL 4 which requires that new development avoids significant impacts on any protected species and is supported by appropriate ecological assessments. This policy also resists development that would have an adverse impact on designated wildlife sites (including Local Wildlife Sites) or aged/veteran trees;

Historic

- Policy PPL 7 which requires new development with the potential to affect designated or non-designated archaeological remains to be accompanied by an appropriate desk-based assessment and which resists development that would cause harm to the significance of an archaeological heritage asset or its setting;
- Policy PPL 8 which expects new development to preserve and enhance Conservation Areas and their settings, especially in terms of scale and design, materials, finishes and boundary treatments, landscaping, trees and spaces and important views;
- Policy PPL 9 which states that permission will be refused for proposals that fail to protect the special architectural or historic interest of an affected listed building unless approval is justified by the provisions of the NPPF.

12.3. The Ardleigh environment has a pleasant and modest rural character that derives from a variety of factors, including (but not limited to) its:

- Visual qualities, including the architectural styles of buildings and the way manmade features (such as buildings and lanes) relate to natural features (such as trees and hedgerows) in the landscape;
- Use(s) of buildings and land, especially agricultural and other rural land-based uses which are a long-preserved and defining feature of the Ardleigh landscape;
- Wide array of natural and biodiverse landscape features including woodlands, ancient hedgerows, water bodies, meadows and orchards;
- Heritage assets, including the Conservation Area, the significant number of impressive old farmhouses and the mediaeval village church;
- Noises, including a lack of noise. For example, there are remote areas of the Parish (including parts of Crockleford Heath) where there is a lack of any road or traffic noise and birdsong dominates. Elsewhere, the noise of agricultural vehicles and machinery can be prominent throughout the working landscape;
- Smells. For example, in woodlands compared to agricultural areas;
- Lack of development, especially how this assists places and spaces to relate to one another. This includes: soft green spaces (formal or otherwise) that provide visual relief in built-up environments; gaps between buildings; open fields, especially where these are “hard-up” against the village’s built-up areas; and
- Type/amount of activity. For example, parts of the village and surrounding working agricultural landscape have a vibrant and bustling character, whereas other areas in the Parish are notably quiet and tranquil.

- 12.4. The defining character of the Parish is as a working agricultural settlement. The historic settlement's origins reside firmly in the agricultural working of its surrounding landscape and many of its statutory heritage assets reflect the critical social, economic and environmental importance of this local industry throughout the many thousands of years of the settlement's existence. Although (in common with all other parts of the country) agriculture is no longer as significant a local industry as it was historically, it does continue to employ a statistically significant number of local residents.
- 12.5. Furthermore, arable agricultural fields continue to strongly define the Parish's rural landscape character and a good deal of its field boundaries (and hedgerows) are many hundreds of years old. Ardleigh also retains a generous amount of "best and most versatile" agricultural land which should be permanently retained in agricultural use wherever possible.
- 12.6. The need to retain "best and most versatile" agricultural land is rendered all the more significant by the ongoing coastal erosion that continues to reduce agricultural land supply in this eastern region of the country. Local residents are also conscious of contemporary concerns surrounding food insecurities (arising from economic recession, Brexit, the pandemic and international conflicts).
- 12.7. A Conservation Area encompasses the heart of the historic Ardleigh village. The Conservation Area Appraisal prepared by Tendring District Council (2006) summarises its special interest as follows:

"Ardleigh is a small medieval village at an important road junction, and retains its fine church and sequences of attractive vernacular buildings. The well-treed approaches to the north and the east are essential to the character of the village and are also included in the Area. The village expanded southwards in the 19th century, resulting in further groups of distinctive buildings, which with their settings are also recognised by Area designation."

- 12.8. In December 2011, the Parish Council published a Village Design Statement (VDS). This document was prepared in consultation with Tendring District Council and seeks to describe the distinctive characteristics of the various parts of the Parish (including the village, the Conservation Area and some of the outlying hamlets) and provide design guidance for new development in these areas. Since its publication, the VDS has been a material planning consideration for all

relevant planning applications in the Parish.

- 12.9. The VDS (see Annex 2) has been updated as part of the preparation of this Neighbourhood Plan. The update is based on detailed desk- and field- based assessments. It seeks primarily to identify and assess developments undertaken in the Parish since 2011. For example, it evaluates the design success of these recent developments, including the extent to which they have complied with the former VDS and its design requirements. Where relevant, the guidance of the VDS has been updated to describe changes to local character, to clarify design expectations and/or to provide necessary additional protection against the design shortcomings of developments implemented in the Parish since 2011.
- 12.10. Although it would not be practicable or helpful to include the full contents of the VDS here, some of the key “desirable” and “undesirable” design features for new development in Ardleigh are set out in the tables below.

Roofs	
Desirable	Undesirable
45 degree pitch	Shallow pitch
Natural slate	Sheet roofing
Handmade plain clay tiles or modern equivalent	Clay or concrete pantiles
Traditional small dormer windows	Large, unrelieved expanses of roof
“Laced” valleys and “bonneted” hips	Large, disproportionate and flat-topped dormer windows
Chimneys	Absence of chimneys
Green and blue roofs, where appropriate	

Table 2.

Walls	
Desirable	Undesirable
Red, handmade brick to match local “soft” red bricks	Large expanses of unrelieved render with bland glossy or semi-matte paints

Rendered walls of traditional limestone or truly matte finish	“Shiplap” style weatherboarding
Sawn or feathered weatherboarding with black stain or matte paint finish	
White “Suffolk” handmade brick	
Pebbledash render	

Table 3.

Windows	
Desirable	Undesirable
Windows in extensions to match windows of existing building	Large unrelieved areas of glazing
Wooden frames of traditional size	UPVC windows
Simple glazing	Obscure glazing with large-pattern designs

Table 4.

Doors	
Desirable	Undesirable
Doors in extensions to match doors of existing building	Non-vernacular design
Solid timber	UPVC doors
Colour based on traditional mineral or vegetable paint colours	

Table 5.

Landscaping & boundary treatments	
Desirable	Undesirable
Gravel hardstandings	Hardstandings of large unrelieved areas of tarmac, concrete or geometric pavers

Hardstandings of clay, stone or concrete individual “setts” of square or rounded non-geometric design	Hardstandings of patterned concrete
Hedges formed of native species such as hawthorn	Very tall boundary treatments unless it consists of trees or hedges
Low brick walls	Close-boarded fencing
Timber picket and post-and-rail fencing (stained not painted)	Overly elaborate or ornate brick walls and metal fences
Traditional timber joinery gates	Hedges of non-native or generic species such as laurel
Traditional low iron fences and gates in simple styles	Poorly sited, intrusive or excessive exterior lights
Simple modern or traditional light fittings	

Table 6.

12.11. This Neighbourhood Plan now requires all new development in the Parish to pay due regard to the relevant contents of the updated VDS. The VDS comprises an annex to the Neighbourhood Plan and attracts equal weight.

Community consultation

12.12. In response to the community consultation exercises, an overwhelming majority of local residents reported that they value and wish to preserve the Parish’s rural character, including its open spaces, trees, hedgerows and the visual qualities of its buildings. Respondents did not wish to see the Parish’s cherished footpaths, bridleways or rural lanes adversely affected by any new development. Some concern was also expressed about the Tendring/Colchester Borders Garden Community, particularly the harm this might cause to the rural environment of Crockleford Heath.

12.13. This Neighbourhood Plan does not seek to prevent or discourage any development that is permitted by the Local Plan.

12.14. Policy EP reinforces the Local Plan approach to the natural, built and historic environments of the District. It provides valuable guidance to enable applicants to understand Ardleigh’s specific character and identify how new development can

be designed to maintain or enhance this. Given the considerable importance of working agricultural land to the character and appearance of Ardleigh's historic rural landscape, it directly resists any permanent loss of best and most versatile agricultural land to non-compatible uses in accordance with local policy PPL 3. It also introduces exceptional support for proposals that would secure material benefits for Ardleigh's natural, built and/or historic environments, provided only that this is not outweighed by any disbenefits of the scheme.

Policy EP - Natural, Built & Historic Environment

1. Development that is consistent with all other relevant Neighbourhood Plan policies will be supported provided:
 - a. Its design pays due regard to the contents of the Village Design Statement*, including by way of its:
 - i. Siting;
 - ii. Layout;
 - iii. Form and scale;
 - iv. Architectural style
 - v. Materials;
 - vi. Relationship to surrounding development;
 - vii. Impact on built/landscape features;
 - viii. Landscaping and boundary treatments;
 - ix. Car parking;
 - x. Accessibility; and
 - xi. Biodiversity efforts
 - b. No urbanising effect is had on a rural lane or street (for example, as a result of resurfacing, hedgerow removals or loss of an open landscape view);
 - c. There is no urban intrusion (including as a result of light or

*including subsequent revisions and/or subsequent replacement guidance

- c. noise pollution or increased vehicular traffic) into currently tranquil rural areas;
 - d. There is no net loss of good quality green landscape features (including trees, hedges and shrubs) and all new green landscape features are of appropriate local or native species;
 - e. Appropriate opportunities are incorporated to support local biodiversity and wildlife;
 - f. There is no permanent loss of best and most versatile agricultural land to non-compatible uses (the onus will be on the developer to establish the quality of any agricultural land proposed for other uses);
 - g. Development in the Conservation Area or within its setting preserves or enhances its significance and has regard to the contents of the Conservation Area Appraisal; and
 - h. Development affecting a Listed Building or its setting preserves or enhances its significance and is supported by a proportionate Heritage Impact Assessment.
2. Exceptional support is provided for any development that, in the view of the Parish Council, would secure material benefits for the natural, built and/or historic environment of Ardleigh. In all cases, the benefits will be weighed against any disbenefits of the development, including conflict with strategic policies. Support will only be provided if the benefits are assessed to outweigh any disbenefits.

13. Policy LGP: Local Green Spaces



Explanatory Text

- 13.1. The National Planning Policy Framework (NPPF) supports the designation of land as Local Green Space through both local and neighbourhood plans (paragraph 101).
- 13.2. Designated Local Green Spaces are considered to be “areas or assets of particular importance” (per paragraph 11 and its supporting footnote) and are consequently given additional protection against inappropriate development.
- 13.3. The Local Green Space designation should only be used where the green space is:
- a) In reasonably close proximity to the community it serves;
 - b) Demonstrably special to a local community and holds a particular local significance,
for example because of its beauty, historic significance, recreational value, tranquillity
or richness of wildlife; and
 - c) Local in character and not an extensive tract of land (paragraph 102).
- 13.4. Further guidance on Local Green Space designation is provided in National Planning Policy Guidance (NPPG), including:
- Whether to designate land is a matter for local discretion;
 - Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented;
 - “Reasonably close proximity” depends on local circumstances including why the green area is seen as special. If public access is a key factor, then the site should normally be within walking distance;
 - Land can be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty);
 - Designation of a site does not confer any rights of public access over what exists at present;
 - There is no need to designate linear corridors simply to protect public rights of way (as they are already protected by other legislation);

- A site does not need to be in public ownership, however landowners should be contacted and provided the opportunity to make representations in respect of proposals in a draft plan; and
- Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.

13.5. In accordance with the above provisions of the NPPF and NPPG, the Local Plan designates various Local Green Spaces throughout the District and provides a policy for their protection. This is policy HP 4 on “Safeguarded Open Space” which states that development resulting in the total or partial loss of Safeguarded Open Space will not be permitted unless:

- a. The site is replaced by a new site of at least equal quality, size and accessibility;
- 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.

13.6. The Local Plan formally designates the following sites in Ardleigh as Local Green Spaces:

- Churchyard;
- Cemetery;
- The Ardleigh Recreation Ground;
- Millennium Green;
- Green space at Church View/Chapel Court;
- Grass verge on The Street; and
- Grass verges on Mary Warner Road.

13.7. As supported by both the NPPF and the Local Plan, this Neighbourhood Plan is able to designate additional Local Green Spaces (LGSs), provided the above national criteria are met.

13.8. Locality²⁵ has also published a toolkit for neighbourhood planners entitled “Neighbourhood Planning Local Green Spaces”. This contains more detailed guidance concerning the identification and designation of LGSs as well as the drafting of relevant neighbourhood plan policies for their protection.

Locality toolkit

Some of the most relevant advice provided by the Locality toolkit is extracted below:

Some of the community and environmental benefits of green spaces are:

- *Being part of the public realm, where informal social interaction can take place*
- *Forming part of a network of paths and spaces, enabling movement through an area*
- *Providing habitats for wildlife and a natural corridors and spaces through urban areas*
- *Adding to local amenity, providing an attractive setting and outlook for surrounding residential and commercial properties*
- *Forming part of the character or setting of historic areas, buildings and townscape*
- *Providing areas and opportunities for growing local food.*

Community and Stakeholder engagement:

Where Local Green Space designations are being considered, it is also advisable to engage with those controlling the land.

Policy themes:

Purposes and themes for policies addressing green space and infrastructure could include -

- *Ensuring the space remains open and its community value is maintained*
- *Protecting the character of the area, including historic areas*
- *Ensuring adjacent development complements its setting*
- *Setting out design requirements for new development around green space, including providing access into the space, where appropriate*
- *Enabling changes of use to allow a wider range of activities to take place*

²⁵ *Locality is an organisation providing support to neighbourhood planning groups on behalf of the Department for Levelling Up, Housing & Communities. They provide both grant (financial) and technical (assistance and advice) support*

A policy specific to Local Green Space could make clear that development should not compromise the open character and community value of spaces or set out where limited development may be allowed to enhance the community use of the space.

Design policies could ensure that development adjacent to Local Green Space provide active frontages, to provide natural surveillance. Such policies could also deal with scale and character of development. Open Green Spaces could provide an ideal setting for creative modern buildings on adjacent sites.

13.9. The LGSs of this Neighbourhood Plan and the related LG policy have been identified and prepared in accordance with the national criteria, the NPPG and the Locality toolkit.

13.10. A comprehensive LGS Assessment was carried out as part of the preparation of this Neighbourhood Plan and comprises an important aspect of its evidence base²⁶. A total of 24 spaces were nominated for consideration by the local community. Each of these spaces was then subject to a desk-based assessment, leading to 6 of the nominations being discounted from further consideration.

13.11. Field assessments were then conducted of the 18 remaining spaces to enable a more detailed appraisal of their accordance with the national criteria. The field assessments led to more sites being discounted or amended, with a total of 10 LGSs carried forward for nomination in the Neighbourhood Plan.

13.12. The 10 LGSs carried forward for nomination in the Neighbourhood Plan are:

1. Space 3 Fishing lake and footpaths north of Colchester Road;
2. Space 4 Field south of Mary Warner Estate;
3. Space 5 Reservoir land;
4. Space 7 Manor House meadow;
5. Space 8/12 Woodlands attached to Birch Wood;
6. Space 9 Green Island Gardens;
7. Space 13 Hart's Lane orchard;

²⁶ *This section of the Neighbourhood Plan provides an overview of its key contents. However, for a detailed understanding of the assessment process and public consultation responses, regard should be had to the separate LGS Assessment at Annex 1*

8. Space 22 Car park land;
9. Space 23 Glebe Corner land; and
10. Space 24 Harwich Road allotments.

13.13. A brief summary of the special community value and local significance (e.g. beauty, historic significance, recreation value, tranquility, richness of wildlife) of each nominated LGS appears below²⁷. These are the qualities which any new development in or adjacent to the space should seek to preserve or enhance. Development that would cause material harm to these features will be considered “inappropriate” in relation to policy LGP.

Space 3: Fishing lake and footpaths north of Colchester Road



Fig. 29. Space 3

13.14. The site comprises public footpaths and a fishing lake. Parts of the site support beautiful, far-reaching public views to be had both across the arable landscape and back towards the settlement edge. These views are genuinely representative of the Landscape Character Area and largely unchanged since historic times. The space is emblematic of the historic (and, in other places, eroded) abrupt spatial relationship between the mediaeval nuclear village of Ardleigh and the

²⁷ *these summaries are not exhaustive - for full descriptions, reference should always be made to the separate LGS Assessment at Annex 1*

surrounding working countryside. It has been used for recreational walking by villagers for hundreds of years. It provides the only glimpse of open countryside available from Colchester Road (within the built-up area of the village). The fishing lake is replete with local wildlife, including a variety of birds and bats. Given its close proximity to the village centre, it is a surprisingly tranquil place with a perceptible sense of being far away from people and settlement. It is subject to regular recreational use by a local fishing club.

- 13.15. Although there is no need to designate the footpaths in order to protect them as public rights of way, their designation is justified in order to provide some control over development in their setting that is likely to seriously disrupt or damage their considerable and longstanding community value.

Space 4: Field south of Mary Warner Estate



Fig. 30. Space 4

- 13.16. The site is an agricultural field containing both formal and unofficial (although visibly well-trodden) walking routes that are used daily by villagers. It provides an idyllic rural backdrop to various important civic/green spaces located at the very heart of the village. It enables far reaching views to be had both from and towards the settlement edge, assisting even casual observers to understand the historic origins and importance of Ardleigh as a working agricultural settlement.

Its retention also preserves the distinctive nuclear format of the village which is a highly positive feature of the wider Landscape Character Area that has been eroded on other edges of the village. The abrupt transition from settlement to open countryside is a defining and historic feature of Ardleigh's special landscape character that is very well represented here. In these respects, the site performs an important landscape and heritage function. There is also evidence of children playing in the area (geocaching and similar games).

- 13.17. Although there is no need to designate the footpaths in order to protect them as public rights of way, their designation is justified in order to provide some control over development in their setting that is likely to seriously disrupt or damage their considerable and longstanding community value.

Space 5 Reservoir land



Fig. 31. Space 5

- 13.18. The site runs adjacent to Ardleigh Reservoir and contains woodlands and an agricultural field, both crossed by a well-used public footpath. The field is in working agricultural use associated with Prettyfields vineyard, reflective of the defining Ardleigh landscape character. It is also occasionally used for community purposes and functions (with the kind permission of the landowner). The site showcases a number of the Parish's most important and special landscape

features (including agricultural land use, mature woodlands and the reservoir) in a compact area, to paint a very vibrant picture of life in Ardleigh. Opportunities for public access to the Reservoir are currently very limited - this site provides the closest and most tranquil public access to the water and is cherished by the local community for this reason. The mature woodlands are genuinely replete with local wildlife, including deer, and birdsong dominates. Views from the public footpath across the water are spectacular. The adjacent vineyard is a popular local attraction and is frequently decorated for the season, to the delight of local children - the installations can typically be seen from the public footpath although paid entry to the vineyard is also possible.

13.19. Although there is no need to designate the footpath in order to protect it as a public right of way, its designation is justified in order to provide some control over development in its setting that is likely to seriously disrupt or damage its considerable and longstanding community value.

Space 7 Manor House meadow



Fig. 32. Space 7

13.20. The site is long-preserved amenity land enclosed by public footpaths and containing ancient woodlands. It is subject to daily recreational use by villagers. Part of the site is designated Local Wildlife Site Te10 in recognition of its significant value to wildlife. Salary Brook also passes through the area,

supporting a wide variety of habitats. It has visual presence on the approach to Ardleigh village along the B1029.

- 13.21. Although there is no need to designate the footpaths in order to protect them as public rights of way, their designation is justified in order to provide some control over development in their setting that is likely to seriously disrupt or damage their considerable and longstanding community value.

Space 8/12 Woodlands attached to Birch Wood



Fig. 33. Space 8/12

- 13.22. Space 8/12 comprises two small but dense sections of woodland located along the historic and picturesque Hart's Lane. The woodlands appear as natural extensions of the adjacent Birch Wood which is a designated Local Wildlife Site. Their trees appear to be of some maturity and good quality. In common with the adjacent Birch Wood, the space supports a wide variety of wildlife. Birch Wood is identified to be suffering from piecemeal conversion to residential garden. Given this ongoing threat, the retention of these sections of adjoining woodland is considered to be all the more important for both landscape and biodiversity reasons. The sites also make a notable positive contribution towards the special rural and sylvan qualities of the historic Hart's Lane and the setting of nearby listed buildings.

Space 9 Green Island Gardens



Fig. 34. Space 9

13.23. This space comprises a former plantation that is now managed as landscaped gardens, with public access available for a fee. Historically, the site was Ardleigh Park Plantation, likely owned and managed in connection with the nearby manor, named Ardleigh Park, which is now a Grade II listed building. Its layout and overall landscape character is largely unchanged since historic times and it is thus considered to hold firm heritage value and it continues to make a very substantial positive contribution to the setting of Ardleigh Park. It contains an exceptional variety of plant and animal life and is very well managed and cared for. It also provides educational facilities to assist local residents to identify, plant and care for appropriate species in their own gardens.

Space 13 Hart's Lane orchard



Fig. 35. Space 13

13.24. The space is a working apple orchard with a public footpath running along its boundary. Previously, the public footpath ran through the centre of the orchard but part of the orchard was recently lost to residential use. Historically and for many generations, the surrounding area (Hart’s Lane) was replete with working fruit orchards, however these uses have nearly all been lost. This space now comprises the last remaining veteran fruit orchard on Hart’s Lane. It consequently provides an evocative and highly valuable reminder of the specific agricultural origins of this part of the Parish. The Woodland Trust also recognises that fruit orchards of this scale and nature are “biodiverse hotspots” - given the modern loss of all other fruit orchards on Hart’s Lane, this last remaining space is likely to provide a highly valuable refuge for local wildlife and its retention is important.

13.25. Although there is no need to designate the footpath in order to protect it as a public right of way, its designation is justified in order to provide some control over development in its setting that is likely to seriously disrupt or damage its considerable and longstanding community value.

Space 22 Car park land



Fig. 36. Space 22

13.26. This space comprises a small section of public amenity land that sits adjacent to the village’s central car park. It consists of undulating grassed land containing various trees and a well-used pedestrian pathway. It is located within the Conservation Area, in close proximity and in view of the landmark, Grade II*

listed village church. It is also close to and overlooked by the nearby residential estate, providing a well-used informal play area for children living there. The land is considered to make a very valuable contribution towards the landscape qualities of the Conservation Area. In particular, it greatly softens the hard-edged character of the public car park, provides a welcome gap in built form and confers maturity on the adjacent modern housing estate.

Space 23 Glebe Corner land



Fig. 37. Space 23

13.27. This space comprises former glebe land (historically attached to the village church) that now appears as rough grassland, bordered by dense and mature hedgerows of some quality. The space is considered to provide a very important landscape function, marking the unofficial “entrance” to Ardleigh from the east. Its partial treed enclosure clearly distinguishes it from the wider open landscape and serves to signpost the transition from large-scale arable countryside to small-scale rural settlement. In its current state, the site has clear biodiversity value and appears to support an abundance of butterflies and bees. It also assists to preserve the tranquility and landscape qualities of the adjacent allotments and cemetery. Although it is no longer glebe land, it retains many of the undeveloped qualities that it would historically have held as glebe land and it continues to form part of the church’s heritage setting. Its retention provides an evocative reminder of the ecclesiastical origins of this part of the Parish.

Space 24 Harwich Road allotments



Space 24

- 13.28. The site comprises private allotments that are used by local residents to grow vegetables, flowers and keep poultry. Produce grown here is frequently sold to the local community. It is believed that these are the only allotments in the Parish. Although open to members of the public for a fee, it is understood that the allotments are at capacity. Overall, the allotments appear tidy and well cared for and have a positive visual presence from the road on the approach to the village. Especially given modern concerns over food security and supply issues, these village allotments have considerable value to the local community.
- 13.29. The location and boundary of each LGS is indicated on the proposals maps (appendix A).

Community consultation

- 13.30. The local community and the landowners of the 10 remaining LGSs were provided with an opportunity to submit written representations on the nominations. In total, 9 written representations were received. Of the 6 landowner responses received, only 1 was supportive. A summary of the public/landowner comments, including the Parish Council's responses to objections raised, appears in the LGS Assessment (Annex 1). Ultimately, the Parish Council does not consider that any of the objections received weigh against designation of any of the 10 LGSs. The Parish Council would emphasise that designation of the sites:

- Will not confer any public rights of access over and above those already in existence and the Parish Council will continue to support landowners to deal with any trespassing issues;
- Will not prevent any development on or around the space. In fact, development that is compatible with the space's established use and/or special community value will be encouraged; and
- Will not place any additional burdens or requirements on landowners other than to continue to maintain the space's special value as they do at present.

13.31. This Neighbourhood Plan does not seek to prevent or discourage any development that is permitted by the Local Plan.

13.32. Policy LGP does not place any blanket restriction on new development on or in proximity of the Local Green Spaces. Instead, it seeks to ensure that any relevant new development preserves or enhances the features and/or qualities of the space that contribute towards its special community value and/or local significance.

13.33. If, for example, a space is valuable (in part) for its agricultural use/s, new development associated with that agricultural use/s will be supported and encouraged. The only exception will be if the new agricultural development is of such a major scale or impact that it would materially alter the site's established agricultural character and/or intensity of use.

13.34. Designated spaces will not be prevented from changing use or diversifying, provided any such changes maintain or enhance its special community value and/or local significance.

13.35. The Parish Council will directly support and encourage proposals that are assessed to materially enhance a designated space's special community value and/or local significance.

13.36. For example, the Parish Council will enthusiastically support any of the proposals appearing in the below table²⁸:

²⁸ *provided the development is consistent with all other relevant Neighbourhood Plan policies*

Space	Possible enhancements
Space 3	<ul style="list-style-type: none"> • Appropriate seating areas around the lake • Appropriate new facilities in association with the lake's use by a local fishing club
Space 4	<ul style="list-style-type: none"> • New footpath signs to clarify areas of public access
Space 5	<ul style="list-style-type: none"> • Proposals to support the field's (low impact) community uses
Space 9	<ul style="list-style-type: none"> • Appropriate new facilities to support the site's educational and recreational values • Proposals to support accessibility throughout the site by all people, including those with mobility restrictions (as required)
Space 13	<ul style="list-style-type: none"> • Proposals to support or enhance the site's use as a working fruit orchard
Space 22	<ul style="list-style-type: none"> • Bins (including dog waste bin) on or close to the pedestrian path • Appropriate new seating areas (such as benches) • Public art
Space 23	<ul style="list-style-type: none"> • Allotments for community use (only on part)
Space 24	<ul style="list-style-type: none"> • Discreet new communal facilities to tidy up communal areas and reduce the occurrence of litter/dumping • Appropriate new facilities to support the sale of produce from the site

Table 7.

Policy LGP - Local Green Spaces

1. Inappropriate development* on or adjacent to a Local Green Space (as identified in both the Local Plan and this Neighbourhood Plan) will be refused except in very special circumstances.

*For the purposes of this policy, inappropriate development is development that would cause material harm to or loss of the special community values and/or local significance of the space as identified in:

- The explanatory text of this policy; and
- The separate LGS Assessment (see Annex 1)**.

**including subsequent revisions and/or subsequent replacement guidance

2. Development will be supported on or adjacent to a Local Green Space provided it:

- a. Is compatible with the established character and use of the space; and
- b. Preserves or enhances the special community values and/or local significance of the space.

14. Policy TP: Transport & Parking



Explanatory Text

- 14.1. The National Planning Policy Framework (NPPF) expects transport issues to be considered from the earliest stages of plan-making. Amongst other matters, plans should seek to address potential impacts on existing transport networks and identify opportunities for walking, cycling and public transport use (paragraph 104).
- 14.2. The NPPF also provides that:
- significant development should be focused on locations that are or can be made sustainable by both limiting the need to travel and offering a genuine choice of transport modes (paragraph 105); and
 - development that will generate significant amounts of movement should be accompanied by a Travel Plan and Transport Statement or Transport Assessment (paragraph 113)²⁹.
- 14.3. Due to its position at the lowest possible rung of the Settlement Hierarchy, Ardleigh is only anticipated to deliver “small-scale development” over the plan period (per paragraph 3.3.1.4.2 of the Local Plan Part 2). Consequently, it is not anticipated that any significant/major development likely to generate significant amounts of movement or to have significant transport implications will be delivered anywhere in Ardleigh over the plan period.
- 14.4. Local policy CP 1 requires that all new development is sustainable in terms of transport and accessibility. To achieve this, new development should include and encourage opportunities for access to sustainable transport modes (including walking, cycling and public transport).
- 14.5. Local policy CP 2 provides support for new development that contributes towards the safety and efficiency of the transport network and that offers a range of sustainable transport modes.
- 14.6. Policy CP 2 also addresses the strategic link road (between A120 and A133) and Rapid Transit System that are due to provide essential infrastructure to the Tendring Colchester Borders Garden Community.

²⁹ *Local policy CP 1 sets similar requirements for “major development likely to have significant transport implications”*

- 14.7. The Garden Community will be subject to comprehensive planning to ensure that the type, amount, location, design (etc.) of new housing and employment sites takes appropriate advantage of the planned transport infrastructure, whilst addressing all other material planning considerations (including landscape, heritage and biodiversity impacts which will be very finely balanced).
- 14.8. Until the above new infrastructure is delivered and full details of the Garden Community are formally established, this southern portion of the Parish will remain to be considered a highly unsustainable location for new development. Consequently, the only development that will be supported here is development that policy GDP of this Neighbourhood Plan identifies to be appropriate outside of the village's Settlement Development Boundaries. Where proposed development in this area is in accordance with policy GDP, the Parish Council will still have careful regard to its potential to prejudice the delivery of the planned transport infrastructure and/or the Garden Community.

Community consultation

- 14.9. In response to consultation, the majority of local people felt that the roads in and around Ardleigh are adequate overall. However, a large number of people reported concerns about congestion and parking on certain Parish roads, particularly Old Ipswich Road and The Street at the heart of the village.
- 14.10. Since public consultation closed, the Parish Council advises that parking controls have been introduced to The Street in the form of double red lines. It is anticipated that this recent feature will mitigate at least some of the parking pressures and congestion along this street.
- 14.11. There were also concerns about the speed of traffic through the Parish and the general flouting of weight restrictions on the small roads and lanes. It was felt that greater efforts are needed to ensure these restrictions are enforced.
- 14.12. A lot of local people would also like to see the local transport network enhanced by improved cycle and walkways.
- 14.13. It is acknowledged that the Neighbourhood Plan is limited in what it can achieve in relation to certain local concerns. It cannot, for example, introduce policies to require motorists to abide by weight restrictions that are already in place. Essex Highways is the Authority responsible for enforcing Weight Restriction Orders and the Parish Council will continue to liaise with this body directly to address local concerns.

- 14.14. In respect of parking, the Parish Council is concerned that recent development throughout Ardleigh has given insufficient consideration to both the design and quality of car parking facilities. Recently, developers have not been providing parking in accordance with the adopted guidance and the serious harmful implications of this are plain to see. In many of Ardleigh's modern housing estates, the parked car is by far the most dominant feature in the streetscene and this is truly unfortunate.
- 14.15. These recent developments in Ardleigh have failed to provide the parking facilities required to meet the basic needs of their occupants at the point of their construction, let alone into the future. As cars inevitably grow in size and the number of cars per household inevitably increases too, the failure of these recent developments to incorporate sufficient well-designed parking will only become more apparent and the implications for local character and local road networks more severe.
- 14.16. This Neighbourhood Plan therefore seeks to ensure that parking provision is henceforth designed in accordance with the adopted regional guidance and also considered from the earliest stages of a development's design as an integral feature. The provision of undersized garages, undersized or poorly arranged spaces and/or an inadequate number of in-curtilage spaces will no longer be entertained anywhere in Ardleigh.
- 14.17. This Neighbourhood Plan does not seek to prevent or discourage any development that is permitted by the Local Plan.
- 14.18. Policy TP complements the provisions of the NPPF and the policies of the Local Plan. In particular, it reinforces the Local Plan approach of resisting significant and major development in the Smaller Rural Settlement of Ardleigh and its surrounding countryside. It also identifies specific ways in which new development can contribute towards the safety and efficiency of Ardleigh's transport network, in accordance with local policy CP 2. Given the parking inadequacies of a number of recent developments in Ardleigh, it also seeks to reinforce the importance of well-designed parking facilities and the need to comply with established parking guidance.

Policy TP - Transport & Parking

1. With the exception of the Tendring/Colchester Borders Garden Community, development likely to generate significant amounts of movement and/or to have significant transport implications* will be strictly resisted throughout the parish.

*For the purposes of this policy, this includes any development that is of a scale to trigger a local or national requirement to provide a Travel Plan, Transport Statement or Transport Assessment.

2. Development that is consistent with all other relevant Neighbourhood Plan policies will be strongly supported where it would:

- a. Improve road safety;
- b. Reduce parking pressures or the occurrence of inappropriate parking;
- c. Provide appropriate traffic control;
- d. Improve existing cycle or walkways; or
- e. Provide new cycle or walkways.

3. Permission will be refused for any development that is likely to materially exacerbate existing transport, congestion, accessibility or parking issues, particularly along and in proximity of The Street and Old Ipswich Road.
4. Development likely to undermine or pre-empt the delivery or design of the forthcoming Garden Community and its associated transport infrastructure will be strictly resisted.
5. Parking provision should be considered as an integral feature of a development's design, addressed in the earliest design stages.
6. All new development should provide parking in accordance with both the Essex Parking Standards and the Essex Design Guide**, to include:
 - a. Number of spaces;
 - b. Location of spaces (i.e. in or out of the curtilage); and
 - c. Layout, size and design of spaces.

**including subsequent revisions and/or subsequent replacement guidance

15. Implementation, Monitoring and Review

Implementation

- 15.1. The Neighbourhood Plan forms part of the statutory Development Plan and will be used by decision takers to determine the outcome of planning applications and appeals in the Parish. The District Council, as the Local Planning Authority, will use it to determine the outcome of planning applications within the Parish.
- 15.2. In preparing the Neighbourhood Plan, care has been taken to ensure that all of its policies are achievable.
- 15.3. The Parish Council will rely on the Neighbourhood Plan to inform its representations on submitted planning applications. The Parish Council's formal support will be provided for all applications that are assessed to be in full accordance with all relevant policies in this Plan.
- 15.4. Once 'made', this Neighbourhood Plan will form part of the Development Plan for the district.

Monitoring

- 15.5. Ardleigh Parish Council will monitor both the implementation and the ongoing relevance of the Neighbourhood Plan on a regular basis.
- 15.6. Subject to available resources, the Parish Council will prepare annual monitoring reports. These reports will be published on the Council's website.

Review



- 15.7. The Plan will be subject to review every five years. As part of the five-year review, the views of residents will be sought and the Neighbourhood Plan will be updated as necessary. As part of its ongoing monitoring of the Neighbourhood Plan, the Parish Council will consider undertaking an early review if any of the following circumstances apply:

- Material change in local circumstances;
- Monitoring of the plan reveals an issue with policy wording; or
- There is an update to the Local Plan, the NPPF or a Ministerial Statement (etc.) that affects the Neighbourhood Plan.

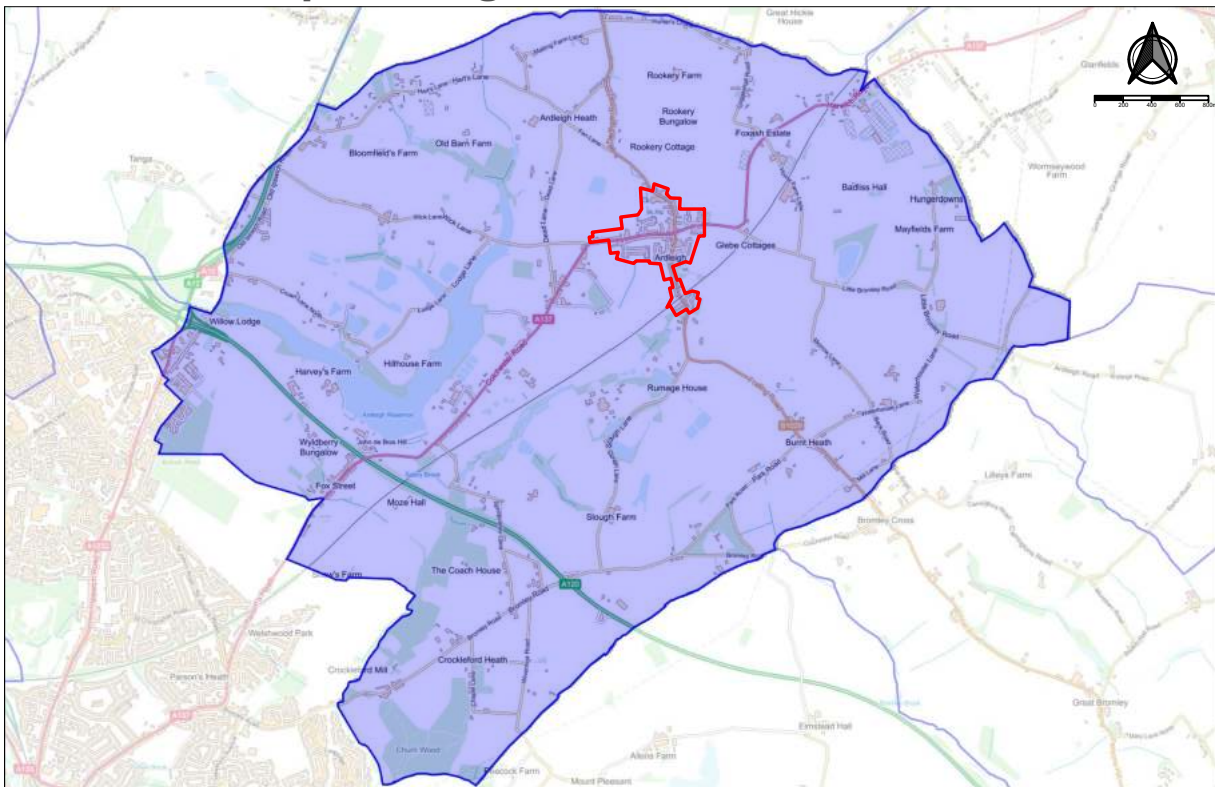
15.8. The Parish Council will also pay close attention to the progress of the Tendring/ Colchester Borders Garden Community. In particular, they will work alongside the partner councils to identify any changes to the Neighbourhood Plan that might be necessary or appropriate in the light of advancements made.

Appendix A: Proposals maps

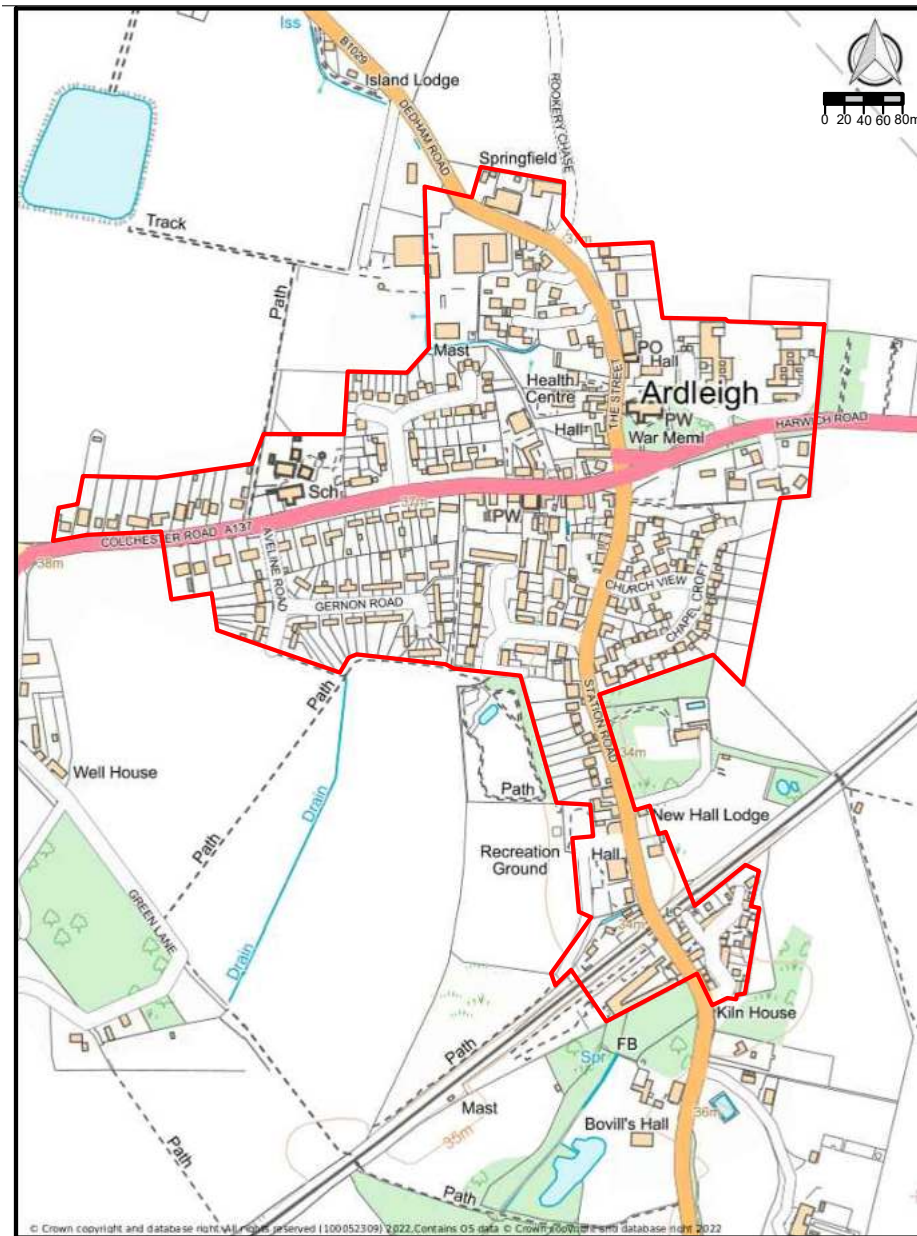
Key

	Settlement Development Boundaries
	Local Green Spaces
	Neighbourhood Plan Area

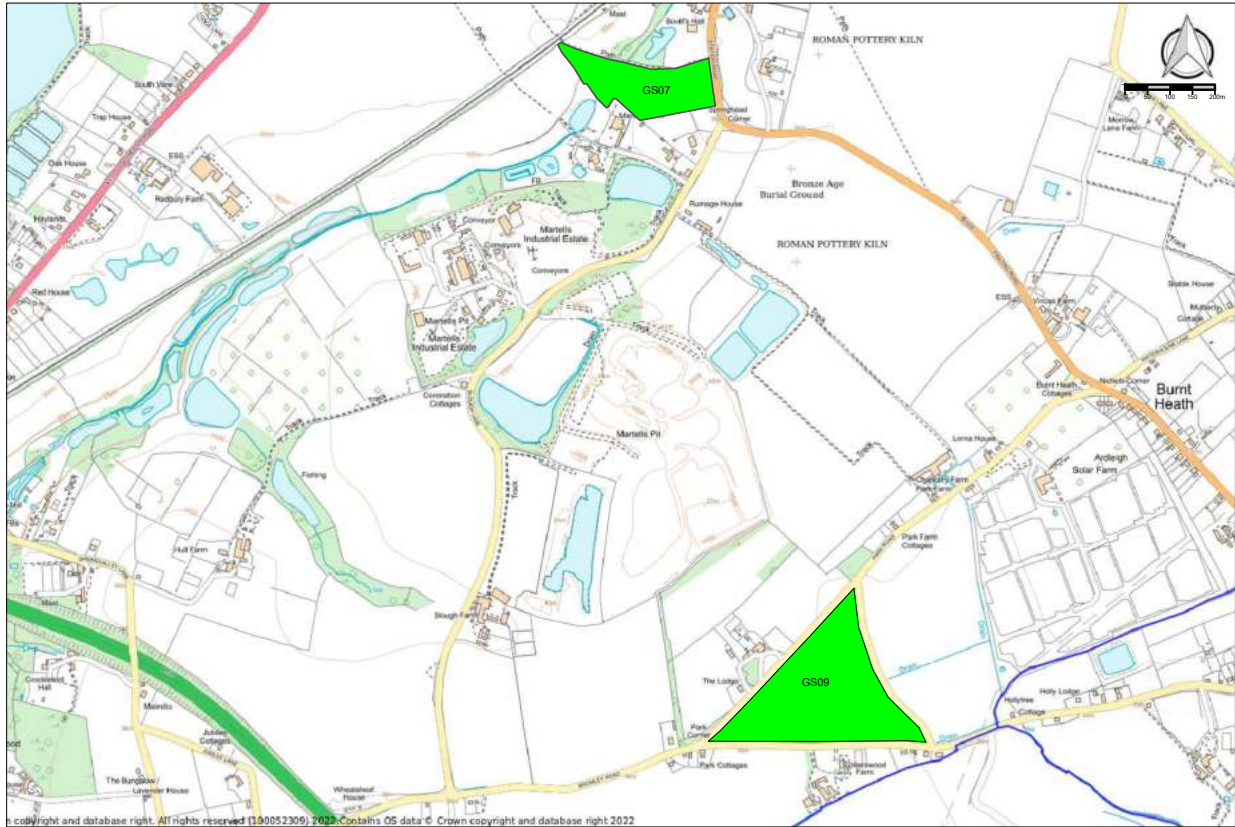
Map 1: Neighbourhood Plan Area



Map 2: Settlement Development Boundaries

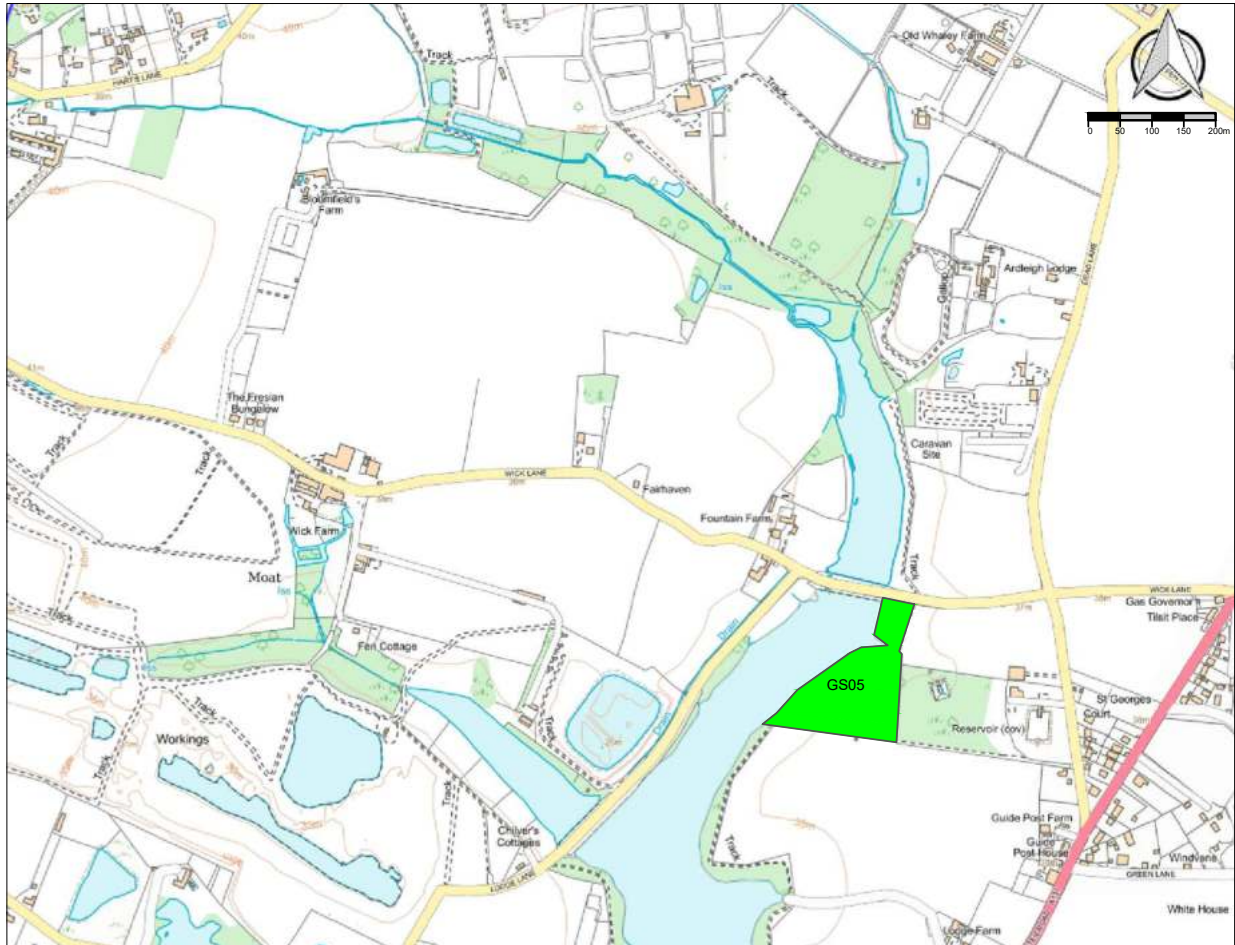


Map 3: Local Green Spaces 7 & 9

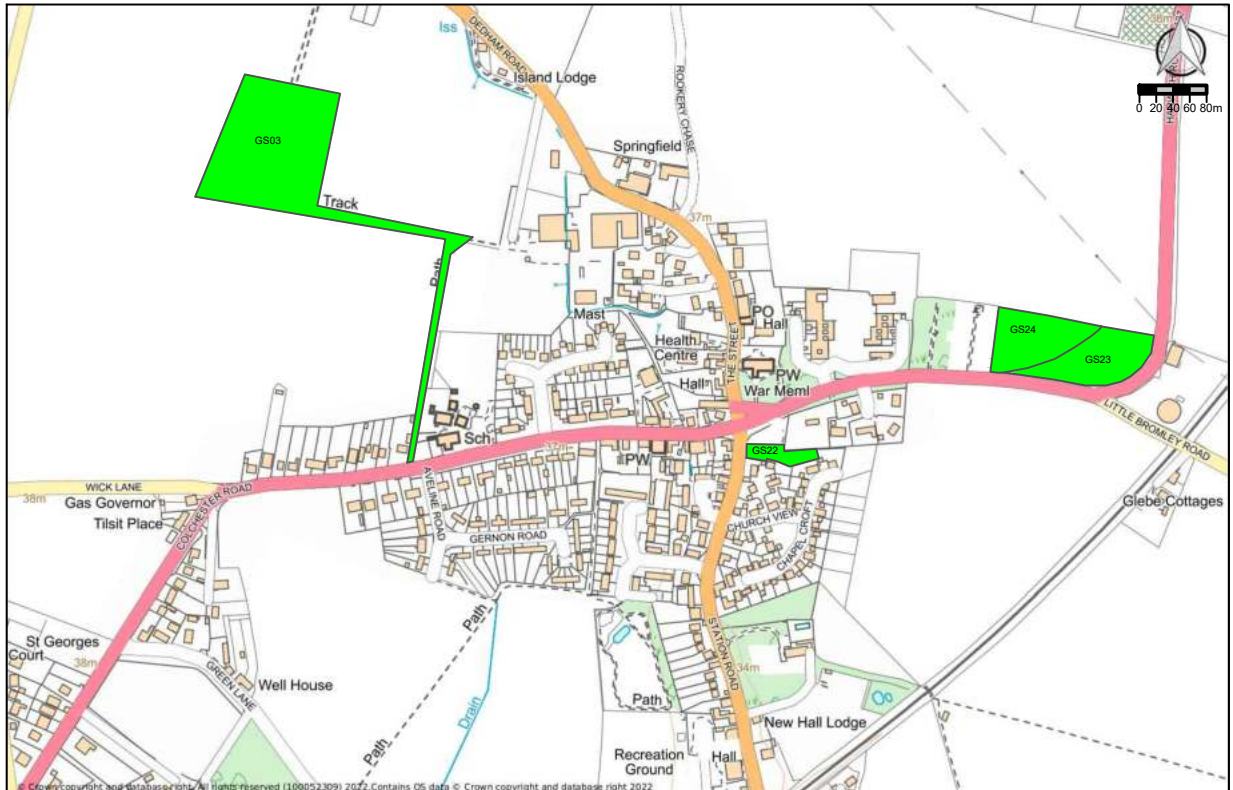


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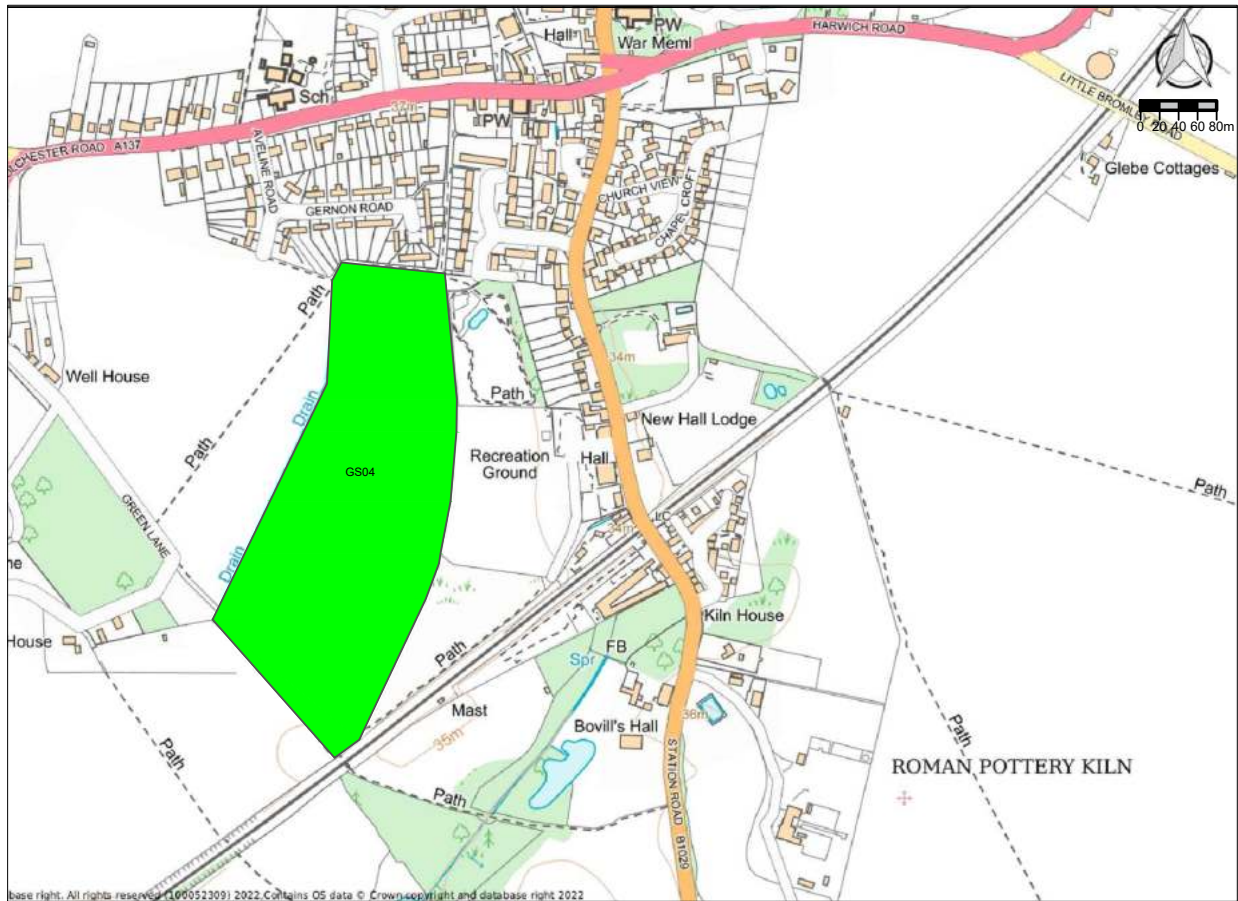
Map 4: Local Green Space 5



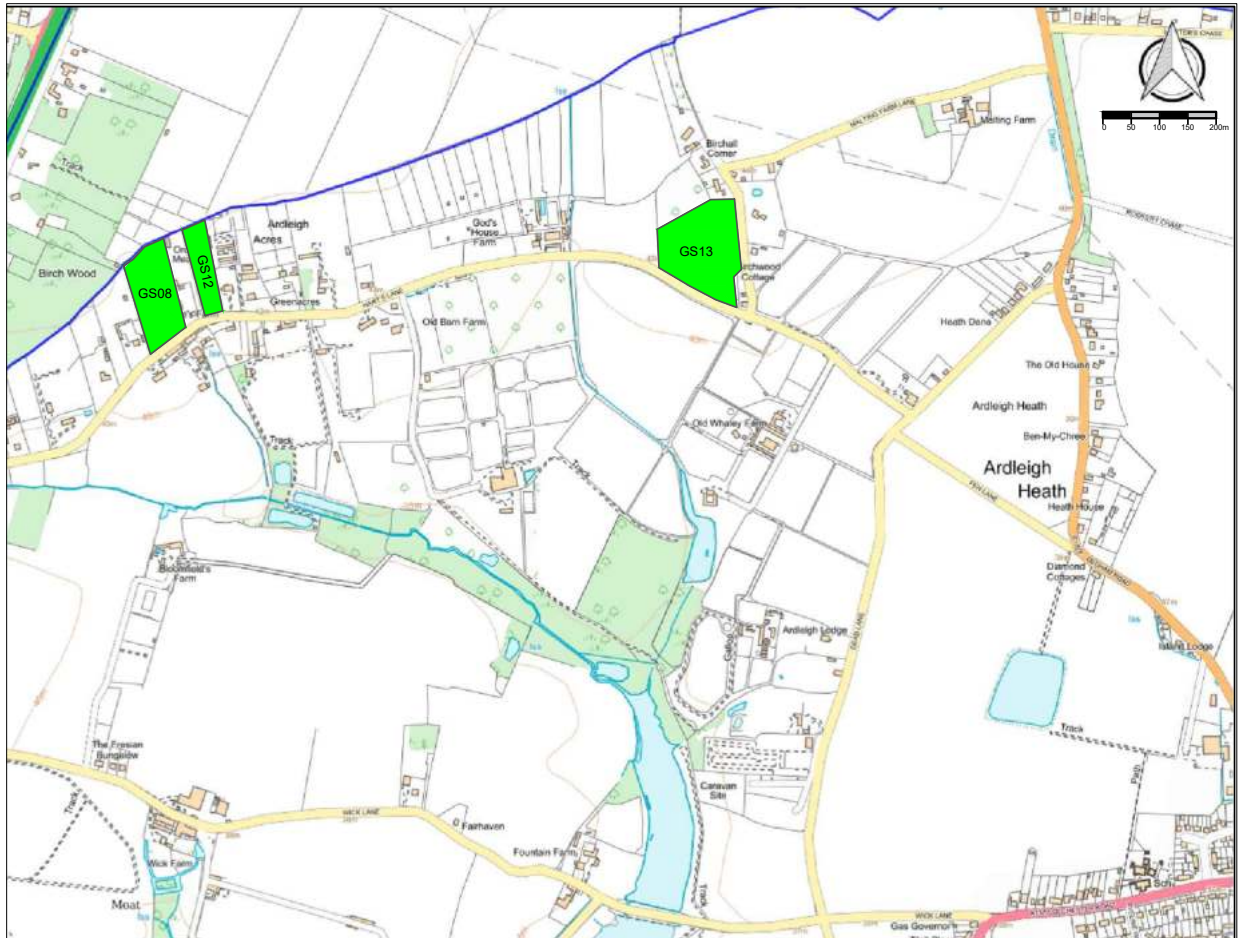
Map 5: Local Green Spaces 3, 22, 23 & 24



Map 6: Local Green Space 4



Map 7: Local Green Spaces 8, 12 & 13



Appendix B: List of Neighbourhood Plan policies

Policy GDP - General Approach to Development

Policy CFP - Community Facilities

Policy HP - Housing

Policy EP - Natural, Built & Historic Environment

Policy LGP - Local Green Spaces

Policy TP - Transport & Parking

Appendix C: Consultation questionnaire “your chance to have your say”

Ardleigh's Neighbourhood Plan - Your Chance to Have Your Say

You may be aware that the Parish Council has decided to produce a Neighbourhood Plan for the parish of Ardleigh. To ensure the Neighbourhood Plan reflects the views of our community, we would like all members of the community to share their thoughts with us. It is vital that all members of your household (including young people) complete this survey to help shape the future development of the whole Parish area.

A Neighbourhood Plan is a document that enables local communities to have a say in the future development of their local area BUT it is not a document that can prevent ALL future development. It can be used to:

- * Choose where future development should be built including shops, homes and offices
- * Decide what infrastructure should be provided
- * Designate local green spaces
- * Influence what new buildings should look like

The first step is to find out what you and those in your household think about the area and build on findings from Ardleigh's Village Design Statement 2011 (found at Ardleigh Parish website: <https://ardleigh.website>). This survey should only take a few minutes of your time and your input could prove incredibly valuable to the community.


This form is anonymous. Any information you provide will be handled in accordance with Ardleigh Parish Council's Privacy Policy which is published on the website <https://ardleigh.website>. The survey is expected to be open during July 2020 please return your form as quickly as possible so that your views can be included.

Please note that the survey is also available online at <https://ardleigh.website/have-your-say>

1. Your age bracket

Mark only one oval per row.

	5 - 11	12-18	19 - 24	25 - 34	35 - 44	45-54	55-64	65-74	75+
Age	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



2. Your gender

Mark only one oval per row.

	Male	Female	Other	Prefer not to say
Gender	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Please let us know a little more about yourself.

Tick all that apply.

	I live in Ardleigh	I work in Ardleigh	I own a business in Ardleigh
Tick all boxes that are relevant to you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. If you live in Ardleigh, how long have you lived here?

5. If you live in Ardleigh, do you rent or own your property?

Mark only one oval.

Rent

Own

6. If you live in Ardleigh, how many people are in your household?

Your views of the village

There will be more opportunities to get involved and have your say in our vision and plans for the future of our community as the Neighbourhood plan develops, but PLEASE take a few minutes to answer the next four initial questions. We will not disclose any individual details. We will share the results with the community.

7. What is good about living, working or visiting Ardleigh and the surrounding area?

8. What is not so good about living, working or visiting Ardleigh and the surrounding area?

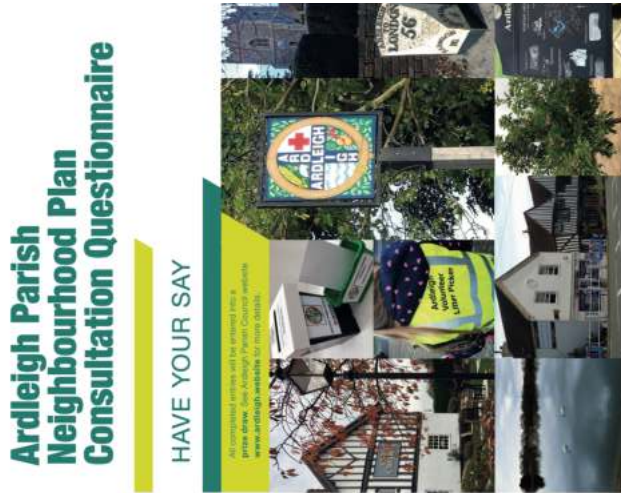
9. What developments and/or extra facilities do you think our community/Parish area needs?

10. What are your concerns for the future of our community/Parish area?

11. Do you have any other comments you would like to make about our community/Parish area? (Please continue on a separate sheet if you wish)

12. Please return your completed form to Ardleigh Parish Council. There are collection boxes in the Ardleigh Post Office and Ardleigh Convenience Store or you can leave in the letter box at the entrance to Ardleigh Village Hall or post to PO Box 12865, Colchester, CO7 7EZ. Thank you.

Appendix D: Consultation questionnaire “have your say”



Do you have any other comments you would like to make in connection with this consultation questionnaire?

Copies of this questionnaire are available from either the Village Shop or the Post office.

Once completed you can:

- Return it to the Shop or Post Office.
- Post it to Ardleigh Parish Council PO Box 19865 Colchester CO2 7EZ.
- Alternatively, you can complete on-line at <https://www.surveymonkey.co.uk/r/99XG6JY>

Thank you for your input.



About You
This helps us to understand better why you may be responding to questions in a particular way so that we can ensure the response is balanced.

31. Which of the following best describes you?

Flat Shared accommodation Council house Terraced house Detached house Semi-detached house Shared private Rented from a registered provider Rented from a private landlord Rented from a registered provider Owned with mortgage Mortgage free Other (e.g. living with family or friends)

32. Does your current accommodation meet your housing needs? Yes No Other

33. Where is your normal place of work?
At home in the Parish of Ardleigh? Yes No Other location Other location Not applicable or prefer not to say

34. Do you own a business in the Parish of Ardleigh?
Yes No Prefer not to say

35. Are you disabled?
Yes No Prefer not to say

36. How many bedrooms do you have?
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 Other

Privacy Notice
There is no obligation to complete the questionnaire. Any information you provide will be handled in accordance with Ardleigh Parish Council's Privacy Statement: <https://bit.ly/ARPCPrivacyStatement>.

Ardleigh Parish Council is collecting this data to help develop a Neighbourhood Plan. Information about you is only required to ensure we have collected feedback from a representative cross-section of the community or to enter the prize draw. Any personal data will be separated from the main body of the questionnaire before publication to ensure anonymity.

The answers you give will only be used for the Neighbourhood Plan and will be accessed only by authorised members of the Parish Council as working groups and our consultants. Data will not be passed to third parties and you will not be contacted about your answers. Personal data will only be held until the Neighbourhood Plan is completed. If you have questions please contact enquiries@ardleigh.org.uk.

For further information, visit <https://ardleigh.org.uk/plan/your-say>

NEIGHBOURHOOD PLANNING



Welcome to the Ardleigh Parish Neighbourhood Plan Consultation Questionnaire. This consultation questionnaire follows on from the previous survey questionnaire that was sent out in July/August. It is designed to explore in more depth issues and opinions that emerged from the earlier survey and will help us to better identify what is important to you as we develop the Ardleigh Parish Neighbourhood Plan.

(This questionnaire covers the whole Parish including: The Village Centre, Ardleigh Heath, Burnt Heath, John De Boe Hill, Fox Street, Cockleford Heath, Avilana Place, Plains Farm and other outlying areas. <https://ardleigh.webcam/geographics-and-rnaps>)

Ardleigh Parish Council is writing a Neighbourhood Plan. With your input, this will identify where new homes / facilities could be built and how they might look. These might be, for example, community facilities, transport, infrastructure, and the protection of the rural character of our Parish.

We value your opinion and would like to ask you to answer some simple questions. It will take about 10 minutes to complete and your answers will help shape our community. To ensure that we get as wide a view as possible, from all age groups and backgrounds, we would encourage every member in your household to complete the questionnaire.

Once this plan has been drafted all residents of the Parish will be able to agree to the specific proposals through a community referendum. This whole process will take some time, but we will keep you informed of progress.

Amenities
A high number of responses in the previous survey concerned amenities. Please let us your opinion about the amenities in the Parish of Ardleigh so we can better understand what people want.

1. If the following sports and leisure facilities were introduced / reintroduced in the Parish of Ardleigh or members of my household, would make a difference?
 Yes
 No
 Swimming pool
 Tennis / squash / badminton courts
 Community hub
 Other, please specify:

2. I would like more cafes / restaurants in the Parish of Ardleigh.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

3. Shops in the Parish of Ardleigh cater adequately for the needs of myself and members of my household.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

4. The provision of school(s) in Ardleigh meet my needs and those of my household.
 Agree
 Disagree
 If Disagree, why?

5. The Doctor's Surgery in Ardleigh meets my needs and those of my household.
 Agree
 Disagree
 If Disagree, why?

6. Ardleigh Village Hall is adequate and meets the needs of the community.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Not applicable

7. There are sufficient children's play areas in the Parish of Ardleigh.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Not applicable

8. There are sufficient leisure/recreational facilities for young people in the Parish of Ardleigh.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Not applicable

9. Do you have any comments regarding amenities development of the Parish of Ardleigh?

Housing
A high percentage of respondents in the previous survey were concerned about development in the Parish of Ardleigh. Please give us your opinion about future development.

10. I think the Parish of Ardleigh needs more housing.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

11. What type of property do you think is most needed in the Parish of Ardleigh (please select in order of priority with '1' as most important)?
 Bungalows
 Sheltered accommodation
 Residential care homes
 Affordable housing
 None

12. What size of new home is most needed in the Parish of Ardleigh (please give in order of priority with '1' as most important)?
 1 bed
 2 bed
 3 bed
 4 bed
 None

13. What housing tenure do you think is most needed (please choose 1 answer)?
 Owner occupied
 Private rental
 Helped from a regulated provider
 Affordable housing
 Shared ownership
 No new housing

14. If new development is proposed in the Parish of Ardleigh, do you see the need to make in order of priority with '1' as most important:
 High levels of sustainability and eco-design
 Unique architectural designs
 Well developments within the village
 Plans Farm Close
 Any other residential street
 Please specify:

15. Do you have any comments regarding the development of the Parish of Ardleigh?

Rural Environment
Of those who responded in the previous survey, 83% mention the rural environment as being a positive aspect of living in the Parish of Ardleigh. Please give us your opinion about the environment.

16. The Parish of Ardleigh should retain its rural character in addition to the visual quality of buildings, open spaces, trees, hedges etc.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

17. Rural footpaths, footbridges and lanes should not be lost or adversely affected by any development.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

18. Do you have any comments regarding the rural characteristics of the Parish of Ardleigh?

Infrastructure
In the previous survey there were a lot of comments about traffic issues and parking. There were also comments that related to businesses in the Parish of Ardleigh.

19. The roads in and around the Parish of Ardleigh are adequate for the current levels of traffic.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

20. Traffic congestion/parking are an issue on the following roads:
 Old Ipswich Road
 The Street
 Station Road
 Plains Farm Close
 Any other residential street
 Please specify:

21. Weight restrictions should be enforced on the roads in the Parish of Ardleigh.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

22. Traffic calming along the roads in the Parish of Ardleigh.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know
 Please state where, if appropriate:

23. If more business/industrial development was encouraged do you think the size of the business should be restricted by number of employees?
 Under 25 employees
 Under 50 employees
 Under 100 employees
 No option

24. Do you have any comments regarding infrastructure/businesses in the Parish of Ardleigh?

25. There is a need for more cycle paths in the Parish of Ardleigh.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

26. I would like to see more non retail business premises with job opportunities in the Parish of Ardleigh.
 Strongly agree
 Agree
 Disagree
 Strongly disagree
 Don't know

27. If you would like to be entered into the price draw please provide your email address or telephone number:

28. Please provide your postcode (this will help us understand whereabouts in the Parish you live without us being able to identify who you are):

29. What is your gender?
 Male
 Female
 Other
 Prefer not to say

30. Which age group do you belong to?
 0-9
 10-19
 20-29
 30-39
 40-49
 50-59
 60-69
 70-79
 80+
 Prefer not to say

Continued below and overleaf

Demographic information (Your approximate location in the Parish of Ardleigh, your age group and gender)
 Questions 28, 29, 30. These questions are required to ensure that we have collected data from a representative cross-section of the community. The information and Question 27 will be separated from the main body of the questionnaire reporting to ensure your anonymity.

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planning direct



Ardleigh Neighbourhood Plan 2020 - 2033 Regulation 14 Consultation Statement

On behalf of: Ardleigh Parish Council

Prepared by: N O'Hagan BA (Hons)

Date: 18/01/2023

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Introduction

This Regulation 14 Consultation Statement has been produced to accompany the Ardleigh Neighbourhood Plan.

The Ardleigh Neighbourhood Plan - “the Plan” - sets out policies that relate to the development and use of land within only the Ardleigh Neighbourhood Area.

Regulation 14 of *The Neighbourhood Planning (General) Regulations 2012* required the Neighbourhood Planning body to publicise and consult on their Plan before its submission to the Local Planning Authority.

Regulation 15 of *The Neighbourhood Planning (General) Regulations 2012* requires the Neighbourhood Planning body to submit a consultation statement to the Local Planning Authority alongside their Plan. Per paragraph (2) of regulation 15, a “consultation statement” means a document which:

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan [or neighbourhood development plan as proposed to be modified.];
- (b) explains how they were consulted;
- (c) summarises the main issues and concerns raised by the persons consulted; and
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan [or neighbourhood development plan as proposed to be modified.]

This document provides a consultation statement in accordance with the above regulations.

Details of the persons and bodies consulted

All relevant consultation bodies in paragraph 1 of Schedule 1 of *The Neighbourhood Planning (General) Regulations 2012* were contacted directly, including:

Essex County Council (Highways and Education & Archaeology & Heritage & sustainable Urban Drainage Systems & Minerals and waste);
Essex Place Services (Ecology);
Essex Police;
Natural England;
Lichfields (developers of the forthcoming Garden Community);
National Highways;
Colchester Borough Council;
Crockleford Heath and Elmstead Action Group (CEAG);
Essex County Fire and Rescue Service;
Tendring District Council;
The Coal Authority;
The Homes and Communities Agency;
The Environment Agency;
English Heritage;
Network Rail Infrastructure Limited;
The Marine Management Organisation;
newsitereceptioneastofengland@openreach.co.uk (electronic communications);
Primary Care Trust;
UK Power Networks;
Cadent Gas Ltd;
Anglian Water.

Also consulted was the local population, both residential and working.

A number of key local businesses/service providers were contacted directly, including:

Ardleigh Advertiser; Ardleigh Boarding Cattery; Ardleigh Caravan Park; Ardleigh Convenience Store; Ardleigh Takeaway; Ardleigh Post Office; Ardleigh Pre-School; Ardleigh Reservoir Committee; Ardleigh Sailing Club; Ardleigh Service Station; Ardleigh GP Surgery; Colchester Bowling Club; Collins Skip Hire; Co-op funeral services; DB

Concrete Ltd; Dragonfly Hotel (SURYA Hotels); Eastern Waste Disposal - Martells; Elm Park Hospital; Green Island Gardens; Prettyfields Vineyard; SRC Ltd; St Mary's School.

Explanation of the consultation process

The regulation 14 consultation process began on 08/08/22 and concluded on 23/09/22 at midday. Overall, the consultation period lasted for 6 weeks and 4 days.

Direct consultation

All relevant consultation bodies in paragraph 1 of Schedule 1 of *The Neighbourhood Planning (General) Regulations 2012* were contacted directly by phone, letter and/or email¹. Contact details were generally provided by the LPA, Tendring District Council.

Key local businesses and service providers were also contacted directly by phone, letter and/or email², including:

Ardleigh Advertiser; Ardleigh Boarding Cattery; Ardleigh Caravan Park; Ardleigh Convenience Store; Ardleigh Takeaway; Ardleigh Post Office; Ardleigh Pre-School; Ardleigh Reservoir Committee; Ardleigh Sailing Club; Ardleigh Service Station; Ardleigh GP Surgery; Colchester Bowling Club; Collins Skip Hire; Co-op funeral services; DB Concrete Ltd; Dragonfly Hotel (SURYA Hotels); Eastern Waste Disposal - Martells; Elm Park Hospital; Green Island Gardens; Prettyfields Vineyard; SRC Ltd; St Mary's School.

All posters, emails, letters, phone calls and adverts:

- directed interested persons to ardleigh.website/our-plan where they could view copies of the Plan and make their representations online;
- invited interested persons to the drop-in consultation session due to be held at the Village Hall;
- gave other contact options for persons wishing to access hard copies of the Plan and/or make representations using other channels, including by email and post.

Traditional media

An advert was also posted in the August edition of the Ardleigh Advertiser³, the local parish magazine which is available both in hard copy and online.

¹ a copy of the notification letter/email appears at Appendix A

² a copy of the notification letter/email appears at Appendix A

³ a copy of the advert appears at Appendix B

Posters advertising the Village Hall drop-in session were also erected in prominent and well-frequented parts of the parish, including on the Parish Council's noticeboards, at the post office, village shop, petrol station and local garden centres.



Copy of the poster

Online

The relevant page of Ardleigh Parish Council's website - ardleigh.website/our-plan - was

updated to advise parishioners of the ongoing consultation, provide access to the draft Plan documents, invite all interested parties to the drop-in Village Hall session on 24/08/2022 and enable representations to be submitted via the straightforward online form⁴. Contact details were also provided for anyone wishing to access a hard copy of the Plan and/or make their representation via email or post.



REGULATION 14 CONSULTATION

Drop in Session 24 August

There will be a Drop in Session at Ardleigh Village Hall on Weds 24 August from 2pm -7pm where members of the Neighbourhood Plan Working Party will be available to answer questions and tell you more about the Plan. Hard copies of the Plan will be available at this session.

Paper version of the Plan

A paper copy of the plan is available for residents who are unable to access it online. Please call the Parish Clerk on 01206 616989 or email info@ardleigh-oc.gov.uk to arrange to view or borrow a copy.

Have your say

A link to the consultation is below. Representations can also be made by email to ardleighnp@gmail.com or by post to Ardleigh Parish Council PO Box 12865 Colchester CO7 7EZ. All representations must be accompanied by a name, address and, if relevant, the organisation you are representing.

[Have your say](#)

ardleigh.website/our-plan - regulation 14 consultation page

Advertisements were also posted on relevant social media pages, including the Parish Council's Facebook page, other village Facebook groups and the Neighbourhood Plan Instagram account.

In person

A drop-in consultation session was held at Ardleigh Village Hall on 24/08/2022 from 2pm to 7pm. Members of the Neighbourhood Plan Working Group were present throughout the day to answer questions and provide more information about the Plan. Hard copies of the Plan were available to view.

⁴ a copy of the online form appears at Appendix C



*Photos of the Village Hall
drop-in session on
24/08/2022*

Reminders & late submissions

On 21/09/2022 and on the morning of 23/09/22, reminders of the consultation's closure were posted on the Parish Council's social media accounts, including Facebook and Instagram.

Although the consultation period formally ended at midday on 23/09/22, the online form was left open to enable late submissions to be considered at the Parish Council's discretion. No late representations were received, however.

Main issues and concerns & how these have been considered by the Parish Council and, where relevant, addressed in the Plan

Online forms

In total, 33 representations were made online by members of the general public. Of these, the vast majority (87%) expressed their support for the proposed Neighbourhood Plan.

A summary of key issues and concerns raised by the online form submissions appears in the table below, accompanied by the comments of the Parish Council. Wherever an alteration has been made to the Plan, this is clearly indicated in the Parish Council's comments.

A full anonymised list of the consultation responses with the complete comments of the Parish Council appears at Appendix D.

Key issue 1: weight to the Plan

A number of respondents raised concerns that the Plan would not be given due consideration during the consideration of planning applications and other matters in the Area.

Parish Council's response: Once adopted, Ardleigh Parish Council expects the District Council to give the policies of the Neighbourhood Plan their full statutory weight when making decisions in the area. The Parish Council will continue to comment on applications in their area and anticipate that the policies of the Neighbourhood Plan will better support them to resist inappropriate development.

Key issue 2: cycling

One respondent was concerned that there was not stronger commitment in the Plan to developing cycle routes.

Parish Council's response: The Parish Council is also very keen to promote cycling and other sustainable transport modes throughout the parish, however a Neighbourhood Plan - by its purpose and nature - is limited in what it can achieve. Policy CFP does provide support for new or improved community facilities, especially exercise-related leisure facilities. This could include, for example, new cycleways or other suitable cycling facilities. Policy TP also provides strong support for development that would improve existing cycleways or provide new cycleways.

Key issue 3: number of new homes

Some respondents felt the Plan should do more to limit the number of houses built over the plan period.

Parish Council's response: The Neighbourhood Plan does not set any specific housing targets and the strategy of the Local Plan is that Ardleigh will sustain only modest housing growth over the plan period. The plan-led approach to development is of vital importance and the Parish Council expects all planning decisions to be made in light of this.

Key issue 4: school and surgery already over-subscribed

One respondent commented that future development should be small scale as the school and surgery are already over-subscribed.

Parish Council's response: The Ardleigh Neighbourhood Plan recognises the well-evidenced pressures facing the village's key essential services such as the school and GP surgery. It makes bold efforts to protect these cherished and vital local facilities from the negative effects of new development - see policy CFP in particular. Ardleigh Parish Council will pay close attention to the effect and efficacy of these policies during their monitoring of the Plan.

Key issue 5: pylons

A number of respondents expressed concern about pylons development in the area.

Parish Council's response: This comment appears to be in relation to an ongoing major planning application for pylons works in the area which has generated a large local response. This is separate to the Neighbourhood Plan and the Parish Council has engaged with the community on this matter independently of the Plan.

Key issue 6: design of the Garden Community

Some respondents wanted to see more control over the design and location of the forthcoming Garden Community.

Parish Council's response: The Local Plan establishes that the design of the new garden community will be subject to its own, independent development plan document. Therefore, the Ardleigh Neighbourhood Plan is not able to directly influence its design or location etc. However, the Parish Council is committed to working as closely as possible alongside the developers and the District Council to achieve a satisfactory design. Where public input is invited, the Parish Council will do its best to promote this and encourage all members of the public to take part.

Key issue 7: accommodation for older people

One respondent expressed concern about the above average number of older persons in the area and wanted more commentary on the availability of bungalows in order to guide current and future demands.

Parish Council's response: The Ardleigh Neighbourhood Plan makes bold steps for the older population that go above and beyond the policies of the Local Plan. Bungalows are not specifically identified by Fig 13 because the data used - unfortunately - did not include this house type. Nonetheless, Fig 13 indicates what houses already exist in the area and does not provide a proposed housing mix for new development. In addition, policy HP provides strong support for new houses that include accessibility features like level thresholds, wide doorways and ground-floor bedrooms. Policy HP also provides welcome new support for the creation of ancillary residential accommodation (e.g. granny annexes) throughout all parts of the parish, including outside settlement boundaries. This will provide more housing choice for all residents with support needs, including older people.

Key issue 8: designation of space 4 as a Local Green Space

One online respondent objected to the inclusion of space 4 as a Local Green Space on the basis that the site is not considered to meet the national criteria in the NPPF. It should be noted that the respondent is the landowner of the site.

Parish Council's response: The comments previously made by this respondent (copy at Attachment 10) have been carefully considered and addressed previously by the Parish Council (previous comments at Attachment 11). National criteria for Local Green Spaces are open to discretion and require a judgement to be taken. It is the Parish Council's view that the space does meet the NPPF criteria and the respondent's previous comments have not altered this position. For example, the respondent previously stated "there is no notable interaction or outlook from any civic space within the settlement". The Parish Council does not agree. In their view, there is notable interaction between the space and very important civic spaces in the village, including its recreation ground. This is considered to be well-evidenced by the photographic record. As the Parish Council does not agree with the assessments made by the respondent, they do not consider it necessary or appropriate to remove space 4 from the Plan and are content for it to be considered at examination by the Inspector who will, of course, apply their own discretion.

Key issue 9: Some nominated Local Green Spaces should not have been discounted

One respondent was concerned that some sites were discounted due to their existing designations and other sites were discounted because they didn't exist yet. The respondent felt the sites should be included to provide another level of protection to the sites.

Parish Council's response: National planning practice guidance provides "if land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space." Due consideration was given to this guidance during the desktop phase of assessments. For those spaces already designated as SSSIs - e.g. Bullock Wood - the only tangible benefit of a Local Green Space designation would be to provide some additional control over development in its setting. Given the scale, layout and position of these sites (i.e. with multiple, varied settings on different sides) and the established presence of suburban development in their settings, this was not considered to be especially necessary or, indeed, achievable. Unfortunately, the Parish Council has also been advised that it is not possible to designate Local Green Spaces that do not yet exist. However, they fully recognise the considerable importance - for landscape, biodiversity, social cohesion, public health etc. - that the planned new reservoir (space 16) will hold once complete and do intend to review its designation at that time.

Key issue 10: More emphasis on protection of the rural environment

One respondent felt there could have been more emphasis on resisting the despoiling of Ardleigh's rural environment, in particular the proposed substation and pylons.

Parish Council's response: The Plan does include ambitious policies for the protection of Ardleigh's rural environment. For example, policy EP resists any development that would have an urbanising effect on a rural lane or street and any development that would cause urban intrusion (including by way of noise, light pollution or increased traffic) into currently tranquil rural areas. The Plan also adopts the Village Design Statement (VDS) into policy. The VDS is a pre-existing document that was recently updated to address development undertaken in the parish in the c. 10 years since its initial publication. The VDS clearly identifies the character (built and landscape) of different parts of the parish - for example, is it rural and tranquil? All new development in the area will now be expected - in accordance with policy EP - to pay due regard to the VDS. This will require respect to be shown for the environment's established qualities and features.

Other consultation responses

In addition to the consultation responses submitted via the online form, the Parish Council received written representations from the following parties:

- National Highways;
- Lichfields (developers of the Garden Community);
- Natural England;
- Colchester Borough Council;
- Crockleford Heath and Elmstead Action Group;
- Essex County Council;
- Essex County Fire and Rescue Service;
- A local resident and landowner; and
- Tendring District Council.

A summary of each party's consultation response appears in the tables below, accompanied by the comments of the Parish Council. Wherever an alteration has been made to the Plan, this is clearly indicated in the Parish Council's comments.

Complete copies of the written representations are attached separately as follows:

Attachment 1 - National Highways

Attachment 2 - Lichfields (developers of the Garden Community);

Attachment 3 - Natural England;

Attachment 4 - Colchester Borough Council;

Attachment 5 - Crockleford Heath and Elmstead Action Group;

Attachment 6 - Essex County Council;

Attachment 7 - Essex County Fire and Rescue Service;

Attachment 8 - Local resident and landowner; and

Attachment 9 - Tendring District Council.

Natural England

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

Parish Council's response: The Neighbourhood Plan includes ambitious policies concerned with the appropriate conservation and enhancement of the natural environment in line with the enclosed annex. No change required.

National Highways

Policy TP which identifies opportunities for traffic mitigation measures and public realm improvements, including road junctions' improvement and implementation of sustainable transport measures, and traffic calming measures will be acceptable in principle.

We welcome any initiative which leads to introduce of walking, cycling, and any other sustainable scope of travel, following the Policy CP1 and traffic mitigation in line with the policy intended to enhance the active travel environment where appropriate.

National Highways offers No Objection to this Neighbourhood Plan.

Parish Council's response: The comments of National Highways are appreciated and the Parish Council is pleased that they have no objection to the Plan. No changes to the Plan required.

Colchester Borough Council

There are a number of insert maps within the Neighbourhood Plan (NP), however it would be useful to have an overarching Policy Map which brings these all together.

For context it would be helpful to see a map identifying where the new Garden Community is to be located and showing where it overlaps with the Ardleigh NP area. It may be beneficial to highlight existing routes between the two communities and also consider potential new routes (especially routes that encourage non-vehicular use such as bridleways/cyclepaths).

Parish Council's response: The reason the policy maps have been arranged in their chosen format is because the parish has a very large area. It is not therefore possible to accurately plot all relevant features (such as Local Green Spaces) on one map as the scale is prohibitive. The use of multiple maps ensures the position and boundaries of each Local Green Space are clear and limits the potential for confusion or dispute. No change required.

A map showing the (current) broad location of the Garden Community appears at Fig 2 on page 10 of the Plan. As the design of the Garden Community (including its exact form and boundaries etc.) is the subject of a separate and emerging Development Plan Document, it would not be appropriate for the Neighbourhood Plan to attempt to establish this. No change required.

4.12 states that over the plan period, housing growth in Ardleigh is expected to be limited to small- scale "infill" developments of 10 houses or fewer to be located within the defined Settlement Development Boundaries. There is very little opportunity within the defined Settlement Development Boundaries for infill developments so on this basis little to no development will occur.

Parish Council's response: The housing growth/targets/approach identified at paragraph 4.12 (now 4.14) are based on the strategic policies and provisions of the Local Plan, specifically Sections 3.3.1.4, 3.3.2 & 3.3.3. Whilst it is the case that this means little development will occur in Ardleigh over the plan period, this is also in accordance with the District-level spatial strategy which anticipates only development that is "modest" in scope and scale to come forward in Ardleigh. No change required.

It should be noted that part of Spring Valley Lane, a protected lane, falls within the boundary of the Garden Community draft plans.

Parish Council's response: The Neighbourhood Plan has not provided any new or additional protection or designations to Spring Valley Lane. It has been designated as a Protected Lane by the County Council and the developers of the forthcoming Garden Community will need to take this into account. The Neighbourhood Plan would have no bearing on this. No change required.

Fig 28 Settlement Boundary Map doesn't reflect the current housing within the boundary. Map 2 in Appendix A reflects the current development level much more accurately and should be used as the basis of all similar maps within the NP.

Parish Council's response: The settlement development boundaries for Ardleigh have been established by the District Council as part of their Plan and do not necessarily reflect the extent of housing. Rather, they are a planning tool used to direct new development. It would not be appropriate for the Neighbourhood Plan to seek to undermine or revise the settlement development boundaries set by the Local Plan. No change required.

As stated in the explanatory text, Ardleigh Surgery does not have spare capacity and the school is over capacity and likely to remain in the near future therefore it is likely a financial contribution for all housing applications will be requested.

Parish Council's response: If the school and surgery in Ardleigh remain over-subscribed, it will be essential that new development in the area makes a suitable and proportionate financial contribution towards its improvement and retention. The Neighbourhood Plan policy seeks to ensure this in the important interests of social cohesion and public health and well-being. The local community has been understandably vocal about the pressures facing these essential and valued local services and the Neighbourhood Plan has duly taken these local concerns and aspirations on board. No change required.

The creation of ancillary accommodation (such as Granny Annexes) does not count as additional housing stock so should not be contained within the housing policy.

Parish Council's response: Although ancillary accommodation may not count as housing stock, it is still a form of residential accommodation and the housing policy is considered the most appropriate and logical place for it. No change required.

Paragraph 11.11 Conflicts with paragraph 4.6 which states no housing from the Garden Community is expected to be delivered within the Ardleigh NP plan area within the plan period.

Parish Council's response: Paragraph 11.11 refers to the substantial number of new homes due to be delivered within the Garden Community over the plan period. Paragraph 4.6 (now 4.8) states the Garden Community is not expected to deliver homes in Ardleigh parish until after the plan period. These comments are both accurate as - at the time of writing - it is expected that the Garden Community will be built out from the south first, with new houses unlikely to be constructed in Ardleigh parish until after 2033. No change required.

Policy TP – Transport and Parking

The key objectives and principles for the Garden Community are to ensure neighbourhoods are walkable, low traffic and liveable, where residents can access most of their daily needs within a 15- 20 minute walk or bike ride from their home. The Garden Community will be designed and built in a way that reduces the need to travel, especially by car. With this in mind the Garden Community should not result in increased traffic congestion on existing roads into Ardleigh.

Parish Council's response: Comments on how the Garden Community relates to policy TP are acknowledged. A small change has been made to this policy following comments from other interested parties - more on this elsewhere.

Crockleford Heath and Elmstead Action Group

Section 4.6 It is important this neighbourhood plan makes reference to the garden community and aims to meet the requirements of the garden community while taking note of the views of current residents of the garden community area within Ardleigh Parish and in particular in Crockleford Heath.

[Other comments are made regarding sections 5.73, 11.11 and 15.8. All comments refer to the need for the Garden Community to consider and safeguard the rural hamlet character of Crockleford Heath]

Parish Council's response: The Parish Council acknowledges and appreciates the strong desire of local residents and action groups to preserve the special character of Crockleford Heath during and beyond development of the garden community. However, the Parish Council must also reiterate that the initial design and delivery of the garden community is formally outside the remit of this Neighbourhood Plan. Instead, it will be subject to a separate Development Plan Document (draft in progress) prepared by Tendring District Council and its partners as opposed to the Parish Council. Because of this, the Neighbourhood Plan is very limited regarding what it can confirm or dictate for the garden community.

However, the Parish Council is committed to working alongside Tendring District Council, the garden community developers and partners to the best of its ability. The parties responsible for the Development Plan Document (DPD) have confirmed to the Parish Council that the draft DPD includes the identification of an "Area of Special Character" at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character.

The Parish Council agrees it would be appropriate to acknowledge this clearly-stated design intention in the policy context section of the Neighbourhood Plan. To this end, the following alterations have been made to the Plan (new text appears in bold, removed text is struck through):

4.5. The **initial design and delivery** of the Tendring/Colchester Borders Garden Community - including its nature, form, boundaries and exact housing numbers - will be the subject of a Strategic Growth Development Plan Document (DPD), prepared jointly by Colchester and Tendring Councils. This DPD, currently in draft form, was subject to public consultation between March and April of 2022. At the time of writing, the partner councils were in the process of reviewing the consultation responses and evidence base and making amendments to the draft plan, with a final version anticipated for further public consultation in late 2022 - early 2023. Formal adoption of the DPD is on track to take place in 2023. **Following delivery, new sites in the Ardleigh Parish area of the Tendring/Colchester Borders Garden Community will be expected to comply with the development plan in force at that time, including any relevant Neighbourhood Plan policies.**

4.6 The Tendring/Colchester Borders Garden Community DPD, currently in draft form, was subject to public consultation between March and April of 2022. The draft DPD includes the identification of an “Area of Special Character” at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character.

4.7. At the time of writing, the partner councils were in the process of reviewing the consultation responses and evidence base and making amendments to the draft DPD, with a final version anticipated for further public consultation in late 2022 - early 2023. Formal adoption of the DPD is on track to take place in 2023.

4.6: 4.8 Ardleigh Parish Council intends to work closely and proactively with the partner councils to progress the design and development of the Garden Community. However, this major project is still in its earliest phases and is not anticipated to start delivering new homes in Ardleigh Parish until after the current Local and Neighbourhood Plan period (to 2033) has expired.

Essex County Council

The following wording should be an addition to the planning context section.

“Most areas of the Neighbourhood Plan area are within a Mineral Safeguarding Area due to the presence of sand and gravel deposits beneath the ground. These areas are subject to a minerals safeguarding policy (Policy S8 of the Essex Minerals Local Plan), which seeks to prevent deposits being unnecessarily sterilised by non-mineral development. However, the housing allocations contained in the Neighbourhood Plan fall below the site size threshold at which the provisions of Policy S8 are engaged.”

The following wording should be an addition to the planning context section.

“Within the Neighbourhood Plan Area there are Mineral and/ or Waste Consultation Areas in relation to Crown Quarry, Martells Quarry, Slough Farm and Ardleigh Waste Transfer Station. These areas are subject to Policy S8 of the MLP which establishes Mineral Consultation Areas at a distance of 250m around permitted, allocated and existing mineral infrastructure, and/ or Policy 2 of the Waste Local Plan which establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. Essex County Council as the Minerals and Waste Planning Authority must be consulted on all applications for non-minerals and non-waste development proposed within these areas.”

Parish Council's response: The Neighbourhood Plan makes clear at paragraph 4.1 that both the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan form part of the Development Plan for Ardleigh.

It is not considered necessary to copy specific policies from the aforementioned plans into the Ardleigh Neighbourhood Plan as it is preferred that developers consider the comprehensive policies of these plans in their full written context.

In addition, the Local Plan (Section 2) already includes similar discussion of the EMLP and WLP at paragraphs 1.3.4.2 - 1.3.4.6. No change required.

Policy GDP

ECC as the MWPA welcome reference to the importance of sustainability throughout the NP, however it is recommended that Policy GPD, which addresses the general approach to development, should support a wider understanding of sustainability by requiring development proposals to make reference to the sustainable use of building materials.

It is recommended that this policy (or perhaps another suitable policy in the NP) includes reference to promoting waste reduction, re-use and recycling, sustainable building design and the use of sustainable materials, including in relation to their procurement, in the construction of new development or redevelopment in line with Policy S4 of the MLP.

Parish Council's response: Policy GDP is intended to supplement and support the broad spatial policies of the Local Plan, particularly policies SPL1 and SPL2 of Section 2. It is therefore mainly a locational policy and is not intended to cover development management issues such as sustainable design/construction.

Concerning sustainable design/construction, this is considered to be appropriately addressed by policies HP and EP which provide, respectively, as follows:

- Housing applications that include sustainable design and construction features in excess of minimum policy requirements will be looked on more favourably than those that do not; and
- Exceptional support is provided for any development that, in the view of the Parish Council, will secure material benefits for the natural, built and/or historic environment*.

*This provision is deliberately open-ended to enable the Parish Council to consider a wide range of material benefits on a case-by-case basis including, of course, sustainability and environmental benefits.

No change required.

Policy HP

ECC are supportive of Policy HP 3b which states housing applications that include accessibility features will be looked at more favourably than those that do not. To support ageing in place, the needs of adults and children with disabilities and the prevention and maximising independence ambitions, ECC recommend that the NP strengthens its position in part 3b of the policy by making specific reference to both the Building Regulations Part M4 (2) and M4 (3) and the Tendring Local Plan Housing Standards Policy:

“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).”

Parish Council’s response: ECC’s recommendation to reference Building Regulations Part M4 (2) and M4 (3) and the Tendring Local Plan Housing Standards Policy has been carefully considered. Ultimately, the Parish Council has opted not to make a change to this policy provision for the following reason:

The reference to “accessibility features” is deliberately vague and open-ended to enable the Parish Council to consider a wide range of proposed features on a case-by-case basis. The Parish Council has made efforts to limit technical/specialist language and planning jargon throughout the Plan in order to make it as accessible and genuinely useful to as wide a range of potential developers - including typical homeowners - as possible. Rather than directing readers to consider other technical planning and construction documents, the policy provides clear examples of common accessibility features of which the average business or homeowner is likely to be aware. It is felt that the policy, as worded, is more likely to encourage the inclusion of accessibility features in new developments in the Parish. No change required.

Policy TP

It is also recommended, given the requirements around parking in Policy TP, this policy sets out a requirement that for any Part M4(3) homes parking also needs to be Part M compliant, i.e., 3.3m or capable of being widened. As a minimum, the number of spaces provided to this standard should reflect the number of Part M4(3) dwellings provided at any development.

Parish Council's response: Part M4(3) homes are specifically wheelchair user dwellings and an optional standard. Given the spatial strategy for this lowest-tier settlement, it is highly unlikely that a significant number of Part M4(3) homes would be brought forward over the plan period. It is not therefore considered necessary to make specific provision for this in a Neighbourhood Plan policy. However, the Parish Council will consider any applications specifically for Part M4(3) homes on their individual merits. If applicants expect material positive weight to be given in the planning balance to the provision of highly accessible housing in accordance with Part M4(3) of the Building Regulations then all relevant criteria (including with respect to parking) will need to be met. No change required.

ECC as the lead authority on education make the following points. Paragraph 11.8 states that the primary school is “*unable to withstand any further material expansion of [the] housing stock*”. Similarly, paragraph 11.13 describes Ardleigh St Mary's Primary School as “*being at breaking point*”. These statements contradict paragraph 10.14 which correctly states that the primary school is “*likely to remain at or close to capacity*”. The primary school has an excellent record of meeting the needs of the local population in high birth years and, as of May 2022, 47.8% of the pupils on roll lived closer to other schools i.e., the result of new housing would likely be that fewer pupils from outside the Priority Admission Area would gain a place. ECC recommend that the aforementioned wording is omitted from paragraph 11.8 and 11.13.

Parish Council's response: The pressure facing these local services was a matter raised consistently by the local community throughout the consultation processes of the Neighbourhood Plan. Given the degree of local concern expressed, the Parish Council entered into discussions with the LPA, Tendring District Council, concerning how this matter could best be addressed in the Neighbourhood Plan. On the advice of the LPA, the Parish Council conducted research into the most recent formal positions of the two services - GP surgery and primary school - concerning their capacity. This research found as follows:

In a written publication dated June 2020, the NHS (North East Essex) reported that the Ardleigh Surgery had a spare capacity of -207.29 m² NIA, i.e. a deficit of space.

In a written publication dated January 2020, the primary school indicated there were 113 pupils on roll compared to 105 school places, i.e. an oversubscription.

Based on this most recent evidence (at the time of the Plan's preparation) it is accurate to state at para 11.8 that the village's services are currently unable to withstand any material expansion of its housing stock. The spatial strategy established by the Local Plan and bolstered by the Neighbourhood Plan does not anticipate a material expansion of the local housing stock* and so this is unproblematic.

*although the Garden Community is unlikely to deliver new housing in Ardleigh Parish until after the current plan period, any new housing would be supported by its own services and facilities and would not be reliant on already stretched village facilities.

Paragraph 11.13 provides discussion of the community consultation. It states that local residents "widely agreed" the school and GP surgery to be at breaking point. This is an accurate reflection of the community's expressed views.

Paragraph 10.14 states the primary school is currently overcapacity and likely to remain at or close to capacity in the near future. The purpose of this statement is to make clear that the pressures facing the primary school are chronic rather than acute. It is accurate to state that the primary school is unlikely to resolve its capacity issues in the near future.

No changes required.

ECC as the Lead Local Flood Authority (LLFA) recommends that Policy HP reference the issue of sustainable drainage systems (SuDS). All new developments should incorporate SuDS, including rainwater harvesting, grey-water recycling etc to mitigate surface water flood risk. Further, all minor developments should manage runoff off using porous surfaces or otherwise discharge from the site should be limited to 1-year greenfield rates or 1 l/s, whichever is greater. There should also be the inclusion of SuDS drainage solutions to provide treatment to runoff generation from all new developments. Reference could also be made to relevant policy in the Tendring District Council Section 2 Local Plan. ECC recommend the promotion of multifunctional space, biodiversity and amenity space with a combination of blue and green features. All new developments should comply with the [Essex SuDS Design Guide](#).

Parish Council's response: The Parish Council has made efforts, wherever possible, to avoid the repetition of provisions already clearly established by the Local Plan. Policy LP 4 of the Local Plan (part 2) requires all new residential and mixed use developments to manage surface water by means of SuDS unless there is an exceptional case not to do so. Policy PPL 5 also requires new development to include SuDS and provides useful detail about the approach to be taken to water quality, conservation, disposal etc. These policies are considered to address SuDS in appropriate detail and a Neighbourhood Plan policy would only unnecessarily repeat them.

Regarding blue and green features, the Neighbourhood Plan is considered to make appropriate provision for these. For example, green and blue roofs appear in the list of desirable features in the supporting text to policy EP. Part 2 of policy EP also provides exceptional support for developments that secure material benefits for the natural and/or built environment of Ardeigh. This could include, for example, material benefits for sustainable water drainage, water conservation etc.

The NP should consider, apply and reference the [Essex Green Infrastructure Strategy \(2020\)](#) and the [Essex Green Infrastructure Standards \(2022\)](#), which are relevant to all Essex local authorities. These documents champion the enhancement, protection, and creation of an inclusive and integrated network of green spaces. Applying Essex's nine Green Infrastructure (GI) principles will help to ensure quality and consistency in the provision, management, and stewardship of GI an essential part of place-making and place-keeping for the benefit of people and wildlife.

Parish Council's response: The Neighbourhood Plan includes ambitious policies for local green infrastructure, with the inclusion of a Local Green Spaces policy supported by an extensive evidence base. The Local Green Spaces policy will make a material and welcome contribution towards Essex's GI principles. The Parish Council will carefully monitor and review the Plan's contribution towards the [Essex Green Infrastructure Strategy \(2020\)](#) and the [Essex Green Infrastructure Standards \(2022\)](#) at appropriate intervals throughout the plan period.

It is recommended that the following points are included as part of Policy EP - "including tree planting" at provision xi; "there should also be no net loss of biodiversity" at provision b; this includes 10% biodiversity net gain for applicable new developments in line with the Environment Act 2021 at provision e; Multifunctional green space should be incorporated throughout the area, where appropriate, and be evenly distributed in order to offer maximum benefit to the community.

Parish Council's response: provision xi is deliberately open-ended to allow a wide range of biodiversity efforts to be considered, depending on the context. Local policy PPL 4 adopts the following position RE biodiversity: *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*

The alterations suggested by ECC could be understood to undermine or conflict with the approach advocated by Local Plan policy PPL 4. The Parish Council will await changes to the Local Plan in accordance with the Environment Act before making any amends of their own.

Policy LGP

The wording of Part 2 of the policy is considered ambiguous and it is recommended for review to ensure it achieves its intended outcome. The explanatory text provides some clarity of what is intended and relevant points should be included in the policy itself, otherwise 'development' could be open to interpretation.

Parish Council's response: The use of the term "development" is considered to be most appropriate here and - given the range of local green spaces proposed and variety of development that *could* be appropriate to each - it would not be helpful to attempt to narrow this down further. Part 2 of the policy makes it clear that development will only be supported if it both (a) is compatible with the character/use of the space and (b) preserves the special values/significance of the space. This is worded similarly to other national and local policies concerned with the protection of natural/historic/built assets. For example, paragraph 197 of the NPPF refers to "the desirability of new development making a positive contribution to local character and distinctiveness." It does not attempt to specify what "developments" or what "local character" as this should be determined on a case by case basis.

Policy TP: Transport & Parking

It is noted that the NP makes little/no reference to the promotion of improved bus services and infrastructure.

Parish Council's response: The Neighbourhood Plan is realistic about what is achievable in Ardleigh and reflects, as far as possible, local aspirations for travel. In recent years, as for most rural areas, bus services have been scaled back and withdrawn from Ardleigh and there is no evidence at all to suggest this trend will cease or reverse. If the County Council believes there is scope for bus services to be returned to Ardleigh, the Parish Council would welcome these discussions with a view to updating the Plan on its next review. Notwithstanding this, community consultation revealed little local appetite for improved bus services, with new and improved cycle and footways being the clear priority of residents. The policy reflects this.

Additionally, the NP makes no reference to electric vehicle charging (EVC) points alongside parking. ECC suggests reference is included regarding the provision of EVC infrastructure. Provision for electric charging points should be provided for all proposed car parking spaces, associated within residential development proposals as set out in the latest government guidance and standards.

Parish Council's response: It is understood the requirement for EVC points is not yet in force (from 2023) and so it may be premature to include this in the Plan. Provision 6 of policy TP has been reworded to ensure compliance is demonstrated with the Essex Parking Standards and the Essex Design Guide **and subsequent revisions and replacement guidance**. It is assumed these county-wide documents will be updated as necessary to reflect changes to national guidance and standards.

ECC recommends reference is made safe direct walking and cycling routes to Ardleigh St Mary's Primary School since it fronts the A137. Further guidance is provided within the ECC [Local and Neighbourhood Planners' Guide to School Organisation](#) (January 2018), Section 6 (page 12) including establishing and improving walking and cycling routes to schools; reducing school run traffic and dispersing it away from school entrances; enforcing low traffic speeds around schools and the walking routes pupils use; ensuring pavements around schools are clear and wide enough for parents with pushchairs to pass; providing public art, nature areas and local history information boards, in the immediate area, to offer learning opportunities; planting of trees and / or hedges to enhance air quality / reduce exposure to poor air quality; and the use of landscaping and carefully selected street materials to reduce noise

Parish Council's response: The primary school adopts a highly sustainable location at the heart of the village where it is accessible to most residents of the village via continuous, lit pavements. Vehicle speeds are generally lower around the school due to the presence of traffic controls, road markings and bus stops. The main pressure facing the school is with regard to space/capacity and this is duly addressed by the Plan. In terms of accessibility and travel, the school is also amongst the most accessible and sustainable services in the Parish. Whilst the Parish Council will enthusiastically support proposals to enhance walking and cycling routes to the school, this has not been a focus of the Neighbourhood Plan for the reasons given above.

Green Infrastructure (GI)

A new policy could be included recognising the value of wider multi-functional GI for both people and wildlife, which can improve connectivity to existing and new green spaces, and which provide new open space.

Parish Council's response: A considerable portion of the time and funds spent on the Neighbourhood Plan has been channelled towards the creation of the Local Green Spaces policy which contains ambitious provisions for valuable green infrastructure throughout the parish. Following the community consultation, the need to protect/enhance existing (and especially currently non-designated) important green spaces was prioritised for this first iteration of the Plan. The Parish Council intends to review the efficacy of this policy and investigate how else green infrastructure can be promoted, protected and enhanced in the parish throughout their monitoring of the Plan.

Climate change

The NP does not include a policy on climate change. NPPF (2021), paragraph 153 requires Plans to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.

Parish Council's response: Although there is no single policy specifically concerned with climate change, climate change is addressed - to some extent - in most Plan policies. For example -

- Policy GDP supports the replacement of dwellings where this would improve energy efficiency and sustainability. It also provides support for development in the countryside that is modest in scale and impact and directly provides for the conservation, enhancement or appropriate enjoyment of the countryside. That could include, for example, schemes with positive implications for climate change such as new hedgerow planting or community food growing schemes etc..
- Policy CFP provides support for new community facilities in accessible locations and resists the loss of established important and accessible village facilities, with a view to creating a more walkable community with less need for travel by car;

-
- Policy HP provides additional support for dwellings boasting sustainable design and construction features in excess of policy requirements. It also provides support for multigenerational living (attached annexes for family members) which will ensure the best possible use is made of existing residential sites to meet local housing needs
 - Policy EP provides exceptional support for developments that would secure material benefits for the natural and built environment of Ardleigh including, for example, by reducing reliance on fossil fuels. Policy EP also promotes the use of natural/local/traditional building materials in new development which generally have less embodied carbon than modern alternatives
 - Policy LGP provides welcome support for Local Green Spaces, most of which make material positive contributions to local biodiversity, local wildlife habitats, land drainage, food production etc.
 - Policy TP provides support for new and improved sustainable travel routes, including cycle and walkways.

Essex County Fire and Rescue Service

Essex County Fire and Rescue Service would ask that the following are considered during the continued development of the Ardleigh Parish Neighbourhood Plan:

- Use of community spaces as a hub for our Prevention teams to deliver Fire Safety and Education visits, with the shared use of an electric charging point.
- Adherence to the requirements of the Fire Safety Order and relevant building regulations, especially approved document B.
- Installation of smoke alarms and/or sprinkler systems at suitably spaced locations throughout each building.
- Implementation of **vision zero** principles where there are introductions of or changes to the road network.
- Appropriate planning and mitigations to reduce risks around outdoor water sources.
- Suitable principles in design to avoid deliberate fire setting.
- Consideration for road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles).
- Implementation of a transport strategy to minimise the impact of construction and prevent an increase in the number of road traffic collisions. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.
- A risk reduction strategy to cover the construction and completion phases of the project.

Parish Council's response: Whilst the comments appear to relate to a specific project or development rather than the Neighbourhood Plan as a whole, the Parish Council acknowledges the general thrust of Essex County Fire and Rescue Service's consultation response which is - broadly speaking - that efforts to improve fire safety and resilience should be made wherever possible. To this end, the following iteration has been made to policy HP (new text appears in bold):

3. In all circumstances, housing applications that include the following features will be looked on more favourably than those that do not: [...]

c. Measures to improve fire safety and resilience in excess of minimum policy requirements

Local resident and landowner (owner of proposed Local Green Space 5)

[summarised]

- The proposal to designate space 5 as a Local Green Space is flawed
- The report states the land is currently undesignated which is wrong as it's part of a licensed premises, Prettyfields vineyard
- Encouraging the public to come to a wedding venue to enjoy the view could be provocative
- The wording in the description that you can access the area "via" the footpath insinuates the area is a destination - but that is only the case for paying customers
- The site is used by Colchester Aero modellers and to encourage the public to use it would be contrary to the thoughts of the council when they refused consent for the club to use the land as a public playing field because their model aircraft could pose a danger to others on the playing field
- Requests the site is deleted as a Local Green Space before usage gets worse than it is now. Notes Ardleigh Reservoir Committee have put in a car park without permission

Parish Council's response: When the Parish Council says the land is undesignated, they are referring to natural/landscape designations such as AONBs, County Wildlife Sites and Sites of Special Scientific Interest. The description of the site's use makes it clear that it is occupied by Prettyfields vineyard.

Both the Local Green Spaces Assessment document and the Plan itself make it clear that public access is only possible along the public footpaths, with access to the vineyard requiring paid entry.

Designation of the space is not anticipated to materially alter use of the site. Trespassing has not been encouraged and all development currently requiring planning consent will continue to be subject to the same consents.

The Parish Council would like to make it clear that they are supportive of the existing use of the relevant part of the site as a working vineyard as this is very much compatible with the special value of the site as a whole. The Parish Council expects the proposed designation of this space will be to the material benefit of this established rural land-based business as it provides additional resistance to development in its vicinity that would not be compatible with its character.

The Parish Council would also encourage the landowner to report potential breaches of planning control in the area - such as the alleged car park - to the Local Planning Authority via the usual channels. If the site is designated as a Local Green Space, it is anticipated that even greater priority will be given to tackling unauthorised and inappropriate development in its setting.

Lichfields, developers of the Garden Community

Paragraph 4.6 of the draft NP explains that the delivery of homes within the TCBGC will not take place until the NP period has expired (up to 2033), which is incorrect. The delivery of homes is currently scheduled to commence as early as 2025/2026 within the garden community allocation.

Parish Council's response: Paragraph 4.6 (now 4.8) states that homes are not expected to be built out in Ardleigh Parish until after the current plan period. Whilst homes are expected to be delivered as early as 2025/6, this is due to take place in other areas not covered by Ardleigh Parish. The developer has confirmed to the Parish Council that this remains their broad intention.

It is important therefore that policies in the emerging draft NP do not attempt to undermine the delivery of the garden community. To minimise this risk, and the risk of draft NP being rejected at examination stage, we would strongly encourage the Parish Council to progress its draft NP alongside the Councils emerging DPD, with a view to creating a complementary plan, rather than advancing it prior to adoption of the DPD.

Parish Council's response: The Plan has been amended to make it clear that the initial design and delivery of the garden community will be subject to its own (emerging) DPD. As there is little anticipated cross-over between the Neighbourhood Plan and the DPD, it is not considered essential that they are progressed together. The Parish Council already delayed their Plan to allow Section 2 of the Local Plan to be adopted first and do not consider it helpful to delay further.

Regarding Crockleford Heath, we understand the desires of some people within the community for no development to occur in its vicinity. However, this is in direct conflict with the strategic allocation in the Section 1 Plan, which anticipates Crockleford Heath forming part of the garden community and as such, change and appropriate development is anticipated. It is Latimer's aspiration that its proposals respect, enhance and reinforce the character of the existing area and strengthen the existing community in Crockleford Heath, and we look forward to ongoing discussions over the coming years as proposals are worked up.

Parish Council's response: No part of the Plan resists development of the Garden Community in the Crockleford Heath area and there is not considered to be any policy conflict in this regard. The emerging aspirations for the Crockleford Heath area (per the draft DPD) are acknowledged and it is agreed that it would be appropriate to clearly set these design aspirations out in the Neighbourhood Plan. To this end, the following wording has been added to paragraph 4.6:

The draft DPD includes the identification of an “Area of Special Character” at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character.

Policy GDP: General Approach to Development

Latimer welcomes confirmation at paragraph 9.8 in that the NP does not seek to prevent or discourage any development that is permitted by the Local Plan (i.e. including the TCBGC), however, this is not reflected in the wording of Policy GDP, which does seek to restrict development outside of the settlement boundary. Such policy wording would limit the extent of developable land within the allocated garden community, which would undermine the ability for the allocated garden community to deliver between 7,000 and 9,000 homes. To avoid conflict with the Section 1 Plan, policy should only relate to land both outside of the settlement boundary and outside of the Broad Location for the TCBGC already allocated in the Section 1 Plan.

Parish Council's response: It is agreed that policy GDP could be reworded to make it clearer that the garden community comprises an exception to the general resistance to development outside of settlement boundaries. The following alteration has been made (new text appears in bold):

Policy GDP -

2. With the exception of the Tendring/Colchester Borders Garden Community, new development outside of the Settlement Development Boundaries will not generally be permitted unless it is consistent with all other relevant Neighbourhood Plan policies and [...]

Policy CFP: Community Facilities

Latimer generally supports the aims of this policy. In relation to criterion 4, relating to proposals resulting in a net addition of housing being required to provide evidence that there is sufficient GP and/or primary school capacity, Latimer confirms that proposals within the garden community will ensure sufficient health, education and other community provision is provided to meet the needs of the new community. This will be a requirement of the DPD in any event and something Latimer is seeking to ensure from the outset to create a successful and thriving place.

Parish Council's response: It is understood that the garden community will be a self-sustaining community, providing sufficient facilities - including health, education etc. - to meet the needs of its residents. Part 4 of the policy relates only to housing applications that generate a "need" for the village's existing GP Surgery and primary school. The housing proposed within the Garden Community would generate no such need.

Policy HP: Housing

Latimer objects to criterion 1, which conflicts with Section 1 Plan, Policy SP 8 and SP 9. To remedy this, this aspect of the policy should only relate to land both outside of the settlement boundary and outside of the Broad Location for the TCBGC. Latimer additionally object to criterion 3 as the housing mix for the garden community will be informed by the DPD and subsequent planning applications. Latimer is committed to delivering 30% affordable housing provision across the garden community, as required by the adopted Section 1 Plan.

Parish Council's response: Criterion 1 of policy HP requires development to be in accordance with policy GDP. The alteration to policy GDP (to specifically identify the garden community as an exception) ensures policy HP poses no conflict with Section 1 policies SP8 and SP9. Regarding criterion 3, the introductory text makes it clear that the initial design and delivery of the garden community will be subject to its own DPD. It would not, therefore, be expected to comply with the preferred housing mix at policy HP. Notwithstanding this, part 3 is worded to provide additional support for housing applications that include specified features. It would not prevent the approval of applications that failed to include any of the specified features.

Policy EP: Natural, Built & Historic Environment

We object to the inclusion of the TCBGC within this policy and respectfully request that it is specifically excluded from this policy as it directly conflicts with the Section 1 Plan, particularly as all related matters will be addressed within the DPD. Furthermore, detailed design codes will be developed by Latimer in consultation with the Councils, community and other stakeholders to inform future planning applications, all set within the framework of the Councils emerging DPD. Notwithstanding, having reviewed the Village Design Statement (VDS), there are many which are not appropriate for the TCBGC.

In relation to the natural environment, Latimer's intention is to protect and incorporate Public Rights of Ways, hedgerows and mature trees and ancient woodland where practical and appropriate to help integrate the new garden community with the existing area. We look forward to discussing this and other aspects of our proposals in due course.

Parish Council's response: The Plan has been amended to make it clear that the initial design and delivery of the garden community will be subject to its own (emerging) DPD.

Following subsequent discussions with both the garden community developers and TDC, all parties appear to agree that the plan for development within the garden community post-delivery is not yet established. It is not clear, for example, whether the emerging DPD will cover development in the garden community post-delivery, whether a new DPD will be adopted or whether new sites in the community would (once complete) be expected to comply with the development plan in force in the area at that time.

In order to ensure new sites in the garden community retain a Plan-led approach to development at all times, the introductory text of the Neighbourhood Plan now explicitly states as follows:

Following delivery, new sites in the Ardleigh Parish area of the Tendring/ Colchester Borders Garden Community will be expected to comply with the development plan in force at that time, including any relevant Neighbourhood Plan policies.

It is anticipated that “relevant” policies of the Neighbourhood Plan would likely include policy EP.

Regarding the Village Design Statement (VDS), this provides an objective appraisal of the current character of each main area of the parish. It is acknowledged that the garden community will alter the character of its host area to the degree that the VDS is unlikely to remain accurate post its completion. In acknowledgement of this, the following alteration has been made to the policy (new wording in bold):

1. Development that is consistent with all other relevant Neighbourhood Plan policies will be supported provided:
 - a. Its design pays due regard to the contents of the Village Design Statement* [...]

***including subsequent revisions and/or subsequent replacement guidance.**

In the event that both of the following should hold true:

1. Sites in the garden community are completed and occupied in Ardleigh Parish over the plan period; and
2. No development plan document is adopted to guide the future development of these sites;

Then it would be expected that the Village Design Statement is updated (or another document prepared) to provide an objective appraisal of the newly established character of the garden community. Sites in the garden community would be expected to demonstrate due regard for the contents of such a document, in accordance with policy EP.

The Parish Council considers it reasonable, appropriate and achievable - in the absence of a replacement/overriding development plan document - that completed sites in the garden community would be expected to comply with all other provisions of policy EP.

Policy LGP: Local Green Spaces

As above, the TCBGC should be excluded from this policy as it directly conflicts with the Section 1 Plan and in any event these aspects will be addressed within the DPD and associated strategic masterplan.

Parish Council's response: Policy LGP is concerned only with the individual Local Green Spaces identified in the Plan and adjacent land. It contains no other provisions. All of the individual Local Green Spaces identified in the Plan are located some distance from the area of the Garden Community. The area of the Garden Community contains no Local Green Spaces and nor does it contain any land that could reasonably be considered "adjacent" to them. For these reasons, it is firmly disputed that the policy LGP has any bearing on the Garden Community or presents any conflict with the Section 1 Local Plan.

Policy TP: Transport & Parking

Transport and parking are important considerations; however, the Councils may wish to adopt a bespoke approach within the TCBGC to minimise car travel and encourage a modal shift towards more sustainable travel patterns. This will be embedded within the ethos of the new garden community. We therefore object to this policy and respectfully request that the TCBGC is excluded to allow these important matters to be given due consideration as part of the DPD and development management process.

Parish Council's response: Policy TP has been reworded as follows:

- 1. With the exception of the Tendring/Colchester Borders Garden Community,** development likely to generate significant amounts of movement and/or to have significant transport implications* will be strictly resisted throughout the parish.

In addition, as set out previously, the Plan's introductory text has also been amended to make it clear that the initial design and delivery of the garden community is subject to its own DPD as opposed to the policies of the Neighbourhood Plan.

Following completion, however, it would be expected that new sites within the garden community have regard to the development plan in force at that time. That could potentially include the Neighbourhood Plan unless it is replaced or superseded in the interim. If it is not superseded, the Parish Council considers it reasonable, appropriate

and achievable that completed sites in the garden community would be expected to comply with the provisions of policy TP.

Tendring District Council, Local Planning Authority

The District Council continues to raise concerns that the emerging Ardleigh NDP would not be in general conformity with Strategic Policies contained within the adopted Development Plan. In particular policies SP6 and SP9 of the Section 1 Local Plan in relation to the Tendring Colchester Borders Garden Community.

Prior to Regulation 16 stage, the District Council would need assurance that the emerging policies within the NDP would not conflict with the Strategic Policies contained within the adopted Development Plan.

Parish Council's response: In subsequent discussions, TDC has confirmed to the Parish Council that these broad summary comments relate to more detailed comments issued further in their letter - addressed below.

Paragraphs 4.2 – 4.6 would benefit from additional clarity on the remit of the neighbourhood Plan where it intersects with the DPD. A paragraph explaining that the Policies within this Neighbourhood Plan do not relate to development within the DPD would suffice.

Parish Council's response: Following subsequent discussions with TDC, this section has been reworded to confirm the the initial design and delivery of the Garden Community will be the subject of a separate DPD. However, following delivery, new sites in the Garden Community will be expected to comply with the development plan in force at that time, including any relevant Neighbourhood Plan policies.

The Parish Council believes this is the most appropriate way to approach development of and in the Garden Community. Should the development plan for the Garden Community change over the course of the plan period to exclude the Neighbourhood Plan*, the policy as reworded would account for this.

*It has been suggested that the Garden Community may - in future years - form its own parish rather than falling within the remit of Ardleigh Parish (and surrounding parishes). As this is yet to be confirmed, the above alteration to the Neighbourhood Plan ensures the completed Garden Community is not left without a plan-led approach to development in the interim.

Policy GDP (General Approach to Development) and Policy HP (Housing) could be interpreted as not allowing any development outside of defined settlement boundaries in the Neighbourhood Plan Area – notwithstanding the fact that the Garden Community will be developed partly in the Neighbourhood Plan Area, albeit in accordance with parameters to be set by the Development Plan Document (DPD) being prepared by Tendring, Colchester and Essex Councils. The emerging Neighbourhood Plan should be in general conformity with the Development Plan, it needs to clearly and explicitly acknowledge the Garden Community development. The NDP must also explain that a separate policy document (i.e. the DPD) will apply to that development, the emerging Plan is close to achieving this in the above mentioned text. The current wording of the emerging Policies are ambiguous at best and could be read as restrictive at worse; and therefore would not, on a strict reading, be in conformity with the adopted Development Plan. These emerging Policies should be amended to address the above concerns.

Parish Council's response: It is agreed these policies could be clearer regarding the “exception” provided by the garden community. The following alteration has been made (new text appears in bold):

Policy GDP -

2. With the exception of the Tendring/Colchester Borders Garden Community, new development outside of the Settlement Development Boundaries will not generally be permitted unless it is consistent with all other relevant Neighbourhood Plan policies and [...]

Policy HP states that housing development will be resisted outside settlement boundaries unless it is in full compliance with policy GDP. The above alteration to policy GDP ensures policy HP now also takes necessary account of the garden community.

Similarly with Policies EP (Natural, Built and Historic Environment) and LGP (Local Green Spaces), whilst it is not clear, these Policies should not aim to prejudice or run counter to the adopted Development Plan and Emerging DPD. The preparation of the DPD is an evolving process working at some speed. We would recommend that the Parish Council fully engage with the joint Councils during this preparation process before the Neighbourhood Plan proceeds to the next stage.

Parish Council's response: The relevant parts of the policy context section (paras. 4.3 - 4.8) now make it very clear that the initial design and delivery of the garden community will be established by the emerging DPD. They also make it clear that, post-delivery, new sites in the garden community will be expected to comply with the development plan in force at that time. This is considered to be a necessary and important provision as it ensures new sites in the garden community are not left without a plan-led approach to development. For this reason, policies EP and LGP do not specifically exclude the garden community or sites within it. This is to protect against the following possibility (example) -

The garden community makes unexpected progress and houses begin to be built out in Ardleigh Parish before 2033.

Houses are built out in accordance with the parameters established by the DPD.

Once completed, the homes begin to be occupied.

New occupiers start to make changes to their properties requiring planning permission, e.g. new garages, new boundary treatments and other householder alterations.

As the DPD only covers the initial design and delivery of the garden community, alterations made to sites subsequent to the creation of the garden community are undertaken without any detailed development management policies to guide them.

It is also worth stating that none of the spaces proposed by policy LGP are within proximity of the garden community. Development of the garden community would not have any potential to conflict with policy LGP.

It is also unclear if Policy TP (Transport and Parking) is intended to apply to development within the Garden Community. If this is the case, it is considered that this policy would not accord with the adopted Development Plan and will need clarification.

Parish Council's response: It is agreed that policy TP could be clearer regarding the garden community. The following alteration has been made (new wording in bold):

1. With the exception of the Tendring/Colchester Borders Garden Community, development likely to generate significant amounts of movement and/or to have significant transport implications* will be strictly resisted throughout the parish.

The Council has started work on defining a character area for Crockleford Heath. This work will feed into the next iteration of the DPD. The Parish Council is encouraged to engage in this work and help with the shaping of this unique area.

Parish Council's response: It is agreed that the ongoing work on the DPD - particularly insofar as it pertains to the character area for Crockleford Heath - warrants further comment in the Plan. To this end, the following wording has been added to paragraph 4.6:

The draft DPD includes the identification of an “Area of Special Character” at and around the settlement of Crockleford Heath, aimed at safeguarding its distinctive rural character.

There is a presentation issue on page 32 where the list of green spaces is split over two pages.

Parish Council's response: It is not considered that splitting the list confuses or otherwise affects understanding of this section. The Parish Council has pointed out to TDC that there are various examples of lists split across two pages in their own Local Plan. TDC accepts that no change is required.

Throughout a number of Policies it is required that new development accord with all Policies in the Neighbourhood Plan. As we have mentioned before, this is an unreasonable request and should be amended.

Parish Council's response: There is no requirement anywhere in the Plan that new development accord with all policies. Rather, the requirements are worded such that development should accord with all “relevant” policies in the Plan. These provisions are typical and appropriate, appearing in various Local Plan policies, e.g.: policy PP5 states that [various] developments “will be permitted where they comply with other relevant policies in this Local Plan” amongst other provisions.

Conclusion

The Parish Council wishes to express their gratitude to everyone who took the time to comment on the Neighbourhood Plan during the regulation 14 consultation. The resultant alterations to the Plan make for a stronger and more comprehensive document overall of which the local community should be proud.

The Parish Council will now look to submit the Plan for formal examination, during which your views will also be sought and your input gratefully received and taken on board.

Appendix A: notification letter

Ardleigh Parish Council Neighbourhood Plan Pre-submission Consultation (Regulation 14)

Ardleigh Parish Council wishes to inform you of the above consultation. The details of how to make representations on the Pre-Submission Plan are given below:

- The Plan can be viewed in the following ways:
 - By electronic download from <https://ardleigh.website/our-plan> The wider evidence base and supporting documents can also be viewed and downloaded.
 - Hard Copy:
 - Ardleigh Village Hall, CO7 7RS on 24th August, 2 p.m. to 7 pm where members of the Parish Council and the Neighbourhood Plan Working Group will be available to answer questions.
 - In case of difficulty accessing via the above options, please call 01206 414989 or email ardleighnp@gmail.com to arrange to view a hard copy. (we hope to have a copy available at St Mary's Church, Ardleigh, CO7 7LD from 15th August).
- Representations can be made in the following ways:
 - By completing a feedback form available via the web link <https://ardleigh.website/our-plan>
 - By emailing ardleighnp@gmail.com
 - More information and copies of the feedback form will be available at the drop-in session, 24th August, Ardleigh Village Hall 2-7pm
 - By writing to Ardleigh Parish Council, PO Box 12685, Colchester CO7 7EZ
- The Pre-Submission Consultation runs from **8th August, to 12 noon on. 23rd September, 2022.** No representations will be accepted after this time.
- All representations must include name, address and if relevant, the organisation you are representing.

If you have any questions, please email ardleighnp@gmail.com or come along to our drop in session on 24 August.

Appendix B: Ardleigh Advertiser advert

Ardleigh Neighbourhood Plan: The draft Neighbourhood Plan is now being finalised by our consultants, Planning Direct, and should be returned to the Parish Council by 5th August 2022. Assuming there are no delays, the next stage of the Plan will be to hold a 6-week consultation with the community. The Government set this process - called Regulation 14 Pre-submission Consultation. The Parish Council will publicise the Plan and invite comments on it. All comments will be considered by the Neighbourhood Plan Steering Group and a final version of the Plan will then be submitted to the Local Planning Authority, Tendring District Council, for examination by an independent examiner.

The 6-week Pre-submission consultation will begin on 8th August and end on 16th September 2022. An on-line version of the draft Neighbourhood Plan, with an accompanying comments questionnaire, will be made available on Ardleigh Parish Council Our Plan website link. There will also be a small number of hard copies available for those who cannot access the Plan electronically. Look out for more information on this through social media and posters, which will be placed around the community.

Another **date for your diary** is the 24th August, 2022. Ardleigh Parish Council will be holding another **Information Drop-in session** at the Village Hall, from 2pm until 7pm. The draft Neighbourhood Plan will be available to view, with the Pre-submission consultation questionnaire.

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Appendix C: online consultation form

* Required

1. Do you support the proposed Neighbourhood Plan for Ardleigh?

- Yes
- No
- Maybe/ not sure

2. Do you have any comments on the proposed Policies within the Plan?

Enter your answer

3. Do you have any other comments on the proposed Neighbourhood Plan?

Enter your answer

4. Please give your name and address below.

If you are representing an organisation please also give the name of the organisation.
(All representations must be accompanied by a name and address). *

Enter your answer

Submit

Appendix D - online form responses



Name	Do you support the proposed Neighbourhood Plan for Ardleigh?	Do you have any comments on the proposed Policies within the Plan?	Do you have any other comments on the proposed Neighbourhood Plan?	Parish Council's response
Respondent 1	Yes	Excellent thoroughly agree	A very bit thank you to everyone who has worked so hard on this.	N/A
Respondent 2	Yes	They have been well thought through and reflect the desires of the community.		N/A
Respondent 3	Yes	I support them all.	I know how much work has gone in to the preparation of this plan.	N/A
Respondent 4	Yes	<p>Generally a very clear document, extremely well researched with plenty of opportunity for community involvement in drawing up conclusions and proposals/policies. I am concerned that this document will simply be given lip service by TDC planning department, recent experience on the level of new builds in Ardleigh leads me to believe that their Local Plan target of <1 new property a year is fanciful.</p> <p>On one specific point, the proposed new link road, the document states "The new link road is likely to improve parishioners' ease of access into the urban centre of Colchester", this will only be the case for a very small number of Ardleigh parishioners, only those in the Crockleford Heath area. This benefit is likely to be outweighed by other road users looking for a shortcut to and from the link road.</p>	<p>I am very disappointed that there is not a stronger commitment to developing cycle routeways into Colchester and Manningtree as a means of reducing road traffic as well as promoting a healthier, more sustainable method of personal transport. Cycling is becoming even more accessible to the general public with the continued development of electric bicycles.</p>	<p>Once adopted, Ardleigh Parish Council expects the District Council to give the policies of the Neighbourhood Plan their full statutory weight when making decisions in the area. The Parish Council will continue to comment on applications in their area and anticipate that the policies of the Neighbourhood Plan will better support them to resist inappropriate development. The link road is part of the District Plan and the Ardleigh Neighbourhood Plan does not have the power to affect this. However, Ardleigh Parish Council will continue to monitor road issues in the area and would urge parishioners to continue to report their complaints or concerns. The Parish Council is also very keen to promote cycling and other sustainable transport modes throughout the parish, however a Neighbourhood Plan - by its purpose and nature - is limited in what it can achieve. Policy CFP does provide support for new or improved community facilities, especially exercise-related leisure facilities. This could include, for example, new cycleways or other suitable cycling facilities. Policy TP also provides strong support for development that would improve existing cycleways or provide new cycleways.</p>



Respondent 5	Yes	Very Comprehensive	No	N/A
Respondent 6	Yes	A great piece of work and reflects the needs of the village and help to keep its character going forward.	It is vital that the plan is upheld by local and national plans.	Once adopted, Ardleigh Parish Council expects the District Council to give the policies of the Neighbourhood Plan their full statutory weight when making decisions in the area. The Parish Council will continue to comment on applications in their area and anticipate that the policies of the Neighbourhood Plan will better support them to resist inappropriate development.
Respondent 7	Yes	Limit the number of houses being proposed		The Neighbourhood Plan does not set any specific housing targets and the strategy of the District Plan is that Ardleigh will sustain only modest housing growth over the plan period. The plan-led approach to development is of vital importance and the Parish Council expects all planning decisions to be made in light of this.
Respondent 8	Yes	I hope there are developments restricted to 10 dwellings		The Neighbourhood Plan does not set any specific housing targets and the strategy of the District Plan is that Ardleigh will sustain only modest housing growth over the plan period. The plan-led approach to development is of vital importance and the Parish Council expects all planning decisions to be made in light of this.
Respondent 9	Yes			N/A
Respondent 10	Yes	If there is any further building in Ardleigh, they should only be small scale developments - the school and surgery are over-subscribed already.		The Ardleigh Neighbourhood Plan recognises the well-evidenced pressures facing the village's key essential services such as the school and GP surgery. It makes bold efforts to protect these cherished and vital local facilities from the negative effects of new development - see policy CFP in particular. Ardleigh Parish Council will pay close attention to the effect and efficacy of these policies during their monitoring of the Plan.

Respondent 11	Yes	I am in total support of the proposed policies.	A lot of hard work has gone into producing this plan. The Parish of Ardleigh stands to benefit hugely when it is adopted	N/A
Respondent 12	Yes	whoever devised the plan clearly put time and effort in to it. Congratulations!		N/A
Respondent 13	Yes			N/A
Respondent 14	Yes			N/A
Respondent 15	Maybe/ not sure		Not sure what the neighbour hood plan is but I'm opposed to any building work, pylons etc	This comment appears to be in relation to an ongoing major planning application for pylons works in the area which has generated a large local response. This is separate to the Neighbourhood Plan and the Parish Council has engaged with the community on this matter independently of the Plan.
Respondent 16	Yes			N/A
Respondent 17	Yes	No	No	N/A
Respondent 18	Yes		This represents a deal of work from many willing volunteers. Thank you.	N/A
Respondent 19	No	Pylons are a blight on the landscape and should not be promoted in this cavalier fashion, There is an alternative route under the sea to Tilbury with a mega reduced environmental impact.		This comment appears to be in relation to an ongoing major planning application for pylons works in the area which has generated a large local response. This is separate to the Neighbourhood Plan and the Parish Council has engaged with the community on this matter independently of the Plan.

<p>Respondent 20</p>	<p>Yes</p>	<p>Seem well thought out and logical. Also aspirational, for instance about the development of communal facilities.</p> <p>It must be made clear that the new town, the design, location and viability of which cannot be subject to Ardeigh policies, must not be allowed to impact the village more than is absolutely necessary.</p>	<p>Again, to do with the new town, how the Plan links into it.</p> <p>How can Ardeigh ensure that Tendring take notice of what villagers want?</p> <p>Query: Manor House Meadow: is this field now in the ownership of Manor House? They have their own meadows. The photo is of the land which used to belong to Bovills Hall</p>	<p>The District Plan establishes that the design of the new garden community will be subject to its own, independent development plan document. Therefore, the Ardeigh Neighbourhood Plan is not able to directly influence its design or location etc. However, the Parish Council is committed to working as closely as possible alongside the developers and the District Council to achieve a satisfactory design. Where public input is invited, the Parish Council will do its best to promote this and encourage all members of the public to take part. Regarding Manor House Meadow - parts of this site are designated Local Wildlife Sites Te9 and Te10, known respectively as "Manor House Meadow" and "Springhead Corner Meadow" - this is where the name was taken from.</p>
		<p>The socio-economic profiles presented clearly demonstrate that there is an above average number of older persons (over the age of 65+) living in Ardeigh compared to levels in England and Essex. This indicates that there is an existing need for specialist older person accommodation in Ardeigh. As individual's care requirements increase, they will inevitably have to move away from Ardeigh to seek accommodation that suits their needs (this type of accommodation isn't just specialist care homes, but single storey living, such as bungalows).</p>	<p>We are pleased to see that the Parish Council has removed reference to the landowner granting permission for the public to walk on the unofficial routes that go beyond the public rights of way.</p> <p>It is assumed that reference to "designating" the land as a Local Green Space as a means to protecting the footpaths (para 13.17) relates purely to the existing PROW. If this is not the case, then clarification is required, because it is wrong to imply that a Neighbourhood Plan designation could in any way claim to allow access to private land.</p> <p>Nevertheless, the inclusion of Space 4: Field south of Mary Warner Estate as Local Green Space as defined in the NPPF continues to be flawed. The Parish Council dismisses Nigel Cowlin's specialist opinions in the December 2021 assessment entitled "Review of proposed Local Green Space designation" without any detailed explanation as to</p>	<p>The Ardeigh Neighbourhood Plan makes bold steps for the older population that go above and beyond the policies of the District Plan. Bungalows are not specifically identified by Fig 13 because the data used - unfortunately - did not include this house type. Nonetheless, Fig 13 indicates what houses already exist in the area and does not provide a proposed housing mix for new development. In addition, policy HP provides strong support for new houses that include accessibility features like level thresholds, wide doorways and ground-floor bedrooms. Policy HP also provides welcome new support for the creation of ancillary residential accommodation (e.g. granny annexes) throughout all parts of the parish, including outside settlement boundaries. This will provide more housing choice for all residents with support needs, including older people. Unless clearly stated, any reference to a footpath is a reference to a formally designated Public Right of Way (PROW). The comments previously made by Mr Cowlin have been carefully considered and addressed previously. National criteria</p>



Respondent 21	No	The housing types breakdown in Fig 13 does not identify bungalows. It would be beneficial if this information was presented in the plan so that the important distinction between the numbers of two storey family housing and single storey bungalows can be made. As presented, bungalows are hidden as they cross over the detached, semi-detached and terraced categories and yet, they provide a specialist type of accommodation that the population statistics show is needed now as well as in the future. This information will help guide the Parish Council as to current and future demands for this particular type of housing. We recommend this change is made to the plan prior to submission to the LPA.	why. In essence, Space 4 does not meet the criteria for what constitutes Local Green Space as set out in the NPPF and so, we maintain that this designation should be removed from the Neighbourhood Plan submitted for examination. We consider that as written, the Neighbourhood Plan does not meet the "basic conditions" as it will not have due regard to National Policy (i.e. it does not meet the NPPF definition of Local Green Space as explained in the December 2021 Nigel Cowlin Assessment) and that the Independent Examiner will not be in a position to recommend that the plan proceed to the referendum stage. This will cause delay to the "adoption" of the Neighbourhood Plan and the Parish Council is advised to make this change now to avoid such delay.	for Local Green Spaces are open to discretion and require a judgement to be taken. It is the Parish Council's view that the space does meet the NPPF criteria and the comments of [REDACTED] have not altered this position. For example, [REDACTED] stated "there is no notable interaction or outlook from any civic space within the settlement". The Parish Council does not agree. In their view, there is notable interaction between the space and very important civic spaces in the village, including its recreation ground. This is considered to be well-evidenced by the photographic record. As the Parish Council does not agree with the assessments made by [REDACTED], they do not consider it necessary or appropriate to remove space 4 from the Plan and are content for it to be considered at examination by the Inspector who will, of course, apply their own discretion.
Respondent 22	Yes	A sound solution to labour over development of the village.	It meets requirements, has been thoughtfully developed for the benefit of the environment and the community living in the village.	N/A
Respondent 23	Yes			N/A
Respondent 24	Yes			N/A
Respondent 25	Yes			N/A
Respondent 26	Yes			N/A
Respondent 27	Yes	Agree with them all - well thought out, comprehensively described and should hopefully protect Ardleigh in the coming years from unwanted development.	A great document, well prepared, well presented. Thank you to everyone involved in putting in the hard work and research to prepare the NP	N/A



			<p>Congratulations on your thorough 'Local Green Space Assessment'. CNHS is concerned however that some sites are being "discounted" from inclusion on the grounds that they are already protected. Examples are Bullock Wood, Churn Wood. Another, a new reservoir with green space, is being discounted as it does not yet exist. CNHS would not "discount" any site that has benefit to biodiversity and hence wildlife protection and enhanced health and well-being to the community. Such sites should be included so that your neighbourhood plan adds another level of 'material' policies to protect those sites. Please do not allow any dilution to protection of sensitive sites.</p>	<p>National planning practice guidance provides "if land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space." Due consideration was given to this guidance during the desktop phase of assessments. For those spaces already designated as SSSIs - e.g. Bullock Wood - the only tangible benefit of a Local Green Space designation would be to provide some additional control over development in its setting. Given the scale, layout and position of these sites (i.e. with multiple, varied settings on different sides) and the established presence of suburban development in their settings, this was not considered to be especially necessary or, indeed, achievable. Unfortunately, the Parish Council has also been advised that it is not possible to designate Local Green Spaces that do not yet exist. However, they fully recognise the considerable importance - for landscape, biodiversity, social cohesion, public health etc. - that the planned new reservoir (space 16) will hold once complete and do intend to review its designation at that time.</p>
Respondent 28	Maybe/ not sure			
Respondent 29	Yes	<p>I hope that when the parish is threatened with new developments (housing or business), TDC as the planning authority will take notice of the Policies which have been written based on the residents feedback.</p>	<p>A lot of hard work has gone into producing this Neighbourhood Plan and I thank the Parish Council for doing this.</p>	<p>Once adopted, Ardleigh Parish Council expects the District Council to give the policies of the Neighbourhood Plan their full statutory weight when making decisions in the area. The Parish Council will continue to comment on applications in their area and anticipate that the policies of the Neighbourhood Plan will better support them to resist inappropriate development.</p>
Respondent 30	Yes	<p>The Policies cover a lot of important topics relating to the Parish of Ardleigh and adequately reflect the results of the public surveys</p>	<p>It is essential that we have a Neighbourhood Plan to stop unwanted development in our rural parish.</p>	<p>N/A</p>



Respondent 31	Yes	They seem to be a fair reflection of the issues that matter to most residents and are invaluable to maintain and protect the character of the village of Ardleigh, as well as the environment and natural habitats for nature in this ancient part of the county. Green spaces and an appreciation of what has emerged over millennia, including landscapes, buildings and community need to be protected, especially now.	I welcome the thought of such an item being adopted to ensure the village isn't swallowed up or buried under huge and ad hoc developments of any nature. It's not NIMBY as developments must be part of the future but they must be considered properly and with respect to residents, environment, infrastructure and plain Common Sense! That is how I see the neighbourhood plan.	N/A
Respondent 32	Yes	No	Could have been more emphasis on resisting the despoiling of Ardleigh's rural environment, in particular the proposed substation and enormous pylons.	The Plan does include ambitious policies for the protection of Ardleigh's rural environment. For example, policy EP resists any development that would have an urbanising effect on a rural lane or street and any development that would cause urban intrusion (including by way of noise, light pollution or increased traffic) into currently tranquil rural areas. The Plan also adopts the Village Design Statement (VDS) into policy. The VDS is a pre-existing document that was recently updated to address development undertaken in the parish in the c. 10 years since its initial publication. The VDS clearly identifies the character (built and landscape) of different parts of the parish - for example, is it rural and tranquil? All new development in the area will now be expected - in accordance with policy EP - to pay due regard to the VDS. This will require respect to be shown for the environment's established qualities and features.
Respondent 33	Yes	No	Ardleigh does not need National Grid's proposed substation and pylons, or the proposed connecting wind farm substations.	This comment appears to be in relation to an ongoing major planning application for pylons works in the area which has generated a large local response. This is separate to the Neighbourhood Plan and the Parish Council has engaged with the community on this matter independently of the Plan.

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Your Ref: Ardleigh Neighbourhood Plan Reg 14
Our Ref: Ardleigh NPlan Reg 14

Dr Shamsul Hoque
National Highways
Operations - East
Woodlands
Manton Lane
Bedford MK41 7LW

Ardleigh Parish Council
PO Box 12685
Colchester CO7 7EZ

Date: 23 September 2022

Sent via email: ardleighnp@gmail.com

Dear Sir/Madam,

**Ardleigh Parish Council Neighbourhood Plan
Pre-submission Consultation (Regulation 14)**

Thank you for your correspondence, dated 10 August 2022, for inviting National Highways' comments on the subject mentioned above. After completion of our review of the supporting documents, now sending my comments below:

National Highways is responsible for the operation, maintenance, and improvement of the Strategic Road Network (SRN) in England on behalf of the Secretary of the State. In the proposed Ardleigh Neighbourhood Plan for the period between 2020 and 2033, the land is located within the Tendring District Council.

National Highways is a key delivery partner for sustainable development promoted through the plan-led system and as a statutory consultee, we have a duty to cooperate with local authorities to support the preparation and implementation of development plan documents.

With respect to the adopted Section 1 of the Local Plan, the proposed new Tendring/Colchester Borders Garden Community (TCBGC) is to be sited on the Tendring and Colchester border, extending into the southernmost portion of Ardleigh

Parish. It is expected that this Tendring/Colchester Borders Garden Community will deliver a very substantial number (for example, *2000 total homes up to 2033 and a further 5500 homes post 2033*) of new homes throughout and beyond the current plan period; (para 11.11).

Tendring District Council Policy CP2 Transport Network stated that to serve this Tendring/Colchester Borders Garden Community (TCBGC), a new strategic link road between the A120 and A133 and a Rapid Transit System will be required. A planning permission for this new strategic A120/A133 link road was granted by Essex County Council in November 2021. This is part of a packaged bid including funding for the provision of a Bus Rapid Transit (BRT) scheme which will be essential if a severe impact from the development is to be avoided on the highway network.

Therefore, such as the 'Policy TP – Transport and Parking' which identifies opportunities for any traffic mitigation measures and public realm improvements, including road junctions' improvement and implementation of sustainable transport measures, and traffic calming measures will be acceptable in principle.

We welcome any initiative which leads to introduce of walking, cycling, and any other sustainable scope of travel, following the Policy CP1 and traffic mitigation in line with the policy intended to enhance the active travel environment where appropriate.

National Highways offers No Objection to this Neighbourhood Plan.

If you require any clarification on the points raised, please let me know at PlanningEE@nationalhighways.co.uk

Yours faithfully

S. H.

Dr Shamsul Hoque
Assistant Spatial Planner
PlanningEE@nationalhighways.co.uk

Ardleigh Parish Council
PO Box 12865
Colchester
CO7 7EZ

FAO: Rachel Fletcher, Parish Clerk

Sent via email: ardleighnp@gmail.com

Date: 23 September 2022

Our ref: 62189/01/PR/CW/25801416v4

Your ref:

Dear Sir/Madam,

Ardleigh Neighbourhood Plan Regulation 14 Consultation – September 2022

We write on behalf of our client, Latimer (Tendring Colchester Borders Garden Community “TCBGC”) Developments Limited, hereon in referred to as ‘Latimer’, in response to the above consultation. Latimer and its team welcome the opportunity to engage with Ardleigh Parish Council on its emerging Neighbourhood Plan (NP) and would welcome a meeting over the coming weeks to introduce ourselves and discuss how we can best work together to create a 21st-century garden community.

This letter provides Latimer’s response to the Regulation 14 version of the Ardleigh NP dated August 2022, organised under relevant headings.

Introduction and context

Latimer, partnering with Mersea Homes, is the master developer bringing forward the TCBGC and controls most of the land allocated for the new garden community. This is the largest strategic allocation in the North Essex Authorities’ Shared Strategic Section 1 Plan (hereon in referred to as the Section 1 Plan). Adopted Policy SP 8 and SP 9 of the Section 1 Plan allocates the area for between 7,000 and 9,000 new homes, 25 hectares of employment land, university land, community, leisure, retail and other associated uses. Policy SP 8 sets the Broad Location for the garden community and requires a Development Plan Document (DPD) to be prepared, including policies setting out how the new community will be designed, developed, and delivered. It is an important, strategic allocation for both Tendering and Colchester Councils to enable them to accommodate their required and planned growth. Failure to do so will result in unplanned, speculative developments which is not in the interests of either local planning authority or the Parish Councils.

We note that the northwest corner of the garden community lies within the Ardleigh Draft Neighbourhood Plan (NP) Area.

The Councils are currently preparing this DPD, with its Regulation 19 consultation scheduled for end 2022/early 2023. To inform the DPD, the Councils are

preparing a strategic masterplan for the garden community, which will be consulted upon alongside the DPD.

The Neighbourhood Plan Regulations (2012) require that NPs meet a number of basic conditions, which importantly includes a requirement to be in general conformity with strategic policies. Latimer is keen to emphasise to the Parish Council that the emerging and draft Ardleigh NP must conform with the adopted and examined Section 1 Plan, including Policy SP 8 and SP 9. It must not (and cannot) prejudice the delivery of this important strategic allocation and the ability of this garden community to deliver between 7,000 – 9,000 homes.

Paragraph 4.6 of the draft NP explains that the Parish Council intends to work closely and proactively with the Councils to progress the design and development of the garden community, which we fully support. It goes on to explain that the delivery of homes within the TCBGC will not take place until the NP period has expired (up to 2033), which is incorrect. The delivery of homes is currently scheduled to commence as early as 2025/2026 within the garden community allocation.

It is important therefore that policies in the emerging draft NP do not attempt to undermine the delivery of the garden community. To minimise this risk, and the risk of draft NP being rejected at examination stage, we would strongly encourage the Parish Council to progress its draft NP alongside the Councils emerging DPD, with a view to creating a complementary plan, rather than advancing it prior to adoption of the DPD.

We fully appreciate and understand that a new garden community of 7,500+ homes and all associated infrastructure and supporting uses will represent a significant change to the area. However, the area has been allocated in the Section 1 Plan and the Councils consider this is best way to accommodate growth and the increasing demand for new homes.

Latimer, in partnership with Mersea Homes, are wholly dedicated to delivering an exemplary new garden community over the coming decades. This change can therefore be seen as a positive and planned, and over the next 18+ months we look forward to positive engagement on shaping the detail of these proposals.

Response to emerging policies

Within this section we provide our response to specific policies under relevant headings.

Regarding Crockleford Heath, we understand the desires of some people within the community for no development to occur in its vicinity. However, this is in direct conflict with the strategic allocation in the Section 1 Plan, which anticipates Crockleford Heath forming part of the garden community and as such, change and appropriate development is anticipated. It is Latimer's aspiration that its proposals respect, enhance and reinforce the character of the existing area and strengthen the existing community in Crockleford Heath, and we look forward to ongoing discussions over the coming years as proposals are worked up.

Policy GDP: General Approach to Development

Latimer welcomes confirmation at paragraph 9.8 in that the NP does not seek to prevent or discourage any development that is permitted by the Local Plan (i.e. including the TCBGC), however, this is not reflected in the wording of Policy GDP, which does seek to restrict development outside of the settlement boundary. Such policy wording would limit the extent of developable land within the allocated garden community, which would undermine the ability for the allocated garden community to deliver between 7,000 and 9,000 homes. To avoid conflict with the Section 1 Plan, policy should only relate to land both outside of the settlement boundary and outside of the Broad Location for the TCBGC already allocated in the Section 1 Plan.

Policy CFP: Community Facilities

Latimer generally supports the aims of this policy. In relation to criterion 4, relating to proposals resulting in a net addition of housing being required to provide evidence that there is sufficient GP and/or primary school capacity, Latimer confirms that proposals within the garden community will ensure sufficient health, education and other community provision is provided to meet the needs of the new community. This will be a requirement of the DPD in any event and something Latimer is seeking to ensure from the outset to create a successful and thriving place.

Policy HP: Housing

Latimer objects to criterion 1, which conflicts with Section 1 Plan, Policy SP 8 and SP 9. To remedy this, this aspect of the policy should only relate to land both outside of the settlement boundary and outside of the Broad Location for the TCBGC. Latimer additionally object to criterion 3 as the housing mix for the garden community will be informed by the DPD and subsequent planning applications. Latimer is committed to delivering 30% affordable housing provision across the garden community, as required by the adopted Section 1 Plan.

Policy EP: Natural, Built & Historic Environment

We object to the inclusion of the TCBGC within this policy and respectfully request that it is specifically excluded from this policy as it directly conflicts with the Section 1 Plan, particularly as all related matters will be addressed within the DPD. Furthermore, detailed design codes will be developed by Latimer in consultation with the Councils, community and other stakeholders to inform future planning applications, all set within the framework of the Councils emerging DPD. Notwithstanding, having reviewed the Village Design Statement (VDS), there are many which are not appropriate for the TCBGC.

In relation to the natural environment, Latimer's intention is to protect and incorporate Public Rights of Ways, hedgerows and mature trees and ancient woodland where practical and appropriate to help integrate the new garden community with the existing area. We look forward to discussing this and other aspects of our proposals in due course.

Policy LGP: Local Green Spaces

As above, the TCBGC should be excluded from this policy as it directly conflicts with the Section 1 Plan and in any event these aspects will be addressed within the DPD and associated strategic masterplan.

Policy TP: Transport & Parking

Transport and parking are important considerations; however, the Councils may wish to adopt a bespoke approach within the TCBGC to minimise car travel and encourage a modal shift towards more sustainable travel patterns. This will be embedded within the ethos of the new garden community. We therefore object to this policy and respectfully request that the TCBGC is excluded to allow these important matters to be given due consideration as part of the DPD and development management process.

Conclusion

Latimer welcomes the opportunity to engage with Ardleigh Parish Council on its emerging Neighbourhood Plan (NP).

Whilst we support some aspects of the emerging NP, we are concerned that other aspects are not in conformity with the Section 1 Plan, namely Policies SP 8 and SP 9, and could prejudice the delivery of this important allocation. We would therefore encourage the Parish Council to advance its NP in parallel with the DPD, with a view to creating a complementary plan. Alternatively, the area covered by the draft NP could be limited to all areas outside of the allocated TCBGC Broad Location to allow the Councils emerging DPD to set the framework for this important strategic site allocation.

We would very much welcome a meeting to introduce ourselves, outline our aspirations, discuss our representations with you and explore how we can best work together to ensure appropriate foundations are laid to allow the creation of a successful, thriving exemplary 21st century garden community that we can all be proud. We will be in touch shortly to arrange this.

Yours sincerely



Pauline Roberts
Senior Director

Copy Russ Edwards and Luke Cadman – Latimer by Clarion Housing Group
 Gary Guiver and William Fuller – Tendring District Council

Date: 17 August 2022
Our ref: 403582
Your ref: Ardleigh Neighbourhood Plan



Ardleigh Parish Council

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir or Madam

Neighbourhood Plan Pre-submission Consultation (Regulation 14)

Thank you for your consultation on the above dated 10 August 2022 which was received by Natural England on 10 August 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours faithfully

Corben Hastings
Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

General Comments

There are a number of insert maps within the Neighbourhood Plan (NP), however it would be useful to have an overarching Policy Map which brings these all together.

Tendring Colchester Borders Garden Community

This is a major development which straddles the Ardleigh NP boundary. This will include additional housing stock within the Ardleigh NP boundary and a network of footpaths, cycleways and bridleways to enhance accessibility within the site and to the adjoining areas including Ardleigh. The Ardleigh Neighbourhood plan group are encouraged to engage with the Councils working on the plan for the Garden Community.

For context it would be helpful to see a map identifying where the new Garden Community is to be located and showing where it overlaps with the Ardleigh NP area. It may be beneficial to highlight existing routes between the two communities and also consider potential new routes (especially routes that encourage non-vehicular use such as bridleways/cyclepaths).

Paragraph 4.12

4.12 states that over the plan period, housing growth in Ardleigh is expected to be limited to small-scale “infill” developments of 10 houses or fewer to be located within the defined Settlement Development Boundaries. There is very little opportunity within the defined Settlement Development Boundaries for infill developments so on this basis little to no development will occur.

Paragraph 5.56

It should be noted that part of Spring Valley Lane, a protected lane, falls within the boundary of the Garden Community draft plans.

Policy GDP

Fig 28 Settlement Boundary Map doesn't reflect the current housing within the boundary. Map 2 in Appendix A reflects the current development level much more accurately and should be used as the basis of all similar maps within the NP.

Policy CFP – Community Facilities

4. As stated in the explanatory text, Ardleigh Surgery does not have spare capacity and the school is over capacity and likely to remain in the near future therefore it is likely a financial contribution for all housing applications will be requested.

Policy HP Housing

4. The creation of ancillary accommodation (such as Granny Annexes) does not count as additional housing stock so should not be contained within the housing policy.

Paragraph 11.11

Conflicts with paragraph 4.6 which states no housing from the Garden Community is expected to be delivered within the Ardleigh NP plan area within the plan period.

Policy TP – Transport and Parking

The key objectives and principles for the Garden Community are to ensure neighbourhoods are walkable, low traffic and liveable, where residents can access most of their daily needs within a 15-20 minute walk or bike ride from their home. The Garden Community will be designed and built in a way that reduces the need to travel, especially by car. With this in mind the Garden Community should not result in increased traffic congestion on existing roads into Ardleigh.

Crockleford Heath and Elmstead Action Group (CEAG)

Comments on Ardleigh Parish Council
Neighbourhood Plan

Pg 11 Section 4.6

Ardleigh Parish Council intends to work closely and proactively with the partner councils to progress the design and development of the Garden Community. This major project is still in its earliest phases and is not anticipated to start delivering new homes in Ardleigh Parish until after the current Local and Neighbourhood Plan period (to 2033) has expired. However, it is important that this Neighbourhood plan makes reference to the Garden Community and aims to meet the requirements of the Garden Community whilst taking note of the views of current residents of the Garden Community area within Ardleigh Parish Council, and in particular in Crockleford Heath.

Pg 39 Section 5.73

The new link road is likely to improve parishioners' ease of access into the urban centre of Colchester but may also increase pressures for future development. It will be important to ensure that Colchester's urban sprawl remains reasonably well-contained and Ardleigh's rural character is safeguarded. In particular the hamlet of Crockleford Heath, the only community within the Garden Community masterplan, should be considered carefully in relation to any proposed development. [ADD a broad outline of Crockleford Heath to Fig 27]

Pg 65 Section 11.11

Additionally, the Tendring/Colchester Borders Garden Community (part of which is located in Ardleigh) is expected to deliver a very substantial number of new homes throughout and beyond the current plan period²². No matter where these new houses are delivered in Ardleigh, they will have considerable impacts on the Parish's rural character, infrastructure, sense of community and, of course, its overall housing stock. In particular, the hamlet of Crockleford Heath, the only community within the Garden Community, should retain its rural hamlet character, through the Garden Community masterplan stage.

Pg 103 Section 15.8

The Parish Council will also pay close attention to the progress of the Tendring/ Colchester Borders Garden Community. In particular, they will work alongside the partner councils to identify any changes to the Neighbourhood Plan that might be necessary or appropriate in the light of advancements made. In particular, the Parish Council will work to ensure that the rural hamlet of Crockleford Heath, identified in Figure 27, should maintain its rural hamlet character whilst being associated with the developing Garden Community.

23 September 2022

Spatial Planning
Essex County Council
County Hall
Market Road
CM1 1QH

Parish Clerk
Ardleigh Parish Council
PO Box 12865
CO7 7EZ

By email: ardleighnp@gmail.com

Dear Parish Clerk,

**RE: ARDLEIGH NEIGHBOURHOOD PLAN PRE-SUBMISSION CONSULTATION
(REGULATON 14)**

Thank you for consulting Essex County Council (ECC) on the abovementioned Ardleigh Neighbourhood Plan (NP). ECC provides the following response, which reflects ECC's role as the Minerals and Waste Planning Authority, the Highway Authority, the Transportation Authority, the lead authority for education (including early years and childcare), the Lead Local Flood Authority and our responsibility for providing and delivering adult social care (ASC) and public health services.

The ECC response outlines where changes need to be made to ensure ECC can deliver its statutory responsibilities and recommends other changes for your consideration. Although the NP does not make any site allocations, any growth through windfall development will need to be assessed, including infrastructure requirements, any mitigation, and how they will be funded and delivered.

The response reflects the order of the NP.

Essex County Council's Neighbourhood Planning Guide (2019)

This document provides information on the services within ECC that may need to be considered when completing a NP and provides relevant weblinks to policy and guidance. Essex County Council's Neighbourhood Planning Guide can be found [here](#).

1. Planning policy context

ECC as the Minerals and Waste Planning Authority (MWPA) welcome appropriate reference to the [Essex Minerals Local Plan 2014 \(MLP\)](#) and [the Essex and Southend-on-Sea Waste Local Plan 2017 \(WLP\)](#) which together accurately reflect the Development Plan within Tendring District.

Map 1 of this response shows that almost all of the NP area is covered by a Minerals Safeguarding Area (MSA) designation. Proposals for non-mineral development coming forward in land designated as a MSA must demonstrate compliance with Policy S8 of the MLP. Accordingly, the following wording should be an addition to the planning context section.

“Most areas of the Neighbourhood Plan area are within a Mineral Safeguarding Area due to the presence of sand and gravel deposits beneath the ground. These areas are subject to a minerals safeguarding policy (Policy S8 of the Essex Minerals Local Plan), which seeks to prevent deposits being unnecessarily sterilised by non-mineral development. However, the housing allocations contained in the Neighbourhood Plan fall below the site size threshold at which the provisions of Policy S8 are engaged.”

There are currently minerals and waste infrastructure existing, allocated or permitted in the NP area. Detailed information around these sites can be found in Appendix 1 of this response.

Policy S8 of the MLP establishes Mineral Consultation Areas (MCA) at a distance of 250m around permitted, allocated and existing mineral infrastructure, including extraction sites. ECC as the MWPA must be consulted on all applications for non-mineral development proposed within these areas.

Policy 2 of the WLP establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. ECC as the MWPA must be consulted on all applications for non-waste development proposed within these areas.

Accordingly, the following wording should be an addition to the planning context section.

“Within the Neighbourhood Plan Area there are Mineral and/ or Waste Consultation Areas in relation to Crown Quarry, Martells Quarry, Slough Farm and Ardleigh Waste Transfer Station. These areas are subject to Policy S8 of the MLP which establishes Mineral Consultation Areas at a distance of 250m around permitted, allocated and existing mineral infrastructure, and/ or Policy 2 of the Waste Local Plan which establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. Essex County Council as the Minerals and Waste Planning Authority must be consulted on all applications for non-minerals and non-waste development proposed within these areas.”

2. Policy GDP: General Approach to Development

ECC as the MWPA welcome reference to the importance of sustainability throughout the NP, however it is recommended that Policy GPD, which addresses the general approach to development, should support a wider understanding of sustainability by requiring development proposals to make reference to the sustainable use of building materials.

It is recommended that this policy (or perhaps another suitable policy in the NP) includes reference to promoting waste reduction, re-use and recycling, sustainable building design and the use of sustainable materials, including in relation to their procurement, in the construction of new development or redevelopment in line with Policy S4 of the MLP.

3. Policy HP: Housing

ECC are the Adult Social Care (ASC) authority and must ensure that the needs of older adults and adults with a disability are reflected in line with our duty under the [Care Act 2014](#) and the wider prevention and maximising independence agendas. This includes reviewing both general needs housing, and any specialist housing provision.

ECC are supportive of Policy HP 3b which states housing applications that include accessibility features will be looked at more favourably than those that do not. To support ageing in place, the needs of adults and children with disabilities and the prevention and maximising independence ambitions, ECC recommend that the NP strengthens its position in part 3b of the policy by making specific reference to both the Building Regulations Part M4 (2) and M4 (3) and the Tendring Local Plan Housing Standards Policy:

“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).”

It is also recommended, given the requirements around parking in Policy TP, this policy sets out a requirement that for any Part M4(3) homes parking also needs to be Part M compliant, i.e., 3.3m or capable of being widened. As a minimum, the number of spaces provided to this standard should reflect the number of Part M4(3) dwellings provided at any development.

ECC as the lead authority on education make the following points. Paragraph 11.8 states that the primary school is “unable to withstand any further material expansion of [the] housing stock”. Similarly, paragraph 11.13 describes Ardleigh St Mary’s Primary School as “being at breaking point”. These statements contradict paragraph 10.14 which correctly states that the primary school is “likely to remain at or close to capacity”. The primary school has an excellent record of meeting the needs of the local population in high birth years and, as of May 2022, 47.8% of the pupils on roll lived closer to other schools i.e., the result of new housing would likely be that fewer pupils from outside the

Priority Admission Area would gain a place. ECC recommend that the aforementioned wording is omitted from paragraph 11.8 and 11.13.

ECC as the Lead Local Flood Authority (LLFA) recommends that Policy HP reference the issue of sustainable drainage systems (SuDS). All new developments should incorporate SuDS, including rainwater harvesting, grey-water recycling etc to mitigate surface water flood risk. Further, all minor developments should manage runoff off using porous surfaces or otherwise discharge from the site should be limited to 1-year greenfield rates or 1 l/s, whichever is greater. There should also be the inclusion of SuDS drainage solutions to provide treatment to runoff generation from all new developments. Reference could also be made to relevant policy in the Tendring District Council Section 2 Local Plan.

ECC recommend the promotion of multifunctional space, biodiversity and amenity space with a combination of blue and green features. All new developments should comply with the [Essex SuDS Design Guide](#). The SuDS [Discharge Hierarchy](#) should also be considered where onsite infiltration or hybrid infiltration would be preferred discharge method, for sites where onsite infiltration is not viable first discharge to watercourse and then sewer would be considered. Further, all SuDS design proposals should incorporate source control and conveyance SuDS features prior to large attenuating feature. Sustainable ways of surface water management where above ground storage is preferred option when considering drainage strategies for new developments

4. Policy EP: Natural, Built and Historic Environment

The NP should consider, apply and reference the [Essex Green Infrastructure Strategy](#) (2020) and the [Essex Green Infrastructure Standards](#) (2022), which are relevant to all Essex local authorities. These documents champion the enhancement, protection, and creation of an inclusive and integrated network of green spaces. Applying Essex’s nine Green Infrastructure (GI) principles will help to ensure quality and consistency in the provision, management, and stewardship of GI an essential part of place-making and place-keeping for the benefit of people and wildlife.

It is recommended that the NP include reference to the Environment Act (2021) and the requirements for “applicable development” to deliver a biodiversity net gain (BNG). The delivery of BNG is expected to take place on-site where possible, via the protection and retention of existing GI and provision of new features. However, it is recognised that this might not always be conceivable, and that off-site delivery could provide additional benefits and be used to protect areas of land that are of local natural and wildlife value.

It is recommended that the following points (underlined> are included as part of Policy EP.

- 1. *Development that is consistent with all other relevant Neighbourhood Plan policies will be supported provided:*
 - a. *Its design pays due regard to the contents of the Village Design Statement, including by way of its:*
 - i. *Sitting*

- ii. *Layout;*
 - iii. *Form and scale;*
 - iv. *Architectural style;*
 - v. *Materials;*
 - vi. *Relationship to surrounding development;*
 - vii. *Impact on built/landscape features;*
 - viii. *Landscaping and boundary treatments;*
 - ix. *Car parking;*
 - x. *Accessibility; and*
 - xi. *Biodiversity efforts (including tree planting);*
- b. *No urbanising effect is had on a rural lane or street (for example, as a result of resurfacing, hedgerow removals or loss of an open landscape view). There should also be no loss of biodiversity.*
- e. *Appropriate opportunities are incorporated to support local biodiversity wildlife; this includes 10% biodiversity net gain for applicable new developments in line with the Environment Act 2021.*
- i. *Multifunctional green space should be incorporated throughout the area, where appropriate, and be evenly distributed in order to offer maximum benefit to the community.*

5. Policy LGP: Local Green Spaces

The wording of Part 2 of the policy is considered ambiguous and it is recommended for review to ensure it achieves its intended outcome. The explanatory text provides some clarity of what is intended and relevant points should be included in the policy itself, otherwise 'development' could be open to interpretation.

6. Policy TP: Transport & Parking

ECC as the Highway Authority and the Transportation Authority welcome the NP's policy ambitions to support road safety and encourage/provide more active travel measures to mitigate congestion and adapt to climate change. ECC welcomes the NP's strong support to safeguard and enhance pedestrian and cycling connections.

It is noted that the NP makes little/no reference to the promotion of improved bus services and infrastructure. Additionally, the NP makes no reference to electric vehicle charging (EVC) points alongside parking. ECC suggests reference is included regarding the provision of EVC infrastructure. Provision for electric charging points should be provided for all proposed car parking spaces, associated within residential development proposals as set out in the latest government guidance and standards.

ECC welcome that the NP reflects aspects consistent with Essex [Parking Standards](#).

ECC recommends reference is made safe direct walking and cycling routes to Ardleigh St Mary's Primary School since it fronts the A137. Further guidance is provided within the ECC [Local and Neighbourhood Planners' Guide to School Organisation](#) (January 2018), Section 6 (page 12) including establishing and improving walking and cycling routes to schools; reducing school run traffic and dispersing it away from school entrances; enforcing low traffic speeds around schools and the walking routes pupils use; ensuring pavements around schools are clear and wide enough for parents with pushchairs to pass; providing public art, nature areas and local history information boards, in the immediate area, to offer learning opportunities; planting of trees and / or hedges to enhance air quality / reduce exposure to poor air quality; and the use of landscaping and carefully selected street materials to reduce noise

Suggested additional policy matters

ECC provides the following comments in an advisory capacity for consideration by Ardleigh Parish Council as it continues to prepare the NP.

Green Infrastructure (GI)

GI is a network of multi-functional high-quality green spaces and other environmental features (such as footpaths, street trees, play parks and village green) which together delivers multiple environmental, social and economic benefits, by:

- contributing to the quality and distinctiveness of the local environment and landscape character,
- ensuring opportunities for community socialisation to promote community cohesion and increase community safety,
- creating a green wedge and buffer,
- providing opportunities for physical activity, improving health and wellbeing and generally adding to quality of life,
- adapting and mitigating against a changing climate and severe weather through the management and enhancement of existing habitats and the creation of new ones to assist with species migration, to provide shade during higher temperatures, reduce air pollution and for flood mitigation, an
- encouraging a modal shift from car to walking and cycling by linking publicly accessible green space wherever possible (including through tree lined streets) to
- form walking and cycling routes,
- Biodiversity net gain should be achieved in line with the Environment Act 2021,
- Street tree planting is also required in line with the most recent updates to the NPPF.

A new policy could be included recognising the value of wider multi-functional GI for both people and wildlife, which can improve connectivity to existing and new green spaces, and which provide new open space.

Policy X: Green infrastructure and development

Proposals will be encouraged that seek to conserve, and where appropriate enhance the green infrastructure of the parish, demonstrating how they:

- *Conserve and where appropriate enhance designated green spaces and/or create new green/open spaces where appropriate.*

- *Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the Public Rights of Way (PRoW) and cycle and footpath networks.*
- *Enhance the visual characteristics and biodiversity of green spaces in close proximity to the development through biodiversity/environment net gain.*
- *Ensure their landscape schemes, layouts, access and public open space provision and other amenity requirements contribute to the connectivity, maintenance and improvement of the Green Infrastructure Network.*
- *Take into consideration the principles of Sustainable Drainage (SuDS) and natural flood management techniques, which will enhance biodiversity and ecosystems.*
- *Consider the multi-functional use and benefits of local green spaces as part of the Green Infrastructure network.*

Climate change

The NP does not include a policy on climate change. NPPF (2021), paragraph 153 requires Plans to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. NPs provide communities with an opportunity to address climate related issues and improve the local environment.

A policy should include reference to the [Essex Climate Action Commission](#) (ECAC), which is a [formal independent cross-party commission](#) established in October 2019. The ECAC's formal role is to:

- identify ways where we can mitigate the effects of climate change, improve air quality, reduce waste across Essex and increase the amount of green infrastructure and biodiversity in the county; and
- explore how we attract investment in natural capital and low carbon growth.

The Commission published its recommendations in [Net Zero: Making Essex Carbon Neutral](#). The recommended text for inclusion is provide below.

“In 2019, Tendring District Council declared a climate emergency acknowledging that urgent action is required to limit the environmental impacts produced by the climate crisis. The Council aims to achieve carbon neutrality by 2030. This is supported by ECC who established the Essex Climate Action Commission in 2020 to promote and guide climate action in the county and move Essex to net zero by 2050. It is an independent, voluntary, and cross-party body bringing together groups from the public and private sector, as well as individuals from other organisations. The Commission published its report Net Zero: Making Essex Carbon Neutral in July 2021 and its recommendations are relevant to all Essex local authorities, parish and town councils, as well as Essex businesses, residents, and community groups. The report sets out a comprehensive plan for Essex to: reduce its greenhouse gas emissions to net zero by 2050 in line with UK statutory commitments; and to make Essex more resilient to climate impacts such as flooding, water shortages and overheating. The report covers

a wide range of topic areas including land use, energy, waste, transport, plus the built and natural environments. The report's recommendations are now incorporated into a Climate Action Plan and a focused work programme over the coming years to ensure the effects of climate change can be mitigated."

[The Centre for Sustainable Energy](#) (CSE) have produced guidance to support neighbourhood planning groups in implementing climate change policies within their Neighbourhood Plans. It includes guidance on a range of climate change topics, including renewable energy and sustainable buildings. The guidance may provide further information for the Parish Council when reviewing the NP following this round of consultation.

Conclusion:

Please contact me if you require further information or would like to discuss this response in more detail.

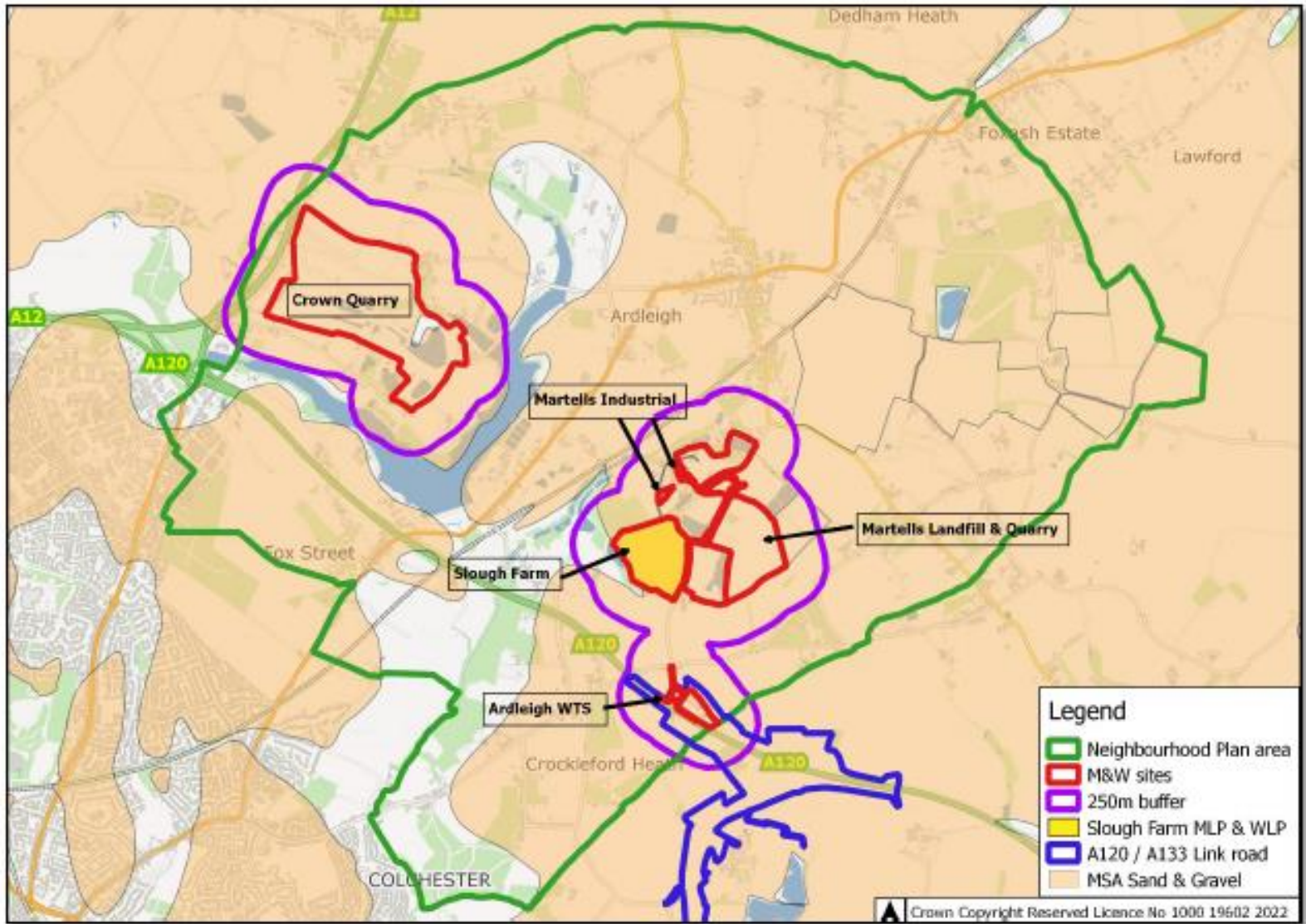
Yours sincerely,

Matthew Jericho
Spatial Planning and Local Plan Manager

Email: matthew.jericho@essex.gov.uk

Ph: 0333 01 30557

Map 1 – MSAs, MCAs and WCAs in relation to Ardleigh Neighbourhood Plan Area



Appendix 1 – Safeguarding Designations and Safeguarded Minerals and Waste Infrastructure relevant to the NP area

Details of planning applications can be viewed on the ECC website, by accepting the disclaimer and then searching on the planning reference.

Schedule of Mineral Infrastructure and Designations Within the NP area

Site type	Site name	Planning application number	Further Details
Mineral Safeguarding Areas	Sand and Gravel	N/A	Subject to MSA designation – Policy 8 of the Essex Minerals Local Plan 2014 Spatial extent shown in Map 1
Mineral Consultation Area Subject to MCA designations – Policy 8 of Essex Minerals Local Plan 2014. Spatial extent shown in Map 1	Crown Quarry	ESS/57/04/TEN – Permission Expiry – 30/12/2026	Winning and working of minerals, removal of surplus soils and erection of a low profile processing plant concrete batching plant and ancillary buildings
	Martells Quarry	ESS/53/17/TEN - Extant Permission - Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Restoration shall be completed by 30 June 2033. Current permission is ESS/61/19/TEN. Pending legal agreement ESS/27/20/TEN - Continuation of permitted developments until 30 September 2040. ESS/29/20/TEN (MLP Site B1 – Slough Farm) - Proposed western extension to Martells Quarry.	N/A

Schedule of Waste Infrastructure and Designations within the NP area

Site type	Site name	Planning application number	Further details
Waste management infrastructure. Subject to WCA designations – Policy 2 of Essex and Southend-on-Sea Waste Local Plan)	Ardleigh Waste Transfer Station	ESS/16/13/TEN - Proposed development of a new waste management facility, with associated change of use of land.	N/A
	Martells Landfill	ESS/30/16/TEN - Application for the continued restoration of former quarry void by means of landfill - site restored by 31st December 2023. Slough Farm, Ardleigh, Tendring (WLP Site - (L(n)1R)).	N/A
	Martells Industrial Estate	ESS/08/08/TEN - Reception and decontamination of ferrous and non-ferrous metal goods (Mainly Vehicles). Preparation and processing of metal for export. Erection of new buildings associated with the proposed use. Provision of sealed working floor areas, associated drainage. Provision of weighbridge, parking and fencing. ESS/31/14/TEN - Erection of a storage building for mechanical plant and machinery.	N/A

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Essex County
Fire & Rescue Service

Essex County Fire and Rescue Service Initial Response to Ardleigh Parish Neighbourhood Plan

About

This document outlines Essex Fire and Rescue Service's initial response to the consultation for the proposed development.

Essex County Fire and Rescue Service has a statutory duty to provide Response, Prevention and Protection functions within the community. Therefore, we would welcome any opportunities to enable further development and enhancement of these provisions.

If further information or clarification on any of the points presented is required to support the developers, please contact the Service via future.infrastructure.risk@essex-fire.gov.uk.

National Fire and Rescue Priorities – Home Office

The priorities for fire and rescue authorities set out in the National Fire and Rescue Framework for England July 2018 are to:

- Make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents
- Identify and assess the full range of foreseeable fire and rescue related risks their areas face
- Collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of the service they provide
- Be accountable to communities for the service they provide
- Develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse

The Fire and Rescue Plan – Essex County Fire and Rescue Service

The Fire and Rescue Plan sets out the priorities for fire and rescue services in Essex and a series of strong, tangible commitments to how we will help keep our communities safe.

The plan brings together the Service, partners and the public to build safe and secure communities and other efficient and effective prevention, protection and response activity.

The activities in this plan set out a clear direction for development of the Service and how, by working closer together with other emergency services and wider partners, we can deliver a better service while being closer to the communities we serve.

Our priorities are:

- Prevention, protection and response
- Improve safety on our roads
- Help the vulnerable to stay safe
- Promote a positive culture in the workplace
- Develop and broaden the roles and range of activities undertaken by the Service
- Be transparent, open and accessible
- Collaborate with our partners
- Make best use of our resources

Essex Design Guide

The Essex Design Guide provides high level direction for new developments which we would like to draw your attention to:

- Continuation of road design to ensure safe and timely access and egress to and from new developments.
- Continuation of road design to include turning circle provision plus future consideration to appliance sizes to ensure adequate space to manoeuvre on a development.
- Consideration for installation of an approved suppression system with better safety and more design freedom. Sprinkler considerations would help to isolate fire to the source and to ensure better safety for occupants / emergency services / reduce insurance costs. This may also afford developers more design freedom and scope for capacity in respect of distance from buildings to fire appliance access points.
- Continued consultation with Water Authorities for fire hydrant / water main provisions and consideration to ensure sufficient strategically placed resources are made available for operational firefighting and with appropriate water pressure considerations.
- Ensure new fire hydrant installations are fully operational before permitting residents to occupy dwellings.
- Ensuring new fire hydrants are not installed within private driveways / gardens.
- Continuation of at least 3 forms of fire hydrant asset indication. Hydrant indicator plate / post, painted FH cover and painted adjacent kerb. In the absence of a kerb then a thermoplastic yellow road 'H' applied to the road surface.
- Section 106 agreement at planning application stage to ensure that the developer will bear the costs for any new fire hydrant installations deemed necessary by the Fire Authority where the new development exceeds 10 dwellings.
- Where applicable door sets to carry dual certification ensuring compliance with fire and security regulations. Such recommendations align with both the [Independent Review of Building Regulations and Fire Safety](#) in the wake of and the review and recommendations resulting from the Grenfell Fire tragedy of 2017.
- Fire resistant cladding considerations that may fall outside of Building Control matters.

Initial Response to Consultation Document

Having reviewed the consultation document, at this time Essex County Fire and Rescue Service would ask that the following are considered during the continued development of the Ardleigh Parish Neighbourhood Plan:

- Use of community spaces as a hub for our Prevention teams to deliver Fire Safety and Education visits, with the shared use of an electric charging point.

- Adherence to the requirements of the Fire Safety Order and relevant building regulations, especially approved document B.
- Installation of smoke alarms and/or sprinkler systems at suitably spaced locations throughout each building.
- Implementation of [vision zero](#) principles where there are introductions of or changes to the road network.
- Appropriate planning and mitigations to reduce risks around outdoor water sources.
- Suitable principles in design to avoid deliberate fire setting.
- Consideration for road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles).
- Implementation of a transport strategy to minimise the impact of construction and prevent an increase in the number of road traffic collisions. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.
- A risk reduction strategy to cover the construction and completion phases of the project.

Essex County Fire and Rescue Service welcomes the opportunity to continue these conversations as the development progresses to ensure opportunities to reduce risk and improve the emergency service provision are realised.

Future Infrastructure Risk Team: future.infrastructure.risk@essex-fire.gov.uk

From: [REDACTED]
Sent: 05 September 2022 16:57
To: Rachel Fletcher <Clerk@ardleigh-pc.gov.uk>
Subject: Open Green space

Dear Rachael

Good to see you the other day at the village hall.

I shall not be able to be at the Parish Council meeting on Monday so I would be grateful if you could read this out at that time.

The area of land that is part of the "Wooden Fender Field" that I have cultivated grass on that the council have decided to change its designation by making it a green open space is flawed.

Firstly, the report states that there is no designation on the land - this is wrong, it is part of a licenced premises, the rest of which is known as Prettyfields vineyard, and to state that it is anything else would effect my third party insurance.

Secondly, encouraging the public to come to what is a wedding venue to enjoy the view could be a bit provocative!

Thirdly the wording in the description that you can access this area "VIA" the footpath insinuates that the area is a destination - which it only is when there are paying customers there!

Fourthly the Colchester Aero modellers fly regularly from this area and encouraging members of the public to venture fort at the grassy area would be contrary to the thoughts of the council when they refused the club permission to use the public playing fields as it was thought back then that their model aircraft (that put on an excellent display for the millennium day celebrations) could be a danger to others on the playing field!

I ask that you now delete this particular area from your plans before usage gets worse than it is now, especially as the Ardleigh Reservoir Committee have now put a car park in (without any planning permission) right next to it on the route of the footpath!

We don't want to get the sort of numbers of water users that Dedham is getting!

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

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SENT BY EMAIL

Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

Tel: (01255) 686177
Email: planning.policy@tendringdc.gov.uk
Please ask for :

17th October 2022

Our Ref : ARDNP/REG14

For the attention of Ardleigh Parish Council,

Ardleigh Neighbourhood Development Plan (Regulation 14) Consultation

Thank you for consulting Tendring District Council on the above mentioned Neighbourhood Development Plan (NDP).

General Comments

The Neighbourhood Planning Regulations require that Neighbourhood Plans meet a number of 'Basic Conditions'. One of these is that the NDP is in general conformity with the strategic policies contained within the Adopted Development Plan. For Tendring the Development Plan includes the Tendring District Local Plan 2013 – 2033 and Beyond: Section 2 (adopted January 2022) as well as the Tendring District Local Plan 2013 – 2033 and beyond: North East Authorities' Shared Strategic Section 1 (adopted January 2021).

The District Council continues to raise concerns that the emerging Ardleigh NDP would not be in general conformity with Strategic Policies contained within the adopted Development Plan. In particular policies SP6 and SP9 of the Section 1 Local Plan in relation to the Tendring Colchester Borders Garden Community.

Prior to Regulation 16 stage, the District Council would need assurance that the emerging policies within the NDP would not conflict with the Strategic Policies contained within the adopted Development Plan.

Other Comments

We are pleased to see a clear understanding of the progression of the work on the Garden Community as well as the associated Development Plan Document (DPD). Paragraphs 4.2 – 4.6 detail this relationship when they state:

4.2. Section 1 of the 2013-2033 Local Plan was jointly prepared by Braintree, Colchester, Essex and Tendring Councils (known collectively as the North Essex Authorities) and covers broad strategic matters. It was adopted on 26/01/2021.

4.3. Section 1 of the Local Plan takes bold steps to provide for the housing, employment and social needs of existing and future residents up to and beyond the plan period. A key focus of this part of the Plan is the creation of a new garden community.

4.4. This is the Tendring/Colchester Borders Garden Community which is intended to deliver 2,500 homes and 7 hectares of employment land over the plan period (and 7,000 - 9,000 homes and 25 hectares of employment land in total). The new community is proposed to be sited on the Tendring/Colchester border, extending into the southernmost portion of Ardleigh Parish where the small historic hamlet of Crockleford Heath is located.

4.5. The design of the Tendring/Colchester Borders Garden Community - including its nature, form, boundaries and exact housing numbers - will be the subject of a Strategic Growth Development Plan Document (DPD), prepared jointly by Colchester and Tendring Councils. This DPD, currently in draft form, was subject to public consultation between March and April of 2022. At the time of writing, the partner councils were in the process of reviewing the consultation responses and evidence base and making amendments to the draft plan, with a final version anticipated for further public consultation in late 2022 - early 2023. Formal adoption of the DPD is on track to take place in 2023.

4.6. Ardleigh Parish Council intends to work closely and proactively with the partner councils to progress the design and development of the Garden Community. However, this major project is still in its earliest phases and is not anticipated to start delivering new homes in Ardleigh Parish until after the current Local and Neighbourhood Plan period (to 2033) has expired.

This section would benefit from additional clarity on the remit of the neighbourhood Plan where it intersects with the DPD. A paragraph explaining that the Policies within this Neighbourhood Plan do not relate to development within the DPD would suffice.

Policy GDP (General Approach to Development) and Policy HP (Housing) could be interpreted as not allowing any development outside of defined settlement boundaries in the Neighbourhood Plan Area – notwithstanding the fact that the Garden Community will be developed partly in the Neighbourhood Plan Area, albeit in accordance with parameters to be set by the Development Plan Document (DPD) being prepared by Tendring, Colchester and Essex Councils. The emerging Neighbourhood Plan should be in general conformity with the Development Plan, it needs to clearly and explicitly acknowledge the Garden Community development. The NDP must also explain that a separate policy document (i.e. the DPD) will apply to that development, the emerging Plan is close to achieving this in the above mentioned text. The current wording of the emerging Policies are ambiguous at best and could be read as restrictive at worse; and therefore would not, on a strict reading, be in conformity with the adopted Development Plan. These emerging Policies should be amended to address the above concerns.

Similarly with Policies EP (Natural, Built and Historic Environment) and LGP (Local Green Spaces), whilst it is not clear, these Policies should not aim to prejudice or run counter to the adopted Development Plan and Emerging DPD. The preparation of the DPD is an evolving process working at some speed. We would recommend that the Parish Council fully engage with the joint Councils during this preparation process before the Neighbourhood Plan proceeds to the next stage.

It is also unclear if Policy TP (Transport and Parking) is intended to apply to development within the Garden Community. If this is the case, it is considered that this policy would not accord with the adopted Development Plan and will need clarification.

The Council has started work on defining a character area for Crockleford Heath. This work will feed into the next iteration of the DPD. The Parish Council is encouraged to engage in this work and help with the shaping of this unique area.

There is a presentation issue on page 32 where the list of green spaces is split over two pages. Throughout a number of Policies it is required that new development accord with all Policies in the Neighbourhood Plan. As we have mentioned before, this is an unreasonable request and should be amended.

I trust that this helps in the progression of the emerging Neighbourhood Development Plan. If you require any clarification from us, please do not hesitate to contact me.

With kind regards,

William Fuller BA (Hons) MSc (He/Him)
Planning Officer

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REVIEW OF PROPOSED LOCAL GREEN SPACE DESIGNATION

Field South of Mary Warner Estate

Ardleigh

Ardleigh Parish Council proposed Local Green
Space 4

DOCUMENT DETAILS

Document type: Review of proposed Local Green Space designation
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Ardleigh
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This document has been produced by Nigel Cowlin Ltd

Nigel Cowlin Ltd is a Landscape Institute Registered Practice with Chartered Landscape Architects specialising in landscape assessment and landscape design issues relating to planning and development. The company's landscape assessment experience includes residential schemes ranging from single house developments to large urban extensions, commercial developments, as well as wind and solar energy projects in a variety of contexts. These landscape assessment services have been provided in relation to standard planning application cases as well as technical chapters for Environmental Statements and as part of expert witness services for planning inquiries.

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Appendices

Appendix A	Ardleigh Parish Council notification letter to Mr & Mrs Harris
Appendix B	Ardleigh Parish Council Green Spaces Assessments (Space 4)

Appendices have colour coded footers.

1. Introduction

- 1.1 Ardleigh Parish Council has notified the landowner that a parcel of their farmland has been shortlisted for designation as 'Local Green Space' within the drafting of the Ardleigh Neighbourhood Plan (see copy of notification letter provided as Appendix A). The Parish Council has provided explanation and justification for this proposal within its Green Spaces Assessments and Consultation Document (relevant extract provided as Appendix B). The basis for the use of the Local Green Space designation, within Local and Neighbourhood Plans, is set out in the National Planning Policy Framework 2021 (NPPF) at paragraphs 101, 102 & 103. In particular, NPPF paragraph 102 sets out criteria for the characteristics and qualities of land for which such a designation may be appropriate.
- 1.2 This report provides a review of the merits of this land for Local Green Space designation, with reference to the Parish Council's justification and in light of the NPPF criteria. It has been informed by:
- Review of local landscape character publications and any attributed value/quality for the local landscape setting;
 - Review of local planning policy context checking for statutory and local planning designations regarding protection of the landscape;
 - Review of nearby heritage assets such as Parks & Gardens, Listed Buildings and Scheduled Monuments; and
 - Site visit to confirm form and features of site and relationship to its context.

2. Local Green Space policy

2.1 Relevant NPPF 2021 paragraphs are duplicated below.

2.2 Paragraph 101

'The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.'

2.3 Paragraph 102

'The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

2.4 Paragraph 103

'Policies for managing development within a Local Green Space should be consistent with those for Green Belts.'

3. Description of the land & context

- 3.1 The Ardleigh Parish Council Green Spaces Assessments identifies this land as the field south of Mary Warner Estate (Space 4). It is part of a largely self-contained and readily identifiable area of open land adjacent to the south-western edges of the village. This wider area measures approximately 16 Ha and is largely featureless and flat. The majority of it is in arable farming use, divided into two fields, with a separate portion to the south that has been left fallow for a number of years. The northern edge of this land has an open border with Colchester Road, as it enters the western edge of the village. The opposite side of the road is developed with a line of houses fronting the road. The north-eastern edges border onto houses on Colchester Road, Aveline Road and Gernon Road. Aveline and Gernon Roads are a post war, council type, housing estate backing onto the land. Aveline Road terminates with an open farm access into the northern field. The eastern edge is borders two public open spaces. These are enclosed by strongly hedged and tree lined boundaries. One is the Ardleigh Millennium Green and the other is Ardleigh Recreation Ground. They are set behind properties along north-south alignment of Station Road. The south-east edge has quite an open, but fenced boundary with the Great Eastern Mainline railway. Woodland and tree cover beyond the railway line also provide enclosure to this aspect. The south-western edge borders a vegetated corridor along Green Lane and Ardleigh Footpath 7. The north-western edge is enclosed by vegetation in the edges of a small cluster of properties at the start of Green Lane, separate to the main village area.
- 3.2 This land is crossed by Ardleigh Footpath 5, which emerges from the village in the north-east corner, near to the entrance to the Millennium Green off Mary Warner Road. It links back to Colchester Road, around 175m to the north, near to the centre of the village. After emerging in the countryside edge, it then traces west along the back garden edges of the first houses on Gernon Road, before diagonally crossing the open field in a south-westerly direction to join Ardleigh Footpath 7 on Green Lane. In addition to this formal public right of way, casual walking routes with trodden paths circle around the edges of all parts of this area.
- 3.3 This area lies within the Tendring Plain / Bromley Heaths local landscape character area. This is a relatively flat, plateau farmland landscape. It has varied enclosure levels, with some large-scale prairie field patterns, but elsewhere frequent woodland and tighter enclosure with tall hedges. The settlement pattern is quite varied, including industrial clusters and there are extensive areas of glass houses. There is also some quarrying activity.
- 3.4 The village Conservation Area is away from this area, in the centre of the village and extending south along Station Road. There is an isolated Grade II Listed Building (Tudor House and Well House) on Green Lane, nearby to the west. There are two other Grade II Listed Buildings within the Conservation Area along Station Road, next to the recreation ground. These are Phoenix Steam Mill and Engine House and the adjacent Mill House. These Listed Buildings are sometimes visible from within this area of open land, as is the tower of the Grade II* Listed St Marys Church, in the village centre to the north-west.
- 3.5 The shortlisted Local Green Space 4 is the eastern portion of the above described wider area. It is the arable field directly alongside the Millennium Green and Recreation Ground, and the bordering area of

fallow land to the south of this. It is separated from the remaining arable field, to the west, by a rough margin containing a ditch. To the north it adjoins the edges of Gernon Road, where Footpath 5 skirts the edge of the land along the back of rear gardens. The diagonal route of the footpath, crossing the area, is away to the west of Space 4, but the southern edge of Space 4 does border with Footpath 7, before it crosses the railway line. A smaller triangular area of fallow land, to the south of the recreation ground, is not included within Space 4.

4. Appraisal against Local Green Space criteria

- 4.1 The NPPF sets out criteria for the appropriate selection of land for the Local Green Space designation (NPPF paragraph 102). The following headings and sub-headings reflect those criteria and analysis is provided under each heading.

REASONABLY CLOSE PROXIMITY

- 4.2 Space 4 is within easy walking distance of the local community within the Ardleigh village. Space 4 readily complies with this requirement.

SPECIAL AND OF PARTICULAR LOCAL SIGNIFICANCE

- 4.3 The NPPF requires the Local Green Space designation to be used only for land which is '*demonstrably special to a local community and holds a particular local significance*'. It provides some examples to help understand how this might apply: '*beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife*'. These examples follow the principles applied by Landscape Architects in determining the relative value of a local landscape area for the purposes of Landscape and Visual Appraisal or Landscape and Visual Impact Assessment. The Landscape Institute has recently published guidelines to assist practitioners in this aspect of their work. This is Landscape Institute Technical Guidance Note 02/21 'Assessing landscape value outside of national designations' (LI TGN 02/21). It provides a more comprehensive range of indicative factors. These have also been reviewed and are included below, where relevant.

Richness of wildlife / natural heritage interests:

- 4.4 No evidence of ecological, geological, geomorphological or physiographic interest has been found for Space 4. In ordinary terms Space 4 has no natural heritage, or ecological/wildlife interests above and beyond ordinary arable farmland. As such this space is not special or of particular local significance for its richness of wildlife. The Ardleigh Parish Council Green Spaces Assessment for Space 4 also does not suggest that this area is valued for its natural heritage.

Historic significance / cultural heritage interests:

- 4.5 There is no evidence of archaeological, historical or cultural interest for Space 4. There is also no known connection with notable people, events or the arts for this location. The Ardleigh Parish Council Green Spaces Assessment for Space 4 also does not suggest that this area is valued for its historic significance.

Recreational value:

- 4.6 Recreational use of the land is limited to public footpath routes along two edges and unofficial walking routes (unsanctioned by the

landowner) around other edges of Space 4. These routes are well used, and the Ardleigh Parish Council Green Spaces Assessment talks of evidence of children playing in the area (geocaching and similar games). This nature and level of activity is typical of farmland on the edges of settlements. It is not sufficient for the area to meet the criteria that it is 'demonstrably special to the local community' and of 'particular local significance' in terms of recreational value.

Beauty or scenic appeal

4.7 The wider area, as described in Section 3 above, has basic scenic appeal as open farmland adjacent to a settlement. When walking through it there is the ordinary appeal of open countryside and the area benefits from trees and woodland around the outlying edges. However, the interior of the area is rather featureless and flat, and there is no particular vista or outlook into any wider countryside. Views back to the village are not unpleasant, but also are without particular merit. The church tower can be picked out above the rooftops of the village from locations towards the western edges of the area, particularly around the junction of Footpaths 5 & 7. From the west of the area, the Listed Mill and Mill House can be seen through the trees in the Millennium Green and Recreation Ground. These are of some interest, but are not on their own determinative of any special scenic value. They are also not particular characteristics of Space 4, where the angle of view and proximity to the tree lined edges of the adjacent Millennium Green and Recreation Ground generally block these views. In more general views back to the village edge, the view is to the rear of post war housing, with typically mixed enclosure including close boarded fences and some unkempt boundaries. There is no notable interaction or outlook from any civic spaces within the settlement, suggestive that this area has any valued relationship with the settlement. The settlement largely turns its back onto this area. The presentation of the Millennium Green and Recreation Ground is also such that they do not engage with this space; they are enclosed by hedging and largely inward looking. The characteristics of Space 4 are of insufficient scenic appeal for it to meet the criteria of being 'special' or of 'particular local significance'.

4.8 In contrast, the Ardleigh Parish Council Green Spaces Assessment talks about the attractiveness of the views back to the village, and its role in providing an important rural backdrop to the Millennium Green and Recreation Ground. It uses phrases such as *'from the south of the area, the built form of the village appears as a pleasant and incidental feature peering out of a lush landscape'* and *'it enables picturesque views to be had of Ardleigh from as far south as the train tracks'*. Yet it also notes *'the nondescript, hard-edged suburban nature'* of the adjacent housing estate areas. It also suggests that *'it provides an invaluable rural outlook from the southern edge of the village and from two of its most valuable and well-used community facilities'* (The Millennium Green and Recreation Ground). However, as illustration of this it offers photos looking towards the hedge and tree lined enclosure to these spaces, with only glimpsed views out via incidental gaps, and no notable views out to Space 4. Space 4 does not feature as any positive attribute in these views.

Wildness and/or tranquillity:

4.9 This location offers little perception of wildness and no notable degrees of tranquillity. The productive farmed landscape is clearly not of a wild nature. The fallow areas have some degree of wild character, but this is peripheral and of no great influence on the overall character of the area. The constant presence of the estate housing to the north and the trainline to the south also interfere with any feelings of isolation or tranquillity. The Ardleigh Parish Council Green Spaces Assessment for

Space 4 also does not suggest that this area is valued for its wildness or tranquillity.

LOCAL IN CHARACTER AND NOT AN EXTENSIVE TRACT OF LAND

- 4.10 The wider area between Colchester Road, Green Lane, the railway line and the edges of Ardleigh village would clearly be classed as an extensive tract of land. The portion of this that is Space 4 is smaller than this, but it is not readily distinguishable and separate to the wider area in any material way. This whole area would ordinarily be characterised simply as open countryside on the edge of the settlement. It is not a piece of land that is performing any properly recognisable green space function above and beyond that. As such, it is not clear how this area is the sort of local open space facility that the Local Green Space designation is intended to capture. The Ardleigh Parish Council Green Spaces Assessment for Space 4 is not clear about how this space satisfies this criteria, except that it is the land bordering the Millennium Green and Recreation Ground. These two public open spaces function properly irrespective of the nature of the bordering area and presence of Space 4. Therefore this justification is not well founded.

5. Conclusions

- 5.1 The NPPF lists three criteria for the appropriate use of the Local Green Space designation (NPPF paragraph 102). All three of these criteria should be met, in one form or another. The Ardleigh Parish Council shortlisted Space 4 fails to meet two of these criteria. It is in *'reasonable close proximity to the community'*, but it is not *'demonstrably special'* and *'of particular local significance'*. It is also unclear how it is *'local in character'* and is not more related to *'an extensive tract of land'*. Ardleigh Parish Council shortlisted Space 4 is not an appropriate piece of land for the Local Green Space designation.

APPENDIX A

**Ardleigh Parish Council notification
letter to [REDACTED]**



Ardleigh Parish Council
PO Box 12865
COLCHESTER
CO7 7EZ

Tel: [REDACTED]
Email: [REDACTED]
Website: www.ardleigh.website

ARDLEIGH PARISH COUNCIL

[REDACTED]

Dear Mr & Mrs [REDACTED]

IMPORTANT: This letter concerns land we believe is in your ownership

I am writing to you on behalf of Ardleigh Parish Council, as on-going preparation of Ardleigh's Neighbourhood Plan may affect land in your ownership or in which you have an interest.

It is intended that Ardleigh's Neighbourhood Plan will designate a number of Local Green Spaces and provide policies for their protection and enhancement.

These policies will not prevent any new development on a site but they will require that new development does not compromise its special value. Developments that would enhance a Space's special value will be encouraged.

Some Background, Local Green Spaces are designated because of their special value to the local community. They must be in reasonably close proximity to the community they serve and they cannot be an extensive tract of land.

Sites may have special value to the community because of their: beauty; historic significance; recreational value; tranquility; wildlife and/or landscape value.

Sites do not necessarily have to be accessible by the local community to be considered of special value. However, public access is one relevant factor.

Ardleigh Parish Council Neighbourhood Plan Steering Group has already invited Local Green Spaces nominations from the community and has subsequently conducted a thorough desktop and field assessment of all sites nominated.

Following these investigations, 11 sites throughout the Parish of Ardleigh have been shortlisted due to their special community value. A comprehensive description, rationale and list of all shortlisted sites can be found on the Ardleigh Parish Council website <https://bit.ly/ArdleighGreenSpaces>

We believe that you may have an interest in the shortlisted site described below:

- Field south of Mary Warner Estate, west of Millennium Green. Land on south side of Dedham Road, Ardleigh. (Space 4) TM053292, FOOTPATH PROW158_5 Overview: agricultural field on the southern edge of the village, bordered by official and unofficial walking routes.

If you are the landowner of this space or have any other interest in the land, we would welcome your written response by no later than **1st January 2022**.

Please respond to the following:

- What is your interest in the land (e.g., owner/leaseholder)?
- Do you understand the proposal to designate your land as a Local Green Space?
- Do you support or object to the proposal to designate your land as a Local Green Space?
- Is the land the subject of an on-going planning application?
- Is the land the subject of any existing or emerging allocations in the Local Plan?

When considering Local Green Spaces these factors were considered. You may wish to comment on:

- Is the land local in character?
- Is the land within close proximity of the local community?
- Is there any public access to the land (formally or otherwise)?
- The land's beauty, historic significance, recreational value, tranquility, wildlife value, landscape value.

Your response will be taken into careful consideration by Ardleigh Parish Council's Working Group and will be used to inform the final list of Local Green Spaces to be designated in the Neighbourhood Plan.

Your response can be emailed or posted to Ardleigh Parish Council at the following:

ardleighpc@gmail.com

Ardleigh Parish Council, PO Box 12865, Colchester CO7 7EZ.

Do not hesitate to contact the Ardleigh Parish Council if you require further clarification or assistance.

We look forward to hearing from you.

Yours sincerely



Tim Barrott

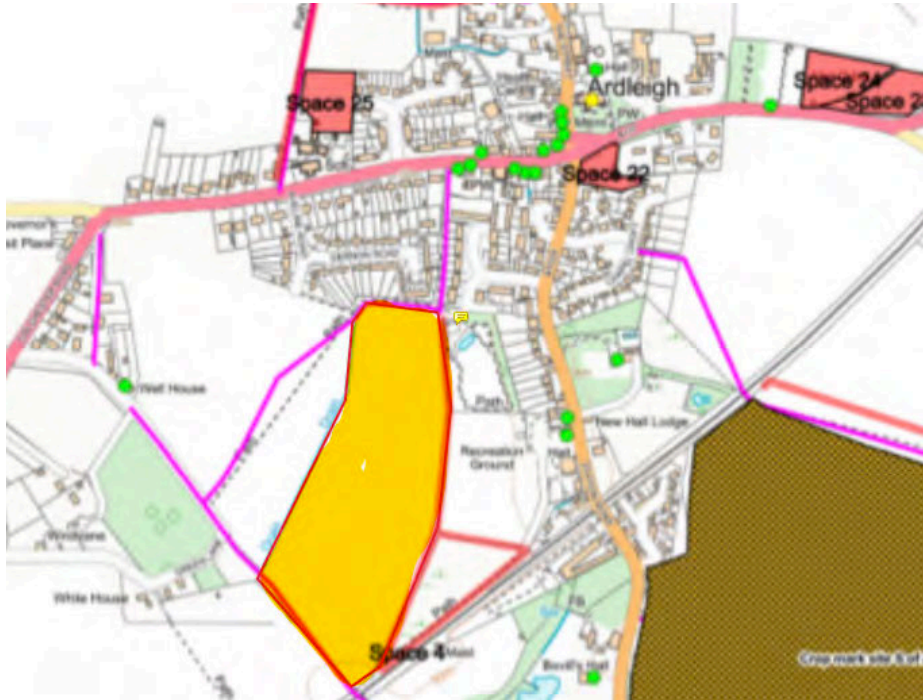
Chair of Ardleigh Parish Council

APPENDIX B

**Ardleigh Parish Council Green Spaces
Assessments (Space 4)**

Field south of Mary Warner Estate (Space 4) TM053292, FOOTPATH PROW158 5

Overview: agricultural field on the southern edge of the village, bordered by official and unofficial walking routes.



Size: approx. 7.7 ha

Proximity: The site lies in exceptionally convenient proximity of the village centre, with connecting footpaths available. It is also accessible from the recreation ground/ children's play area.

Ownership: It is believed that the working agricultural field is in private ownership. An unofficial footpath runs along its eastern boundary and is well-trodden. Its daily use by the public appears to have been kindly permitted by the landowner over multiple decades. A public right of way extends along its northern and southern boundaries, skirting off to the west.

Use: The field provides an idyllic rural backdrop to one of the village's main built-up residential areas (Mary Warner Estate) as well as some of its important community facilities (Millennium Green and children's play area/playing fields). Its unofficial walking track is very well-used by villagers, mainly walkers and local children.

It also forms part of a pleasant and well-used circular walking route that takes you across the train tracks and through ancient woodlands before returning to the village.

Existing designations: None known.

Allocations or planning consents: None.

Assessment: This field provides a very pleasant rural backdrop to some important village amenities and (relatively) densely occupied parts of the village. It enables far-reaching views both from and towards open countryside. From the south of the area, the built form of the village appears as a pleasant and incidental feature peering out of a lush landscape. There was evidence of children playing in this area (geocaching and similar games).

The presence of high quality, mature trees along the site's eastern perimeter adds considerably to the character and amenity of the village recreation grounds.

Despite the nondescript, hard-edged suburban nature of the Mary Warner Estate, the presence of this open tract of land ensures the overall retention of the rural character and setting of this part of the village.

Photos 02/11/2021:



View from the south - built edge of Ardleigh just visible on the horizon

	
<p>View from site through perimeter trees towards recreation ground</p>	<p>View from children's play area through to site</p>
	
<p>Trees alongside children's play area</p>	<p>Assisting to soften and situate the Mary Warner Estate</p>

Conclusion: The value of this site to the local community is significant. It is located in exceptionally close proximity of the main built-up part of the village. It provides an invaluable rural outlook from the southern edge of the village and from two of its most valuable and well-used community facilities. It enables picturesque views to be had of Ardleigh from as far south as the train tracks. It is used on a daily basis by a wide variety of villagers for a number of recreational purposes.

CARRY FORWARD AS A LOCAL GREEN SPACE.

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Landowner of space 4	Space 4	Object	<ul style="list-style-type: none"> • The space is not special for its richness of wildlife • There is no evidence of archaeological, historical or cultural interests • Recreational use of the land is limited to public footpaths and unofficial walking routes (unsanctioned by the landowner) that are well used. However, the nature/level of activity is typical of farmland on the edges of settlements. It is not sufficient to meet the test of being "demonstrably special" to the local community • In terms of beauty, it has the ordinary appeal of open countryside • Views across the site to the village are not unpleasant but are without particular merit • There is no notable interaction or outlook from any civic space within the settlement, suggesting the area does not have a valued relationship with the settlement • The Millennium Green and Recreation Ground [...] 	<ul style="list-style-type: none"> • The site provides a beautiful green backdrop to some important civic/residential parts of the main village, emphasising the village's (historic and ongoing) physical and functional connection to the adjacent working countryside • The parish council does consider that the site has a valuable relationship with the settlement, especially the areas of modern housing to its north and the recreational facilities to its east. It very positively contributes to the beauty and rural qualities of the settlement both when viewed from within the village and elsewhere • It provides critical visual/rural relief from the more suburban character of the modern housing estate to its north - ensuring that in spite of this modern intrusion, this important part of the main village retains - for the most part - its working rural character 	
			<p>do not engage with the space - they are enclosed by hedging and inward looking</p> <ul style="list-style-type: none"> • There is little sense of tranquility due in part to the presence of estate housing to the north and the railway to the south • The area is not distinguishable from the wider rural landscape and so should be considered an extensive tract of land • No permission has ever been given by the landowner to allow public access away from the official footpaths 	<ul style="list-style-type: none"> • The field boundary is evident in aerial views. It is also its spatial relationship to the village (preserving its historic nuclear format) and proximity/inter-relationship with the important recreational green spaces to its east that distinguishes it from the wider landscape • Designation of the space would not confer any rights of public access over those that already exist 	

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planning direct



Ardleigh Neighbourhood Plan 2020 - 2033 Basic Conditions Statement

On behalf of: Ardleigh Parish Council

Prepared by: N O'Hagan BA (Hons)

Date: 30/03/2022

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Introduction

This Basic Conditions Statement has been produced to accompany the Ardleigh Neighbourhood Plan.

The Ardleigh Neighbourhood Plan - “the Plan” - sets out policies that relate to the development and use of land within only the Ardleigh Neighbourhood Area.

The Plan refers only to the administrative boundary of the parish of Ardleigh. There are no other adopted Neighbourhood Development Plans that cover the Ardleigh Neighbourhood Area.

The Ardleigh Neighbourhood Plan Working Group has prepared the Plan to establish a vision for the future of the parish. The community has set out how that vision will be realised through planning and controlling land use and development change over the plan period 2020 to 2033.

Tendring District Council, as local planning authority, designated the Plan area which covers the parish of Ardleigh in June 2020.

On the designation of the Plan area, Tendring District Council reports as follows:

In accordance with paragraph 6 and 6A of the Neighbourhood Planning (General) Regulations 2012, as amended in 2015, Tendring District Council held an 8 week period of public consultation from **Monday 20 January - Monday 16 March 2020** on the proposed designation.

On the 8th June 2020 the Council’s Planning Policy and Local Plan Committee considered Ardleigh Parish Council’s request to designate the whole of the Parish to form the Neighbourhood Plan Area. At that meeting it was resolved that the application from Ardleigh Parish Council to designate the whole of the Ardleigh Parish as a Neighbourhood Development Plan Area (NDPA) be noted and that that designation be approved.

This means that the District Council has formally agreed the Neighbourhood Plan Area allowing the Parish Council to proceed with the preparation of their Neighbourhood Plan.

Consultation on the neighbourhood plan itself will follow and this first stage is only about the area to be included with the proposed plan.

The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and



found in the:

- Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
- Planning and Compulsory Purchase Act 2004: ss 38A-C
 - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended).

Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five basic conditions before it can proceed to a referendum.

The basic conditions

These are:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
3. The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
4. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

This document sets out how the Plan meets the Basic Conditions.

Basic Condition 1: Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan

To meet this condition, the Plan must be shown to have regard to national policies and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework ('NPPF') and the National Planning Practice Guidance ('NPPG').

This section aims to set out how the policies of the draft Plan take account of national policy and advice.

The NPPF provides the framework within which all locally-prepared plans for housing and other development should be produced. It explores how the following three overarching objectives of the planning system can be achieved:

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF seeks primarily to:

- Deliver a sufficient supply of homes;



- Build a strong, competitive economy;
- Ensure the vitality of town centres;
- Promote healthy and safe communities;
- Promote sustainable transport;
- Support high quality communications;
- Make effective use of land;
- Achieve well-designed places;
- Meet the challenges of climate change, flooding and coastal change;
- Conserve and enhance the natural environment;
- Conserve and enhance the historic environment; and
- Facilitate the sustainable use of minerals.

Table 1 sets out the objectives of the Plan by comparison to the objectives of the NPPF.

Table 1	
<u>Plan objective</u>	<u>Relevant NPPF objectives</u>
To achieve the Vision	<ul style="list-style-type: none"> • Deliver a sufficient supply of homes • Build a strong, competitive economy • Promote healthy and safe communities • Promote sustainable transport • Make effective use of land • Achieve well-designed places • Meet the challenges of climate change, flooding and coastal change • Conserve and enhance the natural environment • Conserve and enhance the historic environment

To achieve sustainable development in Ardleigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely:

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution



and mitigating and adapting to climate change, including moving to a low carbon economy.

Table 2 sets out each policy of the Plan alongside the policies in the NPPF that it has had regard to and analyses how each Plan policy contributes to achieving the key objectives of the NPPF.

Table 2		
<u>Policy title and reference</u>	<u>NPPF paragraphs</u>	<u>Commentary</u>
Policy GDP - General Approach to Development	Paragraph 13 Paragraph 15 Sections 5, 6, 14 & 15	<p>Policy GDP supports the delivery of the Local Plan’s strategic policies and reinforces its strategic approach to development in both Smaller Rural Settlements and the open countryside.</p> <p>Policy GDP takes a positive approach to development, providing additional support for certain developments that would:</p> <ul style="list-style-type: none"> • Enhance the existing local housing stock and improve its energy efficiency; • Support a new or existing rural business; and • Directly provide for the enhancement or enjoyment of the countryside.

<p>Policy CFP - Community Facilities</p>	<p>Paragraph 20 Paragraph 84 Paragraph 93</p>	<p>Policy CFP seeks to make provision for community facilities for which the local community has expressed a clear need or desire</p> <p>Policy CFP seeks to ensure that local services and community facilities are kept or made genuinely accessible</p> <p>Policy CFP also seeks to guard against the loss of valued and pressured local facilities - especially the GP surgery - whose loss would significantly reduce the community's ability to meet its day-to-day needs</p>
<p>Policy HP - Housing Policy</p>	<p>Paragraph 13 Paragraph 126 Section 14 Paragraph 62</p>	<p>Policy HP reinforces the Local Plan approach to Settlement Development Boundaries</p> <p>Policy HP seeks to encourage sustainable design/construction techniques in new housing schemes in accordance with paragraph 126 and Section 14 of the NPPF</p> <p>Policy HP also provides additional support for the creation of ancillary residential accommodation in order to better meet the needs of different groups in the local community, especially multigenerational families, older people and those with care needs</p>

<p>Policy EP - Natural, Built and Historic Environment</p>	<p>Paragraph 126 Paragraph 128 and 129 Paragraph 130 Paragraph 131 Paragraph 174 Paragraph 179 Paragraph 180 Paragraph 189 Paragraph 206</p>	<p>Policy EP is concerned with creating high-quality and sustainable buildings and places. It requires developers to have regard to the updated Village Design Statement (VDS). The VDS is a form of local design guide produced as part of the Plan, per NPPF paragraphs 128 and 129.</p> <p>By way of the VDS, policy EP ensures the various criteria of paragraph 130 will be met by new development.</p> <p>Policy EP recognises the intrinsic character and beauty of the countryside in Ardleigh and seeks to protect and enhance its valued landscapes, features, economic assets and biodiversity.</p>
<p>Policy EP cont.</p>		<p>Policy EP also seeks to protect the historic environment, including the Ardleigh Conservation Area, and its irreplaceable assets</p> <p>Policy EP finally provides exceptional support for any development that would secure material benefits for Ardleigh’s natural, built and/or historic environment</p>

<p>Policy GP - Local Green Spaces</p>	<p>Paragraph 101 Paragraph 102 Paragraph 103 Paragraph 147 NPPG on Local Green Space designation</p>	<p>N.B.The separate LGS Assessment details how the Spaces meet the criteria at paragraph 102 of the NPPF</p> <p>Policy GP is concerned with managing development within a Local Green Space. In accordance with paragraph 103, it is consistent with NPPF paragraph 147 on development affecting the Green Belt.</p> <p>In particular, it resists inappropriate development except in very special circumstances. It also provides express support for development that would be compatible with a space’s character and special value/s.</p>
<p>Policy TP - Transport & Parking</p>	<p>Paragraph 104 Paragraph 105 Paragraph 106 Paragraph 113</p>	<p>Given the very limited sustainability of the parish (per the Local Plan), Policy TP resists significant development likely to generate significant amounts of movement in accordance with paragraph 105 .</p> <p>Policy TP also provides strong support for development that would improve the functioning of the local road network or promote opportunities for cycling/walking.</p>
<p>Policy TP cont.</p>		<p>Given the unfortunate deficiencies in recent developments in the area, policy TP also reiterates that parking should be integral to the design of all schemes, per paragraph 104 of the NPPF.</p>

Basic Condition 2: The making of the neighbourhood development plan contributes to the achievement of sustainable development

In order to demonstrate that a draft Plan contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft Plan guides development to sustainable solutions (NPPG - Paragraph: 072 Reference ID: 41-072-20190509 Revision date: 09 05 2019).

In order to achieve sustainable development, the planning system adopts the following three overarching objectives:

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 8 of the NPPF provides that these objectives are interdependent and need to be pursued in mutually supportive ways.

Table 3 below summarises how the objectives and policies in the Plan contribute towards sustainable development, as defined in the NPPF. Many of the objectives and policies of the Plan overlap the three strands of sustainability and so appear in multiple places.

Essex County's Place Services has also prepared a Habitats Regulations Assessment



and Strategic Environmental Assessment in support of the Plan.

Table 3

Economic sustainability

NPPF definition: to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure

Plan objectives

- To achieve the Vision
- To achieve sustainable development in Ardeigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely:
 - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure

Plan policies

- Policy GDP - General Approach to Development
- Policy CFP - Community Facilities
- Policy EP - Natural, Built & Historic Environment



Social sustainability

NPPF definition: to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being

Plan objectives

- To achieve the Vision
- To achieve sustainable development in Ardleigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely:
 - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being

Plan policies

- Policy GDP - General Approach to Development
- Policy CFP - Community Facilities
- Policy HP - Housing
- Policy EP - Natural, Built & Historic Environment
- Policy GP - Local Green Spaces
- Policy TP - Transport and Parking

Commentary

Policy GDP reinforces the Local Plan approach to housing delivery, whilst providing additional support for high-quality and sustainable replacement dwellings. This will help to improve the existing housing stock, supporting a stronger, more vibrant and healthier local community.

Policy CFP seeks to provide accessible local services and provides enthusiastic support for new facilities for which the local community has expressed a strong need or desire.

Policy CFP also seeks to ensure that sufficient essential infrastructure is in place to meet the needs arising from new housing schemes in the area.

Policy HP reinforces the Local Plan approach to new housing delivery in the area. It also provides additional support for new ancillary residential accommodation. It is anticipated that this

Cont.

policy provision will make a welcome contribution towards local housing needs whilst avoiding much of the harm to local character, infrastructure and patterns of movement normally associated with new housebuilding.

Policy EP seeks to preserve and enhance Ardeleigh’s quality of design, its beauty and its safety.

Policy GP provides welcome protection for Local Green Spaces that are of particular importance to the local community. It supports developments that would enhance the community value of designated spaces.

Policy TP seeks to ensure that all new development is provided with appropriate and well-designed parking facilities

Environmental sustainability

NPPF definition: to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy



<u>Plan objectives</u>	<ul style="list-style-type: none"> • To achieve the Vision • To achieve sustainable development in Ardleigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely: <ul style="list-style-type: none"> • c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy
<u>Plan policies</u>	<ul style="list-style-type: none"> • Policy GDP - General Approach to Development • Policy CFP - Community Facilities • Policy HP - Housing • Policy EP - Natural, Built & Historic Environment • Policy GP - Local Green Spaces • Policy TP - Transport & Parking
<u>Commentary</u>	Policy GDP seeks to ensure that development is of a scale and location to protect and enhance the natural, built and historic

Cont.

character of the parish, in accordance with the Local Plan approach to development in the Smaller Rural Settlements and countryside. It provides exceptional support for development that would directly provide for the enhancement or enjoyment of the Ardleigh countryside.

Policy CFP seeks to ensure that replacement community facilities are sustainably located in the Settlement Boundaries to avoid harm to the intrinsic character of the countryside and limit the reliance of local residents on private cars (given its associated pollution and carbon emissions).

Policy CFP also seeks to ensure that new development does not result in the loss or closure of Ardleigh's sustainably located essential facilities - this recognises that their relocation outside of the village would greatly reduce the overall sustainability of the settlement whilst greatly increasing residents' daily reliance on private cars.

Policy HP provides firm support for the inclusion of various sustainability and accessibility features in the design of new housing, helping to adapt to climate change and move to a low carbon economy.

Policy HP also provides support for ancillary residential accommodation which will assist to make the most effective possible use of established residential plots in Ardleigh.

Policy EP is directly concerned with the protection and enhancement of Ardleigh's natural, built and historic environment. It provides exceptional support for development that would secure material environmental benefits.

Policy GP protects designated Local Green Spaces - all of which make substantial positive contributions to the character and quality of the Ardleigh environment - from inappropriate development.

Policy TP seeks to ensure that new development does not materially exacerbate existing problems with local roads (especially around parking and congestion). It also seeks to ensure new development is provided with appropriate parking facilities - this should reduce the occurrence of inappropriate and obtrusive parking, especially on-street



As explored in the above table, all of the objectives and policies of the Plan make clear contributions towards the achievement of sustainable development in the Plan area. Most of the plan policies serve multiple sustainability objectives, ensuring that the social, economic and environmental objectives of sustainable development are pursued in a genuinely interdependent and mutually supportive manner.

Basic Condition 3: The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach (NPPG - Paragraph: 074 Reference ID: 41-074-20140306 Revision date: 06 03 2014).

The development plan for Tendring District Council is currently made up of:

- Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1;
- Tendring District Local Plan 2013-2033 and Beyond: Section 2;
- Essex Minerals Local Plan; and
- Essex and Southend-on-Sea Waste Local Plan.

The most relevant of these Local Plan documents - Sections 1 and 2 of the Tendring District Local Plan - were only very recently adopted. Ardleigh's Neighbourhood Plan has been prepared paying close and considered regard to the strategic policies of these documents.

Table 4 below explores how all policies in the Plan achieve general conformity with strategic policies of the development plan.

Table 4

Plan policy	Tendring Local Plan policies	Commentary
GDP	<ul style="list-style-type: none"> • Policy SP3 of Section 1 (Spatial Strategy for North Essex) • Policy SPL1 of Section 2 (Managing Growth) & supporting paragraphs at 3.3.1.4 • Policy SPL2 of Section 2 (Settlement Development Boundaries) • Policy LP6 of Section 2 (Rural Exception Sites) • Policy LP7 of Section 2 (Self-build and Custom-built Homes) 	<ul style="list-style-type: none"> • Policy SP3 provides that existing settlements will be the principal focus for additional growth and that, beyond main settlements, the focus will be on diversification of the rural economy and conservation/enhancement of the natural environment. Policy GDP uses this strategic approach as its framework. • Policy SPL1 identifies Ardleigh as a Smaller Rural Settlement. The supporting text confirms these are the least sustainable locations for growth but that some small-scale development is appropriate. Policy SPL2 states that outside SDBs, applications will be considered in relation to the Settlement Hierarchy in Policy SPL1 and other relevant policies in the LP. Policy GDP builds on this, clarifying - by reference to policies SP3, SPL1 and its supporting text - that only certain, small-scale developments will generally be encouraged in Ardleigh's countryside • Policy GDP also clarifies that the only housing that will be supported outside of SDBs in Ardleigh is housing that is in accordance with exceptional strategic policies LP6 and LP7 of the Local Plan
CFP	<ul style="list-style-type: none"> • Policy HP1 of Section 2 (Improving Health and Wellbeing) • Policy HP2 of Section 2 (Community Facilities) 	<ul style="list-style-type: none"> • Policy HP1 seeks to ensure that residents can access high quality health services and that new/improved services can be put in place to serve growing populations. Given the acknowledged pressures on Ardleigh's GP surgery and school, policy CFP reinforces this strategic requirement. • Policy HP2 seeks to deliver and maintain a



Cont.		<ul style="list-style-type: none"> • range of new community facilities. To this end, policy CFP identifies those potential new facilities most needed/desired by the local community • Policy CFP also provides some additional detail concerning how parts b. and c. of policy HP2 will be understood and applied in the context of Ardleigh
HP	<ul style="list-style-type: none"> • Policy SPL1 of Section 2 (Managing Growth) & supporting paragraphs at 3.3.1.4 • Policy SPL2 of Section 2 (Settlement Development Boundaries) • Policy LP6 of Section 2 (Rural Exception Sites) • Policy LP7 (Self-build and Custom-built Homes) • Policy PPL 10 of Section 2 (Renewable Energy Generation and Energy Efficiency Measures) 	<ul style="list-style-type: none"> • In terms of new housing outside of SDBs, policy HP directs developers to consider policy GDP - the conformity of this policy with the development plan (including policies SPL1, SPL2, LP6 and LP7) is explored above • Policy SLP1's supporting text confirms that housing should be limited to infill developments of no more than 10 houses within Settlement Development Boundaries (SDBs). Policy HP transposes these supporting provisions into policy. • Policy PPL 10 requires all developments involving the creation of 1 or more dwellings to be accompanied by a "Renewable Energy Generation Plan" that will set out measures to be included in design, layout and construction to maximise energy efficiency and the use of renewable energy. Policy HP supports this by providing some examples of sustainability measures/features that will be encouraged in Ardleigh
EP	<ul style="list-style-type: none"> • Policy SP7 of Section 1 (Place Shaping Principles) • Policy SPL3 of Section 2 (Sustainable Design) • Policy PPL3 of Section 2 (The Rural Landscape) 	<ul style="list-style-type: none"> • Policy SP7 requires all new development to meet high standard of design. To this end, the preparation of local design codes/guides is encouraged. Policy EP directs developers to have regard to the local design guide (Village Design Statement) which was updated as part of the Plan's preparation



Cont.	<ul style="list-style-type: none"> • and supporting paragraph 7.3.1 • Policy PPL4 of Section 2 (Biodiversity and Geodiversity) • Policy PP13 of Section 2 (The Rural Economy) • Policy PPL8 of Section 2 (Conservation Areas) • Policy PPL9 of Section 2 (Listed Buildings) 	<ul style="list-style-type: none"> • Policy SPL3 requires new development to make a positive contribution to the local environment and protect or enhance local character. Policy EP and the associated VDS seek to clarify/explore how this can be achieved in the local context of Ardleigh. • In recognition of Ardleigh’s distinctive and special rural character, policy EP also contains specific provisions relating to the protection or enhancement of this, per policies SPL3 and PPL3 • Policy PPL4 requires, as a minimum, that development achieves net gain for biodiversity (as a result of lack of harm, mitigation, or as a last resort, compensation). To this end, policy EP resists the loss of good quality green landscape features and requires that new such features are appropriate local or native species (to genuinely support biodiversity) • Policy PPL3 provides that the rural landscape will be protected and permission will be refused for any development that would cause overriding harm to its character and appearance. Supporting paragraph 7.3.1 confirms the importance of protecting best and most versatile agricultural land. Similarly PP13 confirms the types of development that may be supported in the countryside, most of which relate to agriculture (and similar rural land-based activities). Ardleigh’s countryside contains a valuable amount of irreplaceable
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Cont.		<ul style="list-style-type: none"> • best and most versatile agricultural land and this makes a substantial (and irreplaceable) positive contribution to the local landscape character and local economy. Policy EP accordingly resists its permanent loss to non-compatible uses • Provisions of policy EP concerning the Conservation Area and Listed Buildings are in keeping with the provisions of policies PPL8 and PPL9. It is acknowledged that the NPPF (and its own heritage policies) will remain a material planning consideration in the determination of all applications
GP	<ul style="list-style-type: none"> • Policy HP4 of Section 2 (Safeguarded Open Space) and supporting paragraph 4.4.4 	<ul style="list-style-type: none"> • Policy HP4 contains provisions relating to the loss and replacement of Local Green Spaces. Policy GP does not negate or otherwise contradict this policy which will retain its full weight in Ardeigh. Instead, policy GP contains provisions relating to the sorts of development that will generally be supported, or alternatively resisted, or or adjacent to Ardeigh’s Local Green Spaces • Supporting paragraph 4.4.4 confirms the power of Neighbourhood Plans to identify Local Green Spaces and include policies to rule out “new development” other than in very special circumstances. Policy GP has been drafted in light of this. It does clarify that only “new development” that would harm or erode a space’s identified values will be resisted
TP	<ul style="list-style-type: none"> • Policy CP1 of Section 2 (Sustainable Transport and Accessibility) • Policy CP2 of Section 2 (Improving the Transport Network) 	<ul style="list-style-type: none"> • Policy CP2 concerns the new Garden Community and associated transport infrastructure planned in Ardeigh. Policy TP ensures the delivery of the Garden Community and its planned transport infrastructure is not undermined by premature development



<ul style="list-style-type: none"> • Policy SPL1 of Section 2 (Managing Growth) & supporting paragraphs at 3.3.1.4 • Policy PP13 of Section 2 (The Rural Economy) 	<ul style="list-style-type: none"> • Policy CP2 seeks to ensure the provision of a safe and efficient transport network that offers a range of sustainable transport choices. Policy TP provides detail concerning how this can be achieved in Ardleigh. • In recognition of the considerable harm caused to the character, safety and efficiency of local roads, policy TP also seeks to ensure that relevant new development in Ardleigh provides sufficient and appropriate parking facilities • To further support policy CP2, policy TP also identifies two roads in Ardleigh where parking and congestion issues are already problematic and where, accordingly, development exacerbating these issues will be refused • Policy SPL1 and supporting paragraph 3.3.1.4 confirms that only small-scale development is supported in the Smaller Rural Settlement of Ardleigh. Policy PP13 confirms that development in the countryside should not create significant levels of traffic and that proposals generating significant numbers of jobs should be readily accessible by public transport (in the Ardleigh countryside, access to public transport is severely limited if not non-existent). Policy CP1 also requires that new development is sustainable in terms of transport and accessibility and that new major development includes proposals for walking and cycling routes and new or improved bus-stops/services (this is not achievable in Ardleigh, given its size, location and strong rural character). In light of these policy provisions, policy TP resists significant development likely to generate significant amounts of movement throughout the parish.
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Basic Condition 4: The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations

The Plan and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). 5.2.

At Pre-Submission (Regulation 14) Consultation Stage, the Neighbourhood Plan was screened for the need for an SEA (Strategic Environmental Assessment).

In May 2022, following a screening exercise which took on board comments from the statutory bodies (the Environment Agency, Natural England and Historic England), an SEA & HRA Screening Report, prepared by Essex County Council Place Services, was published. This came to the opinion that an SEA was not needed. This Screening Report has been submitted at Regulation 16 stage as part of the evidence base for the Plan.

In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

Basic Condition 5: Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

Under Directive 92/43/EEC, also known as the Habitats Directive, it must be ascertained whether the draft Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA").

An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed. 6.2. A

An HRA and SEA (Strategic Environmental Assessment) Screening was undertaken by Essex County Council Place Services on the Pre-Submission (Regulation 14) Version of the Neighbourhood Plan.

In May 2022, following consultation with Natural England, Place Services published its report. The report was of the opinion that no planning policies within the Ardleigh Neighbourhood Plan will lead to any adverse effects and can be screened out of further assessment.

Tendring District Council is therefore of the opinion that the Plan is not likely to have significant impacts on European protected species or sites.

The Screening Report - including the responses from the statutory bodies - has been submitted at Regulation 16 stage as part of the evidence base for the Plan.

Conclusion

The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Ardleigh Neighbourhood Plan and all the policies contained therein. It is therefore respectfully suggested to the Examiner that the Ardleigh Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.

CABINET

17 MARCH 2023

REPORT OF PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE

A.2 THE SHARED PROCUREMENT PARTNERSHIP

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update Cabinet on the successes of the joint working arrangements with Tendring District Council and Essex County Council for the delivery of procurement functions and to seek approval to explore a wider procurement partnership at a strategic level, to maximise existing opportunities through closer partnership working other Councils.

EXECUTIVE SUMMARY

Essex County Council & Tendring District Council - provision of procurement services

The partnership between Tendring District Council and Essex County Council began on 1st October 2021. Since that point the team has worked on 53 procurements, of which 24 have been awarded or awaiting governance approval to award. In addition to the above, the shared procurement resource has provided advice and support to colleagues across the Council on how to source a wide range of goods and services. The joint team has embedded a new robust approach to procurement practice with improved documentation, using the proactis sourcing tool to ensure visibility of procurement opportunities and robust adoption of procurement process and evaluation principles. Procurement training has been and continues to be rolled across the organisation and a new approach to category management has begun to identify key areas of spend where enhanced value for money could be achieved.

Combined, this has helped the Council to improve its approach to how it spends public money and set the foundations for further improvements.

Joint Shared Procurement Partnership:

Essex County Council (ECC) and Braintree District Council (BDC) have proposed to create a shared procurement service, which will bring together the existing ECC Shared Procurement team, which currently supports Tendring District Council with the Essex Procurement Hub (EPH) in partnership for common benefit to all members. This partnership and new Shared Procurement Service is expected to launch in April 2023 to:

- Undertake procurement activity on behalf of the member districts and boroughs and any new partners who may join.
- Review corporate spend, trends and patterns and initiate value for money opportunities across council services involving collaborative procurement, internally and externally.

- Identify collaborative procurement and contract management opportunities on behalf of all member organisations and deliver these procurements.
- Develop shared documentation and procurement approaches for use by members
- Seek to identify opportunities to deliver revenue from the Shared Procurement Service. In the first instance this will be used to offset the investment by ECC.

The future delivery model of the Shared Procurement Service still needs to be explored and shaped but even at an early stage will deliver the following benefits to Tendring District Council:

- Resilience - with a larger team across both organisations that is able to meet the fluctuations in demand for the service;
- Expertise - with the EPH knowledge of district spend areas and the recognised expertise of ECC's procurement team enabling better constructed procurements and greater value for money;
- Collaborative savings – through closer working and shared understanding of forward plans, the partnership will be better able to identify shared procurement and contract management opportunities removing duplication of resource time and increasing the opportunity for economies of scale; and
- Reduction of duplication in the delivery of support services such as policy creation and training, releasing time for staff to focus on value-add procurement activity.

Tendring District Council have already identified a number of specific activities that need to be delivered by the Authority, these have been considered against the offer of a wider partnership sharing resources, with that service being able to:

- (a) Develop and promote the Procurement Strategy, with the anticipation of a common procurement strategy;
- (b) Review of the Procurement Procedure Rules;
- (c) Ensure the Council's practices are up to date with legislation, national guidance and best practice;
- (d) Commercial awareness in public law environment focusing on procurement opportunities and contract management skills;
- (e) Developing and delivering training;
- (f) Seek compliance with the regulatory framework and raising matters of probity and non-compliance with Senior Managers, Management Team and Internal Audit, where necessary; and
- (g) as part of the review of the Council's Procurement Strategy and Procedure Rules, the shared service would seek to incorporate Social Value opportunities and contract management principles.

It is anticipated the Shared Service will also create and embed a corporate Contract Management framework setting out overriding principles, which are common across services, providing guidance and processes to contract management resource within the individual services to implement change and achieve improvements identified through reviews.

With the ongoing vacancy of a senior post at Tendring for Corporate Procurement and Contract Management, it is proposed that £45,000 is reinvested to contribute to the shared procurement service for 2023/24, to develop and deliver the above activities. Key Performance Indicators will be detailed within a future partnership agreement which will be drafted giving consideration to the above aims and objectives. The objectives will be regularly reviewed and reported on to the Strategic Officer Group (see background). The Strategic Officer Group will decide whether the trial has been a success, with individual decisions on whether to continue to participate and if so, in which delivery model, taken by each member authority.

It's important for the Council to give consideration and maximise opportunities for Social Value through the procurement cycle adding value for the area and delivering against the Council's Corporate Plan. This can be achieved with earlier scoping through specification and evaluation criteria. As with other Essex Councils, it is now considered best practice to adopt a dedicated Social Value Policy for Procurement Purposes, to set out how the Council wishes to achieve the social, economic and environmental strands through its commissioning.

It is considered that any Social Value Approach being drafted for adoption, should be scoped and shaped in consultation with Members, services across the Council, other local authorities, either as part of the proposed Shared Procurement Service for part of Essex or through the Anchors organisations together with our stakeholders. A joint Essex Social Value Approach is being explored and the results will be presented back to Cabinet later in 2023. In the interim, TDC will rely on its existing Procurement Procedure Rules and link to the Council's Corporate Plan, Priorities and Projects.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) notes the progress of the existing partnership arrangement with Essex County Council for the delivery of procurement functions under the Service Level Agreement;**
- (b) agrees for Tendring District Council to form part of a wider partnership of Councils to explore the Shared Procurement Service for parts of Essex;**
- (c) authorises the Portfolio Holder for Corporate Finance and Governance, responsible for procurement to represent the Council at the Member Advisory Group;**
- (d) requests the Chief Executive to appoint the appropriate Officer to the Strategic Officer Group;**
- (e) authorises the contribution of £45,000 from existing vacancies to the shared procurement project for the development of activities as set out in the report;**
- (f) delegates authority to the Chief Executive, in consultation with the Portfolio Holder for Corporate Finance and Governance to agree the Partnership Agreement for the Shared Procurement Service;**
- (g) requests the Portfolio Holder to review the Shared Procurement Service progress prior to any decision at the expiration of the existing Service Level Agreement with Essex County Council;**
- (h) instructs officers to ensure the Council's Contract Register and Procurement Project Pipeline is kept up to date to ensure TDC matters can be included within the Shared Service prioritisation; and**

(i) welcomes the work identified for a joint approach to Social Value for procurement purposes, for a further report to be presented at a later Cabinet in 2023.

REASON(S) FOR THE RECOMMENDATION(S)

The Council has an ongoing vacancy at a senior level for Corporate Procurement and Contract Management and reinvestment through a contribution going into the wider procurement partnership will build further resilience and support to the organisation, in addition to the existing and successful arrangement with Essex County Council.

The Shared Procurement Service is a partnership between several Councils in Essex and brings a number of benefits as defined above. Through joining the shared service and closer partnership approach, the Council will be able to ensure a high quality, resilient procurement service to support its needs and have influence over the direction of the Shared Procurement Service.

The Council is providing a client side contact to manage the existing partnership agreement (SLA) with ECC.

Social value considerations have been a requirement since 2012 however, policies are emerging on revised approaches for procurement strengthening the opportunities to be achieved.

ALTERNATIVE OPTIONS CONSIDERED

Alternative options considered are:

- Alternative Option 1 - The Council could simply extend the existing partnership agreement (SLA) with Essex County Council beyond October 2023. This will continue to provide a resilient procurement service. However, it is not considered as attractive as the recommended option as it does not enable Tendring District Council to help inform the future structure and direction of a wider shared service. The Council would also not be able to benefit from any shared procurement income which may be generated.
- Alternative Option 2 – Beyond October 2023, the Council undertake procurement activity on its own. In doing this the Council would have full control over procurement resource and its use. Recruitment of procurement resource is difficult as has been demonstrated through a recent process, with a competitive procurement resource market. This option would also not provide the additional benefits of resilience, access to wider expertise and collaborative savings highlighted above.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Shared Procurement Service will support the delivery of the Strong Finances and Governance workstream, in particular supporting a balanced budget through

- An effective approach to procurement activity, delivering value for money
- An efficient resource model
- A robust approach to spend analysis and contract management

The way Anchor Organisations procure goods and services and work with their supply chain can have far reaching benefits on local communities, from creating employment opportunities, to raising aspirations and local skills, to improving the local environment. Procurement is frequently the starting point for embedding Social Value, ensuring every pound spent generates additional value. Anchor Organisations have signed up to the following:

- Progressive and Responsible Procurement - Develop policy and tendering processes to assess, monitor and deliver social value.
- Meet the Buyers - Develop close working relationships with local providers and suppliers in the community.
- Build the Voluntary Sector - Make explicit requirements to work with and resource the voluntary sector in contracts.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Anchors Organisations have set up a Social Value Learning Community to:

- Encompass a wide learning agenda that covers the different nuances of social value for each of the sectors represented at the anchor network, but focused on deepening the understanding of concepts and practices.
- Provide a collaborative and safe space to share sensitive and complex data. Provide peer to peer learning, sharing lessons learned, progress, challenges and barriers about embedding.
- Social Value - identify the differences and commonalities of Social Value practices, both across organisations and through procurement specifically.
- Support on the definition of social value for Anchor institutions, establishing the baseline for members and the network.
- Work collaboratively with Economic Development Officers towards the identification of local projects to increase local spend and support local business and voluntary and social enterprise sectors.
- Facilitate access to state-of-the-art expert knowledge and best practice with a view to inform policy making, plans, toolkits and models in key areas of action.

The outcome of this work will be fed into the review of the proposed Social Value approach for Tending District Council together with the Shared Procurement Service partners.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the	

		Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	
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PART 5 CONSTITUTION - PROCUREMENT PROCEDURE RULES

The Council's Procurement Procedure Rules state the following:

Before undertaking any procurement, Departments should satisfy themselves that:

- The works, goods or services are required and a need can be demonstrated
- There are no reasonable alternatives e.g. sharing or utilising spare capacity/inventories elsewhere within the Council
- **Where relevant, they have considered the requirements of the Public Services (Social Value) Act 2012 and have recorded/evidenced the outcomes against the associated requirements:-**
 - **how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area**
 - **how, in conducting the process of procurement, it might act with a view to securing that improvement**

The National Procurement Policy Statement issued in 2021 sets out the strategic priorities for public procurement and how contracting authorities considers the following national priority outcomes alongside any additional local priorities in their procurement activities:

- creating new businesses, new jobs and new skills;
- tackling climate change and reducing waste, and
- improving supplier diversity, innovation and resilience.

The Local Government Association developed a toolkit in 2022, to support councils to set objectives in relation to their maturity levels in each of the key areas of the National Procurement Strategy for Local Government in England, and to assess their progress against those objectives.

<input type="checkbox"/>	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Monitoring Officer is the author of this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The Procurement Team has 4 FTE posts, which although vacant, the salaries are being used to fund an alternative delivery solution which is demonstrated below. The budget for the service consists of salaries and £22,670 for computer software.

At its meeting on 17th September 2021, Cabinet considered in Section 2 of its Financial Performance Update 2021/22 a small number of in-year budget adjustments set out in Appendix B to the Portfolio Holder's report, one of which reflected a proposed service level agreement being entered into with Essex County Council ('ECC') to enable the Council to 'buy in' procurement services from them through a partnership approach.

Discussions commenced with ECC in terms of a shared service / collaborative approach as a way of providing a more comprehensive procurement service to our internal departments. This approach would involve the Council purchasing a range of procurement services from ECC on a proposed 'hourly rate' basis via a service level agreement. Appendix B of the September Cabinet Report set out a proposed adjustment, which would see budgets transferred from direct employee costs to 'contract' payments to ECC. This approach would also support the accelerated delivery programme where the Council would have access to specialist / expert advice along with additional procurement capacity e.g. supporting the procurement of replacement cremators. This arrangement would be kept under wider review as it may form part of a longer-term solution, where the Council could continue to have access to such advice as part of the future delivery of projects and activities along with 'usual' operational requirements expected of a procurement function / service.

Paragraph 2.3 of the Council's Procurement Procedure Rules set out in Part 5 of the Council's Constitution requires alternative delivery options for whole or part of services to be achieved in accordance with the Council's Procurement Strategy. The Strategy expressly refers to '*Our Partners in Procurement*' and that the Council will seek to work with a number of partners to maximise any procurement opportunities and provide best practice. This includes other public bodies and shared services. Because the in-house procurement service has 100% vacancies, there were no employment issues to address and the Public Contract Regulations 2015 permit public sector shared service and collaboration arrangements within certain criteria, which are observed in any Service Level Agreement arrangement. The Council's Procurement Procedure Rules are observed in any bids or tender exercises managed by ECC on behalf of TDC.

Subsequently, Cabinet agreed in September 2021 that:

- (2) *That, in respect of the Council's Financial Performance for 2021/22, Cabinet:*
- (c) *agrees an exemption to the Council's procurement rules in order to enable a Service Level Agreement to be entered into with Essex County Council to enable the Council to 'buy in' various procurement services from them to support its day-to-day operational activities and the delivery of one-off projects, as necessary; and*
- (d) *authorises the Assistant Director (Finance and IT) and the Deputy Chief Executive to agree the terms of the Service Level Agreement, in consultation with the Portfolio Holder for Corporate Finance and Governance.*

Following consultation with the Portfolio Holder for Corporate Finance and Governance, and an Officer Decision published on 24 August 2022, a Partnership Agreement was completed in August 2022; the services however commenced in October 2021 and will continue until October 2023 for an annual payment of £60,000. The agreement can be renewed annually for up to 5 years. **The existing Partnership Agreement is attached to the Report as Appendix A.**

Both Councils have obligations and responsibilities. Schedule 1 to the Agreement sets out the Key Procurement Activities, split into three areas:

- Category Planning
- Market Management

- Sourcing

Procurement 2022 Deliverables have been identified within the Partnership Agreement.

The recommended proposal is to further contribute £45,000 from the Corporate Procurement and Contract Manager vacancy to Essex County Council to the shared procurement service to deliver the objectives, as set out in the report.

The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

Has no additional comments to make to those contained in the report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The concept of a wider Shared Procurement Service across Councils within Essex builds upon existing Service Level Agreement to ensure the Council can perform a procurement function.</p>
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<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>Currently, and until there is a review and consideration of adopting any jointly agreed strategy, rules and procures, all procurement activity will continue to be in accordance with Tendring District Council's Procurement Procedure Rules, as contained with Part 5 of the Constitution.</p>
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<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The Executive Summary of this report provides how the Shared Procurement Service can deliver the following benefits:</p> <ul style="list-style-type: none"> • Resilience - with a larger team across both organisations that is able to meet the fluctuations in demand for the service; • Expertise - with the Essex Procurement Hub knowledge of district spend areas and the recognised expertise of ECC's procurement team enabling better constructed procurements and greater value for money; • Collaborative savings – through closer working and shared understanding of forward plans, the partnership will be better able to identify shared procurement and contract management opportunities removing duplication of resource time and increasing the opportunity for economies of scale; and
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	<ul style="list-style-type: none"> • Reduction of duplication.
MILESTONES AND DELIVERY	
<p>April 2023 – Official Launch - First Strategic Officer Group and confirm actions for first 6 months.</p> <p>October 2023 – expiry of existing SLA with ECC for procurement services.</p>	
ASSOCIATED RISKS AND MITIGATION	
<p>There is a risk that with a wider Shared Procurement Service, Tendring District Council's procurement activity is reduced in prioritisation however, this is mitigated through further of a development procurement project pipeline for Tendring and the existing service level agreement with ECC for the first 6 months of 2023, during which time these risks can be reviewed.</p> <p>Should Tendring decide not to join the Shared Procurement Service, it would be unable to help shape the future delivery and lose opportunities of closer working between Councils and maximising collaborative spending.</p>	
EQUALITY IMPLICATIONS	
<p>An Equalities Impact Assessment will be completed alongside the development of the Partnership Agreement and any revised strategies, policies and procedures through the share service.</p>	
SOCIAL VALUE CONSIDERATIONS	
<p>The Shared Procurement Service will be looking at it's approach to social value across the member councils, building on the social value policy developed by Brentwood Borough Council.</p>	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
<p>Procurement is an important tool in tackling climate change. As part of the development of the procurement strategy and policies and procedures consideration will be given to how to incorporate environmental considerations in to the procurement process.</p> <p>Access to knowledge on climate change as it relates to procurement will be available from the wider ECC team</p>	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p>	
Crime and Disorder	<p>There are no implications from the subject matter of this report, however each project and new procurement opportunity will consider these implications through the individual decision making.</p>
Health Inequalities	

Area or Ward affected	None
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PART 3 – SUPPORTING INFORMATION

BACKGROUND

The new Shared Procurement Service is looking to bring together two services through a partnership approach:

The Essex Procurement Hub

The Essex Procurement Hub (EPH) was formed in 2006 following a review of procurement needs across a number of Essex Authorities. The EPH is resourced and led by Braintree District Council (BDC) providing its members with :

- Strategic and operational procurement support
- Advice and guidance on procurements
- Added value in the procurement process, including support with the actual delivery of procurement activity such as the creation and running of tender activity.

The EPH also procures and manages a number of National framework agreements, delivering rebates of circa £100,000 per year, which offset the costs of the procurement function to the member organisations. BDC, Castle Point District Council and Epping Forest District Council are all current members of the EPH but membership of the EPH is open to other local authorities who wish to join. EPH members pay a fee directly to BDC to access the procurement support through a Service Level Agreement (SLA). The fee is based on cost recovery of the staff supporting that member authority.

The ECC &TDC Procurement Service:

In 2021, ECC started to provide procurement support to Tendring District Council, through a Partnership/Service Level Agreement at an annual cost of £60,000.

The ECC Service is currently resourced by a procurement specialist and procurement manager employed by ECC.

The New Shared Procurement Service:

The proposal is to create a shared procurement service which will bring together the existing ECC Shared Procurement team with the Essex Procurement Hub (Braintree District Council, Castle Point Borough Council and Epping Forest District Council) and the ECC Service (Tendring District Council and Essex County Council) to work in partnership for common benefit to all members. This will be a trial for three years and will

- Undertake procurement activity on behalf of the member districts and boroughs
- Identify collaborative procurement and contract management opportunities on behalf of all member organisations and deliver these procurements.
- Develop shared documentation and procurement approaches for use by members

The Shared Service will be resourced through:

- the existing EPH team employed by BDC; and
- a procurement specialist for 4 days a week and a procurement graduate for the equivalent of 12 months over the three year trial period provided by ECC.

The Shared Service will operate as follows:

- officers working within the EPH and the ECC Service will form the new shared procurement team (the Team);
- BDC and ECC will work together to be responsible for the day to day work management of the service delivery;
- officers within the Team will remain employed by their respective authorities, and will operate using their authority issued equipment.

The Shared Service will be operated using three groups. The terms of reference for these will be set out in the Partnership Agreement:

- a Joint Officer Operational Group chaired by the Category Lead for ECC and the Corporate Director for BDC to support the day to day operation of the Shared Service, managing staff workloads, agreeing prioritisation of projects in the forward plan and providing support to the operation of the service. This group will work with Epping Forest and Castle Point Borough Council, Tendring District Council and other member organisations as the Shared Service develops.
- A Strategic Officer Group with relevant senior management representation from TDC, ECC, BDC, Epping Forest District Council and Castle Point Borough Council to:
 - Set the strategic direction of the Shared Service;
 - Agree the priorities of the Shared Service, for example which new frameworks are needed across the partnership
 - Monitor performance of the partnership including delivery of the service in line with the income targets detailed in paragraph 6 below

The intention is for the group to evolve over the trial to incorporate councils who wish to join the Shared Service.

- A Member Advisory Group with representation from elected members from TDC, BDC, ECC, Epping Forest District Council and Castle Point Borough Council to review the performance of the Shared Service and promote the approach to shared working to support growth. The intention is for this group to evolve to incorporate councils who wish to join the partnership over the course of the trial

Neither the Strategic Officer Group nor the Member Advisory Board will hold decision making authority and neither authority is required to delegate authority as part of this proposal. All formal governance will fall to the respective authority to undertake in accordance with its own Rules of Procedure.

Consideration will be given throughout the three year trial to the future structure of the Shared

Service. This will be considered by the Strategic Officers Group. The deliverables for the service, in line with the trial period deliverables will be detailed by the Strategic Officer Group and reviewed quarterly when this group meets. This will evolve over the time of the trial, with deliverable reviewed by the Strategic Officer Group

The Shared Service will deliver the following benefits to Tendring District Council:

- Resilience - with a larger team across both organisations that is able to meet the fluctuations in demand for the service;
- Expertise - with the EPH knowledge of district spend areas and the recognised expertise of ECC's procurement team enabling better constructed procurements and greater value for money;
- Collaborative savings – through closer working and shared understanding of forward plans, the partnership will be better able to identify shared procurement and contract management opportunities removing duplication of resource time and increasing the opportunity for economies of scale;
- Reduction of duplication in the delivery of support services such as policy creation and training, releasing time for staff to focus on value-add procurement activity.

The trial of the Shared Procurement Service will be assessed against the ability to deliver the benefits as defined above and the delivery of the targeted income. Key Performance Indicators will be detailed within the partnership agreement and regularly reviewed and reported on to the Strategic Officer Group. The Strategic Officer Group will ultimately decide whether the trial has been a success.

PREVIOUS RELEVANT DECISIONS

17th September 2021, Cabinet Minute. No. 42 ((2) (c) and (d).

24th August 2022, Officer Decision Essex County Council Service Level Agreement with Tendring District Council.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A – Partnership Agreement (SLA) with Essex County Council.

REPORT CONTACT OFFICER(S)

Name	Lisa Hastings
Job Title	Deputy Chief Executive and Monitoring Officer
Email/Telephone	lhastings@tendringdc.gov.uk 01255 686561

Tendring
District Council



**Partnership Agreement
for the provision of procurement
services
for Tendring District Council
2021/23**

THIS AGREEMENT is made on DATE ^{24/8/} 2022

BETWEEN:

(1) ESSEX COUNTY COUNCIL of County Hall, Chelmsford, Essex CM1 1QH
("ECC")

(2) TENDRING DISTRICT COUNCIL of Town Hall, Station Rd, Clacton-on-Sea
CO15 1SE ("TDC")

("The Parties")

1. Introduction

1.1 The Parties have agreed to enter into this Partnership Agreement ("this Agreement") working collaboratively to pool resources to deliver the day-to-day Key Procurement Activities and wider specialist procurement advice and support relating to policy development, category management, market management and sourcing. Policy development may include advice and guidance on contract management to be carried out by TDC where TDC deems it relevant

1.2 Detail of the work being undertaken through this agreement is set out in **Schedule 1**.

1.3 This Agreement governs the Parties collaboration and sets out the terms on which the key procurement activities are to be provided to TDC by ECC.

2. Commencement and Duration

2.1 This Agreement commences on 1st October 2021 and shall continue for a period of 2 years unless terminated earlier in accordance with clause 10.

2.2 This Agreement will be renewed annually for period of 5 years. If a Party does not wish to renew for the next financial year then they must serve at least three (3) months written notice to the other Party prior to expiry of the current years agreement

3. Key Procurement Activities

3.1 The Services to be provided are set down in Schedule 1 (Specification) of this Agreement.

4. Charges

4.1 It has been agreed that TDC will pay a basic fee of £60,000 per annum to ECC for the Services.

- 4.2 This fee will fund resource employed by ECC to deliver the Key Procurement Activities as set out in Schedule 1 and enable TDC access to increased knowledge through the wider ECC in-house team.
- 4.3 During the term of this Agreement ECC may request additional contributions from TDC for access to further resources required for specific procurement functions and projects to be discussed and agreed in advance.
- 4.4 ECC will provide a quote to TDC for any additional project-based support on their estimate of the resources required to provide the additional services pursuant with Schedule 2 [Additional Project Costs]
- 4.5 Any review of the arrangements for the remainder term of the Agreement will normally be undertaken and the outcome agreed by 4th January, prior to the commencement of the next financial year.
- 4.6 In the event any variations are agreed which result in an increase to Charges, ECC will invoice TDC after the variation has been made and Charge agreed.
- 4.7 Charges for the provision of the services are based on current estimated sourcing volumes. Minor variations in demand for routine work will be accommodated within the charges agreed, but where ECC can no longer provide the base service as set out in Schedule 1 within the currently agreed annual charge, then they should inform TDC as soon as possible which will result in a review of the charge, with the possibility that a revised charge may need to be discussed and agreed or alternative service provision in line with clause 7. Requests for additional services will be separately negotiated and an additional charge may be made.
- 4.8 In the event of any further charges in relation to projects being progressed on behalf of TDC which include, but not limited to Legal support on projects, these costs are to be paid for by TDC to ECC and will be agreed in advance through other shared service arrangements.

5. Obligations and responsibilities

- 5.1 ECC are committed to providing a quality service which represents good value for money.
- (a) adhere to best professional standards in accordance with TDC's Procurement Procedure Rules
 - (b) ensure that work is carried out by appropriately trained staff;
 - (c) be prompt, courteous and helpful in our dealings;
 - (d) produce timely, relevant and clear information and advice;
 - (e) show consideration for difficulties you may experience;
 - (f) seek to deliver any changes required to the services provided under this agreement;

- (g) treat the information that TDC provides in confidence and provide TDC with its own data on request during the course of this Agreement; and
- (h) comply with the requirements of the UK General Data Protection Regulations, Data Protection Act 2018 and the Computer Misuse Act 1990 and successive legislation and all other relevant laws in relation to the management and use of data.

5.2 TDC will:

- (a) treat any information provided by ECC in accordance with this Agreement will be pursuant to the provisions of the UK General Data Protection Regulations, the Data Protection Act 2018 and the Computer Misuse Act 1990 and all other relevant laws.
- (b) ensure they have acquired the necessary internal governance approvals for the necessary sourcing and required budgets.
- (c) provide relevant and complete information to ECC's Procurement Team to ensure timely issue of response to the market.
- (d) provide all documentation for computer input is completed accurately and in accordance with advice provided
- (e) ensure a steady flow of information is maintained including providing a monthly project pipeline avoiding unnecessary peaks and troughs where it is intended that TDC will require ongoing support from ECC
- (f) ensure all information is submitted in line with Corporate Procedures, Policies, Strategies and Financial Regulations unless otherwise agreed
- (g) pay the charges as they fall due under this Agreement

5.2 Failure to comply with the above will affect ECC's ability to deliver an effective service and may result in termination of this Agreement.

6. Review arrangements

6.1 This Agreement will be reviewed 6 monthly by both parties, with review in advance of the commencement of each financial year

6.2 Any amendment to the arrangements as an outcome of such reviews or variation of this agreement generally will be made pursuant to clause 7.1

6.3 Where the expectation is that ECC will provide services for more than one financial year, subject to paragraph 1 above, a minimum of three months' notice must be given in writing if either party wishes to vary the scope of this Agreement to allow ECC sufficient time to allocate resources.

7. Variations to the agreement

7.1 This Agreement will be reviewed 6 monthly, with review in advance of the commencement of each financial year

7.2 This Agreement will only be varied if in writing and agreed between the Parties.

8. Project Pipeline Management and Monitoring

- 8.1 To enable resource requirements to be determined and planned for in advance, at the start of each financial year, TDC should provide to ECC's Procurement Team an up to date and fully detailed project pipeline showing the envisaged projects to be supported that financial year.
- 8.2 After TDC has provided the project pipeline to ECC as set out in clause 8.1, TDC will advise ECC's Procurement Team each quarter, as to whether there are any amendments that have been identified which change the pipeline for schemes that need to be taken into consideration for resourcing purposes.
- 8.3 The Parties will throughout this Agreement work collaboratively together to ensure delivery of the public procurement function across Essex and keep each other informed through regular communication, with the method and frequency to be agreed on each project, adopting a 'one team' approach
- 8.4 Overall monitoring of this Agreement will be discussed at 3 monthly meetings. Where improvements can be made on ways of working these will be discussed in a constructive manner for the benefit of each Party, achieving value for money and effectiveness of service for both Parties.

8.4 The authorised representatives for each Party are as follows:

Karen Townshend and the Corporate Procurement and Contracts Manager
(once appointed)– Tendring District Council

James Sinclair – Essex County Council

9. Resolution procedure and complaints

9.1 If either Party feels that the other Party has not met any of their responsibilities set out in this Agreement, or a dispute or indifference arises between them, then either Party shall first refer the matter to

Lisa Hastings – Deputy Chief Executive and Monitoring Officer – Tendring District Council

Laura Lee – Head of Procurement – Essex County Council

- 9.2 Both Parties shall meet and discuss the issues raised and both Parties agree to share evidence, documentation or examples of the issues to assist their respective Heads of Procurement in reaching a resolution.
- 9.3 In the event that following the meeting in clause 9.2, matters still remain unresolved then the same process as set out in this clause 9 should also be followed in alerting either Party to major changes in volumes of work and/or projects impacting the work that ECC carries out on TDC's behalf. Further escalation will be via the relevant Director of Procurement.

10. Termination of the Agreement

- 10.1 This Agreement will be reviewed annually, however, either Party can terminate this Agreement or any individual service within this Agreement, by giving the other party a notice period of six (6) months. This may be subject to negotiation if there are no live projects underway or planned.
- 10.2 The notice should be in writing and can include notice by email, addressed to:
- (i) Laura Lee or Melanie Evans on behalf of ECC; Laura.lee@essex.gov.uk or melanie.evans2@essex.gov.uk
 - (ii) Lisa Hastings or Richard Barrett on behalf of TDC
- 10.3 Upon notice of termination by either Party, ECC will produce a plan for withdrawal of service which will include the transfer of data. Any work that may be required on the handover of services to new suppliers will be chargeable. A full estimate of charges will be made for TDC approval before work commences.

Either Party may terminate this partnership agreement with less than six months notice if:

- (i) One Party is in continuing or material breach of any terms of the agreement and the breach is incapable of remedy;
- (ii) One Party is in continuing or material breach of any terms of the agreement and, the breach is capable of remedy, but the Party fails to remedy such breach within fourteen (14) days service of a written notice from the other Party, specifying the breach and requiring it to be remedied;
- (iii) the breach is not, in the opinion of a Council, capable of remedy

11. Freedom of Information

- 11.1 The Parties acknowledge that both are subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and shall assist and co-operate with each other (at their own expense) to enable the other party to comply with these information disclosure requirements.

12. Data Protection and Confidentiality

- 12.1 ECC shall not without the written consent of TDC during this Agreement or at any time thereafter use for its own purposes, or disclose to any person (except as may be required by law) the any information identified by TDC to be confidential.
- 12.2 ECC shall not and shall ensure that its employees do not divulge to any third party any information which comes into its or their possession in the course of providing the services.
- 12.3 The terms of clauses 12.1 and 12.2 shall prevail notwithstanding termination of the contract.

13. Professional Indemnity Insurance

- 13.1 Any work undertaken by ECC shall be covered by its Professional Indemnity Insurance policy up to the sum of £10 million.

14. Entire Agreement Protection and Confidentiality

- 14.1 The Parties acknowledge that this Agreement sets forth the entire agreement between them with respect to the provision of the Services and supersedes and replaces all prior communications, drafts, representations, warranties, stipulations, undertakings and agreements of whatsoever nature, whether oral or written, between the Parties.

15. Law and Jurisdiction

- 15.1 The Parties acknowledge that this Agreement sets forth the entire agreement between them with respect to the provision of the Services and supersedes and replaces

The signatories to this agreement are signing to accept that the services above will be provided in accordance with the terms and charges detailed for the financial years 2021/23.

Agreement Signatures



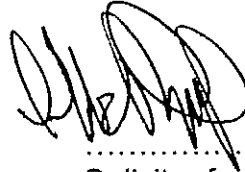
Melanie Evans
Director of Procurement
On behalf of Essex County Council
Date: 09 / 08 / 2022

The COMMON SEAL of

TENDRING DISTRICT COUNCIL

was hereunto affixed in the

presence of:



Solicitor for an on behalf
the Council



Schedule 1

Key Procurement Activities

1. Core Service

1.1 ECC is able to offer a comprehensive procurement service with capability across Category Management, Market Shaping, Sourcing and Contract Management. The initial focus will be to deliver sourcing for TDC. Sourcing is defined as the process of vetting and selecting suppliers who best meet the organisations needs

1.2 Working with TDC and within the charges agreed above, ECC will:

- Deliver the projects detailed in the project pipeline as set out in clause 8 of this Agreement
- Engage with Assistant Directors, Heads of Service and colleagues across TDC, developing the contracts register and procurement forward plan for the TDC.
- Undertake analysis of spend against the contracts register and other financial data to identify where procurement is necessary to manage uncontracted spend and protect the authority from unauthorised/non-compliant expenditure and risk. Spend will be benchmarked against contracts held by ECC and other District Councils supported by ECC.
- Identify and promote the strategic procurement requirements of TDC and ensure that these meet the corporate aims and objectives laid down in the various policy statements and strategies.
- Ensure compliance with all relevant statutory and legislative requirements

1.3 ECC will also undertake the following activities within the agreed charge:

- a) Actively promote and implement the Council's Procurement Strategy in accordance with TDC's Procurement Procedure Rules
- b) Support the creation and Implementation of the Procurement Strategy as developed with Tendring District Council
- c) Development, production and review of procurement processes and procedures and other key procurement activities.
- d) Provide a central resource for the Council on procurement issues.
- e) To manage the liaison with external stakeholders such as suppliers, procurement framework organisations including Central Government.
- f) Provision of ad-hoc procurement modelling and appraisals as required.
- g) Maintain an up-to-date knowledge base for procurement issues relating particularly to services and works and to disseminate this information to the appropriate people where appropriate.
- h) To undertake interpretation and implementation of technical procurement guidance, advice and legislation.
- i) Coordinate the use of Procurement Portals such as Construction line and 'Market Place'
- j) Maintain the Councils registration to national e-procurement registers
- k) Liaise with Council Services to promote and guide sound procurement practice.
- l) Assist in the preparation and submission of quotations for services, materials and works.
- m) Meeting and negotiating with suppliers' representatives.
- n) Attend Essex Local Authority Consortium and other meetings as required.
- o) Support the provision of a central resource for the Council on procurement issues.
- p) Meeting and negotiating with supplier's representatives.
- q) To provide a front line service on the telephone and face to face to customers within the authority and external suppliers.
- r) To provide timely and accurate management information on procurement trends, usage and suppliers and the updating of relevant intranet/internet information.

1.4 **ECC Specialist Procurement Advice and Support, as set out below will, where possible, be incorporated into delivery of the day-to-day Key Procurement Activities as provided in the project timeline on behalf of TDC and within the annual charge:**

1.5 **Category Management** - Category Management is the strategic 'end to end' process whereby supply / market capability is fully aligned to business goals and customer requirements.

1.6 The Procurement Team will engage all stakeholders, to form a team (one team approach) who will analyse, understand and plan the future output and direction of this category.

1.7 The output of this work is intended to identify short / medium / long term procurement business plans to deliver best **quantitative** and **qualitative** outcomes for TDC.

1.8 The stages undertaken will be:

- Form team and kick off

- Conduct spend analysis
 - Determine business requirements
 - Conduct market analysis
 - Develop market strategy
 - Implement and deliver strategy
- 1.9 **Market Management** - Where required, the Procurement Team will support with market management and shaping activity including:
- Market engagement
 - Market events
 -
- 1.10 **Sourcing** Procurement will deliver the following services in accordance Tendring District Council's Procurement Procedure Rules.
- Provide sourcing documents and guidance for Request for Quotation and Request for Proposal activities
 - Provide access to sourcing system to run electronic tenders over £50k
 - Project preparation including any pre-market engagement and testing
 - Prepare tender documents – specifications and all other applicable drawings/documents are to be provided by TDC
 - TDC will provide their chosen Contract terms and conditions to be used prior to the Tendering stage
 - Tendering stage of Supplier Selection Questionnaire (if being used)
 - Tendering stage of Invitation to Tender
 - Ensuring compliant
 - Contract Award
 - Mobilisation support
 - ECC Procurement will make it clear to all bidders that the Contracting Authority and end contract will be between TDC and the winning bidder.
- 1.11 **Additional Services** - In addition to the core service as provided above ECC may offer additional procurement services which can be discussed with TDC.
- 1.12 **Service responsibility matrix**
The table below sets out the actions, timescales and responsibilities for each party.

Essex County Council Service Level Agreement with Tendring District

Category	Task	Essex County Council Responsibility		Tendring District Council Responsibility	
		Description	Timescale	Description	Timescale
Category planning	Form team and kick off	<ul style="list-style-type: none"> Develop and set up project team and determine the appropriate timescales for the activity. 	<ul style="list-style-type: none"> Timescales to be agreed to cover the whole category plan process within 1 month of activity initiating. 	<ul style="list-style-type: none"> Support in the development of the project team and agreement of the timescales as well as the identification of appropriate resource to work through the different elements of the process. 	<ul style="list-style-type: none"> Timescales to be agreed to cover the whole category plan process within 1 month of activity initiating.
	Conduct Spend Analysis	<ul style="list-style-type: none"> Carry out the required analysis of the appropriate spend data to form the relevant sections of the Category Plan. Hold workshops to formalise and agree spend analysis findings and outcomes. Formulate the appropriate slides for inclusion on the category plan. 	<ul style="list-style-type: none"> Timescales as agreed in line with the Form team and kick off phase. 	<ul style="list-style-type: none"> Provide appropriate spend data to be able to support the spend analysis. Assist in the analysis of data where necessary and provide input as part of this process. Support and participate in workshops held to formalise the spend analysis. Support with the development of the appropriate slides for the Category Plan where required. 	<ul style="list-style-type: none"> Timescales as agreed in line with the Form team and kick off phase.
	Determine Business Requirements	<ul style="list-style-type: none"> Hold workshop to discuss and determine the business 	<ul style="list-style-type: none"> Timescales as agreed in line with the Form team and kick off phase. 	<ul style="list-style-type: none"> Support and engage with the workshop to determine the business requirements 	<ul style="list-style-type: none"> Timescales as agreed in line with the

Essex County Council Service Level Agreement with Tendring District

Category	Task	Essex County Council Responsibility		Tendring District Council Responsibility	
		Description	Timescale	Description	Timescale
		<ul style="list-style-type: none"> requirements for the category going forward. Formulate the appropriate slides for inclusion in the category plan based upon feedback and research carried out. 		<ul style="list-style-type: none"> going forward for the category. Provide input in the development of the appropriate slides as required. 	<ul style="list-style-type: none"> Form team and kick off phase.
	Conduct Market Analysis	<ul style="list-style-type: none"> Hold workshop to discuss and agree approach to carrying out market analysis and the elements required. Carry out the agreed market analysis and formulate the slides for inclusion in the category plan. 	<ul style="list-style-type: none"> Timescales as agreed in line with the Form team and kick off phase. 	<ul style="list-style-type: none"> Support and engage with the workshop to determine the approach to market analysis that needs to be taken. Provide input to the relevant stages of the market analysis slides and the different tasks where appropriate. 	<ul style="list-style-type: none"> Timescales as agreed in line with the Form team and kick off phase.
	Develop Market Strategy	<ul style="list-style-type: none"> Hold workshop to formulate and agree the market strategy for the category using the analysis developed during the previous stages. Formulate the Category Plan slides to represent the agreed market strategy approach. 	<ul style="list-style-type: none"> Timescales as agreed in line with the Form team and kick off phase. 	<ul style="list-style-type: none"> Support and engage with the workshop to formulate the market strategy for the category. Identify areas that could be considered as part of the potential market strategy for discussion. 	<ul style="list-style-type: none"> Timescales as agreed in line with the Form team and kick off phase.

Essex County Council Service Level Agreement with Tendring District

Category	Task	Essex County Council Responsibility		Tendring District Council Responsibility	
		Description	Timescale	Description	Timescale
	Implement Market Strategy	<ul style="list-style-type: none"> Progress actions as identified in the Market Strategy (this may link into the Sourcing section of the SLA depending on the activities identified). 	<ul style="list-style-type: none"> Where activity includes a procurement element, timescales as detailed for sourcing activities to be followed. Timescales as detailed in the developed Market strategy. 	<ul style="list-style-type: none"> Support the progression of Market Strategy actions where required. 	<ul style="list-style-type: none"> Timescales as agreed in the Market Strategy or Procurement processes.
Market management	Market engagement	<ul style="list-style-type: none"> Support and carry out market engagement requirements where identified. 	<ul style="list-style-type: none"> Timescales to be agreed within 1 month of activity initiating. 	<ul style="list-style-type: none"> Support and carry out market engagement requirements where identified. 	<ul style="list-style-type: none"> Timescales to be agreed within 1 month of activity initiating.
	Market events	<ul style="list-style-type: none"> Where market events are identified, hold and arrange these sessions and the development of required information. Support the market engagement events 	<ul style="list-style-type: none"> Timescales to be agreed as part of the planning discussions regarding the market events. 	<ul style="list-style-type: none"> Support and participate in the arrangements for the market events as well the preparation of materials. Attend and present at market engagement events. 	<ul style="list-style-type: none"> Timescales to be agreed as part of the planning discussions regarding the market events.
Sourcing	RFPs & RFQs	<ul style="list-style-type: none"> Provide sourcing documents and guidance for Request for Quotation and Request for Proposal activities where a self service option is selected 	<ul style="list-style-type: none"> Timelines for each project will be agreed on a case by case basis Timescales for resolving queries to be agreed on a case by case basis. 	<ul style="list-style-type: none"> Provide specification and background information and specifics of any suppliers to issue to 	<ul style="list-style-type: none"> Timescales for resolving queries to be agreed on a case by case basis.

Essex County Council Service Level Agreement with Tendring District

Category	Task	Essex County Council Responsibility		Tendring District Council Responsibility	
		Description	Timescale	Description	Timescale
		<ul style="list-style-type: none"> Utilise the RFP and RFQ documents provided on all applicable requirements to ensure appropriate process is followed. Provide assistant with any queries arising from these processes. Provide access to sourcing system to run electronic tenders over £50k which enables the LLP to enter into contracts. 	<ul style="list-style-type: none"> Sourcing system to be provided throughout the life of the SLA. 	<ul style="list-style-type: none"> Ensure that no communication is carried out with suppliers outside the sourcing system being used. Where queries are identified these are routed through the Procurement colleagues to be communicated by the sourcing system. 	<ul style="list-style-type: none"> N/A
	Project Preparation including any market engagement and testing	<ul style="list-style-type: none"> Where market engagement/testing is identified for specific projects/schemes, provide guidance on the areas that could be considered. Support with the development of any market engagement events. 	<ul style="list-style-type: none"> Timescales for market engagement/testing to be agreed within 1 month of activity initiating. Timescales for individual elements/activities to be agreed as part of kick-off meeting. 	<ul style="list-style-type: none"> Ensure notification regarding the requirement for market engagement/market test is in a timely manner. Support with the development of any market engagement events. Support with developing the approach for market 	<ul style="list-style-type: none"> Timescales for market engagement/testing to be agreed within 1 month of activity initiating. Timescales for individual elements/activities to

Essex County Council Service Level Agreement with Tendring District

Category	Task	Essex County Council Responsibility		Tendring District Council Responsibility	
		Description	Timescale	Description	Timescale
		<ul style="list-style-type: none"> Support with the development of documents to be used for market testing. 		testing and any appropriate documents identified.	be agreed as part of kick-off meeting.
	Governance Approval (pre/post tender)	<ul style="list-style-type: none"> Governance remains the responsibility of Tendring District Council 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> Development and progression of the appropriate report for each individual scheme. Identify the information that is required for inclusion in the paper regarding the relevant team in relation to procurement and raise with the supporting Procurement colleague. 	<ul style="list-style-type: none"> Timescales to be agreed on a case by case basis. Ensure that requests for information regarding governance papers are issued in a timely manner.
	Development of Tender Documents	<ul style="list-style-type: none"> Identify the key documents that will need to be developed based upon the procurement route being taken. Develop a procurement timetable which identifies timescales for each of the key areas and agree the deadline for when documents are required to be completed by. 	<ul style="list-style-type: none"> Timescales for this stage of the process will be developed as part of agreeing the timetable for the procurement process. This will include the deadline for when documents will be required by to enable the publication date to be met. Where the deadline for the documents to be completed by is not met, the timetable will need to 	<ul style="list-style-type: none"> Work with the Procurement colleagues to identify and agree the procurement documents that are required for each project/scheme and agree owners responsible for the development of these documents. Develop all applicable procurement documents for the process being followed by the agreed deadline date and provided to Procurement 	<ul style="list-style-type: none"> Timescales for this stage of the process will be developed as part of agreeing the timetable for the procurement process. This will include the deadline for when documents will be required by to enable the publication date to be met. Provide the document by the agreed date

Essex County Council Service Level Agreement with Tendring District

Category	Task	Essex County Council Responsibility		Tendring District Council Responsibility	
		Description	Timescale	Description	Timescale
		<ul style="list-style-type: none"> Work with the Tendring District Council on the development of the appropriate documents including the provision of templates where applicable. Review and provide feedback on documents developed. 	<p>be reviewed and an updated deadline agreed.</p>	<p>colleagues supporting the project/scheme.</p> <ul style="list-style-type: none"> Timescales for the publication of the procurement will be reviewed where the provision of all applicable procurement documents is not met. 	<p>for the provision of the documents.</p> <ul style="list-style-type: none"> Timescales for the procurement will be reviewed where the provision of all applicable procurement documents is not met.
	Selection Stage (including clarifications and evaluation)	<ul style="list-style-type: none"> Publish the procurement opportunity on the eProcurement system and the appropriate adverts. Manage and record all clarification requests and send details for responses. Ensure declaration of interest process completed for all evaluators. Download all responses received. Where Constructionline is being used provide the relevant information 	<ul style="list-style-type: none"> Timescales as agreed as part of the development of the procurement timetable for the project (subject to change). 	<ul style="list-style-type: none"> Provided responses to clarifications within 48 hours of request where appropriate. Complete appropriate declaration of interest forms prior to evaluation. Evaluate and score all responses received for the identified questions. Provide completed evaluation matrix prior to the consensus meetings with full justification of scores. All evaluators to attend the consensus meetings to determine agreement to scores/comments. 	<ul style="list-style-type: none"> Timescales as agreed as part of the development of the procurement timetable for the project (subject to change).

CABINET

17 MARCH 2023

REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

A.3 FINANCIAL PERFORMANCE REPORT – IN-YEAR PERFORMANCE AGAINST THE BUDGET AT THE END OF THE THIRD QUARTER 2022/23 AND LONG TERM FINANCIAL FORECAST UPDATE

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide an overview of the Council's financial position against the budget, as at the end of December 2022, and to update the long term forecast.

EXECUTIVE SUMMARY

- As set out in the earlier reports to Cabinet / Full Council, this year has seen a number of emerging issues both nationally and globally that have had a significant impact on the Council's financial position e.g. inflation, supply chain disruption, energy cost increases, commodity price increases along with associated secondary impacts. This is in addition to more local pressures on net costs such as the Crematorium remaining non-operational for the first half of 2022/23.
- Within the various financial performance reports presented to Members earlier in the year as part of the wider development of the budget / long term forecast, a number of emerging items were addressed in 2022/23 and 2023/24 where necessary.
- This report presents the latest financial update for 2022/23 along with looking ahead as part of developing the long term financial forecast. The report is therefore split over two distinct sections as follows:
 - ***The Council's in-year financial position against the budget at the end of December 2022***
 - ***Development of the long term financial forecast***

In respect of the in-year financial position at the end of December 2022:

- The position to the end of December 2022, as set out in more detail within the appendices, shows that overall General Fund Net Revenue expenditure is marginally ahead of the budget by **£0.010m**. It is acknowledged that expenditure or income trends may still develop / emerge over the last quarter of the year. Any significant issues arising to date have been highlighted and comments provided as necessary.
- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out later on in this report, there are no other major issues that have been identified to date.

- Any emerging issues will be monitored and updates provided as part of the financial outturn report for the year that is planned to be presented to Cabinet in July 2023.
- Although the budget was adjusted as part of earlier financial performance reports, a number of necessary and additional changes have been identified which are set out in **Appendix H**, with an associated recommendation also included within this report.
- The net impact of the budget adjustments will be moved to or from the Forecast Risk Fund. At the end of the third quarter, it has been possible to make a contribution to the fund of **£0.309m**, which supports the requirement set out in the long term forecast of identifying in-year savings each year, where possible.
- This report also highlights further emerging issues such as financial risks associated with being a member of the North Essex Parking Partnership (NEPP) and the development of the Levelling Up Grant Fund Scheme, with recommendations included below.
- The recommendations set out below also reflect the establishment of the Members Small Grant Scheme associated with His Majesty the King's Coronation and changes to external funding receivable from our Health Partners, with further details set out later on in this report.

In respect of the updated long term financial forecast:

- A summary of the most up to date position for 2023/24 was considered by Full Council on 14 February 2023 as part of agreeing the detailed budget.
- There have been no changes made to the forecast position mentioned above, but for completeness, a summary is set out further on in this report along with some additional comments to reflect new / emerging issues that have arisen since February 2023.
- As set out in the report to Full Council on 14 February 2023, although it was possible to reduce the deficit when compared with the position reported to Cabinet on 27 January 2023, the deficit remains significant against the context of the Council's overall net budget. However, along with the forecast risk fund, the forecast / budget agreed by Full Council on 14 February 2023 does provide flexibility in terms of developing the required framework in which to identify the necessary savings to support an on-going financially sustainable position over the next few years.
- The identification of on-going savings remains as an important element of the long-term financial plan looking ahead to 2024/25 and beyond.
- As mentioned previously, it is important to continue to deliver against the longer-term approach to the budget as it continues to provide a credible alternative to the more traditional short-term approach, which would require significant additional savings to be identified much earlier in the financial cycle.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) Notes the Council's in-year financial position at the end December 2022 along with the updated financial forecast;**
- (b) the proposed in-year adjustments to the budget as set out in Appendix H be agreed;**
- (c) accepts the £19.960m awarded to the Council following a successful bid to the Government's Levelling Up Grant Fund Scheme, and authorises the S151 Officer to sign the associated MOU in consultation with the Corporate Director Place & Economy and Portfolio Holder for Business and Economic Growth;**
- (d) subject to c) agrees the use of up to £0.250m from the existing Levelling Up Fund Budget of £2.291m to support the development of the scheme for Clacton and approves a delegation to the Corporate Director Place & Economy in consultation with the Portfolio Holder for Business and Economic Growth to agree any associated expenditure;**
- (e) requests officers to seek on-going assurances from the NEPP Lead Authority on how they are managing the emerging financial risks of the partnership, with updates to be provided to Management Team and Members accordingly along with their inclusion within quarterly financial performance reports during 2023/24;**
- (f) notes the revised arrangements relating to the £0.750m of grant funding from our Local Health Partners as set out within this report with the schemes now being delivered as part of wider joint partnership arrangements rather than directly by the Council;**
- (g) agrees to the acceptance of grant funding from our Local Health Partners of £0.200m and that associated expenditure from this funding is delegated to the Assistant Director Partnerships in consultation with the Portfolio Holder for Partnerships;**
- (h) agrees to the establishment of a King's Coronation Member Small Grant Scheme with £200 being made available to each Member and requests the S151 Officer to undertake the necessary steps to implement the scheme including the provision of the necessary information / guidance to enable Members to access this funding as soon as possible; and**
- (i) asks that the Resources and Service Overview and Scrutiny Committee be consulted on the latest financial position of the Council set out in this report.**

REASON(S) FOR THE RECOMMENDATION(S)

To set out the latest financial position for the Council and to respond to emerging issues in 2022/23 along with providing an update to the long term forecast.

ALTERNATIVE OPTIONS CONSIDERED

This is broadly covered in the main body of this report.

PART 2 – IMPLICATIONS OF THE DECISION**DELIVERING PRIORITIES**

Effective budgetary control is an important tool in ensuring the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken. Financial stability and awareness plays a key role in delivering the Council's corporate and community aims and priorities.

The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. The current 10-year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income whilst limiting reductions in services provided to residents, business and visitors. The approach set out in this report continues to be set against this wider context.

OUTCOME OF CONSULTATION AND ENGAGEMENT

In terms of the long term forecast, internal consultation is carried out via the Council's approach to developing the budget as set out within the Constitution. External consultation also forms part of developing the budget, and is carried out early in the year as part of finalising the position for reporting to Full Council in February.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	This item has been included within the Forward Plan for a period in excess of 28 days.

The Local Government Act 2003 makes it a statutory duty that Local Authorities monitor income and expenditure against budget and take appropriate action if variances emerge.

The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.

The Local Government Finance Act 2012 provided the legislative framework for the introduction of the Rates Retention Scheme and the Localisation of Council Tax Support.

The Calculation of Council Tax Base Regulations 2012 set out arrangements for calculation of the council tax base following implementation of the Local Council Tax Support Scheme. These arrangements mean that there are lower tax bases for the district council, major preceptors and town and parish councils.

The Localism Act 2012 introduced legislation providing the right of veto for residents on excessive council tax increases.

Under Section 25 of the Local Government Act 2003, the Chief Finance Officer (S151 Officer) must report to Council as part of the budget process on the robustness of estimates and adequacy of reserves. The proposed approach can deliver this requirement if actively managed and will be an issue that remains 'live' over the course of the forecast period and will be revisited in future reports to members as the budget develops.

Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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Although there are no additional comments above those set out in this report, it is important to highlight that further decisions may be necessary to take actions forward, such as those associated with the items set out in **Appendix H**.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The financial implications are set out in the body of the report.

Yes	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Section 151 Officer is the author of this report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This is addressed in the body of the report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

This reports forms part of the Council's wider budget setting and monitoring processes. In respect of 2022/23, a financial outturn report is planned to be presented to Cabinet in July. In terms of the long term forecast, further updates will be presented to Members during 2023/24.

ASSOCIATED RISKS AND MITIGATION

In respect of the position at the end of December 2022, a number of variances will be subject to change as the year progresses, although at this stage it is expected that any adverse position can be accommodated within the overall budget with direct management action, including the proposed changes to the budget set out in **Appendix H**. The budget position will be monitored and reviewed as part of both the future budget monitoring arrangements (including the financial outturn position for 2022/23) and Financial Strategy processes.

There are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. Wider economic risks have also increased in 2022/23, which are likely to continue into 2023/24. These could have an impact on income streams such as from Council Tax and Business Rates along with the 'cost' of the Local Council Tax Support Scheme. The Council's initial / short-term response was set out in earlier reports as part of the development of the forecast and budget for 2023/24, which will continue to be addressed as part of the future financial reports.

The approach of refocusing existing budgets and reserves also adds additional risks as it reduces the ability of the Council to access such funding to underwrite further risks etc. going forward.

The Forecast Risk Fund remains a key element of the long-term plan approach. However, it is important to note that the Council still prudently maintains reserves to respond to significant / specific risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves, which reflects a best practice / risk based approach to support its core financial position.

As highlighted in earlier reports, money has been set aside to mitigate cost pressures associated with the repair and maintenance of Council assets. When they arise, they are usually significant and the approach taken aims to 'protect' the underlying revenue budget from such items. **£1.019m** remains in an Asset Refurbishment Reserve for this purpose and the use of this fund can be considered as part of and/or outside of the annual budget setting cycle via separate decision making processes.

As highlighted within earlier reports, the Chief Executive continues to chair the regular Budget, Performance and Delivery meeting of Senior Managers where any emerging issues are highlighted / discussed.

EQUALITY IMPLICATIONS

There are no direct implications that significantly impact on the Council's financial performance / forecast at this stage. However, the ability of the Council to appropriately address such issues will be strongly linked to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver savings.

SOCIAL VALUE CONSIDERATIONS

There are no direct implications that significantly impact on the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the long term forecast.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There are no direct implications that significantly impact on the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the long term forecast.

OTHER RELEVANT CONSIDERATIONS OR 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

Please see comments above

Health Inequalities

Area or Ward affected

PART 3 – SUPPORTING INFORMATION

SECTION 1 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF THE THIRD QUARTER OF 2022/23

The Council's financial position against the approved budget has been prepared for the period ending 31 December 2022.

As highlighted earlier, within the various financial performance reports presented to Members earlier in the year as part of the wider development of the budget / long term forecast, a number of emerging items have already been addressed in 2022/23 along with 2023/24 where necessary.

However, there have been some additional / emerging issues (both favourable and adverse) with comments provided below where necessary, against the following key areas:

- General Fund Revenue and Proposed Changes to the in-year budget
- Collection Performance
- HRA Revenue
- Capital Programme – General Fund
- Capital Programme - HRA
- Treasury Activity

GENERAL FUND REVENUE

The position to the end of December 2022, as set out in more detail in the Executive Summary attached, shows that there is a marginal net overspend of **£0.010m**.

As set out in the appendices, elements of this variance are due to the timing of expenditure and income or where commitments / decisions have yet to be made. **Appendix B** provides the detailed position by Directorate with **Appendix H** setting out a number of required budget adjustments in response to revised / emerging issues since the last position for 2022/23 was considered earlier in the year, with some key highlights as follows:

- As has been the case in previous years, additional expenditure has been incurred within the Planning and Building Control Services relating to agency staff along with the cost of responding to planning appeals etc. A reduction in planning income is also now being experienced. The adjustments set out within **Appendix H** seek to address these issues by adjusting budgets elsewhere within the same service areas.
- Being a demand led service, Homelessness costs have continued to rise over and above an adjustment of **£0.450m** that was made earlier in the year as part of the budget setting reports. The Government continue to support this area of local authority spending but the position will need to be closely monitored over the coming months given the financial risk that this area of the budget presents.
- In terms of offsetting the issues highlighted above and other adverse items set out in **Appendix H** there are a number of favourable income budgets adjustments which include increased income from treasury activities due to higher interest rates, additional Government grant funding along with income from charges made for street naming and numbering.

Appendix H also includes the following budget adjustments to reflect a recent decision by Full Council and an announcement from the Leader:

- **£8k** for the provision of smartphones to Members following the associated decision at Full Council on 2 March 2023; and
- **£9.6k** to enable £200 to be provided to each Member to support local organisations who are organising local events to celebrate His Majesty the King's coronation in May 2023. Subject to the associated recommendation included above, further information will be made available to Members as soon as possible to enable them to access this funding.

OTHER EMERGING ISSUES

North Essex Parking Partnership – financial risks of being a member of this partnership have started to emerge over the past year. This Council along with other partners are required to meet their share of any annual deficit with no provision currently included within the budgets to respond to such an eventuality.

The NEPP does not appear to be recovering from the impact of COVID 19, with the level of income being less than pre-pandemic levels, which is in addition to the on-going impact of inflation. Recent years have seen the partnership draw money down from its reserves to meet any deficits that have accrued. Based on current estimates, the use of reserves in 2022/23 is also likely and subject to how much is required to be used, there may only be very limited reserves available to support the partnership's financial position in 2023/24.

In terms of the estimate for 2023/24, a summary of potential wider concerns include:

- Over-optimistic forecasting of income;
- A dependency / expectation on nationally agreed increases in penalty charge fees set by government;
- Impact of technology / cameras and camera cars to deliver income and reduced expenditure.

As part of its partnership role, the Council will seek assurances from the Lead Authority around how the financial risks of the partnership will be managed in 2023/24 to avoid as far as reasonably possible a deficit position continuing. This issue will be closely monitored in 2023/24 with regular updates provided as part of future financial performance reports, with a recommendation included above to reflect this emerging issue.

Levelling Up Fund Grant Scheme – confirmation of the Council's successful bid has recently been confirmed and to accept the funds totalling **£20m**, the Council must sign a Memorandum of Understanding (MOU) provided by Government.

Although the MOU places a number of responsibilities on the Council and an expectation that the Council will deliver the scheme, there are no direct financial risks of signing it at this stage, with the process reflecting the early administrative aspects of the project before a more detailed report is presented to Cabinet. With this in mind and in terms of further developing the project through to the actual delivery stage, a separate report will be presented to Cabinet as early as practicable in 2023/24. Although the various financial risks will be set out in more detail in future reports, it is worth highlighting a brief summary of potential financial risk associated with a project of this scale as follows:

- The Council will be responsible for cost overruns and any adverse impact of inflation. There is a risk that cost inflation on a scheme of this scale could create additional costs for the Council, given the grant from government once approved will be fixed. The delivery of the project will need to be undertaken within a strong project management framework which would include the consideration of a number of risk management factors such as value engineering, further opportunities to secure additional funding from other relevant partners and having the right level and experience within the delivery team.
- Capital schemes of this scale are complex, with unknowns, such as ground conditions, and reliance on contractor third parties for delivery. Keeping to project timelines as well as budget requires strong project management, focus and early mobilisation. The bid includes provision for a professional team to support delivery and will also require the dedication of the Economic Development Team to focus on overseeing delivery.
- The longer term risks associated with occupancy of the buildings once complete. The financial model relies on sale and rental of housing units. Sales timing and values may be dampened in Clacton depending on the economic climate at the point homes are completed. The Council will need to consider these projects as a long-term on-going priority within its wider financial planning framework.

The money made available by the Government will be paid to the Council in instalments that are expected to reflect the actual expenditure up until the project delivery deadline of the end of March 2025. The budgets will be adjusted to reflect the spending profile and the associated receipt of grant funding as necessary, with updates provided to Cabinet throughout the project delivery period. Although possibly subject to further discussion with the Government, it is important to highlight that if the project is not completed by the deadline of 31 March 2025, then any subsequent costs would need to be met by the Council. As previously mentioned, such issues will need to be carefully considered within a robust project management framework, as this risk could be significant if there is a substantial level of work still outstanding on 31 March 2025, as the use of Government funding will not be allowable after that date.

Although a separate report will be presented to Cabinet later in 2023, to maintain momentum behind the scheme, a number of project development activities need to commence as soon as possible. Therefore it is proposed to use up to **£0.250m** of the **£2.291m** already made available to support this project. An associated recommendation is therefore included above along with a delegation to the relevant Director and Portfolio Holder. It is worth highlighting that in the unlikely event that the project could not be taken forward, any expenditure from this initial allocation of **£0.250m** would represent the Council's financial exposure at this stage. Any further financial commitments will be set out in the separate report that will be presented to Cabinet later in 2023 as referred to earlier.

External Funding Receivable from our Health Partners – At its meeting on 25 March 2022, Cabinet accepted grant funding totalling **£1.650m** from our Local Health Partners. **£0.750m** of this related to the support of physical activity, with the remaining **£0.900m** relating to wider health issues. In terms of the latter, projects and initiatives are underway in Jaywick Sands, which reflect the subsequent decision of Cabinet at its 15 July 2022 meeting.

In terms of the **£0.750m** relating to physical activity, a spending plan was agreed by Active Essex in consultation with the CCG, who have therefore become the main delivery partner instead of the Council. Therefore based on the above approach, the money originally accepted has not been paid directly to the Council but it has been applied to the same schemes and projects within the Tendring District albeit by a different organisation.

As part of the on-going relationship with our Local Health Partners, the Council was offered a further **£0.200m** of funding to support schemes and projects linked to inequalities. A recommendation is included above to formally accept this funding along with a delegation to the relevant Assistant Director and Portfolio Holder.

COLLECTION PERFORMANCE

A detailed analysis of the current position is shown in **Appendix E**.

There are no major issues to highlight at the present time with income broadly in-line with expectations. In respect of business rates, income collected for the year is now ahead of the budgeted collection fund performance for the year which supports the position going into 2023/24.

HRA REVENUE

An overall position is set out in the Executive Summary with further details included in **Appendix C**. At the end of December 2022, the HRA is showing a net underspend of **£0.471m**, which primarily reflects the timing of expenditure against property repairs and maintenance budgets.

There are no other major issues to raise at the present time.

CAPITAL PROGRAMME – GENERAL FUND

The overall position is set out in **Appendix D**.

As at the end of December 2022, the programme is broadly on target against the profiled position. Detailed comments are provided within the appendix against a number of schemes.

CAPITAL PROGRAMME – HOUSING REVENUE ACCOUNT

The overall position is set out in **Appendix D**.

As at the end of December 2022 the programme is ahead of the profile by **£0.149m**.

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings. A number of essential activities have been required as the year has progressed such as essential boiler / heating replacement. An associated budget adjustment is set out within **Appendix H** to respond to what is essentially a timing issue relating to when the expenditure is incurred rather than an underlying concern at this stage. However, as set out in earlier budget reports, the HRA repairs and maintenance budgets will need to be considered on an on-going basis within the context of the HRA 30 Year Business Plan to respond to issues such as the regulatory regime emerging from the Hackett review.

TREASURY ACTIVITY

A detailed analysis of the current position is shown in **Appendix F**.

As highlighted above, with the increase in interest rates during the year increased income from treasury activities has been achieved, with a corresponding budget adjustment set out in **Appendix H**.

It is also worth highlighting that the **£6.000m** that was lent to Thurrock Council has now been fully repaid in-line with the original agreement.

SECTION 2 – UPDATED LONG TERM FORECAST

The detailed budget for 2023/24, which was based on the most up to date financial forecast, was considered and agreed by Full Council on 14 February 2023. The report considered by Full Council also included a summary of the forecast up until 2026/27.

Although the development of the forecast will continue in 2023/24, it is important to highlight one significant issue that has emerged / developed since the 14 February 2023 which relates to employee costs. As part of national negotiations, an initial pay offer has been made to the relevant Unions, which if agreed would see additional on-going costs of over **£0.400m** being added to the long term forecast. This is a significant increase and will form part of updating the forecast over the coming weeks / months.

In terms of wider inflationary pressures, CPI remains high with a rate of just over 10% for January 2023. However the Bank of England expects the rate of inflation to drop sharply over 2023/24 and 2024/25, which will hopefully provide some relief to the financial pressures within the long term forecast.

Although the budget adjustment for employee costs has not yet been included in the forecast, for completeness, a summary of the position presented to Full Council on 14 February 2023 is set out in the following table:

Year	Net Budget Position*	Forecast Risk Fund - Estimated Surplus Balance at the end of the year
2024/25	£3.823m deficit	£2.569m
2025/26	£0.132m deficit	£2.687m
2026/27	£0.225m deficit	£2.711m

*includes removal of the prior year use of reserves etc. to balance the budget and initial savings 'targets'.

The figures set out within the table above will change as part of updating the forecast on a regular basis during 2023/24,

The above is after taking into account a contribution to the Forecast Risk Fund of **£2.576m** that was agreed as part of finalising the budget for 2023/24.

A framework against which to identify and secure the necessary on-going savings will need to be considered during 2023/24. The level of savings required will also need to continue to act as the 'safety valve' with the overall position being subject to further updates as part of reporting the quarterly position going forward as any increases in net costs will likely require a corresponding increase in the savings required.

As highlighted in earlier reports, given the financial issues that have arisen during the year, the long term forecast will need to be considered against a very different financial background to that originally expected during the earlier years of the forecast. A review of the long term forecast, including the period that it covers will be considered as early as practicable in 2023/24.

As highlighted in earlier financial performance reports, a corporate investment plan approach will continue to play an important role in supporting the response to the financial challenges ahead. Given the scale of the on-going financial challenge faced by the Council, the corporate investment plan approach remains under review and subject to consideration by Cabinet during 2023/24.

Delivering a favourable Outturn Position

The Forecast Risk Fund relies on in-year outturn contributions of **£0.250m** per annum to support the overall balance on the reserve, which in turn underwrites the various risks to the forecast.

Including the figure of **£0.309m** set out in **Appendix H**, the contributions to the Forecast Risk Fund total **£0.351m** in 2022/23 to date. This position remains subject to the outturn position for the year. If further adjustments are required, then they will be reflected in the revised forecast going into 2023/24 and beyond.

PREVIOUS RELEVANT DECISIONS

Finance Update Report – General Update 2022/23 and 2023/24 – Item A.2 Cabinet 7 October 2022.

Financial Performance Report 2022/23 and 2023/24 – General Update at the end of Q2 – Item A.5 Cabinet 4 November 2022.

Updated General Fund Financial Forecast Including Proposed Budget Changes in 2022/23 along with Budget Proposals for 2023/24 – Items A.3 Cabinet 16 December 2022.

Updated General Fund Financial Forecast Including Proposed Budget Changes in 2022/23 along with Budget Proposals for 2023/24 – Items A.4 Cabinet 27 January 2023.

Executive's Proposals – General Fund Budget and Council Tax 2023/24 – Item A.1 Full Council 14 February 2023.

Executive's Proposals – Housing Revenue Account Budget 2023/24 – Item A.2 Full Council 14 February 2023.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

RELATING TO SECTION 1 OF THE REPORT

Front Cover and Executive Summary

Appendix A – Summary by Portfolio / Committee

Appendix B – General Fund Budget Position by Department

Appendix C – Housing Revenue Account Budget Position

Appendix D – Capital Programme

Appendix E – Collection Performance – Council Tax, Business Rates, Housing Rent and General Debts

Appendix F – Treasury Activity

Appendix G – Income from S106 Agreements

Appendix H – Proposed Adjustments to the In-Year Budget December 2022

REPORT CONTACT OFFICER(S)

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Tendring District Council



Appendices Included:

Executive Summary	A summary of the overall position.
Appendix A	A summary of the overall position by Portfolio/Committee split by GF and HRA
Appendix B	An analysis by Department of all General Fund Revenue budgets.
Appendix C	An analysis of Housing Revenue Account Revenue budgets.
Appendix D	The position to date for General Fund and HRA capital projects.
Appendix E	Collection Performance
Appendix F	Treasury activity.
Appendix G	Income from S106 Agreements.
Appendix H	Proposed Adjustments to the Budget

Financial Performance Report In-Year Performance as at end of:

December 2022

(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)

Financial Performance Report - Executive Summary as at the end of December 2022

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Collection Performance and Treasury Activity.

General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	(27,878,400)	(19,357,882)	(19,215,112)	142,770
Operations and Delivery	15,173,440	7,573,152	7,529,553	(43,600)
Place and Economy	12,704,960	2,466,934	2,377,546	(89,388)
Total General Fund	(0)	(9,317,796)	(9,308,014)	9,782

Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Total HRA	0	(6,789,004)	(7,259,829)	(470,825)

Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	16,986,290	2,438,187	2,407,130	(31,057)
Housing Revenue Account	10,389,400	4,874,827	5,023,520	148,692
Total Capital	27,375,690	7,313,014	7,430,649	117,635

Collection Performance

	Collected to Date Against Collectable Amount
Council Tax	79.34%
Business Rates *	100.44%
Housing Rents	97.03%
General Debt	88.12%

Treasury

	£'000
Total External Borrowing	34,870
Total Investments	88,120

* The figure is performance against the budgeted Collection Fund amount rather than the debit collectable.

Revenue Budget Position at the end of December 2022

General Fund Portfolio / Committee Summary

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £
Leader	3,949,120	1,044,442	1,085,180	40,738
Corporate Finance and Governance	1,806,270	(13,034,055)	(12,911,883)	122,172
Environment and Public Space	9,683,600	5,278,952	5,258,738	(20,215)
Housing	5,467,770	3,648,240	4,179,021	530,781
Partnerships	1,835,040	122,965	138,047	15,082
Business and Economic Growth	4,220,810	411,824	305,723	(106,101)
Leisure and Tourism	6,909,490	1,389,967	1,289,755	(100,212)
Budgets Relating to Non Executive Functions	835,010	263,780	230,559	(33,221)
	34,707,110	(873,884)	(424,859)	449,025
Revenue Support for Capital Investment	5,186,570	0	0	0
Financing Items	(7,996,490)	(478,593)	(917,225)	(438,632)
Budget Before use of Reserves	31,897,190	(1,352,477)	(1,342,084)	10,393
Contribution to / (from) earmarked reserves	(22,499,450)	0	0	0
Total Net Budget	9,397,740	(1,352,477)	(1,342,084)	10,393
Funding:				
Business Rates Income	(3,032,660)	(3,345,648)	(3,345,650)	(2)
Revenue Support Grant	(444,210)	(337,599)	(338,208)	(609)
Collection Fund Surplus	3,191,440	2,553,152	2,553,152	0
Income from Council Tax Payers	(9,112,310)	(6,835,224)	(6,835,224)	0
Total	(0)	(9,317,796)	(9,308,014)	9,782

Revenue Budget Position at the end of December 2022

HRA Portfolio Summary

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £
Housing	(1,604,170)	(6,789,004)	(7,259,829)	(470,825)
	(1,604,170)	(6,789,004)	(7,259,829)	(470,825)
Revenue Support for Capital Investment	613,630	0	0	0
Financing Items	1,186,090	0	0	0
Budget Before use of Reserves	195,550	(6,789,004)	(7,259,829)	(470,825)
Contribution to / (from) earmarked reserves	(195,550)	0	0	0
Total	0	(6,789,004)	(7,259,829)	(470,825)

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2022

Department - Chief Executive, Finance, IT and Governance

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Analysis by Type of Spend					
Direct Expenditure					
Employee Expenses	11,474,700	5,842,015	5,753,287	(88,727)	
Premises Related Expenditure	472,200	367,193	348,911	(18,281)	
Transport Related Expenditure	102,970	82,628	78,008	(4,621)	
Supplies & Services	20,451,880	2,546,577	2,414,140	(132,437)	
Third Party Payments	79,910	30,000	30,000	0	
Transfer Payments	46,557,120	31,160,512	30,465,864	(694,648)	
Interest Payments	10,510	3,500	3,495	(5)	
Total Direct Expenditure	79,149,290	40,032,425	39,093,706	(938,720)	
Direct Income					
Government Grants	(64,171,260)	(47,938,792)	(46,468,784)	1,470,009	
Other Grants, Reimbursements and Contributions	(2,236,050)	(1,948,964)	(1,887,471)	61,493	
Sales, Fees and Charges	(1,169,470)	(821,604)	(850,819)	(29,215)	
Rents Receivable	(3,800)	(2,665)	1,235	3,900	
Interest Receivable	(920,030)	(709,963)	(1,133,503)	(423,540)	
RSG, Business Rates and Council Tax	(9,397,740)	(7,965,319)	(7,965,930)	(611)	
Total Direct Income	(77,898,350)	(59,387,308)	(58,305,272)	1,082,036	
Net Direct Costs	1,250,940	(19,354,882)	(19,211,566)	143,316	
Net Indirect Costs	(6,629,890)	(3,000)	(3,546)	(546)	
Net Contribution to/(from) Reserves	(22,499,450)	0	0	0	
Total for Chief Executive, Finance, IT and Governance	(27,878,400)	(19,357,882)	(19,215,112)	142,770	

Department - Chief Executive, Finance, IT and Governance

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Chief Executive and Administration	46,680	211,713	175,406	(36,307)	
Total for Finance and IT Management and Administration	940	75,667	78,959	3,292	
Total for Finance	222,710	964,341	922,401	(41,941)	
Total for Finance - Other Corporate Costs	(682,360)	(18,389,947)	(18,556,630)	(166,683)	This primarily reflects additional income from new burdens grants and investment income which are both included within Appendix H. They are offset at the end of December by the vacancy provision budget which will be 'applied' corporately as part of the upcoming end of year processes.
Total for Finance - Financing Items	(25,229,850)	220,370	205,277	(15,093)	
Total for Finance - RSG, Business Rates and Council Tax	(9,397,740)	(7,965,319)	(7,965,930)	(611)	
Total for Revenues and Benefits	2,703,270	2,014,954	2,359,622	344,668	This reflects the timing differences associated with Housing Benefit payments and the reimbursement by the Government via the related subsidy system.
Total for IT, Emergency Planning and Business Continuity	359,510	1,335,932	1,299,878	(36,054)	

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Total for Governance Management and Administration	940	82,455	81,862	(593)	
Total for Legal	50,520	232,153	227,722	(4,431)	
Total for Democratic Services	1,584,870	809,650	832,993	23,343	
Total for Partnerships Management and Administration	1,000	65,940	67,901	1,961	
Total for HR and OD	387,290	455,772	405,010	(50,762)	
Total for Community Partnerships	1,089,590	(509,683)	(490,716)	18,967	
Total for Communications	3,870	59,806	62,196	2,390	
Total for Customer and Commercial	980,360	978,312	1,078,936	100,624	This reflects the current position against the Careline Service. Adjustments will be made as part of the upcoming end of year processes to meet additional net costs from the associated reserve, along with a further adjustment that is set out within Appendix H.
Total for Chief Executive, Finance, IT and Governance	(27,878,400)	(19,357,882)	(19,215,112)	142,770	

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2022

Department - Operations and Delivery

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	7,164,180	5,169,563	5,098,478	(71,084)	
Premises Related Expenditure	2,255,760	1,564,136	1,716,227	152,091	
Transport Related Expenditure	610,380	447,483	456,277	8,794	
Supplies & Services	4,433,100	2,040,819	2,250,478	209,659	
Third Party Payments	6,213,280	4,148,821	4,064,508	(84,313)	
Transfer Payments	247,600	185,700	531,018	345,318	
Total Direct Expenditure	20,924,300	13,556,521	14,116,986	560,465	
Direct Income					
Government Grants	(1,080,600)	(802,070)	(836,407)	(34,337)	
Other Grants, Reimbursements and Contributions	(2,822,240)	(1,817,924)	(1,748,688)	69,236	
Sales, Fees and Charges	(3,139,290)	(2,428,070)	(3,083,599)	(655,529)	
Rents Receivable	(208,580)	(171,198)	(169,595)	1,602	
Direct Internal Income	(1,157,480)	(747,428)	(747,423)	4	
Total Direct Income	(8,408,190)	(5,966,689)	(6,585,713)	(619,024)	
Net Direct Costs	12,516,110	7,589,832	7,531,273	(58,559)	
Net Indirect Costs	2,657,330	(16,680)	(1,721)	14,959	
Total for Operations and Delivery	15,173,440	7,573,152	7,529,553	(43,600)	

Department - Operations and Delivery

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for CD Operations and Delivery Management and Administration	(44,220)	180,930	210,882	29,952	
Total for Building and Public Realm Management and Administration	1,090	62,002	81,563	19,561	
Total for Building and Surveyors	172,960	1,093,499	1,119,759	26,260	
Total for Engineering	2,963,620	652,431	489,080	(163,351)	This primarily relates to additional street naming and numbering income that is being experienced in 2022/23 - an associated adjustment is included within Appendix H.
Total for Public Realm	3,230,420	1,427,257	1,415,470	(11,787)	
Total for Waste Management	5,409,820	3,215,443	3,203,627	(11,817)	
Total for Assets	276,980	289,645	289,014	(631)	
Total for Housing and Environment Management and Administration	2,600	109,725	69,031	(40,694)	
Total for Housing	1,910,540	(32,035)	57,080	89,115	This relates to the additional homelessness demand being experienced. An associated adjustment is set out within Appendix H.
Total for Environment Health Services	1,249,630	574,255	594,047	19,792	
Total for Operations and Delivery	15,173,440	7,573,152	7,529,553	(43,600)	

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2022

Department - Place and Economy

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	5,404,860	4,023,303	3,981,353	(41,950)	
Premises Related Expenditure	1,062,340	908,469	960,923	52,454	
Transport Related Expenditure	44,930	33,779	37,261	3,482	
Supplies & Services	7,651,300	2,175,882	2,040,698	(135,184)	
Third Party Payments	45,870	22,500	32,424	9,924	
Total Direct Expenditure	14,209,300	7,163,933	7,052,659	(111,274)	
Direct Income					
Government Grants	(93,870)	(133,870)	(134,109)	(239)	
Other Grants, Reimbursements and Contributions	(124,710)	(97,940)	(38,746)	59,194	
Sales, Fees and Charges	(5,206,330)	(4,273,736)	(4,291,944)	(18,208)	
Rents Receivable	(235,710)	(191,454)	(210,314)	(18,861)	
Total Direct Income	(5,660,620)	(4,696,999)	(4,675,113)	21,886	
Net Direct Costs	8,548,680	2,466,934	2,377,546	(89,388)	
Net Indirect Costs	4,156,280	0	0	0	
Total for Place and Economy	12,704,960	2,466,934	2,377,546	(89,388)	

Department - Place and Economy

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Place and Economy Management and Administration	613,440	119,409	66,848	(52,561)	
Total for Planning Management and Administration	1,000	65,940	51,635	(14,305)	
Total for Development	1,420,210	529,700	792,024	262,324	This relates to a number of issues covering employee costs, planning appeal costs along with reduced income - associated adjustments are set out within Appendix H.
Total for Enforcement	563,240	12,578	5,776	(6,802)	
Total for Building Control	236,000	15,888	(54,978)	(70,865)	
Total for Economic Growth and Leisure Management and Administration	1,000	65,940	70,292	4,352	
Total for Economic Growth	2,581,440	684,757	527,467	(157,290)	
Total for Sport, Leisure, Tourism, Heritage and Culture	4,051,080	668,551	694,873	26,322	
Total for Local Plan and Place Shaping Management and Administration	1,020	64,628	74,322	9,695	

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Total for Strategic Planning	747,850	176,722	92,571	(84,151)	
Total for Place	2,488,680	62,822	56,716	(6,107)	
Total for Place and Economy	12,704,960	2,466,934	2,377,546	(89,388)	

Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of December 2022

Housing Revenue Account

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	1,360,150	672,867	563,395	(109,473)	
Premises Related Expenditure	3,949,120	2,354,100	2,131,947	(222,153)	
Transport Related Expenditure	23,870	17,902	11,912	(5,991)	
Supplies & Services	581,120	286,838	215,704	(71,133)	
Third Party Payments	1,030	773	0	(773)	
Transfer Payments	17,000	12,750	24,086	11,336	
Interest Payments	1,275,910	609,898	590,119	(19,779)	
Total Direct Expenditure	7,208,200	3,955,128	3,537,162	(417,966)	
Direct Income					
Other Grants, Reimbursements and Contributions	(8,440)	(330)	(10,631)	(10,301)	
Sales, Fees and Charges	(559,850)	(425,350)	(468,377)	(43,027)	
Rents Receivable	(13,725,880)	(10,318,452)	(10,317,984)	468	
Interest Receivable	(69,130)	0	0	0	
Total Direct Income	(14,363,300)	(10,744,132)	(10,796,991)	(52,860)	
Net Direct Costs	(7,155,100)	(6,789,004)	(7,259,829)	(470,825)	
Net Indirect Costs	7,350,650	0	0	0	
Net Contribution to/(from) Reserves	(195,550)	0	0	0	
Total for HRA	0	(6,789,004)	(7,259,829)	(470,825)	

Housing Revenue Account

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Finance - Financing Items	1,799,720	0	0	0	
Total for Housing	(1,715,720)	(6,705,004)	(7,155,901)	(450,897)	
Total for Customer and Commercial	(84,000)	(84,000)	(103,928)	(19,928)	
Total for HRA	0	(6,789,004)	(7,259,829)	(470,825)	

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of December 2022

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	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Expenditure					
Business and Economic Growth Portfolio					
SME Growth Fund Capital Grants	43,250	0	0	0	
Starlings and Milton Road Redevelopment	1,762,700	650,000	654,967	4,967	
Total for Business and Economic Growth Portfolio	1,805,950	650,000	654,967	4,967	
Corporate Finance and Governance Portfolio					
Information and Communications Technology Core Infrastructure	70,480	49,870	49,870	0	Service anticipate full use of this capital budget to support on-going rolling replacement of IT hardware.
Agresso e-procurement	84,000	0	0	0	
Enhanced Equipment replacement - Printing and Scanning	6,210	0	0	0	
Office Rationalisation	130,000	720	718	(2)	Project completion expected for March 2023.
Treadwheel Crane	29,390	29,390	36,359	6,969	Project complete with final invoice to be processed in Q4 of 2022/23 financial year. Minor overspend to be funded from existing budgets.
Carnarvon House Demolition	500,000	4,160	5,713	1,553	
Total for Corporate Finance and Governance Portfolio	820,080	84,140	92,660	8,520	

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Environment and Public Space Portfolio					
Environmental Health Database Migration	5,250	0	0	0	
Laying Out Cemetery	141,240	3,950	3,950	0	Awaiting planning permission with tender process to follow.
Bath House Meadow Security Measures	5,570	0	0	0	Orders to be raised for remaining works following tender process.
Public Convenience Works	40,000	0	0	0	Orders to be raised for remaining works following tender process.
Works at Halstead Road Play Area, Kirby	29,810	0	0	0	Project complete. Awaiting final invoice.
Weeley Crematorium Works	1,539,140	793,320	793,319	(1)	Cremators installed and operational with some final building works to be completed in 2023. A review of the project, including the final budgetary position will be considered in consultation with the relevant Service as part of finalising the outturn position for the year.
S106 Contributions to Parishes for Playground Equipment	383,100	62,000	62,000	0	
Changing Places Project	300,000	6,860	6,865	5	Tender process currently underway.
Purchase of Open Spaces Vehicle	34,760	0	0	0	
Total for Environment and Public Space Portfolio	2,478,870	866,130	866,134	4	
Housing Portfolio					
Careline - Replacement Telephone System	14,240	0	0	0	
Replacement Scan Stations	12,000	0	0	0	
Housing in Jaywick	404,730	0	0	0	

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Private Sector Renewal Grants/Financial Assistance Loans	287,170	0	0	(0)	
Disabled Facilities Grants	9,487,170	572,677	572,680	4	Continued under spend post pandemic due to failure of contractor to deliver projects in a timely fashion so has been replaced. Service hopes to achieve £3m spend p.a. within next 2 years.
Financial Assistance Grants	166,370	166,370	166,368	(2)	
Private Sector Leasing	75,660	0	0	0	
Empty Homes funding	152,220	0	0	0	
Total for Housing Portfolio	10,599,560	739,047	739,048	2	
Leisure and Tourism Portfolio					
Replacement of beach hut supports - The Walings	11,620	0	0	0	
CLC - Replacement of All Weather Pitch	802,730	0	6,229	6,229	Project Commenced - completion expected May 23
Clacton Skate Park Improvement Scheme	300,000	0	0	0	Contractor appointed with project due to commence summer 23
CLC - Pool Cameras	36,510	32,500	32,500	0	
Theatre - Replacement Dress Circle Seats	39,130	39,130	39,125	(5)	
Seafronts - Beach Patrol Vehicles & Equipment	27,240	27,240	27,245	5	
New Beach Huts	64,600	0	0	0	
Clacton/Holland Cliff Stabilisation	0	0	(50,779)	(50,779)	Retention due to be paid in March 2023.
Total for Leisure and Tourism Portfolio	1,281,830	98,870	54,320	(44,550)	

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Total Approved General Fund Capital	16,986,290	2,438,187	2,407,130	(31,057)	

Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of December 2022

	2022/23 Current Full Year Budget £	2022/23 Profiled Budget to date £	2022/23 Actual to date £	2022/23 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	2,955,430	1,967,842	2,146,279	178,436	This primarily reflects changes to the work programme such as boiler / heating replacement and other essential works. A corresponding budget adjustment is set out in Appendix H to reflect this.
Spendells House Project	450,640	6,750	6,753	3	
IT Upgrade & Replacement	20,000	0	0	0	
Disabled Adaptations	492,170	358,555	388,810	30,255	
Cash Incentive Scheme	60,000	60,000	0	(60,000)	
Jaywick Sands - Flexible Workspace Project	4,443,480	2,110,250	2,110,249	(1)	
HRA - New Build & Acquisitions - To Be Allocated	1,430,310	0	0	0	
HRA - Acquisitions - Council Dwellings	494,380	328,440	328,441	1	
HRA - Acquisitions - Non-Dwellings	42,990	42,990	42,987	(3)	
Total Housing Revenue Account Capital Programme	10,389,400	4,874,827	5,023,520	148,692	

New-Build and Acquisitions - Subject to 1-4-1 Pooling Retained Receipts Regulations

	Required Expenditure to meet MHCLG Target within:				
	1 Year £	2 Years £	3 Years £	4 Years £	5+ Years £
30% Capital Receipts	0	0	59,234	207,930	92,834
70% TDC Funded	0	0	138,212	485,171	216,614
Cumulative Expenditure	0	0	197,446	693,101	309,448

Collection Performance : Position at the end of December 2022

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax			Business Rates																																
<table border="1"> <caption>Council Tax Collection Performance</caption> <thead> <tr> <th>Quarter</th> <th>2021/22</th> <th>2022/23</th> </tr> </thead> <tbody> <tr> <td>Quarter 1</td> <td>27.82%</td> <td>27.33%</td> </tr> <tr> <td>Quarter 2</td> <td>53.45%</td> <td>53.77%</td> </tr> <tr> <td>Quarter 3</td> <td>78.88%</td> <td>79.34%</td> </tr> <tr> <td>Quarter 4</td> <td>92.81%</td> <td></td> </tr> </tbody> </table>			Quarter	2021/22	2022/23	Quarter 1	27.82%	27.33%	Quarter 2	53.45%	53.77%	Quarter 3	78.88%	79.34%	Quarter 4	92.81%		<table border="1"> <caption>Business Rates Collection Performance</caption> <thead> <tr> <th>Quarter</th> <th>2021/22</th> <th>2022/23</th> </tr> </thead> <tbody> <tr> <td>Quarter 1</td> <td>19.64%</td> <td>32.61%</td> </tr> <tr> <td>Quarter 2</td> <td>48.69%</td> <td>67.25%</td> </tr> <tr> <td>Quarter 3</td> <td>72.33%</td> <td>100.44%</td> </tr> <tr> <td>Quarter 4</td> <td>91.67%</td> <td></td> </tr> </tbody> </table>			Quarter	2021/22	2022/23	Quarter 1	19.64%	32.61%	Quarter 2	48.69%	67.25%	Quarter 3	72.33%	100.44%	Quarter 4	91.67%	
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Housing Rents			General Debt																																
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Treasury Activity : Position at the end of December 2022

Key Treasury Management Performance Data and Prudential Indicators are set out below.

TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	148	0	8	140	
Long Term PWLB Borrowing - HRA	37,551	0	2,821	34,730	
TOTAL BORROWING	37,699	0	2,829	34,870	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	57,000	541,200	529,500	68,700	Overall investments have increased over the reporting period due to the timing of the Council's cash flow such as expenditure budgets behind profile or income being received ahead of expenditure.
Investments with UK financial Institutions (including Money Market Funds)	20,655	49,448	50,683	19,420	
Investments with non-UK Financial institutions	0	0	0	0	In respect of investments with UK financial institutions, at the end of the period, investments were held with 10 counterparties, including 2 Money Market Funds.
Total Investments for less than a year	77,655	590,648	580,183	88,120	
<i>Investments for longer than a year</i>	0	0	0	0	
TOTAL INVESTMENTS	77,655	590,648	580,183	88,120	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	11	4	4	0	The weighted average rate of interest on the Council's GF borrowing is currently 7.09%. (on an accrued basis).
Interest Paid on Borrowing - HRA	1,306	610	590	(20)	The weighted average rate of interest on the Council's HRA borrowing is currently 3.55%. (on an accrued basis)
Interest Received on Investments	(700)	(536)	(959)	(423)	The weighted average rate of interest being received on the Council's investments is currently 1.36%. (on an accrued basis)
PRUDENTIAL INDICATORS					
	Approved Indicator £'000	Highest amount reached in the period £'000	Comments		
Authorised limit for external borrowing	76,333	37,699	Borrowing has remained within approved limits.		
Operational boundary for external borrowing	67,723				

Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

ALLOCATED / BEING SPENT

Scheme Type	Amount Committed / Planned to be Spent in 2022/23
	£'000
GF Revenue Schemes	144
GF Capital Schemes	253
HRA Capital Schemes	333
TOTAL	730

UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year £'000	1 to 2 Years £'000	2 to 4 Years £'000	4 years + £'000
Regeneration Programme and Other Initiatives	0	0	0	2
Affordable Housing	0	0	0	1,248
Town Centre Improvements	0	22	22	0
Conservation	0	0	0	337
Habitat Protection	0	0	0	3
Open Space*	7	33	7	2,687
TOTAL	7	55	29	4,277

* For schemes with a 'spend by' date of less than one year, this money must be spent as follows:

£2,000 by November 2023

The remaining balance will be considered/allocated as part of the Outturn position 2022-23.

Proposed Adjustments to the In-Year Budget December 2022

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
GENERAL FUND REVENUE			
<i>The following items have no net impact on the overall budget</i>			
Planning Services - Employee Expenses	(300,000)		Use of vacancies and projects budget funded by 20% Planning Fee income to support short term temporary staff costs, planning appeal costs and reduction in income being experienced in 2022/23.
Planning Services - Agency Staff	410,000		
Planning Services - Appeals Costs	120,000		
Planning Services - Income		180,000	
Planning Projects Budget	(345,110)		
Building Control - Employee Expenses	(110,000)		
Building Control - Agency Staff	110,000		
Various General Budgets within Planning / Building Control	(64,890)		
Local Plan Costs	250,000		To 'reimburse' the Local Plan Budget for planning related costs associated with the delivery of the Garden Communities Project
Garden Communities Budget	(250,000)		
Total General Fund Revenue with no net impact on the overall budget	(180,000)	180,000	

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
<i>The following items will be adjusted against the Forecast Risk Fund</i>			
Homelessness Costs	200,000		An additional £450k was included in the revised budget for the year as set out in earlier budget reports. However, demand continues to remain high with overall costs rising. It is expected that additional funding will be required to meet these additional costs in 2022/23, even after allowing for increased grant funding from the Government.
New Burdens and other External Grant Funding		(83,090)	Additional grant funding receivable from the Government where the associated work / activities have been managed within existing resources so no corresponding expenditure budget is required.
Investment Income from Treasury Activities		(450,000)	This reflects the impact from on-going increases in interest rates. This is over and above the increased income already reflected in the budget.
Fees and Charges Income - Street Naming and Numbering		(170,000)	Additional income has been generated over the course of 2022/23. However, it is important to highlight that this is unlikely to continue in 2023/24, so it is being treated as a one-off position at the present time.
Careline net budget	50,000		The financial risks associated with the revised business plan for the Service was 'underwritten' by a related reserve that totalled £221k. However, it is expected that this reserve will need to be fully allocated for the year along with an additional £50k to support the Service as it continues to work towards a breakeven position in future years. Additional funding has also been made available in 2023/24 to support the financial risks associated with operating this service, which will need to be closely monitored during the year.
Airshow - net costs	22,260		Some additional / final costs have emerged relating to the cost of the 2022 show. This is therefore over and above the £47k already reflected in the budget as part of earlier reports.
Land Charges Income		50,000	A reduction in income is being experienced in 2022/23
Temporary Administration Resources - Waste & Recycling	35,380		To provide additional senior administrative support to enable the progression of the Waste and Street Cleaning Contract Procurement, which is being led by the Street Scene Manager.

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
Employee Costs	(300,000)		To reflect the latest vacancy savings accrued to date.
Temporary Additional Customer Support Capacity	15,000		To provide additional capacity within the Contact Centre to support the response to increased demand, especially at this time of the year where there is increased contact following Council Tax and Business Rates bills being sent out.
Fraud and Compliance - Legal Costs	35,000		Additional costs are being incurred to defend a long standing 'claim' being made against the Council.
Emergency Planning - Data Sharing / System Costs	9,000		As part of an existing collaboration of Essex Local Authorities, additional activities are planned to support the Council's responsibilities to vulnerable households etc. in the event of an emergency such as flooding.
His Majesty the King's Coronation - Members Small Grant Scheme	9,600		This reflects the Leader's announcement at Full Council on 2 March 2023. Work is now underway to establish this new small grant scheme as soon as possible.
Member's IT - Provision of Smartphones	8,000		The reflects the decision of Full Council on 2 March 2023 where Smartphones will be made available to all Members following the local elections in May 2023. This adjustment puts in place the necessary funding for 2023/24, with the longer term budget being considered as part of developing the financial forecast during the year.
Increased Net Costs of the Provision of Public Conveniences	85,000		This relates to a number of budget adjustments to reflect emerging / developing issues within the associated service areas. Although the issues remain under review in consultation with the relevant Service, it is felt prudent to make 'provision' for these emerging issues within the budget.
Reduced Income from Recreation Grounds		25,000	
Increased Net Costs of the Horticultural Service	100,000		
Reduced income from Garden Waste		50,000	
Contribution to the Forecast Risk Fund	308,850		This reflects the total net change of the above items.

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
HRA REVENUE			
<i>The following items will be adjusted against the HRA General Balance</i>			
None			
HRA CAPITAL			
Improvement, Enhancements to Housing Stock	200,000		As set out in Appendix D, this budget adjustment reflects the necessary changes to the programme of works etc.
Use of Major Repairs Reserve to fund the above	(200,000)		
Jaywick Sands Flexible Work Space Project	419,000		To recognise the additional funding made available by the SELEP towards the cost of this project.
SELEP Funding		(419,000)	
Total HRA Capital	419,000	(419,000)	

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CABINET

17 MARCH 2023

REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.4 TIMETABLE OF MEETINGS: 2023/2024 MUNICIPAL YEAR

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Cabinet to give consideration to the timetable of meetings for the 2023/2024 Municipal Year.

EXECUTIVE SUMMARY

This report will enable Cabinet, as required by the Constitution, to submit for formal approval to the Annual Meeting of the Council a timetable of meetings for the 2023/2024 Municipal Year.

RECOMMENDATIONS

- (a) That the timetable of meetings for the Council and Committees, as set out in the Appendix to this report, be agreed, in principle, and be submitted to the Annual Meeting of the Council for formal approval; and**
- (b) that the proposed dates for All Members' Briefings and Councillor Development Sessions be noted.**

REASON(S) FOR THE RECOMMENDATION(S)

Having considered the timetable of meetings proposed by the Corporate Finance & Governance Portfolio Holder and in order to enable the timetable of meetings to be submitted to the Annual Meeting of the Council for approval and adoption, in accordance with the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED

- (1) Not to approve the timetable of meetings;
- (2) To amend or substitute some or all of the proposed dates.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed changes will ensure that the Council demonstrates good governance and operates efficiently in pursuit of its priorities.

The Council has adopted a Climate Change Action Plan and the encouragement of Members to opt out of the default position of receiving printed copies of the summons of a meeting (with agendas and reports) and reverting to solely receiving summons via electronic notifications from May 2023 is consistent with the Council's Policy of its operations becoming carbon neutral by 2030.

OUTCOME OF CONSULTATION AND ENGAGEMENT											
The Committee Services Manager, in preparing an initial timetable of meetings for the Portfolio Holder to consider, consulted with senior officer colleagues within the Council.											
LEGAL REQUIREMENTS (including legislation & constitutional powers)											
Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget								
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	Not Applicable in this instance								
<table border="1"> <tr> <td style="text-align: center;">X</td> <td colspan="3">The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</td> </tr> <tr> <td colspan="4"> <p>Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to agree a timetable of ordinary meetings of the Full Council and its Committees rests with the Full Council at its Annual Meeting. This is set down in the Council's Constitution in Council Procedure Rule 1 (Annual Meeting of the Council), specifically Rule 1.1(xii) (Timing and Business). This is confirmed in Council Procedure Rule 3 (Ordinary Meetings) and in Council Procedure Rule 35 (Meetings of Committees), specifically Rule 35.1 (Ordinary Meetings).</p> <p>Schedule 3 (Responsibility for Executive Functions) in Part 3 (Scheme of Delegation) of the Council's Constitution and specifically section 4.2.1 (Overall Responsibilities of the Leader and the Portfolio Holders), sets out that the Portfolio Holder for Corporate Finance & Governance has the overall strategic responsibility for the Council's Democratic Services which, in turn, undertakes corporate administration in relation to timetabling and servicing meetings of the Council, Cabinet and Committees.</p> <p>Article 7 (The Executive) of the Council's Constitution and, specifically, Article 7.08 (Cabinet Procedure Rules) – section 1.1 (Cabinet Meetings), states that the Cabinet will meet at times and at locations to be agreed by the Leader of the Council.</p> </td> </tr> </table>				X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:			<p>Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to agree a timetable of ordinary meetings of the Full Council and its Committees rests with the Full Council at its Annual Meeting. This is set down in the Council's Constitution in Council Procedure Rule 1 (Annual Meeting of the Council), specifically Rule 1.1(xii) (Timing and Business). This is confirmed in Council Procedure Rule 3 (Ordinary Meetings) and in Council Procedure Rule 35 (Meetings of Committees), specifically Rule 35.1 (Ordinary Meetings).</p> <p>Schedule 3 (Responsibility for Executive Functions) in Part 3 (Scheme of Delegation) of the Council's Constitution and specifically section 4.2.1 (Overall Responsibilities of the Leader and the Portfolio Holders), sets out that the Portfolio Holder for Corporate Finance & Governance has the overall strategic responsibility for the Council's Democratic Services which, in turn, undertakes corporate administration in relation to timetabling and servicing meetings of the Council, Cabinet and Committees.</p> <p>Article 7 (The Executive) of the Council's Constitution and, specifically, Article 7.08 (Cabinet Procedure Rules) – section 1.1 (Cabinet Meetings), states that the Cabinet will meet at times and at locations to be agreed by the Leader of the Council.</p>			
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FINANCE AND OTHER RESOURCE IMPLICATIONS											
Risk											
Providing clarity through a clearly defined timetable of prevents confusion and enhances the Council's overall governance arrangements thereby helping to ensure that the Authority makes informed decisions and properly manages its risks.											

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
None	
USE OF RESOURCES AND VALUE FOR MONEY	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	N/A
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	N/A
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	N/A
MILESTONES AND DELIVERY	
Preparation of a timetable of meetings for the forthcoming municipal year by the Committee Services Manager, including consultation with senior officer colleagues – late January to early February 2023.	
Submission of draft timetable of meetings to the Corporate Finance & Governance Portfolio Holder for their review – February 2023.	
Submission of Corporate Finance & Governance Portfolio Holder’s recommendations to formal Cabinet meeting – 17 March 2023.	
Submission of Cabinet’s recommendations to the Annual Meeting of the Council for approval and adoption – 23 May 2023.	
ASSOCIATED RISKS AND MITIGATION	
Not approving and implementing an agreed timetable of meetings will negatively impact the Council's governance arrangements.	
EQUALITY IMPLICATIONS	
Under Article 3 (Citizens and the Council) in the Council’s Constitution, the public have a right to attend meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed and attend meetings of the Cabinet when key decisions are being considered. The public also have a right to participate by submitting written questions to Full Council meetings and contribute to investigations by the Overview and Scrutiny Committees. The public can also participate at meetings of the Planning Policy & Local Plan Committee, the Planning Committee and the Tendring Colchester Garden Border Community Joint Committee in accordance with the relevant Public Speaking Schemes. At meetings of the Council, its Committees or Cabinet, members of the public must treat Councillors and Officers with respect and courtesy and must not wilfully harm the property of the Council, Councillors or Officers.	
Article 2 (Members of the Council) states, inter alia, that Councillors attending meetings will represent their communities and bring their views into the Council’s decision-making process, i.e. become an advocate for their communities; effectively represent the interests of their ward	

and of individual residents; be involved in decision-making for the people of the District as a whole; and contribute to the governance and effective management of the Council's business at meetings of the Council, Cabinet and other Committees and Sub-Committees, maintaining the highest standards of conduct and ethics.

Article 5 (Chairing the Council and Committees) states, inter alia, that Chairmen will preside over meetings so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community; and ensure that the meeting is a forum for debate of matters of concern to the local community.

SOCIAL VALUE CONSIDERATIONS

None

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

The encouragement of Members to opt out of the default position of receiving printed copies of the summons of a meeting (with agendas and reports) and reverting to solely receiving summons via electronic notifications from May 2023 is consistent with the Council's Policy of its operations becoming carbon neutral by 2030.

OTHER RELEVANT CONSIDERATIONS OR 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	None
Health Inequalities	None
Area or Ward affected	None directly.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

In accordance with the Constitution a draft timetable of meetings has been prepared and approved and is set out as an Appendix to this report.

The meetings of the Full Council, the Community Leadership Overview and Scrutiny Committee, the Human Resources and Council Tax Committee, the Licensing and Registration Committee and the Resources and Services Overview and Scrutiny Committee will normally commence at 7.30 p.m.

Meetings of the Planning Committee, the Planning Policy and Local Plan Committee and the Tendring Colchester Border Garden Community Joint Committee will normally commence at 6.00 p.m.

Meetings of the Planning Policy and Local Plan Committee, the Licensing & Registration Committee and the Tendring Colchester Border Garden Community Joint Committee will be arranged as and when required.

Meetings of the Standards Committee will normally commence at 10.00 a.m.

Meetings of the Audit Committee will normally commence at 10.30 a.m.

Cabinet meetings are fixed by the Leader of the Council in accordance with Article 7.08

Cabinet Procedures Rule sub-section 1.1 of the Council's Constitution and therefore the scheduling et cetera may change. The public meetings of the Cabinet listed will normally commence at 10.30 a.m.

The timetable does not show meetings of the Sub-Committees, which are arranged either at meetings of the relevant Sub-Committee or from time to time when required.

Dates for All Members' Briefings and Councillor Development Sessions have been included in order to assist Members in keeping their diaries up-to-date. These will be held either in person or online via Microsoft Teams.

Wednesday evenings have been avoided for meetings of Committees et cetera as the Princes Theatre is used in term time for the Princes Theatre Youth Group and it is felt that to have a publicly accessible meeting on the same night will raise significant safeguarding issues. In addition, Monday evenings have been avoided to avoid clashing with meetings of the Arts & Literature Society in the Princes Theatre for similar reasons.

Venues for Meetings of the Council, Cabinet and Committees Etc.

Meetings of the full Council will normally be held in the Princes Theatre in the Town Hall, Clacton-on-Sea.

Meetings of the Cabinet and Committees will normally be held in the Committee Room in the Town Hall.

Cabinet will be aware that, as part of the "Transforming Tendring" project, the Council Offices at Weeley are closed with the site to be disposed of. The departments based at Weeley have been moved to Clacton-on-Sea. This means that the Council Chamber at Weeley is no longer available for Committee etc. meetings.

In preparation for this disposal a phased programme of office accommodation works has been undertaken and now completed at the Town Hall, Clacton-on-Sea. Included within those works was the provision of a new Committee Room within the Town Hall in Clacton which has been operationally available and used since late December 2021.

PREVIOUS RELEVANT DECISIONS

None

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Proposed Timetable of Council and Committee Meetings for the 2023/24 Municipal Year.

REPORT CONTACT OFFICER(S)

Name	Ian Ford
Job Title	Committee Services Manager
Email/Telephone	iford@tendringdc.gov.uk (01255) 686 584

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A.4 APPENDIX

TIMETABLE OF MEETINGS – 2023/2024 MUNICIPAL YEAR (& PART WAY BEYOND)

2023

Body	Time	Day	Date	Notes
ANNUAL COUNCIL (Already agreed)	7.30 p.m.	Tuesday	23 May	Note 1
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	24 May	
Planning Committee	6.00 p.m.	Tuesday	6 June	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	13 June	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	21 June	
Cabinet	10.30 a.m.	Friday	23 June	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	28 June	
Audit Committee	10.30 a.m.	Thursday	29 June	
Planning Committee	6.00 p.m.	Tuesday	4 July	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	6 July	
COUNCIL	7.30 p.m.	Tuesday	11 July	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	18 July	
Standards Committee	10.00 a.m.	Wednesday	19 July	
Cabinet	10.30 a.m.	Friday	21 July	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	26 July	
Planning Committee	6.00 p.m.	Tuesday	1 August	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	23 August	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	30 August	
Planning Committee	6.00 p.m.	Thursday	31 August	Note 2
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	12 September	
COUNCIL	7.30 p.m.	Tuesday	26 September	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	27 September	
Audit Committee	10.30 a.m.	Thursday	28 September	
Planning Committee	6.00 p.m.	Thursday	28 September	Note 3
Cabinet	10.30 a.m.	Friday	6 October	
Standards Committee	10.00 a.m.	Wednesday	11 October	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	12 October	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	17 October	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	18 October	
Planning Committee	6.00 p.m.	Tuesday	24 October	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	25 October	
Cabinet	10.30 a.m.	Friday	10 November	
Planning Committee	6.00 p.m.	Tuesday	21 November	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	22 November	
COUNCIL	7.30 p.m.	Tuesday	28 November	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	12 December	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	13 December	
Audit Committee	10.30 a.m.	Thursday	14 December	
Cabinet	10.30 a.m.	Friday	15 December	
Planning Committee	6.00 p.m.	Tuesday	19 December	

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Resources and Services Overview & Scrutiny Committee (INFORMAL)	9.30 a.m.	Wednesday	3 January	Note 4
Resources and Services Overview & Scrutiny Committee	10.30 a.m.	Wednesday	10 January	Note 5

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Community Leadership Overview & Scrutiny Committee	10.30 a.m.	Thursday	11 January	Note 5
Planning Committee	6.00 p.m.	Tuesday	16 January	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	17 January	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	23 January	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	24 January	
Cabinet	10.30 a.m.	Friday	26 January	Note 6
COUNCIL	7.30 p.m.	Tuesday	30 January	
Standards Committee	10.00 a.m.	Wednesday	7 February	
COUNCIL (Budget & Council Tax setting)	7.30 p.m.	Tuesday	13 February	Note 7
Planning Committee	6.00 p.m.	Thursday	15 February	Note 3
Cabinet	10.30 a.m.	Friday	16 February	
Cabinet (PROVISIONAL)	10.30 a.m.	Wednesday	21 February	Note 8
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	21 February	
Human Resources & Council Tax Committee	7.30 p.m.	Monday	26 February	Note 9
COUNCIL (PROVISIONAL)	7.30 p.m.	Thursday	29 February	Note 10

Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	5 March	
Planning Committee	6.00 p.m.	Tuesday	12 March	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	13 March	
Cabinet	10.30 a.m.	Friday	15 March	
COUNCIL	7.30 p.m.	Tuesday	19 March	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	20 March	
Audit Committee	10.30 a.m.	Thursday	21 March	
Planning Committee	6.00 p.m.	Tuesday	16 April	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	17 April	
Cabinet	10.30 a.m.	Friday	19 April	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	23 April	
Standards Committee	10.00 a.m.	Wednesday	24 April	
Audit Committee	10.30 a.m.	Thursday	25 April	
ANNUAL MEETING OF THE COUNCIL	7.30 p.m.	Tuesday	30 April	

2024/2025 MUNICIPAL YEAR

(Provisional dates for early cycles of meetings in 2024/2025 – for information only, subject to change)

Body	Time	Day	Date	Notes
Planning Committee	6.00 p.m.	Tuesday	14 May	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	15 May	
Cabinet	10.30 a.m.	Friday	17 May	
COUNCIL	7.30 p.m.	Tuesday	21 May	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	22 May	
Planning Committee	6.00 p.m.	Tuesday	11 June	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	18 June	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	19 June	
Cabinet	10.30 a.m.	Friday	21 June	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	26 June	
Audit Committee	10.30 a.m.	Thursday	27 June	
Community Leadership Overview & Scrutiny Committee	7.30 p.m.	Tuesday	2 July	
Planning Committee	6.00 p.m.	Tuesday	9 July	
Standards Committee	10.00 a.m.	Wednesday	10 July	
Human Resources & Council Tax Committee	7.30 p.m.	Thursday	11 July	
COUNCIL	7.30 p.m.	Tuesday	16 July	

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Cabinet	10.30 a.m.	Friday	19 July	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	24 July	
Planning Committee	6.00 p.m.	Tuesday	6 August	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	21 August	
COUNCILLOR DEVELOPMENT SESSION	6.00 p.m.	Wednesday	28 August	
Resources and Services Overview & Scrutiny Committee	7.30 p.m.	Tuesday	3 September	
Planning Committee	6.00 p.m.	Tuesday	10 September	
COUNCIL	7.30 p.m.	Tuesday	17 September	
Cabinet	10.30 a.m.	Friday	20 September	
ALL MEMBERS' BRIEFING	6.00 p.m.	Wednesday	25 September	
Audit Committee	10.30 a.m.	Thursday	26 September	

Notes

1. Annual Meeting of the Council later than usual due to the Tendring District Council Elections on 4 May 2023 (Council Procedure Rule 1.1).
2. Meeting scheduled to be held on the Thursday as the Monday of that week is a Bank Holiday.
3. Meeting scheduled to be held on the Thursday due to the Full Council meeting on the Tuesday.
4. Informal Meeting arranged to allow the Overview & Scrutiny Committee to conduct pre-scrutiny on the Cabinet's Financial Forecast and initial budget and special expenses proposals.
5. Extra Meeting arranged to allow the Overview & Scrutiny Committee to consider and then formally comment on the Cabinet's Financial Forecast and initial budget and special expenses proposals. Also, to allow the Committee to discuss those proposals with Portfolio Holders. Portfolio Holders are requested to reserve this date in their diaries in the likelihood that the meeting will take place.
6. At this meeting Cabinet will approve its final proposals in relation to the Council's Budget and Council Tax precept for 2024/25 for submission to Full Council.
7. Meeting of the Council to approve the Cabinet's budget proposals and set the Council Tax for Tendring District Council but excluding County, Fire and Police Council Tax calculations.
8. Provisional extra meeting of the Cabinet arranged in order to allow the Cabinet to meet and consider the Council's objections/amendments to the Budget (which may arise following the Council meeting referred to in note 7 above.)
9. Meeting to formally confirm the County, Fire and Police precepts on the Council's Collection Fund and for each Council Tax band in the parished and unparished areas of the District.
10. Provisional extra meeting of the Council arranged in order to allow the Council to meet and consider the Cabinet's revised budget proposals or the Cabinet's disagreement with the Council's budget objections (which may arise following the meetings referred to in notes 7 and 8 above.)

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